

# FLORIDA BUILDING COMMISSION



## FACILITATOR'S SUMMARY REPORT OF THE AUGUST 9, 2011 COMMISSION PLENARY SESSION ORLANDO, FLORIDA

FACILITATION, MEETING AND PROCESS DESIGN BY



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**FLORIDA BUILDING COMMISSION**  
**SUPPLEMENT TO THE AUGUST 9, 2011 MEETING MINUTES**

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**FLORIDA BUILDING COMMISSION**  
**AUGUST 9, 2011 FACILITATOR'S SUMMARY REPORT**

**OVERVIEW OF COMMISSION'S KEY ACTIONS AND DECISIONS**

**TUESDAY, AUGUST 9, 2011**

**WELCOME**

Chairman Rodriguez welcomed the Commission, staff and the public to Orlando and the August 9, 2011 Plenary Session of the Florida Building Commission. The Chair explained that the primary focus of the August 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 conduct a final Rule Adoption Hearing on the 2010 Florida Building Code, and a rule adoption hearing on the 2012 Florida Accessibility Code.

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

**COMMISSION ATTENDANCE**

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

*Absent:*

Donald Dawkins, and Tim Tolbert.

*Resigned:*

Jim Goodloe (State Insurance Representative: Department of Financial Services).  
Randy Vann (Plumbing Contractor) resigned effective after the August 9, 2011 Commission meeting.

**DCA STAFF PRESENT**

Rick Dixon, Jim Hammers, Bruce Ketchum, Mo Madani, Jim Richmond, and Ann Stanton.

## MEETING FACILITATION

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



## PROJECT WEBPAGE

Information on the Florida Building Commission project, including agenda packets, meeting reports, and related documents may be found in downloadable formats at the project webpage below: <http://consensus.fsu.edu/FBC/index.html>

## AGENDA REVIEW AND APPROVAL

The Commission voted unanimously, 21 - 0 in favor, to approve the agenda for the August 9, 2011 meeting as presented/posted. Following are the key agenda items approved for consideration:

- To Consider Regular Procedural Issues: Agenda Approval and Approval of the June 7, 2011 Minutes and Facilitator's Summary Report, and July 11, 2011 Teleconference Summary Report.
- To Consider/Decide on Chair's Discussion Issues/Recommendations.
- To Review and Update the Commission Workplan.
- To Consider/Decide on Accessibility Waiver Applications.
- To Consider/Decide on Approvals and Revocations of Products and Product Approval Entities.
- To Consider Applications for Accreditor and Course Approval.
- To Consider/Decide on Legal Issues: Binding Interpretations, Petitions for Declaratory Statements.
- To Consider Legislative Issues.
- To Consider/Decide on Technical Advisory Committees (TACs) Report/Recommendations.
- To Consider/Decide on Product Approval and Education Program Oversight Committee (POCs) Reports/Recommendations.
- To Consider and Decide on Workgroups: Building Code System Assessment Workshop III.
- To Conduct a Rule Adoption Hearing on Rule 9N-1, 2010 Florida Building Code.
- To Conduct a Rule Adoption Hearing on Rule 9N-4, 2012 Florida Accessibility Code.
- To Consider Next Steps for Adoption and Publication of the Codes and Interim Authorization for Secretary Buzzet to Sign Contracts on Behalf of the Commission.
- To Discuss Commissioner Comments and Issues.
- To Receive Public Comment.
- To Review Committee Assignments and Issues for the Next Meeting—October 10-11, 2011 in Daytona Beach, Florida.

*Amendments to the Agenda:*

None were offered.

## **REVIEW AND APPROVAL OF THE JUNE 7, 2011 MINUTES AND FACILITATOR'S SUMMARY REPORT AND JULY 11, 2011 TELECONFERENCE MEETINGS FACILITATOR'S REPORT**

**Motion**—The Commission voted unanimously, 21 - 0 in favor, to approve the June 7, 2011 Minutes and Facilitator's Summary Report, and July 11, 2011 Teleconference Meeting Facilitator's Summary Report as presented.

*Amendments:*

None.

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

### **Appointments**

Chairman Rodriguez made the following appointments at the August 9, 2011 meeting:

### **Accessibility TAC**

The Chair reported that Robert Gerwe was appointed by Secretary Buzzett to serve on the Accessibility Advisory Council representing the State Association for Centers for Independent Living. As is customary with Advisory Council members, the Chair appointed Robert Gerwe to the Accessibility TAC.

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

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

*(Included as Attachment III—Commission's Updated Workplan)*

## **CONSIDERATION OF ACCESSIBILITY WAIVER APPLICATIONS**

Jim Richmond presented the Accessibility Advisory Council recommendations for all applications, and the Commission reviewed and decided on the Waiver applications submitted for their consideration. A complete summary of accessibility waiver applications and Commission actions is included as an attachment to this Report.

*(Included as Attachment IV—Accessibility Waiver Summary Report)*

## **CONSIDERATION OF APPLICATIONS FOR PRODUCT AND ENTITY APPROVAL**

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

*(Included as Attachment VI—Product and Entity Approval Report)*

## **CONSIDER APPLICATIONS FOR ACCREDITOR AND COURSE APPROVAL**

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

### ***Commission Actions—Education POC:***

**Motion**—The Commission voted unanimously, 21 – 0 in favor, to approve advanced course #354.0.

**Motion**—The Commission voted unanimously, 21 – 0 in favor, to approve advanced course #355.0.

**Motion**—The Commission voted unanimously, 21 – 0 in favor, to approve advanced course #473.0.

**Motion**—The Commission voted unanimously, 21 – 0 in favor, to approve advanced course #475.0.

**Motion**—The Commission voted unanimously, 21 – 0 in favor, to approve the following administratively approved updated course(s) on a consent agenda: course(s) # 356.1 and #45.1.

**Motion**—The Commission voted unanimously, 21 – 0 in favor, to approve the following self-affirmed updated course(s) on a consent agenda: course(s) # 323.2, #324.2, and #363.1.

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

## **CONSIDERATION OF LEGAL ISSUES**

### **Appeals/Product Approval Revocations/Binding Interpretations**

Jim Richmond reported that the appeal regarding Commission Declaratory Statement DCA10-DEC-209 by Michael Murray of StormWatch, Inc. was dismissed.

### **Legal Report**

#### **Appeal of Binding Interpretations**

*None.*

#### **Petitions For Declaratory Statements**

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

#### **Second Hearings**

Jim Richmond reported that there were no Second Hearings.

#### **First Hearings**

Jim Richmond reported that there were no First Hearings.

## **Accessibility Waiver Application Legal Issue**

### ***Commission Actions:***

**Motion**—The Commission voted unanimously, 21 – 0 in favor, to consider action previously taken Regarding the *Sherbrooke Apartments, Inc., 901 Collins Avenue, Miami Beach* accessibility waiver request.

**Motion**—The Commission voted unanimously, 21 – 0 in favor, to table action on *Sherbrooke Apartments, Inc., 901 Collins Avenue, Miami Beach* until the October 2011 meeting, and to refer the waiver application to the Accessibility Waiver Council for their recommendation.

*(Included as Attachment V—Legal Report)*

## **CONSIDER LEGISLATIVE ISSUES**

Jim Richmond, Commission Attorney, provided an update on legislative issues of interest to the Commission indicating that hunting camp shack building regulations/issues are being discussed for possible legislative action for the 2012 Legislative Session and may impact the Building Code.

## **COMMITTEE REPORTS AND RECOMMENDATIONS**

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

### **Building Code System Assessment Workshop III**

Jeff Blair presented the Workshop report and answered member's questions.

**Motion**—The Commission voted unanimously, 21 – 0 in favor, to accept the report (August 8, 2011).

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

### **Education POC**

Commissioner Browdy presented the Committee's report and recommendations.

### ***Commission Actions:***

**Motion**—The Commission voted unanimously, 21 – 0 in favor, to accept the report (July 27, 2011).

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

### **Product Approval POC**

Commissioner Carson presented the Committee's report and recommendations.

### ***Commission Actions:***

**Motion**—The Commission voted unanimously, 21 – 0 in favor to accept the report (July 28, 2011).

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



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

Chairman Rodriguez explained that the August Rule Adoption Hearing was convened to formally implement the Commission's policy decision to move the 2010 Code implementation date to March 15, 2012 and to receive public comment on the revised implementation date. DCA Staff recommended the implementation date be moved to provide additional time to review the Code while it is being published. Although the Rule is open and the public can comment on any aspect of the 2010 Code, the Commission was encouraged not to make additional changes to the adopted Code, with the exception of the implementation date change discussed during the July Teleconference meeting, and any needed Glitch fixes. The Chair noted that the Code development process has been lengthy and ample opportunity has been provided to all parties to express their views on proposed modifications and fixes to any glitches the approved modifications may have made. Special efforts were taken to have sufficient reviews by the TACs including the additional TAC review opportunity that provided the TACs' "comments" on its initial recommendations. The Chair indicated that the Commission should respect the analysis and advice of their technical committees which had much more in-depth discussion of the impacts of the Code modifications than the full Commission could have during the August Rule Adoption Hearing, and leave the Code as adopted by the Commission at the June meeting. If there are any significant "policy" issues that need discussion the Commission could entertain those but should be mindful of whether an issue is "policy" versus "technical" and defer to the TACs' final advice regarding proposed modifications to the Code.

The Chair explained that 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), conducted a rule adoption hearing at the February 1, 2011 meeting for the purpose of considering public comment on the draft 2010 Florida Building Code, and conducted an additional rule adoption hearing at the June 7, 2011 meeting to consider Glitch amendments to the Commission's approved Code modifications. The August 9, 2011 hearing provided another opportunity for public comment before the Commission concluded rulemaking on the 2010 Florida Building Code. Once the rule adoption hearing was opened and public comment concluded, the Commission considered whether to make any changes to the Commission's draft 2010 Florida Building Code including the proposed revised implementation date.

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

### ***Commission Actions:***

**Motion**—The Commission voted unanimously, 21 - 0 in favor, to correct the dollar threshold to \$125,000 in Section 105.3.1.2, per statutory requirement.

**Motion**—The Commission voted unanimously, 21 - 0 in favor, to correct the font size to 14-point in Section 105.8, per statutory requirement.

**Motion**—The Commission voted unanimously, 21 - 0 in favor, to strike the exception to limit stress increase to 1.33 in relevant HVHZ sections (2319.17.2.1.3, 2319.17.2.1.5, 4409.6.17.2.1.3, and 4409.6.17.2.1.5).

**Motion**—The Commission voted unanimously, 21 - 0 in favor, to correct the denominator in the equation in Section 9.2 of TAS105 to the square root of N.

**Motion**—The Commission voted unanimously, 21 - 0 in favor, to change the implementation date of the 2010 Florida Building Code to March 15, 2012.

**Motion**—The Commission voted unanimously, 21 - 0 in favor, to proceed with rule adoption for Rule 9N-1, adopting the 2010 Florida Building Code and approved modifications thereto with an effective date of March 15, 2012, filing the rule for adoption, and authorizing the Chair to sign-off on any required rule certification(s).

### **RULE ADOPTION HEARING ON RULE 9N-4, 2012 FLORIDA ACCESSIBILITY CODE**

Chairman Rodriguez explained that the Rule Adoption Hearing on Rule 9N-4, Florida Accessibility Code, was for the purpose of formally adopting the 2012 Florida Accessibility Code for Building Construction. 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 ADA Standards for Accessibility Design (finalized September 2010). In addition, 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. The Commission conducted a rule development workshop at the June 7, 2011 meeting, and subsequently there was a request for a rule adoption hearing. The August 9, 2011 hearing provided an additional opportunity for public comment before the Commission concluded rulemaking on the 2012 Florida Accessibility Code.

The Chair opened the Rule Adoption Hearing and at the conclusion of public comment, the public comment portion of the hearing was closed, an opportunity was offered for Commission discussion, and then the Commission took the following actions:

#### ***Commission Actions:***

**Motion**—The Commission voted unanimously, 21 - 0 in favor, to add the four drawings labeled: 406.8 (formula revised to  $X = \text{Width}$ ); 502.2 (revised to eliminate specific dimensions); 502.3 (revised to eliminate specific dimensions); and 604.8.1.6 (revised to add a note that the drawings are not the complete Code requirements do not depict all possible options, and the Code text should be reviewed for additional requirements).

**Motion**—The Commission voted unanimously, 21 - 0 in favor, to correct 206.3 to add: subject to DOT regulation 49CFR37.21; to correct 406.8 to add: subject to DOT regulation 49CFR37.21; to correct 810.5.3 to add: subject to DOT regulation 49CFR37.21; and to revise 810.2.2 by striking the last sentence.

**Motion**—The Commission voted unanimously, 21 - 0 in favor, 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, by integrating and noticing the adopted changes, filing the rule for adoption, and authorizing the Chair to sign-off on any required rule certification(s).

## **NEXT STEPS FOR ADOPTION AND PUBLICATION OF THE CODES AND INTERIM AUTHORIZATION FOR SECRETARY BUZZETT TO SIGN CONTRACTS ON BEHALF OF THE COMMISSION**

Chairman Rodriguez reported that the Commission concluded rule adoption on the 2010 Florida Building Code and will publish a notice of change for the March 15, 2012 implementation date and other adopted modifications and once the required timelines are met will file the Rule for adoption with the Department of State. The ICC is developing the nine (9) volumes of the 2010 Code and will work with DCA staff on the publishing schedule. The Chair explained that he and staff are recommending the Commission authorize DCA Secretary Buzzett to sign the contract with the ICC in order to ensure the publication schedule can be met. Following questions and answers and discussion the Commission took the following action:

### ***Commission Action:***

**Motion**—The Commission voted unanimously, 21 - 0 in favor, to authorize Secretary Buzzett to sign a contract with the ICC for the publication and sale of the 2010 Florida Building Code.

## **COMMISSION MEMBER COMMENT AND ISSUES**

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

### ***Commission Member Comments:***

- Schock: the Board of Professional Engineers is seeking Commission input regarding threshold building requirements for renovations. This issue should be referred to either a workgroup or the structural TAC for review.
- Carson: requested a Budget Committee meeting for the October meeting.
- Carson/Turner: indicated that nothing appeared to be happening with the Commission's recommendations to Citizens Insurance Company regarding the aluminum wiring issue. Requested the Commission send a letter requesting a response to questions including: what is the current status of the issue, what action is/will be taken relative to the Commission's recommendations, and what is the timeline/schedule for action?
- Smith: expressed concern with the make-up of the advisory group working on energy code software acceptance manual and wants to ensure the representation is fair. ANSWER (Madani): we are happy to consider input on the membership, and there will be only one vote for any given company/entity.
- Schulte: asked whether the Commission's Uniform Mitigation Reporting Form Workgroup will be convened or is the DFS moving forward on their own. ANSWER (Madani): at this point DFS is proceeding forward.
- Gross: expressed appreciation for Staff's vision in convening the Accessibility Code Workgroup and the Florida Accessibility Code for Building Construction will be update and certified concurrently with the new Federal Code's implementation. This is a first!
- Turner: regarding Citizens and the aluminum wiring issue, they are making a big deal out of nothing and using it as an excuse not to ensure older homes.
- Gonzalez: since the implementation date for the 2010 FBC is March 15, 2010 don't we need to have the Code available by September 15, 2011 to meet the six months requirement? ANSWER (Madani): the Code is already available in a supplement format on-line and the latest changes will be included within a week. We are also working with ICC to have the hard copies of the Code available as soon as possible.
- Gonzalez: does the Sunshine Law allow us to be friends with someone on a social network like Facebook? ANSWER (Richmond): the answer is it depends on the content of the communication, if it is not a Commission issue than fine. The problem is you can't control what someone else communicates, so you should be careful.

*Commission Action:*

**Motion**—The Commission voted unanimously, 21 - 0 in favor, to authorize the Chair to send a letter to Citizens Insurance Company requesting an update on the aluminum wiring issue, including how the Commission's recommendations are being implemented and the schedule/timelines for addressing insuring homes with aluminum wiring.

**STAFF RETIREMENT**

Chairman Rodriguez expressed appreciation for the many years of selfless service for retiring DCA staff person Bruce Ketchum and presented him with a commemorative plaque.

**COMMISSION MEMBER RESIGNATIONS**

Chairman Rodriguez expressed appreciation for the years of selfless service for resigning Commissioners Jim Goodloe (State Insurance Representative serving since June, 2005) and Randy Vann (Plumbing Contractor serving since May 2005) and presented them with commemorative plaques.

**GENERAL PUBLIC COMMENT**

Members of the public were offered an opportunity to provide comment during each of the Commission's substantive discussion agenda items. In addition, Chairman Rodriguez invited members of the public to address the Commission on any issues under the Commission's purview.

*Public Comments:*

- Stuart (AZT Consulting): appreciated Commissioner Smith's comments regarding the energy code software acceptance manual advisory group and agreed with him. Indicated she had provided additional recommendations for members that appears to have been ignored.
- Johnson: appreciate the Commission's support regarding industry's efforts seeking a legislative solution regarding the unauthorized use of documents submitted in support of product approval applications. The legislature addressed the issue and laws are in effect. We are pursuing violators with the Attorney General's office.
- Schneider: expressed appreciation for Jeff Blair's facilitation of the Accessibility Advisory Council teleconference meeting, and in completing 12 waiver applications in 1:05. Expressed that Accessibility Advisory Council meetings are difficult to do on the phone and web, and prefers Council meetings to be in-person. Expressed that it is difficult to review complicated and detailed drawings on the web. Understands the economic constraints, but feels the Council functions better face-to-face.
- Glenn (FHBA): expressed appreciation for the efficiency of the 2010 Code Update process, and incorporating the Glitch amendments into a single rule development process with the Code modification process. Feels this is a major improvement to the process.
- Allen (BOAF): applauds the Commissions 2010 Code Update process and effort. Thanked DCA staff for their hard work on the 2010 Update.
- Stuart: me too on the good job with the 2010 Code Update process and staff's efforts.
- Bell: asked regarding the Product Approval System's QA requirements and whether the QA Agency or the manufacturer is required to provide status updates regarding the product and/or the manufacturer. Indicated some confusion on the issue. ANSWER (Madani): there are improvements in the works to the BCIS that should address the QA issue, as well as communications and clarifications that will be forthcoming regarding QA requirements/scope.

- Hetzel (DASMA): thanked the Commission for their cooperation with industry over the years, and thanked Mo Madani for his cooperation and assistance to industry as well.

#### **NEXT COMMISSION MEETING OVERVIEW AND ISSUES**

The October 11, 2011 Commission meeting in Daytona Beach, Florida will focus on identifying issues and recommendations for the Report to the 2012 Legislature, and wrapping-up the Building Code System Assessment project.

#### **ADJOURNMENT**

The Chair thanked Commission members and the public for their attendance and participation, and adjourned the meeting at 11:30 AM on Tuesday, August 9, 2011.

**ATTACHMENT I**  
**MEETING EVALUATION RESULTS**

**August 9, 2011—Orlando, Florida**

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

**1. Please assess the overall meeting.**

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

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

- 9.84 \_\_\_ Chairs Issues and Recommendations.
- 9.84 \_\_\_ Commission's Workplan and Meeting Schedule Review and Update.
- 9.84 \_\_\_ Accessibility Waiver Applications.
- 9.79 \_\_\_ Approvals and Revocations of Products and Product Approval Entities.
- 9.79 \_\_\_ Applications for Accreditor and Course Approval.
- 9.79 \_\_\_ Legal and Legislative Issues and Requests for Declaratory Statements.
- 9.79 \_\_\_ TAC and POC Reports and Recommendations.
- 9.79 \_\_\_ Workgroup, Ad Hoc, and Committee Reports and Recommendations.
- 9.79 \_\_\_ Rule Adoption Hearing Rule 9N-1, 2010 Florida Building Code.
- 9.79 \_\_\_ Rule Adoption Hearing on Rule 9N-4, 2012 Florida Accessibility Code.
- 9.79 \_\_\_ Next Steps for Adoption and Publication of the Codes and Authorization for Secretary Buzzet to Sign Contracts on Behalf of the Commission.

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

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

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

- 9.79 \_\_\_ Overall, I am very satisfied with the meeting.
- 9.89 \_\_\_ I was very satisfied with the services provided by the Facilitator.
- 9.79 \_\_\_ I am satisfied with the outcome of the meeting.

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

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

**6. What did you like best about the meeting?**

- Kept the meeting moving. Good job!
- Moved very smoothly.
- The meeting moved smoothly and efficiently.
- Everyone has a chance to discuss any issues in front of the Commission.
- Very accomplished—the brevity of the Sessions shows that our work—while never complete has made significant progress.
- The meeting was well planned.
- Stayed on time and schedule.
- Good location to meet in Orlando.
- To the point.

**7. How could the meeting have been improved?**

- Have hotel provide free WIFI in rooms and free gym.

**8. Do you have any other comments?**

- Rick Dixon handles and puts together a great meeting.
- Congratulations to Jeff Blair for running a very professional meeting.
- The Chair, Mo Madani and Jim Richmond are a great asset to this meeting.
- Good job (facilitation).
- Great job, as usual.
- Good cardio workout walking from the parking lot to the main lobby.
- Nice sneeze Jeff!
- I am proud to have been a small part of this very productive Commission that has created and operates the best Codes and Procedures in the United States.
- The Department (DCA/DBPR) should provide or pay for Commissioner internet service.

**Comments on Specific Agenda Items:**

*None were provided.*

**PUBLIC-MEETING EVALUATION AND COMMENT RESULTS**

*None were completed.*

**ATTACHMENT II**  
**KEY TO COMMON ACRONYMS**

ACRONYM	DEFINITION
ADA	Americans With Disabilities Act
ADAAG	ADA Accessibility Guidelines for Buildings and Facilities
BCSA	Florida Building Code System Assessment
BOAF	Building Officials Association of Florida
DACS or FDACS	Florida Department of Agriculture and Consumer Services
DBPR	Department of Business and Professional Regulations
DCA	Department of Community Affairs
DEP or FDEP	Florida Department of Environmental Protection
DOH or FDoH	Florida Department of Health
EPA	U.S. Environmental Protection Agency
FACBC	Florida Accessibility Code for Building Construction
FAW	Florida Administrative Weekly
FBC	Florida Building Code
FBC	Florida Building Commission
FECC	Florida Energy and Conservation Code
IBC	International Building Code
ICC	International Code Council
POC	Program Oversight Committee (Education, Product Approval)
TAC	Technical Advisory Committee



**ATTACHMENT III**  
**COMMISSION'S UPDATED WORKPLAN AND MEETING SCHEDULE**

(UPDATED AUGUST 9, 2011)

**MEETING DATES**

**2011 Commission Meetings**

<u>Date</u>	<u>Meeting Location</u>	<u>Reservation Deadline</u>
Jan 31 & Feb 1 & 2	Embassy Suites, Tampa (813-977-7066)	December 31, 2010
April 4, 5 & 6	Embassy Suites, Tampa (813-977-7066)	March 4, 2011
June 6, 7 & 8	Hilton Hotel, Gainesville, (352-371-3600)	May 6, 2011 (\$119)
August 8, 9 & 10	Rosen Centre, Orlando, (800-204-7234)	July 8, 2011 (\$109)
October 10, 11 & 12	Hilton Hotel, Daytona (386/947-8061)	September 9, 2011 (\$99)
December 5, 6 & 7	Hilton Hotel, Gainesville, (352-371-3600)	November 4, 2011 (\$119)

**Teleconference Meetings**

March 7	10:00 AM	
March 14	10:00 AM	
March 21	10:00 AM	<b>Number: 888-808-6959</b>
March 28	10:00 AM	
April 11	10:00 AM	<b>Call Code: 1967168</b>
April 18	10:00 AM	
April 25	10:00 AM	
May 2	10:00 AM	

**Note: Check emails and the Commission website the Monday before meetings for cancellations.**

**Access Council, Education POC and Product Approval POC Teleconference Meetings**

<b>Access Council</b>	<b>Education POC</b>	<b>PA POC</b>
July 27 (PM)	July 27 (AM)	July 28
September 28 (PM)	September 28 (AM)	September 29
November 21 (PM)	November 21 (AM)	November 29

Note: Meetings to be held Wednesdays and Thursdays two weeks before Commission meetings except where rescheduled for holidays.

## 2012 Commission Meetings

<u>Date</u>	<u>Meeting Location</u>	<u>Reservation Deadline</u>
Jan 31 & Feb 1 & 2		
April 2, 3 & 4		
June 11, 12 & 13		
Note: 10 wks between Apr-Jun due to Easter Apr 8 and BOAF conf Jun 2-7		
August 6, 7 & 8		
October 8, 9 & 10		
December 3, 4 & 5		

## Access Council, Education POC and Product Approval POC Teleconference Meetings

<b>Access Council</b>	<b>Education POC</b>	<b>PA POC</b>
January 18 (PM)	January 18 (AM)	January 19
March 21 (PM)	March 21 (AM)	March 22
May 30 (PM)	May 30 (AM)	May 31
July 25 (PM)	July 25 (AM)	July 26
September 26 (PM)	September 27 (AM)	September 27
November 19 (PM)	November 19 (AM)	November 27

Note: Meetings to be held Wednesdays and Thursdays two weeks before Commission meetings except where rescheduled for holidays.

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## 2013 Commission Meetings

<u>Date</u>	<u>Meeting Location</u>	<u>Reservation Deadline</u>
Feb 4, 5 & 6		
April 8, 9 & 10		
Note: Easter is Mar 31 so moved Apr meeting back one wk		
June 11, 12 & 13		
August 12, 13 & 14		
October 7, 8, & 9		
December 9, 10 & 11		
Note: Thanksgiving Nov 28 so moved Dec meeting back one wk		

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## 2014 Commission Meetings

<u>Date</u>	<u>Meeting Location</u>	<u>Reservation Deadline</u>
Feb 3, 4 & 5		
March 31 & April 1 & 2		
June 2, 3 & 4		
Note: 8 wks between Feb-Apr mtng and reg 9 wks Apr-Jun to avoid conflict BOAF conf Jun 7-14		
August 4, 5 & 6		
October 6, 7 & 8		
December 8, 9 & 10		

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## 2015 Commission Meetings

<u>Date</u>	<u>Meeting Location</u>	<u>Reservation Deadline</u>
Feb 2, 3 & 4		
Mar 30, 31 & April 1		
June 1, 2 & 3		
Note: 8 wks between Feb-Apr mtng due to Easter Apr 5 and BOAF conf Jun 6-11		
August 3, 4 & 5		
October 5, 6 & 7		
December 7, 8 & 9		

## FLORIDA BUILDING COMMISSION 2011 WORKPLAN

### ANNUAL ADMINISTRATIVE TASKS

<b>1. REPORT TO 2012 LEGISLATURE (WORKPLAN PRIORITY: 3)</b>																	
TASK																	SCHEDULE
Commission identifies and receives draft recommendations																	12/11
DCA editorial review																	1/27/12
Chairman's final approval																	2/13/12
Commission's Report to 2012 Legislature conveyed																	2/17/12
STATUS PENDING: % COMPLETE																	
0%																	
<i>Origination: Commission. Annual task authorized by statute.</i>																	

<b>2. WORKPLAN PRIORITIZATION EXERCISE 2011 (SEE APPENDIX II)</b>																	
TASK																	SCHEDULE
Review of Exercise instrument and on-line link provided																	12/11
On-line survey conducted																	12/11 -1/11
Survey results reviewed with Commission																	2/12
STATUS PENDING: % COMPLETE																	
0%																	
<i>Origination: Commission. Annual Task.</i>																	

<b>3. COMMISSION EFFECTIVENESS ASSESSMENT SURVEY 2011</b>																	
TASK																	SCHEDULE
Review of Survey instrument and on-line link provided																	12/11
On-line Survey conducted																	12/11 -1/11
Survey results reviewed with Commission																	2/12
STATUS PENDING: % COMPLETE																	
0%																	
<i>Origination: Commission. Annual Task.</i>																	

<b>21. TRIENNIAL ASSESSMENT OF THE FLORIDA BUILDING CODE SYSTEM FOR REPORT TO THE 2012 FLORIDA LEGISLATURE (WORKPLAN PRIORITY: 6)</b>																	
TASK																	SCHEDULE
Conduct Assessment Survey for Building Code System																	
Appoint Commission Ad Hoc Committee (BCSA Ad Hoc)																	
BCSA Ad Hoc Committee meeting Phase I																	10/12/10
Committee delivers Report to Commission																	10/13/10
Commission adopts Ad Hoc's Phase I recommendation for expanded																	12/08/10

assessment project <i>(See Appendix I—Expanded BCSA Workplan)</i>	
Report to 2011 Legislature <i>(See Task 1)</i>	02/28/11
Phase II (Expanded Assessment)	1/11 – 10/11
Assessment Workshop I	4/7/11
Assessment Workshop II	6/6, 7 or 8/11
Assessment Workshop III	8/8, 9 or 10/11
Assessment Workshop IV	10/10, 11 or 12/11
Recommendations reviewed by Commission in public workshop	12/11
Commission finalizes recommendations to 2012 Legislature	12/11
Report to 2010 Legislature	02/28/12
<b>STATUS PENDING: % COMPLETE</b>	
	40%
<i>Origination: Statute. Florida Statute, Chapter 553.77(1)(b), requires System review on triennial basis.</i>	

**2010 FBC CODE UPDATE DEVELOPMENT TASKS**

<b>5. 2010 UPDATE TO THE FLORIDA BUILDING CODE—COMBINE PRIMARY UPDATE AND GLITCH REVISIONS IN A SINGLE RULE PROCEEDING (WORKPLAN PRIORITY: 1)</b>	
<b>TASK</b>	<b>SCHEDULE</b>
Printed 2009 International Codes published and available to the public; 2009 I Codes must be available to public for 6 months prior to selection	04/02/09
Commission selects 2009 I Codes as foundation for 2010 FBC <i>(See Subtask below)</i>	10/13/09
Staff evaluates changes of 2006 to 2009 I Codes for overlap with Florida amendments including TAC recommendations for “overlapping” amendments	4/09 – 11/09
TACs review existing Florida amendments that overlap with 2006 to 2009 I-Code changes and develop recommendations for retaining the Florida amendment or the new I-Code requirement. <i>(See Subtask below)</i>	12/06/09 – 01/20/10
All existing Florida amendments compiled in 2009 I Codes format posted to website	02/01/10
Local amendments posted to the website	02/01/10
FFPC to FBC correlations/overlaps identified and recommendations developed <i>(See Subtask below)</i>	04/15/10
Submittal of new proposed amendments for the 2010 FBC opens	03/01/10
New proposed amendments for the 2010 FBC due and process closes	04/02/10
Proposed amendments reviewed by staff and posted to the Commission website	04/15/10
45 day comment period ends <i>(by law 45 day minimum before TAC review)</i>	06/01/10
TACs review proposals at rule development workshops	07/27/10
TACs review proposed Florida amendments and adopt recommendations at Rule Development Workshops	08/09-12/10 08/23-24/10
TAC recommendations posted to the website	09/03/10
45 day comment period ends <i>(by law 45 day minimum before FBC review)</i>	10/18/10
Commission reviews TAC recommendations at Rule Development Workshop TACs review comments on their recommendations and prepare public comment	11/15-17/10

for the Rule Workshop	11/19/10
Commission considers TAC recommendations on proposed amendments at Rule Development Workshop	12/07-08/10
Commission reviews TAC recommendations at Rule Adoption Hearing	
Draft Code in supplement format available for review	12/31/10
Governor's Office authorizes rule hearing	01/19/11
Rule Adoption Hearing #1 (February Commission meeting)	02/01/11
2010 Florida Building Code Rule Submitted for Legislature's Ratification Submit the Rule adopting the code to the 2011 Legislature for approval	02/01/11
Glitch Fix Amendments Prior to Code Taking Effect ( <i>Workplan Priority: 2</i> ) 2010 FBC Supplement published online	02/18/11
Glitch amendment submittal DEADLINE	03/18/11
Rule Adoption Hearing #2 (June Commission meeting)	06/07/11
2010 FBC rule adopted (filed) including glitch amendments	07/01/11
Code Books Available Code printed with integrated Florida modifications and glitch fixes Code printed with first cycle glitch fixes and available to the public	10/01/11
2010 Florida Building Code Effective	12/31/11
Code Implemented Note: By law this is the last date the Florida Fire Code can be implemented The goal is to implement the FFPC and the FBC concurrently	12/31/11
<b>Sub-Tasks</b>	
<b>a. Review 2011 NEC</b>	01/11 – 02/11
Proposal to adopt 2011 NEC submittal deadline	03/18/11
Recommend whether to adopt as glitch (April Commission meeting)	04/05/11
Joint Fire TAC/Fire Code Advisory Council review of new approved Florida modifications for conflicts created between Fire Code and Building Code	02/11
<b>STATUS PENDING: % COMPLETE</b>	
	85%
<i>Origination: Requirement of law that the Commission updates the Code triennially.</i>	

<b>15. EVALUATE HURRICANE WIND PRESSURE AND RAIN CRITERIA FOR SOFFIT SYSTEMS AND ESTABLISH LABELING REQUIREMENTS (<i>WORKPLAN PRIORITY: 13</i>)</b>	
<b>TASK</b>	<b>SCHEDULE</b>
<b>Phase I: Appoint Workgroup</b>	03/19/08
Include task in UF components and cladding contract	03/08
Workgroup meetings	11/06/08 02/04/09 04/08/09 07/09 – 09/09
Recommendations ready to propose for 2010 FBC	02/10
Report to Structural TAC and Commission	02/10/10
Proposals for 2010 FBC submitted for adoption	03/10

<b>Phase II:</b> Workgroup and research for phase II, development of product evaluation standards initiated																	
<b>STATUS PENDING: % COMPLETE</b>																	
<b>PHASE I</b>																	
																	<b>100%</b>
<b>STATUS PENDING: % COMPLETE</b>																	
<b>PHASE II</b>																	
<b>0%</b>																	
<i>Origination: Commission. Stakeholder request.</i>																	

<b>8. DEVELOP INTEGRATION OF FLORIDA ACCESSIBILITY LAW INTO THE 2010 STANDARDS FOR ACCESSIBLE DESIGN (SAD) BEING ADOPTED BY THE US DEPARTMENT OF JUSTICE (DOJ)</b> <i>(WORKPLAN PRIORITY: 4)</i>																	
<b>TASK</b>																	<b>SCHEDULE</b>
Appoint Workgroup																	12/12/08
Staff developed starting Draft																	01/09
Workgroup meetings																	02/02/09 04/06/09 06/09/09 08/10/09 10/12/09 12/07/09 02/01/10 04/05/10 06/07/10 10/11/10 12/06/10 01/20/11 01/31/11
DOJ published final regulations																	09/15/10
Draft revised for consistency with final regulations																	11/10
Draft Code completed																	12/07/10
Staff Identifies Changes to Law to Maintain Consistency with 2010 ADA standards																	11/10
Consensus workshops to identify changes to law																	10/13/10 01/20/11 01/31/11
Recommendations to Commission																	02/01/11
Public Hearings																	02/01/11
Report to Legislature (See Task 1) including recommended changes to Access Law																	02/28/11
Rule Development Workshop on 2010 Code																	06/07/11
Rule Adoption vote of the Commission																	06/07/11
Code Effective Date—Consistent with 2010 FBC																	12/31/11
<b>STATUS PENDING: % COMPLETE</b>																	
																	<b>90%</b>
<i>Origination: Statutory. Requirement to conform FACBC with SAD.</i>																	





Rule filed with effective date after changes per JAPC comment	TBD
<b>STATUS PENDING: % COMPLETE</b>	
	95%
<i>Origination: Legislative assignment.</i>	

<b>18. AMEND RULES TO ESTABLISH FEES (WORKPLAN PRIORITY: 6)</b>	
<b>TASK</b>	<b>SCHEDULE</b>
<ul style="list-style-type: none"> <li>• Accessibility Code Waivers</li> <li>• Declaratory Statements</li> <li>• Non-Binding Opinions</li> </ul>	
Conduct workshop to discuss which programs to charge fees	10/13/10
Further action on rule adoption suspended pursuant to Governor Scott's Executive Order.	01/11
Conduct rule development workshop	TBD
Conduct Rule Adoption Hearing	TBD
File with the Department of State (if no notice of change)	TBD
Effective date	TBD
<b>STATUS PENDING: % COMPLETE</b>	
	20%
<i>Origination: Legislative assignment.</i>	

<b>WORKPLAN TASKS RESULTING FROM 2010 LEGISLATION: HB 7243</b>
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<b>22. DEVELOP RECOMMENDATIONS THAT INCREASE RECYCLING AND COMPOSTING AND THE USE OF RECYCLABLE CONSTRUCTION MATERIALS AND CONSTRUCTION AND DEMOLITION DEBRIS (WORKPLAN PRIORITY: 10)</b>	
<b>TASK</b>	<b>SCHEDULE</b>
Task redirected to be addressed in Building Code System Assessment Project	12/10
Recommendations to Commission	10/11
Final report to the 2012 Legislature ( <i>See Annual Report schedule</i> )	02/28/12
<b>STATUS PENDING: % COMPLETE</b>	
	0%
<i>Origination: Legislative assignment.</i>	

**APPENDIX A**

**FLORIDA BUILDING CODE SYSTEM ASSESSMENT WORKPLAN**

**BUILDING CODE SYSTEM ASSESSMENT AD HOC WORKPLAN BY TASK**

**A. COMMISSION, AD HOC COMMITTEE AND TAC TASKS**

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

**B. AD HOC COMMITTEE TASKS**

	<b>START DATE</b>	<b>COMP. DATE</b>
1. Ad Hoc conducts on-line Survey Phase I.	June 2010	Aug. 2010
2. Ad Hoc Meeting I—Organizational Meeting.	Oct. 12, 2010	
3. On-Line Survey Phase II conducted.	Oct. 2010	Jan. 2011
4. Large Forum Public Workshop.	April 2011	--
5. Second Workshop	June 2011	
6. Third Workshop	Aug 2011	
7. Fourth Workshop and AdHoc finalizes recommendations	Oct 2011	--
8. Commission considers recommendations.	Dec. 2011	--
9. Commission transmits recommendations to 2012 Legislature	Feb. 2012	--

**C. AD HOC COMMITTEE AGREEMENTS/RECOMMENDATIONS**

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

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

### **DEVELOPMENT OF THE FLORIDA BUILDING CODE OVERVIEW**

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

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

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

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

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

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

**APPENDIX B**

**COMMISSION WORKPLAN PRIORITIZATION EXERCISE RESULTS 2011**

**WORKPLAN PRIORITIZATION EXERCISE RESULTS 2011**

**FEBRUARY 1, 2011**

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

**ATTACHMENT IV**  
**ACCESSIBILITY WAIVER SUMMARY**

**WAIVERS FROM ACCESSIBILITY CODE REQUIREMENTS—AUGUST 9, 2011**

**1. WARGING ENTERPRISES LLC**

**Issue:** Vertical accessibility to the second floor.

**Analysis:** The applicant is requesting a waiver from providing vertical accessibility to the 680 square foot second floor of a building undergoing a \$35,000 alteration to the first floor. The work includes modifying the existing toilet room to make it accessible, increasing door widths to 32” minimum and installing ramps where floor levels change. If the waiver is granted, the owner plans to spend an additional \$25,000 to upgrade the second floor for use as additional commercial space. Estimates of \$26,080 and \$28,885 were submitted as the cost to install a chair lift to the second floor. Documentation was also provided that the structure is on the Historic Register.

**Action:** Approved. Based on disproportionate cost.

**2. KALEX CONSTRUCTION & DEVELOPMENT**

**Issue:** Vertical accessibility to the second floor.

**Analysis:** The applicant is requesting a waiver from providing vertical accessibility to the second floor of an office/warehouse undergoing a \$152,000 alteration. According to the applicant, there will be no public access to the second floor, which contains offices and work space occupied by employees only. The first floor is accessible and has accessible toilet facilities, a conference room, warehouse and archive area. Estimates of \$32,000 and \$52,822 for platform lifts to the second level were submitted.

**Action:** Approved. Based on disproportionate cost.

**3. THE GALLERY**

**Issue:** Vertical accessibility to the second floor.

**Analysis:** The applicant is requesting a waiver from providing vertical accessibility to an art gallery and bar located on the second floor of a commercial building. According to the building official, the tenant moved into the existing space but did no work that would have required a building permit. The owner wants to expand into an adjacent area, increasing the occupant load, thus requiring additional toilet facilities, egress and sprinklers. The project will cost \$12,736 and although no estimates were provided, it is highly unlikely that a platform lift could be installed that would not be disproportionate to the cost of construction. An interior lift would also encroach into first floor tenant space and providing one outside would not allow an accessible route and would result in the loss of a parking space.

**Action:** Approved. Based on technical infeasibility.

#### **4. OCEAN BREEZE HOTEL**

**Issue:** Vertical accessibility to the second floor of a hotel.

**Analysis:** The applicant is requesting a waiver from providing vertical accessibility to the second floor of Building B of a two building hotel undergoing a \$1,375,000 alteration. Building A has a chair lift for guests to access the first floor of the hotel and an elevator for the second and third stories. Building B has 48 units, of which, six are accessible at the first floor level. Estimates of \$92,078, \$110,190 and \$113,790 were submitted as the cost of installing an elevator to serve the second floor. Although the estimates do not meet the threshold for disproportionate cost, the applicant contends that having more than the required number of accessible rooms renders additional accessibility to the second floor unnecessary.

**Action:** Deferred. To allow the applicant time to provide more detailed cost breakdowns of alteration work performed.

#### **5. ENGINEERING BUILDING II**

**Issue:** Vertical accessibility to all rows of seats in a tiered lecture hall.

**Analysis:** The applicant is requesting a waiver from providing vertical accessibility to all rows of seats in an 80 seat lecture hall that is undergoing an alteration. The four required wheelchair seating locations are located in the back row with adjacent companion seating. Three of the four companion seats are fixed, while the fourth would allow a moveable chair. The project will cost \$890,000, and according to the applicant it would be technically infeasible to ramp all levels or provide individual lifts because of the space constraints imposed by the lecture hall's existing walls.

**Action:** Approved. Based on technical infeasibility.

#### **6. BARRY UNIVERSITY HEALTH AND SPORTS CENTER**

**Issue:** Vertical accessibility to all rows of a bleacher system.

**Analysis:** The applicant is requesting a waiver from providing vertical accessibility to all rows of a collapsible bleacher system that is being installed to replace an existing facility. The project will cost \$125,000 and the applicant indicated it would be technically infeasible to provide vertical access to all levels in the bleachers. Wheelchair seating and adjacent companion areas are provided along the length of the front row of each of the two bleachers.

**Action:** Approved. Based on technical infeasibility.

#### **7. FIU SCIENCE CLASSROOM COMPLEX**

**Issue:** Vertical accessibility to all rows of seats in a tiered classroom.

**Analysis:** The applicant is requesting a waiver from providing vertical accessibility in a new, 142 seat classroom which is a component of a 136,082 square foot building to be occupied by the College of Arts and Sciences, School of Public Health and Social Work, College of Medicine, Engineering and Computing, and College of Nursing and Health Sciences. The overall project will cost \$38,621,221.

The five required wheelchair seating locations are at both the front and rear of the classroom; however, not all seats are provided with an adjacent companion seat. According to the applicant, it would be technically infeasible to make each level of the classroom accessible.

**Action:** Approved. Based on technical infeasibility.

## **8. CHI OMEGA SORORITY HOUSE**

**Issue:** Vertical accessibility to the second floor.

**Analysis:** The applicant is requesting a waiver from providing vertical accessibility to the second floor of a sorority house undergoing a \$275,000 alteration to expand the existing kitchen and dining space. The project also includes minimal upgrades to life safety and accessibility requirements, but no work is planned for the second floor living quarters. The scope of work also included installing a chair lift on the first level and reconfiguring a toilet room to make the entire first floor accessible.

**Action:** Approved. Waiver is not necessary. Based on access to the second floor being unnecessary.

## **9. AMNESIA**

**Issue:** Vertical accessibility to all rows of tiered seating in a nightclub.

**Analysis:** The applicant is requesting a waiver from providing vertical accessibility to all rows of seats in two designated VIP seating areas. The top level of VIP area #1 may be accessed via lift and by ramp to VIP area #2; there is no level change in VIP area #3. According to the applicant, all bars, dance floors, toilet rooms and VIP seating areas are accessible. No estimates to provide full vertical accessibility were submitted as the applicant contends all services are available, just not on each specific level.

**Action:** Approved. Waiver is not necessary. Based on vertical accessibility to all levels being unnecessary.

## **10. MADEWELL**

**Issue:** Vertical accessibility to the mezzanine level of a retail store.

**Analysis:** The applicant is requesting a waiver from providing vertical accessibility to the 422 square foot mezzanine of a mercantile facility undergoing a \$250,000 alteration. According to the applicant, the scope of the work included removing an existing noncompliant stair to the mezzanine and replacing it with a compliant one. The applicant stated that all merchandise and services located on the mezzanine are duplicated on the accessible grade level; therefore making access to the area unnecessary. Estimates to install an elevator for \$194,120 and \$209,000 were submitted. Note: The building official reported that the cost of construction over the past three years was \$1,052,130, including the current \$253,000 project.

**Action:** Approved. Waiver is not necessary. Based on vertical accessibility to the mezzanine being unnecessary.

## 11. LIQUOR LOFTS

**Issue:** Interior vertical accessibility to both floors of a commercial structure.

**Analysis:** The applicant is requesting a waiver from providing interior vertical accessibility to both levels of a commercial building which is accessible at grade on both floors. The building is undergoing a \$99,500 alteration which includes modifying the existing basement as a bar/lounge with microbrewery and providing commercial liquor sales on the first floor. The scope of alteration work to the basement will add accessible toilet facilities, an accessible entrance and accessible seating and maneuvering in addition to accessible exterior parking. Accessible parking for the liquor store area can be provided by restriping the parking area. Estimates of \$35,000-\$40,000 to provide elevator service between floors were submitted.

**Action:** Approved. Based on disproportionate cost.

## 12. DIMITRI'S ARTISAN SANDWICHES

**Issue:** Vertical accessibility to a second level deck.

**Analysis:** The applicant is requesting a waiver from providing vertical accessibility to a new, 3,201 square foot deck estimated to cost \$60,000-\$79,000. The project is a restaurant with existing outdoor wheelchair seating. According to the applicant, installing equipment to make the deck accessible would exceed the financial viability of the project.

**Action:** Approved. Based on disproportionate cost.



**ATTACHMENT V**

**LEGAL REPORT**

**DECLARATORY STATEMENT INTERPRETATIONS**

**SECOND HEARINGS—AUGUST 9, 2011**

There were no second hearings for the August 9, 2011 meeting.

**FIRST HEARINGS—AUGUST 9, 2011**

There were no first hearings for the August 9, 2011 meeting.

**ATTACHMENT VI**  
**PRODUCT AND ENTITY APPROVAL REPORT**

<b>ID</b>	<b>Manufacturer</b>	<b>Category</b>	<b>Subcategory</b>	<b>TBA</b>	<b>POC</b>	<b>FBC</b>	<b>Comments</b>	<b>Status</b>
<b>Evaluation by Engineer/ Architect Method - FBC Voted Approval</b>								
984-R6	Firestone Building Products Company, LLC.	Roofing	Modified Bitumen Roof System	a	a	a	Recommend Approval	Revision
5259-R12	POLYGLASS USA	Roofing	Underlayments	a	a	a	Recommend Approval	Revision
5680-R3	GAF Materials Corporation	Roofing	Modified Bitumen Roof System	a	a	a	Recommend Approval	Revision
6336-R1	Cline Aluminum Doors, Inc.	Exterior Doors	Swinging Exterior Door Assemblies	a	a	a	Recommend Approval	Revision
7473-R3	EAGLE ROOFING PRODUCTS FLORIDA LLC	Roofing	Roofing Tiles	a	a	a	Recommend Approval	Revision
9174-R7	Wayne-Dalton, a division of Overhead Door Corporation	Exterior Doors	Sectional Exterior Door Assemblies	a	a	a	Recommend Approval	Revision
9604-R5	MGM Industries	Windows	Double Hung	a	a	a	Recommend Approval	Revision
9792-R3	Atlas Roofing Corporation	Roofing	Asphalt Shingles	a	a	a	Recommend Approval	Revision
10104-R1	Merchant & Evans, Inc.	Panel Walls	Soffits	a	a	a	Recommend Approval	Revision

10264-R6	Firestone Building Products Company, LLC.	Roofing	Single Ply Roof Systems	a	a	a	Recommend Approval	Revision
10626-R3	GAF Materials Corporation	Roofing	Underlayments	a	a	a	Recommend Approval	Revision
10753-R4	Town and Country Industries,	Shutters	Accordion	a	a	a	Recommend Approval	Revision
11267-R2	Overhead Door Corporation	Exterior Doors	Sectional Exterior Door Assemblies	a	a	a	Recommend Approval	Revision
11291-R2	Storm Smart Industries	Shutters	Products Introduced as a Result of New Technology	a	a	a	Recommend Approval	Revision
11521-R4	Overhead Door Corporation	Exterior Doors	Sectional Exterior Door Assemblies	a	a	a	Recommend Approval	Revision
12117-R1	Simonton Windows	Windows	Mullions	a	a	a	Recommend Approval	Revision
12462-R1	Cat 5 Hurricane Products, LLC	Shutters	Storm Panels	a	a	a	Recommend Approval	Revision
12549-R3	Impact Technology, Inc.	Shutters	Accordion	a	a	a	Recommend Approval	Revision
12830-R2	Tapco, Inc	Shutters	Storm Panels	a	a	a	Recommend Approval	Revision
12856-R1	Town and Country Industries,	Shutters	Storm Panels	a	a	a	Recommend Approval	Revision
13250-R1	YKK AP America	Panel Walls	Curtain Walls	a	a	a	Recommend Approval	Revision
13256-R2	YKK AP America	Panel Walls	Curtain Walls	a	a	a	Recommend Approval	Revision
13321-R2	YKK AP America	Exterior Doors	Swinging Exterior Door Assemblies	a	a	a	Recommend Approval	Revision
13451-R1	Firestone Building Products Company, LLC.	Roofing	Underlayments	a	a	a	Recommend Approval	Revision
13768-R1	Agri-Metal Supply Inc.	Roofing	Metal Roofing	a	a	a	Recommend Approval	Revision

13838-R1	Agri-Metal Supply Inc.	Structural Components	Roof Deck	a	a	a	Recommend Approval	Revision
13922-R2	CAL-ROYAL PRODUCTS INC.	Exterior Doors	Exterior Door Components	a	a	a	Recommend Approval	Revision
14317-R1	Boral Roofing / MonierLifetile	Roofing	Underlayments	a	a	a	Recommend Approval	Revision
14411-R2	Crawford Tracey Corporation	Panel Walls	Curtain Walls	a	a	a	Recommend Approval	Revision
14445	Pioneer Industries	Panel Walls	Storefronts	a	a	a	Recommend Approval	New
14495	Coral Industries, Inc	Panel Walls	Curtain Walls	a	a	a	Recommend Approval	New
14511	Amarr Garage Doors	Exterior Doors	Sectional Exterior Door Assemblies	a	a	a	Recommend Approval	New
14519	3M	Roofing	Cements-Adhesives-Coatings	a	a	a	Recommend Approval - Deferred and complied with Condition of: Provide new Evaluation Report prepared by a licensed FL PE or RA.	Deferred
14520	J A TAYLOR ROOFING	Roofing	Metal Roofing	a	a	a	Recommend Approval - Deferred and complied with Condition of: Provide new Evaluation Report prepared by a licensed FL PE or RA.	Deferred
14573	Chem-Pruf Door Co., Ltd.	Exterior Doors	Swinging Exterior Door Assemblies	a	a	a	Recommend Approval	New
14603	Loewen Windows	Windows	Mullions	a	a	a	Recommend Approval	New
14618	Raynor Garage Doors	Exterior Doors	Sectional Exterior Door Assemblies	a	a	a	Recommend Approval	New
14620	MBCI, L.P.	Panel Walls	Siding	a	a	a	Recommend Approval	New
14622	MBCI, L.P.	Roofing	Metal Roofing	a	a	a	Recommend Approval	New
14623	American Construction Metals (ACM)	Roofing	Metal Roofing	a	a	a	Recommend Approval	New

14626	EFCO Corporation	Windows	Fixed	a	a	a	Recommend Approval	New
14627	EFCO Corporation	Windows	Single Hung	a	a	a	Recommend Approval	New
14628	EFCO Corporation	Windows	Casement	a	a	a	Recommend Approval	New
14630	Metal Sales Manufacturing Corporation	Roofing	Metal Roofing	a	a	a	Recommend Approval	New
14632	Eastern Architectural Systems	Windows	Mullions	a	a	a	Recommend Approval	New
14634	Ply Gem Windows	Exterior Doors	Sliding Exterior Door Assemblies	a	a	a	Recommend Approval	New
14635	General Aluminum Company	Exterior Doors	Sliding Exterior Door Assemblies	a	a	a	Recommend Approval	New
14641	Windoor Incorporated	Windows	Fixed	a	a	a	Recommend Approval	New
14645	Metal Sales Manufacturing Corporation	Roofing	Metal Roofing	a	a	a	Recommend Approval	New
14648	Metal Sales Manufacturing Corporation	Structural Components	Roof Deck	a	a	a	Recommend Approval	New
14649	Metal Sales Manufacturing Corporation	Panel Walls	Siding	a	a	a	Recommend Approval	New
14657	Amarr Garage Doors	Exterior Doors	Sectional Exterior Door Assemblies	a	a	a	Recommend Approval	New
14661	Pella Corporation	Windows	Mullions	a	a	a	Recommend Approval	New
14664	VuSafe Industries, LLC	Shutters	Storm Panels	a	a	a	Recommend Approval	New
14665	Therma-Tru	Exterior	Swinging	a	a	a	Recommend Approval	New

	Corporation	Doors	Exterior Door Assemblies					
14666	LaPolla Industries, Inc.	Roofing	Cements-Adhesives-Coatings	a	a	a	Recommend Approval	New
14667	The Aluminum Shingle Company	Roofing	Metal Roofing	a	a	a	Recommend Approval	New
14668	Englert Inc.	Structural Components	Roof Deck	a	a	a	Recommend Approval	New
14669	Berridge Manufacturing Co.	Panel Walls	Siding	a	a	a	Recommend Approval	New
14670	Windoor Incorporated	Windows	Mullions	a	a	a	Recommend Approval	New
14672	Tarco Roofing	Roofing	Modified Bitumen Roof System	a	a	a	Recommend Approval	New
14681	Atlantic Vinyl Windows and Doors, inc.	Windows	Single Hung	a	a	a	Recommend Approval	New
<b>Evaluation by Test Report - FBC Voted Approval</b>								
<b>Evaluation by Evaluation Entity - FBC Voted Approval</b>								
12750-R3	National Gypsum Services Company	Structural Components	Structural Wall	a	a	a	Recommend Approval	Revision
13825	Simpson Strong-Tie Co.	Structural Components	Structural Wall	a	a	a	Recommend Approval	New
14500	United Steel Products Company	Structural Components	Wood Connectors	a	a	a	Recommend Approval	New
14534	Sunshine Windows Manufacturing Inc.	Windows	Fixed	a	a	a	Recommend Approval	New

14571	Simpson Strong-Tie Co.	Structural Components	Wood Connectors	a	a	a	Recommend Approval	New
14636	Cornell Iron Works, Inc.	Exterior Doors	Roll-Up Exterior Door Assemblies	a	a	a	Recommend Approval	New
14655	Ruskin Company	Panel Walls	Wall Louver	a	a	a	Recommend Approval	New
<b>Entities - FBC Voted Approval</b>								
CER1497	Intertek Testing Services NA Inc.- ETL/Warnock Hersey	Certification Agency		a	a	a	Recommend Approval	Renewal
CER1498	American Architectural Manufacturers Association	Certification Agency		a	a	a	Recommend Approval	Renewal
CER1523	Keystone Certifications, Inc.	Certification Agency		a	a	a	Recommend Approval	Renewal
CER1663	PSI/Pittsburgh Testing Laboratory	Certification Agency		a	a	a	Recommend Approval	Renewal
CER1739	Underwriters Laboratories Inc.	Certification Agency		a	a	a	Recommend Approval	Renewal
CER2512	APA - The Engineered Wood Association	Certification Agency		a	a	a	Recommend Approval	Renewal
CER8824	NTA Inc	Certification Agency		a	a	a	Recommend Approval	Renewal
QUA1673	Intertek Testing Services NA Inc.- ETL/Warnock Hersey	Quality Assurance Entity		a	a	a	Recommend Approval	Renewal
QUA1680	PFS Corporation	Quality Assurance Entity		a	a	a	Recommend Approval	Renewal
QUA1789	National	Quality		a	a	a	Recommend Approval	Renewal

	Accreditation and Management Institute	Assurance Entity						
QUA1988	PSI/Pittsburgh Testing Laboratory	Quality Assurance Entity		a	a	a	Recommend Approval	Renewal
QUA1990	RADCO, INC.	Quality Assurance Entity		a	a	a	Recommend Approval	Renewal
QUA2521	APA - The Engineered Wood Association	Quality Assurance Entity		a	a	a	Recommend Approval	Renewal
QUA3096	CI Professional Services	Quality Assurance Entity		a	a	a	Recommend Approval	Renewal
QUA7309	Smith Emery Laboratories	Quality Assurance Entity		a	a	a	Recommend Approval	Renewal
QUA7318	Lenard Gabert and Associates	Quality Assurance Entity		a	a	a	Recommend Approval	Renewal
TST1509	Intertek Testing Services NA Ltd.	Testing Laboratory		a	a	a	Recommend Approval	Renewal
TST1555	American Test Lab, North	Testing Laboratory		a	a	a	Recommend Approval	Renewal
TST1577	Certified Testing Laboratories	Testing Laboratory		a	a	a	Recommend Approval	Renewal
TST1654	Farabaugh Engineering and Testing, Inc.	Testing Laboratory		a	a	a	Recommend Approval	Renewal
TST1679	PFS Corporation	Testing Laboratory		a	a	a	Recommend Approval	Renewal
TST1740	Underwriters Laboratories Inc.	Testing Laboratory		a	a	a	Recommend Approval	Renewal
TST1987	RADCO, INC.	Testing Laboratory		a	a	a	Recommend Approval	Renewal



TST2513	APA - The Engineered Wood Association	Testing Laboratory		a	a	a	Recommend Approval	Renewal
TST3478	NTA, Inc.	Testing Laboratory		a	a	a	Recommend Approval	Renewal
TST4205	Progressive Engineering, Inc.	Testing Laboratory		a	a	a	Recommend Approval	Renewal
TST5328	Force Engineering & Testing, Inc.	Testing Laboratory		a	a	a	Recommend Approval	Renewal
TST6049	Trinity   ERD - South Carolina	Testing Laboratory		a	a	a	Recommend Approval	Revision
TST7195	Hurricane Test Laboratory, LLC - TEXAS	Testing Laboratory		a	a	a	Recommend Approval	Renewal
<b>Discussion Items.</b>								
13854	Panda Windows and Doors	Exterior Doors	Swinging Exterior Door Assemblies	y	y	y	This application by evaluation report indicated a test report at a facility that was not accredited by an approved accreditation entity. A posteriori, the accreditation body applied and is now an approved accreditation entity. <u>Recommend Denial: At time of evaluation and application the test was not performed at a testing facility accredited by an approved accreditation body.</u>	New
13854	Comentary by Hermes F Norero						Just to clarify. The testing facility WAS accredited by ACCREDIA (SINAL) during the time of testing. The fact that ACCREDIA	

							was not listed in the FBC website does not take away any procedures or credentials that that it had up to that time and made it possible for ACCREDIA to be listed on the FBC website. As we discussed in the past ACCREDIA is part of the ILAC-MRA (See Attached). This is a listing of all international accreditation agencies that are held under the same regulations and should be considered all equal. If you notice this list also includes A2LA and IAS. All 3 agencies (ACCREDIA, A2LA and IAS) have been part of this arrangement since 2000.	
11447-R2	Stanek Vinyl Windows	Windows	Horizontal Slider	c	c	c	This application was submitted about a year ago. Many comments and revisions have been made. The latest "deficiency" is a discrepancy between the evaluation report that indicates the anchor installation instruction with one layout, but the installation instructions drawings indicate an additional anchor layout. <u>Recommend Conditional</u>	Revision

							<u>Approval with condition of: Correct evaluation report and/or installation instructions to indicate the same anchor layout.</u>	
11448-R2	Stanek Vinyl Windows	Windows	Fixed				This application was submitted about a year ago. Many comments and revisions have been made. The latest "deficiency" is a discrepancy between the evaluation report that indicates the anchor installation instruction with one layout, but the installation instructions drawings indicate an additional anchor layout. <u>Recommend Conditional Approval with condition of: Correct evaluation report and/or installation instructions to indicate the same anchor layout.</u>	Revision
7359-R3	Kawneer Company, Inc.	Panel Walls	Storefronts	a	-	-	Recommend Approval	Revision
7359-R3				c	c	c	<u>Recommend Conditional Approval with condition of: 1. Provide testing of dry-glazing gaskets and 2. Provide specification of glazing spacer as tested.</u>	
<b>Applications with Public</b>								

Comments.								
Evaluation by Engineer/Architect Method								
14640	Windoors Incorporated	Panel Walls	Curtain Walls	a	-	-	<del>Recommend Approval</del>	New
14640	Public Comment by Jaime Gascon						FBC Section 1714.5.3.3.1 requires curtain walls be tested to AAMA 501. The product described is not a curtain wall. Should this be categorized as a window?	
14640	Response by Roberto Lomas						We have evaluated this comment and would like ask for a conditional approval for this application, with the condition to change the category of the product to fixed window instead of curtain wall.	
14640	Recommendation by Administrator			c	c	c	<u>Recommend Conditional Approval with condition of: Change product category to Window subcategory Fixed.</u>	
14677	American Fiber Cement Corporation	Panel Walls	Siding	a	-	-	<del>Recommend Approval</del>	New
14677	Public Comment by Jaime Gascon						Since this is a non-impact cladding, the 1/2" plywood substrate specified in the drawings does not comply with 1626.4(2) for use in the HVHZ. Specify minimum thickness required or indicate	

							not for use in the HVHZ.	
14677	Response by Javad Ahmad						Our office revised shop drawing sheets 7, 8, 11, and 12 for revised note indicating 19/32" CD exposure plywood in accordance with FBC 2007, Sec. 1626.4.	
14677	Recommendation by Administrator			c	c	c	<u>Recommend Conditional Approval with condition of: Indicate a substrate with 19/32" CD exposure plywood.</u>	
<b>Evaluation by Test Report</b>								
14448	G.A.P. Roofing	Roofing	Underlayments	a	-	-	<del>Recommend Approval</del>	New
14448	Public Comment by Jaime Gascon						1. The test report does not demonstrate full compliance with type of underlayment specified in 1518.4 or TAS 110 2.2 (ASTM D 226 Type II or ASTM D 2626). 2. ASTM D 6757 is not a recognized underlayment standard for the HVHZ. Therefore, this product should not be allowed to qualify for use in the HVHZ under the test method.	
14448	Response by Dave Swaroop						I am out of country for few days and will reply after I return in 3 days.	
14448	Comentary and Recommendation by Administrator			c	d	d	The application has two test report on two diferent products. The application should be split into two	

							products. <u>Recommend deferral with conditions of: Change application method to evaluation by Florida PE and split the application into two products, one tested to ASTM D6757 to be limited to use outside HVHZ and a second product tested to ASTM D226 Type II to be used inside and outside HVHZ.</u>	
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