



STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

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

CHARLIE CRIST
Governor

THOMAS G. PELHAM
Secretary

**BOARD MEETING
OF THE
FLORIDA BUILDING COMMISSION**

**PLENARY SESSION MINUTES
June 26 & 27, 2007**

PENDING APPROVAL

The meeting of the Florida Building Commission was called to order by Chairman Raul Rodriguez at 2:00 p.m. on Tuesday, June 26, 2007, at the Don Shula Hotel, Miami Lakes, Florida.

COMMISSIONERS PRESENT:

Raul L. Rodriguez, AIA, Chairman
Nicholas D'Andrea, Vice Chairman
Richard Browdy
Peter Tagliarini
Christ Sanidas*
James Goodloe
George Wiggins
Herminio Gonzalez
Hamid Bahadori
Randall J. Vann
William Norkunas
Dale Greiner
Jeffrey Gross
Paul D. Kidwell
Joseph "Ed" Carson
Jon Hamrick
Chris Schulte
Do Y. Kim
Steven C. Bassett
Nanette Dean

Gary Griffin
Michael McCombs
George Wiggins
Craig Parrino, Adjunct Member

COMMISSIONERS ABSENT:
Doug Murdock, Adjunct Member

OTHERS PRESENT:
Rick Dixon, FBC Executive Director
Ila Jones, DCA Prog. Administrator
Jim Richmond, DCA Legal Advisor
Jeff Blair, FCRC
Mo Madani, Technical Svcs. Manager

WELCOME

Chairman Rodriguez welcomed the Commission and gallery to the June 2007 plenary session of the Florida Building Commission. He directed the Commission to Mr. Blair for a review of the Commission meeting agenda.

REVIEW AND APPROVE AGENDA

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

Commissioner Browdy moved approval of the meeting agenda. A second to the motion was entered. Vote to approve the motion was unanimous. Motion carried.

REVIEW AND APPROVE MAY 8 & 9, 2007 MEETING MINUTES AND FACILITATOR'S REPORTS

Chairman Rodriguez called for approval of the minutes and the facilitator's reports from the May 2007 Commission meeting.

Commissioner Schulte stated in his copy of the minutes there were errors on pages 36-38, Committee Reports and Recommendations. He explained under the individual committee meetings, the committee reports were incorrectly referenced in several places.

Commissioner Parrino stated the minutes indicated he was absent at the meeting, but he was present.

Commissioner Greiner moved approval of the May Commission meeting minutes as amended. A second to the motion was entered. Vote to approve the motion was unanimous. Motion carried.

CONSIDER ACCESSIBILITY WAIVER APPLICATIONS

Chairman Rodriguez directed the Commission to Neil Mellick for consideration of the Accessibility Waiver Applications.

#1 Soho Beach House

Mr. Mellick explained the petitioner's request for waiver as it was described in each Commissioner's files. He explained since this was a modification to the original waiver, the Council recommended staff find a way to join the two waivers together.

Chairman Rodriguez asked if there were any suggestions on the process for combining the waivers.

Mr. Kelegian responded he would confer with Mr. Richmond for recommendations while other applications were heard.

#2 The Mercato

Mr. Mellick explained the petitioner's request for waiver as it was described in each Commissioner's files. He stated the Council recommended approval as submitted based on provisions of Florida Statute 553.512 as unreasonable.

Commissioner D'Andrea moved approval of the Council's recommendation. Commissioner Browdy entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

#5 Sun Plumbing

Mr. Mellick explained the petitioner's request for waiver as it was described in each Commissioner's files. He stated the Council recommended approval based on the automatic exemption of four persons or less and not open to the public, as well as extreme hardship.

A motion was made to approve the Council's recommendation. A second to the motion was entered.

Commissioner Greiner asked why the Commission should not send the request back to the building official stating the case is an automatic exemption.

Mr. Mellick explained there have been cases in the past which have been sent back to the building official indicating an automatic exemption and the official has stated he still needed documentation in writing. He explained to avoid further delays for projects in those circumstances, the Council decided to make the recommendation.

Chairman Rodriguez stated the automatic exemption could be indicated in the waiver.

Commissioner Greiner asked whether the waiver could state when there is an automatic exemption a waiver is not required.

Mr. Mellick responded stating it was indicated in the Council's motion.

Vote to approve the motion was unanimous. Motion carried.

#7 Leading Edge Rewards

Mr. Mellick explained the petitioner's request for waiver as it was described in each Commissioner's files. He stated the Council recommended approval based on provisions of Florida Statute 553.512 related to 20% disproportionate costs.

Commissioner D'Andrea moved approval of the Council's recommendation. Commissioner Gross entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

#8 ESI Consulting Engineers

Mr. Mellick explained the petitioner's request for waiver as it was described in each Commissioner's files. He stated the Council recommended approval based on provisions of Florida Statute 553.512 for extreme hardship.

Commissioner Browdy moved approval of the Council's recommendation. A second to the motion was entered. Vote to approve the motion was unanimous. Motion carried.

#10 Fairwind Hotel

Mr. Mellick explained the petitioner's request for waiver as it was described in each Commissioner's files. He stated the Council recommended approval based on the historical character and the provisions of 553.512 as extreme hardship due to technical infeasibility.

Commissioner Browdy moved approval of the Council's recommendation. A second to the motion was entered. Vote to approve the motion was unanimous. Motion carried.

Mr. Mellick stated the following applications were recommended for approval with conditions.

#6 Melbourne High School Gymnasium

Mr. Mellick explained the petitioner's request for waiver as it was described in each Commissioner's files. He stated the Council recommended approval based on provisions of Florida Statute 553.512 as unreasonable with the condition that the accessible seating locations be recessed to avoid wheelchairs being extended into the walkway; as well as moving the companion seating up one level to the second row of seats making the eye level equal to the wheelchair users. He explained the corrected plans need to be submitted to DCA staff to verify compliance. He also

stated although the Council has recommended approval based on Florida-specific law, the applicant must still comply with Title II provisions of ADA.

A motion was made to approve the Council's recommendation. A second to the motion was entered. Vote to approve the motion was unanimous. Motion carried.

#9 Club Boca

Mr. Mellick explained the petitioner's request for waiver as it was described in each Commissioner's files. He stated the Council recommended approval based on provisions of Florida Statute 553.512 relating to 20% disproportionate costs, with the condition the applicant submit to DCA staff the review and recommendation form by the local building department to include the cost of construction over the last three years. He explained if there have been no costs over the last three years, the waiver is still recommended for approval. He then stated if there have been costs, the Council recommends the applicant come back to the Council and the Commission for further review.

A motion was made to approve the Council's recommendation. A second to the motion was entered. Vote to approve the motion was unanimous. Motion carried.

#11 Forest Hill Veterinary Clinic

Mr. Mellick explained the petitioner's request for waiver as it was described in each Commissioner's files. He stated the Council recommended approval based on provisions of Florida Statute 553.512 as unreasonable with the condition the applicant install a lift to access the uppermost row of the lecture hall, and move the accessible seating in one space from the end rows with companion seating on the exterior end rows. He stated the corrected plans must be submitted to DCA staff to verify compliance.

A motion was made to approve the Council's recommendation. A second to the motion was entered. Vote to approve the motion was unanimous. Motion carried.

#3 Florida International University Stadium

Mr. Mellick explained the petitioner's request for waiver as it was described in each Commissioner's files. He stated the Council recommended deferral for the applicant to provide additional information to include but not be limited to ramp dimensions, site lines, door threshold information, signage and total count of accessible seating both new and existing.

A motion was made to approve the Council's recommendation. A second to the motion was entered. Vote to approve the motion was unanimous. Motion carried.

#4 Horizons by Marriott

Mr. Mellick explained the petitioner's request for waiver as it was described in each Commissioner's files. He stated the applicant was not present when council reviewed the application. He further stated the Council had recommended deferral or denial due to lack of jurisdiction. He then stated he learned later the applicant had submitted to DCA a request to defer until August. He stated the Council had no problem with that and removed their recommendation.

A motion was made to approve deferral until August. A second to the motion was entered. Vote to approve the motion was unanimous. Motion carried.

#1 Soho Beach House

Mr. Kelegian stated legal staff recommended the two cases in question be tied together. He then stated the final order should indicate the application is for a modification from an existing final order. He explained the first final order should be attached to the new final order as an exhibit thereby incorporating it.

Commissioner Browdy moved approval of recommendations made by legal counsel. A second to the motion was entered. Vote to approve the motion was unanimous. Motion carried.

CONSIDER APPLICATIONS FOR PRODUCT AND ENTITY APPROVAL

Chairman Rodriguez directed the Commission to Commissioner Carson for presentation of entity approvals.

Commissioner Carson presented the POC recommendations for entity approval in the form of a motion as follows:

TST 6679 - Air-Ins Inc. - Product Testing Laboratory

Commissioner Carson moved approval of the POC recommendation. A second to the motion was entered. Vote to approve the motion was unanimous. Motion carried.

TST 1577 - Certified Testing Laboratories - Product Testing Laboratory

Commissioner Carson moved approval of the POC recommendation. A second to the motion was entered. Vote to approve the motion was unanimous. Motion carried.

TST 1633 - Exterior Research and Design LLC, dba Trinity/ERD Washington – Product Testing Laboratory

Commissioner Carson moved approval of the POC recommendation. A second to the motion was entered. Vote to approve the motion was unanimous. Motion carried.

QUA 1680 - PFS Corporation – Product Quality Assurance Entity

Commissioner Carson moved approval of the POC recommendation. A second to the motion was entered. Vote to approve the motion was unanimous. Motion carried.

VAL 4121 - PFS Corporation – Product Validation Entity

Commissioner Carson moved approval of the POC recommendation. A second to the motion was entered. Vote to approve the motion was unanimous. Motion carried.

TST 1679 - PFS Corporation – Product Testing Laboratory

Commissioner Carson moved approval of the POC recommendation. A second to the motion was entered. Vote to approve the motion was unanimous. Motion carried.

TST 2508 - Momentum Technologies – Product Testing Laboratory

Commissioner Carson moved approval of the POC recommendation. A second to the motion was entered. Vote to approve the motion was unanimous. Motion carried.

VAL 1843 - Architectural Testing – Product Validation Entity

Commissioner Carson moved approval of the POC recommendation. A second to the motion was entered. Vote to approve the motion was unanimous. Motion carried.

TST1509 - Intertek Testing Services NA Ltd. – Product Testing Laboratory

Commissioner Carson moved approval of the POC recommendation. A second to the motion was entered. Vote to approve the motion was unanimous. Motion carried.

TST 1558 - Architectural Testing, Inc – Product Testing Laboratory

Commissioner Carson moved approval of the POC recommendation. A second to the motion was entered. Vote to approve the motion was unanimous. Motion carried.

CER 1498 - American Architectural Manufacturers Association – Product Certification Agency

Commissioner Carson moved approval of the POC recommendation. A second to the motion was entered. Vote to approve the motion was unanimous. Motion carried.

QUA 1789 - National Accreditation and Management Institute – Product Quality Assurance Agency

Commissioner Carson moved approval of the POC recommendation. A second to the motion was entered. Vote to approve the motion was unanimous. Motion carried.

TST 6626 – Professional Service Industries, Inc./Houston – Product testing Laboratory

Commissioner Carson moved approval of the POC recommendation for deferral. A second to the motion was entered. Vote to approve the motion was unanimous. Motion carried.

CER 3471 – PFS Corporation

Incomplete application

Mr. Blair then presented the products for approval as they appeared in the matrix provided to each Commissioner. Recommended approvals were presented in consent agenda format with conditional approvals, deferrals, and denials being considered individually. (See *Florida Building Commission Product Approval Applications*)

Certification Method

Recommended for Approval

Product #'s: 239-R9; 242-R6; 985-R2; 986-R2; 1630-R3; 3024-R2; 3234-R2; 3972-R2; 4197-R2; 4669-R1; 4775-R1; 4826-R1; 6210-R1; 6344-R1; 6370-R2; 5855-R2; 7060-R1; 7066-R1; 7156; 7576-R1; 8354; 8786; 8787; 8791; 8797; 8798; 8801; 8803; 8808; 8821; 8823; 8828; 8833; 8834; 8835; 8846; 8848; 8852; 8857; 8858; 8859; 8863; 8864; 8869; 8876; 8877; 8878; 8880; 8881; 8885; 8898; 8900; 8902; 8903; 8906; 8907; 8914; 8917; 8919; 8922; 8923; 8924; 8925; 8926; 8929; 8933; 8935; 8937; 8941; 8944; 8946; 8948; 8953; 8961; 8962; 8965; 8969; 8972; 8973; 8974; 8976; 8977; 8978; 8979; 8980; 8981; 8985; 8986; 8990; 8991; 8992; 8995; 8998; 9001; 9003; 9006; 9011; 9012; 9017; 9020; 9022; 9026; 9027; 9028; 9029; 9030; 9031; 9034; 9035; 9037; 9038; 9039; 9040; 9042; 9044; 9045; 9046; 9047; 9049.

Commissioner Carson moved approval of the consent agenda.
Commissioner Wiggins entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Recommended for Conditional Approval

7026-R1 Tiger Door LLC

Mr. Blair stated the product was recommended for conditional approval stating the applicant needs to verify source and capacity of the anchor.

A motion was made to approve the POC recommendation. A second to the motion was entered. Vote to approve the motion was unanimous. Motion carried.

8768; 8770 - Curries

Mr. Blair stated the products were recommended for conditional approval stating the source of 3/8" expansion anchor and capacity, edge distance and substrate strength is not indicated. Capacity of lag screw with 2.5" penetration is exceeded. Indicate source of capacity for #8 X 1" drywall screw into wood or steel stud. The stud thickness for bearing is not known. Indicate who did the rational analysis prior to testing. If rational analysis was used, it must be validated by an independent FL PE.

A motion was made to approve the POC recommendation. A second to the motion was entered. Vote to approve the motion was unanimous. Motion carried.

7883-R1, 7885-R1, 8957- Vi Win Tech

Mr. Blair stated the products were recommended for conditional approval stating the applicant needs to remove note on ASTM E1300 related to glass

thickness and size. The PVB needs to be specified as tested for HVHZ plastics requirements. Concentrated loads at the end interlocks need to be considered on anchor calculations. Rational Analysis on anchors therefore must be verified by an independent FL PE.

A motion was made to approve the POC recommendation. A second to the motion was entered. Vote to approve the motion was unanimous. Motion carried.

8964 Vi Win Tech

Mr. Blair stated the product was recommended for conditional approval stating there is rational analysis on the installation instructions. FL PE to validate rational analysis. There is no information on Product 8964.1 and it should be removed. For Product 8964.2, Model/Number on Installation Instructions are not for Application Model/ Number. Deferred from May 2007 meeting - Complied with previous requirements.

A motion was made to approve the POC recommendation. A second to the motion was entered. Vote to approve the motion was unanimous. Motion carried.

7884-R1; 7833-R1; 7881-R18206-R1; 8780 - Vi Win Tech

Mr. Blair stated the products were recommended for conditional approval stating there is rational analysis on the installation instructions. FL PE to validate rational analysis. Delete any size where pressure is higher than certified. The PVB needs to be specified as tested for HVHZ plastics requirements. Remove references to ASTM 1300 that do not comply with HVHZ. Deferred from the May 2007 meeting. Complied with all other conditions.

A motion was made to approve the POC recommendation. A second to the motion was entered. Vote to approve the motion was unanimous. Motion carried.

8784 Vi Win Tech

Mr. Blair stated the product was recommended for conditional approval stating there is rational analysis on the installation instructions. FL PE to validate rational analysis. For product 8784.3 there is no verifiable evidence to testing for HVHZ. Remove references to ASTM E 1300 where sizes can be modified. Delete sizes where pressures are higher than certified.

A motion was made to approve the POC recommendation. A second to the motion was entered. Vote to approve the motion was unanimous. Motion carried.

8785 Vi Win Tech

Mr. Blair stated the product was recommended for conditional approval stating there is rational analysis on the installation instructions. FL PE to validate rational analysis. The new uploaded Installation Instructions are not for Model/Number on Application. The Design Pressures shown exceed application DP. Remove references to ASTM E 1300 where sizes can be modified.

A motion was made to approve the POC recommendation. A second to the motion was entered. Vote to approve the motion was unanimous. Motion carried.

8749 Paradigm Window Solutions

Mr. Blair stated the product was recommended for conditional approval stating gazing detail on certifications specifies VB brand tested and comply with HVHZ plastic requirements. Certificate to verify to what testing was the PVC certified.

A motion was made to approve the POC recommendation. A second to the motion was entered. Vote to approve the motion was unanimous. Motion carried.

8769-R1 ASHE Industries

Mr. Blair stated the product was recommended for conditional approval stating 8769.2 attaches soffit roof tile adhesive sealant and double foam adhesive tape. Needs calculations proving working load ratings of adhesive that it's not overstressed by the systems design loads, and data on adhesive properties after heat aging.

A motion was made to approve the POC recommendation. A second to the motion was entered. Vote to approve the motion was unanimous. Motion carried.

539-R2 JELD-WEN

Mr. Blair stated the product was recommended for conditional approval stating Certification agency to verify certificates for NOAs about to expire and for those without a signature.

A motion was made to approve the POC recommendation. A second to the motion was entered. Vote to approve the motion was unanimous. Motion carried.

5874-R1 Peerless Products Inc.

Mr. Blair stated the product was recommended for conditional approval stating product 5874.2 is rated HS-HC50-72X72. Design pressure is shown as +/-

60. Delete any size where pressure is higher than certified. Remove references to ASTM 1300 that do not comply with HVHZ.

A motion was made to approve the POC recommendation. A second to the motion was entered. Vote to approve the motion was unanimous. Motion carried.

8959 Masonite International

Mr. Blair stated the product was recommended for conditional approval stating there is rational analysis on the installation instructions. FL PE to validate rational analysis.

A motion was made to approve the POC recommendation. A second to the motion was entered. Vote to approve the motion was unanimous. Motion carried.

8026-R1 Carriage House Door Company

Mr. Blair stated the product was recommended for conditional approval stating the applicant needs to provide details of wood panels. Provide details of glazing testing or at the non-impact doors that are glazed indicate that they are not allowed in the debris-borne areas. On installation instructions indicate attachment to structure. For use in HVHZ wood needs to comply with testing as per Sect. 2315.1.11.

A motion was made to approve the POC recommendation. A second to the motion was entered. Vote to approve the motion was unanimous. Motion carried.

8442-R1 JHRG LLC

Mr. Blair stated the product was recommended for conditional approval stating the applicant needs to indicate on limits of use "*A label shall be provided on units to indicate that material shall be stored when not used for hurricane protection to avoid damage due to UV.*" This request is on the engineer's report. Remove from drawings details not tested.

A motion was made to approve the POC recommendation. A second to the motion was entered. Vote to approve the motion was unanimous. Motion carried.

8617-R1 Sun-Tek Manufacturing

Mr. Blair stated the product was recommended for conditional approval stating the applicant needs to remove from installation instructions sizes not certified.

A motion was made to approve the POC recommendation. A second to the motion was entered. Vote to approve the motion was unanimous. Motion carried.

8839 Windsor Republic Door, Inc.

Mr. Blair stated the product was recommended for conditional approval stating rational analysis on Installation Instructions which a FL PE must validate. No information on .1 which must be removed. And for .2 model number and installation instructions are not for application. Concentrated load at ends of interlock must be considered in the anchor calculations. Delete sizes with pressures higher than certified.

A motion was made to approve the POC recommendation. A second to the motion was entered. Vote to approve the motion was unanimous. Motion carried.

8868 Simonton Windows

Mr. Blair stated the product was recommended for conditional approval stating glazing and certification needs to specify the PVB brand tested and comply with HVHZ plastics requirements. Note 3 on sheet 1 of all drawings does not comply with HVHZ requirements. Anchor capacity and bearings need to be checked for the units design pressure. Frame material is not specified, else indicate not for HVHZ.

A motion was made to approve the POC recommendation. A second to the motion was entered. Vote to approve the motion was unanimous. Motion carried.

8938 Alenco

Mr. Blair stated the product was recommended for conditional approval stating standards ASTM E1886/1996 not shown on Application. Indicate missile impact level.

A motion was made to approve the POC recommendation. A second to the motion was entered. Vote to approve the motion was unanimous. Motion carried.

9005 Atrium Windows and Doors, NC

Mr. Blair stated the product was recommended for conditional approval stating the description of 9005.3 indicates casement.

A motion was made to approve the POC recommendation. A second to the motion was entered. Vote to approve the motion was unanimous. Motion carried.

9048 JELD-WEN

Mr. Blair stated the product was recommended for conditional approval stating the hardware as tested is not specified for all models.

A motion was made to approve the POC recommendation. A second to the motion was entered. Vote to approve the motion was unanimous. Motion carried.

Recommended for Deferral

1492-R1 Streuli Sales, Inc.

Mr. Blair stated the product was recommended for deferral stating the model/number/name does not correspond to Certification Models. There is no verifiable evidence of testing of Standard 101/I.S.2-97 in the Certifications. There is no verifiable evidence of testing of Impact Resistance in the Certifications. There are no Installation Instructions for "Tahoe Fiberglass" or for "Madera Grande".

A motion was made to approve the POC recommendation of deferral. A second to the motion was entered. Vote to approve the motion was unanimous. Motion carried.

8545 National Sheet Metal Systems, Inc.

Mr. Blair stated the product was recommended for deferral stating for product 8545.1 there is no certification Agency Certificate. Product .3 must be tested to TAS 111C or indicate not for HVHZ. All products certified to standards not adopted in the Florida Building Code.

A motion was made to approve the POC recommendation of deferral. A second to the motion was entered. Vote to approve the motion was unanimous. Motion carried.

8802 Evergreen Slate Company

Mr. Blair stated the product was recommended for deferral stating NOA does not download. Installation instructions do not download.

A motion was made to approve the POC recommendation of deferral. A second to the motion was entered. Vote to approve the motion was unanimous. Motion carried.

Recommended for Denial

8872 Englert, Inc.

Mr. Blair stated the product was recommended for denial stating the applicant did not comply with conditions of deferral. Standard years are not FBC adopted. Application shall be made by the manufacturing holding the NOA. Installation instructions are beyond certification

A motion was made to approve the POC recommendation of deferral. A second to the motion was entered. Vote to approve the motion was unanimous. Motion carried.

Incomplete Applications

Product #'s: 1807-R3; 1808-R3; 1810-R4; 1813-R3; 3975-R2; 4198-R2; 6188-R1; 6189-R1; 7491-R1; 8865; 8866; 8873; 8874; 8940; 9007; 9008.

No Commission action necessary.

Evaluation by Architect or Engineer

Recommended for Approval

Product #'s: 6218-R7; 7070; 7213-R1; 7416-R1; 7490-R1; 8131-R1; 8349; 8379; 7549; 7651-R1; 8172-R1; 8600; 8667; 8693; 8811; 8822; 8836; 8843; 8853; 8862; 8879; 8888; 8901; 8905; 8908; 8909; 8910; 8915; 8920; 8945; 8984; 8989; 8997; 8999; 9000; 9013; 9021; 9036; 9043.

Commissioner Dean requested product #'s 9036 and 9043 be pulled from the consent agenda.

Commissioner Kim requested product #'s 9013 and 9021 be pulled from the consent agenda.

Commissioner Browdy moved approval of the consent agenda as amended. A second to the motion was entered. Vote to approve the motion was unanimous. Motion carried.

9013

Commissioner Browdy moved approval of the POC recommendation. A second to the motion was entered. Vote to approve the motion was unanimous. (Commissioner Kim abstained.) Motion carried.

9021

Commissioner Browdy moved approval of the POC recommendation. A second to the motion was entered. Vote to approve the motion was unanimous. (Commissioner Kim abstained.) Motion carried.

9036

Commissioner Carson moved approval of the POC recommendation. A second to the motion was entered. Vote to approve the motion was unanimous. (Commissioners Dean and Kim abstained.) Motion carried.

9043

Commissioner Carson moved approval of the POC recommendation. A second to the motion was entered. Vote to approve the motion was unanimous. (Commissioners Dean and Kim abstained.) Motion carried.

Recommended for Conditional Approval

5755-R1 Polygal Inc.

Mr. Blair stated the product was recommended for conditional approval stating if not HVHZ tested, on each panel, the applicant needs to provide a warning note that it's not left exposed longer than a hurricane event.

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

7973; 7974 Polygal Inc.

Mr. Blair stated these products were recommended for conditional approval stating the applicant needs to identify which face of the panel must face exterior since thicknesses are not equal, and if not tested for weathering requirements of HVHZ provide warning note that it's not left exposed longer than a hurricane event.

Commissioner Browdy moved approval of the POC recommendation. Commissioner Schulte entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

8061 Weatherguard Building Products

Mr. Blair stated the product was recommended for conditional approval stating on page 3 of engineering, a stainless steel washer is indicated, verify. On

anchor calculation it says any deviation requires engineering calculation. Question "or equivalent".

Commissioner Browdy moved approval of the POC recommendation. Commissioner Kidwell entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Commissioner Wiggins stated for the last two, the box states recommended approval. He then stated Commissioner Browdy made the motion to approve, but it should have been for conditional approval.

Mr. Blair asked for a motion to reconsider 7393 and 7394.

A motion was entered to reconsider 7393 and 7394. A second to the motion was entered. Vote to approve the motion was unanimous. Motion carried.

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

8804 CPI Daylighting Inc.

Mr. Blair stated the product was recommended for conditional approval stating the 122 and 162 design loads were not tested to TAS 201, 202, 203. Needs testing for weathering, else indicate not for HVHZ. Remove the ICC report that doesn't relate to this product. Installation shall indicate span pressure and limits of deflection of the units.

A motion was entered to approve the POC recommendation. A second to the motion was entered. Vote to approve the motion was unanimous. Motion carried.

8872 Rollerstar USA

Mr. Blair stated the product was recommended for conditional approval stating the product was categorized as a shutter and fails to meet deflection in HVHZ for a shutter, therefore should indicate No for HVHZ as a shutter.

A motion was entered to approve the POC recommendation. A second to the motion was entered. Vote to approve the motion was unanimous. Motion carried.

8895 Guardian Building Products – Ashley Aluminum

Mr. Blair stated the product was recommended for conditional approval stating the evaluation report says it excludes use in HVHZ; therefore clarify if a typo or intended. Polycarbonate is not specified in the drawings.

A motion was entered to approve the POC recommendation. A second to the motion was entered. Vote to approve the motion was unanimous. Motion carried.

8897 Hy Lite Products Inc.

Mr. Blair stated the product was recommended for conditional approval stating polycarbonate is not specified in the drawings, maximum shim space is not specified and trace back to the anchor calculations.

A motion was entered to approve the POC recommendation. A second to the motion was entered. Vote to approve the motion was unanimous. Motion carried.

8947 Palram Americas, Inc.

Mr. Blair stated the product was recommended for conditional approval stating if not tested for weathering requirements for HFHZ, add warning note "cannot be exposed longer than hurricane event. Polycarbonate brand used in tests needs to be identified for use in HVHZ.

A motion was entered to approve the POC recommendation. A second to the motion was entered. Vote to approve the motion was unanimous. Motion carried.

8989 Cat Five Hurricane? (Cat-5 Protection Inc.)?

Mr. Blair stated the product was recommended for conditional approval stating the applicant needs to attach weathering test report.

Ted Berman

Mr. Berman stated after the meeting, Chris Langley approached him and stated he had made an error on the application he submitted. He then stated he would recommend approval.

A motion was entered to approve the POC recommendation for approval. A second to the motion was entered. Vote to approve the motion was unanimous. Motion carried.

4065-R4	Silverline Building Products Corp
5595-R1	Silverline Building Products Corp
6064-R2	Alside, Inc., Division of AMI

6102-R3	Silverline Building Products Corp
7795-R1	Schuco, USA L.P.
8216-R1	Miami Tech, Inc.
7989-R1	ASI Building Products
8472-R2	Hendee Enterprises
8566	Eagle Window and Door, Inc.
8703	Schuco, USA L.P.
8795	Therma-Tru Corporation
8800	Mid Florida Metal Roofing and Supply, Inc.
8818	Silverline Building Products Corp
8826	Alutech United, Inc.
8837	Silverline Building Products Corp
8838	Therma-Tru Corporation
8841	Therma-Tru Corporation
8904	Topline Industries
8949	Mid Florida Metal Roofing and Supply, Inc.
8952	Mid Florida Metal Roofing and Supply, Inc.
8954	Metal Building Supplies, LLC
8956	MarlynMetals, Incorporated
8968	Baker Metal Works & Supply, Inc.
8971	Triad Corrugated Metals
8975	Gulf Coast Supply and Mfg., Inc
8982	Hendee Enterprises
9023	CAT-5 Protection, Inc.
8889	Ideal Steel Building & Components
8894	Ideal Steel Building & Components

Mr. Blair stated these products were recommended for conditional approval stating the signed and sealed hard copies of the evaluation reports are missing.

A motion was entered to approve the POC recommendation. A second to the motion was entered. Vote to approve the motion was unanimous. Motion carried.

8892 Taylor Building Products

Mr. Blair stated the product was recommended for conditional approval stating the signed and sealed hardcopy of the evaluation report is missing. Review Evaluation Report on products .1, .4, .6, and .9 indicates glass type G1 on Sheet 1 table of each drawing while these are opaque doors using a Saflex laminate

A motion was entered to approve the POC recommendation. A second to the motion was entered. Vote to approve the motion was unanimous. Motion carried.

7513 Lynn Metal Company, Inc; 8931 Home Pro Services Inc.

Mr. Blair stated these products were recommended for conditional approval stating the signed and sealed hardcopy of the evaluation report is missing. Not to be used in HVHZ unless proven that test was conducted without a self-adhered underlayment bonded to plywood.

A motion was entered to approve the POC recommendation. A second to the motion was entered. Vote to approve the motion was unanimous. Motion carried.

9032 Mesker Door, Inc.

Mr. Blair stated the product was recommended for conditional approval stating the signed and sealed hardcopy of the evaluation report is missing. Evaluation needs to verify capacity and bearing of anchors and not base the evaluation on testing results.

A motion was entered to approve the POC recommendation. A second to the motion was entered. Vote to approve the motion was unanimous. Motion carried.

2211-R1 The Cookson Company

Mr. Blair stated the product was recommended for conditional approval stating the applicant needs to remove all models with pressures above tested. These are impact doors and are required to be cycled at the rated pressure. Remove all models with sizes larger than tested for impact. These are impact doors and require to be impacted at the larger size. Anchors shall not exceed spacing used in the test. Rationalizing spacing not allowed. Slat distances not tested to TAS 201, 202, 203, and not qualified for HVHZ. Insulation in the slats needs to comply with chapter 26 and only the manufacturing plant that fabricated the doors for testing is qualified for approval. Plant must be identified to match labeling and QA requirements, else indicate not for HVHZ.

A motion was entered to approve the POC recommendation. A second to the motion was entered. Vote to approve the motion was unanimous. Motion carried.

6060-R1; 8135 Alside, Inc., Division of AMI
8323 Silverline Building Products Corp
8606; 8607 Vista Window Company

Mr. Blair stated these products were recommended for conditional approval stating the signed and sealed hardcopies of the evaluation reports are missing. Provide certification of linear extrusion.

A motion was entered to approve the POC recommendation. A second to the motion was entered. Vote to approve the motion was unanimous. Motion carried.

9010 Miller Glass and Glazing, Inc.

Mr. Blair stated the product was recommended for conditional approval stating the signed and sealed hardcopy of the evaluation report is missing. Provide certification of laminate.

A motion was entered to approve the POC recommendation. A second to the motion was entered. Vote to approve the motion was unanimous. Motion carried.

6062-R1 Alside, Inc, Division of AMI

Mr. Blair stated the product was recommended for conditional approval stating the signed and sealed hardcopy of the evaluation report is missing. For Product 6062.4, Evaluation Report has been uploaded under Installation Instructions. Installation Instructions have been uploaded under Evaluation Report.

A motion was entered to approve the POC recommendation. A second to the motion was entered. Vote to approve the motion was unanimous. Motion carried.

6166-R1 Silverline Building Products Corp

Mr. Blair stated the product was recommended for conditional approval stating missing hardcopy of evaluation report signed and sealed by evaluator. For Products 6166.1 and .2, Model/Numbers on Application are not same as in Evaluation Report. Neither was on Installation Instructions.

A motion was entered to approve the POC recommendation. A second to the motion was entered. Vote to approve the motion was unanimous. Motion carried.

7873-R2 USA Shutter Company, LLC

Mr. Blair stated the product was recommended for conditional approval stating why the details allow a selection of "spring block assembly." Fails to meet requirements of a shutter, per code Ch.1613.1.9, therefore indicate not for HVHZ.

A motion was entered to approve the POC recommendation. A second to the motion was entered. Vote to approve the motion was unanimous. Motion carried.

8810 Brannen Millwork Company

Mr. Blair stated the product was recommended for conditional approval stating Missing hardcopy signed and sealed of evaluation report. For Products 8810.2, .3 and.5, there is no verifiable evidence of testing for Impact Resistance. Their Installation Instructions are for "Impact".

A motion was entered to approve the POC recommendation. A second to the motion was entered. Vote to approve the motion was unanimous. Motion carried.

8840 Therma Tru Corporation

Mr. Blair stated the product was recommended for conditional approval stating missing hardcopy of evaluation report signed and sealed by evaluator. There is no verifiable evidence of testing to TAS 201/203 in the Evaluation Report. Evaluation report failed to check bearing and capacity of anchors. Surface bolts not detailed on vertical cross-section.

A motion was entered to approve the POC recommendation. A second to the motion was entered. Vote to approve the motion was unanimous. Motion carried.

8845 Taylor Building Products

Mr. Blair stated the product was recommended for conditional approval stating Missing hardcopy of evaluation report signed and sealed by evaluator. For Product 8845.10, under Limits of Use, Other, there is a typo; INST should be 8845.10, not .9 as shown. Evaluation report failed to check bearing and capacity of anchor.

A motion was entered to approve the POC recommendation. A second to the motion was entered. Vote to approve the motion was unanimous. Motion carried.

8871 Therma Tru Corporation

Mr. Blair stated the product was recommended for conditional approval stating missing hardcopy of evaluation report signed and sealed by evaluator. For Product 8871.2, need to designate Impact Resistance as "Yes", not as "N/A". Evaluation report failed to check bearing and capacity of anchors.

A motion was entered to approve the POC recommendation. A second to the motion was entered. Vote to approve the motion was unanimous. Motion carried.

5642-R1 Silverline Building Products

Mr. Blair stated the product was recommended for conditional approval stating signed and sealed hardcopy of the evaluation report is missing. Verify capacity and bearing of anchors else indicate not for HVHZ.

A motion was entered to approve the POC recommendation. A second to the motion was entered. Vote to approve the motion was unanimous. Motion carried.

5974-R1 Silverline Building Products

Mr. Blair stated the product was recommended for conditional approval stating missing hardcopy signed and sealed of evaluation report. Verify capacity and bearing of anchors else indicate not for HVHZ and bearing capacity of PVC.

A motion was entered to approve the POC recommendation. A second to the motion was entered. Vote to approve the motion was unanimous. Motion carried.

8918 All American Shutters Inc.

Mr. Blair stated the product was recommended for conditional approval stating the signed and sealed hardcopy of the evaluation report is missing. Not all pressures have glazing separation or anchor tables. Provide or remove the higher pressures.

A motion was entered to approve the POC recommendation. A second to the motion was entered. Vote to approve the motion was unanimous. Motion carried.

8928 Windoor Incorporated

Mr. Blair stated the product was recommended for conditional approval stating Aluminum grade is not indicated. For use outside HVHZ evaluation does not comply with Sect.1714.5.2.1. Glass calculations were done by unlicensed person.

A motion was entered to approve the POC recommendation. A second to the motion was entered. Vote to approve the motion was unanimous. Motion carried.

9009 Integridyne

Mr. Blair stated the product was recommended for conditional approval stating the signed and sealed hardcopy of the evaluation report is missing. Change category/subcategory to Structural Component/Anchors. This product is not a shutter, only a component. Provide proper values for the anchors.

A motion was entered to approve the POC recommendation. A second to the motion was entered. Vote to approve the motion was unanimous. Motion carried.

9024 Agriboard Industries

Mr. Blair stated the product was recommended for conditional approval stating missing hardcopy of evaluation report signed and sealed by evaluator. ASTM E72 is not FBC adopted. Evaluation Report, Page 3 of 3, Tests Performed, Item #3, equates E84-01 with E84-95. This should be included under Equivalency of Product Standards in Application. Indicate "No" for use within HVHZ unless tested for the requirements of Sect, 2315.1.11. Upload evaluation ESR-1582 that is referred to on installation instructions.

A motion was entered to approve the POC recommendation. A second to the motion was entered. Vote to approve the motion was unanimous. Motion carried.

9025 RC Aluminum Industries

Mr. Blair stated the product was recommended for conditional approval stating the QA Agency selected indicated that there is no QA agreement. Needs to select another QA agency and provide certificate of participation for this product.

A motion was entered to approve the POC recommendation. A second to the motion was entered. Vote to approve the motion was unanimous. Motion carried.

8629 Metalforming Inc.
8644 Lynn Metal Company, Inc.
8651 Armored Metal Works
8652 Cheesboro Roofing
8653 Comfort Enclosures
8654 Crowther Roofing and Sheet Metal
8655 Florida Southern Roofing
8657 Metal Building Supplies, LLC
8658 Mid Florida Metal Roofing and Supply Company
8659 Modern Metal Systems Incorporated
8660 Mullets Aluminum
8661 Prestige Aluminum
8662 Roofmetix Industries
8664 SunSky Metal, LLC
8665 Triad Corrugated Materials
8690 Coastal Metal Roofing, Inc.
8694 Architectural Metal Fabrication/Gutter Drain
8695 ASI Building Products
8709 Roofmetix Industries

Mr. Blair stated these products were recommended for conditional approval stating the applicant needs to verify that TAS 125 test was conducted without a self-adhered underlayment bonded to the plywood, else indicate not for HVHZ.

A motion was entered to approve the POC recommendation. A second to the motion was entered. Vote to approve the motion was unanimous. Motion carried.

Recommended for Deferral

8722 Milliken Distribution

Mr. Blair stated the product was recommended for deferral stating the applicant presented new testing reports and load tables responding to public comments. New data needs to be assessed. Complied with Conditional Approval from May meeting providing thickness of buildout channel.

A motion was entered to approve the POC recommendation. A second to the motion was entered. Vote to approve the motion was unanimous. Motion carried.

Recommended for Denial

9019 Designer Doors Incorporated

Mr. Blair stated the product was recommended for deferral stating the evaluation report does not mention location of testing nor name of testing lab. Evaluator needs to be the individual FL PE, not the corporation.

A motion was entered to approve the POC recommendation. A second to the motion was entered. Vote to approve the motion was unanimous. Motion carried.

Incomplete Applications

8987 Ameriguard
9033 Town and Country Industries, Inc.

No Commission action necessary.

Evaluation by Entity

Recommended for Approval

Product #'s: 8243; 8348-R1; 8832; 8886.

Commissioner Carson moved approval of the consent agenda. Commissioner D'Andrea entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Recommended for Conditional Approval

6391-R3 TEMO Sunrooms, Inc.

Mr. Blair stated the product was recommended for conditional approval stating the applicant needs to indicate "No" for use within HVHZ unless the plastic materials are tested in accordance with HVHZ requirement.

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

7828 Graham Architectural Products

Mr. Blair stated the product was recommended for conditional approval stating the applicant needs to provide calculations for head and jamb anchors. Grade of aluminum is not indicated. Thermal strut is not specified. TAS 201 is not performed on horizontal sliding windows per the FBC, Ch 1626.2. Three lites of glass with 2 impacts per lite are required.

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

8816 Plaza Door Company, Inc.

Mr. Blair stated the product was recommended for conditional approval stating there is no verifiable evidence of testing to ANSI/AAMA/NWWDA 101/I.S.2-97. There is testing to TAS 202/202/203, but they are not on the Standard List. Installation instructions indicate anchors and substrates not tested.

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

8819 Cal-Royal Products, Inc.

Mr. Blair stated the product was recommended for conditional approval stating the validator is not independent from testing laboratory. Test report is not

signed and sealed by FL PE. Recommend that Intertek provides a certification and apply using the certification method.

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

8851 United States Aluminum Corp.

Mr. Blair stated the product was recommended for conditional approval stating the installation instructions constitutes an evaluation report with conditions other than tested. Provide calculations for head and jamb anchors. Provide testing of gaskets for plastic properties.

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

8867 Accura Systems, Inc.

Mr. Blair stated the product was recommended for conditional approval stating the test reports are not signed and sealed by FL PE. The reports indicate testing standards years not adopted in the 2004 FBC and different from application. Provide equivalency of standards.

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

8883 Platinum Advanced Technologies, Inc.

Mr. Blair stated the product was recommended for conditional approval stating the applicant needs to indicate "No" for use within HVHZ unless the plastic materials are tested in accordance with HVHZ requirements. ASTM E72 is not an adopted testing standard. Change to Evaluation Report by FL PE.

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

8884 Platinum Advanced Technologies, Inc.

Mr. Blair stated the product was recommended for conditional approval stating the applicant needs to indicate "No" for use within HVHZ unless the plastic

materials are tested in accordance with HVHZ requirements. ASTM E72 is not an adopted testing standard. Change to Evaluation Report by FL PE.

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

8887 Duraform Building Panels

Mr. Blair stated the product was recommended for conditional approval stating the applicant needs to indicate "No" for use within HVHZ unless the plastic materials and the OSB sheets are tested in accordance with HVHZ requirements.

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

8890 Graham Architectural Products

Mr. Blair stated the product was recommended for conditional approval stating the grade of aluminum is not indicated. Thermal strut is not specified. Characteristics of wood spacer are not indicated.

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

8891 Graham Architectural Products

Mr. Blair stated the product was recommended for conditional approval stating the applicant needs to provide calculations for head and jamb anchors for 8891.1. Grade of aluminum is not indicated.

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

8911 Graham Architectural Products

Mr. Blair stated the product was recommended for conditional approval stating the applicant needs to provide calculations for head and jamb anchors. Grade of aluminum is not indicated.

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

8912 Graham Architectural Products

Mr. Blair stated the product was recommended for conditional approval stating the applicant needs to provide calculations for head and jamb anchors. Grade of aluminum is not indicated. Test Reports do not indicate laminate tested.

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

8913 Graham Architectural Products

Mr. Blair stated the product was recommended for conditional approval stating the applicant needs to provide calculations for head and jamb anchors. Grade of aluminum is not indicated. Test Reports for .2 and .3 do not indicate laminate tested.

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

8927 Reilly WoodWorks

Mr. Blair stated the product was recommended for conditional approval stating the applicant needs to provide calculations for head and jamb anchors. Test Report to indicate laminate tested.

8934; 8939; 8942 Reilly WoodWorks

Mr. Blair stated these products were recommended for conditional approval stating the applicant needs to provide calculations for head and jamb anchors.

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

8943 Reilly WoodWorks

Mr. Blair stated the product was recommended for conditional approval stating the applicant needs to provide calculations for head and jamb anchors. Neither test report nor installation instructions indicate hardware as tested.

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

8993; 8994 Branstrator Corporation

Mr. Blair stated these products were recommended for conditional approval stating the test report is not signed and sealed by FL PE.

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

Incomplete Applications

6763-R1 Mon-Ray Inc.
8799 Madison Ind., Inc of Georgia
8966 LEEP, Inc. - (withdrawn)

No Commission action necessary.

Evaluation by Evaluation Entity

Recommendation for Approval

Product #'s: 6565-R1; 8668; 8861.

Commissioner Carson moved approval of the consent agenda. Commissioner D'Andrea entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Recommendation for Conditional Approval

2440-R2 Roseburg Forest Products

Mr. Blair stated the product was recommended for conditional approval stating the evaluation report is based on rational analysis. Validation must be performed by a FL PE.

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

Recommendation for Denial

8555 Protecto Wrap Company

Mr. Blair stated the product was recommended for denial stating the applicant did not comply with deferral conditions: There is no Certificate of Independence. ASTM 2112 is not FBC adopted. ASTM E331-90 Year is not FBC adopted. Application does not indicate structural load testing standard. Could not download Certificate of Product Standards. R I Ogawa & Associates, Inc. is not FBC approved as a Product Validation Entity. Could not download Evaluation Reports. Could not download Installation Instructions. There is no verifiable evidence of Impact Resistance.

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

CONSIDER LEGAL ISSUES AND PETITIONS FOR DECLARATORY STATEMENT:
BINDING INTERPRETATIONS:
DECLARATORY STATEMENTS:

Binding Interpretations:

Petition 21: Section 704.1 Section 1604.5 and Section 2101.1 of Florida Building Code, Building Fire resistance rated flexible joint between rated wall and slab

Mr. Richmond stated the determination should be available online both at the Commission and Building Official's website. He stated he would report to the Commission at the August 2007 meeting after legal staff has reviewed the petition.

Declaratory Statements:

Mr. Richmond introduced Florida State University College of Law externs Jeff Aimsforth and Brandon Bogle to present declaratory statements.

Second Hearings:

DCA07-DEC-017 by Robert S. Fine, TRG-Block One LTD

Mr. Aimsforth explained the issues presented in the petition for declaratory statement and the committee's recommendations as they appeared in each Commissioner's files.

Paul Savage, representing TRG-Block-One LTD

Mr. Savage stated he would defer his substantive comments to the Chairman to determine if there is an initial motion for approval.

Commissioner Wiggins moved approval of the committee recommendation. Commissioner Browdy entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

DCA07-DEC-047 by John Leedy, PE, Leedy Electric Corporation

Mr. Bogle explained the issues presented in the petition for declaratory statement and the committee's recommendations as they appeared in each Commissioner's files.

Commissioner Carson moved approval of the committee recommendation. Commissioner Kim entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

DCA07-DEC-048 by Joseph W. Broughton, PE, Burgess Engineering, Inc.

Mr. Bogle explained the issues presented in the petition for declaratory statement and the committee's recommendations as they appeared in each Commissioner's files.

Commissioner Carson moved approval of the committee recommendation. Commissioner D'Andrea entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

DCA07-DEC-050 by Alfonso E. Oveido-Reyes, Hunker Down Systems

Mr. Bogle explained the issues presented in the petition for declaratory statement and the committee's recommendations as they appeared in each Commissioner's files.

Commissioner McCombs moved approval of the committee recommendation. Commissioner Greiner entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

DCA07-DEC-065 by Andrew Johnston, Harbor Home Improvements

Mr. Aimsforth explained the issues presented in the petition for declaratory statement and the committee's recommendations as they appeared in each Commissioner's files.

Commissioner Greiner moved approval of the committee recommendation. Commissioner Browdy entered a second to the motion.

Commissioner Wiggins noted a typographical error on page 3 of the declaratory statement; section 7 needs to have 2004 as amended in 12/05 and 12/06 to identify the exact edition of the Code. He also noted two lines down after require, the letter "d" needs to be added.

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

DCA07-DEC-067 by Joseph R. Hetzel, PE, DASMA

Mr. Aimsforth explained the issues presented in the petition for declaratory statement and the committee's recommendations as they appeared in each Commissioner's files.

Commissioner Gross moved approval of the committee recommendation. Commissioner Wiggins entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

DCA07-DEC-078 by Siegfried W. Valentin, AAMA

Mr. Aimsforth explained the issues presented in the petition for declaratory statement and the committee's recommendations as they appeared in each Commissioner's files.

Commissioner D'Andrea moved approval of the committee recommendation. Commissioner Wiggins entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

DCA07-DEC-080 by Mike Pella, PE, Kamm Consulting, Inc.

Mr. Bogle explained the issues presented in the petition for declaratory statement and the committee's recommendations as they appeared in each Commissioner's files.

Commissioner Wiggins referenced the first question in the declaratory statement stating the question did not seem to be a technical question. He stated it was more of a subjective statement and was uncertain that it qualifies to be answered under this forum.

Mr. Richmond suggested the first question be answered the same manner the third question was answered, if there was a recommendation to do so. He stated this was also noticed by the committee and the Commission.

Commissioner Bassett noted an incorrect reference concerning the Building Volume stating the reference should be for the Mechanical Volume.

Commissioner Griffin expressed concern with the wording of the statement in terms of the words damper and detector.

Chairman Rodriguez clarified wherever it says detector it should say damper.

Commissioner Bahadori offered comment stating the new Code will satisfy the issues discussed providing exemption for group R, as well as group B.

Commissioner Gross moved approval of the committee recommendation as amended. Commissioner Wiggins entered a second to the motion.

Commissioner Bassett stated there was a problem where the exemption dropped out, accidentally by ICC and the new 2007 brings it back in. He then stated it was a question of whether the two occupancies are treated the same way. He further stated he did not feel the amendment of striking or changing the first answer is correct. He stated it should be left there and the two occupancies should be treated the same in this case. He indicated he would be voting against the motion.

Mr. Richmond responded stating the issue is subject to the Commission's determination. He explained the answer given was not that they should be treated the same, but may be treated the same subject to the determination of the building officials under alternate methods and materials. He stated this is covered in question 2, which may be sufficient to resolve the issue.

Pete Quentila, Miami-Dade Office of Building Code Compliance

Mr. Quentila stated Commissioner Bassett was correct with the intent of the TAC. He stated the exchange which is going to be effective and is already effective

under the International Code. He further stated the TAC took into consideration an alternate use of sprinklers in place of the smoke dampers, which are required by Code at present. He explained R occupancy and B occupancy are both high rise but both have a similar application.

Commissioner Wiggins stated the question is from the petitioner and the Commission cannot change the question.

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

First Hearings:

DCA07-DEC-060 by Emil Veksenfeld, PE

Mr. Richmond stated the disposition of this case by dismissal.

DCA07-DEC-081 by William A. Gates

Mr. Richmond stated this is an issue for the Board of Rules and Appeals through the appellate process and opposed to a declaratory statement. The petition was dismissed.

DCA07-DEC-085 by Walter A. Tillit, Jr., PE, TilTeco Inc.

Mr. Richmond the petition was deferred to allow the applicant time to provide specific facts and circumstances.

DCA07-DEC-096 by Richard C. Bliss, VP, The Landing Group of Tampa, Inc.

Mr. Richmond stated the issue is not within the Commission's jurisdiction and was dismissed. He stated no action from the Commission was necessary.

DCA07-DEC-105 by Leonard Devine, Palm Beach County Building Department

Mr. Richmond explained the issues presented in the petition for declaratory statement and the committee's recommendations as they appeared in each Commissioner's files.

Commissioner Greiner moved approval of the committee recommendation. Commissioner McCombs entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

CONSIDER COMMITTEE REPORTS AND RECOMMENDATIONS:

Accessibility TAC

Commissioner Gross presented the report of the Accessibility TAC. (See *Accessibility TAC Minutes June 25, 2007*).

Commissioner Greiner moved approval to accept the report. Commissioner Browdy entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Electrical TAC

Commissioner McCombs presented the report of the Electrical TAC. (See *Electrical TAC Minutes June 26, 2007*).

Commissioner Browdy moved approval to accept the report. Commissioner D'Andrea entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Energy TAC

Commissioner Greiner presented the report of the Energy TAC. (See *Energy TAC Minutes June 26, 2007*)

Commissioner D'Andrea moved approval to accept the report. Commissioner McCombs entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Fire TAC

Commissioner D' Andrea presented the report of the Fire TAC (See *Fire TAC Minutes June 26, 2007*).

Commissioner D'Andrea moved approval to accept the report. Commissioner Browdy entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Mechanical TAC

Commissioner Bassett presented the report of the Mechanical TAC. (See *Mechanical TAC Meeting Minutes June 26, 2007*)

Commissioner Bassett moved approval to accept the report. Commissioner D'Andrea entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Roofing TAC

Commissioner Schulte presented the report of the Roofing TAC. (See *Roofing TAC Meeting Minutes June 25, 2007*).

Commissioner D'Andrea moved approval to accept the report. Commissioner Carson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Special Occupancy TAC

Commissioner Hamrick presented the report of the Special Occupancy TAC. (See *Special Occupancy TAC Meeting Minutes June 20, 2007*).

Commissioner D'Andrea moved approval to accept the report. Commissioner McCombs entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Structural TAC

Commissioner Kim presented the report of the Structural TAC. (See *Structural TAC Meeting Minutes June 25, 2007*).

Commissioner D'Andrea moved approval to accept the report. Commissioner Bassett entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Education POC

Chairman Browdy presented the report of the Education POC. (See *Education POC Meeting Minutes June 26, 2007*).

Senate Bill 2836

Commissioner Browdy stated the committee reviewed the language for the purpose of fulfilling the requirement of the recently passed SB 2836, the Florida Building Code Compliance and Mitigation Program. He further stated the committee reviewed the scoping of the RFP developed by staff and made a number of recommendations. He requested Commission action to approve the following recommendation:

- 1) Task 3 – Insert the words “cause to be developed”
Add “specific to the Florida Building Code”
- 2) List all qualifications that are stated within SB 2836 and the scoping.
- 3) Task 7 – Insert the word “education in course development”.
- 4) Task 3 – any course relating to the state of Florida Building Code.

Mr. Dixon recommended rephrasing the motion to emphasize it was a recommendation from the department.

Commissioner Browdy restated the motion would include the Commission’s recommendations to the department.

Commissioner Greiner asked who was intended to serve on the committee.

Commissioner Browdy responded stating the first task dealt with the scoping of the entire program. He quoted “*The contractor shall convene quarterly workgroups comprised of representatives from the department, Florida Building Commission, Building Officials Associations and the Design Construction Industries to provide input and recommendations to the department and the Commission. The workgroup will report to the department and the Commission the recommended allocations to address the statutory requirements contained in 553.841 Florida Statutes*”. He stated the recommendation of the POC was to state the actual languages contained in the Senate Bill to make certain the qualifications of the contractor were precisely tracking the statute.

Commissioner Greiner stated he wanted to make sure that BOAF was a part of that group.

Commissioner Browdy responded BOAF is not only statutory language but are part of the scoping.

Commissioner Greiner moved approval of the committee recommendation. Commissioner Carson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Commissioner Browdy then asked for the Commission’s approval of the following courses:

Required Advanced Code 233, Palm Construction School, JDB Code Services... Approved 5/14/07

Advanced Building Structural Summary 135.1, Technical Knowledge, BCICLLC...Approved 6/1/07.

Commissioner McCombs moved approval of the committee recommendation. Commissioner Carson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Commissioner D'Andrea moved approval to accept the report. Commissioner Greiner entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Product Approval/Prototype Buildings/Manufactured Buildings POC

Commissioner Carson presented the report of the Product Approval/Prototype Buildings/Manufactured Buildings POC. (See *Product Approval/Prototype Buildings/Manufactured Buildings POC Meeting Minutes June 26, 2007*)

Commissioner D'Andrea moved approval to accept the report. Commissioner Browdy entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

RULE ADOPTION HEARING ON RULE 9B-3.004, FLORIDA BUILDING COMMISSION

Chairman Rodriguez explained Rule 9B-3.004 is the rule regarding the Commission's organization and operations. He stated during the December 2006 meeting an Ad Hoc Committee of commissioners, committee organizations met to review committee organizations and process issues including considering alternate members for TAC's and workgroups. He then stated the Ad Hoc committee developed the package consent recommendations regarding alternate members, which the Commission unanimously adopted. He further stated during the March meeting the Commission conducted a rule development workshop and the hearing is the final step in the process to implement by rule the Commission's policy on alternate members for workgroups and TACs. Chairman Rodriguez stated the rule formalizes the Commission's use of workgroups and provides Commission members of TACS and workgroups opportunity to recommend alternate members to participate and vote in their absence. He then stated the Commission unanimously adopted the detailed policy and requirements on the process of implementation during the December 2006 meeting. He then directed the Commission to Mr. Richmond who served as hearing officer.

Mr. Richmond opened the rule adoption hearing.

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

Mr. Richmond closed the hearing.

Chairman Rodriguez opened for Commissioner comments or discussion. No Commissioners offered comment.

Commissioner D'Andrea moved approval to proceed with rule adoption 9B-3.004. Commissioner Browdy entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Mr. Blair then noted an omission during Commissioner Carson's report.

Commissioner apologized for the oversight. He stated the POC recommended to the Commission a workgroup consisting of all concerned parties be convened in order to reach consensus on Gonzales' issue, which has been raised during the last four meetings.

Mr. Blair explained Commissioner Gonzales had requested convening a workgroup of stakeholders to consider the issue of association product approvals.

Commissioner Carson moved approval of the committee recommendation. Commissioner Kim entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

RULE ADOPTION HEARING ON RULE 9B-3.050, FLORIDA BUILDING COMMISSION

Chairman Rodriguez stated Rule 9B-3.50 is the rule for statewide amendments to the Code. He stated in 2006 the Code Amendment Process Review Workgroup delivered consensus recommendations to the Committee Organization and Process Ad Hoc committee regarding proposed limitations for annual interim amendments to the Florida Building Code. He then stated the Commission received and unanimously adopted recommendation during the December 2006 meeting. He further stated during the March meeting the Commission conducted a rule-development workshop and the hearing is the final step in the process to implement by rule the Commission's policy for annual interim amendments to restricting annual amendments to Commission interpretation, emergency issues, updating reference standards, consistency with federal and state laws, rules and regulations and coordination with the Florida Fire prevention Code. He then directed the Commission to Mr. Richmond who would serve as hearing officer.

Mr. Richmond opened the rule adoption hearing.

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

Commissioner Greiner moved approval of the committee recommendation. Commissioner D'Andrea entered a second to the motion.

Commissioner Browdy asked if the rule relates only to Code issues or does it relate to issues affecting rule-making.

Mr. Richmond stated the rule applies to Code only.

Commissioner Bassett requested a space on the form for the proponent to indicate how he meets the criteria.

Mr. Richmond offered clarification stating in order to amend the form, it requires rule-making. He stated there had been no public comment during the hearing process, therefore proceeding with the Notice of Change. He then stated it could be done with subsequent rulemaking.

Commissioner Bassett stated his concern was if something was submitted and it does not get the chance to debate staff's decision it doesn't apply.

Mr. Richmond stated there would be an opportunity to be heard at a public meeting.

Vote to approve the committee's recommendation. Vote to approve the motion was unanimous. Motion carried.

RULE ADOPTION HEARING ON RULE 9B-7, FLORIDA ACCESSIBILITY CODE

Chairman Rodriguez explained the rule development effort is being conducted in order to implement the Accessibility TAC's recommendations to the Commission regarding updating the accessibility waiver application form and integrate the parking standards moved from the D.O.T. Statute to the Accessibility Code Statute into the Florida Accessibility Code for building construction. He stated the Florida Accessibility Code is not amended under the same procedures as the rest of the Florida Building Code, which follows the processes required by Chapter 553.73 Florida Statute. He further stated the Florida Accessibility Code is amended through the Accessibility Code Statute and then it goes into the Accessibility Code Rule, which by Florida Law, the Florida Building Code is then deemed amended. He then stated, in addition, by law the Commission can only amend the Accessibility

Code to adopt new additions of the Federal ADA Accessibility Guidelines or to integrate accessibility requirements placed in Florida Law. He stated in March 2007 the Commission conducted a rule development workshop and the hearing is the final step in the process to implement by rule Accessibility amendments. He then directed the Commission to Mr. Richmond who served as hearing officer.

Mr. Richmond opened the rule adoption hearing. He explained a rule section pertaining to the accessibility form, the waiver form, was omitted from the notice, therefore it was not appropriately noticed for this hearing. He stated it was an element of the workshop held and it was an element of the TAC's recommendation. He asked for the opportunity to renote this and hold a supplemental rule adoption hearing in August.

Larry Schneider, AIA of Florida

Mr. Schneider stated his belief was there may be an error in the reference in what is to be deleted under section 11-4.7.3, the exception of curb ramps. He offered it should really state section 11-4.8.3. He stated the statute reads about all curb ramps and the correction that was to be made is dealing with ramps. He stated since legal has requested the hearing be done in August this correction could be included with that.

Chairman Rodriguez called for a motion to conduct supplemental hearing in August.

Commissioner D' Andrea moved approval to hold a rule supplemental rule adoption hearing in August on Rule 9B-7.003, the Accessibility Waiver Application form. Commissioner Carson entered a second to the motion.

Mr. Richmond offered a point of clarification stating the Commission would review the issue presented by Mr. Schneider.

Vote to approve the motion was unanimous. Motion carried.

RULE ADOPTION HEARING ON RULE 9B-72, PRODUCT APPROVAL

NPRM_9b72

New Rule

Check List for Test Report

Check List for Certification

Check List for Evaluation Report from Architect or Engineer

Check List for Evaluation Report from and Evaluation Entity

Chairman Rodriguez stated the Product Approval Validation Work Group worked for over one year to develop a consensus package of recommendations regarding the validation requirements of the Product Approval Rule. He stated the workgroup concluded their work in June 2006 and the Commission reviewed the recommendations during the fall of 2006. He further stated the Commission Product Approval POC held a special meeting on January 24, 2007 to review the proposed changes to provide the POC's recommendation to the Commission. He stated the POC met again on February 5, 2007 to review and recommend to the Commission additional revisions proposed by staff, which the Commission adopted during a February rule development workshop. He then stated in addition the Commission conducted a supplemental rule development workshop at the May meeting and adopted additional Product Approval POC recommendations for revisions to the rule including the integration of the window labeling workgroup's consensus recommendations for requirements for installation instructions submittals for product approval applications. He further stated the POC met June 24, 2007 and submitted recommendations for the Commission regarding the process for validators. He then directed the Commission to Mr. Richmond who served as hearing officer.

Mr. Richmond opened the rule adoption hearing.

Commissioner Carson stated the POC recommended holding an additional supplemental rule adoption hearing regarding a disciplinary process for negligent validators.

Jaime Gascon, Miami-Dade County Office of Code Compliance

Mr. Gascon offered editorial comments on the current draft including: 1) under 9B-72.070(4) section 4 "*requiring illustrated diagrams of the attachment of the product structure*", but should be "to" the product structure that the installation instructions are needed on. 2) 9B-72.070(5) section 4 the same correction 3) 9B-72.080 the administrative validation in the last line of the paragraph the existing language reads "*it shall be performed by an approved validation entities through*" just correlate the verb there. He stated further in the document (b)(c) "*technical validation of a installation instructions*". He then stated these could be caught as they are inserted into the rule. He concluded his comments stating he looked forward to continuing to participate in the development and refinement of this rule.

Mr. Richmond then requested the Commission to accept as part of the record, Senate Bill 2836 which has been signed into law contained the new authority for the Commission to develop this schedule of disciplinary measures to be taken against validators.

Mr. Madani requested staff be authorized to change form 9B-72.130 to reference more than one form.

Mr. Richmond closed the hearing.

Chairman Rodriguez called for a motion to conduct a supplementary hearing regarding disciplinary process for validators at the August 2007 meeting.

Commissioner D'Andrea moved approval of the motion as stated. Commissioner Wiggins entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

RULE DEVELOPMENT WORKSHOP ON RULE 9B-74, PROTOTYPE BUILDING

Chairman Rodriguez stated during the May meeting the Commission voted to conduct a rule development workshop on prototype buildings to decide how to deal with the program not having an administrator after June 20, 2007. He stated one of the options discussed was to repeal the program. He then stated at the Commission's direction an RFP was issued and there was one respondent, whose proposal was non-responsive. He further stated there would not be an administrator as of July 1, 2007 and the Commission must decide what to do with the program during this rule development workshop. He stated before the Commission discusses this issue, public comment will be heard on the status of the program. He then stated the POC met Sunday and has recommendations for the Commission. He then directed the Commission to Mr. Richmond who served as hearing officer.

Mr. Richmond opened the hearing.

Commissioner Carson stated an RFP was issued and there was no proper response. He then stated the POC recommends Rule 9B-74 Prototype Buildings Program be repealed at this time.

Chairman Rodriguez opened for public comment and discussion from the Commission.

Mr. Richmond closed the hearing.

Mr. Richmond stated a motion would be necessary to proceed with rule adoption providing for the repeal of the Rule 9B-74.

Commissioner D'Andrea moved approval of the motion as stated. Commissioner Greiner entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Hurricane Advisory Committee

Mr. Blair presented the report of the Hurricane Advisory Committee.

Commissioner D'Andrea moved approval to accept the report. Commissioner Wiggins entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

RECESS

Wednesday, June 27, 2007

The meeting of the Florida Building Commission was called to order by Chairman Raul Rodriguez at 8:30 a.m. on Wednesday, June 27, 2007, at the Don Shula Hotel, Miami Lakes, Florida.

COMMISSIONERS PRESENT:

Raul L. Rodriguez, AIA, Chairman
Nicholas D'Andrea, Vice Chairman
Richard Browdy
Peter Tagliarini
Gary Griffin
Christ Sanidas*
James Goodloe
Herminio Gonzalez
Hamid Bahadori
Gary Griffin
Randall J. Vann
Jeffrey Gross
Chris Schulte
William Norkunas
Dale Greiner
Paul D. Kidwell
Do Y. Kim

Joseph "Ed" Carson
Jon Hamrick
Steven C. Bassett
Nanette Dean
Michael McCombs
George Wiggins
Craig Parrino, Adjunct Member

COMMISSIONERS ABSENT:

Doug Murdock, Adjunct Member

OTHERS PRESENT:

Rick Dixon, FBC Executive Director
Ila Jones, DCA Prog. Administrator
Jim Richmond, DCA Legal Advisor
Jeff Blair, FCRC
Mo Madani, Technical Srvs Manager

CHAIR'S DISCUSSION ISSUES AND RECOMMENDATIONS

Chairman Rodriguez first addressed TAC/ Workgroup appointments. He stated Barbara Page had been appointed to the Accessibility TAC, replacing Peggy Greenwell. He then stated for the Electrical TAC David Rice would be replacing Larry Smith. He thanked those who have served and welcomed those who have accepted responsibility of serving.

Chairman Rodriguez next addressed the funding for phase three of the Windborne Debris Studies. He stated at the end of phase one the consultant identified the need to research the windborne debris requirements for all of the state of Florida and not just the panhandle to determine if enhanced protections may be necessary in other areas of the state. He then stated the Legislature had appropriated the Commission spending authority for \$250, 000.00 in research. He stated it has been recommended the Commission vote to authorize a contract to the University of Florida and ARA in the amount of \$250,000.00 to conduct a review of windborne requirements for the entire state of Florida. He explained this would represent phase three of this study.

Chairman Rodriguez called for a motion to contract with the University of Florida and ARA in the amount of \$250,000.00 to research and to develop recommendations for enhanced windborne debris protection requirements for the state of Florida.

Commissioner Carson moved approval of the motion as stated. Commissioner Greiner entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Chairman Rodriguez next addressed Code Administration Assessment. He informed the Commission Mr. Blair had been working on a project regarding assessing the code administration needs of local governments and considering measures to improve the uniform and effective enforcement of the Code. He stated this is in the Commission's workplan identified as task 13. He then stated the end result should be an assessment report with recommendations. He further stated to ensure the needs and views of the broadest possible spectrum of local jurisdictions are considered, Mr. Blair has designed an online survey. He stated Mr. Blair has indicated the project fits within the existing budget structure between the Commission and the DCA and no additional funds will be needed. He then stated in order to get a representative sample web-based survey will allow more building officials to provide input than through phone interviews which are lengthy and difficult to schedule. He assured the Commission responses would be from small, medium and large jurisdictions representing the various regions of the state. He noted the survey would be conducted under Florida Conflict Resolution website and Mr. Blair will keep the Commission updated on the assessment of its progress.

Chairman Rodriguez then stated the following three workshops had been requested by committees and stakeholders and would be conducted prior to the August meeting:

1) Mitigation Techniques – requested by structural and roofing TACs to review and refine draft rule language for Rule 9B-3.0475 which is for mitigation techniques to be implemented when roofs are replaced. He stated recommendations will be provided to the Florida Building Commission at the August meeting.

2) Carbon Monoxide Detectors - Rule 9B-3.0472 – requested by the Mechanical TAC to review and refine the draft language for implementing new statutory requirements from Senate Bill 1822. He stated recommendations will be provided to the Florida Building Commission at the August meeting.

3) Associations Product Approval – requested by the Product Approval POC.

Chairman Rodriguez explained for these three workshops draft language would begin at this meeting, but would not be debated. He stated there would be as much time as required during these workgroup meetings between now and the August meeting to debate these issues. He stated the workshops would be noticed in the FAW and open to all interested parties.

REVIEW AND UPDATE OF COMMISSION WORKPLAN

Mr. Dixon conducted a review of the updated Commission workplan. (See *Updated Commission Workplan June 2007*)

Commissioner Carson moved approval of the updated workplan. Commissioner Greiner entered a second to the motion.

Commissioner Norkunas offered clarification regarding Item #10 which deals with amending the Florida Accessibility Code stating it was not amended. He stated there were some concerns about amending it because the Department of Justice has approved it. He further stated it was explained to him that some language was being moved from Florida Statute into the Code. He then stated there were many who would like to amend sections of the Florida Accessibility Code, but some do not know how to proceed with those amendments because the Department of Justice is involved. He further stated the TAC would hear from those with disabilities who want substantive changes. He stated the chair is knowledgeable and brings it to the members' attention when certain things cannot be done and the reason why. He asked on behalf of the disabled population of Florida to find a way this can be done.

Chairman Rodriguez asked Mr. Richmond if there were a way to fulfill the request.

Mr. Richmond responded stating the alternatives could be investigated and The Department of Justice could be contacted to determine if there is an available alternative.

Chairman Rodriguez asked if there could be report to the Commission on this in August.

Mr. Richmond responded yes.

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

RULE DEVELOPMENT WORKSHOP ON RULE 9B-3.0472, CARBON MONOXIDE DETECTORS

Chairman Rodriguez reminded the Commission the workshop was an opening of the rule development and there would be another workshop between this meeting and the meeting in August. He stated there would be no need to have a lengthy debate on the issues during the current meeting. He then stated the Florida Building Commission would be adopting draft language to begin discussions. He stated during the May 2007 meeting the Commission voted to conduct a rule development workshop on carbon monoxide detectors in order to implement the 2007 legislative direction regarding this issue. He then stated the Mechanical TAC met yesterday and has recommendations to the Commission for draft rule language. He then directed the Commission to Mr. Richmond who served as hearing officer.

Mr. Richmond opened the rule development workshop referencing 2007-181 Laws of Florida, also known as SB 1822, which provided the Commission authority to adopt the rule.

Commissioner Bassett stated the TAC composed 3 paragraphs which defined: 1) where the detectors should be installed, which is what the Legislature dictated, 2) the power source of the detectors; and 3) the combination smoke and carbon monoxide alarms could be used. He stated these three items affect NFPA72 and the workshop goal was to determine which paragraphs of NFPA72 needed to be modified with the Florida specifics. He also stated the TAC has clarified definitions for carbon monoxide alarm and fossil fuel as dictated by the Legislature and have put them into the language which is appropriate for the Code. He further stated the TAC recommended while modifying the Electrical Section, Chapter 27 of the Building Code, in other areas such as the Mechanical Residential a paragraph

should be inserted referencing the Electrical Code to avoid it being overlooked in the design.

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

Mr. Richmond closed the workshop.

Mr. Blair called for a motion to adopt the draft language subject to revisions that occur during the public workshop and proceed with rule adoption.

Commissioner McCombs moved approval of the motion as stated. Commissioner D'Andrea entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

RULE DEVELOPMENT WORKSHOP ON RULE 9B-3.0475, WIND MITIGATION RETROFITS

Chairman Rodriguez reminded the Commission there is another opening of a rule development workshop and there will be another meeting prior to the August meeting. He stated at the May 2007 meeting the Commission voted to conduct a rule development workshop on Wind Mitigation Retrofits to implement the 2007 legislative direction regarding this issue. He stated the Structural and Roofing TACs met yesterday and have recommendations for draft rule language. He then directed the Commission to Mr. Richmond who served as hearing officer.

Mr. Richmond opened the rule development workshop referencing 2007-126, Laws of Florida, also known as HB 7057, Section 5, which provided the Commission authority and responsibility to adopt the rules to be considered.

Commissioner Schulte explained there was lengthy discussion regarding the language presented and many of the members were first given this language at the TAC meeting, which prevented the opportunity for a full review of all the information presented. He stated there was much discussion from the public and from the TAC as well. He then stated once the discussions began the means and methods of how to accomplish what the legislature is trying to accomplish; there were many questions and concerns from the industry regarding this, which is why the workshop was requested.

Commissioner Kim stated the Structural TAC met to review the proposed Code language pursuant to this bill. He echoed Commissioner Schulte's concerns which prompted the small workshop request.

Mr. Dixon stated the feedback received from both the Structural TAC and the Roofing TAC will be integrated into a draft document which needs to be filed prior to the next workshop in order to meet the August timeline for the rule adoption hearing so the statutory requirement can be met by October 1st. He then stated the outcome of the workshop will have proposed amendments to the draft language presented at the rule adoption hearing at the August meeting.

Chairman Rodriguez called for public comment.

Joe Belcher, JDB Code Services, Representing Aluminum Assoc of Florida

Mr. Belcher stated the issue has come up rather suddenly and the aluminum association thought it could get involved with the mitigation techniques the Commission will be developing. He asked if there were a way to go back on existing enclosures and carports. He stated the aluminum association would like to be involved with the group if possible.

Mr. Dixon interjected the workshop is for all, not a specific group.

Cam Fentriss, Florida Roofing, Sheet Metal & Air Conditioning Contractors

Ms. Fentriss stated she would like to echo the request for a small workshop on the mitigation issue. She also thanked Commissioners Kim and Schulte for making the request.

Mark Zehnal, Miami-Dade Office of Building Code Compliance

Mr. Zehnal offered comment stating his association was not comfortable with the initial language and wanted the record to reflect they have met the mitigation requirements through the HVHZ.

Mr. Dixon added the information through the workshop would come back for a vote on the final draft at the next meeting.

Mr. Zehnal asked if there would be an opportunity to revise current language.

Mr. Dixon stated a draft would be required for the rule adoption hearing, and it has to be noticed 21 days prior to the adoption hearing. He then stated the state would take about 10 days prior to the 21 days for printing the notice in the FAW. He stated that means the language actually has to be prepared a month before the hearing can be held. He further stated the Commission would start with a draft and it is understood the draft will be changed base on the rule adoption hearing in August.

Mr. Richmond closed the rule development workshop.

Mr. Blair called for a motion to adopt the draft as provided by staff review incorporating TACs comments subject to the public workshop and proceed with rule adoption for Rule 9B-3.0475.

Commissioner Carson moved approval of the motion as stated. Commissioner Greiner entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

RULE DEVELOPMENT WORKSHOP ON RULE 9B-3.0477, ELECTRICAL BONDING OF POOL DECKS

Chairman Rodriguez stated at the May 2007 the Commission voted to conduct a rule development workshop on electrical bonding of pool decks in order to implement the 2007 Legislative direction regarding this issue. He then stated the Electrical TAC met yesterday and recommendations for draft rule language will be available to the Commission. He then directed the Commission to Mr. Richmond who served as hearing officer.

Mr. Richmond opened the rule development workshop referencing 2007-187, Laws of Florida, also known as SB 2836, Section 1, which charged the Commission with reviewing the requirements in the National Electrical Code pertaining to pool bonding.

Commissioner McCombs stated the recommendation from the TAC was to accept the 2008 version of the National Electrical Code regarding sections 680.26 which allows the single number bond wire as an alternate method.

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

Mr. Richmond closed the ruled development workshop.

Mr. Blair called for a motion to adopt the draft as provided by the Electrical TAC and proceed with rule adoption of Rule 9B-3.0477.

Commissioner Carson moved approval of the motion as stated. Commissioner D'Andrea entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

RULE DEVELOPMENT WORKSHOP ON RULE 9B-3.047, FLORIDA BUILDING CODE

Chairman Rodriguez stated before opening the workshop he wanted to acknowledge Mo Madani and staff, Ann Stanton, Bruce Ketchum, Betty Stevens and

Joe Bigelow for all of their hard work. He then stated it is the first step in the Commission's consideration of proposed modifications for the 2007 update of the Florida Building Code. He stated the proposed modifications under consideration represent the TAC's recommendations of proposed modifications to the Code. He further stated the TAC's have comments regarding public comments that were submitted to the TACs as recommendations. He then stated the workshop represents the first time the Commission has had the benefit of the TAC's review of comments on their recommendations for proposed modifications to the Florida Building Code, which should enhance the efficacy of the Commission's consideration of proposed modifications and comments on the modifications. He explained members of the public who wish to comment on the TAC's recommendations should be prepared to offer compelling reasons why the Commission should reverse or change the technical expert's recommendations on proposed modifications. He stated while public comment is welcome, the Commission relies on experts and those experts are usually in the TACs.

Mr. Blair conducted an overview of the process in terms of presenting TAC recommendations, consent agendas, and the proper way to proceed with motions, seconds and votes.

Commissioner Schulte asked if a modification should be pulled if it was presented to the TAC however did change the language.

Mr. Blair responded the modification would require further consideration and should be pulled, if it alters the language even slightly.

Mr. Richmond opened the rule development workshop.

Mr. Blair called for a motion to approve the consent agendas of the modifications for approval of both assimilated as amended, across all technical advisories topical areas of the Code as recommended by TACs and as amended by the Commission, those pulled off, based on the following findings:

- a) The amendment has a reasonable and substantial connection to the health, safety and welfare of the general public
- b) The amendment does not degrade the effectiveness of the Code, neither strengthens or improves the Code and provides for innovation of new technology by allowing equivalent or better products methods or systems of construction.
- c) The amendment does not discriminate against products, methods, or systems of construction of demonstrated capabilities.
- d) The amendment has the following fiscal impact:

1) The fiscal impact of enforcement opposed upon local governments is as indicated by the TAC's review.

2) The fiscal impact of compliance imposed upon property and building owners is as indicated by the TAC's review

3) The fiscal impact of compliance imposed upon industry is as indicated by the TAC's review.

e) The amendment's benefits noted with regard to fiscal impact and efficacy outweigh the costs imposed.

f) The amendment addresses a Florida specific need.

g) The amendment does not diminish requirements related to the wind resistance or prevention of water intrusion contained in the Code or its referenced standards and criteria.

Commissioner Greiner moved approval of the motion as stated. Commissioner D'Andrea entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Mr. Blair then called for a motion to approve the consent agendas against approval, those with no affirmative recommendation, those that did not receive a second and those withdrawn as recommended by the TACs and as amended by the Commission based on the findings described in A-G as previously stated.

Commissioner Browdy moved approval of the motion as stated. Commissioner D'Andrea entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Mr. Blair called for a motion to approve each modification pulled off the consent agenda of TAC's recommendations for individual consideration based on the findings described in A-G as previously stated.

Commissioner Browdy moved approval of the motion as stated. Commissioner D'Andrea entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Commissioner Greiner asked if there was supposed to be no second on the approval against.

Mr. Blair responded stating this was a standing motion. He explained there would be no second when the time comes.

Mr. Blair then called for a motion to approve the consent agenda of staff's recommendations regarding correlation issues and integration of Florida-specific modifications for the 2007 Code update across all technical Code areas.

Commissioner Browdy moved approval of the motion as stated.
Commissioner D'Andrea entered a second to the motion.

Commissioner Bassett asked if there was a comment on the staff recommendation that should be pulled and discussed individually.

Mr. Blair responded stating if a Commissioner wished to discuss a recommendation; it should be pulled off the agenda to be discussed individually.

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

Mr. Blair presented the Code Amendments as presented:

Code Administration

Recommended for Approval

Modification #'s: 2685; 2684; 2076.

Commissioner Browdy entered a second to approve the consent agenda.
Vote to approve the motion was unanimous. Motion carried.

Recommended Against Approval

Modification #'s: 2253; 2637; 2224; 2225; 2172; 2202; 2254; 2203; 2222;
2204; 2223.

No second. Motion died due to lack of second.

Recommended for Additional Consideration

Mr. Blair asked Mr. Madani if this was a staff correlation.

Mr. Madani explained it was not a staff correlation. He stated it is a change staff is requesting to make the Code consistent with the declaratory statements as currently issued by the Commission. He explained it has to do with removing language that is in conflict with language in the Florida Statute 471.

Commissioner Greiner moved approval of the motion. Commissioner Carson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Electrical

Recommended for Approval

There were no recommended approvals.

Recommended Against Approval

No second. Motion died for lack of second.

Energy

Recommended for Approval

Modification #s: 2485; 2325; 2726; 2367; 2248; 2247; 2364; 2650; 2328; 2727; 2324; 2319; 2323; 2728; 2329; 2147; 2327.

Rob Vieira, Florida Solar Energy Center, University of Central Florida

Mr. Vieira requested modification #s 2319, 2329, and 2327 be removed from the consent agenda.

Commissioner Greiner requested modification #s 2324 and 2325 be removed from the consent agenda.

Commissioner Browdy moved approval of consent agenda as amended. Commissioner D'Andrea entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

2325

Commissioner Greiner stated the TAC advised comment 2 enhances the Code and changes the modification accordingly.

Mr. Blair clarified motion is to approve 2325 as revised with comment 2.

Commissioner McCombs moved approval of motion as stated. Commissioner Browdy entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

2324

Commissioner Greiner stated the TAC advised that comment 5 enhances the modification and requested approval.

Mr. Blair clarified motion is to approve 2324 as revised with comment

Commissioner Browdy moved approval of motion as stated. Commissioner McCombs entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Rob Vieira, Florida Solar Energy Center, University of Central Florida

2319

Mr. Vieira explained all three modifications have the same change recommendation. He stated there is usually a version number in the Code for software and usually when patches are made for software, although it may not change the Code at all, there is a link to a help file, a spelling mistake. He then stated Vista comes out and the software has to work with it. He further stated all of these require patches which lead to the increase of a version number. He explained when a version number is placed within the Code with a specific number it has to be incremented for people to download...

Mr. Blair interrupted Mr. Vieira requesting clarification concerning which comment is he speaking in favor of.

Mr. Vieira recommended a change that would eliminate the version number and just list the program as Energy Gauged Summit Lock on Summer 2007.

Mr. Madani stated the comments were new comments, not previously submitted.

Mr. Richmond offered clarification stating the Commission has to adopt a particular item in this rule. He explained it cannot be subject to being changed, altered or modified without action by the Commission, which is the entire nature of the Code. He stated a specific edition number or year number as a specific identifier for the particular item is being adopted into the Code. He further stated the Commission does not have the option to approve a general product subject to changes without action by the Commission.

Mr. Vieira stated he understood. He then stated it was a matter of name and he suggested the name be Energy Gauged Summit Lock on Summer 2007, which would be consistent with the Code. He noted the same suggestion is consistent

throughout the three modifications he had pulled from the consent agenda. He suggested a strong cross out of version 4.

Mr. Blair asked if anyone one else from the public wished to speak in favor of the modification.

Mr. Blair then asked Mr. Vieira if the modification was consistent for modification #'s 2319, 2329, and 2327.

Mr. Vieira responded the language applies to the two software programs, FlaCom and FlaRes.

Mr. Blair asked if anyone one else from the public wished to speak in favor of or against the modification.

Jack Glenn, Florida Builders Association

Mr. Glenn stated his concern was if the 2007 Code were a lockdown document then referencing the edition alone would be satisfactory, but if the version number is the key to making not only editorial but substantive changes to the document while maintaining it as a 2007 Code, the statement Mr. Richmond made is correct. He explained the software would be changing without the Commission's approval simply by not changing the year edition but changing the version. He further stated if it were purely editorial changes such as patching the correct spelling errors it would be different. He reiterated any changes made changes the version number but not necessarily the edition. He offered the example of Windows 98 being nothing as it was when it was first introduced, even though it was still referred to as Windows 98. He explained the importance of the version number be referenced, if not in the body of the Code, at least in the reference Chapter 35 in the Building Code and Chapter 43 in the Residential Volume.

Mr. Vieira asked if the software does not work because of Windows, Vista II comes out and a patch is needed, the version number has to change what is the solution. He stated the goal is to keep the energy calculation exactly the same but be able to make patches to make this work.

Commissioner Greiner offered comment stating the process of the modification change is important. He stated he understood Mr. Glenn's concern that there could be other changes made in this software that could conflict with requirements of the Code. He stated since FlaCom creates software that functions with the Code, he was not sure if it would make any sense for them to change it so it would not match the Code. He further stated FlaCom needed to have the ability to change the version as long as the context of the electronics does what the Code is requiring. He added he did not see any advantage for it to be done any other way.

Chairman Rodriguez asked for clarification if Commissioner Greiner was in favor of the motion.

Commissioner Greiner responded he was in favor of the motion.

Mr. Madani stated the software contains more than just the Energy Code calculation.

Mr. Vieira responded stating they have versions of the same software. He explained an engineer who wants to comply with I.R.S. tax credit can use the same piece of software if they so choose.

Commissioner Wiggins asked Mr. Vieira by implementing the version into the Code would he be affirmatively telling the Commission between now and the next update of the Code by having the ability to state the version there would be no substantive changes or any change in any of the Code requirements relating to the Energy Code.

Mr. Vieira responded stating the energy calculation would be the same.

Commissioner Wiggins asked by having the version there would be no substantive change in the Code.

Mr. Vieira responded there would be no substantive change in the Code.

Mr. Richmond offered additional clarification stating if the matter was ever disputed a Court would rule essentially the version which was in existence on the date the Commission finally adopts the Code is the version in effect by the Code. He stated if there were any changes and they were disputed it would revert back to whatever was in existence on the date of adoption. He further stated substantive changes would not be recognized as being within the boundaries of the Code.

Commissioner Greiner concurred then stated if the information is provided in the Code and solar energy has to change that for some reason it would become a stumbling block for the building departments because the version out there in the Code is not the one working.

Mr. Richmond then stated this is the same as any standard the Commission adopts into the Code. He explained although the National Electrical Code may be updated, it would not be in effect in Florida until the Commission acts on it. He stated it is because the Commission cannot delegate to change what has been adopted to anyone else, as the Legislation has given that power to the Commission alone. He further stated the Commission cannot tell anyone they can change what

the Commission has adopted and it will still be good. He reiterated the Commission does not have that power.

Commissioner Bassett stated this was slightly different than the National Electric Code because this program is something engineers use every day. He stated the calculation is more of a tool than a Code. He then stated it would seem a tool must be kept up to date, not the Code. He further stated if the tool revision would make it more compatible or accurate with regard to the Code in effect it would be a good change and should be able to be used. He added he would be willing to go along with the fact if it goes to court and someone says it is the version of whatever day it is, it will be that way when it gets to court. He stated he would not want to prevent the Solar Energy Center from being able to modify and correct mistakes in the computer program, the tool, and not be able to let it out to the public.

Mr. Blair stated there was a standing motion and someone would need to either enter a second to approve it as recommended by the TAC or approve it as amended by comment received.

Commissioner Greiner stated he had additional comments regarding these modifications. He stated the TAC has indicated specific comments will enhance the modifications as it was and would appreciate approval of those items.

Commissioner Greiner seconded the motion to approve 2319 including the comment provided by Mr. Vieira.

Vote to approve the motion was unanimous. Motion carried.

Commissioner Greiner then entered a second to approve 2327, using comment 7, and 2329, using comment 2 as revised, 4 and 5, as revised, also including the comment provided by Mr. Vieira.

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

Recommended Against Approval

Modification #'s: 2725; 2349; 2556; 2443; 2448; 2615; 2453; 2653; 2623; 2624; 2617; 2618; 2362; 2366; 2616; 2363; 2326; 2450; 2613; 2614; 2657; 2350; 2447; 2451; 2452; 2551; 2552.

No second was entered. Motion died for lack of second.

Mr. Blair then stated there was a consistency issue which DCA staff has a recommendation for approval on Chapter 13.301(62.1)

Commissioner Browdy moved approval of staff amendment. Commissioner D'Andrea entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Fire

Recommended for Approval

Modification #'s: 2592; 2669; 2251; 2495; 2619.

Commissioner D'Andrea entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Recommended Against Approval

Modification #'s: 2655; 2667; 2229; 2357; 2605; 2629; 2630; 2603; 2354; 2013; 2356; 2670; 2255; 2668; 2004; 2024; 2696; 2338; 2148; 2149; 2611; 2355; 2011; 2604; 2652; 2298; 2003; 1977; 2146; 2183; 2151; 2152; 2492; 2153; 2221; 2062; 2234; 2228; 2053.

Commissioner D'Andrea requested removal of modification 2013 from the consent agenda.

Mr. Richmond offered comment stating as a result of Section 12, 2007-187, he would request 2151, 2152, 2153, and 2492 be pulled from the consent agenda for additional consideration.

No second was entered. Motion to approve the consent agenda against approval died for lack of second. All modifications except for the ones pulled deemed not approved.

2013

Commissioner D'Andrea stated the TAC voted to advise the Commission to accept comment 1 on that modification.

Commissioner Browdy moved approval to accept the TAC recommendation to accept the additional comment. Commissioner Greiner entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Commissioner Schulte asked if the vote changed the TAC's original vote because there was no affirmative recommendation. He clarified the vote was approval of recommendation submitted with the comment.

Mr. Blair stated it changed the TAC's original recommendation because the comment took care of the issue which needed to be addressed.

2151, 2152, 2153, 2492

Mr. Dixon stated the modifications did not receive a second at the TAC; however the Legislature has directed they be reconsidered. He then stated there was another bill, Senate Bill 404, that has been transmitted to the governor but has not been signed yet. That bill has a legislative solution that would be used for these modifications. He requested the Commission vote to continue with these 4 amendments and pending the governor's final action, the Commission would take the issue up at the August rule adoption hearing.

Commissioner D'Andrea stated the TAC should take no further action pending the outcome of the Senate Bill.

Mr. Dixon recommended the Commission vote to approve those amendments and take final action on them in August. He explained this was an exception to the procedure because there was no second at the TAC originally. He stated these amendments should not have come before the Commission, but the Legislature intervened stating the Commission must review the amendments again. He further stated the amendments should be kept alive until it is determined if SB 404 is signed and if it is signed, the language in SB 404 would be utilized for these amendments.

Commissioner Greiner expressed concerns regarding approving the modifications because if SB 404 was not signed it would be back to 2836 and the amendments have to be addressed.

Chairman Rodriguez stated the Commission understands the Legislature might be acting on these modifications, keeping them active, but not approve them.

Mr. Blair asked if they should be tabled until the next meeting.

Mr. Richmond stated tabling would not be appropriate; approving the modifications may not even be an appropriate action by the Commission at this time. He stated there is pending action on SB 404 and it was not one of the bills acted upon by this point. He then stated the deadline for action is tomorrow that would require some of these. He further stated these are repetitious and only two are necessary.

Mr. Madani stated, if SB 404 is not signed, he recommended the Commission provide staff authority to use the language in the 2006 International Code to resolve the issue and if it does pass the language of that bill would be used.

Mr. Richmond proposed integrating the requirements of SB 404 and if the bill is vetoed we can do a notice of proposed change coming out of the August meeting to integrate the provisions of the International Code if that is what is desired. He stated for those not aware, SB 404 addresses existing portions of warehouses to be expanded and states they need not be updated to meet current requirements if the existing portions are in compliance with 2001 Florida Building Code and the requirement for automatic sprinklers contained in Section 903 of the Florida Building Code.

Mr. Richmond then suggested a motion to integrate the affirmative statement within these four modifications as necessary.

Commissioner Greiner requested support from the TAC chair.

Commissioner D'Andrea expressed concern stating it was on the NAR consent agenda without a second. He stated if the TAC did not feel comfortable about it up front he would be reluctant to agree.

Mr. Richmond stated the language is different than some of the proposals. He then stated he was informed going through session the TAC did not second these based upon the mistaken impression they would already be addressed, suggesting they were unnecessary and what was proposed would be the state of the Code.

Commissioner Greiner stated he chaired that TAC and he believed the TAC felt as Mr. Richmond described.

Commissioner D'Andrea stated if the Commission was comfortable with it, he would be as well.

Commissioner Greiner moved approval for the motion as stated. Commissioner D'Andrea entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Bob Gerlinger, President of Central Modular Systems of Deland, Florida

Mr. Gerlinger requested modification # 2255 be removed from the consent agenda against approval. He stated his company manufactures modular apartment buildings and then use them to develop their own apartment projects. He stated prior to the adoption of the 2004 Florida Building Code the requirement for fire sprinklers did not apply to the type of building his company builds, one story apartment buildings, and it had to meet certain egress requirements. He then stated when the Building Code was adopted there was a change which required all

occupancies be sprinklered, whether five stories or one story. He noted it appeared as if that was part of the International Building Code which was brought in, but it did not appear to have been any special effort by any group to have that brought in. He explained his original recommendation for code modification took language directly from the NFP101, Section 30.3.5.2 which makes exceptions for one and two story buildings with certain egress attributes. He stated in order to keep it alive he entered a modification which applied to single story buildings since that is what his company builds. He stated his company develops in smaller markets underserved by the big builders and project sizes are small (60-100 units), maximum of eight units per building, single story, twelve foot at the highest point, no stairs or common areas, all exterior doors open directly to the outside, ground level, all heavy gauge steel framing, no attic, a commercial grade-A metal roof on all buildings, Hardi-board cement siding, four layers of joop? between every apartment with no penetrations, (extending from floor to the other side of roof) and the wall assembly is a minimum of one hour of assembly.

Mr. Gerlinger continued by stating he was formally with Cardinal and had built similar projects in the 70's and 80's. He explained those apartments were wood frame, wood sided and conventionally roofed, but otherwise very similar to what his company was building. He stated while Cardinal was in operation there were no fire-related deaths in any of the developments and no fire ever penetrated into an adjacent unit. He then stated subsequent owners of the Cardinal portfolio report there have been no fire-related deaths and no penetration from one unit to another. He explained the product has a reputation for having a certain fire resistance. He stated from the current Building Code, townhouses do not have to be sprinklered. He noted there were exceptions for churches, existing schools, storage units. He further stated Group R and Group H are the only groups provided with no exceptions. He stated it is known sprinklers save lives and their use is highly applicable in many situations, but they simply do not make sense for the type of buildings he builds. He concluded by stating with their history of no fire-related fatalities and the demonstration of superior fire resistance, it would be reasonable to grant the exception to sprinklers for his company's type of construction.

Commissioner Greiner offered comment stating as the chair of the March meeting this issue was well debated and the vote was clear. He stated unless one of the TAC members wished to re-debate this he would recommend following the TAC's initial recommendation.

Correlation Issues for Fire Code Advisory Council and the Fire TAC

Mr. Blair stated there were issues for correlation between the Florida Fire Prevention Code and the Florida Building Code. Consent agenda included 101.14.3; Table 116.1; 3310.1; Chapter 35 ASTM and NFP standards; UL NFTATME and MEs.

Commissioner Gross stated the Fire TAC had assigned him the task of comparing Chapter 10 with Chapter 11. He stated he identified 14 items which he provided to staff. He further stated he would like to have those 14 items included in the approval.

Mr. Blair called for a motion to approve the correlation issues as well as the items presented by Commissioner Gross.

Commissioner Browdy moved approval of the motion as stated. Commissioner D'Andrea entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Comments on the Florida-Specific requirements for inclusion in the FBC

Jack Glenn, Florida Home Builders Association

Mr. Glenn stated he submitted specific comment, Section R.302.1. He then stated a Florida Specific change was made in the original adoption of the residential volume dealing with zero lot lines. He stated the ICC had substantially changed its requirements since 2003-2006. He continued by stating he had reviewed the ICC language and determined with minimal change the Florida Specific Amendment could be reduced from a half a page down to added word in definition of fire separation distance and changing some dimensions on minimum fire separation in the table. He further stated although it would not get rid of the entire Florida Specific Amendment, it does bring the Code more in line with the ICC Base code while still maintaining the philosophy adopted with the previous Florida Specific Amendment. He concluded stating it was part of his effort to continue to try to get rid of Florida Specific Amendment so the Code addresses the problem.

Mr. Blair asked if he wanted the Commission to consider the change.

Mr. Glen stated he would like it changed to the table and the addition of the word easement in the definition of fire separation distance.

Commissioner Browdy asked if there was a declaratory statement to coincide.

Mr. Madani responded stating there was not a declaratory statement. He explained this came about since hearing the adoption of the 2003 International Building Code. He stated the language was changed, under the Code change process, in the 2003 Residential Code to adjust the fire separation distance.

Commissioner Browdy entered a motion to approve the entire integration including the change to the table and definition of separation distance presented by

Mr. Glenn. Commissioner Greiner entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Mechanical

Recommended for Approval

Modification #s: 2515; 2233; 2241; 2243; 2244; 2240; 1972; 2382; 2055; 2339.

Commissioner Bassett requested modification #'s 1972, 2055, and 2382 be removed from the consent agenda.

Commissioner Browdy moved approval of consent agenda as amended. Commissioner Greiner entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

1972, 2055, 2382

No second was entered. Motion died for lack of second.

Recommended Against Approval

Modification #s: 2010; 2625; 2236; 2037; 1995; 1996; 1973; 2627.

No second was entered. Motion died for lack of second.

Supplement Florida Specific Criteria

Commissioner Browdy entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Correlation Issues Required for Code Consistency

Commissioner Bassett moved approval for the consent agenda. Commissioner Tagliarini entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Plumbing

Recommended for Approval

Modification #s: 2700; 2701; 2704; 2705; 2706; 2707; 2708; 2709; 2331; 2702; 2703; 2710; 2711; 2718; 2719; 2720; 2721.

Paul Pennington, Pool Safety Consortium

Mr. Pennington requested modification #'s 2704, 2705, 2708, and 2709 be pulled from the consent agenda.

Commissioner Browdy moved approval of the consent agenda as amended. Commissioner McCombs entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

2704, 2705

Jennifer Hatfield, Florida Swimming Pool Association

Ms. Hatfield stated the association extended support for the TAC's recommendation. She stated she wanted to recognize the pool contractors in the audience who had driven across the state to support the ANSI APSP7 Suction and Entrapment Avoidance Standard, but in the interest of time, they would not all be speaking.

Mr. Blair stated the record should reflect the substantial group of people present in support.

Ms. Hatfield stated the FSPA recognizes the importance of finding scientifically based measures to prevent entrapment. She then stated the standard brought before the Plumbing TAC and before the Commission took over two years to develop. She explained it was paramount that in-depth testing and analysis occur in order to prevent all types of entrapment and this standard does just that. She further stated the issues were discussed in the plumbing TAC meeting in March. She concluded by requesting the Commission to support the Plumbing TAC's recommendation.

Lorraine Ross, InTech Consulting, Representing National Pool & Spa Assoc

Ms. Ross offered comment stating APSP wholeheartedly supports the Plumbing TAC recommendation to adopt ANSI 7 into the 2007 Florida Building Code. She stated there are a lot of technical reasons of all forms of entrapment which looks at the main causes of entrapment, not just suction but also water velocity as well as mechanical entrapment. She then stated all of those issues were discussed extensively during the Plumbing TAC meeting in March. She further stated the standard is a national consensus standard, developed under ANSI rules, and it is the first comprehensive national standard which addresses all forms of entrapment. She noted over 70 stakeholders participated in the development of the standard including the Product Safety Commission, State Health Department Officials, Building Departments, Building Officials and the Pool Industry itself.

Chairman Rodriguez asked when it was approved.

Ms. Ross responded it was approved in 2006. She reiterated the national organization supports the Plumbing TAC's recommendation to adopt ANSI 7 and its commitment to the Commission to be part of national and Florida education outreach to be sure pool designers, pool contractors, building departments and everyone interested in the safety of pools understands all the details contained within this standard.

Steve Barnes, Pentair Water, Pool and Spa

Mr. Barnes provided a brief overview of supportive documents that were distributed to each Commissioner. (See *PVC Plastic Pipe, ASTM Schedule 40; Adoption of ANSI/APSP-7 in the Florida Building Code; and ANSI/APSP-7 Prevents All Five Suction Entrapment Hazards* attachments)

Bob Boyer, Building Officials Association of Florida

Mr. Boyer echoed support of the Plumbing TAC's action in support of the standard.

Paul Pennington, Pool Safety Consortium

Mr. Pennington stated none of the representatives were involved in the TAC discussion, due to misinformation. He questioned the Florida-specific need for the proposed amendment as required by 553.73 of the statute. He then stated 2708 and 2709, actually all four modifications were recommended for approval by the Plumbing TAC without substantiation that such approvals are Florida-specific. He further stated the language of the APSP standard is not consistent with the IRC or the IBC model code language. He then stated as a matter of record the APSP was proposed and rejected by the IRC and the IBC committees. He stated this document, APSP 7, completely eliminates the pool and spa entrapment protection by removing the third layer of protection for entrapment prevention which currently exists in the Florida Building Code. He referenced Section 5.1 stating "*methods to avoid entrapment in circulation system, shown in 5.2 – 5.10.*" He stated the first one listed is dual drains. He stated the current code in Florida requires drain covers, dual drains, and then safety vacuum release system when one of the drains is blocked or something goes wrong. He referenced a case at a hotel in Florida in which a young man tore off the drain cover and got stuck at which point his father had to blow air into his mouth for ten minutes until the system could be shut down; the system had been plumbed incorrectly, but a building inspector had approved it. He stated the problem is how a building inspector approves any of the requirements listed. He then stated another point which states most of entrapment deaths in

Florida happen when the drain cover comes off. He read "*if any cover grate is found to be damaged or missing, the pool or spa shall be immediately closed to bathers*". He stated in summary the statement included in 2704 and 2705 but not in 2708 or 2709 the cost of the industry may actually decrease due to the fact vent lines and safety release vacuum systems are no longer the only option available.

Chairman Rodriguez asked what the third level of protection was after drain covers and dual drains.

Mr. Pennington responded the third layer of protection in the International Code and currently in the Florida State Code is a requirement for safety vacuum release systems (SVRS) or vent lines, which act in less than 3 seconds if there is an entrapment and the child or adult is released.

Chairman Rodriguez then asked how it was possible Mr. Pennington did not make the TAC meeting considering he heads an advocacy group and is also a manufacturer.

Mr. Pennington replied there was a lot of misinformation related to the idea that the Plumbing TAC would never pass such a standard because it was against the Building Code and it had already been addressed by the ICC.

Chairman Rodriguez stated the meeting was advertised and those meetings are where the best technical people are and it is where Mr. Pennington belonged. He further stated he was happy to hear the testimony, but the most important thing is the process, which involves the best technical people the Commission relies on, who are at the TAC meetings. He encouraged attendance at the TAC meetings especially for those who are advocates.

George Pellington, Professional Engineer, Designer, Manufacturer

Mr. Pellington stated APSP 7 does actually degrade the current standard by eliminating a method of protection now called vacuum breaker or vacuum relief. He then stated the standard does not state clearly, as a designer and a professional engineer, how dual drains should be designed in order to eliminate dynamic differential forces that can occur when one of the drains is blocked. He further stated there is a velocity consideration given in the standard of three feet per second, but if pipe sizes are large enough (2 ½, 3 ½ inch pipe sizes) along with AV covers and sumps that might only have an inch and a half of suction outlet size with separation distances in excess of three feet there are some serious hold down forces that can occur and those are not addressed in the standard. He stated in the area of vent or other open systems that are used and defined in the standard, the standard does not do a good enough job of dealing with the issue of static differential forces that can be developed in such a device. He then stated since

2001 deep vent designs have been used in the State of Florida that could lead to fairly high hold down forces as a result of static differential. He continued by stating the standard does talk about the requirement for a release and at the release of that person it would reestablish normal operating conditions, but this language was stolen or taken from the SVRS standard in order to add some legitimacy to the vent standard. He further stated there was much more to be considered there in terms of static differential or hydraulic differential balancing. He concluded by stating this particular standard, in his opinion, is too loose in these areas and he therefore recommended the Commission consider not adopting the standard at this point in time.

Shane Stevens, Professional Swimming Pool Builder

Mr. Stevens stated he is a second generation pool builder. He has built thousands of pools across the state of Florida which were vented prior to the year 2000. He then stated he first became concerned with a vent piping issue in 2000 after attending a seminar focused on vent piping. He referenced the paragraph in the standard relative to vent piping which states "*when a sump becomes completely blocked the force that remains will return to what it was present to the blocking or less*". Mr. Stevens stated in a collector tank, gravity feed system or vent piping it is not possible. He explained there is a static level when the pumps are turned on to start vacating water out of the collector tank or vessel; atmospheric pressure pushes the water to the tank or collector vessel which is the operating draw down: when the sump becomes completely blocked there is a trip level which is below the operating draw down. He stated the paragraph will outlaw the vent engineers who design today. He then stated the dual drains mentioned in the standard states a minimum of three feet apart, which is understandable since it does not allow one individual to cover both drains. He continued by stating what it doesn't mention is a maximum distance between the two drains. He explained the further the two drains are apart the greater the residual is slow between the two drains. He stated the standard also mentions a spa situation where there is not enough room to put the drains three feet apart it states one can be on the floor and one can be on the vertical wall, which would require 90s. He stated there is no mention of the number of 90s, which are equivalent to a ten foot length of pipe which begins to add up quickly. Mr. Stevens stated he is a member of the ASTM 1551 on the writing committee and a voting member here and he voted negative on the standard for the reasons he has mentioned. He concluded by stating he feels the standard is a move backward. He stated he does not understand the need to rush, unless it's political to get the standard pushed through. He reiterated there are numerous flaws throughout the standard and in his opinion it would work out better if the standard was looked at more closely. He stated ASTM is currently at 1551 on a vent piping standard.

Chairman Rodriguez requested clarification concerning the referenced standards.

Mr. Stevens responded 1551, vent piping standard.

Chairman Rodriguez asked Mr. Stevens why he was not at the TAC meeting.

Mr. Stevens responded he is relatively new at this type of process.

Chairman Rodriguez stated he appreciated his comments, but the best time for comments is at TAC meetings and at this point the TAC has already made a recommendation to the Commission.

Mr. Stevens stated he had made several attempts to be on the committee for APSP 7, but was turned down. He stated he would appreciate being considered to be on the TAC.

Chairman Rodriguez stated it was an open invitation to attend the TAC meetings. He explained the TACS are technical advisory committees, not political.

Gary Duren, Member of the Plumbing TAC

Mr. Duren stated he is a member of the TAC and was the descending vote. He stated APSP 7 is synonymous in some ways with the electrical system, putting in receptacle covers and switchplates as a line of defense. He then stated the problem is the current Code requires the switchplate and the circuit breakers. He stated by adopting APSP 7 the circuit breaker protection will be eliminated and the safety found in the Code would be degraded. He echoed the concerns of the technical deficiency of APSP 7. He explained half of the standard relates to requirements to be enforced after the pool has been built and by law those types of requirements cannot be put in the Code. He stated the standard in the Florida Building Code, which has mandatory requirements for incidents that may occur after the pool is built, has no one to enforce it. He commended the pool industry for coming together to write this standard and acknowledged the tremendous effort made on their part. He further stated the problem was there were no specific definitions for how the dual drains are to be constructed and without those definitions, there are dangers. He stated he has written codes and standards and been involved with code changes around the country for twenty years where he has learned when something needs to be approved ICC is the place to go. He explained this standard has been considered and rejected the last three cycles by ICC. He further stated the standard had not been reviewed in accordance with ICC Standards Acceptance Policy, which covers permissive language and he stated his doubt the standard would meet that policy. He then stated the Commission is being asked to be the guinea pig in this nation on this very important issue without it going through the full process of the Code subscribed to. He stated he believed it to be a very serious precedent and the Commission should consider the standard very carefully.

Chairman Rodriguez asked what was missed at the TAC. He then asked by eliminating the third layer of protection, the vacuum suction breaker, or was it the design of the dual drains, the second layer that was missed. He asked what compelling argument he would make before the Commission today in recommending what should be done.

Mr. Duren explained he did not make a serious opposing effort during the TAC meeting because it was clear his colleagues were accepting what was being said verbatim. He stated the first flaw missed was the claim the standard addresses all five methods of entrapment. He then stated it was not true because evisceration which was stated as four percent of the known incidents and the physical constraints, what pressures over of what time caused it is not known. He stated the second point was the Florida Building Code is the model code and has seen fit to have this protection required and the standard cited is in the model IBC 2006 model provides a three -second rule in time and fifteen pound buoyancy, the maximum safe force which can be present at any one of those outlets. He then stated the standard, if unilaterally applied, will impart safety where none of those things could happen. He reiterated the definitions in the standard are very vague and are unenforceable and do not provide the level of safety the current Code or the model code does.

Chairman Rodriguez asked for clarification concerning Mr. Duren's recommendation to the full Commission, which would be to not adopt the standard.

Mr. Duren stated his recommendation, as provided in public comment, was to go ahead and adopt the standard, to recognize the work put into the standard, but to realize there will be ongoing work, as well, in that standard. He stated he did not know if it would be right to throw the whole effort out, but to throw the clause which requires the additional circuit breaking protection would be a serious step backward in safety.

Chairman Rodriguez asked what would be his positive recommendation.

Mr. Duren stated his recommendation would be to add the third layer of protection should those covers become missing, as there would be no way to enforce the requirement in the standard which states to shut down the pool if the covers are missing.

Commissioner Bassett offered comment stating although he was not very familiar with the APSP-7 standard, there is a section 7 which discusses vacuum release systems and engineered vent systems and also an alternate means or method paragraph in the standard. He asked Mr. Duren why those areas do not satisfy the additional or was it because it was not required.

Mr. Duren responded the section Commissioner Bassett referred to deals with existing pools and spas which is an after the fact situation which cannot be enforced. He stated there is nothing in the new construction part of the standard that would be a more clear answer.

Commissioner Bassett stated it is not in the existing section either, but in a section standing alone.

Mr. Duren stated he did not believe this to be true.

Commissioner Bassett stated section 6 is existing pools and spas and section 7 is a stand alone vacuum release system.

Mr. Duren stated the standard is structured so section 6 discusses existing pools and spas and the subsequent sections are subordinate to that particular section. He stated section 7 is not a stand alone section, but a subordinate section of section 6.

Ms. Ross offered a rebuttal to Mr. Duren's comments and objections stating the first point, which would be very important to the Commission's interest, would be if this is a Florida Specific issue. She stated the answer to that would be with the prevalence of pools under year round operation; i.e., this is very much a Florida specific issue. She explained a step was taken in the 2001 Florida Building Code to include mandatory entrapment provisions. She stated this standard is an improvement in technology and comprehensiveness in dealing with pool entrapment. She then stated both proponents and opponents of this particular issue have in common the attempt to improve pool safety and prevent the type of entrapments which have resulted in some tragic accidents. The ANSI standard has been vetted through the ANSI process and it is a consensus standard. She continued by stating the second point is the supposed IRC and ICC rejection of the standard. She stated for clarification the ANSI standard was not finalized until September 2006. She stated it was not in legal form for adoption and it was purely due to a procedural issue that the ICC did not adopt this standard, as the 2000 ICC codes were not adopted because it was not legally available. She then stated she had personally, on behalf of the APSP, submitted ANSI 7 to the next Code cycle for ICC. She stated the staff person at ICC responsible for reviewing these standards to make sure that they meet the consensus for standards and including them in the ICC has stated it looked good so far and is fully expected to be adopted in the next cycle of the ICC which should be spring of next year. She then addressed the third point would be the levels of safety or levels of protection. She stated when Florida first adopted the entrapment provision, the big concern was entrapment caused by suction. She then stated since then other factors known to affect entrapment such as the water flow velocity at the pool cover. She stated the ANSI 7 reduces the maximum flow rate from 8 feet per second, in the Florida Building Code, to 6 feet per second (a 33%

reduction) which gives a lower chance for entrapment. She then addressed the covers and the inclusion of dual drains when one is blocked by referencing a study available for the Commissioners' review. (See *Test Summary: Dual-Outlet – One Outlet Blocked APSP Technical Committee* attachment.) She next addressed the point of shutting down a pool if the cover is missing stating it is very easy for a pool owner to see if a cover is missing or broken. She added it is important for the public to realize how dangerous that situation could be even if the pump were not running a child could very easily put their hand in it and become stuck. She continued by stating the ANSI standard has taken all of these points into consideration, examined all previous incidents of entrapment and has tried to understand the mechanisms of those incidents. She concluded by addressing the final point of adding the circuit breaker or the SVRS onto the system. She stated if reviewing the installation instructions for SVRS, it states it is the pool owner's responsibility to periodically check the system and if the system does not function properly it states in those instructions to shut the pool down. She stated confidence with the widespread participation of all interested parties, including CPSC, the US Consumer Products Safety Commission, the Department of Health, building code officials, and the pool industry using the ANSI process this is something Florida should adopt and something of the people of Florida deserve.

Mr. Duren countered Ms. Ross' comments stating if you open the standard to section 4.4 it states "*water velocity and fuel fabricated piping is based on the maximum system flow rate*". He continued stating it then states "*maximum velocity in the branch shall be limited to 6 feet per second when one of the pair is blocked.*" "*The normal operation of the branch suction piping velocity is three feet per second.*" He then stated in another section it states "*All other suction piping velocity shall be six feet for public or eight feet for residential.*" He asked which standard he is supposed to enforce. He stated in the standard he can go to eight feet for residential but on the chart it shows a problem at eight feet. He then stated the statement made indicating reason the standard was not adopted at ICC was purely based on the fact the standard was not ready was not true. He stated what was proposed was the exact verbiage in this first part of the standard and there were several technical reasons cited by the IRC which can be found in his public comment.

Commissioner Browdy moved to approve TAC recommendation.
Commission D'Andrea entered a second to the motion.

Commissioner Vann stated he was sorry people did not attend, but there were over one hundred people in that meeting. He stated the standard was discussed for hours. The TAC voted 10-1 to support the ANSI 7 standard after hearing hours of dialogue. He stated the four opponents did a good job of clouding the issue, but it was worked out at the TAC and he strongly encouraged the

Commission to support its' TAC's recommendation. He then stated the issue is very complicated. He then stated the information

Chairman Rodriguez asked Commissioner Vann if the TAC is confident in the 10-1 vote that it does not endanger the users of these pools and spas.

Commissioner Vann responded stating the TAC acted with the intention of moving forward with the 10-1 vote, not backwards.

Commissioner Greiner offered comment stating as a member of the past TAC dealing with this issue initially it was the guinea pig. He stated if not for what Florida has done so far, ICC would not even have the text it currently has. He stated information was put in place based on what was available because the goal was safety of the citizens. The items which needed to be addressed in order to provide more information to the TAC's so the TAC could make decisions with better input have been heard. He then stated this is a national standard and national standards are not easy. He further stated a number of national standards are used for building pools. Commissioner Greiner concluded by stating new information was provided and the new information has been proven to be solid and the Commission should move forward with it.

Commissioner Norkunas stated he was not knowledgeable enough to actively participate in the discussion. He then stated when he worked for the Broward County Board of Rules and Appeals similar issues such as this would come before them and at the end of the day, when there were two sides, it was always a matter of money, if one had to do it, it would cost more money. He further stated at just the mention of life safety and on the other side the issue is money his decision becomes very easy.

Chairman Rodriguez called for a vote on the motion. Vote resulted in 19 supporting, 1 opposed (Norkunas). Motion carried.

2708, 2709

Commissioner Browdy moved and seconded the motion

Paul Pennington, ASTM 1551 Committee

Mr. Pennington stated the vent line standard is out for vote and will probably be issued after August. He stated he saw the final draft of the dual drain standard earlier and the draft from ASTM will be issued for ballot within the next two weeks. He then stated he believed some standards which will be coming out very shortly as ASTM has put a priority on this. He further stated he believed those standards will

be enforced in the International Code Council and will be completely contrary to what will be in the Florida Building Commission. He stated there was a federal bill going through which will grant fifteen million dollars per year to the states that comply with the language which requires the layers of protection including the SVRS. He stated Florida was earmarked to get 40 percent of that funding and now will receive none.

Lorraine Ross, Representing APSP

Ms. Ross stated regarding the comments on upcoming ASTM standards. She stated it has been the procedure and policy of this Commission, as stated by Mr. Richmond, it cannot adopt something that is going to happen. She then stated if that does occur there is a glitch cycle coming up.

Chairman Rodriguez asked Ms. Ross if she would bring it up if it does get approved.

Ms. Ross responded yes stating it is a national standard and it should be looked at.

Commissioner Browdy seconded the motion to approve TAC recommendation. Vote resulted in 19 supporting, 1 opposed (Norkunas). Motion carried.

Recommended Against Approval

Modification #s: 2712; 2713; 2714; 2676; 2006; 2306; 1998; 2695; 2330; 2640; 2716; 2717; 2722; 2723; 2346; 2347; 2348; 2715; 2342; 2340; 2344; 2345; 2343; 2341.

No second entered. Motion to approve died for lack of second.

Correlation Issues

Commissioner Browdy moved to approve the correlation issues. Commissioner Greiner entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Roofing

Recommended for Approval

Modification #s: 2310; 2001; 2578; 2093; 2023; 2415; 2190; 2288; 2449; 2258; 2110; 2112; 2114; 2504; 2535; 2041; 2043; 2565; 2220; 2102; 2316; 2135;

2138; 2239; 2271; 2403; 2526; 2545; 2530; 2546; 2547; 2259; 2658; 2553; 2554; 2412; 2315; 2434; 2439; 2538; 2505; 2534; 2533; 2537; 2513; 2174; 2561; 2564; 2566; 2569; 2570; 2576; 2573; 2529; 2018; 2143; 2269; 2555; 2541; 2404; 2542; 2405.

Commissioner Schulte requested modification # 2093 be pulled from the consent agenda.

Commissioner Gonzalez requested modification # 2143 be pulled from the consent agenda.

Commissioner Browdy moved approval of the consent agenda as amended. Commissioner D'andrea entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

2093

Commissioner Schulte stated 2093 was approved as submitted. He then stated subsequent to that there was a comment that the TAC unanimously voted to recommend as an addition to the original modification.

Lorraine Ross, ARMA

Ms. Ross stated she submitted the comment, the roofing TAC accepted it and she requested the Commission accept the Roofing TAC's recommendations.

Commissioner Schulte moved approval of the TAC's recommendation with comment 1. A second to the motion was entered. Vote to approve the motion was unanimous. Motion carried.

2143

Jaime Gascon, Miami-Dade County Product Control Division

Mr. Gascon stated 2143 was on the Commission agenda packet for approval. He then stated it basically adds a table in TAS110 to establish the requirements for plastic shingles and plastic tiles which have been introduced into the market. He further stated the recommendation was to approve, but it also contained a footnote that requires the underlayments to undergo weathering requirements. He explained the modification was moved in support without the footnote. He stated he was here to argue putting the footnote back in because the underlayments are left exposed for extended periods of time and are degrading. He continued by stating the underlayments are depended on to transfer loads of the finished roofing applied over

them. He further stated it would only kick in in the event the underlayments were submitted for the approval process at either the local or state level.

Commissioner Schulte requested clarification on process then moved approval of the recommendation including the footnote as submitted originally and described by Mr. Gascon.

Commissioner Browdy entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Recommended Against Approval

Modification #s: 2159; 2514; 2311; 2161; 2272; 2313; 2274; 2507; 2523; 2218; 2297; 2379; 2659; 2047; 2536; 2531; 2176; 2014; 2104; 2528; 2140; 2664; 2527; 2287; 2410; 2503; 2334; 2411; 2312; 2549; 2493; 2273; 2550; 2164; 2184; 2413; 2520; 2304; 2314; 2217; 2365; 2368; 2189; 2191; 2417; 2192; 2420; 2426; 2307; 2332; 2267; 2369; 2196; 2427; 2193; 2197; 2198; 2199; 2442; 2371; 2543; 2201; 2506; 2436; 2219; 2454; 2457; 2208; 2377; 2207; 2209; 2380; 2213; 2458; 2387; 2409; 2215; 2020; 2336; 2021; 2335; 2045; 2053; 2508; 2270; 2275; 2276; 2516; 2517; 2518; 2277; 2278; 2279; 2529; 2280; 2281; 2282; 2524; 2525; 2283; 2294; 2286; 2289; 2532; 2290; 2337; 2022; 2292; 2295; 2296; 2268; 2333; 2049; 2096; 2051; 2052; 2053; 2305.

Cam Fentriss, FRSA

Ms. Fentriss requested modification 2311 be removed from the consent agenda.

Commissioner Schulte requested modification #'s 2104, 2140 and 2287 be removed from the consent agenda.

Mr. Gascon requested modification # 2014 be pulled from the consent agenda.

No second was entered to approve the consent agenda against approval as amended. Motion died for lack of second.

2311

Ms. Fentriss stated part of the Legislation the Commission has been reviewing in some detail is SB 2836, which contains a provision; located on page 4, line 3, which states "*Before eliminating gravel or stone roofing systems in the Florida Building Code, the Florida Building Commission determine and document.*" She

stated her opinion in order to do that procedurally, the Florida Building Code, with the current gravel and stone roofing system language in it, has to be preserved; review what is in the bill; and then should the Commission decide it needs to either be removed or modified it can then happen in the glitch cycle. She then stated some people argue it will not actually come out until delayed effective date of the Florida Building Code, but a more correct reading of the law states there should be no change and preserve the status quo, which was the legislative intent. She further stated in order to do that the Commission would have to overturn the Roofing TAC's recommendation and approve this modification to preserve the current Florida Building Code language as part of the new code to be adopted. She concluded by stating FRSA was not looking to preserve the language and do nothing else. She stated FRSA is open to addressing the concerns that have been raised by the proponents of the change. Ms. Fentriss stated the concern was moving from the current language to completely eliminating it may be too draconian and believed a balance approach would be a better way to look at it because the roofing systems are still very good systems.

Eric Stafford, Institute for Business & Home Safety

Mr. Stafford stated he would be opposed to reversing the TAC's recommendation. He reminded the Commission if it overturns the TAC's decision it would mean supporting a change in the Florida Code that is less restrictive and not as strong as the model code requires currently. He suggested the modification be left as is it is because the base code has not really been changed. He then stated if through additional work and research over and as required by SB 2836 and fix that in the glitch cycle instead of leaving it as is in the Florida Building Code.

Ms. Fentriss concurred with part of Mr. Stafford's comments then countered stating if the Commission moves forward with the modification and does not reverse it, there would be a violation of Florida Law. She stated she does not feel the Legislature should be telling the Commission what to do all the time, but in this case there is another very compelling reason not to approve the modification and reverse it. She then stated even if there were a delayed date for the Code, what happens at the Commission meeting becomes published for all the public to read and if the published version eliminates entirely gravel and stone roofs, then in the glitch cycle when some determination is made some modified version or the entire thing is put back in, it would create confusion for the public.

Mr. Stafford stated he would be in support of leaving it as is.

Mr. Richmond stated his opinion differs from Ms. Fentriss'. He explained he doesn't believe allowing the TAC recommendation to move forward violates the letter of the statute. He stated it specifically states "*shall not be eliminated from the Florida Building Code.*" He then stated the 2004 edition of the Code has been

amended twice and will remain in effect until October 1, 2008. He further stated from the inception of this language it was communicated to the stakeholders groups the idea was not to hold up the Code adoption process, but to perform the evaluation and integrate the results of that, if necessary through the glitch amendment process. He continued by stating this was consistent with the statutes and he believed it to be the only way to achieve the result consistent with our current time table. He then stated an alternative would be to adopt code provisions to preserve grave roofs. He stated his concern was if the recommendation were overturned, that the Commission could not go back in on the glitch process conceivably because this legislation and take those provisions back out.

Commissioner Wiggins entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

2104/2014

Mr. Gascon stated he was in favor of comment 6. He then stated the change is an update to a table in RAS 127 which incorporates ASCE705 values to bring it up to par with the ASCE05 referenced in the Code. He stated the original modification used ASCE702.

Commissioner Schulte offered comment stating the Roofing TAC originally voted against the TAC because it was based on the wrong ASCE standard. He then stated it was revised through comment 6. He then moved approval of the TAC recommendation. Commissioner Greiner entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

2140

Mr. Gascon stated the same explanation of the footnote of the earlier modification which was considered. He then stated the modification was to add three footnotes to three tables that appear in TAS 110 to require the weathering underlayment be submitted to product approval.

Commissioner Schulte stated he had originally been an opponent of this new information and moved approval of the TAC recommendation. Commissioner Tagliarini entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Mr. Richmond stated on 2311, the motion was to approve the TAC recommendation which was to not approve the not the amendment

Commissioner Greiner moved to reconsider 2311.

No second entered. Motion to approve died for lack of second.

2287

Jim Carducci, Florida Sheet Metal and Roofing Contractors

Mr. Carducci stated modification 2287 deals with underlayment for concrete and clay tile roofing. He stated in the concrete and clay roofing tiles there are several systems to be installed and the language in 2287 calls for the underlayment to be nailed sufficiently to hold in place. He then stated if it will go where a modified peel and stick overtop of the underlayment with a foam or mortar system to install the tile, the only attachment holding the roof system is the underlayment fasteners, installed only sufficiently enough to hold the underlayment in place. He recommended the Code refer to the FRSA tile manual, which gives specific guidelines for base sheet fasteners, with requirements for the uplift.

Commissioner Schulte explained he was a proponent who voted for the modification at the March TAC meeting. He stated there were not enough members of the committee voting for the modification approval. He then stated, with all mitigation and windloss issues being reviewed, he could not in clear conscious let this go without informing the other Commissioners if the modification does not pass there will be roof tile assemblies with base sheets outside the HVHZ being held in place with enough fasteners to hold them in place. He further stated assuredly the roofs would blow off. He then moved approval of the original modification as submitted.

Mr. Blair stated the motion to support 2287 would be reversing the TAC's recommendation.

Commissioner Griener entered a second to the motion.

Commissioner Browdy requested clarification concerning why TAC members were opposed to the modification, considering the manual and the three systems described in the manual are being used currently.

Commissioner Schulte responded stating the verbiage is not in the manual, but in the actual Code. He stated the modification as submitted would refer to that manual for those base sheet attachments. He further stated he supported the modification because it would give specific guidelines for those base sheets. He stated the Code basically allows the base sheets to be put down as the old shingle base sheets used to be attached, indiscriminately enough to hold it down.

Commissioner Bassett requested further clarification to state the actual TAC vote was not listed.

Mr. Blair stated the tracking chart is split and the vote is at the top of the page, showing 5-4 in support.

Mr. Glenn offered comment stating he may have been part of the convincing argument why the vote went as it did. He explained there were a number of FRSA proposals which struck Code language and inserted a reference to a manual. He stated the Code language should be modified because another book is not needed. He then stated the language from the manual should be added to the Code as opposed to striking the language and inserting a reference to another manual.

Commissioner Schulte expressed understanding of Mr. Glenn's concerns then stated depending on roof pitch, roof height and uplift requirements the FRSA manual gives allowances for various tagging patterns based on uplift requirements. He explained to write all of those heights and restrictions into the Code would be a very lengthy addition.

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

Correlation Issues & Integration of Florida Specific Requirements

Commissioner Browdy entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Special Occupancy

Recommended for Approval

Modification #s: 2470; 2468; 2467; 2466; 2465; 2464; 2463; 2607; 2461; 2606; 2474; 2598; 2499; 2482; 2502; 2589; 2590; 2591; 2594; 2595; 2598; 2599; 2080; 2067; 2178; 2179; 2180; 1985; 1986; 1987; 1988; 1989; 1990; 1992; 2086; 1993; 1994; 2469; 2471; 2462; 2460; 2408; 2472; 2473; 2475; 2500; 2501; 2608; 2484; 2596; 2597; 1983; 1984; 2177; 2145; 2069; 2036; 1991; 2322; 2609; 2610.

Commissioner Hamrick requested modification #'s 2469, 2471, 2596, 1984, 2178, 2179, 2180, and 2322 be removed from the consent agenda.

Commissioner Browdy entered a second of consent agenda as amended. Vote to approve the motion was unanimous. Motion carried.

2469

Commissioner Hamrick stated there was a comment submitted on the modification. He then stated the TAC voted in favor of the comment. He moved approval of the recommendation. Commissioner Browdy entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

2471

Commissioner Hamrick stated it was a correlation issue between the Code and would like the Commission to accept the comment. Commissioner Browdy entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

2596

Commissioner Hamrick stated it was a correlation issue between the Code and would like the Commission to accept the comment. Commissioner Browdy entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

1984

Commissioner Hamrick stated this was his modification and he would like to withdraw it. No second. Motion died for lack of second.

2178, 2179, 2180

Commissioner Hamrick stated with the approval of 2177 these modifications are not needed as the requirements have been taken out of 423 of the Building Code. No second. Motion died for lack of second.

2322

Mr. Richmond stated the modification was proposed by Mr. Ashworth, of DCA. He then stated he believed the department would withdraw support from it in favor of doing research on the particular issue.

Michael Ashworth, DCA, Manager for the Modular Building Program

Mr. Ashworth stated it was being withdrawn for further study due to complicating issues on the permanent versus temporary foundation as well as HUD 15 C foundation.

No second was entered.

Recommended Against Approval

Modification #'s: 2077; 2078; 2064; 21317; 2379; 2065; 2066; 2175; 2068; 2181; 2085; 2071; 2072; 2073; 2074; 2087; 2088; 2089; 2090; 2483; 2070; 2459.

No second for approval. Motion died for lack of second.

Structural

Recommended for Approval

Modification #'s: 2686; 2690; 2687; 2663; 2232; 2370; 2372; 2577; 2579; 2375; 2376; 2033; 2378; 2575; 2384; 2385; 2386; 2388; 2396; 2400; 2497; 2693; 2494; 2490; 2171; 2015; 2581; 2672; 2097; 2100; 2120; 2125; 2123; 2131; 2127; 2128; 2571; 2572; 2250; 2264; 2585; 2263; 2583; 2584; 2691; 2579; 2376; 2261; 2169; 2103; 2688; 2681; 2682; 2660; 2662; 2118; 2373; 2374; 2593; 2600; 2266; 2381; 2383; 2395; 2401; 2402; 2496; 2677; 2678; 2262; 2671; 2133; 2680; 2675; 2689; 2587; 2588; 2673; 2683; 2692.

Jeffrey Stone, American Forest and Paper Association

Mr. Stone asked if these included the comments made by the TAC at the meeting or do they have to be pulled for discussion.

Mr. Blair asked which meeting he was referring to, the first or second.

Mr. Stone responded he referred to the second meeting.

Mr. Blair stated those would be pulled automatically by the Structural TAC chair, if the TAC made a comment that changed the recommendation, not if it was voted against.

Commissioner Kim requested modifications 2663, 2660, 2662, 2680, 2154, 2155, and 2574 be pulled from the consent agenda.

Commissioner Wiggins requested modification #'s 2688 and 2689 be pulled from the consent agenda.

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

2663

Commissioner Kim stated after reviewing comments, the TAC recommended approving 2663 with comment 1.

Commissioner Vann entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

2660

Commissioner Kim stated the TAC recommended approval with comment 3R.

Commissioner Griffin entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

2662

Commissioner Kim stated the TAC recommended approval with comment 3.

Commissioner Griffin entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

2680

Commissioner Kim stated the TAC recommended approval with comment 6.

Commissioner Wiggins entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

2154

Commissioner Kim stated the TAC recommended approval with the incorporation of comment 3.

Commissioner Wiggins entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

2155

Commissioner Kim stated the TAC recommended approval with comment 3
Commissioner entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

2574

Commissioner Kim stated the TAC recommendation with comment 1R.
Commissioner Browdy entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

2688, 2689

Commissioner Wiggins explained the modifications were approved by the TAC with language stricken...

Joe Belcher

Mr. Belcher stated Concurred with Commissioner Wiggins.

Commissioner Wiggins offered corrected language for the modification as follows:

Greiner entered unanimous

Bassett entered a motion to reconsider

2675

Kim ...comment 1 seconded unanimous

Recommended Against Approval

Modification #s:

Bud xxxx, Miami-Dade Office of Code Compliance

2167, 2168

Bob Boyer...

2161

Commissioner Carson 2557

No second. Motion died for lack of second.

Mr. xxxx

Anthony Scala, Broward County

Mr. Scala stated

Mr. Glenn requested recommendation from the TAC.

Commissioner Gonzalez moved approval of the modification as submitted

Mr. Glenn added

Mr. Blairwhich would be reversing the TAC's recommendation, of which Commissioner Kim supported.

Commissioner Kim stated as it stood 2167 and 2168 have been requested to be considered. He continued by stating the current recommendation is adopting 2167. Mr. Blair asked Commissioner Kim if he wanted to support 2167 with comment 2.

Commissioner Kim stated he believed it was to be considered with the comment.

Commissioner Greiner expressed discomfort voting against the TAC if language is being added without TAC review.

Chairman Rodriguez stated the question should be to Commissioner Kim regarding other than the TAC recommendation needed added or modified.

Commissioner Kim explained the original modification and comment was an attempt to further clarify the current section reference. He stated he would recommend adopting the modification with the comment.

Commissioner Tagliarini entered a second to the motion.

Commissioner Greiner asked if the modification, with all its underlying areas, was voted down and now it is up for consideration to be voted back in because the section is being changed, was it originally voted down because sections were incorrect.

Mr. Blair stated the TAC reconsidered it at the meeting and voted against it again,

Commissioner Kim stated the TAC voted against it and asked the proponent to come back with a consensus of several businesses in the HVHZ in Miami-Dade and that was not done. He then stated in lieu of that, the comment change to the section is what needed to happen to reference the current ASCE7.

Commissioner Bassett stated he was completely confused. He offered a recommendation to turn this down and let the glitch cycle fix any reference to the standard issue.

Chairman Rodriguez called for a vote on the motion. Vote to approve the motion resulted in 5 supporting, 12 opposed. Motion failed.

2168

No second. Motion died for lack of second.

2601

Mr. Boyer stated this was a simple correction when the original proponent submitted the modification. He stated the proponent wanted to move it to a new code section to keep it the residential and the building together, but he failed to insert the language. Mr. Boyer stated he moved the language in with it. He asked the Commission to reconsider the modification.

Chairman Rodriguez asked if Mr. Boyer attended the TAC meeting.

Mr. Boyer responded stating he did attend the TAC meeting, but the issue was not discussed. He stated the staff made a determination it was nothing new.

C.W. Macumber?

Mr. Macumber stated he was the original TAC member who submitted the change. He explained it was basically taking verbiage from the Code and moving it verbatim from one chapter to another.

Commissioner Kim moved approval of the modification. Commissioner Wiggins entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Mr. Madani requested clarification if it was approved as submitted or with a comment.

Commissioner Kim responded stating the motion included comment 1.

2557

Jody Barrows

Mr. Barrows stated he was the proponent of the modification and it dealt with the issue of defining temporary building. He stated in Statute 553 of legislature it states “*temporary buildings or modular structures used for temporary offices are excluded from the requirements of the Florida Building Code.*” He then stated he had faced numerous municipalities that do not know the definition of temporary and those municipalities go back to the Florida Building Code, which Section 107 only allows 180 days. He stated in the modular industry is nothing when buildings could be in locations for months and even years. He explained he was trying to get some clarification in the Florida Building Code to allow for temporary modular structures to have alternative design foundations, which would still meet windload requirements and the requirements of the Florida Building Code. He stated he also wanted some type of definition that allow the locals to see temporary is something that will be removed from the site in a certain amount of time.

Eric Anderson, Williams Scottsman

Mr. Anderson explained the answer to temporary is it is not permanent. He stated if it is not a permanent building with a permanent use application it is temporary.

Neil Mellick, Construction Services, West Palm Beach

Mr. Mellick stated there are a lot of issues with this modification as no building is permanent. He then stated the Code is very clear and 180 days is specific and within the 180 days compliance is not required in temporary buildings. He further stated after 180 days, temporary or not, it must comply with all requirements of the Code including the foundation. He explained if a building is going to be in place more than 180 days during hurricane season there is potential risks to adjacent properties. He stated his recommendation would be against the motion.

Mr. Barrows stated the foundations would still be required by calculations, signed and sealed by an engineer to meet the windload requirements of the particular site where the building would be located.

Mr. Blair reviewed the process for Commission action.

Mr. Richmond offered clarification stating the issue had been before the Legislature a couple of years ago. He stated it was not ultimately adopted. He then stated the Commission had the opportunity with this modification to take action rather than defer it to the legislature.

Commissioner Carson entered a second to the motion for approval.

Commissioner Bassett stated he was involved in designing a temporary relocatable set of classrooms in the 1980's and those classrooms are still there and in use. He stated temporary has a long history.

Commissioner Hamrick concurred with Commissioner Bassett stating he was one of the bigger users of temporary structures stating they often become permanent structures. He stated he would support the TAC's recommendation.

Commissioner Wiggins stated in his understanding, a building official could authorize an extension under the current law. He then stated he did not see why it could not be handled under the current law with an extension.

Commissioner Greiner concurred with Commissioner Wiggins stating he did not see the problem with working within the current law from the building official's standpoint. He stated he would have a problem with being told it would be 731 days, opening the door to possibly having temporary buildings be in place forever. He stated he supported the TAC's recommendation.

Chairman Rodriguez called for a vote on the motion. Vote to approve the motion resulted in 1 in favor, 15 opposed. Motion failed.

Florida Integration ? Requirements

A second was entered to the motion. Vote to approve the motion was unanimous. Motion carried.

Structural Energy

Recommended for Approval

Modification #'s: 2642; 2644; 2655; 2646; 2649; 2647; 2659.

A second to the motion was entered. Vote to approve the motion was unanimous. Motion carried.

Recommended Against Approval

Modification #'s: 2651; 2636; 2635; 2634; 2633; 2631; 2632; 2058.

No second. Motion died for lack of second.

Structural Mechanical

Recommended for Approval

Modification #'s: 2057; 2487; 2488.

A second to the motion was entered. Vote to approve the motion was unanimous. Motion carried.

Recommended Against Approval

2091

No second. Motion died for lack of second.

Structural Plumbing

Recommended for Against Approval

Modification #'s:2007; 2008; 2009

Commissioner Vann requested modification # 2009 be pulled from the consent agenda.

2007; 2008

No second. Motion died for lack of second.

2009

Commissioner Vann stated in working with the Structural TAC good solutions were brought forward. He stated he would like to make a couple of changes to the last document because since the TAC meeting, some shop work and checking has been done using the .025 inch sleeving trying to get it to compress the mechanical fastening device. He reported the .025 cannot be compressed adequately to prevent termite intrusion through the slab. He proposed: 1) item #1 be changed to "*sleeves shall have a maximum thickness of .10 inch*" opposed to the .025 inch. He stated the Structural and Plumbing TAC were in full agreement for what is trying to be accomplished. He explained it was more of a technical thing in terms of what will get the job done; 2) add an item #4 stating "*no termiticide shall be sprayed between the pipe and the sleeve*", since it has already been accomplished by using the mechanical device in the slab. He stated the purpose of the changes was to not compromise the plumbing pipes.

Jack Glenn, Florida Home Builders Association

Mr. Glen stated he thought adding number 4 was great, but he had concerns about the change in number 1. He stated the provision for the nominal .025 sleeve

was in the Code previously for another reason, the corrosive effect of concrete on pipe. He stated his concern was if the thickness was reduced by 250%, while it may stop termite penetration, there may be long term degradation of copper or plastic pipe as a result of the corrosive action of the concrete. He would like some more justification that it will not be effectively solving one problem while creating another.

Commissioner Vann offered comment stating regarding the sleeving, Dr. Koehler from the University of Florida stated termites would eat the plastic anyway.

Commissioner Bassett entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Local Amendments

Mr. Madani explained the local amendments were placed on the tracking chart by county and the subject matter. He noted the last column had the TAC's position.

Broward County, Appendix F, Plumbing

There was a motion and a second for approval of the TAC's recommendation.

Commissioner Greiner asked if there was a Broward version of Appendix F, not just an Appendix F.

Mr. Madani responded it was on the system as part of the local amendments submitted. He stated Mr. Richmond may have a concern because it was not a technical amendment and the appendix was in the Code for voluntary adoptions by the local jurisdiction. He clarified if it is adopted it would still be voluntary with Broward enhancements.

Commissioner Greiner stated if these are local amendments, the Commission should be considering these to be statewide.

Chairman Rodriguez stated it was already optional in the Code. He explained the goal is to revise the text of the appendix.

Mr. Dixon asked if the original appendix came from Broward County was there an amendment to the original.

Mr. Richmond explained he had legal concerns regarding the voluntary appendix. He stated no local jurisdiction has to adopt it. He then stated by characterizing these changes as local amendments to Code, it may be changing the nature of the appendix if this was approved as recommended. He further stated

appendix F should be kept as a voluntary document and it should not be amended through this process. He concluded by stating if the Commission wanted to amend it, it should be done through Code process and not by adopting a local amendment.

Commissioner Greiner added if it states it was optional and Lake County decided to adopt it, it could modify it.

Chairman Rodriguez reiterated Mr. Richmond's statement if the Commission wanted to revise the text of the appendix it should not be done as a local amendment.

Commissioner Bassett expressed confusion with the process and does not provide an opportunity ahead of time to do what should have been done as course of action. He stated it was his understanding this was a Broward amendment that could put in as appendix F as voluntary. He then stated they were the ones using it and they want change the wording so every three years they do not have to go back through the local amendment process to change the wording.

Mr. Madani offered clarification when amendments were reviewed a memo was sent to the jurisdictions of concern asking them to if they would like to submit a code change through the process and they decided not to.

Chairman Rodriguez called for a vote. Vote to approve motion was unanimously opposed. Motion failed

Balance of Local Amendments Excluding Mechanical

No second Motion died for lack of second.

Pinellas Mechanical

Commissioner Bassett moved approval of the recommendation.
Commissioner Gross entered a second to the motion.

Jack Glenn, Florida Home Builders Association

Mr. Glenn offered clarification stating if this is to be considered for statewide inclusion Pinellas County should have submitted it in the proper form, answering the appropriate questions as to the impacts both with cost and impact on local governments and property owners. He stated for the Commission to consider and approve it at this point without any public knowledge would not be a wise thing to do and would possibly be subject the code change to a challenge.

Commissioner Greiner concurred with Mr. Glenn stating adding something like this concerns him because there is no information relative to how much insulation has to be on there, therefore it is not complete.

Commissioner Schulte requested clarification concerning unconditioned areas being insulated if it would be an attic in a residential application.

Mr. Blair stated if it was in the attic it would have to be insulated.

Commissioner Bassett offered comment stating someone who does this design on a regular basis would be plain stupid to not insulate horizontal condensate lines in a building.

Commissioner Vann concurred with Commissioner Bassett then stated the Commission is not the appropriate venue for that type of last minute code change.

Commissioner Bassett stated he recalled local municipalities could adopt local amendments and then the Commission was charged every three years with looking at local amendments and making a three part decision: 1) reject it, 2) adopt it locally for that jurisdiction or 3) adopt it statewide. He stated if it was properly noticed and shown on the website as a proposed change, because it was a local amendment being considered, he did not see how the Commission was violating what the statute has mandated.

Mr. Richmond offered clarification concerning local amendments. He stated there are two or three items in the triennial review process. He stated the requirements for fiscal impact have not been applied as a mandatory element for consideration. He further stated the fiscal impact has been considered conceivably and Commissioner Greiner's statements are applicable as to the level of definiteness and there other concerns as well.

Mr. DiPietro, Broward Board of Rules and Appeals

Mr. DiPietro offered support of Commissioner Bassett's comments.

Commissioner Bassett asked who the responsible party is for coming up with answers to these questions, because the amendment is supposed to automatically come forward and therefore, DCA should be responsible for adding this and they are very remiss if they did not do this in preparation for this, since it is the second triennial review the Commission has been through.

Commissioner Kim offered clarification stating in his understanding from what Mr. Richmond just explained the issue is before the Commission appropriately because it has gone through public comment and has been at the TACs.

Mr. Madani stated the DCA is very clear to the public regarding the local amendments. He explained they are on the database, are on tracking charts, memos are sent to local jurisdictions asking them if they want to provide justification.

Chairman Rodriguez called for a vote on the motion. Vote to approve the motion resulted in 4 in favor, 12 opposed. Motion failed.

Mr. Richmond closed the rule development workshop.

Chairman Rodriguez called for motion to proceed with rule adoption for Rule 9B-3.047, the Florida Building Code publishing a notice of rule adoption with a hearing at the Commission meeting in August of 2007.

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

COMMISSION MEMBER COMMENTS AND ISSUES

No one offered comment.

GENERAL PUBLIC COMMENT

Bruce Tuman, Firefighter

Mr. Tuman offered comment stating a Fire Protection Engineer should enhance the wisdom of the Commission. He quoted "*the Florida Building Commission is based on the knowledge of the codes and national standards which are amended where necessary for Florida Specific Need*". (See Hurricane shutters hindered Hollywood fire victim, officials say attachment.) He stated it has been harmonized with the Florida Fire Prevention Code. He then stated attending the Fire TAC and Code modification meeting this spring to try to change a code exception that is killing people, he saw firsthand that Florida-specific means special interest first and public safety second. He then stated while the Code is harmonized with an amended Florida-specific NFPA life safety code it fails to understand the need of two ways out of every room in case one is blocked by a fire. He referenced a Homeland Security pamphlet from March 2006 which advocated quick release devices and the importance of two exits out of each room. He asked if this Commission was supporting terrorism with these Florida specific exceptions. He stated hurricane release shutters with quick release devices like our Code requires will help protect property and save lives, by not creating a fire trap, not only protecting the occupants but the brave firefighters. He asked why the Florida Code creates an exception for hurricane shutters. He stated the family of a north Miami couple who died sued the

manufacturer and distributor of corrugated panels designed to be secured from the outside preventing escape and rescue. He then stated the wife was found in the bed with her husband lying under the broken bedroom window blocked by a Miami-Dade county approved shutter.

Mr. Blair interrupted the speaker and requested he keep his comments not personal and related to the issue.

He continued by stating the judge ruled against the family and stated "*the potential danger of obstructing the window opening was open and obvious.*" He asked the Commission if it believed shutters without a quick release device is not so open and obviously dangerous. He stated the only support for the Code exception at that TAC meeting was a paid lobbyist who appeared to have undue influence on the committee. He stated he left the TAC meeting disappointed and said he would inform the committee upon the next death. He stated earlier this month a 72 year old lady died in a house fire in Hollywood and the Sun Sentinel headlines read "Hurricane Shutters Hinder Hollywood Fire Victim Officials Say". He continued by stating this was not the first time the shutters and then read headlines from old newspapers. He recommended the Commission change R310.4 and R4410.4.6.1, the exception before more people die. He stated a quick release device would protect all property and provide two ways out from each room and access for emergency responders. He asked if local fire departments would even fight hurricane shuttered house fire and how will shutters affect the fire growth. He stated maybe fires burn differently in Florida. He stated the National Fire Protection Association, Homeland Security, a Miami Dade County judge and local officials agree that blocking windows at any time jeopardizes public safety. He stated since no one defended the Code at the committee meeting, he would like the Commission to defend it publicly and I would hope a newly appointed member would specialize in fire protection and he could explain why he supports this exception to national standards life safety codes that has continued to kill old ladies, families and priests.

ADJOURN

Chairman Rodriguez adjourned the Florida Building Commission meeting at 11:30 a.m.