



STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

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Governor

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Secretary

**BOARD MEETING
OF THE
FLORIDA BUILDING COMMISSION**

**PLENARY SESSION
November 18, 2003**

PENDING APPROVAL

The meeting of the Florida Building Commission was called to order by Chairman Raul Rodriguez at 8:30 a.m. on Tuesday, November 18, 2003, at the Rosen Plaza Hotel, Orlando, Florida.

COMMISSIONERS PRESENT:

Raul Rodriguez, Chairman
Randall J. Vann
Hamid J. Bahadori
Michael C. McCombs
Herminio Gonzalez
George J. Wiggins
Craig Parrino
John Calpini
Christ T. Sanidas
Leonard N. Lipka
Karl S. Thorne
Nicholas "Nick" D'Andrea
Richard Browdy
Paul D. Kidwell
Do Y. Kim
Jeffrey Gross
Joseph "Ed" Carson

Suzanne A. Marshall
Stephen C. Bassett
Diana B. Richardson

COMMISSIONERS ABSENT:

Christopher P. Schulte
Steven Corn
Dale Greiner
Doug Murdock, Adjunct Member

OTHERS PRESENT:

Rick Dixon, Executive Director
Ila Jones, DCA
Jim Richmond, Legal Advisor
Richard Shine, Legal Advisor
Jeff Blair, FCRC

WELCOME

Chairman Rodriguez welcomed the Commission members and members of the public in attendance. He then directed the Commission to Mr. Blair for an overview of the proposed meeting agenda.

REVIEW AND APPROVAL OF AGENDA

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

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

REVIEW AND APPROVAL OF OCTOBER 13 & 14, 2003 MEETING MINUTES

Commissioner D'Andrea moved approval of the October 13 and 14, 2003 Commission meeting minutes. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous. Motion carried.

REVIEW AND UPDATE OF COMMISSION WORKPLAN

Mr. Dixon conducted a review of the Commission workplan. He directed the Commission to page 5 of the agenda packet for the updated workplan. He stated there were no major changes to the workplan and advised the Fire, Structural, and Code Administration TACs would be called to meet prior to the January meeting to begin reviewing the Florida specific amendments as they compare to the International Building and International Residential Codes.

Commissioner Wiggins moved approval of the updated workplan. Commissioner Calpini seconded the motion. Vote to approve the motion was unanimous. Motion carried.

CHAIR'S DISCUSSION ISSUES AND RECOMMENDATIONS

Chairman Rodriguez stated there were no Chair discussion issues. He announced Commissioners Parrino, Kim, Wiggins, and Gross had been reappointed to the Commission and offered congratulations to those Commissioners.

RULE DEVELOPMENT WORKSHOP ON EQUIVALENCY OF TEST STANDARDS AND RECOGNITION OF INTERNATIONAL CODE COUNCIL IAS/IES, RULE 9B-72.100 AND RULE 9B-72.180

Chairman Rodriguez reminded the Commission of its unanimous decision to

initiate rulemaking to recognize the equivalency of standards and the ICC as an evaluation entity during the August 2003 Commission meeting. He stated Mr. Richmond will serve as the Hearing Officer and Mr. Blair will facilitate discussion.

Mr. Richmond then opened the workshop on Rule 9B-72. He stated the intent is to keep the rule limited to the recognition of standards and minor changes in order to expedite opening and closing the rule.

PUBLIC COMMENT

Jaime Gaskon, Miami-Dade County Product Control

Mr. Gaskon referenced item #2 and noted the equivalency of DASMA-2002 has not been excluded from the high velocity hurricane zone and requested that it be excluded.

Roland Temple, Velux America

Mr. Temple referenced item #2 and noted the dates of the equivalencies were provided but not the standard it is equivalent to.

Joe Hetzel, DAMA

Mr. Hetzel referenced item #2 and stated the standards in question is ASTM E-330. He then concurred with Mr. Gaskon's comment regarding the HVHZ exclusion.

Mr. Dixon stated it would be noted in the rule as "except Florida HVHZ."

Commissioner Wiggins noted a typographical error in item #1.

Mr. Blair then noted Mr. Richmond had recommended removing the statement "all products are subject to local approval" to resolve the declaratory statement issue. He then addressed the proposed changes and edits which were presented by public comment and called for a motion to reflect all of the issues raised.

Commissioner D'Andrea moved approval of the proposed changes to Rule 9B-72 as amended. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Mr. Richmond then called for a motion for the amended Rule 9B-72 package to the Rule Adoption Hearing during the January Commission meeting.

Commissioner D'Andrea moved approval for the amended package to be included in the Rule Adoption Hearing during the January Commission meeting. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous. Motion

carried.

CONSIDERATION OF BUILDING CODE ISSUES AND RECOMMENDATIONS TO THE 2004 LEGISLATURE / PUBLIC COMMENT

Mr. Richmond stated there had been action early in terms of Senate Bill 494, the primary Florida Building Code vehicle. He explained the bill contains the contents of former Senate Bill 2730 previously with exception to issues relating to product approval. He stated he would review individually each issue for discussion purposes. Mr. Richmond continued stating the issues from last year, on which the governor took no action, were items important to the Commission and began a review of the issues as presented. (See *Issues to Consider for Recommendations to the 2004 Legislature* Attachment.)

1. Expedited Adoption and Implementation of the Subcode for Existing Buildings, i.e., the Rehab Code.

Chairman Rodriguez called for Commission discussion.

Commissioner Wiggins suggested removing the bulleted item in lieu of the current cycle the Rehab Code is under.

2. Statewide Binding Interpretation.

Mr. Richmond explained the Commission has been seeking statewide binding interpretation for many years and the primary opposition is the Administrative Law section of the Florida Bar which views Chapter 120 as the single guide for administrative processes.

Chairman Rodriguez called for Commission discussion.

Commissioner Wiggins asked if it is Senator Bennett's bill #494 that has been re-introduced containing the provisions which defer first to the local board for interpretation prior to seeking the proposed statewide entity.

Mr. Richmond responded stating the bill is Senator Bennett's bill but it does not require going to the Board of Rules and Appeals first.

Commissioner Wiggins then expressed opposition unless it was appealed locally as a first step.

Chairman Rodriguez requested clarification concerning whether the bill pre-empts the local review by the board of appeals.

Commissioner Sanidas offered comment stating the lower echelon should be

sought first then higher authority if needed.

Commissioner Bassett stated he would agree there may be concern if there was a local amendment being presented to the local board first. He then stated he had no issue with a statewide amendment implemented by the Commission being brought before the Commission first. He then added the local board may not be fully aware of the Commission's reasoning behind each action.

Chairman Rodriguez conducted a straw poll regarding support for the recommendation exactly as it has been presented. The poll resulted in 1 supporting the recommendation as presented. He then conducted a straw poll for support for Commissioner Wiggins amended recommendation. The poll resulted in majority support for Commissioner Wiggins' amended recommendation.

3. The Reduction of the Scope of Annual Amendments Interim Into the Three-Year Updates of the Code.

Chairman Rodriguez called for Commission discussion.

Mr. Dixon reminded the Commission the limitation for the interim amendments provided authority for the Commission to update standards, adopt interpretations, and address life safety issues resulting in not a full reduction of the scope of the annual amendments.

Commissioner Kim asked what is the definition of life safety. He posed is not the entire Code life safety.

Mr. Dixon responded stating the Code contains some subjects which are not life safety issues such as energy and accessibility.

Commissioner Kim then asked who determines which issues are life safety issues.

Mr. Dixon replied it is the Commission's function to decide life safety issues.

Chairman Rodriguez conducted a straw poll for support to reduce the scope of annual amendments interim to the three year updates of the Code. The poll resulted in no support. He then conducted a straw poll in support of removing the recommendation altogether. The poll resulted in majority support for removing the recommendation to reduce the scope of annual amendments interim to the three year Code updates.

4. Clarify the Building Code Training Support Program Responsibilities and Professional Licensing Statutes.

Chairman Rodriguez called for Commission discussion. He then conducted a straw poll for support for the recommendation as presented. The poll resulted in majority

support for the recommendation to clarify the Building Code Training Support Program responsibilities and professional licensing statutes.

5. Authorize a Range of Disciplinary Options Respective to Performance as a Product Approval Prototype Building Plans Approval or Manufactured Building Approval Entity.

Chairman Rodriguez called for Commission discussion. He then conducted a straw poll for support of the recommendation. The poll resulted in majority support for the recommendation authorizing a range of disciplinary options respective to performance as a product approval prototype building plans approval or manufactured building approval entity.

6. Expand the Authority for Facility Permits.

Chairman Rodriguez called for Commission discussion.

Commissioner Wiggins stated the issue had been addressed in the upcoming version of the Code with a Code change that accomplishes the same authority.

Mr. Richmond stated specific Legislative authority would be more satisfactory.

Mr. Dixon added one type of facility is identified in statute which could introduce the idea that no other facilities would be allowed. He stated the previous recommendation was that the Commission be authorized to identify by rule the facilities.

Chairman Rodriguez conducted a straw poll for support of the recommendation. The poll resulted in majority support for the recommendation to expand the authority for facility permits.

7. Recognize the International Code Council as an Evaluation Entity.

Chairman Rodriguez called for Commission discussion. He then conducted a straw poll for support of the recommendation. The poll resulted in majority support for the recommendation to recognize the ICC as an evaluation entity.

8. Improvements to Private Plans Review and Inspections System.

Chairman Rodriguez stated he inadvertently omitted the agenda item relating to private plans review and inspections. He then called for Commission discussion regarding the issue of reviewing private inspections. He then conducted a straw poll for support for the recommendation. The poll resulted in majority support for the recommendation to continue to review and make improvements to the private plans review and inspections system.

9. Support Authorization of Electronic Seals and Signatures for Architectural Documents.

Chairman Rodriguez requested clarification concerning whether the authorization is still required.

Mr. Dixon responded stating the AIA had requested the Commission's support for the concept of electronic seals and signatures. He stated AIA was involved in developing the rule then decided no further Legislative authority was necessary.

Mr. Richmond concurred.

Chairman Rodriguez conducted a straw poll for support for removing the recommendation in lieu of AIA support. The poll resulted in majority support for removing the recommendation to support authorization of electronic seals and signatures for architectural documents.

Additional 2003 Legislative Issues:

1. Add Hospice Facilities to the List of Facilities Whose Design-Related Licensed Standards are to be Included in the Code.

Chairman Rodriguez called for Commission discussion. He then conducted a straw poll for support for adding the recommendation to the present list of recommendations to the Legislature. The poll resulted in majority support for the recommendation to add Hospice facilities to the list of facilities whose design-related licensed standards are to be included in the Code.

2. Outsourcing Administrative and Technical Support to the Commission.

Chairman Rodriguez called for Commission discussion.

Commissioner Wiggins stated it was his understanding that provisions had been placed in Senate Bill 494 which would put forward the outsourcing of staff support for the Commission. He stated it is critically important that the work of the Commission be provided by objective parties, i.e., the staff of DCA or the state, and not be outsourced to a private entity that may have a conflict of interest.

Mr. Richmond added a recommendation would be appropriate because the issue is currently in Legislation and a response will most likely be requested.

Chairman Rodriguez conducted a straw poll in support for a recommendation to oppose privatization of Commission and staff. The poll resulted in majority support to enter a recommendation opposing outsourcing administrative and technical support to the Commission.

3. Authorize the Stay of Code Amendment Errors Based on Unanimous Vote.

Mr. Dixon reminded the Commission the issue had been addressed during the April Commission meeting. He stated the procedures required to amend the Florida Building Code are complex and lengthy taking up to nine months and it was Commissioner Bassett who suggested if the Commission unanimously determined there was an error with an unintended consequence, the Commission would have authority to stay the requirements until the rule can be amended.

Chairman Rodriguez called for Commission discussion. He then conducted a straw poll for support for the recommendation. The poll resulted in majority support of adding the recommendation to authorize the stay of Code amendment errors based on unanimous vote.

Commissioner Wiggins addressed an additional issue relating to permitting fees. He stated he strongly endorses the current statutory provision that permitting fees be used for enforcing the Florida Building Code. He continued stating in the proposed bill there are provision which states local governments may not waive or reduce fees for any purpose. He expressed concern stating many cities or counties try to spur economic development by to reducing or waiving fees for permitting large projects. Commissioner Wiggins requested the Commission enter a recommendation to the Legislature removing the provision in the bill limiting the authority of local government to waive or reduce permitting fees.

Mr. Richmond responded stating the permit fee language which was submitted last year had been reviewed and calls for accounting measures be implemented.

Chairman Rodriguez called for a straw poll vote for support for removing the permit fee limitation language. The poll resulted in majority support for adding the recommendation to remove the language in the bill which limits local building department authority in waiving or reducing permitting fees.

Mr. Richmond addressed an additional item stating a proposal was entered last year which effects the membership of the Florida Building Commission. He explained Commission members are identified by interest group with no specific association being submitted. He stated the local government seat on the Commission (Commissioner Wiggins' seat) would be changed and would require the Commissioner be an elected official.

Chairman Rodriguez called for Commission discussion.

Commissioner Wiggins expressed opposition to making the Commission member representing cities have to be an elected official because with so many issues being technical, cities would be better represented by a technical person. He stated to place language in the statute designating an elected official position on the Commission would be inappropriate. Commissioner Wiggins then suggested entering a recommendation

opposing redirecting the make-up of the Commission including the elected official position.

Chairman Rodriguez conducted a straw poll for support of Commissioner Wiggins' recommendation to oppose restructuring the Commission including implementing an elected position. Poll resulted in a majority in support of Commissioner Wiggins recommendation.

Commissioner Wiggins moved approval of the recommendations to the 2004 Legislature as amended. Commissioner Lipka seconded the motion. Vote to approve the motion was unanimous. Motion carried.

REVIEW AND FINALIZE REPORT ON PRIVATE PLANS REVIEW AND INSPECTIONS

Chairman Rodriguez stated the Commission had received an overview during the October Commission meeting of the contractor's report and recommendations as well as public comment and Commission discussion. He stated the Commission is now required to decide any action to be reported to the Legislature. Chairman Rodriguez continued stating the Commission has always attempted to reach consensus on policy issues and on the issue of private plans review and inspections. He referenced the report and stated there is considerable divergence of opinion between industry leaders and building officials concerning how well the system is functioning. (*See Report to the 2004 Legislature on Implementation of the Alternative Plans Review and Inspections System Attachment.*)

Chairman Rodriguez outlined three possible courses of action by the Commission to resolve the issue. He stated the Commission could a) submit the report, public comments, and Commission comments and let the Legislature make their own determinations; b) make structural changes to the process and agree on a discreet set of recommendations which would be submitted to the Legislature; or c) the Commission report to the Legislature the exact findings which include the range of divergent opinions and lack of consensus and request that the Legislature assign the Commission the task of convening a stakeholder process to develop consensus on the issues and make recommendations for any statutory changes to the 2005 Legislature, with a time constraint disadvantage. He then called for Commission discussion.

Commissioner D'Andrea recommended the Commission prepare a report to submit to the 2005 Legislature. He stated there have been many complaints regarding the process and there is no consensus on whether the system works or does not work. He continued stating the Commission has been asked to resolve the issues surrounding the private plans review and inspection system and everyone would be better served if that were achieved.

Commissioner Browdy stated the process of convening the stakeholders has been a traditional method of solving problems in the most fair and equitable manner. He then

expressed concern stating his jurisdiction has experienced the most problems with the private inspector issue and suggested during the deliberation between all sides, thousands and thousands of homes may be subjected to a process that requires more repair than minor adjustments. Commissioner Browdy stated preference for accelerating the process with an established deadline not exceeding six months for recommendations.

Commissioner Lipka offered comment stating the current system had been established for quite some time with a delay not impacting it one way or another. He strongly suggested a year's timeline to develop the recommendations.

Commissioner Wiggins stated there will be changes in the 2004 Legislature unless the Commission proactively resolve the issues concerning the system due to the complaints that have been submitted by interested parties.

Commissioner Marshall concurred with Commissioner Wiggins stating if the Commission does not address the issues the decisions will be made by the Legislature without Commission input.

Chairman Rodriguez called for a straw poll vote opposing the language in SB 294 and requesting the Legislature assign the Commission the task of developing recommendations for resolving the issues. The poll resulted in majority opposing existing language and in support of the Legislature authorizing the Commission to make recommendations to address the issues.

PUBLIC COMMENT

Derrick Woods, Universal Sciences & Engineering, Inc., Orlando

Mr. Woods stated Section 553.791 of the Code refers disputes to the Commission to be addressed during the next scheduled hearing. He stated meanwhile private providers are attempting to provide services and outline the difficulties being faced as described in WESH report. Mr. Woods continued stating engineers and building code administrators have a responsibility as serious as the building department to ensure life safety issues are addressed and code compliance is achieved. He further explained the Legislative intent is clear in terms of options for quality inspections to be provided to the owners. He added there should be no delay in those options being available to homeowners. Mr. Woods then stated the delay in addressing issues relating to the audit policy has made the choice of private provider more stringent than was provided by law. He urged the Commission to be proactive and establish a reasonable solution in order to allow all parties concerned to operate as a team creating dissention.

Ronnie Spooner, President, Building Officials Association of Florida

Mr. Spooner expressed support for recommendation #3 in assigning the Commission the task of forming a group of opinions to resolve the issues. He stated the

Commission is moving in the right direction to resolve the problems.

Mr. Richmond added he had received communication from a construction attorney, Mr. Ansbacher, who has encountered the system and has expressed concerns with the current system. He stated Mr. Ansbacher supports a comprehensive review and change of procedures on the part of the Commission sooner rather than later. Mr. Richmond stated he would make the correspondence available to the Commission in the package.

Chairman Rodriguez offered a summary of the discussion concerning the private plans review and inspection system and called for a motion to approve Commission decision on the issue. He stated the Commission is to immediately begin working with providers, industry leaders, and building officials to resolve the issue and facilitate the implementation of corrective measures as well as have recommendations complete for statutory changes if necessary in 2005.

Commissioner D'andrea moved approval of Chairman Rodriguez's proposed Commission action. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Commissioner Parrino offered comment. (inaudible)

Chairman Rodriguez stated a review of the bill would be necessary and then the Commission could take a position.

Mr. Richmond stated he would have the current information available in the January Commission packet.

COMMITTEE REPORTS AND RECOMMENDATIONS

Accessibility TAC

Commissioner Richardson presented the report of the Accessibility Technical Advisory Committee. (See *Accessibility Technical Advisory Committee Meeting Minutes Attachment*.)

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

Education TAC

Commissioner Browdy presented the report from the meeting of the Education Technical Advisory Committee. (See *Education Technical Advisory Committee Meeting Minutes Attachment*.) He stated the TAC had unanimously approved one voluntary course accreditor, James W. Duval, and requested the Commission confirm the approval by vote.

Commissioner D'Andrea moved approval for James W. Duval as voluntary course accreditor. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Commissioner D'Andrea moved approval of the report. Commissioner Lipka seconded the motion.

Chairman Rodriguez added training on the Code is not something that can be achieved in college. He stated he would be sending some of his architectural staff for Code training and would encourage others in the industry to do the same. He then called for a vote to approve the report. Vote to approve the motion was unanimous. Motion carried.

Electrical TAC

Commissioner McCombs presented the report from the meeting of the Electrical Technical Advisory Committee. (See *Electrical Technical Advisory Committee Meeting Minutes* Attachment.)

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

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

Commissioner Carson presented the report and recommendations of the PAPBMBPOC. (See *Product Approval/Prototype Building/Manufactured Building Programs Oversight Committee Meeting Minutes* Attachment.)

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

PUBLIC COMMENT

Chairman Rodriguez called for public comment.

REVIEW COMMITTEE ASSIGNMENTS AND ISSUES FOR JANUARY 2004 COMMISSION MEETING

Mr. Blair conducted a review of the January 2004 Commission meeting committee assignments and issues.

CONSIDERATION OF ACCESSIBILITY WAIVER APPLICATIONS

Mr. Mellick presented the accessibility waiver applications in the order they were addressed during the Council meeting. He introduced the newest member of the Council, Barbara Page, who was appointed by the Advocacy Center.

#1 Executive Suites

Mr. Mellick presented the request for waiver from vertical accessibility to the second floor of an existing hotel undergoing a \$60,000 renovation. He stated the Council unanimously recommended approval of the waiver based on extreme hardship and provisions of 553.512 relating to 20% disproportionate costs.

Commissioner Richardson moved approval of the Council's recommendation. Commissioner McCombs seconded the motion. Vote to approve the motion was unanimous. Motion carried.

#2 World Jet, Inc.

Mr. Mellick stated the request for waiver had been deferred from two previous meetings. He explained the Council unanimously recommended denying the waiver based on no evidence of hardship.

Commissioner Richardson moved approval of the Council's recommendation. Commissioner Browdy seconded the motion.

James Brown, Representing World Jet

Mr. Brown stated two estimates had been provided to the Council regarding the cost of the elevator. He stated the estimates were \$135,000 and \$131,500 and has additional copies for the Commission's review. He explained his client is S & H Automotive Products who lease the property from World Jet under a long term lease. Mr. Brown stated S & H Automotive paid for the addition to the airplane hanger and to be required to provide vertical accessibility at this time would be a hardship. He added his client is blind and is very sensitive to the needs of disabled individuals.

Mr. Mellick added the 20% disproportionality was not a factor in the request for waiver and an estimate for a lift had not been presented to the Council.

Mr. Brown then stated there were only two possible options for providing vertical accessibility due to the technical parameters of the building. He explained a vertical lift was not feasible and asked the Commission to provide alternative options.

Chairman Rodriguez explained it is the desire of the Commission for vertical accessibility to be provided at a minimal cost. He stated only one option had been

provided to the Commission which was not providing vertical accessibility.

Commissioner Richardson noted the application stated the project is complete which presents a timing issue for any technical feasibility for providing accessibility. She encouraged applicants to submit waiver applications at an appropriate time so in the event of a denial there would be sufficient time to take appropriate action.

Mr. Brown addressed Commissioner Richardson's concerns regarding the completion of the project prior to submitting the waiver application. He stated the city approved the plans and the project was built according to the plans. He explained it was not until the CO was sought, the building department advised the need for vertical accessibility.

Commissioner Browdy stated there is an issue of the contractor and the owner relying on the plans review and their design professional with their building now being built in a noncompliant status. He continued stating he would not oppose allowing an additional period of time to determine whether or not he can satisfy the requirements of hardship under the statute or to make future provisions for the addition of accessibility to the second floor within a certain period of time.

Mr. Long stated there have been times where additional time has been granted however he stated the current applicant did not wish to be granted additional time.

Commissioner Richardson withdrew her motion in lieu of Commissioner Browdy's suggestion to grant more time.

Commissioner Browdy moved approval to defer action on the waiver request to allow the applicant time to either bring back evidence proving hardship or commit to providing accessibility to the second floor in a timely fashion to meet the requirements of the accessibility of the Florida Building Code. Commissioner Wiggins seconded the motion.

Commissioner Richardson added because the addition to the building is new there would be no reason for exception rather additional time to provide accessibility.

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

Mr. Mellick then stated the application had come before the Council and the Commission and a waiver had been granted conditioned upon not being in conflict with Federal ADA requirements. He added Federal ADA declared the waiver was in conflict but no information was added to the permit application indicating the need for accessibility.

#3 Palm Beach Drama Works

Mr. Mellick stated the request is for waiver from providing vertical accessibility to all six rows of stadium seating in a small black box theatre. He continued stating the Council recommended unanimously to grant the waiver based on extreme hardship and the provisions of 553.512 related to 20% disproportionate costs.

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

Commissioner Richardson noted floor plan for the first floor contains a bathroom which does not reflect adequate space between the fixtures.

Mr. Mellick stated there was an additional restroom built in the building.

#4 Myers & Fuller Law Offices

Mr. Mellick stated the applicant is requesting a waiver from providing vertical accessibility to the 4,494 square feet second floor of a building undergoing \$150,000 worth of alterations. He continued stating the Council recommended unanimously to grant the waiver based on extreme hardship.

Commissioner Richardson moved approval of the Council's recommendation. Commissioner Carson seconded the motion.

Commissioner Browdy requested clarification regarding whether the project is an addition or a renovation of the second floor.

Mr. Mellick replied the project is a renovation of the second floor.

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

Commissioner Richardson then noted on the first floor plan it reflects a bathroom door swinging into the third floor space.

Mr. Mellick stated there were notes which were also made by the Council.

#5 Alpha Chi Omega Sorority House

Mr. Mellick stated the applicant is requesting a waiver from providing vertical accessibility to the second floor of an existing sorority house undergoing an alteration and an addition. He stated the Council recommended unanimously granting the waiver based on extreme hardship conditioned upon the appropriate vertical accessibility be provided

within three years.

Commissioner Richardson moved approval of the Council's recommendation. Commissioner Carson seconded the motion.

Commissioner Wiggins requested clarification regarding whether the building falls under fair housing since it is an R-2 occupancy.

Mr. Mellick replied the building does not fall under fair housing. He stated the building is more boarding houses with assembly areas rather than self-contained residential units.

Mr. Shine added the building does fall under Section 301 of the ADA definitions for public accommodation.

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

#6 PlayPen South

Mr. Mellick stated the applicant was not present and the Council unanimously recommended deferring the request with the strong recommendation that there be an appearance during the next Council meeting.

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

#7 Humphrey Building, LLC

Mr. Mellick stated the applicant was requesting a waiver from providing vertical accessibility to the second floor of an existing office building undergoing alterations of \$85,000. He stated the Council recommended unanimously to grant the waiver based on the provisions of 553.502 relating to disproportionate costs.

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

#8 Holiday Inn Indigo Lakes

Mr. Mellick stated the applicant was not present and the Council unanimously recommended deferring the request for waiver with the strong recommendation that an appearance be made during the next Council meeting.

Commissioner Richardson moved the Council's recommendation. Commissioner D'Andrea seconded the motion. Vote to approve the motion was unanimous. Motion carried.

#9 SunSouth Place Renovations

Mr. Mellick stated the request was originally two parts with the applicant requesting a waiver from providing the required number of hotel units which is outside the purview of the Council and Commission thus was withdrawn. He explained the applicant was requesting waiver from providing vertical accessibility to the second and third floors of an existing historic structure. Mr. Mellick stated the Council recommended approval of the waiver based on extreme hardship with a vote of 3 – 1. He added since the meeting it was discovered the project would be receiving state-assistance in funding and may receive federal assistance and the Council recommended either retaining their original recommendation provided no Title 2 requirements were violated or that the Commission defer the request until further information on the public funding.

Commissioner Richardson moved approval to defer the request until the January meeting. Commissioner McCombs seconded the motion.

Mr. Long urged the Commission to thoroughly review the plans for the rooms being provided on the second and third floors of the hotel. He stated they are substandard and opposed waiving the request.

Commissioner Browdy stated upon review of the letter from the director of housing development in which the funding sources are enumerated, including the Florida Housing Finance Corporation, the Florida Homeless Housing Assistance Grant, and other enhancement financing through federal organizations, it appears that the applicant is really requesting relief from the Florida Building Code whether or not there are Title 2 issues or there are issues related to federal funding, the Commission would never be authorized to waive the federal requirements. He stated it would be appropriate for the Commission to act on the request subject to its jurisdiction within Florida law advising the applicant that they may be subject to requirements under federal law for which the Commission has no authorization or jurisdiction.

Commissioner Richardson asked who makes determinations of this nature.

Mr. Shine responded stating the project is still in the permitting stage and the Commission has no definitive number for the renovation costs. He added he would need additional information in terms of the jurisdictional issue and is not prepared to address that issue. Mr. Shine stated he would be more comfortable taking a second look at the request in January.

Commissioner Wiggins added the building official would not make the determination for a federal requirement. He stated if the applicant is seeking funds

through a federal grant then they would have to certify through a federal agency they are meeting any requirements relating to that funding.

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

#10 Lido Spa Hotel West Wing

Mr. Mellick stated the applicant was requesting a waiver from providing vertical accessibility to the second floor of the east wing only. He stated the Council recommended unanimously to grant the waiver based on technical infeasibility and disproportionate costs.

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

Commissioner Carson asked when the applicant is not present how many deferrals is the Commission required to issue.

Chairman Rodriguez responded stating the practice is to issue 2 deferrals with no obligation on the part of the Commission to issue any.

Commissioner Browdy stated there is also no obligation under the statute requiring the applicant to be present. He added they are encouraged to appear but not required.

Mr. Mellick concurred then stated much discussion takes place during the Council meetings concerning the alterations and relating to vertical accessibility. He stated many times the applications are inadequate in terms of information provided and the Council gets a better result when the applicant is present.

Commissioner Richardson added during the most recent Council meeting an applicant was present via speaker phone which encourages applicants participate even when they cannot be present in person.

Mr. Richmond stated the speaker phone option should either be made available for every Council meeting or not made available at all.

Chairman Rodriguez stated it is expensive for applicants to appear in person at a meeting and have a representative to speak for them. He encouraged use of technology to accomplish meeting the needs of the applicants without creating exorbitant costs for the Commission.

LEGAL REPORTS

CONSIDERATION OF PETITIONS FOR DECLARATORY STATEMENT:

Second Hearings-

DCA03-DEC-173 by Timothy J. Orie of Superior Aluminum Installations

Mr. Richmond presented case stating the TAC recommendation concluded that the room comprised of windbreak panels is by definition not habitable space.

Mike Fisher, Representing the National Sunroom Association

Mr. Fisher concurred with the findings of the TAC.

Commissioner Calpini moved approval of the TAC recommendation. Commissioner D'Andrea seconded the motion. Vote to approve the motion resulted in 1 opposed (Sanidas). Motion carried.

DCA03-DEC-179 by James E. Agen of Wilson Window Glass & Mirror

Mr. Richmond stated the issue concerned shutters which were mounted inside of the glazing on glazed openings. He explained the TAC recommendation was the inside mounting does not comply with Section 1606.1.4 of the Code which requires that the glazing be protected.

Mike Madden, Madden Manufacturing

Mr. Madden stated the subject home contains fixed windows which are not operable. He explained the engineering submitted carried the inside application. Mr. Madden stated Madden Manufacturing tested an inside application in 1998 and hold an SBCCI approval. He stated although unsightly, the inside panels serve the purpose of protecting the structure.

Commissioner Gonzalez moved approval of the TAC recommendation. Commissioner Kidwell seconded the motion. Vote to approve the motion resulted in 4 opposed and 14 in favor. Motion carried.

DCA03-DEC-247 by George Hegedus of Structural Systems, Inc.

DCA03-DEC-261 by Robert Andrews of Broward County

Mr. Richmond stated both cases concern garage ventilation under the Mechanical Code with the issue being natural ventilation versus mechanical ventilation. He stated the TAC recommendation is an option through the 4% openable space requirements of Section 402.2 of the mechanical volume which negates meeting the mechanical requirements of Section 403.

Commissioner Bassett moved approval of the TAC recommendation. Commissioner Carson seconded the motion. Vote to approve the motion was unanimous. Motion carried.

First Hearings-

DCA03-DEC-266 by Robert C. Duncan

Mr. Richmond stated the petition concerns the location of the installation of NM cable in a raceway. He stated the TAC recommendation was the petition presents an issue which is only appropriately addressed by a local appeals board and therefore should be dismissed.

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

DCA03-DEC-270 by Warren W. Schaefer of W. W. Shaefer Engineering

Withdrawn by applicant.

DCA03-DEC-273 by Michael E. Lynch of Cahuci & Peterson, Architects

Withdrawn by applicant.

DCA03-DEC-277 by T. A. Krebs Architect, Inc.

Mr. Richmond stated the petition pertains to the issue regarding whether a building official's activity is correct or incorrect. He stated the staff recommendation is reflected in a letter included in the packet stating the issue should be deferred to the local appeals board. Mr. Richmond requested from the Commission a motion to dismiss.

Commissioner D'Andrea moved approval to dismiss. Commissioner McCombs seconded the motion. Vote to approve the motion was unanimous. Motion carried.

DCA03-DEC-296 by Michael Madden of Madden Manufacturing

Mr. Richmond stated the petition seeks clarification as to whether a local building department can require signed and sealed drawings of a product approved for statewide use by the Florida Building Commission. He stated the POC recommendation is it is not required to provide the local building departments with signed and sealed drawings of our posted statewide approved products provided the product is used consistent with the conditions of its approval.

Commissioner D'Andrea moved approval of the POC recommendation.

Commissioner Parrino seconded the motion.

Mike Madden, Madden Manufacturing

Mr. Madden stated the issue had been raised more than once. He stated when a discussion takes place there seems to be an indication that there is confusion, thus the reason for the declaratory statement.

Commissioner Bassett stated the declaratory statement should be clear that a signed and sealed building document has been submitted for approval.

Commissioner Sanidas asked if the documents were part of the product approval submitted with the permit application.

Mr. Madden responded stating the documents submitted carried the product approval number 240 and there seemed to be confusion in terms of requiring the contractor to submit two signed and sealed sets of engineering.

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

DCA03-DEC-297 by Kenneth R. Pfeiffer of Kenneth R. Pfeiffer, P. E.

Withdrawn by applicant.

DCA03-DEC-298 by Paul S. Roth of Roll-A-Way Protective Pool Fence

Mr. Richmond stated the petition seeks clarification as to whether a mesh safety pool barrier can obtain statewide product approval as a structural component. He stated the TAC recommendation was no it was not subject to statewide product approval as a structural component.

Commissioner Browdy moved approval of the TAC recommendation. Commissioner McCombs seconded the motion. Vote to approve the motion was unanimous. Motion carried.

DCA03-DEC-300 by Barry B. Ansbacher of Ansbacher and Mckeel, P. A.

Withdrawn by applicant.

CONSIDERATION OF APPLICATIONS FOR PRODUCT AND ENTITY APPROVAL

PUBLIC COMMENT

Ted Berman, Miami-Dade County Office of Code Compliance

Mr. Berman expressed concern stating during the October meeting the issue of product approval applications being approved after the application had expired or had been revised and replaced by another application was brought before the Commission. He stated he would like to see that issue addressed by the Commission. Mr. Berman stated he had time to review all the applications and reported there were applications where the quality of the material was not specified; there were applications that had been tested by laboratories that were not accredited; there were applications where the product had prior testing; there were products that did not identify Code sections or standards applying to the application. He expressed concern regarding the way the product approval system works and stated it is possible that products may be approved which should not be used in the state of Florida.

Commissioner Carson presented 9 recommendations for entity approvals:

#1 Radco, Inc.; Test Laboratory

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

#2 Product Testing, Inc.; Test Laboratory

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

#3 IBA Consultants; Test Laboratory

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

#4 ETC Laboratories; Test Laboratory

Commissioner Parrino moved approval. Commissioner Kidwell seconded the motion. Vote to approve the motion was unanimous. Motion carried.

#5 Construction Testing Corporation; Test Laboratory

Commissioner Parrino moved approval. Commissioner Kidwell seconded the motion. Vote to approve the motion was unanimous. Motion carried.

#6 Architectural Testing, Inc. - Texas; Test Laboratory

Commissioner Parrino moved approval. Commissioner Kidwell seconded the motion. Vote to approve the motion was unanimous. Motion carried.

#7 TimberCo, Inc., dba: TECO; Quality Assurance Entity

Commissioner Parrino moved approval. Commissioner Kidwell seconded the motion. Vote to approve the motion was unanimous. Motion carried.

#8 Window and Door Manufacturer's Association; Quality Assurance Entity

Commissioner Parrino moved approval. Commissioner Kidwell seconded the motion. Vote to approve the motion was unanimous. Motion carried.

#9 DAR (German Corporation); Accreditation Body

Commissioner Parrino moved approval. Commissioner Kidwell seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Mr. Blair then explained the process for three consent agenda approvals of the products as presented. He stated the first consent agenda would be consent to approve; the second would be conditional approval; and the third consent agenda to defer action.

Commissioner Carson presented the product approval applications for unanimous approval:

72, 166, 291, 429, 492, 584, 585, 586, 587, 588, 615, 651, 652, 653, 654, 655, 656, 657, 661, 663, 667, 670, 675, 676, 681, 682, 685, 686, 698, 699, 717, 720, 747, 748, 749, 750, 751, 752, 784, 811, 841, 846, 858, 861, 862, 863, 864, 895, 923, 927, 929, 931, 932, 933, 935, 936, 937, 938, 939, 942, 943, 944, 951, 952, 955, 961, 975, 479, 601, 805, 866, 949, 953, 958, 959, 965, 973, 210, 400, 495, 603, 605, 659, 697, 704, 705, 722, 753, 847, 887, 891, 957, 144, 155, 175, 186, 272, 274, 275, 277, 282, 298, 300, 301, 322, 335, 337, 358, 440, 449, 450, 462, 466, 470, 472, 473, 486, 488, 493, 504, 541, 560, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 580, 617, 618, 619, 620, 621, 622, 623, 627, 629, 631, 632, 637, 644, 673, 728, 735, 738, 739, 741, 815, 816, 817, 818, 819, 820, 821, 822, 830, 859, 884, 498, 539, 680, 713, 806, 807, 809

Commissioner Bassett asked how the Commission members would know who the applications were submitted by and what products are being approved.

Mr. Blair explained the information was available during the POC meeting and was presented to the POC with members of the public in attendance. He suggested the Commission members realize there is a POC comprised of well qualified members who are providing professional service and recommendations. He then invited any Commission members who wished to attend the POC meetings for additional information.

Mr. Dixon interjected it had been recommended during the POC that a tracking chart provided to each Commission member. He stated staff had agreed to provide

Commission members the tracking chart for the January meeting.

Commissioner McCombs moved approval of the consent agenda as presented. Commissioner Kidwell seconded the motion.

Commissioner Browdy stated it is important for the Commission to be presented the names of the products with a definable description for each product to make sound approvals.

Commissioner Marshall asked if the tracking chart encompass past approvals for Commission review.

Mr. Dixon replied the previous approvals could be printed on the chart but stated the information is provided on the website.

Chairman Rodriguez called for a vote on the motion. Vote to approve the motion resulted in 1 opposed (Bassett); 15 in favor. Motion carried.

Commissioner Carson then presented the product approval applications which were deferred by the POC:

552, 599, 850, 851, 852, 854, 969, 974, 406, 542, 549, 600, 694, 812

Commissioner McCombs moved approval of the consent agenda. Commissioner Kidwell seconded the motion.

Commissioner Kim requested #406 be pulled from the consent agenda for discussion.

Chairman Rodriguez called for a vote on the motion to approve the consent agenda as amended. Vote to approve the motion resulted in 1 opposed (Bassett); 15 in favor. Motion carried.

Commissioner Carson presented the product approval applications which were conditionally approved provided that staff will contact each applicant to satisfy concerns with the application:

378, 479, 973, 980, 871, 872

Commissioner D'Andrea moved approval of the consent agenda as amended. Commissioner Lipka seconded the motion. Vote to approve the motion resulted in 1 opposed (Bassett); 15 in favor. Motion carried.

Commissioner Kim addressed product approval application # 406 stating it had been brought to his attention a design test standard should be listed. He then requested

406 be placed on conditional approval in order for staff to satisfy the oversight.

Commissioner Parrino seconded the motion and offered clarification explaining many of the applications had minor information needed to complete the approval process and if the applicant was present the information was provided informally and the application was moved to conditional approval; he continued stating since Commissioner Kim was not present to clarify the question, the application was not placed under conditional approval. Commissioner Parrino then recommended #406 be included with the conditional approval list for staff action.

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

SUMMARY REVIEW OF MEETING WORK PRODUCTS

Chairman Rodriguez summarized the Commission action stating the Commission had completed the agenda by conducting a rule development workshop on equivalency of product evaluation standards and ICC recognition as an evaluation entity; deciding on private plans review and inspection recommendations and building code issues and recommendations to the 2004 Florida Legislature; reviewing and updating the Commission workplan; deciding on accessibility waiver applications; deciding on requests for declaratory statements; deciding on applications for approval of products and entities; deciding on Accessibility, Education, and Electrical TAC reports and recommendations; deciding on Product Approval Prototype Building Manufactured Buildings Program Oversight Committee report and recommendations; and reviewing assignments and issues for the January 2004 Commission meeting.

Commissioner Bassett announced in South Florida there is new foundation entitled the Wheelchair Foundation which distributes wheelchairs around the world at no cost. He requested in the form of a motion that a letter of commendation be written to the Wheelchair Foundation and that a representative be invited to the January meeting to receive the commendation. Commissioner Lipka seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Commissioner Lipka extended holiday greetings to all Commission members and expressed it had been a productive year for the Commission.

ADJOURN

No further business discussed, meeting adjourned at 11:36 a.m.

FLORIDA BUILDING COMMISSION

ATTACHMENT TO THE NOVEMBER 18, 2003 MINUTES

FACILITATOR'S REPORT OF THE NOVEMBER 18, 2003 COMMISSION PLENARY SESSION

Orlando, Florida

Meeting Design & Facilitation By



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This document is available in alternate formats upon request to Dept. of Community Affairs, Codes & Standards, 2555 Shumard Oak Blvd., Tallahassee, FL 32399, (850) 487-1824.

FLORIDA BUILDING COMMISSION

ATTACHMENT TO THE NOVEMBER 18, 2003 MINUTES

Overview of Commission's Key Decisions

TUESDAY, NOVEMBER 18, 2003

Agenda Review and Approval

The Commission voted unanimously, 18 - 0 in favor, to approve the agenda as presented. Following are the key agenda items approved for consideration:

- To Review and Update the Workplan
- To Consider/Decide on Chair's Discussion Issues/Recommendations
- To Conduct a Rule development workshop on equivalency of product evaluation standards and ICC recognition as an evaluation entity
- To Consider/Decide on Private Plans Review and Inspections Report to Legislature
- To Consider/Decide on Building Code Issues and Recommendations to the 2004 Legislature
- To Consider/Decide on Accessibility Waiver Applications
- To Receive/Consider Reports from Legal Counsel
- To Consider/Decide on Requests for Declaratory Statements
- To Consider/Decide on Approval of Products and Product Approval Entities
- To Consider/Decide on Accessibility, Education, Electrical, and Structural TAC Report/Recommendations
- To Consider/Decide on Product Approval/Prototype Buildings/Manufactured Buildings Program Oversight Committee (POC) Report/Recommendations

To Review Assignments and Issues for Next Month

Review and Approval of October 13 - 14, 2003 Meeting Minutes

The Commission voted unanimously, 18 - 0 in favor, to approve the minutes as presented for the October 13 - 14, 2003 Commission meeting.

Review and Approval of Commission's Updated Workplan

Commission Actions:

Motion—The Commission voted unanimously, 19 - 0 in favor, to approve the updated workplan as presented.

Chair's Discussion Issues/Recommendations

Chairman Rodriguez announced that the Governor had re-appointed Jeff Gross, Do Kim, and Craig Parrino to the Commission. In addition, additional appointments will be forthcoming.

Rule Development Workshop on Equivalency of Test Standards and Recognition of International Code Council IAS/IES, Rule 9B-72.030, Rule 9B-72.100 and Rule 9B-72.180

Following an opportunity for public comment, the Commission voted to make changes to the proposed changes to the rule and to proceed with rule adoption.

Commission Actions:

Motion—The Commission voted unanimously, 19 - 0 in favor, to proceed with rule adoption for Rule 9B-72.100 and Rule 9B-72.180 with the following amendments to the proposed rule change text.

- ◆ Strike sentence indicating that all products are subject to local approval.
- ◆ In #2 exclude the HVHZ from this provision (slide).
- ◆ Reference: ASTM standard ASTM E-330.
- ◆ Change sever to severe.

Review and Finalize Private Plans Review and Inspections Report to Legislature

Chairman Rodriguez reminded the Commission that at the October meeting they had heard an overview of the contractor's report as well as public testimony and Commission member comments. The Chair recommended that the Commission report to the Legislature the range of divergent opinions and lack of consensus on the issue, and request that the Legislature assign the Commission with the task of convening a stakeholder process to develop consensus on the issues and make recommendations for any statutory changes to the 2005 Legislature.

Commission Actions:

Motion—The Commission voted unanimously, 20 - 0 in favor, to request that the Legislature assign the Commission with convening a stakeholder participation process designed to build consensus on a package of recommendations for legislative changes for submittal to the 2005 legislative session. In addition, the Commission would like to immediately begin to work with industry, building officials, and service providers to address issues of concern and facilitate the implementation of enhancements to the system. The Chair assigned the Code Administration TAC with beginning this task.

Consideration of Building Code Issues and Recommendations to the 2004 Legislature

The Commission reviewed a package of proposed legislative issues related to the Commission and the Florida Building Code. Chairman Rodriguez requested that Jim Richmond, DCA staff attorney, review each of the issues that are proposed for legislative actions and to get a sense of how the Commission would like to respond vis a vis each of the issues. Following an overview of each issue and a straw poll of Commission opinions, the Commission voted unanimously to approve submitting the Commission's package of recommendations, detailed in Attachment 3, in their annual report to the legislature.

Commission Actions:

Motion—The Commission voted unanimously, 20 - 0 in favor, to approve the package of Commission recommendations for each of the issues currently proposed for legislative action.

Consideration of Accessibility Waiver Applications

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

Legal Staff Reports/Discussions/Recommendations and Approval

There were no issues presented under this agenda item.

PETITIONS FOR DECLARATORY STATEMENTS

Following are the actions taken by the Commission on petitions for declaratory statements. Jim Richmond served as legal counsel for the Commission.

SECOND HEARINGS

DCA03-DEC-173 by Timothy J. Orie of Superior Aluminum Installations

Motion— The Commission voted by a vote of 17 – 1 in favor, to approve their previous action on the petition.

DCA03-DEC-179 by James E. Agen of Wilson Window Glass & Mirror

Motion— The Commission voted by a vote of 14 – 4 in favor, to approve their previous action on the petition.

DCA03-DEC-247 by George Hegedus of Structural Systems, Inc.

DCA03-DEC-261 by Robert Andrews of Broward County

Action on the above declaratory statements were combined.

Motion— The Commission voted unanimously, by a vote of 19 – 0 in favor, to approve their previous action on the petition.

FIRST HEARINGS

DCA03-DEC-266 by Robert C. Duncan

Motion— The Commission voted unanimously, by a vote of 19 - 0 in favor, to dismiss the petition.

DCA03-DEC-270 by Warren W. Schaefer of W.W. Schaefer Engineering and Consulting, P.A.

The petition was withdrawn by applicant.

DCA03-DEC-273 by Michael E. Lynch of Cuhaci & Peterson, Architects

The petition was withdrawn by applicant.

DCA03-DEC-277 by T. A. Krebs of T. A. Krebs Architect, Inc.

Motion— The Commission voted unanimously, by a vote of 19 - 0 in favor, to dismiss the petition.

DCA03-DEC-296 by Michael Madden of Madden Manufacturing

Motion— The Commission voted unanimously, by a vote of 20 - 0 in favor, to approve the POC recommendation on the petition as presented.

DCA03-DEC-297 by Kenneth R. Pfeiffer of Kenneth R. Pfeiffer, P.E.

The petition was withdrawn by applicant.

DCA03-DEC-298 by Paul S. Roth of Roll-A-Way Protective Pool Fence

Motion— The Commission voted unanimously, by a vote of 20 - 0 in favor, to approve the POC recommendation on the petition as presented.

DCA03-DEC-300 by Barry B. Ansbacher of Ansbacher and Mckeel, P.A.

The petition was withdrawn by applicant.

COMMITTEE REPORTS AND RECOMMENDATIONS

The Commission agreed that unless a TAC/POC required specific Commission action, the balance of the reports would be submitted into the record and approved as a part of the August's meeting minutes approval process.

Accessibility TAC Committee Report and Recommendations

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

Education TAC

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

Commission Actions:

Motion— The Commission voted unanimously, by a vote of 17 – 0 in favor, to approve James W. DuVall as a voluntary course accreditor.

Electrical TAC

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

Product Approval/Prototype Buildings/Manufactured Buildings Program Oversight Committee

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

Consideration of Applications for Product and Entity Approval

Commissioner Carson presented the committee's recommendations for entity and product approval.

Action on Applications for Approval for Product Approval Entities

Motion— The Commission voted unanimously, by a vote of 20 – 0 in favor, to approve RADCO, Inc. as a test laboratory.

Motion— The Commission voted unanimously, by a vote of 20 – 0 in favor, to approve Product Testing, Inc. as a test laboratory.

Motion— The Commission voted unanimously, by a vote of 20 – 0 in favor, to approve IBA Consultants as a test laboratory.

Motion— The Commission voted unanimously, by a vote of 20 – 0 in favor, to approve ETC Laboratories as a test laboratory.

Motion— The Commission voted unanimously, by a vote of 19 – 0 in favor, to approve Construction Testing Corporation as a test laboratory.

Motion— The Commission voted unanimously, by a vote of 19 – 0 in favor, to approve Architectural Testing, Inc. – Texas as a test laboratory.

Motion— The Commission voted unanimously, by a vote of 19 – 0 in favor, to approve Timberco Inc. dba TECO as a quality assurance entity.

Motion— The Commission voted unanimously, by a vote of 19 – 0 in favor, to approve Window and Door Manufacturers Association as a quality assurance entity.

Motion— The Commission voted by a vote of 18 – 1 in favor, to approve Deutscher AkkreditierungsRat as an accreditation body.

Action on Applications for State Product Approval

The Commission agreed to consider product applications on consent agendas based on POC recommended actions. The Chair provided opportunity for public comment. Any Commission was invited to pull any product application for individual consideration.

Consent Agenda to Approve

Motion— The Commission voted by a vote of 17 – 1 in favor, to approve the following applications for state product approval:

Product application numbers 72, 166, 291, 429, 492, 584, 585, 586, 587, 588, 615, 651, 652, 653, 654, 655, 656, 657, 661, 663, 667, 670, 675, 676, 681, 682, 685, 686, 698, 699, 717, 720, 747, 748, 749, 750, 751, 752, 784, 811, 841, 846, 858, 861, 862, 863, 864, 895, 923, 927, 929, 931, 932, 933, 935, 936, 937, 938, 939, 942, 943, 944, 951, 952, 955, 961, and 975 submitted as certification marks or listings.

Product application numbers 479, 601, 805, 866, 949, 953, 958, 959, 965, and 973. Product application numbers 210, 400, 495, 603, 605, 659, 697, 704, 705, 722, 753, 847, 887, 891, and 957 submitted as evaluation reports from a product Florida Registered Architects or Florida Professional Engineers.

Product application numbers 144, 155, 175, 186, 272, 274, 275, 277, 282, 298, 300, 301, 322, 335, 337, 358, 440, 449, 450, 462, 466, 470, 472, 473, 486, 488, 493, 504, 541, 560, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 580, 617, 618, 619, 620, 621, 622, 623, 627, 629, 631, 632, 637, 644, 673, 728, 735, 738, 739, 741, 815, 816, 817, 818, 819, 820, 821, 822, 830, 859, and 884 submitted as evaluation reports from a product evaluation entity.

Product application numbers 498, 539, 680, 713, 806, 807, and 809 submitted as test report.

Consent Agenda to Defer Action to Next Meeting

Motion— The Commission voted by a vote of 17 – 1 in favor, to defer action on the following applications until the January 2004 Commission meeting:

Defer action until next meeting and have staff contact applicants for the following product application numbers: 552, 599, 850, 851, 852, 854, 969, 974, 542, 549, 600, 694, and 812.

Consent Agenda for Conditional Approval

Motion— The Commission voted by a vote of 17 – 1 in favor, to issue conditional approvals, contingent on staff contacting applicants and resolving issues on the following product applications:

Product application numbers 378, 479, 973, 980, 871, and 872.

Individual Product Application Consideration

Motion— The Commission voted unanimously, by a vote of 18 – 0 in favor, to issue a conditional approval for product application number 406, approval contingent on listing the design test standards.

Public Comment

Chairman Rodriguez provided members of the public with an additional opportunity to address the Commission.

Additional Commission Actions

Motion—The Commission voted unanimously, by a vote of 18 – 0 in favor, commend the Wheelchair Foundation for its work and invite a representative to attend a Commission meeting.

Committee Assignments/Meetings Required

Accessibility Advisory Council and Waiver applications	Yes
Accessibility TAC	Yes
Code Administration TAC	Yes
Education TAC	Yes
Electrical TAC	Yes
Energy TAC	TBD
Fire TAC	Yes
Mechanical TAC	Yes
Plumbing TAC	TBD
Special Occupancy TAC	No, unless Dec. statement
Structural TAC	Yes
Product Approval/Prototype Buildings/Manufactured Buildings POC	Yes

Staff Assignments

- ◆ Invite the Wheelchair Foundation to attend a Commission meeting and develop a commendation.
- ◆ Notify TAC members of the interim TAC meeting as soon as possible in advance of the meeting dates.
- ◆ Code administration TAC should begin the process of developing recommendations/refinements on the private plans review and inspection process.
- ◆ Provide a tracking chart with product type, company name, and product number for Commission review of applications for product approvals.
- ◆ Provide an update on legislative issues.

Adjourn

Motion— The Commission voted unanimously, by a vote of 18 – 0 in favor, to adjourn the plenary session.

ATTACHMENT 1

MEETING EVALUATION RESULTS

1. Please assess the overall meeting.

9.7 ___ The background information was very useful.

9.7 ___ The agenda packet was very useful.

9.7 ___ The objectives for the meeting were stated at the outset.

9.4 ___ Overall, the objectives for the meeting were fully achieved.

9.6 ___ Accessibility Waiver Applications

9.8 ___ Chair's Issues and Recommendations

9.8 ___ Rule Development Workshop on Rule 9B-72.100 and Rule 9B-72.180

9.4 ___ Decision on Private Inspection Forms Report

9.4 ___ Decision on Building Code Issues and Recommendations to the 2004 Legislature

9.5 ___ Declaratory Statements

9.5 ___ TAC/POC Reports and Recommendations

2. Please tell us how well the facilitator(s) helped the participants engage in the meeting.

9.7 ___ The participants followed the direction of the facilitator.

9.9 ___ The facilitator made sure the concerns of all participants were heard.

9.9 ___ The facilitator helped us arrange our time well.

9.8 ___ Participant input was documented accurately.

3. What is your level of satisfaction with the meeting?

9.8 ___ Overall, I am very satisfied with the meeting.

9.9 ___ I was very satisfied with the services provided by the facilitator.

9.8 ___ I am satisfied with the outcome of the meeting.

4. **What progress did you make?**

9.8 ___ I know what the next steps following this meeting will be.

9.8 ___ I know who is responsible for the next steps.

5. Do you have any other comments that you would like to add? We are very interested in your comments. Please use the back of this page.

- ◆ Ask hotel to provide hot Tea (please and thank you). Otherwise -great- well perhaps Hotel staff could be more careful with booking anything serious next to a high school cheerleading competition or whatever
- ◆ The facilitator is the key to keeping business flow.
- ◆ Accessible waiver applications processed fairly
- ◆ The staff should make an effort to determine if the facility for the public meeting will be compromised due to adjacent usage by other hotel guests.

ATTACHMENT 2

COMMISSION'S UPDATED WORKPLAN

2004 Update of the Florida Building Code:

Phase I, Approval of Florida specific statewide and local amendments:

Amendment submittal cutoff (independent submittals)	4/18/03
Post on website (independent/base code updates/local amends)	4/23/03
TACs review and develop recommendations	6/16-18/03
TACs complete review and recommendations	7/14/03
Post TAC recommendations on website	7/25/03
Commission considers TACs recommendations and approve amends	10/13-14/03

Phase II, Consider model code changes together with all approved statewide and local amendments, draft rule changes and adopt by rule:

Administration, Fire and Structural TACs review and develop recommendations on which Florida specific amendments to integrate into the IBC and IRC	12/03 to 1/04
Plumbing and Mechanical TACs review and develop recommendations on which Florida specific amendments to integrate into the IRC plumbing, mechanical and fuel gas chapters	12/03 to 1/04
Code Correlation and Formatting Recommendation from staff	1/13/04
Rule development workshop	3/1-3/04
Rule adoption hearing	4/19-20/04
2004 Code posted to Web and printed for delivery	7/1/04
Effective date of first update	1/1/05

Also, see chart

2006 Annual Interim Amendments:

Amendment submittal cutoff (independent submittals)	To be determined
Post on website (independent/base code updates/local amends)	To be determined
TAC's consider	To be determined
Post TAC recommendations on website	To be determined
Commission considers	To be determined
Rule development workshop	To be determined
Rule adoption hearing	To be determined
Effective date of first update	To be determined

Adopt Revised Chapter 34 for Existing Buildings

Schedule:

Residential and Commercial building rehab committees established	Mar 2002
Draft code amendments completed	Dec 2002
Draft revisions to law completed	Dec 2002
Report to the Legislature completed (<i>recommended expedited adoption</i>)	Dec 2002
Bill did not pass/expedited adoption was not approved by the Legislature	
Adopt via the 2004 FBC Update Process (see schedule above)	

Develop Code Commentaries:

Plan:

Identify commentary documents to reference from website and do not adopt by rule.
Amend rules of procedure to require submittal of “rationale” for proposed amendments.
Capture rationales for proposed amendments, declaratory statements and advisory opinions in BCIS to provide “commentary”.

Voluntary Standards for Building Departments [HB 4181/s.553.76(5), F.S.]

Plan:

Establish a joint development project with the state building officials association, (BOAF),
with BOAF as lead.

Schedule:

Contractor selected	Apr 2003
BOAF/contractor development	Jun-Dec 2003
First edition of standards	Jan 2004

Appeals Procedures [98-287, LOF/ss.553.73 & .77 & 2000-141, LOF/s.120.80,FS]

Schedule:

Assign to Code Administration TAC for review	Sep 2002
Develop any necessary Code amendments and/or changes to law	Sep-Dec 2002
Submit for 2004 Code Update	Apr 2003
Effective date	Jan 2005

ISO Ratings Program for Building Departments [s.553.77(1)(n),F.S.]

Ongoing: Addressed by establishment of policy on updating the FBC. ISO ratings dependent upon building codes being kept current with national standards.

Building Code Training Program

Core Curricula:

Develop administrative core curricula

Ed TAC develops recommendations Apr-Jul 2003

Develop technical core curricula

Ed TAC meets with licensing board representatives to develop recommendations Apr-Jul 2003

Revise Building Code Training Program Rule 9B-70 to reflect core curricula and advanced code course criteria

Rule development workshop Oct 2003

Rule development workshop Nov 2003

Rule adoption hearing Nov 2003

Rule effective Dec2003

Report to Legislature Jan 2004

Coordinate with licensing boards on establishing building code specific CE hour requirements

2003	Ed TAC meets with board representatives to develop recommendations	Jan-Nov
	Boards approve	Dec 2003
	Report to Legislature	Jan 2004

**Develop and implement voluntary accreditation program for building code courses
(Depends on program authorization by Legislature)**

	Finalize recommendation to 2003 Legislature <i>(bill did not pass in Legislature)</i>	Dec 2002
	Continue with system concept development	Feb-Nov 2003
	Finalize recommendation to 2004 Legislature	Nov 2003

Establish procedures for advisory opinions and adopt by rule:

Schedule:

Consider partnership with BOAF	May 2002
BOAF/Staff develop proposed procedures	May-Jun
	2002
Approve procedures	July 2002
Procedure goes into effect (law allows effective before rule)	Aug 2002
RFP issued and contractor hired	Dec 2002
Rule development workshop	May 2003
Rule hearing	Jul 2003
Rule effective 9B3.054	Oct 2003

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

Schedule:

Contractor hired to collect data on system operation	Jul 2003
Contractor report due	Sep 2003
Fact finding public workshop	Oct 2003
Review report to the Legislature	Nov 2003
Report submitted to Legislature “on or before January 1, 2004”	Jan 2004

**Establish standards and criteria for foundation permits and other “specialty permits”:
(CS/CS/SB 336 & 180, 2001)**

Schedule:

Assign to Code Administration TAC	Sep 2002
Recommendations for criteria	Feb 2003
Submit for 2004 FBC edition amendment	Apr 2003
Effective (2004 edition of FBC)	Jan 1, 2005

Amend Product Approval Rule	
Rule clarification:	
TAC workshop 1	Nov 2002
TAC workshop 2	Dec 2002
Rule development workshop	
Jan 2003	
Rule adoption hearing	
Apr 2003	
Hearing on Notice of Proposed Changes	
Jul 2003	
Amendments to Rule effective	Aug 2003
System mandatory as required by law	Oct 1,
2003	
Recognize Equivalent Standards:	
Rule development workshop	
Nov 2003	
Rule adoption hearing	
Jan 2004	
Amendments to Rule effective	Feb 2004

Code Amendment Schedule for 2004 Edition of the Florida Building Code

Phase I	“Approve” statewide and local	Florida specific amendments
	April 18, 2003	Deadline for submittal of proposed amendments
	April 25, 2003	Proposals posted to web
45 days (min) ¹		
	Week of June 15-20, 2003	TACs consider proposals
	July 14, 2003	Structural TAC complete proposals review
	July 25, 2003	TAC recommendations posted to web
45 days (min) ¹		
	October 13-14, 2003	Commission considers proposals
Phase II	“Consider” model code changes	“Further Consider” Florida specific amendments
	December 2003 Through January 2004	TACs compare model code updates and Florida specific amendments/develop recommendations
	March 2 & 3, 2004	Commission conducts Rule Development Workshop
	April 19 & 20, 2004	Commission conducts Rule Adoption Hearing and votes to file the rule for adoption
		File Rule with DOS for adoption
	July 1, 2004	Code posted on Web
6 months (min) ²		
	January 1, 2005	Code revision implemented

¹ Minimum waiting period required by Florida Statutes

² Minimum delay time for printing, distribution and printing of new codes established by Commission policy

ATTACHMENT 3

FLORIDA BUILDING COMMISSION RECOMMENDATIONS TO THE 2004 LEGISLATURE

The Commission Voted to Oppose the Following Initiatives Identified in Pending Legislation:

- ◆ Outsourcing of Staff support for the Commission.
- ◆ Limitation of local authority to waive or reduce building permitting fees for special cases.
- ◆ Proposals to include authorization in statute for industry associations to propose appointments to the Commission.
- ◆ Imposition of additional qualifications for Commission members or changes to Commission membership or structure.

The Commission Voted to Withdraw Requesting Legislative Actions on the Following Initiatives:

- ◆ Expedited adoption and implementation of the sub-code for existing buildings.
- ◆ Reduce the scope of annual amendments interim to the 3 year updates of the Code.
- ◆ Support authorization of electronic seals and signatures for architectural documents.

The Commission voted to support the following initiatives:

Binding Interpretations of the Florida Building Code

Authorize the Commission to issue interpretations of the Code with statewide binding effect by procedures not subject to the Code amendment procedures of Section 553.73, F.S. Requests for interpretation could only be considered by the Commission after first being considered by local boards of adjustments and appeals where such boards exist.

Clarify the Responsibilities for the Commission and Professional Licensing Boards Regarding the Building Code Training Program

Amend Section 553.842, F.S., to clarify responsibilities under the program by reiterating education requirements for construction industry design and contracting professionals currently located in Chapters 468, 471, 481 and 489, F.S.

Establish Disciplinary Rules Authority for Product Approval, Manufactured Buildings and Prototype Buildings Programs

Amend Chapter 553, F.S., to authorize the Commission to establish disciplinary rules for entities, which conduct buildings plan review, production inspection, evaluations of product compliance with the Code, validation of product compliance with the Code or Quality assurance inspections for manufactured buildings, prototype buildings and product approval.

Facility Permit Authority

Amend Section 553.79, F.S., to authorize the Commission to determine facility types and criteria for types of work, which would qualify for facility maintenance permits.

Recognize the International Code Council Evaluation Services in Statute

Amend Section 553.842, F.S., to recognize the International Code Council Evaluation Services as an evaluation entity.

Hospice Facilities

Amend Section 553.73, F.S., to list of facilities whose building design and construction licensing standards are to be included in the Florida Building Code.

Correction of Errors in the Building Code

Authorize the Commission to suspend the implementation of Code requirements which are determined by unanimous vote to be errors in development or publishing.

Private Provider Plans Review and Inspections

The Commission will conduct a consensus building process to develop recommendations for improving implementation of the private provider system for plans review and inspections. Any recommendations for change to statutes established during the process will be reported to the 2005 Legislature.