



STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

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

RICK SCOTT
Governor

BILLY BUZZETT
Secretary

MEETING OF THE FLORIDA BUILDING COMMISSION

PLENARY SESSION MINUTES JUNE 7, 2011

PENDING APPROVAL

The meeting of the Florida Building Commission was called to order by Chairman Raul Rodriguez at 9:12 a.m., Tuesday, June 7, 2011, at the Hilton Hotel, in Gainesville, Florida.

COMMISSIONERS PRESENT:

Raul L. Rodriguez, AIA, Chairman
Richard S. Browdy, Vice-Chairman
Jeffrey Gross
Jeff Stone
James E. Goodloe
James R. Schock
Herminio F. Gonzalez
Robert G. Boyer
Hamid R. Bahadori
Drew M. Smith
Christopher P. Schulte
Scott Mollan
Jonathon D. Hamrick
Kenneth L. Gregory
Joseph "Ed" Carson
Raphael R. Palacios
Nicholas W. Nicholson

Dale T. Greiner
John J. Scherer
John "Tim" Tolbert

COMMISSIONERS ABSENT:

Angel "Kiko" Franco
Donald A. Dawkins
Mark C. Turner
Randall J. Vann

OTHERS PRESENT:

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

WELCOME

Chairman Rodriguez welcomed the Commission, staff and the public to Gainesville and the June 2011 plenary session of the Florida Building Commission. He explained that the primary focus of June's meeting, in addition to deciding on regular procedural issues including product and entity approvals, applications for accreditor and course approvals, petitions for declaratory statements, accessibility waivers, and recommendations from the various committees, was to consider Glitch Amendments and conduct final Rule Adoption Hearings on the 2010 Florida Building Code and 2012 Florida Accessibility Code.

Chairman Rodriguez stated if anyone wished to address the Commission on any of the issues before the Commission they should sign-in on the appropriate sheet(s). He then stated, as always, the Commission would provide an opportunity for public comment on each of the Commission's substantive discussion topics. He further stated if anyone wanted to comment on a specific substantive Commission agenda item, they should approach the speaker's table at the appropriate time so the Commission is aware that they wish to speak. He concluded by stating public input was welcome, and should be offered before there was a formal motion on the floor.

Chairman Rodriguez then conducted a roll-call of the Commission members.

REVIEW AND APPROVE AGENDA

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

Commissioner Gregory moved approval of the meeting agenda as amended. Commissioner Carson entered a second to the motion. Vote to approve the motion as amended was unanimous. Motion carried.

REVIEW AND APPROVE APRIL 5, 2011 COMMISSION MEETING MINUTES AND FACILITATOR'S REPORT; APRIL 18, APRIL 25, MAY 2, 2011 TELECONFERENCE MEETING FACILITATOR'S REPORTS

Chairman Rodriguez called for approval of the minutes and Facilitator's Report from the April 5, 2011 and the Facilitator's Reports from the April 18, April 25, and May 2, 2011 teleconference meetings.

Commissioner Carson moved approval of the minutes and the Facilitator's Report from the April 5, 2011 Commission meeting and the Facilitator's Reports from the April 18, April 25, and May 2, 2011 teleconference meetings. Commissioner Nicholson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

CHAIR'S DISCUSSION ISSUES AND RECOMMENDATIONS

Appreciation Commissioner Ed Carson

Chairman Rodriguez stated the Commission is an all-volunteer group and all commissioners contribute to public service and should be commended for their work. He then stated he wanted to take the opportunity to extend specific appreciation to Ed Carson for his service and note that he has been recognized for his extensive public service in the Pensacola area. He continued by stating Commissioner Carson recently received the President's Volunteer Award, a lifetime achievement award for 12,000 hours of volunteer service. He concluded by offering, on behalf of the Commission, congratulations to Ed Carson, noting he serves as a model for selfless public service, and deserved the National recognition.

Appointments to TACs and Workgroups

Asphalt Shingles Workgroup

Chairman Rodriguez stated an Asphalt Shingles Workgroup was formed to develop recommendations regarding code enhancements for implementing the results of UF's asphalt shingle research. He stated staff would ensure that affected stakeholders are involved in the process and aware of the Workgroup schedule. He announced the following appointments to the workgroup:

| | |
|----------------------------|--|
| <i>Chris Schulte (P)</i> | <i>Roofing TAC Chair/Roofing Contractor</i> |
| <i>Ralph Davis (P)</i> | <i>FRSA</i> |
| <i>Mike Fisher (P)</i> | <i>ARMA</i> |
| <i>Walt Rossiter (U)</i> | <i>Roofing Consultant Institute & RICOWI</i> |
| <i>Chuck Goldsmith (U)</i> | <i>USF/Roofing Consultant</i> |
| <i>Wanda Edwards (U)</i> | <i>IBHS</i> |
| <i>Tom Smith (G)</i> | <i>FEMA/Roofing Consultant</i> |
| <i>Mark Zenal (G)</i> | <i>Miami Dade Codes Office</i> |
| <i>Tim Tolbert (G)</i> | <i>Building Official Santa Rosa County</i> |
| <i>Rusty Carrol (G)</i> | <i>Broward County BORA</i> |
| <i>Roger Sanders (G)</i> | <i>Private</i> |

Uniform Mitigation Verification Inspection Form Project Update

Chairman Rodriguez stated at the request of the Department of Financial Services (DFS) the Commission appointed a workgroup at the April meeting to develop recommendations for enhancements to the "Uniform Mitigation Verification Inspection Form". He continued by stating the Form was used to inspect and report on a home's hurricane loss mitigation features for the purpose of applying for insurance premium credits and/or reductions. He further stated insurance companies provide insurance premium discounts based on a home's construction features providing hurricane protection (wind and water infiltration protection characteristics). He then stated DFS advised staff after the Legislative Session it had received authorization to proceed with

rule development revising the Form and now intended to complete the current revision based on input from prior workshops and the recommendations of "Applied Research Associates", the contractor which conducted studies on the cost benefits of home hurricane resistance feature. He stated DFS would pursue further revision of the Form in the future and would like to have the Commission's input on the second set of revisions. He concluded by stating staff would develop a project workplan and let members know when the project would be activated.

Potential Conference Call to Discuss Code Implementation Date

Chairman Rodriguez stated a teleconference meeting may need to be convened between the June and August Commission meetings to discuss the implementation date for the 2010 Florida Building Code. He then stated once ICC has had an opportunity to review the results of the Glitch Amendment process in relation to their codebooks production schedule they will report on whether the current implementation date of December 31, 2011 is feasible. He further stated staff would let the Commission know if there was a need for the meeting as soon as the ICC could assess the impact of the Glitch amendments to the draft Code.

Commission Meetings Logistics

Chairman Rodriguez stated staff hears from some commissioners on a regular basis stating they missed the deadline for making room reservations and asking if it was possible to still get the special room rate. He then stated the hotel rates were negotiated and the room blocks were released on a time certain schedule. He further stated the agenda packet the commissioners receive at each meeting, and available on-line, contains the meeting dates, locations and room reservation cut-off dates for meetings at least six-months in advance. He concluded by recommending the Commission members calendar the dates for the year to avoid missing room reservation deadlines.

Mr. Blair stated the cut-off dates were in the calendar for one year in advance allowing a sufficient amount of time to plan travel arrangements.

REVIEW AND UPDATE OF COMMISSION WORKPLAN

Mr. Dixon conducted a review of the updated Commission work plan. (See *Updated Commission Work plan June 1, 2011*).

Mr. Dixon stated there were no substantive changes to the Commission's Workplan and no action was needed. He then stated the new Asphalt Shingles Workgroup would meet in conjunction with the Advisory Research Group Research to the asphalt shingles research project.

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

CONSIDER ACCESSIBILITY WAIVER APPLICATIONS

Chairman Rodriguez directed the Commission to Mary Katherine Smith for consideration of the Accessibility Waiver Applications.

Ms. Smith stated there was not a quorum present at Accessibility Advisory Council meeting therefore recommendations the Commission would hear come from a consensus recommendation from those who were present.

Recommendation for Approval with No Conditions:

Freight Revenue Recovery of Miami, Inc., Miami

Ms. Smith explained the petitioner's request for waiver as it was described in each Commissioner's files. She stated the Council unanimously recommended approval due to disproportionate cost.

Commissioner Nicholson moved approval of the Council's recommendation for approval of the Council's recommendation. Commissioner Scherer entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Vapiano Restaurant, Miami

Ms. Smith explained the petitioner's request for waiver as it was described in each Commissioner's files. She stated the Council unanimously recommended approval of the waiver because accessibility was unnecessary for the non-public office and dining level service was duplicated by services on the accessible level.

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

LA Fitness at Hunter's Creek Expansion, Orlando

Ms. Smith explained the petitioner's request for waiver as it was described in each Commissioner's files. She stated the Council unanimously recommended approval as vertical access is unnecessary and technically infeasible.

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

Recommendation for Approval with Conditions:

XL Soccer World Orlando, Orlando

Ms. Smith explained the petitioner's request for waiver as it was described in each Commissioner's files. She stated the Council unanimously recommended approval with the condition all accessible seating and companion seating was placed between each of the bleachers on the floor level and appropriate signage be provided which designates it as being accessible.

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

Recommended for Deferral

Fine Office Building, Gainesville

Ms. Smith explained the petitioner's request for waiver as it was described in each Commissioner's files. She stated the Council unanimously recommended deferral action until the applicant provides additional information including the type of lift proposed, historical designation of the property and how to provide equivalent facilitation for the attorneys located on the second level.

Commissioner Carson moved approval of the Council's recommendation. Commissioner Scherer entered a second to the motion.

Jay Reeves, Project Architect

J. Reeves offered clarification stating the building was built in 1904 and is located in the nationally registered historic district. He stated tax credits were being to do the project. He then stated the project was an existing law firm with an addition to the rear of the building, three additional law offices on the second floor, an additional stair well to the rear of the building allowing for at least one enclosed stair. He continued by stating an elevator was not feasible due to the dollar cost of the addition, nor was there enough property to allow for one. He stated the enclosed stairwell proposed was large enough the addition of a chair lift as a compromise. He then stated the principal offices and the conference rooms, which were open to the public, were on the ground floor, which was completely accessible.

Chairman Rodriguez asked Mr. Reeves if he had been present for the Council meeting.

Mr. Reeves responded stating he was not present. He then stated he was not aware the teleconference had been switched.

Chairman Rodriguez stated Mr. Reeves needed to participate in the council meeting as the Commission hears recommendations from the Council. He explained

since the current recommendation was to defer, Mr. Reeves would have the opportunity to present the additional information to the Council.

Vote to approve the motion was unanimous. Motion carried.

Recommended for Dismissal

Sherbrooke Apartments, Inc., Miami Beach

Ms. Smith explained the petitioner's request for waiver as it was described in each Commissioner's files. She stated the Council unanimously recommended dismissal for lack of jurisdiction because the regulation does not appear to be Florida specific. She further stated previous to the Commission meeting the applicant had requested a deferral until the August meeting to allow time for further research.

Commissioner Nicholson moved approval of the Council's recommendation. Commissioner Greiner entered a second to the motion. 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 stated the following 14 entities were recommended for approval by the POC:

ACC 9204 ACCREDIA

CER 1773I National Accreditation & Management Institute

CER 1840 FM Approvals

QUA 1860 FM Approvals

QUA 7628 Quality Auditing-Institute Ltd.

TST 1657 Fenestration Testing Lab

TST 1691 Hurricane Engineering and Testing, Inc.

TST 1867 FM Approvals

TST 2469 IBA Consultants

TST 2508 Momentum Technologies Inc.

TST 4317 Testing Evaluation Laboratories, Inc.

VAL 1786 National Accreditation & Management Institute

VAL 3120 The Engineered Wood Association

VAL 7468 Underwriters Laboratories Inc

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

Mr. Blair stated there was a consent agenda for all those issues that were posted with the same result from all four compliance methods either for approval, conditional approval or deferral. These were the ones without comment or there was no change to the recommendation as proposed presented. He stated if no commissioner wished to pull any if the products for individual consideration he asked for a motion to approve the consent agenda for all four compliance methods for approval, conditional approval and deferral.

Commissioner Browdy entered a motion to approve the consent agenda as amended for all four compliance methods for approvals, conditional approvals and deferrals. Commissioner Nicholson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Mr. Blair presented the following products for consideration individually:

9445-R1 Quikrete

Mr. Blair stated the product was withdrawn by applicant

13252-R1 YKK AP America

Mr. Blair stated the product was recommended for approval.

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

14519 3M

Mr. Blair stated the product was recommended for deferral with the condition the applicant provide a new Evaluation Report prepared by a licensed FL PE or RA.

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

14520 J A TAYLOR ROOFING

Mr. Blair stated the product was recommended for deferral with the condition the applicant provide a new Evaluation Report prepared by a licensed FL PE or RA.

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

3557-R2 Quick Tie Products, Inc.

Mr. Blair stated the product was recommended for conditional approval with the condition the applicant removes from the application the wire rope products (3557.5, .6, .7 and .8).

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

4622-R2 Ingersoll-Rand

Mr. Blair stated the product was recommended for conditional approval with the conditions the applicant change On Limits of Use on the face of the application to read 3/8" tempered glass; change the impact resistant glass thickness of 1/2" to 9/16" in accordance with the test report.

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

14243 Vitro America, LLC

Mr. Blair stated the POC recommendation was conditional approval with the condition the applicant provide specification of spacers as tested on application.

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

14512 International Door Products, Inc

Mr. Blair stated the POC recommendation was conditional approval with the conditions the applicant remove references to door slabs from other manufacturers; indicate to be used as a component of an approved tested assembly; limit use of ADA sill when water infiltration is required; and provide detail jamb to sill.

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

14513 Taylor Building Products

Mr. Blair stated the POC recommendation was conditional approval with the condition the applicant limit use of ADA sill when water infiltration is required.

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

14518 F&L Aluminum Parts, Inc

Mr. Blair stated the POC recommendation was conditional approval with the conditions the applicant provide tabulation of the maximum moment, maximum shear, maximum uplift (or tension), and gravity (or compression) loads for the light and medium duty stands should be included for each of the pressures shown on the tables. Indicate maximum unit height on the tables.

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

14140 G.A.P. Roofing

Mr. Blair stated the POC recommendation was conditional approval with the condition the applicant limit the use of this product as underlayment with approved systems for "Conventional Asphalt Built-up and Modified Bitumen Systems"; update the installation instructions to reflect these modifications; and indicate it is not to be used with discontinuous systems.

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

CONSIDER APPLICATIONS FOR ACCREDITOR AND COURSE APPROVAL

Accreditor Approvals:

Commissioner Browdy stated there were no accreditor approvals.

Course Approvals:

2007 FBC Building Structural Summary, BCIS Course Number #470.0

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

Florida Building Code – Accessibility. BCIS Course Number #469.0

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

Administratively Approved Courses:

None

Self Affirmed Courses:

Advanced Code Module Course for Electricians, BCIS Number #349.1

Commissioner Nicholson moved approval of the POC recommendation. Commissioner Carson 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: REPORTS ONLY DECLARATORY STATEMENTS:

Mr. Richmond stated he heard there was an appeal to the Commission's Declaratory Statement DCA10-DEC-209 by Michael Murray of StormWatch, Inc. He continued by stating he had not seen any written notice of the appeal. He further stated he did not believe the appeal would have any merit as the applicant continued to argue the Code should be changed. He then stated the Commission could certainly consider a change in due course if a specific change were proposed but the purpose of a declaratory statement was to interpret the Code as exists, which the Commission had done.

Binding Interpretations:

None

Revocations:

None

Declaratory Statements:

Second Hearings:

None

First Hearings:

**DCA10-DEC-285 by Larry Schneider, AIA
DCA10-DEC-286 by Larry Schneider, AIA**

Mr. Richmond explained the two declaratory statements had been previously referred to the TAC to receive some additional information. He stated he believed the committee did not have a quorum and the import of those declaratory statements was pending on the resolution of HB849. He then stated he did not believe the declaratory statements were right for action at present.

Larry Schneider, AIA

Mr. Schneider stated the applicant concurred because HB849 addressed the issue, but it had not yet been finalized (signed into law). He then stated the request for deferment was to determine which way the applicant would go depending on what happens with the bill.

Chairman Rodriguez asked Mr. Richmond if a deferment was necessary since there was no meeting of the TAC.

Mr. Richmond responded stating he did not believe any action by the Commission was necessary at present because the committee had not taken any action on what it had been referred for.

DCA11-DEC-055 by Harvey M. Smith, Florida Atlantic University

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 to dismiss the petition for insufficient facts and circumstances for a declaratory statement. Commissioner Carson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

CONSIDER OTHER LEGAL ISSUES

Mr. Richmond stated the other legal issue, as he mentioned previously, was the pending bill HB849. He then stated it was approved on May 2, 2011, which to date was the last action taken by the Legislature. He continued by stating, it was his understanding some details were being worked out. He further stated some opposition had been generated with regard to the Accessibility recommendations the Commission had set forth. He stated one of the complaints was that they were not adequately considered. He stated the Commission had held a few meetings to generate the recommendations and allow public input, consistent with the norm there were four or five committee meetings at the Legislature, during which no objection was raised to the provisions. He then stated he would urge people to raise their concerns in due course which would allow the Commission the opportunity to address them.

CONSIDER COMMITTEE REPORTS AND RECOMMENDATIONS:

Accessibility TAC

Commissioner Gross stated there was not a quorum for the conference call meeting scheduled May 26, 2011. He then stated it was the second time there was no quorum. He asked if the Accessibility TAC meetings could be scheduled in conjunction with the Accessibility Advisory Council.

Mr. Dixon stated included in the commissioners' packets the advance dates for the Accessibility Advisory Council, the Education POC and the Product Approval POC allowing individuals an opportunity to make their plans. He then stated because half of the members of the Accessibility TAC were members of the Accessibility Advisory Council the meetings would be held sequentially.

Commissioner Gross stated he believed with the change a quorum could be more easily achieved.

Building Code System Assessment Workshop I and II

Jeff Blair presented the reports from Workshops I and II.

Commissioner Nicholson moved approval Commissioner Carson Vote to approve the motion was unanimous. Motion carried.

Chairman Rodriguez thanked all of the commissioners who were not on the committee for their participation and attendance at the meeting.

Education POC

Commissioner Browdy presented the report of the Education POC. (See *Education POC Teleconference Meeting Minutes June 1, 2011.*)

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

Product Approval POC

Commissioner Carson presented the report of the Product Approval POC. (See *Product Approval/Manufactured Buildings POC Teleconference Meeting Minutes May 26, 2011.*)

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

Break

RULE ADOPTION HEARING RULE 9N-1, 2010 FLORIDA BUILDING CODE

Chairman Rodriguez stated the Rule Adoption Hearing on the 2010 Florida Building Code served two purposes: First, to provide a final opportunity for public comment on the 2010 Florida Building Code and second, for the Commission to consider and decide on proposed Glitch Amendments before voting to adopt the 2010 Edition of the Florida Building Code.

Chairman Rodriguez continued stating the Commission conducted a rule development workshop on Rule 9N-1, Florida Building Code, for the purpose of deciding on proposed Code modifications at the December 7-8, 2010 meeting (deciding on TAC recommendations regarding proposed modifications to the Florida Building Code). He then stated an additional rule adoption hearing was held at the February 1, 2011 meeting for the purpose of considering public comment on the draft 2010 Florida Building Code. He continued by stating the June 7, 2011 hearing would provide another opportunity for public comment before the Commission concluded rulemaking on the 2010 Florida Building Code. He stated once the rule adoption hearing was opened the Commission would consider proposed glitch amendments and determine if any changes would be to the Commission's draft 2010 Florida Building Code. He then stated the code development process was a very deliberative process with multiple workgroups and TACs meetings, opportunities for public participation. He further requested individuals refrain from making any last minute changes unless they were glitches. He stated members of the public who wished to speak on the proposed glitch amendments and/or on the draft of the Building Code should come forward to the speakers table, state their name and representation for the record as well as the specific component of the draft to be addressed. He concluded by stating the Commission was interested in hearing the full range of views but asked those speakers whose comments were in agreement with statements heard previously to add new points only and avoid repeating the same comments.

Mr. Blair conducted a review of the glitch amendment process the Commission adopted at the Commission meeting in April. (See *Commission Glitch Amendment Review Process – June 2011, Adopted Unanimously April 5, 2011.*)

Mr. Madani stated there were CDs available for members of the public who wished to see details on the proposed glitch amendments. He then explained where the commissioners would find the information in the agenda and reviewed the chart being used. (See *Proposed Glitch Code Changes to the 2010 FBC Chart for June 7, 2011 Public Hearing TAC Chair/Staff recommendation on proposed glitch modifications.*)

Structural

Consent Agenda - Does Not Qualify as a Glitch Amendment

Jamie Gascon, Miami-Dade County

Mr. Gascon requested 4799 be pulled from the consent agenda for individual consideration.

Commissioner Schock pulled 4799 from the consent agenda because it has Florida specific need, deals with HVHZ, has an impact on small business and was a conflict with the updates Code.

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

Consent Agenda - Qualifies as a Glitch Amendment

Paul Coats, American Wood Council

Mr. Coats requested 4674 due to an editorial glitch which was overlooked.

Commissioner Stone pulled 4674 from the consent agenda.

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

Glen Miller PGT

Mr. Miller requested 4679 and 4552 be pulled from the consent agenda.

Mr. Blair asked if the proposed glitch amendments were structural.

Mr. Miller responded stating they were structural. He then stated they had been submitted but he wanted to make sure they would be pulled for consideration.

Commissioner Schock asked for clarification if the items being discussed were only those proposed glitch amendments pulled for individual consideration and the only discussion was to be if they were or were not glitch amendments, not the individual item itself.

Mr. Blair responded stating when the Commission voted for the consent agenda indicating the proposed amendment did qualify for a glitch amendment the recommendation was for approval for all of those amendments unless items were pulled for individual consideration. He further stated the other consent agenda was for all amendments not deemed qualified therefore not approved. He then stated during the glitch process it was necessary to consider each of the amendments unless there was a reason because it was being approved as a glitch amendment since it met the qualifications therefore the recommendation would be to approve as drafted unless someone requested it to be discussed individually. He stated the only two proposed amendments in the Structural chapter which had not been discussed were 4799 and 4674 because they had been pulled from their prospective consent agendas for individual consideration.

Commissioner Schock stated 4799 could affect other glitch amendments. He then asked if 4799 could be voted on without first addressing the other issues.

Mr. Blair stated, as it was explained to him, considering and voting on 4799 first would address the other amendments affected by 4799.

Mr. Dixon stated the parties who want to have a glitch amendment pulled for individual consideration needed to identify the other glitch amendments that may be affected.

Mr. Miller stated the amendments he had referred to were in the Structural chapter.

Mr. Gascon stated the consent agenda which was opened previously was for the non-glitch amendments only which was why he only requested 4799 be pulled at that time.

Mr. Blair offered clarification stating first he went to the consent agenda for "Does not Qualify as a Glitch" and asked if anyone would request any amendments to be pulled for individual consideration. He stated one person requested an amendment to be pulled. He then stated he next addressed the consent agenda for "Does Qualify as a Glitch" and one person requested one amendment to be pulled from that agenda. He continued by stating both agendas were voted on as modified and after the separate votes for the two consent agendas the two amendments pulled for individual

consideration were discussed and voted on. He asked Mr. Gascon if he missed the opportunity to speak.

Mr. Gascon stated he did miss the opportunity because he thought the only ones being considered then were the non-glitch agenda.

Commissioner Schock asked if he could have an opportunity to reconsider

Commissioner Nicholson moved approval to reconsider the consent agenda "Does Qualify as a Glitch". Commissioner Carson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Mr. Blair asked if anyone in the public wished to have any other amendment pulled from the consent agenda "Does Qualify as a Glitch"

Mr. Miller requested 4679 and 4552 pulled for individual consideration.

Mr. Gascon requested 4803/4692, 4802/4691, 4804/4602, 4805/4603.

Mr. Blair asked Mr. Gascon the reason for his request to have those amendments pulled.

Mr. Gascon stated the amendments were listed side by side because they were competing modifications to each other. He then stated the position the Commission would take on 4799 on the non-glitch agenda would determine which one of the rows the Commission could support.

Mr. Blair asked for the rationale relative to 4799.

Mr. Gascon stated the wind speed selected for the HVHZ based on the adoption of ASCE710.

Mr. Blair asked Mr. Miller to explain the reason he requested the two proposed amendments from the consent agenda "Does Qualify as a Glitch".

Mr. Miller stated the two were requested to be pulled for clarification on the air pressure cycles on ASTM E1996. He then stated the cycles were currently being reduced and he requested these proposed amendments be modified as to modification 4302 and 4305.

Mr. Blair asked Mr. Miller if there were additional glitches that needed to be corrected.

Mr. Miller responded stating they were just requesting the correction to the modification.

Commissioner Schock pulled 4692/4803, 4691/4802, 4602/4804, 4603/4805, 4552, 4679, and 4779.

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

Amendments Pulled for Individual Consideration

4799

Mr. Gascon stated he was requesting an adjustment in the previously stated design wind speeds due to the adoption of ASCE710 and its incorporation into the Florida Building Code. He then stated the fact it would be an unintended consequence if adopted in the manner the Commission approved at the last meeting was grounds to be considered a glitch. He continued by stating the wind speeds previously approved for contour lines falling outside the tabulated wind maps of ASCE710. He further stated at the time those wind speeds were presented the previously adopted wind speeds the standards were not thoroughly examined for south Florida. He stated after having the ample time to read the extensive documentation to cover to cover he found it correct to use the wind speeds mapped in ASCE710. He then asked the Commission to approve the corrected values as indicated which would harmonize the entire application of ASCE710 along with both structural and components in claddings.

Joe Belcher, representing the Masonry Association of Florida, the Aluminum Association of Florida and International Hurricane Protection Association

Mr. Belcher stated support of the requested amendment.

Jack Glenn, President, Florida Homebuilders Association and member of the Structural TAC

Mr. Glenn stated the modifications were made during a very short recess during the Structural TAC to gain consensus on the ASCE710 modifications, which were done at the request of Miami –Dade County. He then stated if Miami-Dade County felt further review and study of the total application was such the model was not needed the FHBA would support returning to the base language from ASCE710.

Eric Stafford, representing the Institute for Business and Home Safety

Mr. Stafford stated he was in agreement with the comments by Mr. Glenn and Mr. Gascon.

Dick Wilhelm, Windows and Doors Manufacturers and the Fenestration Manufacturers Association

Mr. Wilhelm offered full support of Mr. Gascon's request.

Steve Strong, Jeld-Wen

Mr. Strong stated he was in support of Mr. Gascon's request.

Mr. Miller stated he was also in support of Mr. Gascon's proposal.

Dwight Wilkes, AAMA

Mr. Wilkes stated he was in support of the request.

Joe Hetzel, Thomas Associates, representing DASMA

Mr. Hetzel stated he was in support of the proposal based on the evidence given.

Commissioner Schock moved approval of 4799 as a glitch amendment. Commissioner Nicholson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

4674

Commissioner Schock moved approval of 4803, 4802, 4804, and 4805 as a glitch amendment. Greiner Commissioner entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Mr. Madani stated the competing modifications needed to be disapproved.

Commissioner Schock moved approval 4692, 4691, 4603, and 4602 were not glitch amendments. Commissioner Greiner entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

4779

Mr. Gascon stated 4779 incorporates a requirement that the factor .6 be multiplied in the equations of the Standard and incorporates the .6 factor into TAS202. He then stated TAS202 was currently referenced in the Florida Building Code as a "-94", being a 94 edition of the standard. He continued by stating 4779 incorporates a change that identifies TAS 202 as a "-11" in standard. He then stated he was speaking against changing the year/edition of the standard as that change, once implemented into the Florida Building Code would affect all existing approvals. He further stated there was no material change to the standard in as far as testing was concerned. He stated he respectfully requested the standard portion of the modification remain as the 1994 version and the balance of the change

Mr. Blair asked for clarification from Mr. Gascon his request was to approve it as a glitch as revised with keeping the identification of TAS202 as the 1994 version.

Mr. Belcher stated he was in support of Mr. Gascon's recommendation.

Shawn Collins, Architectural Testing

Mr. Collins stated he supported Miami-Dade County's position.

Commissioner Schock moved approval of 4779 as amended. Commissioner Greiner entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

4674

Paul Coats, American Wood Council

Mr. Coats stated the glitch amendment he requested to be pulled was in Section 1609.1.1 and was an editorial deletion with reference to a standard. He then stated the commissioners should have a document available for review. (See *Requested Additional Glitch Modification to Original Glitch Modification S4674.*)

Mr. Blair asked for clarification that Mr. Coats was asking for approval with refinements as outlined in the document referenced.

Commissioner Stone moved approval of the glitch as amended using the text submitted by proponent. Commissioner Goodloe entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

4679

Mr. Miller stated that Table 1 in ASTM E1996, the original glitch modification reduced the cyclic pressure coefficients. He then stated his proposal was to keep the cyclic pressure coefficients as they currently were, but add a footnote in the table which further defined P positive and P negative 0.6 times the ultimate design load in accordance with ASCE7. He continued by stating the action would be similar to what had been done in 4803 and 4805.

Mr. Stafford stated he was not opposed to the proposal but the problem was ASCE7 does not define ultimate. He then stated the design pressure was the design pressure, which was referred to in ASCE7 by the P numbers. He continued by stating the word ultimate was not referenced anywhere, but occurs during the design, multiplying strength design by allowable stress design. He stated he did not believe it caused any harm in the Code but may cause confusion relative to what ultimate was without mention in ASCE7. He further stated it would be a little inconsistent with how some of the other code changes had been handled. He stated, for example, the with

the deflection table, the wind loads were previously permitted to be multiplied by .7. He then stated that had been changed to .4, which reflects $.7 \times .6$. He further stated he did not believe it would hurt anything but he thought it should be clarified the term ultimate was not defined in ASCE7.

Mr. Collins stated he was in support of the revised language of the proposed modification. He then stated he believed it would bring consistency to the Code amongst the testing standards.

Mr. Gascon stated the proposed modification would bring it in line with how other portions of the Code were being communicated with the same type of information. He then stated placing it as a footnote clarifies it to avoid double applying this factor.

Mr. Blair asked Mr. Gascon if he was in support of the revision.

Mr. Gascon responded stating yes.

Mr. Wilkes stated he was in support of the clarification.

Mr. Wilhelm stated he was in support for the change.

Mr. Miller stated the term ultimate was referenced in several locations throughout the Building Code as ultimate design load, as determined by ASCE7. He then stated if it was another issue it could be referred to as the strength design as referenced in ASCE7. He further stated the point of the modification was to simply apply the factor up front rather than change the cyclic pressure coefficients within the standard itself.

Mr. Stafford stated for clarification he was not opposed to the change. He then stated he only wanted to make sure they were aware there could be some confusion. He further stated the only place ultimate was referred to was in distinguishing between the wind speeds. He then stated as the Commission approved ASCE10 the design pressures were being accepted as they were currently represented.

Mr. Blair stated the Commission's choices were to either approve the glitch amendment as drafted or approve it as amended.

Commissioner Schock moved approval as amended. Commissioner Greiner entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

4552

Mr. Blair stated the issue was the same as 4679. He asked if everyone stood on their previous comments.

Affirmation of all previous comments.

Mr. Madani stated the code change the Commission just approved had two parts: the change to the specific code by adding the footnote and the other change was to change the word ultimate to strength. He then stated there were a number of places in the Code where that had been done. He further stated maybe a simple solution would be that the definition of ultimate design include it also equaling strength design instead of going through the Code and trying to change it in every place. He concluded by stating he wanted to get some guidance before making the change.

Mr. Blair asked if Mr. Madani's solution was to clarify it in the definition and apply it globally.

Mr. Madani asked Mr. Stafford if he thought that would be acceptable.

Mr. Stafford stated he thought the only place it was referred to was in the wind speed. He then stated the reference was concocted just for the transition period and that was the way it is referenced in the IBC and the IRC. He restated he did not believe it was referenced anywhere else in the Code.

Mr. Madani asked Mr. Stafford thought it would be a simple thing.

Mr. Stafford stated he would not change ultimate to strength design. He then stated ASCE7 was still the basic wind speed. He further stated these were code created concepts to deal with the transition.

Mr. Blair asked Mr. Madani for his recommendation on how to deal with the definition.

Mr. Madani responded stating there could be a definition put in to clarify any confusion, if that were acceptable to the Commission.

Mr. Blair asked Commissioner Schock if he would have a motion charging staff to provide clarification of the definition Mr. Madani had described.

Commissioner Schock asked Mr. Stafford if there was any problem in clarifying the definition.

Mr. Stafford stated he did not think there was any problem with doing so. He then stated he would not change the way the wind speeds were defined because currently they are consistent with the I-Codes. He further stated the definition could provide commentary language based on strength design i.e. pull some of the commentary from ASCE7 for clarity he did not believe it would hurt anything. He then stated he would not go and change or add ultimate or strength design to every place referring to ASCE7 as he did not believe that would be appropriate.

Commissioner Stone stated the issue seemed to be more commentary than code change therefore he would be opposed to a modification. He then suggested using ASCE7 and I-Codes as they exist currently.

Mr. Madani stated the glitch amendment had already been voted on.

Mr. Blair clarified Commissioner Stone was stating he did not want the additional verbiage throughout the document.

Mr. Blair stated 4679 had been approved with the changed language. He then stated Mr. Madani had then asked if there was a need to additionally clarify the term.

Mr. Wilkes stated AAMA had considered submitting a modification to do exactly what Mr. Madani was suggesting in adding a definition for clarity. He then stated in the meetings around the state he had attended the ASCE wind maps refer to the ultimate wind speed which was base. He further stated because of the reference it was being referred to as ultimate load or ultimate design. He stated they were hoping to clarify the multiplier was used only to the ultimate when reduced by the .6. He continued by stating it was actually a clarification and if it could be done with a definition they would support it.

Chairman Rodriguez asked Commissioner Stone if he was still opposed to the modification.

Commissioner Stone stated ASCE7 was being adopted. He then stated once the Commission gets into the education programs provided by the engineers and architects any confusion would be clarified.

Commissioner Schock stated since there was a transitional period he would not be opposed to having a definition added.

Mr. Belcher stated there was a lot of difference between the ultimate design strength of materials and ultimate wind speeds. He then stated he thought it would cause more confusion. He stated he was against the modification.

Mr. Stafford stated for the person using ASCE7 everyday it does not specify if it is a strength design level pressure, an ultimate pressure or an ASV level pressure. He then stated a design pressure is what is given like in the past and depending on what method is used by the designer, the pressure is then modified to get it to an allowable level. He further stated the reason all of this was being done for testing is because ASCE7 does not say when testing multiply by .6. He stated the test method historically has been based on allowable stress by load therefore adding strength design everywhere .6 is mentioned will become very confusing because ASCE7 does not distinguish between the two or the design pressure. He concluded by stating he would not be opposed to making the change to the cyclic pressure table, but he was opposed to making the global changes elsewhere.

Mr. Blair stated so far the Commission had only made the change to the table. He then stated if the Commission left 4679 as approved there would be no need to go into the other aspect of it. He continued by stating 4552 was on the floor and the Commission could either approve it as it was originally submitted as a glitch or revise it and then determine if more definitions would apply to both.

Commissioner Schock moved approval as amended. Commissioner Greiner entered a second to the motion. Vote to approve the motion was 23-1 (Stone). Motion carried.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATIONS,
DIVISION OF PROFESSIONS DIRECTOR, TIM VACCARO WELCOME TO THE
DBPR**

Chairman Rodriguez stated the Commission and the Codes and Standards Staff were moving from DCA to DBPR as a result of 2011 Legislative action. He then introduced Tim Vaccaro, Director of Division of Professions, Department of Business and Professional Regulations who was present to address and welcome the Commission to DBPR.

Tim Vaccaro, Director, Division of Professions, DBPR

Mr. Vaccaro stated he wanted to introduce himself and tell the Commission the DBPR was looking forward to working together. He then stated the DBPR had been working closely with Ms. Jones and staff to ensure a seamless transition. He continued by stating they had been meeting on a weekly basis addressing technology issues, budget and finance, human relations issues and more to make sure the transition goes smoothly. He stated he had also met with some of the interested parties such as members of the Building Officials Association of Florida, the Construction Coalition, Building a Safer Florida. He then stated they had come to the department and sat down with him.

Mr. Vaccaro stated there had been a lot of interest in learning whether or not anything was going to specifically change as far as bringing the Commission over to the department. He stated he believed it was only human nature when a transition of this type happens there were concerns that will come up, questions and maybe worries. He continued by stating he thought the biggest issue that has been brought forward to date has been if the department had planned any drastic changes such as restructuring the BCIS or splitting staff up, for example. He stated at present the goal was to get the Building Commission staff from DCA over to the DBPR and let them do their jobs. He then stated he had heard many good things relative to the work the Building Commission staff does, the Commission's education and how the TACs run. He stated the DBPR did not want to disturb any of those things. He stated the DBPR wanted to get the staff moved and just let them do their jobs. He further stated the only change he envisions is where staff will be housed. He stated, as with any program, there were

always possibilities for areas of improvement, but that was something that could only be achieved by learning what the Commission does and working with staff and communicating together so everything is done in a fair manner and the DBPR is helping the Commission do what it needs to do.

Commissioner Browdy stated he could speak for the effort, time and money the Education POC and the Commission has put into the BCIS to deliver information to the construction industry. He then stated he wanted to reiterate the Commission's ability to be successful and deliver the information timely and accurately is all invested within that system. He continued by stating if there was a way to protect the system during the transition or at least make sure it was not changed until there is definitive communication with staff, it would be greatly appreciated or it would be a real mess.

Mr. Vaccaro stated the department had heard the same concern from everyone and it was absolutely one of the paramount issues in this transfer. He then stated DBPR's technology staff was working hand in hand with the Commission and DCA staff and with the contractor to make sure there was no disruption during the transfer.

Commissioner Gonzalez stated Miami-Dade County had worked with Mr. Vaccaro in the past and he only had positive comments, as Mr. Vaccaro had come through on every issue they had placed before him. He further stated he was glad to see him before the Commission and offered his thanks for the work he had done for Miami-Dade in the past and also congratulated him on his new roll with the Commission.

Commissioner Carson stated he had served on the Commission for the past 11 years. He then stated one of the issues which was a constant source of frustration was coordination or lack thereof between the different state agencies. He encouraged Mr. Vaccaro to keep the door open and talk with the commissioners.

Mr. Vaccaro stated one of the beneficial factors in having the Building Commission housed within the DBPR was the proximity to the five board offices which the executive directors who were responsible for the construction trades, i.e.; construction, electrical, building code administrators, inspectors, architects, interior designers, landscape architects., etc. He then stated he believed the communication would be there. He added the Bureau of Education and Testing was also within the bureau which was responsible for exams and continuing education.

Commissioner Greiner stated that while making the move seemed a bit strange to the Commission, he looked forward to making the move. He also stated he believed there would be some situations when the Commission could tap into the DBPR's data base to enhance the Commission's BCIS with respect to licensing of individuals and the Commission's ability to get information to those individuals who are licensed to do inspections and plans examination. He then stated he believed it would be a good combination.

Chairman Rodriguez thanked Mr. Vaccaro for appearing before the Commission. He stated the Commission welcomed the opportunity to work with the DBPR.

5 minute break

**RULE ADOPTION HEARING RULE 9N-1, 2010 FLORIDA BUILDING CODE
(continued)**

Roofing

Consent Agenda - Does Not Qualify as a Glitch Amendment

Mr. Gascon requested 4594 be pulled for individual consideration because in the manner in which it was introduced to the Commission, the glitch amendment introduced the incorporation of an ASTM standard which would clearly make it non-glitch.

Mr. Blair asked if it was the same issue as one previously discussed.

Mr. Gascon responded stating this one corrects a grammatical error.

Commissioner Schock pulled 4594 from the consent agenda for individual consideration.

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

Consent Agenda - Qualifies as a Glitch Amendment

Lorraine Ross

Ms. Ross requested 4657 be pulled from the consent agenda for individual consideration. She stated there was a proposed modification that went along with 4657.

Mr. Gascon requested competing modifications 4771/4800, 4772/4801 be pulled for individual consideration.

Mr. Blair asked Mr. Gascon if he had a preference of which modifications should be approved.

Mr. Gascon responded stating 4800 and 4801 would be preferred.

Commissioner Schock pulled 4657, 4771/4800, 4772/4801.

Commissioner Nicholson moved approval of the consent agenda as revised.

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

Amendments Pulled for Individual Consideration

4594

Mr. Gascon stated there were two parts to the change presented: 1) correction of a grammatical error and 2) to introduce and ASTM standard. He then stated if the ASTM standard portion was left out and just the grammatical correction was made it should be adopted as a glitch.

Commissioner Nicholson moved approval of the glitch amendment as amended. Commissioner Schock entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Mr. Madani asked for clarification that the glitch amendment was approved as amended by removing the ASTM standard.

Mr. Blair stated that was correct.

4800 and 4801

Commissioner Schock moved approval of the amendments following the previous approval of 4799. Commissioner Nicholson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

4771 and 4772

Commissioner Schock moved approval of 4771 and 4772 not be deemed as glitch amendments. Commissioner Nicholson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

4657

Ms. Ross stated everything was fine with the modification and the deletion of the language by Mr. Stafford was a good. She then stated what had not been done was change the table to correspond to ASCE 7-10 as referenced. She continued by stating the intention of the modification was to correct that. She stated she was aware there is a Asphalt Shingle Workgroup but was not certain if going through the current tables and prescriptives sections within the roofing chapters in both residential and commercial buildings was a part of what it will do.

Mr. Dixon stated the purpose of the workgroup was for future work with the next code.

Ms. Ross stated the change needed to occur to avoid confusion in the market as far as the classification of asphalt shingles. She then stated ASTM 3151 and ASTM 7158 were both still in play and the table does that conversion. She further stated the numbers of the table needed to be correct. She stated if adopted it would also be going into the residential chapter.

Mike Silvers, FRSA

Mr. Silvers stated he was in support of the change.

Commissioner Schock moved approval of the glitch amendment as amended. Commissioner Greiner entered a second to the motion. Motion carried.

Code Administration

Consent Agenda – Does Not Qualify as a Glitch Amendment

None

Consent Agenda –Qualifies as a Glitch Amendment

Commissioner Hamrick pulled 4765 until after the Special Occupancy because it was relative to a code glitch in Special Occupancy.

Mr. Blair stated a motion would be necessary to table the amendment.

Commissioner Hamrick moved approval to table 4765 until after the Special Occupancy section had been completed. Commissioner Nicholson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

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

Electrical

Consent Agenda – Does Not Qualify as a Glitch Amendment

None

Consent Agenda –Qualifies as a Glitch Amendment

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

Energy

Consent Agenda – Does Not Qualify as a Glitch Amendment

Commissioner Palacios offered comment (not audible – microphone not on)

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

Consent Agenda –Qualifies as a Glitch Amendment

Mr. Glenn requested 4653 be pulled for individual consideration. He stated the reason was because of conflicting actions in the original hearings when 4320 and 4382 were approved. He then stated 4320 eliminated a section of the code and 4382 provided an exception to the section which had been eliminated. He continued by stating the glitch would eliminate the exception. He further stated he would like it reconsidered for the removal of the section and keep the exception.

Mr. Blair asked Mr. Glenn for clarification he was asking to have the exception removed.

Mr. Glenn stated he would like 4653 removed from the consent agenda for discussion which revolves around 4320 and 4382 which were in the original code actions.

Commissioner Smith pulled 4653, 4382, and 4320 from the consent agenda for individual consideration.

Commissioner Hamrick pulled 4649 and 4650 from the consent agenda for individual consideration.

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

Amendments Pulled for Individual Consideration

4653

Mr. Glenn stated in December 2010 the Energy TAC approved two code changes. He then stated 4320 eliminated Section 402.5, which dealt with weighted averaging for heat gain coefficient on glass. He continued by stating the TAC also approved 4382 which was an exception proposed by Florida Solar Energy Center for consideration where there was an overhang of 4 feet. He stated the result was an exception in the code to no apparent section. He then stated the glitch change 4653

would eliminate the exception thus leaving nothing on weighted averages. He further stated his proposal would be to go back and reconsider the action that eliminated Section 402.5 and reinsert it into the code then allow the exception to continue. He stated there would be allowable consideration for weighted averages on solar heat gain coefficients. He concluded by stating it would mean the Commission would not approve 4653 but disapprove 4320.

Mr. Blair stated he did not see where 4320 and 4382 were glitch amendments.

Mr. Glenn stated they were not glitch amendments. He then stated they were done with the original TAC action, which created the conflict. He further stated he was asking the Commission to reinstate the original section to allow the modification approved previously provides an exception has a parent. He continued by stating 4653 was a glitch change which would remove the exception. He stated he was asking the Commission to reverse its position, leave the exception previously approved in place and disapprove the action taken in December, which eliminated the parent section.

Mr. Blair stated for clarification the only amendment pulled was 4653. He then stated 4320 and 4382 could not be pulled as a glitch amendment because they were not there. He continued by stating the action Mr. Glenn was looking for was to reconsider action previously taken on the code itself, which would be separate from what was being discussed.

Mr. Richmond stated he would not advise reconsidering an action previously taken. He then stated the Commission needed to take 4653 and modify it to add the original language of Section 402.5, leave the exception rather than strike the exception and approve 4653 as modified.

Mr. Glenn stated he was trying to achieve the exact same thing,

Mr. Dixon reiterated that it would be reversing the Commission's previous decision.

Mr. Madani stated what Mr. Glenn was requesting was reinstating the original text language from the foundation code. He then stated all that has to be done with this modification was reinstate the foundation code language for the section

Mr. Glenn stated that was correct as long as the exception was included.

Mr. Blair stated the necessary action would then be to approve 4653 as a glitch with the revision.

Commissioner Nicholson moved approval of 4653 with the revision as stated. Commissioner Carson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

4649

Commissioner Hamrick stated the reason he pulled the glitch amendment was the justification was to have a definition of water heater that is consistent with the Plumbing Code. He then stated it was a little different than what was in the Plumbing Code, but matched the definition of a water heater in the Mechanical Code. He further stated his recommendation would be to approve the glitch amendment then have staff correct the definition of water heater in the Plumbing Code to match this definition.

Mr. Blair asked for clarification the glitch amendment be approved with the amendment.

Commissioner Hamrick moved approval of the glitch amendment as amended. Commissioner Greiner entered a second to the motion.

Mr. Glenn asked if the definition of water heater in the base code, IMC and IPC were different.

Commissioner Hamrick responded yes

Mr. Glenn asked if a Florida specific amendment would be created to make the definitions consistent.

Commissioner Hamrick stated it was already a Florida specific amendment to make them consistent.

Mr. Glenn stated the definition of water heater from the Florida code was deleted in favor to what was in the base code.

Mr. Madani stated staff would do what Mr. Glenn had proposed, based on the International Code, to make them consistent.

Mr. Glenn stated as part of the contract in looking at sun-setting Florida specific amendments the water heater definition was eliminated to make it consistent with the I-Code. He then stated he would ask the Commission to continue to support the I-Code definition over having a Florida specific amendment for water heater definition.

Mr. Madani stated that is what staff will do.

Mr. Blair stated for clarification the definition would be made consistent with the I-Code definition.

Doug Harvey, BOAF

Mr. Harvey stated he was in support of Mr. Glenn's proposal.

Vote to approve the motion was unanimous. Motion carried.

4650

Commissioner Hamrick stated his concern was relative to table 301.1 as Miami-Dade County was listed twice. He stated one listing was a 1A and the other was a listed as a 2A. He then stated he recommended deleting the listing of Dade County 1A and take the reference to Miami-Dade near the bottom of the second column and change the classification from 1A to 2A.

Commissioner Hamrick moved approval of deletion of the listing of Dade County 1A and make the Miami-Dade County classification a 2A. Commissioner Gonzalez entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Fire

Consent Agenda – Does Not Qualify as a Glitch Amendment

Commissioner Greiner moved approval the amendments were not glitch amendments and should not be approved. Commissioner Nicholson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Consent Agenda –Qualifies as a Glitch Amendment

Mr. Dixon stated for the record on 4726, depending what the Governor does with signing the bill, a previous modification approval by the Commission may create a conflict with the Accessibility Code. He then stated action on the modification would be pending until the governor signs the bill.

Mr. Blair

Commissioner Nicholson moved approval of consent agenda. Commissioner Carson entered a second to the motion. Motion carried.

Mechanical

Consent Agenda – Does Not Qualify as a Glitch Amendment

None

Consent Agenda –Qualifies as a Glitch Amendment

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

Plumbing

Consent Agenda – Does Not Qualify as a Glitch Amendment

Tom Allen, BOAF

Mr. Allen requested 4834 and 4835 be pulled from the consent agenda. He stated when the Commission voted in the Code a Florida supplement presented by BOAF was also voted in. He then stated the two definitions were left out of the supplement because they were determined not Florida specific. He continued by stating they were put back in during the code change process listed under items that needed to be addressed therefore a glitch change was used to remove them. He stated the definition of riser was changed in 2001 and was not changed back to match the base code when the 2004 Fuel Gas Code was implemented. He then stated the only difference between the definitions was the word gas in the Fuel Gas Code. He further stated the word gas applies to a gas riser and it was not made consistent with the base code that came in subsequently. He stated the definition of regulator was changed from the 1997 standard gas code to the 2001 to the current wording. He then stated it was not updated when the 2003 base code came in and is inconsistent with the 5 editions of that code, which is why they requested it to be reconsidered.

Commissioner Schock pulled 4834 and 4835 from the consent agenda.

Commissioner Nicholson moved approval of 4862, the only amendment remaining on the consent agenda. Commissioner Carson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Consent Agenda –Qualifies as a Glitch Amendment

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

4384/4835

Commissioner Schock moved approval of the amendments as drafted. Commissioner Goodloe entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Special Occupancy

Consent Agenda – Does Not Qualify as a Glitch Amendment

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

Consent Agenda –Qualifies as a Glitch Amendment

Mr. Blair stated 4765 was pulled from the consent agenda.

Mr. Allen requested 4845 be pulled from the consent agenda. He stated the change being made to the amendment allows for the Department of Health to do variances from the Florida Building Code. He then stated notes were not enforceable in the Florida Building Code. He further stated it was an advisory note indicating other things may apply, but adding it in the note means variances from the department had to be accepted not actually in the proper location. He concluded by stating he believed it to be a code change not a glitch, not an update something current.

Commissioner Hamrick pulled 4845.

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

4845

Commissioner Hamrick stated he was in agreement with Mr. Allen's comments. He then stated part of the justification had to do with Florida Statute 324.028 which had to do with an advisory review board for the Department of Health which did not say anything relative to extending variances to code requirements. He further stated it did state the boards brought the Department the benefit of the knowledge and experience of the board concerning the industry and the individual businesses affected by laws and rules administered by the department. He continued by stating he did not see where a variance to a code requirement was justified.

Mr. Blair asked if Commissioner Hamrick was interested in approving the glitch or voting against it as not a glitch.

Commissioner Hamrick stated he would move it forward as not being a glitch. Commissioner Nicholson entered a second to the motion.

Mr. Madani stated the issue first came before the Commission as a declaratory statement. He then stated based on the outcome of the declaratory statement it was determined it was time to clarify the issue based on their rule and legislation, which was why the issue is before the Commission.

Commissioner Gregory stated speaking to the Florida Swimming Pool Association and other interested parties who were in support of Commissioner

Hamrick's proposal to disapprove. He then stated it was important to clarify the line between the building code and things that affect the construction of, building of, maintaining and repair of commercial pools and leave the Health Department out of the venue. He further stated they should have no jurisdiction in granting variances to the Building Code.

Mr. Richmond stated he believed the Commission had ruled in response to an appeal filed by Mr. Fine. He then stated local building officials were required to recognize the variance authority of the Department of Health with regard to at least one particular issue. He further stated staff was not looking for enforceability in the note to probably direct building officials in the future to the fact the possibility exists. He stated if encountered the action of the state agency needs to be recognized. He then stated the recommendation in that case was that statutes were less than clear and the Commission ruled the City of Miami Beach was required to recognize a waiver entered by the Department of Health, which was recognition of current law. He further stated he believed this falls into the category of criteria for a glitch as it was actually clarifying potential conflict between statute and the current language of the code for the benefit of those using the code.

Mr. Blair asked Mr. Richmond if his recommendation was to be approved as a glitch.

Mr. Richmond stated he believed it could be approved as a glitch.

Mr. Madani asked Mr. Blair if this was consistent with previous Commission action on relative issues.

Commissioner Gregory stated he wanted to let the Commission know there was an International Swimming Pool Code, Residential and Commercial, for which he was on the hearing board in Dallas. He then stated the issue was going to come up and the Commission needed to clear the line on who was in charge of the Building Code. He further stated he believed the proper was the building code officials, the industry and the Commission. He continued by stating some of the items made by the Health Department are not subjected to the review process taken by the Florida Building Code. He stated it was not accessible, not open and it was not a consensus view in his opinion. He then stated he believed it would go a long way to set the record straight.

Vote to approve the motion was unanimous. Motion carried.

4765

Commissioner Hamrick moved approval to remove 4765 from the table for discussion. Commissioner Carson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Commissioner Hamrick moved approval as a glitch based on the action taken by the Special Occupancy TAC. Commissioner Gregory entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Mr. Blair stated staff had identified some issues that require Commission action either as glitches or otherwise.

Mr. Madani stated was a document called "*Comments Received on the Glitch*" which includes the tracking charts. He then stated the document mainly had some changes anticipated if HB849 was approved. He further stated there were changes staff discovered while reviewing the first draft of the Florida Building Code 2010 which were mainly glitches that needed to be corrected. He stated there were other outstanding issues that needed to be resolved by the Commission, i.e.; roof coating and duct testing for new construction.

Mr. Blair suggested setting the issues of roof coating and duct testing aside and considering the other issues and integrative changes on a consent agenda

Commissioner Browdy moved approval of the integrative changes as a consent agenda. Commissioner Greiner entered a second to the motion.

Mr. Glenn stated he wanted to make sure the DCA comment on B-1.1.2 was not included on the consent agenda.

Mr. Blair stated it was not on the agenda.

Commissioner Carson asked if the issues on the consent agenda had been published prior to the Commission meeting.

Mr. Madani stated the issues had been in the system for some time.

Vote to approve the motion was unanimous. Motion carried.

Roof Coating Issue

Mr. Madani stated the issue was found in Section 1507.15.3, *Roof Coating*. He then stated the issue came before the Commission and the Commission sent it back to the committee and the committee affirmed its position. He further stated the language that was approved by the committee and went to the Commission was "*Application of elastomeric and/or maintenance coatings system over existing asphalt shingles shall be in accordance with the shingle manufacturers approved installation instructions*". He stated the language was approved by the TAC and the Commission and then there was some discussion on the issue resulting in sending it back to the TAC, which reaffirmed its position and sent it back to the Commission.

Mr. Richmond stated there was something submitted which was called a lower cost regulatory alternative. He then stated going through the administrative rule adoption process triggers certain things which need to be reviewed relative to the issue. He further stated one of those issues was whether or not the lower cost regulatory alternative substantially accomplishes the objective of the law being implemented. He continued by stating the outside proposal actually relied on the product approval system to review documentation with regard to the roof coatings as opposed to relying on the approved installation instruction of the shingles manufacturers. He stated the discussion centered around a concern about the product's interaction with the shingles and concerns regarding whether or not the shingles' lifespan would be significantly altered by application of the product. He then stated the TAC considered the language approved previously to be responsive to the objectives of the law being implemented, which was proposed by the 3rd party not to substantially accomplish the objectives with the law being implemented. He concluded by acting on the language and approving the change as previously considered the Commission would be inherently finding the change the proponent approached the Commission with was being rejected because it did not meet the threshold.

Commissioner Schulte stated he had one additional comment on the issue. He then stated because the language is over existing shingles, he would recommend the language be put into the existing Building Code because it was being over existing shingles not new construction.

Mr. Madani stated it was a maintenance provision that does not fall under new construction provision. He then stated it was more logical to put the language in a maintenance section of the existing Building Code, although the Code has not addressed maintenance.

Commissioner Palacios stated ??? (microphone off) and maybe it does not but in his industry with replacement of air conditioning units all the time, the maintenance has to be done to code. He then stated he did not think maintenance could just not be included in the Code. He further stated whether it was a valid product or not was not his area of expertise, but it had to be discussed because when someone applies it to a roof a permit was going to be necessary.

Mr. Dixon stated, for clarification, the issue of maintenance was dealt with by the Legislature when it created the Florida Building Code. He then stated the recommendation of the study commission was that the code specifically address maintenance. He continued by stating when the recommendation went to the Legislature there were parties that were not in consensus with the recommendation and had it taken out of the bill. He stated the chairman of that commission lobbied unsuccessfully to get it back into the bill. He further stated the policy of the Legislature was the Florida Building Code will not address maintenance. He continued by stating maybe the commissioner was referring to repair. He stated within the existing Building Code there are provisions for repair, but not general maintenance on buildings

maintained over time. He further stated Legislature had not taken any opposing action for their original action.

Commissioner Schulte moved approval of the Roofing TAC's recommendation with the amendment it be moved over into the existing code. Commissioner Carson entered a second to the motion.

Michael Golsby, Miami- Dade County

Mr. Golsby read a portion of an article by coating expert, Bill Kern, the definition of elastomeric coating, "*a monolithic, single-ply, fully adhered membrane formed inset into an existing roof membrane*". He then stated maintenance of this type of insulation was more than just maintenance i.e. superimposing a waterproof membrane over existing shingle for an existing roof.

Mr. Glenn stated under no circumstance would a contractor put an elastomeric coating on a new roof.

Vote to approve the motion was unanimous. Motion carried.

Duct Testing Provisions

Mr. Madani stated there was some discussion on Appendix B, Table B-1.1.2. He then stated that while reviewing the Energy Code it was discovered in certain parts of the code, especially in certain parts of Chapter 4, Residential, it requires under the prescriptive methodology the ducts have to be tested. He continued by stating when going into the performance compliance method it still allows a trade-off i.e. take a penalty instead of test the ducts and make it up the required efficiency by using other energy efficient products. He stated it allows the option to not test. He then stated since the language in the prescriptive or rudimentary method does require testing in some ways testing was needed and some ways it was not needed. He further stated the intent of discussion was to somehow clarify the code and make sure it was clear. He stated there were two options: 1) to continue the code as it currently is, with the option of testing or defaulting and taking the penalty in trade off compliance options or 2) required testing with ducts having to be re-tested if necessary in order for duct to pass before a CO could be issued. He then stated the objective was to make sure the code is clear when it is published whether testing is required or not.

Ann Stanton stated, for clarification, option 1 would be to change Table B-1.1.2 to reflect a mandatory duct test to QN.O3, a tight duct, which has implications of expense for testing but going back in and retesting after the air handler is in, making Section 405 consistent with a mandatory duct test, which has the potential of giving people undeserved credit if they do not get tight ducts. She then stated option 2 would be to provide an exception to the duct testing in 403.2.2.1 and give the requisite credit for their achieved test results, which was not necessarily an air tight duct.

Mr. Glenn stated option 2 was based on a modification considered by the TAC on two occasions and rejected; therefore reinserting it into the code at present was probably not the best action. He then stated he shared Ms. Stanton's concern with double dipping with modification 1, but it was a reverse consideration i.e. if duct testing was going to be mandated then credit should be given based on the fact the duct was tested and it passed. He further stated he had an additional concern regarding 4464, which was rejected but it provides criteria for what constitutes an acceptable test as fail condition. He stated his recommendation would be option 2 not be approved and modify option 1 to include the criteria from 4464, allowing not only for a duct test but criteria for addressing the test as a pass/fail condition. He further stated allowing the test to occur anytime during construction not at the CO.

Mr. Dixon asked Mr. Glenn, for clarification, when he stated testing anytime during construction if he meant anytime after the AC system was completed.

Mr. Glenn responded stating yes anytime after the system was complete.

Bob Cochell, Florida Air Conditioner Contractors Association

Mr. Cochell stated he was a member of the Energy TAC. He then stated he agreed with Mr. Glenn's recommendation if duct testing the test needs to not be at the conclusion, not at CO. He continued by stating ductwork could be tested independently of all other structures at the rough-in stage.

Arlene Stewart, ACS Consulting

Ms. Stewart stated she had a couple of concerns as she was not sure this was a glitch at all. She then stated there were two instances within the current code, 13404 and 13604, where prescriptive requirements were not actually included in the directions for how to do the comparison between the "as built" and the "proposed". She continued by stating, for example, if there was a minimal R-19 knee wall but it was not indicated in Table B-1.1.2. She stated, in fact, the information would have to be input manually in order to get the credit for it. She then stated it was possible to trade it off, but it was an inadvertent penalty if credit had not been claimed for R-19. She continued by stating, in this case, a QN.03, the current requirement, has to be installed manually input it into the computer software when you do that comparison. She further stated it already exists and she did not believe it was a glitch. She stated if the Commission decided to consider it she believed Mr. Glenn had the wrong proposal. She then stated she believed the language was in 4463, not 4464, nor did he mean to leave the exception there in terms of complying with Section 405. She continued by stating she believed the recommendation should be leaving Table B-1.1.2 as is and implement the language from 4463 in conjunction, not as an exception.

Mr. Glenn stated the language was in 4463.

Commissioner Palacios stated he was in agreement with the previous comments. He then stated he believed if there was going to be duct testing, he believed it should be done, as with plumbing, at the rough-in stage i.e. before the walls were closed in, and the air handler does not have to be installed because the ducts being tested were in the attic space.

Commissioner Smith stated he agreed duct testing should be mandatory. He then stated he was not opposed to duct testing at any stage as long as there was consideration for the where the builder wanted incorporate it into the process. He continued by stating the testing could be done at the rough-in stage. He stated the testing could also be done at the final if there were problems or leaks, with possibly more expense in finding and correcting the leaks. He concluded by stating he did recommend some type of mandatory testing, whether at rough-in or end, be approved.

Mr. Madani asked if the intent to do the test and pass the test or take the test and enter the information into the computer program to account for the specific duct leakage, i.e. testing and retesting or testing to quantify the leakage to be utilized in the program.

Commissioner Palacios stated if there was testing there had to be a standard to test by. He asked what purpose would there be in testing if the leak was not going to be fixed. He then stated it must be tested to determine if there was leakage, if there was a leak it must be repaired and then retested.

Mr. Madani asked if multiple tests could be an issue.

Commissioner Palacios stated test, repairs and retests should all be done at the same time instead of multiple trips. He then stated it would not make sense to make multiple trips when testing and repairs could be done at once.

Commissioner Greiner stated, based on the testimony and discussion at the Energy TAC, option 1 gives the option of either meeting Section 405 or have the duct tested.

Commissioner Greiner moved approval of option one with the modification recommended by Mr. Glenn, which gives some definition and allows testing of the duct any time after the air handler was installed.

Mr. Blair clarified the motion was to move approval of option 1 including the criteria from 4463 which allows duct testing at different entry points.

Commissioner Scherer entered a second to the motion.

Commissioner Smith stated he agreed with the statement, but he also thought the Commission should consider removing the line for the exception for 405.

Commissioner Greiner stated option 1 includes that exception.

Ms. Stewart stated, with all due respect, the proposal, in terms of implementing the exception for buildings complying with Section 405, effectively nullifies testing for performance path. She then stated basically it would mean going back to what is currently there except changing the test method and the threshold. She further stated it would be put just in the prescriptive path, therefore 95% of the buildings would not require testing if the building complying with Section 405 was the exception. She continued by stating the TAC had not approved it, the Energy Workgroup did not approve it and the Commission did not approve it in December 2010.

Commissioner Browdy stated he wanted to clarify the available time for testing there was no way to say testing would occur when the system was complete, if the term completed system meant the system was operative. He then stated if the system was operative it would mean power was in and it was near the time for the CO. He continued by stating if there was going to be a time listed from when testing could occur it would be after the attic was no longer vulnerable. He stated there was a period of time when the ductwork was complete but there still may be traffic moving through the attic space. He

Mr. Dixon stated it was the completion of the air distribution system that was referenced. He then stated it does make a big difference whether the air handler was in place because the majority of duct leaks were found on the return side, not the pressure side. He continued by stating the unit has to be installed between the distribution duct and the return duct in order to get an adequate test. He further stated the AC systems, unless a specially sealed system was purchased will leak 3-5% by themselves.

Commissioner Palacios stated each duct section could be tested separately without having the unit tying in the middle. He then stated it could be tapped at either in and tested or do the same thing at the supply duct.

Mr. Dixon stated the test methods being required by the use of a class one rater. He then stated they have to do a pressurization test on the entire building.

Mr. Blair stated, for clarification, the motion was to approve option 1 with the criteria from 4463 and allowing the testing.

Ms. Stewart stated she disagreed. She then stated according to the Energy Rater Rule the entire building does not have to be depressurized. She continued by stating the test method included requires only depressurizing the duct system. She further stated in the section with the language Mr. Glenn had mentioned there were four different compliant options including two post construction and two during rough-in, with different thresholds, how to meet minimum performance, and it affords contractors and the AC contractors the option of claiming additional credit which was the intent of the original language in Table B-1.1.2. She continued by stating it did not matter what the

test method was because it was already in the prescriptive path, all relative to performance because the exception has be supposed.

Commissioner Smith asked to have the motion restated.

Mr. Blair stated the motion was to approve option 1, with the addition of the criteria from 4463 and allowing testing at other times.

Vote to approve the motion resulted in 18-1 (Stone). Motion carried.

Mr. Richmond stated a motion was necessary to proceed with rule adoption for Rule 9N-1, by publication of a Notice of Proposed Change and ultimately concluding rule adoption with the ultimate filing of the rule authorizing the Chair to sign the necessary certifications and noting the action was contingent on approval of HB849.

Mr. Blair asked if the authorization of staff to make any editorial and/or correlation changes.

Mr. Richmond responded yes it could be included.

Mr. Richmond stated motion to proceed with rule adoption for Rule 9N-1, Florida Building Code, adopting approved Glitch Amendments and approved modifications to the Florida Building Code, publication of a Notice of Proposed Changes, and authorizing the Chair to sign-off on any required rule certification(s), and authorizing staff to make any needed editorial and/or correlation changes.

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

RULE WORKSHOP ON RULE 9N-4 (FORMERLY 9B-7), 2010 FLORIDA ACCESSIBILITY CODE

Chairman Rodriguez stated the Rule Development Workshop on Rule 9N-4, Florida Accessibility Code, was for the purpose of formally adopting the 2012 Florida Accessibility Code for Building Construction. He continued by stating the Commission's Accessibility Code Workgroup worked with stakeholders over a two-year period to develop consensus recommendations for updating the Florida Accessibility Code for Building Construction by integrating Florida Specific Requirements into the US Department of Justice's updated 2010 ADA Standards for Accessibility Design (finalized September 2010). He further stated the Legislature adopted the Commission's recommendations for conforming parts of state law with the federal standards as well as enhancements to Florida Specific Requirements. He then stated the June 7, 2011 workshop provided another opportunity for public comment before the Commission concluded rulemaking on the 2012 Florida Accessibility Code.

Mr. Schneider asked, since it is unclear of the outcome of HB849, what the Commission's position would be

Mr. Richmond stated he did not believe the update of the 2010 standards was dependent on HB849. He then stated DOJ had taken its action. He continued by stating the Commission was charged, under current law, to maintain consistency with the Federal standards, therefore the Commission has current authority to move forward with the rulemaking. He further stated there may be some isolated technical changes which would have to be made if HB849 did not become law. He stated the draft does not become subject to the requirement for a Notice to Propose Change in order to change language until after publication of a Notice of Rule Adoption, which would be the next step in the process, which would be identified when the necessary motion has been identified.

Mr. Dixon stated, for clarification, the 2012 Florida Accessibility Code for Building Construction draft and what would be forwarded and noticed for rule adoption would be based on what happens with HB849. He then stated there was a draft based on print law, a draft that can be accessed online based on the changes to the law in HB849. Depending on whether or not the governor allows the bill to go into effect or not would determine the draft sent forward for rule filing.

Commissioner Gross asked if there was an effective date.

Mr. Dixon responded stating the recommended effective date was with the 2010 Florida Building Code effective date, in an attempt to keep the two consistent. He then stated if no hearing was called or requested then the code can be implemented at the same time as the FBC.

Commissioner Gross stated he saw a problem with that because the Federal Accessibility Code was not mandatory until March 15, 2012 and it would cut three months off of the effective date. He then stated it was originally set up to have at least 1 ½ years between the original publishing of the 2010 and when it became effective. He asked if the Commission was still aiming for December 31, 2011 for the effective date of the main code.

Mr. Dixon responded stating yes that was the correct target date.

Commissioner Gross stated he had a problem with the date with the Accessibility Code becoming effective that date.

Mr. Dixon stated he believed if the Commission wanted to reconsider the effective date for the Accessibility Code he thought it needed to take another action to change the action taken previously. He then stated the Commission accepted the recommendations from the final workshop that the date would be consistent with the December 31 date instead of delaying until the March 15, 2012.

Mr. Blair asked if the date of the code is changed would it cover the issue.

Mr. Dixon stated it was a possibility but not a certainty.

Mr. Blair stated since the Commission was in the middle of rule development and there would likely be a rule adoption there would probably be time to work the issue out.

Mr. Dixon stated he believed there needed to be notice of what the effective date would be.

Mr. Blair stated currently the effective date is December 31, 2011. He asked Commissioner Gross if he was not happy with that date.

Commissioner Gross responded stating that was correct.

Mr. Blair asked Mr. Richmond if a motion to amend a previous action was necessary to change the effective date from December 31, 2011, which was previously approved by the Commission.

Mr. Richmond responded by stating he believed it becomes an independent action, an action independent of the prior recommendation. He stated moving forward with rule adoption and selecting the effective date for the rule would not require a motion to reconsider previous action.

Mr. Blair stated if Commissioner Gross had an alternative date he could include that in a motion.

Commissioner Gross moved approval to proceed with rule adoption for Rule 9N-4, Florida Accessibility Code for the purpose of adopting the 2012 Edition of the Florida Accessibility Code with an effective date of March 15, 2012, conducting a rule adoption hearing if requested, filing the rule with the Secretary of the State for adoption, and authorizing the Chair to sign-off on any required rule certification(s), and authorizing staff to make any needed editorial and/or correlation changes.

Mr. Richmond stated, for clarification, approving the rule authorizes the Commission to publish a notice of rule adoption with regard to Rule 9N-4 with an effective date as stated moving forward the hearing if requested and if no hearing was requested, authorizing and filing the rule and authorizing the chair to sign any necessary certifications and for staff to make any editorial or correlation changes.

Chairman Rodriguez asked for clarification if the last time the code changed was the effective date was March 1.

Mr. Dixon responded stating the 2007 Building Code took effect March 1, 2009.

Chairman Rodriguez stated there was a possibility, not a certainty; the Commission would have to delay the effective date. He asked if the Commission wanted to make the effective date March 1, 2011.

Commissioner Gross stated he understood the previous comments. He then stated there was a huge discussion on the issue at the federal level. He continued by stating everyone was prepared and ready.

Commissioner Schulte asked if he heard legal determine a motion was necessary if an action would be necessary to reconsider an action.

Mr. Blair stated the motion was to approve rule adoption, conducting a hearing if requested, authorizing the chair to sign off on any certification and staff to make any editorial or correlation corrections as needed with an effective date of March 15, 2012.

Commissioner Schock stated, as a reminder to the Commission, the biggest complaint he ever gets from the public was the constant updating of codes and sending out supplements. He then stated as he remembered the discussions during the workshop were relative to wanting to avoid that. He continued by stating he was opposed to making an effective date that is independent from the Building Code adoption. He further stated he believed the two should be together

Chairman Rodriguez stated there was still a chance to make them concurrent if the Florida Building Code's effective date was made to March 15, 2012.

Commissioner Schock stated he understood. He asked if the Commission had to make that determination at present.

Chairman Rodriguez stated, without the benefit of ICC input, the Commission was only settling the Accessibility Code effective date.

Mr. Schneider stated if the bill was approved it has an effective date of July 1. He asked if that was the date that law would become effective. He then stated when bills were approved there were usually two effective dates, either July 1 or October 1. He continued by stating the Building Code bill states all becomes effective July 1. He stated as far as he understood, not practicing law, all of those items would become the law on July 1.

Mr. Richmond asked Mr. Schneider the point for his comments.

Mr. Schneider stated his point was the Accessibility Code would be changed as of July 1.

Mr. Richmond stated the Accessibility Code would not become effective July 1 because it was still subject to rulemaking authority and rule adoption authority.

Vote to approve the motion resulted in 18-1 (Gregory). Motion carried.

ALABAMA TORNADOES, COMMISSIONER ED CARSON

Commissioner Carson presented a slideshow and discussed some of his experiences in the areas following the aftermath of the recent tornadoes in Alabama.

Jim Baugh, National Storm Shelter Association

Mr. Baugh stated when the 2009 IBC was adopted, so also was the ICC 500, which covers commercial storm shelters. He then stated Mr. Carson's comments about being underground were only part of it. He continued by stating there were building codes out there that will show how to build an above ground storm shelter tested to 250mph winds and takes an impact of a 15lb 2x4 fired at 100mph, which is 5,014 foot pounds of force; compared to the hurricane impact force of only 350 foot pounds of force. He further stated the information was in the Building Code. He recommended everyone read it to build tornado resistant because Florida is not that far from Alabama. He stated Florida actually rated number four with the number of tornadoes in the United States, ranking above Kansas and Nebraska and below only Texas, Oklahoma, and Arkansas with number of tornadoes per year. He then stated Alabama was looking into home shelters in the center of the building, but made to withstand those impacts.

COMMISSION MEMBER COMMENTS AND ISSUES

Commissioner Nicholson stated he toured the testing facility at UF the day before. He had not been there before. He then stated there was new equipment being constructed, the tour was extremely informative and some tests were done while there.

Commissioner Palacios asked if Florida only had a large quantity of little twisters or does it ever have any big storms. He then stated he had lived here all of his life and had never seen a big tornado of any kind in Florida. He had only seen many little tornados and those that were products of a hurricane.

Mr. Dixon stated weather professionals have stated that in the southeast tornados stay on the ground longer than those occurring in what is considered "Tornado Alley" in the Midwest. He then stated the tornados could be higher or equal strength with staying on the ground longer, which can do more damage.

GENERAL PUBLIC COMMENT

Mr. Harvey thanked the Commission for its hard work, indulgence with listening to all of the different voices, taking their comments in stride, helping to protect the residents of the state of Florida and doing the right thing for the future of the code. He also thanked the Commission members who were present for the session the previous afternoon. He stated he believed a lot of good information came from that session. He further stated he hoped the Commission would continue to pursue some of the

workgroups discussed and ideas that came forward from session. He thanked the commissioners for their time and dedication.

Mr. Gascon thanked the Commission for all its assistance in getting through the code cycle of changes, glitches, non-glitches, etc.

Mr. Glenn thanked the Commission for including the glitch process inside the development process for the code, eliminating another 1200 page supplement. He stated he believed the next code was one that could be lived with for a while without changing it. He stated, on behalf of the builders he thanked the Commission for that. He then stated in the future he hoped the Commission would consider continuing the process of handling the glitch process within the development process to avoid teaching one code and then having to re-teach one immediately following. He further stated having partnered with BOAF to do educational training on the 2010 Code as a result of a contract received from DCA it had been a lot easier to stand in front of the class and say when the Code was received there would not be a supplement to follow six months after.

Chairman Rodriguez thanked the public and the commissioners for their participation in the process.

ADJOURN

12:37 p.m. adjourned.