

STATE OF FLORIDA  
**DEPARTMENT OF COMMUNITY AFFAIRS**

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

JEB BUSH  
Governor

STEVEN M. SEIBERT  
Secretary

**BOARD MEETING  
OF THE  
FLORIDA BUILDING COMMISSION**

**PLENARY SESSION  
October 28-29, 2002**

**PENDING APPROVAL**

The meeting of the Florida Building Commission was called to order by Chairman Raul Rodriguez at 8:00a.m. on Tuesday, October 28-29, 2002, at the Renaissance Eden Roc Hotel, Miami Beach, Florida.

COMMISSIONERS PRESENT:

Raul Rodriguez, Chairman  
Dan Shaw

Ed Carson

Suzanne Marshall  
Steven Bassett

Peggy Patterson  
Hamid Bahadori  
Michael Mc Combs  
Craig Parrino  
Herminio Gonzalez  
George Wiggins  
John Calpini  
Christ Sanidas  
Karl Thorne

Diana Richardson  
Doug Murdock, Adjunct Member\*

COMMISSIONERS ABSENT:

Leonard Lipka

OTHERS PRESENT:

Nick D' Andrea

Executive Director Rick Dixon,

Richard Browdy

DCA Ila Jones,

Stephen Corn\*

Al Bragg, Legal Advisor

Dale Greiner

Jim Richmond, Legal Advisor

Paul Kidwell\*

Legal Advisor Tim Dennis,

Do Y. Kim

Blair, FCRC Jeff

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## **WELCOME BY MIAMI BEACH AND MIAMI-DADE COUNTY**

Chairman Rodriguez welcomed the Commissioners and gallery to Miami Beach and to the October meeting of the Florida Building Commission. He then extended a generous welcome and introduction to Commissioner Jose Smith, Commissioner from the City of Miami Beach, and Jorge Gonzalez, a Miami Beach City Manager.

Commissioner Smith stated he was very pleased to be invited to the Florida Building Commission representing the City of Miami Beach, the Mayor, and members of the City Commission. He stated he had appeared before the Commission in the past and acknowledged the hard work of the Commission. He congratulated the Commission on the enactment of the Florida Building Code and preserving the strength of the Code in terms of the protections against hurricanes and substandard construction.

Commissioner Smith stressed the importance of continuing to preserve the integrity of the Code when facing the glitch amendments during the meeting stating the residents of Miami Beach are the most exposed community to hurricanes.

Commissioner Smith then presented a proclamation from the City of Miami Beach declaring October 29 Florida Building Commission Appreciation Day encouraging the Commission to visit Miami Beach more often. He then directed the Commission to City Manager Jorge Gonzalez.

Manager Gonzalez welcomed the Commission to Miami Beach. He stated the Florida Building Code is important to the City of Miami Beach explaining they are a barrier island community affected by natural disasters such as hurricanes. He continued stating the City of Miami Beach is one of the strongest preservation communities in the state of Florida resulting in the responsibility to ensure buildings are brought up to the standards of the Code but still preserved. He expressed his sensitivity to the Code issues and to the difficulties associated with redevelopment within his community and assured the Commission they were committed to making certain the Code is observed and maintained.

Chairman Rodriguez thanked Manager Gonzalez and Commissioner Smith and stated on behalf of the Commission intentions of returning to Miami Beach to hold a Commission meeting. He then introduced Miami-Dade County Commissioner Katie Sorensen. Commissioner Sorensen stated she was present to contribute to the Commission's diversity.

Commissioner Sorensen stated she had served on a building code study commission and considered it a great experience. She commended the Commission for going forward with the next step stating it was the really important work of their study. Commissioner Sorensen explained she was a veteran of Hurricane Andrew, which destroyed her house, and encouraged the Commission to ensure strong protections in the Code and to look seriously at the product approval issue. She stated the product approval system in Miami-Dade County works and is well-respected among other countries.

Commissioner Sorensen then presented a proclamation on behalf of Mayor Alex Pinellas and the Miami-Dade County Board of County Commissioners, declaring October 29 Florida Building Commission Day.

Chairman Rodriguez directed the Commission to former Florida Building Commission member Frank Quintana. He explained Mr. Quintana had recently retired from the Commission acknowledging his important contributions through the Code process, specifically in terms of the Miami-Dade Product Approval System. Chairman Rodriguez expressed his appreciation for Mr. Quintana's work on the Commission, then presented Mr. Quintana with a plaque on behalf of the Commission.

Mr. Quintana offered his appreciation to the Commission for their support and their hard work going into the process. He stated the Commission and the high velocity hurricane wind zone are proof that consensus works. Mr. Quintana continued stating the state of Florida throughout is in much better shape with the Florida Building Code than it was prior to its enactment.

Chairman Rodriguez then directed the Commission to Mr. Ralph Hughes.

Mr. Hughes offered comment stating there are many present who do not accept the Florida Building Code as the best code in the nation, if not in the world. He stated the Florida Building Code is the best because it is a Code of Floridians, by Floridians, and for Floridians, not unduly influenced by industry or any other special interest group. He explained he had been an active participant in the development of the Code from the beginning and further stated he had participated in the SBCCI Code process for forty years. Mr. Hughes stated his goal and objective was and is always to protect the health, safety, and welfare of the people at the lowest possible cost. He continued stating the Commission as well as the majority of the other participants in the Florida Building Code process share his personal goal and objective.

Mr. Hughes then stated there are special interest groups present who know the probability of gaining an unwarranted advantage through the International Building Code process are much greater than gaining an unwarranted advantage through the Florida Building Code process. He stressed the FBC process is far better than the IBC process

in terms of professionalism, knowledge, and expertise. He presented an example by stating existence of an unwritten rule that one industry will never speak against another industry's Code change proposal unless the proposal would have an adverse effect on that industry, leaving the effect on the general public in terms of increased costs never entering the industry's consideration.

Mr. Hughes went on to say because the IBC is the biggest does not mean it is the best. He stated during the September Commission meeting the Commissioners were asked to state reasons not to adopt the IBC, noting no one was asked to state reasons why it should be adopted. He then stipulated the following reasons if the IBC is not adopted:

1) Architects, engineers, developers, and construction companies conducting business on a national level will need to be familiar with the different requirements of the Florida Code versus the IBC. He then noted the Commission had encompassed 480 local codes as well as state agency's construction regulations, and combined them into the Florida Building Code.

2) National product manufacturers and/or trade associations would have to participate in both the FBC and the IBC process and seek product approval from both entities.

Mr. Hughes concluded his comments stating the Commissioners who answered the September meeting's question regarding adoption of the IBC spoke clearly and succinctly. He continued stating each Commissioner was and is on target. He stated he had recently responded to various statements which were made regarding why the IBC should be adopted pointing out those reasons have no merit. He then stated he believed every proponent of adopting the IBC would be an engineer or architect performing services in other states, or a multi-state or national developer, contractor, or product manufacturer, or a code enforcement official in the hierarchy of the ICC. He encouraged the Commission to continue to hold to the position that the Florida Building Code will be the Code for the state of Florida, and will monitor the requirements for the IBC or any other code to ensure that code changes which would not be in the best interest of Floridians are not adopted. Mr. Hughes then commended the Commissioners on their work, the process, and the Code.

#### **REVIEW AND APPROVAL OF AGENDA AND SEPTEMBER 24, 2002 MEETING MINUTES**

Mr. Blair conducted a brief review of the meeting agenda. He stated the meeting could take more time on the first day in order to allow an earlier time for adjournment the second day. He continued stating the agenda items were to consider changes to the proposed rules for prototype buildings and the rule to establish forms for private

inspections including comments. Mr. Blair stated public comment will be heard regarding the draft policy for the first update of the Florida Building Code, the 2004 edition. He stated accessibility waiver applications will be considered as well as declaratory statements. He further stated the TACs and POCs would be heard and considered by the Commission, then the 2003 amendments to the Florida Building Code would be considered for adoption. Mr. Blair then stated following the amendment process there would be opportunity for general public comment, a review of committee assignments and issues for the December Commission meeting.

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

Chairman Rodriguez called for a motion and discussion or corrections to the September 24, 2002 Commission meeting minutes.

Commissioner Greiner moved approval of the minutes. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous. Motion carried.

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

Mr. Blair conducted a brief overview of the Commission's workplan. He stated last month's extensive modifications to the workplan have remained in tact leaving no modifications or updates to the current workplan.

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

Chairman Rodriguez stated the issues for discussion involve Ila Jones, in terms of obtaining information for Code-related testing for Florida licensing tests, specifically Code administrators, inspectors, and Code reviewers. He directed the Commission to Ms. Jones for a report.

Ms. Jones stated she has contacted the Florida Department of Business and Professional Regulation, Bureau of Testing regarding the issue and explained no final results are available as the department is still in the process of preparing the results. She stated the results should be available for the December meeting.

#### **REPORT AND DISCUSSION ON RULE DEVELOPMENT WORKSHOP / COMMENTS ON AMENDMENTS TO RULE 9B-74, PROTOTYPE BUILDINGS AND AMENDMENT TO RULE 9B-3, PRIVATE INSPECTION FORMS**

Mr. Dixon stated the changes to the draft forms are available for Commission review in a document which has been provided to each Commissioner. (See *Public Comment on Draft Private Provider Forms* Attachment.) He encouraged the

Commissioners to review the comments and how they were addressed through modifications to the draft forms.

Commissioner Commissioner Browdy moved approval to proceed with rule adoption for Rule 9B-3. Commissioner D'Andrea seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Commissioner Wiggins moved approval to proceed with rule adoption for Rule 9B-74. Commissioner Thorne seconded the motion. Vote to approve the motion was unanimous. Motion carried.

### **PUBLIC COMMENT ON DRAFT POLICY FOR FIRST UPDATE TO FLORIDA BUILDING CODE**

Chairman Rodriguez called for comments pertaining to the first update to the Florida Building Code. He stated final decisions on the policy for review of the I-Codes and updates for the 2004 edition of the Code are scheduled for the December 2002 Commission meeting.

Mr. Dixon stated the study commission Commissioner Sorensen referred to when addressing the Commission earlier in the meeting was attempting to determine what policies would make the Florida Building Code more effective. He continued stating one of the policies established addressed certain areas of the state where the codes changes too rapidly for industry to adapt in terms of updating their training, resulting in reliance on the building departments to train contractors and designers and to enforce Code compliance for the design and construction industry. Mr. Dixon further stated the study commission recommended to the Legislature the Florida Building Code should only be amended every three years to allow consistency with national model codes and consensus standards.

Mr. Dixon explained that the FBC began the annual amendment cycle rather than the three year amendment cycle due to another recommendation from the study commission that the Florida Building Commission have binding interpretation authority. He noted the recommendation could not be met under the structure of the Chapter 120 Administrative Procedures Act. Mr. Dixon stated the method to obtain a binding interpretation authority under Chapter 120 is the declaratory statement process, which does not meet the intent in providing a statewide binding interpretation authority. However, it does have precedential effect for other jurisdictions' reference. He further noted the Commission had voted during the summer to request binding interpretation authority from the Legislature, which is still being pursued. He stated if the request is granted, the need for annual amendments would no longer be pressing.

Mr. Dixon then explained the process being entered into currently is straining staff resources. He stated the staff will continue to become smaller due to government constraints and he further stated it is difficult for staff to continue coordinating the annual amendment process. He continued stating staff is recommending the Commission return to the three year amendment process, contingent upon the Legislature granting the binding interpretation authority request. He further stated the process staff recommends is similar to the process used by the national model codes organizations, which are moving to an eighteen-month amendment process with implementation of all amendments in three-year editions of the codes. Mr. Dixon explained the process being recommended for next year is to synchronize the Florida Building Code amendment process of the time schedule with the national model codes consensus standards development processes, with the deadline for proposed amendments being February 28, 2003. He stated the proposal would be beneficial in terms of the synchronized time tables. However, it would be a lot of work for the TACs.

Commissioner Wiggins concurred with Mr. Dixon's explanation of the recommendations from the study commission then requested the issue be summarized in writing and submitted to the members of the Commission so it could be circulated to the local building officials' chapters and other interested parties.

Mr. Dixon responded stating a draft memorandum from the Chairman to all interested parties, including Commissioners, which will be distributed in order to clarify what the draft policy is and what it means in terms of the 2004 and future updates to the Florida Building Code. He then requested that the Commissioners speak to the constituencies they represent to accurately communicate that the draft policy, as voted on, appears on the Commission's website to avoid distortion through improper interpretation.

Commissioner Shaw offered comment stating the Plumbing & Gas TAC was careful in making the original amendments to the base Code, following the strict guidelines provided, allowing only Florida-specific amendments to be entered. He suggested during the next revision, the Commission should review the entire Code to determine what provisions may not be appropriate or not Florida-specific.

### **CONSIDERATION OF ACCESSIBILITY WAIVER APPLICATIONS**

Mr. Mellick addressed each waiver application as they appear in the Commissioner's agenda packets.

#### **#1 Cost of Wisconsin**

Mr. Mellick reminded the Commission the Cost of Wisconsin had appeared before the Commission during September's meeting. He explained the revised plan and that the Council recommended approval for the request for waiver.

Commissioner Browdy moved approval of the Council's recommendation to grant the waiver. Commissioner Greiner seconded the motion.

Commissioner Richardson expressed concern with persons with disabilities playing the course alongside persons without disabilities. She expressed concern with the way the holes are distributed throughout the course.

Mr. Mellick responded stating there are two separate 18-hole courses with the accessible course mingling in between the two. He stated players who require the accessible course would have a wider variety of the features and excitement of the course.

Commissioner Richardson then stated the companion of the disabled person would then have to play the accessible course, not the other courses.

Mr. Mellick concurred.

Commissioner Richardson expressed frustration with the course layout.

Chairman Rodriguez added the courses as revised and presented are a significant improvement over the plan which was presented during September's meeting where the Council members expressed clearly their objections and concerns to the layout of the courses.

Commissioner Richardson stated the proposed courses do not fulfill the spirit of an integrated setting and suggested something better could be designed.

Chairman Rodriguez then asked Commissioner Richardson how it could be better and posed that the Council could research the possibilities.

Commissioner Richardson replied the Council could spend some time on researching the issue and work with some of the course developers in solutions to the accessibility issue.

Mr. Mellick added the intent of the applicant was the co-mingling of the two courses. He stated the Council could study the issue further and work on solutions which would be Florida-specific, which requires all elevated areas to be accessible.

Commissioner Sanidas asked if this case could be used as a guideline for future cases.

Mr. Mellick responded stating each case stands on its own merits.

Commissioner Sanidas then asked what guidelines to give individuals who are going to build a golf course.

Mr. Mellick replied they should follow the proposed guidelines for recreational facilities.

Commissioner Richardson suggested following the guidelines which require that fifty percent of the holes are accessible.

Mr. Mellick stated the Council has been very favorable in terms of considering the proposed guidelines as a remedy. He further stated there is more to the guidelines than just fifty percent; i.e., concurrent holes, consecutive, distribution of features.

Chairman Rodriguez called for a vote on the motion. Vote resulted in 1 opposed (Sanidas). Motion carried.

### #2 Palmer College

Mr. Mellick stated the Council did not have enough information from the applicant and recommended to defer the application with a strong recommendation that a representative of the applicant attend the December meeting in Orlando.

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

### #3 Star Child Academy

Mr. Mellick explained the two parts of the waiver request. He stated the first part was a request for height variations in terms of grab bars, water closets, etc., for children under the age of five. He stated the Council recommended approval of the waiver with regard to the first part of the request.

Commissioner Sanidas moved approval of the Council's recommendation to grant the waiver for the first part of the request. Commissioner Greiner seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Mr. Mellick explained the second part of the request was to relocate a lavatory into the classroom to facilitate assistance to children under the age of five. He reminded the Commission of a similar case during the September meeting where the applicant agreed to provide a portable unit to serve that purpose. He then stated the Council recommended approval of the waiver request due to the design and nature of the toilet room.

Commissioner Sanidas moved approval of the Council's recommendation to grant the waiver. Commissioner Greiner seconded the motion. Vote to approve the motion was unanimous. Motion carried.

#4 Kappa Alpha (KA) Fraternity House

Mr. Mellick stated the details explaining the brand new three story fraternity house and where the public areas are located. He stated the Council recommended to approve the waiver with the elevator to be installed within four years following the issuance of the CO.

Commissioner D'Andrea moved approval of the Council's recommendation. Commissioner Browdy seconded the motion. Vote to approve the motion resulted in 1 opposed (Wiggins). Motion carried.

#5 Premiere Theatre

Mr. Mellick explained the renovation to an existing theatre to install stadium-style seating. He stated the Council recommended approval of the waiver request based on disproportionate cost and technical infeasibility.

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

#6 Zeus Sandwich Shoppe

Mr. Mellick stated the sandwich shop was requesting a waiver for vertical accessibility to a mezzanine. He explained the mezzanine was 300 square feet with the cost of renovation being \$15,000 and the cost of a lift to the mezzanine was \$12,000. Mr. Mellick then explained in more detail the cost of the complete renovation exceeded \$150,000 with the Council recommended to deny for lack of financial hardship.

Commissioner Greiner asked what the mezzanine would be used for.

Mr. Mellick responded the mezzanine would be used for seating.

*Robert Fine, Attorney, Representing Applicant*

Mr. Fine stated the applicant is requesting a waiver of Florida Statute 553.509, Vertical Accessibility, to a 300 square foot mezzanine intended for overflow seating. He explained the hardship being cited is the cost to provide vertical accessibility is

disproportionate to the cost of the alteration containing the primary function being altered on the path of travel in question, i.e., the path of travel from the main level to the mezzanine. Mr. Fine requested the application be inserted into the record including excerpts which were provided to staff, that discuss the Code sections and cost analysis involved.

Mr. Fine continued stating several analyses had been prepared which show disproportionate costs. He illustrated his breakdowns through overhead transparencies and explained each analysis to the Commission.

Mr. Bragg expressed disagreement with the applicant's counsel. He stated the counsel's interpretation of the amendment to Section 553.512.1 is incorrect. Mr. Bragg noted Mr. Fine's calculation of two figures: 1) the total cost to which the 20% must be applied in order to determine disproportionality. Mr. Bragg interpreted the text of 28CFR Section 36.401F to indicate the cost by which the 20% is applied must be the total cost of renovation or alteration to the primary function area. He continued stating the definition of primary function area in the context of a restaurant must include the entire portion of the restaurant in which customers are waited on. Mr. Bragg then stated if the cost of providing accessibility to the 300 square foot mezzanine is less than 20% of the cost of the total renovation, then accessibility must be provided to the mezzanine.

Mr. Bragg then explained the language of the Legislation is clear in order to rule out the possibility of any misunderstanding. He further stated there may be federal cases containing varying interpretations, but stressed the law of interpretation of statutes and regulations as enunciated by the U.S. Supreme Court is when the text of a statute or rule is clear, no interpretation is allowed.

Chairman Rodriguez offered clarification stating the \$150,000 in this case, less the cost of the storage areas, would leave the \$12,000 vertical accessibility cost under 20% of the cost of the total renovation.

Mr. Bragg concurred then stated his argument statutorily does not mean the owner would not be entitled to a waiver, rather he would not be entitled to a waiver as a matter of disproportionate cost. He then suggested the applicant might demonstrate economic hardship instead.

Mr. Bragg then read the following text from 28CFR Section 36.403B:

*"A primary function is a major activity for which the facility is intended. Areas that contain a primary function include, but are not limited to, the customer services lobby of a bank, the dining area of a cafeteria, the meeting rooms in a conference center, as well as offices and other*

*work areas in which the activities of the public accommodation or other private entity using the facility are carried out. Mechanical rooms, boiler rooms, supply storage rooms, employee lounges or locker rooms, janitorial closets, entrances, corridors, and restrooms containing a primary function.”*

Mr. Fine displayed excerpts from 28 CFR § 36.403 and read the following text:

*“Alterations made to provide an accessible path of travel to the altered area will be deemed disproportionate to the overall alteration when the cost exceeds 20% of the cost of the alteration to the primary function area. Costs that may be counted as expenditures required to provide an accessible path of travel may include costs associated with providing an accessible entrance and an accessible route to the altered area, for example the cost of widening doors or installing ramps. Costs associated with making restrooms accessible, such as installing grab bars, enlarging toilet stalls, insulating pipes or installing accessible faucet controls. Costs associated with providing accessible telephones such as relocating telephones to accessible heights, and so on. And costs associated with relocating an inaccessible drinking fountain.”*

Commissioner Greiner stated previous counsel had advised the Commission that the 20% disproportionate cost could not be used for vertical accessibility. He offered comment stating disproportionate cost had not been proven in this case therefore should not be considered. Commissioner Greiner then moved approval for the Council's recommendation. Commissioner Bahadori seconded the motion.

Mr. Bragg offered clarification stating the memorandum written by Ms. Butler in 1999 pertaining to disproportionate cost may no longer be applicable to current issues due to the 2002 amendment to Section 553.512.

Commissioner Shaw opposed the motion stating disproportionate cost and financial hardship are both applicable. He stated the area in question needs accessible restrooms, which are being provided under the current plan and are more important than the lift to the mezzanine.

Mr. Bragg stressed to the Commission his disproportionate cost issue was not a recommendation to deny the waiver. He further noted his comments are not intended to sway the Commission from its usual discretion in decision making.

Commissioner Kim asked if the Council considered a hardship waiver rather than the 20% disproportionate cost factor.

Mr. Mellick responded stating the matter before the Council was specific to the information presented. He continued stating the Council was not provided a breakdown as presented to the Commission.

Chairman Rodriguez called for a vote on the motion. Vote resulted in 6 in favor; 12 opposed. Motion failed.

Commissioner Richardson moved approval of a waiver on the basis of financial hardship. Commissioner Shaw seconded the motion. Vote to approve the motion was unanimous. Motion carried.

#### #7 Aristo of Florida Parking Garage

Mr. Mellick stated the applicant is requesting a waiver for vertical accessibility to the second level of the garage. He explained the plans as presented and stated the Council recommended to deny based on lack of financial hardship.

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

#### # Shisushi Lounge

Mr. Mellick stated the Council recommended to defer the application until the next Commission meeting based on lack of information. He noted the Council strongly recommended a representative be present for discussion.

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

#### # Shamrock Condominiums Clubhouse

Mr. Mellick stated the applicant was requesting a waiver from vertical access to the second floor which is to be used as a private office and residence for the manager. He stated the Council recommended approval due to the small space in question.

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

# 10 The Sweet Shoppe

Mr. Mellick stated the applicant is a new tenant requesting waiver from vertical accessibility based on disproportionate cost. He noted the building does not meet Code requirements in terms of barriers to the building. Mr. Mellick stated the Council recommended approval of the waiver based on disproportionate cost.

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

#11 Ghirardelli Chocolate Shop

Mr. Mellick presented the application explaining it was another mezzanine case. He stated the mezzanine was approximately 1,162 square feet and the applicant is requesting waiver from vertical accessibility to the mezzanine. Mr. Mellick noted there was not adequate information to determine disproportionality, and when requested the applicant was unable to provide additional information. He stated the Council recommended deferring the application until the next Commission meeting.

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

**BREAK**

Chairman Rodriguez called for a five minute break.

**RECONVENE CONSIDERATION OF ACCESSIBILITY WAIVER APPLICATIONS**

Mr. Mellick addressed the Commission concerning #8 The Shisushi Lounge, which was approved for deferral until the next Commission meeting. He stated the applicant approached following the break announcement with information. Mr. Mellick stated the three Council members present met and agreed the application was complete enough and that the mezzanine of 22 seats does meet disproportionate cost, therefore recommended approval of the waiver request.

Commissioner D'Andrea moved to reconsider the motion to defer the application. Commissioner Parrino seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Commissioner Browdy moved approval of the Council's recommendation to grant the request for waiver. Commissioner Greiner seconded the motion. Vote to approve the motion was unanimous. Motion carried.

**LEGAL REPORTS: HEARING ON NSPI CHALLENGE OF POOL ALARM STANDARDS AND OTHER ISSUES**

Mr. Richmond presented a report on the swimming pool exit alarm rule challenge hearing raised by the Florida Pool & Spa Association. He stated a transcript of the hearing was provided to legal on October 23 leaving 30 days from that date to submit proposed final orders to the Administrative Law Judge. Mr. Richmond stated an order could be submitted to legal in mid- to late December with a decision being presented to the Commission during the January meeting. Mr. Richmond then extended appreciation to Mr. Blair, Mr. Modani, and Mr. Dixon for appearing as witnesses on behalf of the Commission.

Mr. Richmond then introduced Tim Dennis, an addition to legal staff. He stated Mr. Dennis will be working with the accessibility issues as well as all issues before the Commission. He then directed the Commission to Mr. Bragg for a report on the Charles Bray Accessibility Waiver Appeal.

Mr. Bragg stated during the nine years he has represented the Board of Building Codes and the Florida Building Commission, there had never been a final order appeal to a District Court of Appeals. He explained one year ago the Plaza Resort & Spa case came before the Council and the Commission for an accessibility waiver. Mr. Bragg stated the Commission entered a final order denying the request for waiver then stated October 22, 2002, the District Court of Appeal for the 5<sup>th</sup> District affirmed the Commission's action.

**PETITIONS FOR DECLARATORY STATEMENT**

Mr. Blair presented the Commission's Declaratory Statement Process which was adopted unanimously in March 2002.

**SECOND HEARINGS**

**DCA02-DEC-131 by Pinellas County Building Department**

Chairman Rodriguez called for public comment on the statement.

Mr. Richmond stated the request pertained to the elevation of electric water heaters in garages. He noted the issue had been presented before the TAC and the Commission in the past and there had been disagreement in terms of how the issue should be finally determined. Mr. Richmond explained the direction of the Commission

from the last meeting resolved the conflict by interpreting the Code to defer to the installation instructions drafted and supplied by the manufacturer for the installation of electric water heaters in garages, not mandating the elevation of 18".

Commissioner Sanidas moved approval of legal's recommendation. Commissioner Greiner seconded the motion. Vote to approve the motion was unanimous. Motion carried.

DCA02-DEC-213 by Sunguard Shade Structures Inc.

Chairman Rodriguez called for public comment.

Mr. Richmond explained the request regarded the design of shade structures and finds that such design is subject to Section 6 of the standard ASCE7-98 using a velocity for Miami-Dade County of 146 mph. He continued stating the roof live load shall not be considered to act simultaneously with the windload. Mr. Richmond further stated the South Florida Building Code no longer applies to the structures. He noted pursuant to Section 103.7 a building official may allow design for easy cover removal as an alternative method upon a finding of equivalence and allow only the frame to be designed to meet windloads.

Commissioner Greiner moved approval of the declaratory statement. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous. Motion carried.

DCA02-DEC-226 by Robert B. Worman

Chairman Rodriguez called for public comment.

*Gene Rodriguez, Applicant*

Mr. Rodriguez made his presence known to answer any questions.

Mr. Richmond stated the declaratory statement addresses the application of isonene, a foam plastic insulation. He stated pursuant to the requirements of the 1997 Standard Building Code, the finding recommended by the Commission and indicated in the declaratory statement was that 1/2" drywall installed between the attic space and the living space below served as the thermal barrier required by Section 2603.3 of the 1997 Standard Building Code, and no additional barrier would be required.

Commissioner Sanidas moved approval of the declaratory statement. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous. Motion carried.

DCA02-DEC-233 by Go-Bolt Inc.

Chairman Rodriguez called for public comment.

Mr. Richmond presented the request stating it pertains to corrosion resistance of hardware to resist uplift forces and moment turnover. He stated the draft declaratory statement presented references a prior declaratory statement indicating corrosion resistance was not mandated by the Code being left to the design professional's judgment using standard accepted practices.

Commissioner Browdy moved approval of the declaratory statement. Commissioner Sanidas seconded the motion. Vote to approve the motion was unanimous. Motion carried.

DCA02-DEC-235 by Wilson Window Glass & Mirror

Chairman Rodriguez called for public comment.

Mr. Richmond stated the declaratory statement pertained to impact protection for windows and panels used to enclose an existing third story porch within windborne debris region. He continued stating the recommendation by the Commission is that Section 3401.7.3 and Chapter 16 act in combination to require impact resistance or design for internal pressure.

Commissioner Sanidas moved approval of the Commission's recommendation. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous.

FIRST HEARING

DCA02-DEC-250 by Norman Campbell

Chairman Rodriguez called for public comment.

Mr. Richmond stated the request pertained to a pad comprised of Portland cement, polypropylene fiber and water, in terms of whether the use of such a pad for mechanical equipment, specifically two varieties of air conditioning units as described, complies with the requirements of Section 304.7 of the Florida Mechanical Code. Mr. Richmond stated Section 304.7 requires cement or other approved material then explained the TAC's recommendation was that the material as described was not cement and left "other approved material" to be determined by the local authorities. Mr. Richmond added the

recommendation is consistent with a prior determination by the Commission of a clad-like pad.

Commissioner Wiggins moved approval of the TAC's recommendation. Commissioner Greiner seconded the motion. Vote to approve the motion was unanimous. Motion carried.

DCA02-DEC-252 by Sam Garber

Chairman Rodriguez called for public comment.

Mr. Richmond stated the petition was filed regarding the responsibility for assurance against corrosion protection of pipes. He noted 605.1 places responsibility to ensure compatibility on the contractor. Mr. Richmond explained there were three questions in the declaratory statement and addressed each issue as recommended by the TAC in the following manner: 1) Section 605.1 does not require a compatibility test, therefore no answer is available for the other questions, and 2) Section 604.9 required a water hammer arrester, 3) pursuant to Section 305.1 protection from corrosion is not required if consistent with the manufacturer's recommendation.

Commissioner D'Andrea moved approval of the TAC's recommendation. Commissioner Wiggins seconded the motion.

Commissioner Shaw explained the issue is being brought before the Commission by Mr. Garber who is an officer of the Florida Plumbing Association. He stated Mr. Garber has worked and continues to work as a consultant for the Novion Corporation. He stated the issue is one in which the Commission has a responsibility due to a significant number of areas within the state where piping systems are not compatible with the potable water being provided resulting in total failure of the piping systems within a short period of time. He then moved as an amendment to the motion in terms of the first question that the response provided by the manufacturer to the Florida Building Commission regarding the compatibility of their piping systems to the potable water supplied by the water purveyor be an appropriate due diligence component for determining appropriate use of that product.

Commissioner D'Andrea accepted the amendment, as did Commissioner Wiggins who seconded the original motion.

Mr. Richmond advised the Code requires the contractor to use his professional judgment in terms of what piping to use in a project so that it is compatible with the water. He continued stating the Commission cannot declare what the contractor should do in making that determination. He then stated the information could be used to amend the Code, the contractors can use the information from the manufacturer, but furthered the

Commission has no role in making the decision. Mr. Richmond then recommended to approve the TAC's recommendation which was consistent with staff's recommendation.

Commissioner Shaw added the Commission requested the information from the manufacturers and they complied. He cautioned the Commission to be careful what requests are made if the information is not going to be used.

Mr. Blair offered clarification explaining legal was advising against the amendment and that the Commission consider the TAC's recommendation.

Chairman Rodriguez called for a vote on the amendment. Vote resulted in 7 favoring and 11 opposed. Motion for the amendment failed.

Chairman Rodriguez called for a vote on the original motion.

Commissioner Browdy offered comment stating if a contractor is going to make a decision, the decision must be based on the adequacy of the information from the manufacturer. He asked if the declaratory statement could be expressed in such a way that the contractor could be assured that his decision is reliant on the sufficiency of the information provided by the manufacturer.

Mr. Richmond stated the Commission is not authorized to say by declaratory statement that contractors can rely on manufacturer's data solely. He continued stating the contractor can elect to rely on the data if they choose. He then stated the Code could be amended to state the materials/products can be used in accordance with the manufacturer's recommendations, and that the Commission can use the information provided by the manufacturers in making further amendments to the Code. He stressed, however, the information can not be used in the manner in which it has been requested in this case.

Commissioner Shaw further stated the section at issue has been eliminated from the International Code because it was unenforceable for the contractor to make that clarification. He continued stating the Public Service Commission had identified the consumer as being in jeopardy due to insufficient means of determining some products' suitability.

Chairman Rodriguez called for a vote on the original motion. Vote resulted in 1 opposed (Shaw) and 16 in favor. Motion carried.

DCA02-DEC-254 by William LeMaster

Chairman Rodriguez called for public comment.

Harold Owen, Okaloosa County Building Official

Mr. Owen directed the Commission to a site plan for a subdivision relating to the declaratory statement request and explained the zero lot line designation of each building site. (See *Casa Marina/Choctaw Engineering, Inc.* Attachment.)

Commissioner Browdy asked whether the builder could set the building 5' off the line on both sides still achieving 10' between the residences to avoid the 20% issue of the bearing wall on the property line.

Mr. Owen responded stating if the builder can build up to the property line the parties have access to the back of their property without encroaching on the neighboring property.

Mr. Richmond stated the joint Fire/Building Structure TAC provided that property line cannot be assumed on another lot and no opening is permitted on a wall facing a zero lot line.

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

DCA02-DEC-255 by Miami-Dade County Building Department

Chairman Rodriguez called for public comment.

Mr. Richmond stated the petition pertains to garage door openings and the requirement for ventilation. He continued stating the petition specifically asks if the garage is habitable space requiring ventilation, then proposes a method for calculating compliance and natural ventilation satisfying the airflow requirements of Table 403.3 of ASRI 62. Mr. Richmond explained the TAC recommendation is the garage sketch shown complies with 402.2 with the garage door and the vents provided. He further stated the TAC found the garage is habitable space and the method proposed is unnecessary because the garage door is openable space meeting the 4% requirement.

Pete Quintela, Miami-Dade Department of Building Code      Compliance

Mr. Quintela stated he agreed partially with legal's answer to the question then stated the declaratory statement request was not adequately answered. (See *SBCCI Letter dated October 11, 2002* Attachment.)

Commissioner Patterson stated it was brought to the attention of the Mechanical TAC and louvers were specifically stated as not acceptable.

Commissioner D'Andrea requested further clarification asking if the petitioner was inquiring whether the calculations meet the requirements.

Mr. Madani interjected the question was specific to the mechanical ventilation criteria the petitioner provided in the supplemental material. He then explained the issue is whether by providing the garage door, which meets the Code requirements for ventilation, the answer to the second question is not needed.

Mr. Quintela concurred then stated the calculations do not include the garage door as part of the conclusion.

Commissioner Wiggins moved approval of the TAC's recommendation. Commissioner Patterson seconded the motion. Vote to approve the motion was unanimous. Motion carried.

DCA02-DEC-256 by C. R. Willis

Chairman Rodriguez called for public comment.

*Dan Johnson, President Elect-Florida Pool & Spa Association*

Mr. Johnson stated the issue was discussed during the TAC meeting in terms of whether or not pool pumps must be secured by bolts. He referenced a document produced by A.O. Smith, which was provided with the declaratory statement, which states: "fasten the motor securely to a rigid base, mounting pad, or other means for mounting the motor using the largest bolts that will fit through the mounting holes." Mr. Johnson stated the document describes mounting the motor to the pump. He continued stating the pump is not required to be secured by bolts. He explained that the largest manufacturer of pool equipment in America had been contacted regarding the holes in the base of the pump and stated there are two reasons: 1) to keep the pump stable during shipping; and 2) OEM applications, or above-ground pool equipment package which includes an equipment pad that is placed on the ground.

Mr. Richmond stated the TAC recommendation was based on the manufacturer's recommendation which does not require fastening a pool pump to a pad.

Commissioner Shaw moved approval of the TAC's recommendation. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous. Motion carried.

DCA02-DEC-259 by Centex Homes

Chairman Rodriguez called for public comment.

Mr. Richmond stated the petition concerns the application of a product to a home, the Holcum One-Coat Stucco System, and whether it complies with the requirements in Section 2504.2 of the Code. He continued stating the TAC's recommendation was the declaratory statement was an inappropriate means of obtaining product approval for the system leaving whether the product complies to the discretion of local authorities.

Commissioner Wiggins moved approval of the TAC's recommendation. Commissioner Parrino seconded the motion. Vote to approve the motion was unanimous. Motion carried.

DCA02-DEC-265 by Herminio Enrique

Chairman Rodriguez called for public comment.

Mr. Richmond stated the petition pertained to facility permitting on occupancies other than 104.1.7. He stated Section 104 allows facility permitting of occupancy group F and further stated the TAC's recommendation was the section does not allow any further occupancies to be considered. Mr. Richmond noted a response may be made as an advisory on a potential local amendment as opposed to a declaratory statement.

Commissioner D'Andrea moved to approve the TAC's recommendation. Commissioner Greiner seconded the motion.

Commissioner Wiggins requested clarification regarding the local administrative amendment issue. He stated a local technical amendment cannot be adopted unless it is more stringent, and a local administrative amendment cannot be adopted if it is different from uniform requirement. He then asked if other areas of the Code are open to amendments administratively.

Mr. Richmond responded stating the law does require administrative amendments to be more stringent. He stated the method of review is different than that of technical amendments. He further noted the administrative chapter provides minimum standards as charged by the Legislature for plans review, inspection, and issuance of mandatory Certificates of Occupancy.

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

DCA02-DEC-270 by Carlos Hermida

Chairman Rodriguez

Carlos Hemida, Representing Evapco Cooling Towers

Mr. Hermida referenced Section 301.13 of the Florida Mechanical Code and read the following text:

*“Mechanical equipment, appliances, and supports that are exposed to wind shall be designed and installed to resist the wind pressures ...”*

Mr. Hemida then stated subsequent to previous discussion and the adoption of the Code, there had been a modification noting no mechanical equipment that would meet the requirements of the Code. He continued stating there is mechanical equipment being manufactured that meets the requirements of the Code. He then explained his position regarding the modifications which are yet to be made to the Code.

Mr. Richmond explained Mr. Hemida's petition pertains to the cooling towers and the requirement that cooling towers be tied down. He stated the TAC recommended deferring the petition for further information to be obtained regarding whether cooling towers are structures.

Commissioner Wiggins moved approval of the TAC's recommendation. Commissioner McCombs seconded the motion.

Commissioner Shaw stated the request for declaratory statement does not seem to carry the same criteria in terms of specifics that is usually required.

Mr. Richmond responded stating the petition in the packet has been amended by the petitioner providing more detail.

Mr. Hemida added his request is not only for cooling towers but for all mechanical equipment that may be exposed to wind.

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

Mr. Richmond then stated the Plumbing TAC had addressed a request for an amendment of a declaratory statement which had previously issued, DCA02-DEC-078. He then recommended that an amendment be drafted and brought before the Commission during the December meeting.

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

Mr. Richmond then addressed an additional matter concerning two petitions filed by Royal Concepts 2000 concerning the relocatable schools issue in terms of new versus existing. He stated the issue had been referred for an informal hearing process stating the hearing officer had entered a recommended order last week which will appear on the agenda for the December Commission meeting.

## **COMMITTEE REPORTS AND RECOMMENDATIONS**

### **Accessibility TAC**

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

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

### **Code Administration TAC**

Commissioner Thorne presented the report from the Code Administration TAC. (See *Code Administration 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.

### **Electrical TAC**

Commissioner McCombs presented the report from the meeting of the Electrical TAC. (See *Electrical 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.

### **Energy TAC**

Mr. Dixon presented the report of the Energy TAC meeting. (See *Energy Technical Advisory Committee Meeting Minutes Attachment.*)

Commissioner D'Andrea moved approval of TAC's recommendation to report to the U.S. Department of Energy that the Florida Energy Code Residential Standards are more stringent than the IECC 2000. Commissioner Greiner seconded the motion. Vote to approve the motion was unanimous. Motion carried.

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

### **Fire TAC**

Commissioner D'Andrea presented the report of the Fire TAC meeting. (See *Fire Technical Advisory Committee Minutes Attachment*.)

Commissioner Wiggins moved approval to adopt the TAC's recommended action to advise DCA that engineers conducting plan reviews for Fire Prevention Code must be chap 633, F.S., certified. Commissioner Greiner seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Commissioner Greiner moved approval to accept the report. Commissioner Carson seconded the motion. Vote to approve the motion was unanimous. Motion carried.

### **Mechanical TAC**

Commissioner Patterson presented the report from the meeting of the Mechanical TAC. (See *Mechanical Technical Advisory Committee Meeting Minutes Attachment*.)

Commissioner Sanidas moved approval of the report. Commissioner Thorne seconded the motion. Vote to approve the motion was unanimous. Motion carried.

### **Plumbing TAC**

Commissioner Shaw presented the report of the Plumbing TAC meeting. (See *Plumbing Technical Advisory Committee Meeting Minutes Attachment*.)

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

### **Structural TAC**

Commissioner Parrino presented the report of the Structural TAC meeting. (See *Structural Technical Advisory Committee Meeting Minutes Attachment*.)

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

### **Education Program Oversight Committee (POC) and TAC**

Commissioner Browdy stated the Committee was short of having a quorum. He presented to the Commission the focus of discussion of the meeting. (See *Education Technical Advisory Committee Meeting Minutes Attachment.*)

Commissioner Browdy then presented the report of the Education Program Oversight Committee meeting. (See *Education Program Oversight Committee Meeting Minutes Attachment.*)

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

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

Commissioner Carson presented the report from the meeting of the PA/PB/MB POC. (See *Product Approval/Prototype Building/ Manufactured Buildings Program Oversight Committee Meeting Minutes Attachment.*)

Commissioner Carson presented the Committee recommendations as follows:

#1 Workshop on the Manufactured Building Program to review related issues at the December meeting. He stated following the workshop staff would initiate the rule change process.

Commissioner D'Andrea moved approval of the POC's recommendation to move forward with rule adoption proceedings. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous. Motion carried.

#2 Workshop to address the 13 issues identified by staff and the Committee as problematic in the Product Approval Program. He stated the workshop is scheduled for November 21, 2002, in Orlando at the Rosen Plaza Hotel. He further stated the Committee recommended limiting the workshop to the 13 issues and allowing Miami-Dade to add issues following the review of the 13.

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

#3 Applied Research Associates' fee proposal for the Prototype Building Program which is based on SBCC guidelines. He stated the Committee recommended approval of

the fee rate structure as presented and execute a contract with Applied Research Associates.

Commissioner Sanidas moved approval of the POC's recommendation. Commissioner Greiner seconded the motion. Vote to approve the motion was unanimous. Motion carried.

#4 Lawn Storage Building kits to be included in Product Approval Program under Structural Components for both local and statewide approval, which was a recommendation by the POC.

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

Commissioner Carson presented three applications for product approval entities.

#1 American Test Lab - Testing Laboratory

Commissioner Greiner moved approval of the POC's recommendation. Commissioner Parrino seconded the motion. Vote to approve the motion was unanimous. Motion carried.

#2 Certified Testing Laboratories - Testing Laboratory

Commissioner Greiner moved approval of the testing laboratory. Commissioner /D'Andrea seconded the motion. Vote to approve the motion was unanimous. Motion carried.

#3 American Test Lab - Validation Entity

Commissioner Carson noted there was no second on the motion to recommend approval to the Commission.

Mr. Richmond offered clarification regarding Commissioner Gonzalez's concern with the approval of validation entities. He stated the entity has complied with the rule and then recommended approving the entity under the rule currently in place.

Commissioner Gonzalez addressed the Commission regarding then introduced Jaime Gascon with the Miami-Dade County Product Control.

Mr. Gascon expressed concern with an entity acting as a validation entity as well as a testing facility. He stated there were also issues of identification in terms of what the

entity can perform. He continued stating the issues would be addressed in the workshop once the rule is modified to address the oversights.

Commissioner Gonzalez moved to defer the case until the POC meets in December. Commissioner Wiggins seconded the motion.

Mr. Richmond reminded the Commission there may be time limitations because of the licensing program. He stated he would verify the time constraint.

Chairman Rodriguez suggested staff verify the time line in regards to the December meeting.

Vote to approve the motion was unanimous. Motion carried.

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

## **LUNCH**

Chairman Rodriguez called for a lunch break then reconvene at 1:00 p.m.

## **CONSIDERATION AND ADOPTION OF 2003 AMENDMENTS TO THE FLORIDA BUILDING CODE**

Chairman Rodriguez stated the Commission would consider and adopt the 2003 amendments to the Florida Building Code. He explained the process would begin with a review of the amendments and then decision would be made regarding which proposed amendments will be adopted. He directed the Commission to Mr. Blair for a review of the amendment process reminding the Commission comments should remain focused and present new information. Chairman Rodriguez continued stating speakers would be limited to no more than 3 minutes to deliver their comments.

Mr. Blair then conducted a brief amendment process overview. He explained the criteria for amending the Florida Building Code appeared in each Commissioner's agenda packet. He then directed the Commission to page 14 of the agenda packet for an introduction and complete overview of the consent agenda items, the discussion agenda items, and then the process to move forward through review and consideration for adoption of each amendment.

Mr. Richmond formally opened the rule development workshop with regard to the Florida Building Code, which was adopted in Rule 9B-3.047(1), and was duly noticed in the *Florida Administrative Weekly*.

Mr. Blair stated there would be a standing motion to approve each amendment to the Florida Building Code. He directed the Commission to the back page of the agenda packet. Mr. Blair proposed the standing motion to approve the proposed amendment as recommended to the Commission by the Technical Advisory Committee based on the following findings: the amendment has a reasonable and substantial connection to the health, safety, and welfare of the general public; and the amendment does not degrade the effectiveness of the Code and either strengthens or improves the Code or provides for innovation for new technology by allowing equivalent or better products, methods, or systems of construction, and the amendment does not discriminate against products, methods, or systems of construction of demonstrated capabilities, and; the amendment has the following fiscal impact: the fiscal impact of enforcement imposed upon local government is as indicated by staff review. He continued stating the fiscal impact of compliance imposed upon property and building owners is as indicated by staff review; the fiscal impact of compliance imposed upon industry is as indicated by staff review, and; the amendment's benefits noted with regard to fiscal impact and efficacy, outweigh the costs imposed.

Commissioner D'Andrea moved approval to adopt the standing motion to approve, which shall remain in effect for the 2002 review of proposed 2003 Code amendments. Commissioner Browdy seconded the motion. Chairman Rodriguez called for a vote on the motion. Vote to approve the motion was unanimous. Motion carried.

Mr. Blair then conducted a review and explanation of the various scenarios which may be presented during the amendment process. He directed the Commission to the *Tracking Charts* binder and provided a detailed overview of the amendment process as it will occur throughout the workshop.

Mr. Blair began the amendment process beginning with committees alphabetically and addressing the consent agenda items first.

## **CODE ADMINISTRATION TECHNICAL ADVISORY COMMITTEE**

### **Approved as Submitted**

#### **Modification #'s 078, 262, 076**

Mr. Blair introduced the three amendments and explained the TAC's recommendation. He then called for public comment.

Commissioner Wiggins seconded the standing motion. Vote to approve the motion was unanimous. Motion carried.

### **Approved as Modified**

**Modification #002**

Mr. Blair called for opposing public comments regarding the amendments.

Commissioner D'Andrea seconded the standing motion.

Chairman Rodriguez called for a vote on the motion. Unanimous.

**Modification #250**

Mr. Blair reviewed the amendment and called for public comment.

Commissioner D'Andrea seconded the standing motion. Vote to approve the motion was unanimous. Motion carried.

**Modification #248**

Mr. Blair stated the amendment was approved as amended and briefly reviewed the comment received. He then called for public comment.

Commissioner D'Andrea seconded the standing motion.

Commissioner Richardson expressed concern regarding the accessibility in terms of individuals in wheelchairs.

Chairman Rodriguez added there is an inherent conflict in the difficulty of operation for children and, inadvertently, individuals in wheelchairs. He stated there was no easy solution.

Mr. Richmond stated the modification is implementing Chapter 515 as adopted, which also provides three additional options allowing the gate latch and self closing/latching windows to be in any location one desired.

Commissioner Bassett suggested requiring a key to operate the gate latch.

Mr. Richmond responded stating the height is mandated by Chapter 515.

Chairman Rodriguez called for a vote to approve the motion. 1 opposed (Richardson) 17 in favor. Motion carried.

**Modification #077**

Mr. Blair explained the proposed change and called for public comment.

Commissioner D'Andrea seconded the standing motion.

Commissioner Greiner explained the modification was intended to clarify the sections dealing with screens and walls and child barriers. He stated modification 076 had been approved clarifying the issue of a childproof barrier. He then proposed an amendment to state "removable child barriers must..."

Mr. Blair called for public comment on the amendment to the modification.

*Ronnie Spooner, Building Official, City of Tallahassee*

Mr. Spooner asked if a chain link fence used as a barrier around a pool can reach the water's edge.

Commissioner Greiner responded it would have to meet the last portion of the Code indicating "...dwelling or non-dwelling walls, including screened enclosures, when used as part of or all of the barrier and meeting the other barrier requirements, may be as close to the water's edge as permitted by the Code."

*Bill Fillingame, Pompano Beach*

Mr. Fillingame asked how the Commission defines "removable child barrier."

Commissioner Greiner responded stating the removable child barrier is as described by the statute Senator Washerman-Schultz implemented.

Commissioner Wiggins seconded the amendment. Vote to approve the amendment was unanimous. Motion carried.

Commissioner Greiner restated the amendment thus clarifying the modification

Mr. Blair then opened for further discussion on the modification as amended.

Commissioner Browdy seconded the standing motion for approval as amended.

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

**Modification #137**

Mr. Blair presented the modification as amended. He then called for public comment.

Commissioner Wiggins seconded the standing motion for approval of the modification. Vote to approve the motion was unanimous. Motion carried.

**Modification #253**

Mr. Blair stated the modification implements declaratory statement DCA01-DEC-246 as described in the tracking charts binder. He called for public comment regarding the modification.

Commissioner D'Andrea seconded the standing motion to approve the modification as amended. Vote to approve the motion was unanimous. Motion carried.

**Meets No Criteria**

**Modification #079**

Mr. Blair stated there was no affirmative recommendation for the modification. He then called for public comment regarding the modification.

*Dan Johnson, President Elect - Florida Pool & Spa Association*

Mr. Johnson expressed opposition to the amendment on behalf of the association. He explained the amendment limits choices in terms of safety covers. He stated the majority of safety covers manufactured in the U.S. are not powered, rather secured and removed manually. Mr. Johnson continued stating requiring powered safety covers eliminates most of the options available in terms of swimming pool safety covers.

No second was made to the standing motion. Motion failed.

**Modification #243**

Mr. Blair stated the change does not meet the glitch according to the review. He called for public comment.

*Paul Roth, Amendment Sponsor*

Mr. Roth stated a major problem had been identified which affects the health, welfare, and safety of the citizens of the state of Florida. He referenced the previous discussion regarding a "removable child barrier" stating there is no current definition within the current Code. He stated the proposed modification was first submitted in narrative form and had then been rewritten to be more continuous with what the Code

intended. He stated problems with interpretation of what a removable child barrier are occurring statewide. He stressed the issue needed to be addressed immediately.

*Ronnie Spooner, Building Official, City of Tallahassee*

Mr. Spooner stated the Building Official's Association of Florida's Code Development Committee voted to support the amendment as it is written.

*William McManus, Pool Sitter Inc.*

Mr. McManus expressed support for the amendment.

*Colin McTigue, Fulton Pools, Inc.*

Mr. McTigue offered support for the amendment to keep pool contractors in business in Collier County.

*Dan Johnson, Florida Pool & Spa Association*

Mr. Johnson expressed support for the amendment on behalf of the 910 members of the Florida Pool & Spa Association.

Commissioner D'Andrea moved approval of Modification 243 as stated and including the comment as written. Commissioner Wiggins seconded the motion.

Commissioner Greiner stated the amendment does not meet glitch criteria and asked why it was not being implemented as a Code change.

Mr. Richmond responded stating the definition of the glitch process is direction from the Commission both to itself and to its TACs to provide criteria to consider amendments. He stated the Commission can consider and adopt any type of amendment it so desires further stating the intent of the glitch process was to minimize the Code changes.

Commissioner D'Andrea offered comment finding no fiscal impact stating there may be less fiscal impact. He further noted the modification does meet the criteria according to the five requirements.

Mr. Blair reiterated Mr. Richmond's comments stating the Commission has provided criteria as guidance to the TACs explaining the Commission is not bound by those criteria and further can choose to consider any amendment it desires.

Commissioner Shaw stated he was relying on recommendations from the TAC. He expressed concern regarding overturning the TAC and in dealing with issues the TAC

did not address and appealed to the other members of the Commission to clarify the issues.

Chairman Rodriguez offered clarification stating the TAC was not being overturned in this case. He stated by approving the modification the Commission is not following the guidelines provided to the TAC for the good of the state of Florida.

Mr. Blair addressed the key three questions in the modification stating there is no fiscal impact on either of the three items.

Commissioner Parrino expressed concern regarding the amendment not meeting criteria stating there may be a TAC opinion lacking.

Chairman Rodriguez offered clarification stating the Commission provided guidelines for considering modifications advising the TAC to only consider those that met the criteria. He continued stating the Commission is taking the liberty it was provided and moving the modification forward.

Chairman Rodriguez called for a vote to approve the motion. Vote to approve the motion was unanimous. Motion to approve modification #243 carried.

Mr. Richmond noted for the record the Commission has been advised at all stages that the glitch definition was flexible.

Commissioner Greiner expressed concern stating the TACs could have turned down modifications because they did not meet the criteria.

Chairman Rodriguez stressed the Commission is following the guidelines and assured the Commission that glitches which may have been passed over for no criteria still appear in the list of modifications presented.

Commissioner Bassett suggested the TAC chairs express their opinion on the modifications and explain why the TAC took the action recorded.

### **Modification #075**

Mr. Blair presented the modification and offered an overview of the details as presented.

No action to approve.

### **ELECTRICAL TECHNICAL ADVISORY COMMITTEE**

**Consent Agenda**

**Modification #270**

Mr. Blair opened for discussion on the modification.

Commissioner McCombs explained the modification was intended for informational purposes to be included in Chapter 27 as a matter of reference to the NEC as well as other chapters in the Code which deal with electrical.

Commissioner Wiggins seconded the standing motion to approve the modification as presented.

Mr. Blair noted for the record the fiscal impact analysis determined it would be more efficient for enforcement at no cost to property owners or to industry relative to compliance.

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

**Approved as Modified**

**Modification #086**

Mr. Blair directed the Commission to page 2 of their binders and called for public comment on the modification.

Wiggins seconded the standing motion to approve the modification as amended. He noted after reading the item text, he did not see the exclusion of Article 80.

Commissioner McCombs stated Article 80 addresses administration which is already present in the Florida Building Code and was excluded to avoid conflict.

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

**Meets No Criteria**

**Modification #188**

Mr. Blair explained the details of the modification as presented to the Commission. He called for public comment.

No action to approve.

**ENERGY TECHNICAL ADVISORY COMMITTEE**  
**Consent Agenda**

**Modification #s 282, 281, 287, 074**

Mr. Blair presented the modifications as submitted. He then called for public comment.

Commissioner Wiggins seconded the standing motion to approve the TAC's recommendation to approve the modifications as submitted. Vote to approve the motion was unanimous. Motion carried.

**Approved as Modified**

**Modification #032**

Mr. Blair directed the Commission to modification location and noted comments were received concerning the modification. He called for public comment regarding the modification.

Wiggins seconded the standing motion to approve the modification as amended.

Commissioner Browdy requested more information regarding the indication by the modification of "possible slight increase" to the cost of compliance considering the nature of the change of this energy form.

Mr. Blair offered clarification stating the fiscal impact analysis concerning the first question is none. He continued stating the fiscal impact analysis with regard to the second question results in a slight increase. Mr. Blair then stated the third question resulted in no increase following fiscal impact analysis.

Mr. Modani explained there is no real fiscal impact and it is consistent with the program.

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

**<75% Vote**

**Modification #206**

Mr. Blair stated the TAC did not recommend approving the modification. He then called for public comment.

No action to approve.

**Meets No Criteria**

**Modification #107**

Mr. Blair presented the modification as submitted. He called for public comment.

No action to approve.

**FIRE TECHNICAL ADVISORY COMMITTEE**

**Consent Agenda**

**Modification #s 062, 237, 024, 265**

Mr. Blair presented the modifications as submitted to the Commission. He then called for public comment.

Commissioner D'Andrea seconded the standing motion to approve the TAC's recommendation to approve the modification as submitted. Vote to approve the motion was unanimous. Motion carried.

**Approved as Modified**

**Modification #238**

Mr. Blair presented the amendment as submitted to the Commission. He called for public comment regarding the modification.

Commissioner Wiggins seconded the standing motion to approve the TAC recommendation to approve the modification as amended. Vote to approve the motion was unanimous. Motion carried.

**Modification #254**

Mr. Blair presented the modification as submitted. He noted there were 33 letters received in support of the amendment. Mr. Blair called for public comment.

Commissioner Thorne seconded the standing motion to approve the modification as amended.

Commissioner Greiner requested clarification regarding the 33 comments received in support of the Code change in terms of whether the letters were in support of the modification as amended.

Mr. Blair responded the comments were in favor of the modification as amended.

Commissioner Patterson asked if there is a cost impact.

Mr. Blair responded stating the fiscal impact analysis found no impact to the industry beyond clarification.

Mr. Richmond reminded the Commission the issue was presented in declaratory statement DCA02-DEC-125. He stated the declaratory statement interpreted the Code as it exists currently, therefore the amendment merely clarifies the intent of the Code.

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

### **Modification #263**

Mr. Blair presented the modification as submitted by Mr. Modani to clarify the common path of travel. He noted the fiscal impact analysis resulted in no fiscal impact. He then called for public comment.

Greiner seconded the standing motion to approve the TAC recommendation to approve the modification as amended. Vote to approve the amendment was unanimous. Motion carried.

### **<75% Vote**

### **Modification #236**

Mr. Blair presented the modification as submitted. He stated staff had provided a recommendation to consider the modification noting it was not recommended by the TAC. Mr. Blair called for public comment.

*Joe Belcher, JDB Code Services, International Hurricane Protection Association*

Mr. Belcher stated the TAC vote was close, 11 in favor and 4 opposed, missing the 75% by 1 vote. He noted he submitted a modification addressing the issues of the opposing voters and they were satisfied with the change as modified.

*Tom Tafelski, Building Contractor*

Mr. Tafelski offered support for the modification.

*Ernie Zager, Contractor*

Mr. Zager offered support for the modification.

*Jack Glen, Representing Florida Home Builders Association*

Mr. Glen stated the Home Builders were in support of the amendment stating a misinterpretation of the Code as it reads currently could result in providing shutters not to be placed over bedrooms windows. He further stated there are contradictory provisions within the Code.

Commissioner Browdy moved approval of the modification as amended by Mr. Belcher. Commissioner Wiggins seconded the motion.

Commissioner D'Andrea interjected Mr. Belcher's amendment clarifies the temporary nature of the shutters and offered support for the amendment.

Commissioner Browdy noted the proposed modification has no fiscal impact. He stated it may bring alternative methods of compliance creating an opportunity to resolve any existing conflict between the two life safety codes.

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

### **Modification #168**

Mr. Blair presented amendment 168 stating the amendment did not receive 75% vote. He noted additional comments were received regarding the amendment and called for public comment.

*Dennis Braddy, Amendment Sponsor*

Mr. Braddy stated the amendment was intended to bring the Code in line with the IRC and the IBC. He continued stating the language was accepted by the IRC addressing the sliding glass door issues in the state of Florida. He further stated the use of sliding glass doors could be discontinued if the amendment is not passed.

*Mike Fisher, Window & Door Manufacturer's Association*

Mr. Fisher offered support for the amendment on behalf of the WDMA.

*Joe Belcher, JDB Code Services*

Mr. Belcher stated he was not in support or opposed to the amendment but introduced an additional modification to the amendment. He noted modification #239 which he submitted along with a public comment. Mr. Belcher explained in the fair housing guidelines design manual a 4-inch dropdown is allowed for an impervious surface and further stated he wanted to make the Commission aware of the other amendment addressing the same issue.

Commissioner D'Andrea asked Mr. Braddy if voting in support of #239 including the comments submitted by Mr. Belcher would satisfy his concerns.

Mr. Braddy responded stating he would support Mr. Belcher's changes noting the language in #168 is taken from the International codes with Mr. Belcher's language taken from the fair housing design manual. He then offered support for Mr. Belcher's amendment #239.

No action to approve.

**Modification #239**

Mr. Blair presented the modification as amended and called for public comment.

*Dave Olmstead, PGT*

Mr. Olmstead suggested including TAS 202, the water infiltration test in a high velocity hurrican zone, in the wording of the modification.

D'Andrea moved approval of the amendment as modified by Mr. Belcher and asked whether it would be appropriate to include the comment made by Mr. Olmstead.

Mr. Belcher responded stating it was not clear where in the modification the comment would be inserted. He noted modification #239 is strictly threshold heights.

D'Andrea restated his motion to move approval as amended by Mr. Belcher. Commissioner Wiggins seconded the motion.

Mr. Belcher added the language regarding high velocity hurricane zones is in the Code in AMA 101 IS2 stating it would be beneficial to add the language to 239 as well.

Commissioner D'Andrea then modified his motion to approve the amendment as modified to include TAS 202.

Chairman Rodriguez called for a vote on the TAS 202 amendment to modification #239. Vote to approve the amendment was unanimous.

Chairman Rodriguez then called for a vote on the motion to approve the proposed modification as amended. Vote to approve the motion was unanimous. Motion carried.

*Ted Berman, Miami-Dade County*

Mr. Berman offered comment regarding TAS 202. He stated the wording "TAS 202 for high velocity hurricane zone" should be included.

Commissioner D'Andrea concurred.

Mr. Blair requested further clarification and called for a second vote on the amendment including "for high velocity hurricane zone" was unanimous.

D'Andrea moved to accept the amendment including comments by Mr. Belcher. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous. Motion carried.

D'Andrea moved approval of 239 as amended by Mr. Belcher including language submitted by Mr. Olmstead and Mr. Berman. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous. Motion carried.

### **Meets No Criteria**

### **Modification #146**

Mr. Blair presented the modification and directed the Commission to pages 1 and 2 in their binders. He then called for public comment.

*Bernie Greenberg, Regional Manager, Allied Universal*

Mr. Greenberg stated Allied Universal manufactures sodium-hypochloride and explained there is no specific reference to the chemical in the Code. He noted the Florida Administrative Code references sodium-hypochloride under "Bulk Storage Tanks" and exempts it from the regulations for hazardous chemicals. Mr. Greenberg referenced Section 308 stating bulk storage tanks are addressed in terms of corrosives. He explained to the Commission the amendment was turned down for reason of flammable

material. He stated sodium-hypochloride is an industrial bleach and is rated by the NFPA for 0 flammability, as well as rated non-flammable on the material safety data sheets.

*Prakash Lodha, Amendment Sponsor*

Mr. Lodha added the current Florida Building Code requires the holding tanks to be separated from the nearest structures by 20-feet. He stated there are hundreds of such tanks in several states, all becoming illegal according to the Code if the amendment is not passed.

Commissioner Sanidas stated the modification is a radical change and suggested the Commission needs more information in order to consider anything beyond the TAC's recommendation.

Commissioner Shaw expressed concern regarding the TAC taking no action on the modification. He stated the modification may be an appropriate Code change and appealed to the building official members of the Commission to offer clarification. Commissioner Shaw then moved approval of the amendment as proposed. Commissioner McCombs seconded the motion for sake of discussion.

Mr. Modani interjected the TAC voted unanimously that the modification did not meet the glitch cycle criteria.

Commissioner Bassett added the proposed modification omits critical information and asked what the liquid sodium-hypochloride would be exempted from.

Mr. Greenberg responded stating the Code does not address sodium-hypochlorite. He noted the South Florida Building Code once addressed sodium-hypochlorite by requiring a fence and a secondary containment for the vessel which would capacitate 110%. He offered support for all of the language from the SFBC, however expressed concern regarding the 2-hour firewall requirement.

Commissioner Bassett expressed opposition to the proposed change without additional criteria included.

Chairman Rodriguez call for a vote on the motion. Vote to approve the motion resulted in unanimous opposition to the motion. Motion failed.

### **Modification #159**

Mr. Blair presented the modification as presented. He called for public comment.

*Joe Belcher, J & D Code Services*

Mr. Belcher stated adding footnote "r" would mean a 2-hour wall would be separate buildings. He expressed support for sprinklers but added a combination of protection requirements is better overall.

No action to approve.

## **MECHANICAL TECHNICAL ADVISORY COMMITTEE**

### **Consent Agenda**

#### **Modification #s 255, 277, 257, 280, 085, 247**

Mr. Blair stated there is a consent agenda for the amendments with fiscal impact analyses included.

Browdy seconded the standing motion to accept the modifications as submitted. Vote to approve the motion was unanimous. Motion carried.

### **Approved as Modified**

#### **Modification #087**

Mr. Blair presented the amendment as submitted by the TAC. He called for public comment.

Wiggins seconded the standing motion to approve the modification as amended which includes the fiscal impact analysis.

Commissioner D'Andrea moved changing the word "homes" to be consistent with the Code to "dwelling." Commissioner McCombs seconded the motion to amend. Vote to approve the amendment to the modification was unanimous. Motion carried.

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

#### **Modification #285**

Mr. Blair presented modification as submitted by Mr. Modani including the comment.

Commissioner Parrino seconded the standing motion including staff comments. Vote to approve the motion was unanimous. Motion carried.

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

**<75% Vote**

**Modification #174**

Mr. Blair presented the modification stating staff recommended consideration of the change as submitted.

Commissioner Browdy requested the TAC vote count concerning the modification.

Mr. Blair stated 1 vote supported the modification with 8 votes against it.

Mr. Modani interjected the two TACs (Mechanical and Plumbing) agreed on the issue stating should the Commission vote to approve the modification it would be consistent with the joint TAC agreement.

Mr. Richmond stated the declaratory statement relating to this amendment was approved by unanimous vote earlier in the meeting. He urged the Commission the Codes conflict which has been identified must be resolved, and by not taking action on the modification, the conflict will not be resolved.

Commissioner Shaw moved approval of staff's recommendation concerning modification #174. Commissioner Parrino seconded the motion.

*Pete Quintela, Building Code Compliance Office, Miami-Dade, Member of Mechanical TAC*

Mr. Quintela stated when both TACs met the vote was 12-4, with the mechanical being outnumbered. He stated he voted against the modification referencing Section 9 of the mechanical code. Mr. Quintela stated there is a requirement for clothes dryers, which by definition, are considered to be a source of ignition. He stated it is not an issue in terms of the plumbing or gas codes because clothes dryers are not considered. He further stated the IMC Committee discussed the issue in September and it was decided clothes dryers are a source of ignition.

Commissioner Shaw stated his motion considered the fiscal impact analysis as provided and it was decided the modification would reduce costs in relation to the three key issues relating to fiscal impact.

Commissioner Bassett expressed concern regarding discussion of the ventilation requirements in terms of garages. He noted the South Florida Building Code required openings in garages to prevent the buildup of gasoline fumes then stated the modification on the table would require only an openable door relating to 4% of the floor area which will result in allowing a buildup of gasoline fumes in the house.

Chairman Rodriguez called for a vote on the motion. Vote resulted in 2 opposed (Bassett, Marshall) and 16 in favor. Motion carried.

### **Modification #256**

Mr. Blair presented the modification as submitted. He noted no comments were received and stated staff recommended approving the Code change for consistency with the previous modification. Mr. Blair then stated the fiscal impact analysis would be negative. He called for public comment.

Commissioner Browdy moved approval of modification #256 as submitted and recommended by staff. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous. Motion carried.

### **Modification #286**

Mr. Blair presented the modification stating no comments were received regarding the change. He then called for public comment.

Commissioner Bassett moved approval of modification #286 as submitted. Commissioner D'Andrea seconded the motion.

Commissioner Patterson offered support of the motion then noted the documentation contained in the binder attaches proposed declaratory statement DCA00-DEC-051 is incorrect. She stated declaratory statement references screened enclosures.

Mr. Richmond concurred the wrong declaratory statement was attached stating DCA02-DEC-051 should have accompanied the modification.

Commissioner Shaw stated the TAC vote resulted in 1 in favor and 9 opposed. He requested further information regarding why now members of the Commission as well as the chairman of the Mechanical TAC are in support of the modification. He then requested financial impact information with regard to the modification.

Commissioner Sanidas explained an engineer had to approve even UL approved hoods, which are already certified by licensed engineers.

Mr. Blair then stated there was no fiscal impact for enforcement nor property and building owners relative to compliance, however the impact to the industry relative to cost compliance could result in hiring registered engineers to certify the hoods.

Commissioner Wiggins recommended the item be moved to the Administrative section of the Code with a cross reference if the modification is approved.

Mr. Modani stated the issue addresses the requirements of Florida Statutes, which was placed in Chapter 1 dealing with specialized mechanical equipment. He noted engineering documentation is required for specialized equipment.

Commissioner Wiggins added under Chapter 1, relating to the threshold requirement to have a licensed engineer, there is no requirement for a licensed engineer for equipment under \$50,000 valuation. He then expressed opposition to the motion.

Commissioner Bassett then proposed an amendment to the motion to state "a commercial kitchen exhaust hood is a specialized system under the Administrative Section in Chapter 1." Commissioner Patterson seconded the motion.

Mr. Blair then called for public comment regarding Commissioner Bassett's amendment.

*Pete Quintela, Building Code Compliance Office, Miami-Dade*

Mr. Quintela made a suggestion to exempt hood systems valuing less than \$5,000. He stated small hood systems such as those for mom and pop businesses should be allowed when installed by a mechanical contractor.

*Jack Glen*

Mr. Glen stated state fire marshal's rules and FS 633 make the design of the range hood extinguishing system the responsibility of a fire protection contractor.

Commissioner Patterson added the issue had been brought before the Mechanical TAC on three different occasions. She explained one case was a hood which was designed by a sheet metal contractor and the hood did not meet any criteria and was not engineered. She noted the cost was under \$5,000.

Mr. Richmond noted for clarification the citation within Chapter 1 is Section 104.4.1.3, paragraph 5.

Commissioner Wiggins stated no changes can be made to the Florida Statute in terms of the scope of licensing a Florida Registered Engineer.

Mr. Richmond stated the section previously cited integrated the provisions that are currently in 553.79 specifically requiring engineered drawings for specialized mechanical equipment.

Mr. Modani concurred stating the Commission issued a declaratory statement requiring specialized mechanical equipment to be engineered.

Chairman Rodriguez called for a vote to approve the motion for the amendment. Vote to approve the amendment resulted in 7 in favor and 8 opposed. Motion failed.

Chairman Rodriguez called for a vote to approve the original motion approving modification #286. Vote resulted in 2 in favor and 13 opposed. Motion failed.

#### **Modification #149**

Mr. Blair presented the amendment and stated staff recommended a continued effort to amend the modification. He called for public comment.

Commissioner Browdy stated the modification would provide alternatives to residential construction in terms of return air requirements. He then moved approval of the proposed modification. Commissioner Wiggins seconded the motion.

Mr. Blair called for public comment and confirmed that the motion to approve the modification supports the fiscal impact analysis provided by the proponent. Commissioner Browdy concurred.

Commissioner Patterson offered clarification stating the design of a house could require a 20" X 20" transfer grill from a master bedroom into the living room to balance the return air.

Commissioner Bassett stated prescriptive measures are being put back into the Code and expressed opposition to the apparent struggle between the performance of the Code versus the prescriptive measures being taken through the amendment process.

Commissioner Shaw offered further clarification stating the result of modification #149 would require provisions such as the 20" X 20" return air system and could result in financial impact.

Mr. Modani concurred with Mr. Bassett's comment regarding the performance-based Code and the prescriptive measures then stated the prescriptive measures provide an alternative to the performance requirements of the Code.

Chairman Rodriguez called for a vote on the motion. Vote to approve the amendment as submitted resulted in 8 in favor and 9 opposed. Motion failed.

**BREAK**

Chairman Rodriguez called for a five-minute break.

**RECONVENE FOR CONSIDERATION AND ADOPTION OF 2003  
AMENDMENTS TO THE FLORIDA BUILDING CODE**

**Meets No Criteria**

**Modification #162**

Mr. Blair presented the modification as submitted explaining staff recommended the Commission consider the modification.

*Jack Glenn, Amendment Proponent, Representing FHBA*

Mr. Glenn stated he had codified those staff comments that supported changes to the Code. He continued stating the Mechanical TAC never reviewed the IRC relating to the residential requirements. He noted a series of modifications contained in his comments addressing returning to the IMC those residential provisions that exist within the IRC. Mr. Glenn stated houses that are currently being built under the Florida Mechanical Code are being subjected to mechanical systems designed in accordance with commercial standards. He further stated his intent was to provide relief for residential construction from the commercial requirements to those that are consistent with the IRC.

Mr. Blair asked Mr. Glenn if he agreed with staff's comments.

Mr. Glenn responded stating he addressed only those staff comments where an inconsistency between the IRC and the Florida Mechanical Code was identified.

*Joe Belcher, J & D Code Services*

Mr. Belcher expressed support for the amendment and stated many problems have been raised concerning commercial requirements being applied to residential mechanical installations.

*Dwight Wilkes, Deputy Building Official, St. John's County*

Mr. Wilkes offered support for the modification stating he was an observer during the TAC discussion and the consensus was the modification was not a glitch but a Code change.

Commissioner Browdy moved approval of modification # 162 as modified by Mr. Glenn pursuant to staff recommendations. Commissioner D'Andrea seconded the motion.

Commissioner Patterson, chairperson for the Mechanical TAC, noted the IRC was provided to the Mechanical TAC during the meeting but there was insufficient time to review it.

Commissioner Bassett stated the amendment was too much for discussion in one meeting.

Commissioner Shaw expressed concern with this part of the process. He stated the TAC did not review the information. He continued stating the Commission may not know the consequences of any missing information. He suggested the modification may be better suited for a Code revision cycle to ensure time to make the changes.

Commissioner Patterson stated even though Mr. Glen had codified the language of the modification the Commission has not had an appropriate amount of time to review it.

Commissioner Sanidas stated in the Standard Building Code and in the Mechanical Code are exceptions from the commercial codes applicable to one and two family dwellings and further stated the exceptions should also be in the Florida Building Code.

Chairman Rodriguez called for a vote to approve the motion. Vote to approve the motion to approve the modification as amended by Mr. Glenn resulted in 13 in favor and 5 opposed. Motion failed.

Commissioner McCombs moved for reconsideration concerning Amendment #149. Commissioner Greiner seconded the motion. Vote to approve the motion resulted in 14 in favor and 4 opposed. Motion carried.

Mr. Blair directed the Commission to modification #149 for reconsideration.

Commissioner McCombs moved approval of the original amendment as submitted. Commissioner Gonzalez seconded the motion.

*Jack Glenn, Florida Home Builders Association*

Mr. Glenn stated there may be confusion regarding requirements for balanced air. He stated currently the transfer grill Commissioner Patterson identified is required. He continued stating the modification provides exceptions including not requiring balanced air from toilet rooms. Mr. Glenn stated the modification is needed for clarification of exceptions for residential wind balancing.

*Pete Quintela, Miami-Dade Department of Building Code Compliance*

Mr. Quintela expressed support for the proposed modification.

Commissioner Bassett stated the modification states "...transfer ducts may achieve this by..." He offered comment stating if the correct air flow is maintained in accordance with the drawings, air returns would not be required in the closets.

Chairman Rodriguez called for a vote to approve the motion. Vote to approve the motion resulted in 13 in favor and 5 opposed. Motion failed.

## **PLUMBING TECHNICAL ADVISORY COMMITTEE**

### **Consent Agenda**

**Modification #s 081, 083, 039, 041, 252, 031, 056, 251, 047, 186, 046, 045**

Mr. Blair presented the modifications as submitted to the Commission. He called for public comment.

Commissioner D'Andrea seconded the standing motion to approve the amendments as submitted. Vote to approve the motion was unanimous. Motion carried.

### **Approved as Amended**

**Modification #080**

Mr. Blair presented the modification as submitted. He called for public comment.

Commissioner Greiner seconded the standing motion to approve the modification as amended. Vote to approve the motion was unanimous. Motion carried.

**Modification #108**

Mr. Blair presented the motion as submitted. He called for public comment.

Commissioner Shaw seconded the standing motion to approve the TAC's recommendation. Vote to approve the modification as amended was unanimous. Motion carried.

**Modification #038**

Mr. Blair presented the amendment as submitted. He called for public comment.

Commissioner D'Andrea seconded the standing motion to approve the TAC's recommendation. Vote to approve the motion was unanimous. Motion carried.

**Modification #272**

Mr. Blair presented the modification as submitted. He called for public comment.

Commissioner Greiner seconded the standing motion to approve the TAC's recommendation.

Commissioner Bassett requested clarification regarding the table referred to and what is being changed.

Commissioner Shaw responded stating the table is correcting a typographical error.

Chairman Rodriguez called for a vote to approve the motion. Vote to approve the motion resulted in 16 favoring and 1 opposed (Bassett). Motion carried.

**Modification #128**

Mr. Blair presented the amendment as submitted. He called for public comment.

Commissioner Wiggins seconded the standing motion to approve the TAC's recommendation then requested clarification regarding the section of the Plumbing Code to which the modification refers.

Commissioner Greiner responded stating it refers to Appendix F, Irrigation Code.

Commissioner Bassett asked what 104.2 states.

Mr. Dixon responded stating 104.2 is the general reference to engineering and architects and signing and sealing documents.

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

**<75% Vote**

**Modification #141**

Mr. Blair presented the modification as submitted stating the TAC approved an alternative modification. He then called for public comment.

No action to approve.

**Modification #140**

Mr. Blair presented the modification stating the TAC approved an alternative modification. He called for public comment.

*Gary Duren, American Society of Mechanical Engineers, A 112 Committee for Plumbing Materials and Equipment*

Mr. Duren stated his committee had developed two standards which are referenced in the proposed modification. He explained one standard addresses the drain covers with the other addressing the safety vacuum release systems. He reported the International Code Council's International Residential Code Committee approved a Code change exactly like modification 140. He then stated the importance of the Code change is it references the Consumer Products Safety Commission's guidelines for safety for preventing pool entrapments as well as representing both ASME standard 19.8 for the covers and ASME 19.17 for grates.

*Dan Johnson, Florida Pool & Spa Association*

Mr. Johnson expressed opposition on behalf of the 910 member companies of the association. He stated the modification is a total rewrite of the suction outlet safety section of the Code and would eliminate alternatives for suction outlet protection, including vent piping and the Hayward flapper kit. Mr. Johnson stated there are already only three options for suction outlet protection and if two more are eliminated, mechanical sprs devices are the only remaining options which creates a financial impact on the public.

No action for approval.

**Modification #082**

Mr. Blair presented the modification as submitted stating there were comments received and further stated staff recommended resolution to the issue. He called for public comment.

*Gary Duren, ASME*

Mr. Duren expressed support for the amendment and expressed concern stating the Consumer Products Safety Commission has issued clear guidelines in terms of requirements. He stated the current Code as written fails to meet those guidelines. He encouraged the Commission to adopt the modification.

*Dan Johnson, Florida Pool & Spa Association*

Mr. Johnson strongly expressed opposition to the amendment stating he posted a comment to the website which would resolve the issue. He offered a correction to the comment stating it should retain the phrase "...should the grate covers be missing." He stated the data compiled by the CPSC relating to suction entrapment in swimming pools, spas, and hot tubs indicates entrapment only occurs when grate covers are missing. Mr. Johnson stated there has never been a reported case of anyone getting stuck on a drain with an approved grate cover in place. He further stated people who get stuck on drains are on single suction systems and when grate covers are missing or if there is an unapproved, broken, or older grate cover in use.

Commissioner Greiner proposed a modification stating the section referenced is addressing entrapment avoidance. He noted 664 addresses the skimmer and main drain issue which was approved. He continued stating the declaratory statement concerning this matter became modification 82. Commissioner Greiner explained the language limits the protection to only the cover when the cover is missing. He then stated the Commission should not ignore broken, dislodged, and inoperative covers. He stressed the Code must provide for the complete health, safety, and general welfare of the public.

Commissioner Greiner then moved approval of the first portion of NSPI's comments and to move the sentence "...all cleaner suction inlets shall be protected by an approved permanently installed self-closing flapper assembly" to the back of Section 424.2.6.6.5. He then addressed the second comment stating it is covered in 424.2.6.6.4 in modification 83 which was approved. Commissioner D'Andrea seconded the motion.

Commissioner Greiner then proposed adding the word "protection" to be included in the last sentence as well, and included that as part of his motion. Commissioner D'Andrea concurred.

Commissioner Greiner finally proposed adding the language "should grate covers become missing or inoperative with respect to their approved use..." and included that as

an additional part of his motion. He then stated this proposed language will provide coverage for a wide range of potential events and stated it does not limit the availability of options to meet compliance.

*Gary Duren, ASME Committee*

Mr. Duren stated his committee has the oversight of the drain cover standard as well as the vacuum release system. He stated he is the proponent of the modification. He stressed to the Commission the importance of modification 82 stating it addresses health and safety. Mr. Duren continued stating an approved and listed drain cover being accepted as an alternate means of vacuum and protection is an error. He reminded the Commission the TAC voted 6 to 1 that the Hayward kit did not meet the requirements of the Code for use as anything other than a drain cover.

*Dan Johnson, FP&SA*

Mr. Johnson offered support of the modification as amended by Commissioner Greiner.

*George Pellington*

Mr. Pellington expressed support of Commissioner Greiner's modification stating it is consistent with the industry's goals in terms of public safety.

Commissioner Sanidas expressed concern with the term "backup." He stated if the initial protection is provided there should be no need for backup products. He stated it could lead to everything requiring a backup of some type.

Commissioner Wiggins offered support for the motion then inquired whether there would be additional cost impact.

Commissioner Greiner responded stating there is no significant cost impact.

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

**Modification #127**

Mr. Blair presented the modification as submitted. He called for public comment.

No action for approval.

**Modification #142**

Mr. Blair presented the modification as submitted then stated the TAC approved an alternative modification. He called for public comment.

No action for approval.

**Modification #138**

Mr. Blair presented the modification as submitted and called for public comment.

*Gary Duren, ASME*

Mr. Duren stated ASME has a new standard for the safety vacuum release devices which should be a part of the Code in order to establish criteria for building officials to evaluate and approve products.

*Dan Johnson, FP&SA*

Mr. Johnson expressed opposition to the amendment and explained there is more than one SVRS standard available. He referenced the ASTM standard stating it is more broad-based allowing for field fabricated vent systems where the ASME standard does not. He further stated the ASME standard is restrictive addressing only manufactured safety vacuum release devices that can be laboratory tested. Mr. Johnson continued stating by passing the modification there would be only 1 single device allowable to prevent vacuum entrapment in swimming pools. He stated the National Spa and Pool Institute has currently 11 NSPI/ANSE approved standards and the 12<sup>th</sup> is in the process of being written which will be a suction outlet safety standard and will address body entrapment, limb entrapment, hair entanglement, and evisceration.

*Gary Duren, Chairman, ASME Committee*

Mr. Duren offered comment regarding the duplication of standards stating standards can be written by anyone, however, there are ANSE procedures dictating who has the rights to the standard. He continued stating ASME has applied for and received the ANSE approval for this standard.

No action for approval.

**Modification #170**

Mr. Blair presented the TAC's recommendation stating the modification was not necessary.

Withdrawn by proponent.

Commissioner Calpini requested reconsideration of Amendment 162. Wiggins seconded the motion to reconsider. Vote to approve the motion resulted in 13 in favor and 4 opposed. Motion carried.

Commissioner Browdy moved approval of the modification consistent with proposed changes by staff. Commissioner Bassett seconded the motion.

Commissioner Greiner requested clarification regarding the items being removed from the commercial code and added to the residential code.

*Jack Glenn*

Mr. Glenn responded stating simplification would be to have the standard mechanical code, which was the original base document, contain both commercial and residential construction standards for mechanical. He stated when the Mechanical TAC changed the base document from the standard mechanical code to the International Mechanical Code, the International Residential Code was not considered therefore omitting regulatory language addressing single family dwellings.

Commissioner Shaw expressed concern regarding voting on an issue about which he has no knowledge. He then asked what the impact would be with regard to local building officials in terms of the Code revision process.

Mr. Glenn responded stating most of the changes are exceptions that existed in the mechanical code prior to March 1. He further stated the modification's intent is to maintain status quo.

Commissioner Shaw asked if the modification is supported by the Building Official's Association.

*Ronnie Spooner, President, BOAF*

Mr. Spooner responded stating BOAF is in support of the modification as indicated in a letter sent to the Chairman recently.

Commissioner D'Andrea offered clarification regarding the concerns about the modification. He stated the changes will greatly assist in mitigating issues and problems relating to residential mechanical requirements. He continued stating the IRC does not currently include provisions for single family residences. Commissioner D'Andrea explained there was a great deal of work in developing the IRC from both the National Home Builders Association as well as the National Building Official's Association.

Commissioner Wiggins concurred and added many hours had been spent in an attempt to reconcile the Florida mechanical portion requirements with the mid-Florida Home Builders Association during their governmental affairs meetings. He stated the modification could rectify the conflicts and resolve the issues concerning single family dwelling requirements.

Commissioner Bassett stated the timing for the modification seems inappropriate. He explained one item states it "eliminates the balanced air return for a residence" further stating studies conducted by the Florida Solar Energy Center resulted in residences being prime buildings having problems with the balanced return air systems. He continued stating the modification contains too many changes and proper study has not been allocated for approving it in a rational matter. Commissioner Bassett suggested addressing the changes during the next Code revision cycle as the TAC had recommended.

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

Mr. Modani requested clarification regarding Section 403.3. He stated a Code change was not provided and recommended drafting language to provide guidance to staff.

Mr. Richmond responded stating the motion was to approve Mr. Glenn's comments which integrates Code language.

Commissioner D'Andrea referenced the first page of Mr. Glenn's comments. He stated the comments specifically state "where the IRC does not address an issue, it is because the code committees intentionally left the requirement out of the code as not being applicable to residential construction." He continued stating the third item, Florida Building Code M403.3, "the IRC contains no provision for mechanical ventilation as it is not necessary in a residential garage," explaining it was deemed not to be necessary.

Commissioner Bassett expressed uncertainty regarding the motion that was passed. He asked how the changes apply to the Code.

Commissioner Sanidas explained the changes are basically a re-insertion of the Standard Building Code into the current mechanical code where it addresses exceptions.

Commissioner Browdy added the motion was specific and stated the Commission voted on those changes drafted into Code language by Mr. Glenn. Commissioner Browdy further stated the changes that were not codified were not passed.

Commissioner Bassett requested the Code change be written to clarify the Commission's vote.

Mr. Modani stated Comment E contains the exact language for the codified modifications.

## **SPECIAL OCCUPANCY TECHNICAL ADVISORY COMMITTEE**

### **Consent Agenda**

#### **Modification #s 084, 139, 190, 129**

Mr. Blair presented the modifications as submitted. He then called for public comment.

Commissioner D'Andrea seconded the motion to approve the TAC's recommendation to approve the modifications. Vote to approve the motion was unanimous. Motion carried.

### **Approved as Modified**

#### **Modification #115**

Mr. Blair presented the modification as presented by the TAC. He called for public comment.

*Skip Gregory, Agency for Health Care Administration*

Mr. Gregory stated the modification represents work by the hospital providers to modify old provisions and bring them to conform with agency regulations. He continued stating if the modification is passed it will no longer be in conflict with Chapter 553.80.

Commissioner D'Andrea seconded the standing motion to approve the TAC's recommendation to accept the modification as amended. Vote to approve the motion was unanimous. Motion carried.

#### **Modification #116**

Mr. Blair presented the modification as submitted. He then called for public comment.

*Skip Gregory, AHCA*

Mr. Gregory stated the modification represents the revisions and modifications to the nursing home codes of the state agency. He further stated the modification has the support of the nursing home providers and the nursing home industry.

Commissioner Browdy seconded the standing motion to approve the TAC's recommendation. Vote to approve the motion was unanimous. Motion carried.

**Modification #117**

Mr. Blair presented the modification as submitted and called for public comment.

Commissioner Wiggins seconded the standing motion to approve the modification as amended. Vote to approve the motion was unanimous. Motion carried.

**Modification #209**

Mr. Blair presented the modification as submitted. He then called for public comment.

*Robert Fine, Attorney*

Mr. Fine offered editorial clarification stating the tracking chart indicates an amendment to 3107.4.1 when it should be an amendment to 3107.4 which includes changes to 3107.4.1 and 3107.4.2.

Commissioner Wiggins seconded the standing motion to approve the modification as amended. Vote to approve the motion was unanimous. Motion carried.

**Modification #189**

Mr. Blair presented the modification as submitted. He called for public comment.

Commissioner Browdy seconded the standing motion to approve the modification as amended. Vote to approve the motion was unanimous. Motion carried.

**<75% Vote**

**Modification #156**

Mr. Blair presented the modification as submitted stating no comments were submitted. He then called for public comment.

Withdrawn by the proponent.

**Meets No Criteria**

**Modification #134**

Mr. Blair presented the modification as submitted. He called for public comment.

No action for approval.

**RECESS**

Commissioner Browdy moved approval to recess until 8:00 a.m. October 29, 2002. Commissioner D'Andrea seconded the motion. Vote to approve the motion was unanimous.

**BOARD MEETING  
OF THE  
FLORIDA BUILDING COMMISSION**

**PLENARY SESSION  
October 29, 2002**

**PENDING APPROVAL**

The meeting of the Florida Building Commission was called to order by Chairman Raul Rodriguez at 8:00a.m. on Wednesday, October 29, 2002, at the Renaissance Eden Roc Hotel, Miami Beach, Florida

**RECONVENE FOR CONSIDERATION AND ADOPTION OF 2003  
AMENDMENTS TO THE FLORIDA BUILDING CODE**

**STRUCTURAL TECHNICAL ADVISORY COMMITTEE**

**Consent Agenda**

**Modification #s 241, 010, 267, 193, 202, 195, 101, 197, 198, 273, 230, 271, 278, 154, 110, 240, 164, 015, 231, 203, 013, 227, 228, 199, 200, 201, 210, 100, 114, 113, 111, 136, 212, 133**

Mr. Blair presented the amendments as submitted by the TAC. He called for public comment.

*Joe Belcher, J & D Code Services, Representing the Florida Concrete Products Association*

Mr. Belcher addressed the Commission requesting that modification #230 be withdrawn. He stated the guide was not completed in the format desired for submission to the Commission.

*Ted Burman, Miami-Dade County Building Code Compliance Office*

Mr. Burman referenced modification #154 stating it was approved conditionally and upon review further discussion is desired. He then requested modification #154 be removed from the consensus list.

Commissioner Gonzalez expressed his intent to propose an amendment to modification #154 and requested it be removed for discussion.

Commissioner D'Andrea seconded the standing motion to approve the modifications on the remainder of the consent agenda. Vote to approve the motion was unanimous. Motion carried.

**Modification #154**

Mr. Blair opened for discussion concerning modification #154 which was removed from the consent agenda. He noted there were no comments submitted and called for public comment.

*Dennis Braddy*

Mr. Braddy suggested a modification for #154 adding text "...or TAS 202." He explained it was an omission when the modification was prepared.

*Ted Burman, Miami-Dade County Building Code Compliance Office*

Mr. Burman requested the addition of the words "for HVHZ."

*Dennis Braddy*

Mr. Braddy offered comment concerning HVHZ stating it would not be used in other areas of the state.

*Dave Olmstead, PGT*

Mr. Olmstead offered clarification stating the TAS 202 protocol is more stringent than what is required in other areas of the state. He stated there would be concern in terms of exposure in the high velocity hurricane zones.

*Ted Burman, Miami-Dade County Building Code Compliance Office*

Mr. Burman added the more stringent requirements can be used throughout the state.

Commissioner Gonzalez moved to amend the modification to add the language suggested by Mr. Braddy and Mr. Burman. Commissioner D'Andrea seconded the motion.

Commissioner Greiner asked if the amendment was being made because the 10-1S 297 is not a testing standard adequate for the HVHZ.

Commissioner Gonzalez responded stating TAS 202 for HVHZ is being added specifically for the Miami area, not for the rest of the state.

Commissioner D'Andrea offered support for Commissioner Gonzalez's amendment then stated building officials may interpret the change as TAS 202 can only be used in the high velocity hurricane zones. He suggested it be written so it can be used throughout the rest of the state stating if it is acceptable for HVHZ it will be acceptable anywhere in the state.

Commissioner Bassett recommended adding "or TAS 202 (HVHZ must utilize TAS 202)" further stating it should be added wherever necessary throughout the Code.

Commissioner Gonzalez concurred.

Mr. Madani offered clarification stating the Code currently requires TAS 202 in high velocity hurricane zones. He continued stating this modification is allowing the rest of the state the option to use TAS 202 as well.

Mr. Blair further clarified stating the high velocity hurricane zones already require TAS 202 and adding the text "HVHZ" to this modification creates confusion.

Mr. Dixon asked if the HVHZ requirement for TAS 202 can be found in a chapter other than 17.

Mr. Modani stated separate documents known as *High Velocity Hurricane Zone* documents were adopted for testing of the HVHZ which includes TAS 202, but it is not referenced within the Code.

Chairman Rodriguez suggested stipulating TAS 202 is optional in certain zones and mandatory in high velocity zones.

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

Commissioner Bassett moved to direct staff to treat each reference to TAS 202 with consistency throughout the Code. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous. Motion carried.

*Joe Belcher, JDB Code Services*

Mr. Belcher suggested using the word "shall" comply to remain consistent with the rest of the Code.

Commissioner Bassett moved to reconsider. Commissioner Greiner seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Commissioner Greiner moved approval of the language modification as suggested by Mr. Belcher. Commissioner Bassett seconded the motion. Vote to approve the motion was unanimous. Motion carried.

### **Approved as Modified**

#### **Modification #096**

Mr. Blair presented the modification as amended. He noted no comments were received and called for public comment.

Wiggins seconded the standing motion to approve the TAC recommendation including the fiscal impact analysis provided. Vote to approve the motion was unanimous. Motion passed.

#### **Modification #014**

Mr. Blair presented the amendment as modified noting no comments were received. He then called for public comment.

Commissioner D'Andrea seconded the standing motion to approve the TAC recommendation including the supporting fiscal impact analysis provided. Vote to approve the motion was unanimous. Motion carried.

#### **Modification #057**

Mr. Blair presented the modification as amended. He called for public comment. Commissioner D'Andrea seconded the standing motion to approve the TAC recommendation. Vote to approve the motion was unanimous. Motion carried.

#### **Modification #242**

Mr. Blair presented the amendment as modified and called for public comment.

Commissioner Browdy seconded the standing motion to include the fiscal impact analysis submitted by the proponent. Vote to approve the motion was unanimous. Motion carried.

**Modification #284**

Mr. Blair stated then referenced Commissioner Kim's comments on page 18 of 3-E. He then called for public comment.

*Joe Belcher, JDB Code Services*

Mr. Belcher offered support for Commissioner Do's amendment and offered a friendly amendment to his comment. (See *FBC Mod 284 Proposed Revisions Attachment*.) He stated his proposed language would implement the original declaratory statement's intent.

*Courtney Cunningham, Florida Insurance Council and the major homeowner's and property insurance companies in Florida*

Mr. Cunningham offered comment opposing the amendment stating the amendment eliminates the requirement that construction adheres strictly to the wind engineering standards dictated by ASCE7-98 in the International Model Building Code. He stated the modification should be rejected and the Florida Building Code should continue to require strict adherence to an area's established windload requirements. He continued stating the Insurance Council insurers will no longer be able to meet the February 28, 2003 deadline for implementing the expanded discounts. Mr. Cunningham further stated a public domain study conducted by Applied Research Associates of Raleigh, N.C. was commissioned by the Department of Insurance and the Department of Community Affairs which is intended to provide direction to the homeowner's insurance companies with regard to the size of the expanded discounts. He noted the ARA study was based on the Florida Building Code which was effective in Spring 2002. He expressed concern regarding the validity and usefulness of the study if the proposed modification is passed. He appealed to the Commission to reject proposed modification #284 to preserve the integrity of the Florida Building Code. Mr. Cunningham urged the Commission to support Commissioner Kim's amendment.

Commissioner Wiggins inquired if the Insurance Council is aware of Mr. Belcher's amendment which addresses their issue of concern.

Mr. Cunningham replied stating the Insurance Council is aware of and supports Mr. Belcher's amendment.

*Annette McGowan, Institute for Business & Home Safety*

Ms. McGowan offered support for Commissioner Kim's amendment.

Commissioner Calpini addressed the Commission then read a letter addressed to Chairman Rodriguez from Tom Gallagher, Treasurer, State of Florida. (See *Treasurer State of Florida, October 29, 2002 Attachment.*)

*Joe Belcher, JDB Code Services*

Mr. Belcher added comment concerning the shutter issue stating Chapter 16 requires that anything used to protect openings against hurricane force winds must be impact tested, pressure tested, and the cyclic loading tested and then approved.

Commissioner Wiggins moved approval for the modification as amended and in addition with Commissioner Kim's amendment as well as the exception offered through Mr. Belcher's comments he stated Belcher's handout is the motion. Commissioner D'Andrea seconded the motion.

Commissioner Kim offered comment stating he had spoken with ASCE7 staff and members of the ASCE7 Windload Committee who concur with the conclusion that part of modification 284 will weaken the Code by 25%. He stated his amendment will remedy the glitch which was the intent of the modification.

Chairman Rodriguez stressed the importance of responding directly to Treasurer Gallagher's concerns and appealed to Commissioner Kim for his input in a letter of response to the Treasurer.

Commissioner Calpini requested clarification with regard to the immediate mid and long term effect on the consumer in terms of discount rates.

Commissioner Kim responded explaining if the current amendment is passed, it would be consistent with DOI discounts and incentives.

Mr. Blair interjected the fiscal impact analysis must be considered with respect to the amendments that have been proposed.

Commissioner Wiggins stated there would be no significant fiscal impact through the adoption of modification 284 as amended.

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

**Modification #268**

Mr. Blair presented amendment 268 and called for public comment.

*Kari Hebrank, Florida Building Materials Association*

Ms. Hebrank offered support for the amendment on behalf of the association. She stated the amendment is needed for clarity in defining the term glass doors relative to the required testing.

*Mike Fisher, Window & Door Manufacturer's Association*

Mr. Fisher offered support for the modification.

*Ted Burman, Miami-Dade County Building Code Compliance Office*

Mr. Burman appealed to the Commission not to approve the modification. He stated the modification would eliminate testing commercial door, store fronts, and certain presidential glass front doors. He continued stating by specifying sliding and patio doors the glass entrance doors mentioned would not be required to be tested.

*Mike Fisher, Window & Door Manufacturer's Association*

Mr. Fisher added the modification text applies only to and is consistent with the language in the AAMA 101/IS2-97 document.

Commissioner Gonzalez expressed concern stating the amendment may discriminate against other types of materials such as store fronts by specifying exterior windows, sliding and patio doors. He suggested adding language to include other materials.

*Kari Hebrank, Florida Building Materials Association*

Ms. Hebrank offered clarification stating the modification is merely a change in the title. She directed the Commission to the rest of the section where the testing standard, ANSI/ AAMA/NWWDA testing standard, which controls testing requirements in the section.

*Mike Fisher, Window & Door Manufacturer's Association*

Mr. Fisher added the standard only applies to glass doors.

*Roland Temple, Velux America and WDMA*

Mr. Temple stated the title of the document is *Voluntary Specifications for Aluminum, Vinyl, Wood, Windows, and Glass Doors*. He stated the document is intended for residential use and does not include commercial store fronts.

Commissioner Bassett moved approval of the amendment with the following change in wording: "...exterior windows and glass doors including sliding and patio..." No second was entered.

Commissioner Gonzalez moved approval of the standing motion to approve the modification as amended. Vote to approve the motion was unanimous. Motion carried.

### **Modification #166**

Mr. Blair presented the modification as submitted by the TAC. He called for public comment.

*Dennis Braddy*

Mr. Braddy submitted a correction to the wording in his amendment stating the third line should also contain the words "shall be labeled with."

*Mike Fisher, Window & Door Manufacturer's Association*

Mr. Fisher offered support for the modification.

*Dave Olmstead, PGT Industries*

Mr. Olmstead offered comment stating there are products in the field labeled with sticky notes.

*Roland Temple, Velux America*

Mr. Temple offered support for the modification.

*Dick Wilhelm, Representing Solutia*

Mr. Wilhelm offered support for the modification.

*Ted Burman, Miami-Dade County Building Code Compliance Office*

Mr. Burman stated the issue is similar to a previous issue concerning skylights then stated the language should read the same.

Commissioner Gonzalez seconded the standing motion and offered an amendment to add the skylight language to the text.

Commissioner D'Andrea moved the modification as amended and added Mr. Braddy's and Mr. Burman's comments.

*Roland Temple, Velux America*

Mr. Temple offered a clarification stating by approving the modification with NAFS-1 would identify what products are and are not covered.

Commissioner Parrino stated his second to the motion to approve did not include adding NAFS-1. He explained NAFS-1 was part of the original Code modification proposal to the Structural TAC, which did not receive a copy of NAFS-1 and recommended not to approve it. Commissioner Parrino then retracted his second for the motion.

Commissioner Bassett seconded the motion.

Commissioner Greiner suggested adding NAFS-1 to Chapter 35 as a referenced standard.

Commissioner Gonzalez asked if it is clear to maintain Miami-Dade County TAS 202 for HVHZ if the amendment is passed.

Commissioner Parrino again stated he could not support the motion with NAFS-1 included in it. He expressed concern regarding a standard is inserted in the Code without the review of the Technical Advisory Committee.

Commissioner Wiggins asked if the update of the standard had been summarized.

Mr. Madani stated NAFS is a new standard and has not been finalized.

*Roland Temple, Velux America*

Mr. Temple offered clarification stating he represents the WDMA and is a member of the committee that compiled the documents. He stated 101/IS2, which appears in the Code, would be replaced by NAFS-1. He explained the changes made were gateway sizes for the performance level, skylights were added into the document, and commercial items that were excluded in the scope were added. He continued stating 101/IS2 and

NAFS-1 are a combination of the documents that are already approved in the Florida Building Code and added that NAFS-1 had been adopted by the I codes.

Commissioner Kim concurred with Commissioner Parrino concerning the TAC not being provided the opportunity to review the standard following numerous requests for copies of the document.

Commissioner D'Andrea offered a substitute motion to remove NASF-1 2002 from the modification and move the remaining part of his original motion.

Commissioner Bassett would not second the substitute motion then strongly expressed concern regarding the Commission's action to approve a modification in a previous discussion concerning a TAC not reviewing a document.

Chairman Rodriguez called for a vote to approve the motion to accept the modification as amended. Vote to approve the motion resulted in 1 in support (Bassett) and 17 in opposition.

Commissioner D'Andrea moved approval to accept the modifications as stated in Mr. Braddy's and Mr. Burman's comments, removing the NAFS-1 standard to include the fiscal impact analysis submitted by the proponent. Commissioner Greiner seconded the motion.

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

Commissioner D'Andrea moved approval of the Code modification as amended. Commissioner Browdy seconded the motion. Vote to approve the motion was unanimous. Motion carried.

#### **Modification #094**

Mr. Blair presented the modification as submitted by the TAC. He then called for public comment.

*Joe Hetzel, Door & Access Systems Manufacturer's Association*

Mr. Hetzel pointed out the reference to PA 202 should read TAS 202.

*Mike Fisher, Window & Door Manufacturer's Association*

Mr. Fisher stated development of the new standard is highly desirable throughout the industry.

Commissioner Bassett seconded the standing motion to approve the modification as amended. Vote to approve the motion was unanimous. Motion carried.

**Modification #185**

Mr. Blair presented the amendment as submitted by the TAC. He then called for public comment.

*Kari Hebrank, Florida Building Materials Association*

Ms. Hebrank asked for the Commission's support on the amendment stating the modification includes the newest door testing standards available.

*Ted Burman, Miami-Dade County Building Code Compliance Office*

Mr. Burman stated the modification addresses one of his previous concerns. He offered an amendment to add the text "; follow TAS 202 for HVHZ" following the word "removed."

*Kari Hebrank, Florida Building Materials Association*

Ms. Hebrank expressed concern regarding what the amendment proposed by Mr. Burman would mean in terms of the door test for structural tests only. She noted Miami-Dade's TAS 202 includes other tests such as water, infiltration and others which is addressed in another section of the Code.

*Ted Burman, Miami-Dade County Building Code Compliance Office*

Mr. Burman stated his position that the TAS 202 is a superior test even for structural portions of the Code.

Commissioner Bassett moved approval of the amended language as submitted. Commissioner Gonzalez seconded the motion.

Commissioner Bassett pointed out the added language is not inconsistent with what has been included in other chapters of the Code.

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

Commissioner Bassett then moved approval of the modification as amended.

Commissioner Greiner noted for consistency the text should read “shall comply with.” He then moved for reconsideration. The motion was seconded. Vote to approve the motion was unanimous.

Commissioner Greiner moved modification. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous.

Commissioner Parrino moved the modification as amended. Commissioner D’Andrea seconded the motion. Vote to approve the motion was unanimous. Motion carried.

**Modification #269**

Mr. Blair presented the modification as submitted by the TAC. He then called for public comment.

*Kari Hebrank, Florida Building Materials Association*

Ms. Hebrank asked for the Commission’s support on the modification. She stated the modification is consistent with action in the Product Approval Rule allowing accepted engineering practices for custom doors.

*Jamey Gascon , Miami-Dade County Product Control*

Mr. Gascon offered support for the amendment.

*Dave Olmstead, PGT Industries*

Mr. Olmstead offered support for the amendment.

Wiggins seconded the standing motion to approve the modification as amended. Vote to approve the motion was unanimous. Motion carried.

**Modification #180**

Mr. Blair presented the amendment as submitted by the TAC and noted there were comments received. He referenced a specific comment for which staff provided an analysis. Mr. Blair then called for public comment.

*Kari Hebrank, Florida Building Materials Association*

Ms. Hebrank requested the Commission’s support for the modification stating the modification passed through 2 Structural TACs with only 1 negative vote. She stated the

issue of switching door components of products that are the same structural performance is an important issue.

*Ronnie Spooner, Florida Building Officials Association*

Mr. Spooner offered support for the amendment. He noted it is common practice to change door hardware and homeowners should not have to contract an engineer to show equivalency in products.

*Jeff Johnson, ODL Inc.*

Mr. Johnson offered support for the amendment.

*Joe Hetzel, DASMA*

Mr. Hetzel offered support for the amendment.

*Tom Tafelski, Building Contractor*

Mr. Tafelski offered support for the amendment.

*Ernie Zager, Contractor*

Mr. Zager offered support for the amendment.

*Jamey Gascon*

Mr. Gascon offered clarification stating the component approval issue is not addressed elsewhere.

Commissioner D'Andrea seconded the standing motion to approve the TAC's recommendation including the proponent's fiscal impact statement.

Commissioner Gonzalez stated the amendment should require product approval in the high velocity hurricane zones. He then moved an amendment to add "and for high velocity hurricane zones shall have product approval as a component," after the word "practices." Commissioner Richardson seconded the motion.

Chairman Rodriguez called for a vote on the amendment. Vote resulted in 11 in favor and 6 opposed. Amendment failed.

Chairman Rodriguez called for a vote on the original motion to approve the TAC recommendation. Vote on the original motion resulted in 17 favoring and 2 opposed.

**Modification #167**

Mr. Blair presented the amendment as submitted. He called for public comment.

*Dennis Braddy*

Mr. Braddy offered comment in support of the modification stating BOAF as well as the TAC support the modification.

*Ernie Zager Window Contractor*

Mr. Zager offered support for the amendment.

*Tom Tafelski, Contractor*

Mr. Tafelski offered support for the amendment.

*Ted Burman, Miami-Dade County Building Code Compliance Office*

Mr. Burman offered support for the modification.

*Jim Puckett, Kenko Limited*

Mr. Puckett offered support for the amendment with exceptions as follows: 1) first paragraph add the word "tapered" to replace "unless otherwise tested." He stated tapered bucks that do not support the entire frame do not adequately support the installation of the window. He then directed the Commission to page 71 where the original modification supported his comment.

*Dave Olmstead, PGT Industries*

Mr. Olmstead concurred with Mr. Puckett with regard to the tapered buck stating the test condition in the field cannot be duplicated.

*Jaime Gascon, Miami-Dade County*

Mr. Gascon stated window manufacturers have designed windows that will accept a tapered buck. He continued stating if the modification is not specified as proposed the windows designed to accept the tapered buck would no longer be allowed.

Wiggins seconded the standing motion to approve the TAC recommendation.

Commissioner Parrino interjected there was concern during the Structural TAC regarding manufacturers of windows accepting the tapered buck and stated the language proposed by Mr. Puckett may discriminate against those manufacturers.

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

**Modification #283**

Mr. Blair presented the modification as submitted. He then called for public comment.

*Steve Dwinell, Florida Department of Agriculture Consumer Services*

Mr. Dwinell offered support of the amendment.

Commissioner Parrino seconded the standing motion to approve the TAC recommendation.

Commissioner Wiggins expressed opposition to the amendment stating the modification allows using a baiting system for one year with no guarantee in place.

*Steve Dwinell, FDACS*

Mr. Dwinell stated the protection for the structure is provided by the contract required from the licensed pest control company, which is automatically renewable for up to 5 years.

Commissioner D'Andrea expressed opposition for reasons expressed by Commissioner Wiggins.

Commissioner Shaw stated it appears that all termiticides used have a limited lifespan with no provision for extended coverage.

*Steve Dwinell, FDACS*

Mr. Dwinell responded stating there are three groups of pesticides now being used to provide structural protection; soil applied materials, baiting systems, and the wood treatments. He stated the soil applied materials have demonstrated effectiveness beyond five years. He reiterated that structural protection of homes is provided by the pest

control company. He continued stating no product would provide structural protection if it is not inspected annually and if the system is not maintained.

Mr. Dixon provided clarification in terms of the Florida Building Commission interfacing with the authorities with another state agency. He stated the Commission has the authority to establish building construction requirements to include requiring a treatment in addition to raising the wood 6" above the ground, etc. He noted under state law, the Department of Agriculture is delegated the authority and responsibility to determine what termiticides are acceptable for the state of Florida.

Commissioner Shaw suggested it may be inappropriate to include as part of the Code a partial solution to a problem to which there is no permanent solution.

Commissioner Greiner responded stating the Code provides the beginning of protection and any extended protection will be the homeowner's responsibility.

Commissioner Browdy stated most homes are financed which results in most lenders requiring termite prevention prior to closing a loan. He stated the Commission can make their best effort to accomplish early protection then reminded the Commission there are issues that require reliance on homeowner compliance such as windborne debris.

Commissioner Greiner noted not only does the amendment cover bating systems but also covers borate treatment to wood. He then reiterated the purpose of the contract is to inform the building official there will be treatment installed prior to the final inspection.

Mr. Dixon reiterated the issue is an agency to agency issue in terms of the given authority to establish acceptable termiticides in the state of Florida.

Chairman Rodriguez called for a vote to approve the motion. Vote to approve the motion resulted in 11 in favor and 5 opposed. Motion failed.

Commissioner Browdy moved for reconsideration of the amendment. Commissioner Bassett seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Commissioner Shaw seconded the standing motion to approve the TAC recommendation. Vote to approve the motion resulted in 11 in favor and 8 opposed. Motion failed.

### **Modification #233**

Mr. Blair presented the modification as submitted by the TAC noting 33 letters of support were received. He then called for public comment.

*Joe Belcher, JDB Code Services*

Mr. Belcher offered support for the modification on behalf of the Aluminum Association of Florida, West Coast Chapter. He stated the modification was submitted to the Building Officials Association Code Development Committee where extensive rewriting was applied. He continued stating it was then reviewed by the BOAF board where additional rewriting was performed before being finally submitted to the TAC for even more fine tuning.

*Dave Olmstead, PGT Industries*

Mr. Olmstead offered support for the modification.

*Tom Tafelski, Building and Aluminum Contractor, Member of West Coast Chapter of Aluminum Association of Florida*

Mr. Tafelski offered support for the modification on behalf of the 68 members of the WCCAAF.

*James Davis, Lloyd's Aluminum Window Service*

Mr. Davis echoed Mr. Tafelski's comments in support of the modification.

*Jack Johnson, Representing Tampa Bay Area Chapter of NARI(?)*

Mr. Johnson offered support for the modification on behalf of the 103 members of the association stating the remodeling industry is strongly in favor.

*Ernie Zager, Window Contractor*

Mr. Zager stated the BOAF and NARI also support the modification.

*Fred Oppenheimer, Contractor*

Mr. Oppenheimer offered support for the modification.

*John Gillette, Windows by Zaga*

Mr. Gillette offered support for the modification.

*Joe Hetzel, DASMA*

Mr. Hetzel offered support for the modification for its practical application.

*Dwight Wilkes, Deputy Building Official, St. John's County*

Mr. Wilkes offered support for the motion.

*Kari Hebrank, FBMA*

Ms. Hebrank dittoed Mr. Wilkes support for the modification.

Commissioner D'Andrea seconded the standing motion including the fiscal impact statement submitted by the proponent.

Commissioner Kim stated the insurance industry also supported the modification during the TAC from a practical sense.

Commissioner Shaw asked for a synopsis of what the amendment will do.

Commissioner Kim responded by explaining if there is an existing house and the owner wants to replace one or two windows, or doors that have windows, all having less than 25% of the overall glazing in the house, windborne debris protection will not be required, however wind pressure requirements must still be met.

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

### **Modification #175**

Mr. Blair presented the modification as submitted and noted no comments were received. He then called for public comment.

*Carlos Hermida, DECO/VAPCO*

Mr. Hermida expressed opposition to the modification stating it does not meet the requirements of the Code regarding cooling towers. He stated approving the amendment could jeopardize the health, safety, and welfare of the general public if the towers are tied down. He then stated the modification does not strengthen, improve, or provide the Code with equivalent or better products. He further stated modification 175 discriminates against products of demonstrated capabilities.

*Sergio Espino, TRANE Company*

Mr. Espino stated TRANE units comply with the windload requirements and have been redesigned to meet the Florida Code. He stated further the modification would hurt

the industry causing problems with the structural integrity of the units as well as discriminate against the manufacturers.

*Xxxx, Rheem Air Conditioning Division(?)*

Mr. XXXX expressed opposition for the modification for reasons previously stated.

*Annette McGelman, Institute for Business and Home Safety*

Ms. McGelman expressed opposition of the modification.

*Pete Quintela, Miami-Dade, Mechanical TAC member*

Mr. Quintela stated the intent of the Code has been totally lost with the inclusion of the modification.

Commissioner D'Andrea seconded the standing motion to approve the TAC recommendation.

Commissioner Kim moved an amendment to delete the words "the fastening of..." He noted the fiscal impact would be insignificant. Commissioner Wiggins seconded the motion.

Commissioner Parrino stated the change has a practical issue in terms of mechanical units being installed that have not been rated for windload.

Mr. Blair called for public comment on Commissioner Kim's amendment.

*Sergio Espino, TRANE*

Mr. Espino offered support for the amendment.

*Pete Quintela, Miami-Dade*

Mr. Quintela offered support for the amendment.

*Carlos Hermido, Rheem*

Mr. Hermido offered support for the text deletion.

Chairman Rodriguez called for a vote to approve the motion. Vote to approve the motion resulted in 1 opposed (Parrino) and 18 in favor. Motion carried.

Chairman Rodriguez then called for a vote on the original motion to approve the modification as amended. Vote to approve the amendment as modified was unanimous. Motion carried.

### **Modification #275**

Mr. Blair presented the modification as submitted noting no comments were received. He called for public comment.

Commissioner Gonzalez seconded the standing motion to approve the TAC recommendation.

Commissioner Parrino expressed concern with the language in terms of the concrete slab extending 4" above adjoining grade. He stated the language does not capture standard practice in the industry today.

Commissioner Browdy responded to Commissioner Parrino's concern stating there would be an enforcement problem due to standard practice in pouring slabs with 2 X 4s.

#### *Pete Quintela, Building Code Compliance*

Mr. Quintela offered clarification stating Section 304.7 addresses it should be between 4 and 6". He stated there have been enforcement problems throughout the state with the intention of the modification to attempt to simplify the method.

Commissioner Patterson noted there are pads for mechanical equipment that are not 4" thick and the modification could put those pads in jeopardy of not being in compliance.

Commissioner Parrino offered an amendment changing the language to state "supported on a level 3 1/2" concrete slab or other approved material extending a minimum of 2" above joining grade." He noted there is no additional significant fiscal impact. Wiggins seconded the motion.

#### *Dwight Wilkes, Deputy Building Official, St. John's County*

Mr. Wilkes suggested using the words "finish grade."

#### *Jack Glenn*

Mr. Glenn requested clarification regarding the amendment asking if it would apply to all slabs or alternates only.

Commissioner Parrino responded it would apply to both.

Mr. Glenn encouraged the addition of the word "finished."

Commissioner Parrino offered an amendment to his original motion to amend the modification. He added the word "minimum" before "3 1/2" with "finished" before "grade." Commissioner Wiggins accepted the amended language.

Commissioner Bassett asked if pre-formed fiber re-enforced pads used for supporting air conditioners would meet the requirements of the language.

Commissioner Parrino stated according to the manufacturers the pads are 4" thick.

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

#### **BREAK**

Chairman Rodriguez called for a five-minute break.

#### **RECONVENE FOR CONSIDERATION AND ADOPTION OF 2003 AMENDMENTS TO THE FLORIDA BUILDING CODE**

Modification #282, Cont.

Commissioner Wiggins moved to reconsider #283. Commissioner D'Andrea seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Commissioner Browdy moved the TAC recommendation to approve the modification as amended. Commissioner D'Andrea seconded the motion.

Commissioner Wiggins proposed an amendment to Section 1816.1.7 to add the language: "assuring the installation and implementation of the bating system for a minimum of five years from the issuance of the CO."

*Steve Dwinell, Florida Department of Agriculture*

Mr. Dwinell stated under Chapter 482 pest control companies must issue a contract to provide preventative treatment which is automatically renewable for five years. He stated the added language would be consistent with the statute.

Commissioner Parrino submitted a friendly amendment to add: "the installation, maintenance, and monitoring of the baiting system," eliminating the word "implementation."

Commissioner Wiggins accepted the friendly amendment.

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

Chairman Rodriguez then called for a vote on the original motion to approve the amendment as modified. Vote to approve the motion was unanimous. Motion carried.

**<75% Vote**

**Modification #211**

Mr. Blair presented the modification as submitted by the TAC.

**Modification 180, Cont.**

Commissioner Patterson moved reconsideration of modification #180. Commissioner Shaw seconded the motion. Vote to approve the motion was unanimous. Motion carried.

*Jim D..., Broward Board of Appeals*

Mr. D... suggested clarifying language to be added to the modification to state: "...and for HVHZ products shall have product approval as a component." He stated the clarifying language would assist building officials from an administrative point of view.

*Lorraine Ross,*

Ms. Ross pointed out the proponent of the modification was out of the room and requested deferring the discussion until her return.

Commissioner Patterson retracted her motion to reconsider until the proponent of the amendment returns to the meeting.

Mr. Blair then continued discussion for modification #211. He presented the amendment as submitted by the TAC. He called for public comment.

*Joe Belcher, J DB Code Services*

Mr. Belcher began with a correction to the Tracking Charts stating the section number is cited incorrectly. He stated it should be Section 1512.4.2.4. Mr. Belcher stated the modification applies to pre-mixed mortar delivered on the site. He stated

following Hurricane Andrew Miami-Dade established TAS 106 requiring an independent testing lab to test tile roofs that have been installed reliant on adhesion. He explained the procedure for the test to be conducted. Mr. Belcher stated it is discriminatory to (See *Foam and Tile Photographs Attachment*.)

*Jaime Gascon*

Mr. Gascon offered support for the amendment.

Mr. Belcher added he had offered two options in his comment.  
*Frank Ziluaga(?), Miami-Dade County Building Code Compliance*

Mr. Ziluaga stated TAS 106 is a quality control test which is performed after the system is installed. He stated there are as many failures from mortar as adhesives. He continued stating TAS 106 is a very good test to require and offered support for the modification.

Commissioner Gonzalez moved to adopt as submitted including the comment and in support of the fiscal impact analysis as provided by the proponent. Commissioner Wiggins seconded the motion.

Commissioner Parrino added the Structural TAC had discussed the issue and were only 1 vote short of the 75%.

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

#### **Modification #204**

*Frank Zuluaga, Miami-Dade County*

Mr. Zuluaga stated the modification is to change the wording "where required" for clarification purposes.

Commissioner Gonzalez moved approval of the modification as amended relying on the fiscal impact analysis submitted. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous. Motion carried.

#### **Modification #232**

Mr. Blair presented the modification as submitted noting there were 33 letters in support of the Code change.

*Joe Belcher, J DB Code Services, Representing Aluminum Association of Florida*

Mr. Belcher stated the Aluminum Association funded wind tunnel work and implemented provisions into the Code addressing screened enclosure structures' design. He continued the association has developed a guide which illustrates how to implement the Code requirements. He then offered support for the modification on behalf of the association.

*Dwight Wilkes, Chief Plans Examiner, St. John's County*

Mr. Wilkes stated the modification will save the homeowners money.

*Mike Fisher, National Sunroom Association*

Mr. Fisher offered support for the modification.

*Tom Tefelsky, Aluminum Contractor*

Mr. Tefelsky expressed opposition to the modification stating he and most other aluminum contractors have not been provided a final copy of the document. He stated they had requested the Aluminum Association complete the document and then provide it for review for at least 90 days before consideration for reference in the Code.

*James Davis, Lloyd's Aluminum Window Service, Inc.*

Mr. Davis offered support for Mr. Tafelski's comments.

*Jack Johnson, National Association of the Remodeling Industry*

Mr. Johnson expressed opposition to the amendment on behalf of the 103 members of the association stating they had not been provided a final copy of the document.

*Fred Oppenheimer, Contractor*

Mr. Oppenheimer stated during the last board meeting of the Aluminum Association it was announced there would be revisions to be made to the document which he does not recognize as having been done. He expressed opposition to the modification.

*Ernie Zager, Building Contractor*

Mr. Zager stated expressed opposition to the modification noting he saw no reference to the 33 letters.

*Joe Gillett, Windows by Zaga*

Mr. Gillett expressed opposition to the modification.  
*Joe Belcher, J & D Code Services*

Mr. Belcher offered clarification the document has been reviewed by several engineers who support the document. He stated the revisions made were to comply with the issues raised by Tim Reinhold. Mr. Belcher then referenced a letter from Mr. Reinhold acknowledging his issues had been addressed.

Mr. Richmond inquired about the availability of the document asking if it was made available 45 days in advance of the TAC meeting.

Mr. Belcher stated there was a document submitted to the TAC for review but revisions have been made to the document since that time.

*Tom Tafelski*

Mr. Tafelski offered support for the reference guide and stated a completed form for industry review and consideration before it is accepted into the Code.

Wiggins requested clarification in terms of whether the documents that are being used currently are consensus documents.

Mr. Belcher responded stating the documents are not consensus documents.

Mr. Richmond added the law is clear on consideration of amendments stating that all amendments and supportive documents must be available for consideration before the TAC 45 days prior to the meeting as well as available for Commission review 45 days prior to its meeting. He stated the document failed to meet those deadlines as well as meet to criteria within the law for an approveable amendment.

Commissioner Kim offered comment on behalf of the insurance industry stating they support the ICC Model Building Code process. He continued stating the only reference on the consensus documents are references, which they also support. He further stated the current document does not meet the Florida Building Code nor ASCE7-98 and urged the petitioner to change the requirements in the design manual to meet the Florida Building Code ASCE7-98.

Sanidas stressed the seriousness of the issue stating there is a new document released last week which is supposed to be an improved document for the Aluminum Association of Florida. He stated if that document is not improved to meet the current requirements, then the National Aluminum Association criteria would be in effect and there would be no reference in the Florida Building Code.

No action for approval.

**Modification #176**

Mr. Blair presented the amendment as submitted. He then called for public comment.

No action to approve.

**Modification #177**

Mr. Blair presented the modification as submitted. He called for public comment.

No action to approve.

**Modification #207**

Mr. Blair presented the modification as submitted noting no comments were received. He called for public comment.

Withdrawn by the proponent.

**Modification #011**

Mr. Blair presented the modification as submitted. He called for public comment.

No action to approve.

**Modification #191**

Mr. Blair presented the amendment as submitted noting no comments were received. He called for public comment.

No action to approve.

**Modification #214**

Mr. Blair presented the modification as submitted. He opened for public comment.

No action to approve.

**Modification #215**

Mr. Blair presented modification as submitted. He called for public comment.

No action to approve.

**Modification #220**

Mr. Blair stated no comments were received for the modification and called for public comment.

No action to approve.

**Modification #012**

Mr. Blair presented the modification as submitted. He then called for public comment.

**Modification #264**

Mr. Blair presented the modification as submitted. He called for public comment.

No action to approve.

**Modification #266**

Mr. Blair presented the modification as submitted noting there was a comment regarding the modification. He stated staff recommended approval for the modification for Code consistency. He then called for public comment.

*Ted Burman, Miami-Dade County Building Code Compliance Office*

Mr. Burman offered support for the amendment and presented an editorial change stating the "PA" should be "TAS."

Commissioner Gonzalez moved approval of the amendment as modified by Mr. Burman. He stated there is no significant fiscal impact. Commissioner Wiggins seconded the motion.

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

**Modification #055**

Mr. Blair presented the modification as submitted. He called for public comment.

No action to approve.

**Modification #225**

Mr. Blair presented the modification as submitted. He called for public comment.

No action to approve.

**Meets No Criteria**

**Modification #194**

Mr. Blair presented the amendment as submitted by the TAC. He called for public comment.

No action to approve.

**Modification #235**

Mr. Blair presented the modification as submitted noting 33 letters in support of the modification were received. He called for public comment.

*Joe Belcher, JDB Code Services, Representing Aluminum Association of Florida*

Mr. Belcher suggested leaving 235 as it was submitted. He stated the modification, along with #234, addresses closing in an existing screened room or balcony in windborne debris regions not requiring provision for opening protection. (See *Proposed Modification to the Florida Building Code, Modification # 235 Attachment.*)

*Mike Fisher, Representing National Sunroom Association*

Mr. Fisher stated the language in the proposed modification was taken directly from the joint document on sunrooms which is currently going through a public comment period. He continued stating the document has not yet gone through a consensus process however assured the Commission the language is appropriate.

*Tom Talfesky, Representing West Coast Chapter of the Aluminum Association of Florida*

Mr. Talfesky stated the modification is critical as it provides a definition for a sunroom which is not defined otherwise in the Code.

*James Davis, West Coast Chapter AAF*

Mr. Davis offered support for Mr. Talfesky's comments.

*Ernie Zager, Contractor and AAF*

Mr. Zager concurred with Mr. Tafelski and Mr. Zager and stated the modification also has the support of BOAF and NARI.

*John Gillette, Windows by Zaga*

Mr. Gillette offered support for the modification.

*Fred Oppenheimer, Contractor and AAF member*

Mr. Oppenheimer offered his support for the amendment.

*Jack Johnson, NARI*

Mr. Johnson offered support for the modification.

*Kari Hebrank, FBMA*

Ms. Hebrank offered support for the amendment.

*Dave Olmstead, PGT Industries, Inc.*

Mr. Olmstead offered support for the modification as a manufacturer of windows, doors, and sunrooms.

Commissioner D'Andrea moved approval of the amendment with the removal of the word "and roof." Commissioner Wiggins seconded the motion.

Commissioner D'Andrea offered support for the fiscal impact analysis provided by the proponent.

*Joe Belcher, JDB Code Services*

Mr. Belcher restated his previous amendment suggesting leaving the words “and roof” in the text.

Commissioner D’Andrea changed his motion to include the words “and roof.” Commissioner Wiggins also accepted the change.

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

**Modification #178**

Mr. Blair presented the modification as submitted. He then called for public comment.

No action to approve.

**Modification #017**

Mr. Blair presented the modification as submitted. He called for public comment.

No action to approve.

**Modification #058**

Mr. Blair presented the modification as submitted. He called for public comment.

*Joe Belcher, JDB Code Services*

Mr. Belcher offered support of the modification stating the proposed amendment will provide compliance with the IBC.

*Lorraine Ross, Representing Roofing Manufacturer’s Association*

Ms. Ross offered support for the modification stating the modification is the truest example of a glitch.

Commissioner Wiggins moved approval of the modification offering support for the fiscal impact analysis provided by the proponent. Commissioner Greiner seconded the motion.

Commissioner Parrino stated the roofing contractor member of the Structural TAC expressed opposition to the modification.

Commissioner Shaw inquired about the TAC's direction that the modification did not meet the criteria.

Mr. Modani responded stating the TAC's position was the modification should be addressed during the next Code change cycle.

Commissioner Wiggins stated the modification appears to have been clarified than previously during the TAC meeting.

Chairman Rodriguez called for a vote on the motion. Vote to approve the motion resulted in 1 opposed (Parrino) 17 in favor. Motion carried.

**Modification #021**

Mr. Blair presented the modification as submitted. He called for public comment.

No action to approve.

**Modification #022**

Mr. Blair presented the modification as submitted. He then called for public comment.

No action to approve.

**Modification #258**

Mr. Blair presented the modification as submitted. He called for public comment.

No action to approve.

**Modification #234**

Mr. Blair presented the modification as submitted noting there were 33 letters received in support of the Code change. He then called for public comment.

*Joe Belcher, JDB Code Services*

Mr. Belcher noted additional language for inclusion: "openings in sunrooms, balconies, and enclosed porches constructed under existing roofs or decks are not required to be protected provided the sunroom is separated from the building interior by a

wall and all openings in the separating wall are protected in accordance with Section 1606.1.4.”

*Mike Fisher, National Sunroom Association*

Mr. Fisher stated Mr. Belcher’s amendment is the result of a compromise following a discussion regarding the energy code. He offered support for the amended language.

*Jack Glenn, Florida Home Builders Association*

Mr. Glenn stated it is appropriate for the main structure to be protected with the sunroom not designed as an area of refuge. He offered support for the modification as amended.

*Tom Tafelski, Building Contractor*

Mr. Tafelski offered support for the modification.

*Jack Johnson, NARI*

Mr. Johnson offered support for the modification as amended.

*Ernie Zager, Contractor*

Mr. Zager stated the modification also has the support of DAF, BOAF, and NARI then offered his support for the modification.

*James Davis*

Mr. Davis offered support for the modification.

*Fred Oppenheimer*

Mr. Oppenheimer offered support for the modification.

*John Gillette, Windows by Zaga*

Mr. Gillette offered his support for the modification.

*Annette McGowan, Institute for Business & Home Safety*

Ms. McGowan encouraged the Commission to consider impact protection in terms of providing protection for the structure from internal pressure. She stated the structure could become flying debris if compromised. She continued stating sunrooms are enclosed because homeowners place furniture in them and the insurance industry bears the cost.

Commissioner Browdy moved approval of the proposed modification as amended. Commissioner Kim seconded the motion.

Commissioner Bassett expressed opposition to the amendment referencing the paragraph preceding which addresses lawn storage buildings being limited to 720 square feet stating modification 234 is allowing 2,000 square feet for sunrooms creating a missile factory.

Commissioner Kim offered comment on behalf of the Florida Insurance Council stating he supports the modification. He stated the primary concern for the Insurance Council is that the main structure is protected.

Chairman Rodriguez called for a vote to approve the motion. Vote to approve the motion resulted in 2 opposed (Bassett, Sanidas) and 16 in favor. Motion carried.

**Modification #126**

Mr. Blair presented the modification as submitted. He called for public comment.

No action to approve.

**Modification #097**

Mr. Blair presented the modification as submitted noting a comment was received by the proponent. He then called for public comment.

*Joe Hetzel, DASMA*

Mr. Hetzel offered support for the modification with the proposed amendment.

*Mike Fisher, WDMA*

Mr. Fisher offered support for the modification. He stated the modification is a tremendous step forward for public safety.

*Jaime Gascon, BCCO*

Mr. Gascon suggested using a different word for "shall."

Commissioner Parrino moved the modification as amended and additionally changing the word "shall" to "may." Commissioner D'Andrea seconded the motion.

Mr. Richmond advised against using the word "may."

Commission Wiggins suggested using the word "shall be permitted to be."  
Commissioner Parrino accepted the language.

Commissioner Kim asked if the wind pressure tables were based on enclosed.

Mr. Hetzel responded stating the tables are based on enclosed.

Commissioner Kim then offered a friendly amendment stating the word "enclosed building" should be added. Commissioner Parrino accepted the friendly amendment.

Mr. Dixon suggested "pressures from Table 1606.2E for windloading actions on garage doors shall be permitted." Commissioner Parrino accepted the language.

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

Commissioner Patterson noted there is an upcharge for having garage doors wind-designed for hurricane resistant at 110 mph in Orlando so there is additional cost.

## **LUNCH**

Chairman Rodriguez called for a thirty-minute break.

## **RECONVENE CONSIDERATION AND ADOPTION OF 2003 AMENDMENTS TO THE FLORIDA BUILDING CODE**

### **Modification #029**

Mr. Blair presented the modification as submitted. He called for public comment.

No action to approve.

### **Modification #131**

Mr. Blair presented the modification as submitted. He called for public comment.

No action to approve.

**Modification #223**

Mr. Blair presented the modification as submitted. He then called for public comment.

No action to approve.

**Modification #216**

Mr. Blair presented the modification as submitted. He called for public comment.

No action to approve.

**Modification #217**

Mr. Blair presented the modification as submitted and called for public comment.

No action to approve.

**Modification #218**

Mr. Blair presented the modification as submitted. He called for public comment.

No action to approve.

**Modification #219**

Mr. Blair presented the modification as submitted. He then called for public comment.

No action to approve.

**Modification #221**

Mr. Blair presented the modification as submitted. He called for public comment.

No action to approve.

**Modification #222**

Mr. Blair presented the modification as submitted. He then called for public comment.

No action to approve.

Commissioner Bassett moved approval to add to Chapter 35 any standard adopted during the Commission meeting which was not previously recognized by the Code, and to amend Chapter 35 to identify any updated edition of the previously recognized standards adopted during the process. Commissioner Carson seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Commissioner Carson moved approval of the entire package of recommendations and proceed with Chapter 120 rule adoption process. Commissioner Shaw seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Modification #234, Cont.

Commissioner D'Andrea moved reconsideration of modification #234. Commissioner Browdy seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Commissioner D'Andrea moved approval as previously modified with additional language to state: "...such spaces shall be permitted to be designed as either partially enclosed or enclosed structures." Commissioner Greiner seconded the motion.

*Mike Fisher*

Mr. Fisher offered support for the modification.

*Tom Tafesky*

Mr. Tafelski offered support for the modification.

*Ernie Zager, Contractor*

Mr. Zager offered support for the modification.

*James Davis, Contractor*

Mr. Davis offered support for the modification.

*Fred Oppenheimer*

Mr. Oppenheimer offered support for the modification.

*John Gillette, Windows by Zaga*

Mr. Gillette offered support for the modification.

*Jack Johnson, NARI*

Mr. Johnson offered support for the modification.

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

Commissioner Patterson stated she left the meeting early during the process on Tuesday and after she left modification 162 was reconsidered. She expressed opposition to the vote for passing the modification in her absence.

Commissioner Wiggins asked if it would be appropriate to have the Mechanical TAC review the document and comments submitted. Chairman Rodriguez concurred.

#### Modification #254, Cont.

Commissioner D'Andrea moved for reconsideration for modification #254. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Commissioner D'Andrea stated the modification addresses Section 1005.4.2 states "...every room or space greater than 250 square feet used for classroom..." He suggested additional language to state: "...in educational occupancies..." (See *Proposed Modification to the Florida Building Code, Modification # 254 Attachment.*) He then moved approval of the modification as amended and offered support for the fiscal impact analysis submitted by the proponent. Commissioner Bahadori seconded the motion.

*John Hamrick, Department of Education*

Mr. Hamrick offered support for the modification stating it would impact community colleges and universities requiring installation of emergency rescue windows in all classrooms as well as impact all other occupancies containing classrooms.

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

Commissioner Parrino moved approval of the entire package of recommendations and proceed with Chapter 120 rule adoption process. Commissioner Calpini seconded the motion. Vote to approve the motion was unanimous. Motion carried.

**PUBLIC COMMENT**

Chairman Rodriguez called for public comment.

Commissioner Bassett stated during the last meeting he requested a better effort be made to send out the packets for meeting notification in advance. He then asked where the next meeting would be held. It was announced the meeting would be held in Orlando at the Rosen Plaza Hotel on International Drive.

Commissioner Gonzalez requested staff to conduct a feasibility study regarding 2003's meeting schedule to include South Florida and the panhandle.

Chairman Rodriguez responded stating the Commission had been traveling and it was determined that Orlando was the most accessible in terms of individuals with disabilities as well as flights. He stated it would be taken into advisement.

**REVIEW COMMITTEE ASSIGNMENTS AND ISSUES FOR COMMISSION'S  
DECEMBER MEETING**

Mr. Blair conducted a review of the December meeting's issues and committee assignments. Open discussion ensued regarding TAC and committee meetings and workshop requests.

**SUMMARY AND REVIEW MEETING WORK PRODUCTS**

Chairman Rodriguez stated the Commission had considered changes to rule for prototype buildings and to establish forms for private inspections. He stated public comment had been received on draft policy for the first update of the 2004 Florida Building Code edition. Chairman Rodriguez stated accessibility waivers had been decided as well as having heard legal staff discussion issues and recommendations. He continued stating the Commission had considered and taken action on declaratory statement requests and had decided on Accessibility, Code Administration, Mechanical, Plumbing, Electrical, Energy, Fire and Structural TAC reports as well as the Education and Product Approval/Prototype Buildings/Manufactured Buildings POC reports and recommendations. Chairman Rodriguez stated the proposed 2003 amendments to the Florida Building Code had been considered, public comment had been heard, and the Commission had reviewed committee assignments and issues for the next Commission meeting.

**ADJOURN**

No further business discussed, meeting adjourned at 1:11 pm.

# FLORIDA BUILDING COMMISSION

## ATTACHMENT TO THE OCTOBER 29 - 30, 2002 MINUTES

### FACILITATOR'S REPORT OF THE OCTOBER 29 - 30, 2002 COMMISSION MEETING

*Miami Beach, Florida*

Meeting Design & Facilitation By



Report By Jeff A. Blair

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**FLORIDA BUILDING COMMISSION**  
**Attachment to the November 29 - 30, 2002 Minutes**

**I. OVERVIEW OF COMMISSION'S KEY DECISIONS**

**TUESDAY, OCTOBER 29, 2002**

**COMMISSION PLENARY SESSION**

**Recognition of Florida Building Commission**

City of Miami Beach Commissioner Jose Smith and City Manager Jorge Gonzalez presented the Commission with a proclamation declaring October 29, 2002 Florida Building Commission Appreciation day. In addition, Miami-Dade County Commissioner Katy Sorenson presented the Commission with a proclamation declaring October 27, 2002 Florida Building Commission day. All three expressed appreciation to the Chair and Commission for a job well done for the citizens of Florida.

**Agenda Review and Approval**

The Commission voted unanimously, 17 - 0 in favor, to approve the agenda as presented.

**Review and Approval of September 24, 2002 Meeting Minutes**

Commission voted unanimously, 17 - 0 in favor, to approve the minutes as presented for the September 24, 2002 Commission meeting.

**Review and Approval of Commission's Updated Workplan and Meeting Schedule**

Commission facilitator, Jeff Blair reported that there were no substantive changes to the Commission's workplan and no action was needed from the Commission.  
(Attachment 2)

**Chair's Discussion Issues and Recommendations**

Chairman Rodriguez recognized Ila Jones, who reported on Building Code related testing on Florida licensing tests and sales of 2003 glitch amendments replacement pages.

**Report and Discussion on Rule Development Workshop Comments on Amendments to Rule 9B-74, Prototype Buildings and Amendment to Rule 9B-3, Private Inspections Forms**

Rick Dixon, reported on comments received during the rule development process and the subsequent revised forms. He reported that the rule adoption hearings for rule 9B-74 and 9B-3 would be held at the December 2002 Commission meeting. Following discussion the Commission took the following actions:

*Commission Actions:*

**Motion** – The Commission voted unanimously, by a vote of 18 – 0 in favor, to approve the changes as presented and to proceed with rule adoption for Rule 9B-74.

**Motion** – The Commission voted unanimously, by a vote of 18 – 0 in favor, to approve the changes as presented and to proceed with rule adoption for Rule 9B-3.

### **Public Comment on Draft Policy for First Update of the FBC**

Chairman Rodriguez reminded the Commission of their draft policy for the first update of the Florida Building Code that was approved at the September 2002 Commission meeting and subsequently published on the website. The Chair reminded Commissioners that they are scheduled to make final decisions on their policy for review of the I-Codes and updates for the 2004 edition of the FBC, at the December 2002, Commission meeting. Rick Dixon presented a conceptual process for updating and amending the Code, and the Chair asked if there were any members of the public who would like to provide feedback to the Commission on the draft policy. One member of the public addressed the Commission on this topic earlier in the meeting. There were no additional comments were received from the public.

### **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**

Jim Richmond reported on the hearing that took place concerning the FPSA Challenge of Pool Alarm Standards. In addition, he introduced attorney Tim Dennis who will also be working with the Commission.

### **PETITIONS FOR DECLARATORY STATEMENTS**

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

### **SECOND HEARINGS**

#### **DCA02-DEC-131 by Pinellas County Building Department**

**Motion** – The Commission voted unanimously, by a vote of 17 – 0 in favor, to approve their previous action on the petition.

#### **DCA02-DEC-213 by Sunguard Shade Structures Inc.**

**Motion** – The Commission voted unanimously, by a vote of 16 – 0 in favor, to approve their previous action on the petition.

#### **DCA02-DEC-226 by Robert B. Worman**

**Motion** – The Commission voted unanimously, by a vote of 16 – 0 in favor, to approve their previous action on the petition.

#### **DCA02-DEC-233 by Go-Bolt, Inc.**

**Motion** – The Commission voted unanimously, by a vote of 16 – 0 in favor, to approve their previous action on the petition.

**DCA02-DEC-235 by Wilson Window Glass & Mirror**

**Motion** – The Commission voted unanimously, by a vote of 17 – 0 in favor, to approve their previous action on the petition.

## **FIRST HEARINGS**

### **DCA02-DEC-250 by Norman Campbell**

**Motion**— The Commission voted unanimously, by a vote of 17 – 0 in favor, to approve the TAC/staff recommendation on the petition as presented.

### **DCA02-DEC-252 by Sam Garber**

**Motion**— Following a proposed amendment which failed by a vote of 7 – 11 in support, the Commission voted 17 – 1 in favor, to approve the TAC/staff recommendation on the petition as presented.

### **DCA02-DEC-254 by William LeMaster**

**Motion**— The Commission voted unanimously, by a vote of 18 – 0 in favor, to approve the TAC/staff recommendation on the petition as presented.

### **DCA02-DEC-255 by Miami-Dade County Building Department**

**Motion**— The Commission voted unanimously, by a vote of 18 – 0 in favor, to approve the TAC/staff recommendation on the petition as presented.

### **DCA02-DEC-256 by C. R. Willis**

**Motion**— The Commission voted unanimously, by a vote of 18 – 0 in favor, to approve the TAC/staff recommendation on the petition as presented.

### **DCA02-DEC-259 by Centex Homes**

**Motion**— The Commission voted unanimously, by a vote of 18 – 0 in favor, to approve the TAC/staff recommendation on the petition as presented.

### **DCA02-DEC-265 by Herminio Enrique**

**Motion**— The Commission voted unanimously, by a vote of 18 – 0 in favor, to approve the TAC/staff recommendation on the petition as presented.

### **DCA02-DEC-270 by Carlos Hermida**

**Motion**— The Commission voted unanimously, by a vote of 18 – 0 in favor, to defer action on the petition until a determination can be made on whether or not cooling towers are considered structures under the Code.

### **DCA02-DEC-078**

**Motion**— **The Commission voted unanimously, by a vote of 18 – 0 in favor, to instruct legal staff to prepare an amendment to the order and present it for Commission consideration at the December 2002 Commission meeting.**

## COMMITTEE REPORTS AND RECOMMENDATIONS

### **Accessibility TAC Workshop Committee Report and Recommend**

Commissioner Richardson presented the committee's report and recommendations for Commission consideration. The Commission unanimously accepted the Committee's report by a vote of 18 - 0 in favor. (See Commission Minutes for Committee report)

### **Code Administration TAC Committee Report and Recommendations**

Commissioner Thorne presented the committee's report and recommendations for Commission consideration. The Commission unanimously accepted the Committee's report by a vote of 18 - 0 in favor. (See Commission Minutes for Committee report)

### **Electrical TAC Committee Report and Recommendations**

Commissioner McCombs presented the committee's report and recommendations for Commission consideration. The Commission unanimously accepted the Committee's report by a vote of 18 - 0 in favor. (See Commission Minutes for Committee report)

### **Energy TAC Committee Report and Recommendations**

Commissioner Bassett presented the committee's report and recommendations for Commission consideration. The Commission unanimously accepted the Committee's report by a vote of 18 - 0 in favor. (See Commission Minutes for Committee report)

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

**Motion** – The Commission voted unanimously, by a vote of 18 - 0 in favor, to report to the US Department of Energy that Florida's energy code exceeds the IEC 2002.

### **Fire TAC Committee Report and Recommendations**

Commissioner D'Andrea presented the committee's report and recommendations for Commission consideration. The Commission unanimously accepted the Committee's report by a vote of 18 - 0 in favor. (See Commission Minutes for Committee report)

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

**Motion** – The Commission voted unanimously, by a vote of 18 - 0 in favor, to require that in order for an engineer to review plans for fire protection they have to be Chapter 633, F.S. certified as a fire inspector.

### **Mechanical TAC Committee Report and Recommendations**

Commissioner Patterson presented the committee's report and recommendations for Commission consideration. The Commission unanimously accepted the Committee's report by a vote of 18 - 0 in favor. (See Commission Minutes for Committee report)

### **Plumbing TAC Committee Report and Recommendations**

Commissioner Shaw 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)

### **Structural TAC Committee Report and Recommendations**

Commissioner Parrino 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 Program Oversight Committee and Education TAC Committee Report and Recommendations**

Commissioner Browdy presented the committee's report and recommendations for Commission consideration. The Commission unanimously accepted the Committee's report by a vote of 18 - 0 in favor. (See Commission Minutes for Committee report)

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

**Motion**— The Commission voted unanimously, by a vote of 18 - 0 in favor, that the Commission will charge providers \$300.00 per credit hour and DCA will submit courses for licensing board approval in advance of sale to private providers.

### **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 18 - 0 in favor. (See Commission Minutes for Committee report)

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

**Motion**— The Commission voted unanimously, by a vote of 18 - 0 in favor, to hold a workshop on the Manufactured Buildings Program at the October 2002 Commission meeting and to direct staff to proceed with the rule change process following the workshop.

**Motion**— The Commission voted unanimously, by a vote of 18 - 0 in favor, to hold a Product Approval System workshop in Orlando on November 21, 2002. The workshop will be to discuss and propose solutions to unintended consequences and glitches to the system. The workshop will be limited to specific topics.

**Motion**— The Commission voted unanimously, by a vote of 18 - 0 in favor, to approve the fee/rate structure and execute a contract with Applied Research Associates.

**Motion**— The Commission voted unanimously, by a vote of 18 - 0 in favor, to include lawn storage building kits in the Product Approval Program under "structural components" for both local and state-wide approval.

### **Action on Applications for Approval for Product Approval Entities**

**Motion** – The Commission voted unanimously, by a vote of 18 – 0 in favor, to approve American Test Lab as a testing laboratory.

**Motion** – The Commission voted unanimously, by a vote of 18 – 0 in favor, to approve Certified Testing laboratories as a testing laboratory.

**Motion** – The Commission voted unanimously, by a vote of 18 – 0 in favor, to defer action on consideration of American Test Lab as a validation entity.

## **Consideration and Adoption of 2003 Amendments to the Florida Building Code**

Chairman Rodriguez welcomed the public to the 2003 Florida Building Code adoption process. He indicated that Jeff Blair would be serving as code moderator in addition to facilitating the Commission through its consideration of proposed code amendments. Jeff Blair explained that he would present a process overview and brief material orientation before Jim Richmond formally opens the code adoption process. Following the formal opening, Jeff Blair explained that he would present a standing motion to approve TAC action, conduct a detailed orientation to the materials provided by staff for reviewing and considering proposed 2003 code amendments, and finally, begin the code review and adoption process.

### **Process Overview**

Proposed amendments for each of the 8 technical code areas would be considered in alphabetical order starting with Code Administration and ending with Structural. Each code area is divided into four major groupings. First, is the consent agenda which contain those amendments which the TAC recommended approval of by a vote of 75% or greater. Second, are those amendments which the TAC approved but modified. Third, are those amendments which the TAC determined met the criteria for consideration, but failed to receive the required 75% support. Fourth, are those amendments which the TAC determined do not meet the criteria for consideration and did not receive a favorable TAC recommendation.

Each Commissioner and members of the public was provided with three binders one of which contained a tracking chart consisting of amendment number, summary of the amendment and any TAC modifications, TAC action, and comments received on the TAC action. The second and third binders contained the eight technical code areas and provided the proposed amendment with fiscal impact analysis and TAC amendments to the proposed amendment, and all comments received on the TAC action.

### **Consent Agenda Overview**

- ❖ Modifications that received a 75% approval by TAC will be on a consent agenda.
- ❖ Commission will solicit public comment on consent agenda modifications.
- ❖ Any Commission member may pull off any modification for consideration on the discussion agenda.
- ❖ Commission will move to approve the consent agenda following opportunity for Commissioner's to remove specific modifications for individual consideration.
- ❖ The standing motion to approve will be used to approve the consent agenda package, a second will be required in order to vote for the amendment.

### **Discussion Agenda**

- ❖ All proposed modifications submitted for review that are not part of the consent agenda will be on the discussion agenda.
- ❖ Each proposed modification will be considered individually.
- ❖ Public comment will be solicited.

- ❖ Following public comment, the Commission will consider motions to approve and will require a 75% favorable vote for approval and modification to the Florida Building Code.
- ❖ Once a motion is made, the floor is closed to public comment except for requests by Commissioners as allowed by the Commission Chair for purposes of clarification.
- ❖ The standing motion to approve will be in effect, a second will be required in order to vote for the amendment.

## Code Amendment Review and Consideration Process Overview

- ❖ Facilitator will serve as moderator.
- ❖ One person speaks at a time.
- ❖ Limit your comment and be concise.
- ❖ Do not read lengthy prepared statements; Summarize and submit complete comment text for the record.
- ❖ Offer new points or state agreement with previous speakers; Please do not repeat what has been stated.
- ❖ The Commission wants to hear all view points, but not repeats of the same views.
- ❖ Facilitator will assist with process guidelines/groundrules.
  
- ❖ Facilitator will introduce amendment.
- ❖ Proponents of proposed amendment will speak first.
- ❖ Opponents of proposed amendment will follow proponents.
- ❖ Each side (proponent/opponent) will be allowed one counterpoint opportunity.
- ❖ Standing motion in effect.
- ❖ Rationale and fiscal impact data reviewed.
- ❖ Clarifying questions by Commission members only.
- ❖ Staff, proponent, or identified commenter will respond to Commission questions.
- ❖ Once a motion is on the floor discussion is limited to Commission members except as allowed by the Chair.
- ❖ Commission amendments to proposed amendments require additional public comment and fiscal impact review.
- ❖ A standing motion to approve will be in effect, a second will be required in order to vote for the amendment.
- ❖ Motions require a 75% favorable vote for approval.

## Standing Motion to Approve

**Motion**— After reviewing the amendment process the Commission voted unanimously, by a vote of 18 - 0 in favor, to adopt the standing motion (found below) to approve TAC recommendations and to keep the motion in effect for the 2002 review of proposed 2003 code amendments.

Move to approve the proposed amendment as presented to The Commission by the proponent of the Technical Advisory Council (TAC) based on the following findings:

- A. The amendment has a reasonable and substantial connection to the health, safety, and welfare of the general public; and,
- B. The amendment does not degrade the effectiveness of the Code and either strengthens or improves the Code or provides for innovation or new technology by allowing equivalent or better products, methods, or systems of construction; and,
- C. The amendment does not discriminate against products, methods, or systems of construction of demonstrated capabilities; and,

- D. The amendment has the following fiscal impact:
1. The fiscal impact of enforcement imposed upon local government is as indicated by staff review.
  2. The fiscal impact of compliance imposed upon property and building owners is as indicated by staff review.
  3. The fiscal impact of compliance imposed upon industry is as indicated by staff review.
- E. The amendment's benefits noted with regard to fiscal impact and efficacy outweigh the costs imposed.

### **Materials Review**

Jeff Blair conducted a detailed review and orientation to the amendment materials by using an example from all 6 tabs of the Structural code. The organization of the materials is as follows: tab 3A approved as submitted, 3B approved as amended, 3C <75% approval but meets the criteria; 3C <75% approval and meets no criteria, 3D withdrawn by proponent, and 3E comments on TAC action.

### **TUESDAY, OCTOBER 29, 2002 AND WEDNESDAY, OCTOBER 30, 2002**

#### **Consideration and Adoption of 2003 Amendments to the Florida Building Code**

The Commission reviewed all amendments submitted for consideration including those that did not receive TAC recommendations or affirmative votes. The Commission considered a consent agenda for each of the 8 technical code areas. The consent items were recommended by the TAC for approval as submitted. The process allowed for the Commission to review the consent agenda, solicit public comment, and provided Commission members an opportunity to place any of the consent amendments on the discussion agenda where it would be considered separately. Following consideration of the consent agenda, the Commission reviewed each amendment submitted for consideration by providing an opportunity for public comment and then discussing the amendment, reviewing fiscal impact data, and then deciding on each of the amendments. This process was followed for each of the 8 technical code areas.

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

**Motion** – The Commission voted unanimously, by a vote of 17 - 0 in favor, to add to Chapter 35 any standards adopted during the code review process (October 29 - 30, 2002) that were not previously recognized by the code and to amend Chapter 35 to identify any updated editions of previously recognized standards adopted during the code adoption process (October 29 - 30, 2002).

**Motion** – Following consideration and decision on all the amendments submitted for consideration, the Commission voted unanimously, by a vote of 18 - 0 in favor, to

approve the entire package of approved amendments and to proceed with the Chapter 120 rule adoption process.  
( A summary of actions on the amendments is included as Attachment 3)

## Public Comment

Chairman Rodriguez invited members of the public to address the Commission. There were no members of the public who wished to address the Commission.

## Commission Member Questions/Comments

- ❖ Commissioner Gonzalez requested that staff research and report back at the December meeting about the possibility of holding a Commission meeting next October or November 2003 in Miami.
- ❖ Commissioner Bassett requested that Commission package cover letters are sent prior to cut-off dated for making hotel reservations and are correct.

## Committee Assignments

- |   |                          |          |
|---|--------------------------|----------|
| ❖ Accessibility Advisory Council and Waiver applications          | ✓                        |          |
| ❖ Accessibility TAC   | ✓                        | 4 Hours  |
| ❖ Code Administration TAC and Rehab subcommittees                 | ✓                        | 4 Hours  |
| ❖ Education   | ✓                        | 2 Hours  |
| ❖ Electrical  | ✓                        | 4 Hours  |
| ❖ Energy  | ✓                        | 4 Hours  |
| ❖ Fire  | <input type="checkbox"/> | If Dec.  |
| ❖ Mechanical  | ✓                        | 2 Hours  |
| ❖ Plumbing TAC  | <input type="checkbox"/> | If Dec.  |
| ❖ Special Occupancy   | ✓                        | Workshop |
| ❖ Structural TAC  | <input type="checkbox"/> | If Dec.  |
| ❖ Education Program Oversight (POC) Committee                     | ✓                        | 2 Hours  |
| ❖ Product Approval/Prototype Buildings/Manufactured Buildings POC | ✓                        | 4 Hours  |

## Additional Meetings/Workshops

- ❖ Product Approval System workshop – November 21, 2002
- ❖ Rule Adoption hearing on 2003 code amendments
- ❖ Rule Adoption hearing on Prototype Buildings – Rule 9B-74
- ❖ Rule Adoption hearing on private inspection forms – Rule 9B-3

## Policy Issues for December 2002 Meeting

- ❖ First update of Florida Building Code policy
- ❖ Recommendations to the Legislature on Rehabilitation Code
- ❖ Consideration of Building Code Training Program transfer to DBPR

## Staff Assignments

- ❖ Provide summary of draft policy for first update of the FBC
- ❖ Report on possibility of holding Commission meeting in Miami in late 2002

# ATTACHMENT 1

## MEETING EVALUATION RESULTS

### HOW WELL DID THE COMMISSION ACHIEVE THE MEETING OBJECTIVES?

*Circle One*

+++ ↔ ---

❖ Chair's Discussion Issues/Recommendations	5 4 3 2 1 <b>14 2 0 0 0=4.88</b>
❖ Consideration of Changes to Rules 9B-74 and 9B-3	5 4 3 2 1 <b>14 3 0 0 0=4.82</b>
❖ Public Comment on Draft Policy for First Update of the FBC	5 4 3 2 1 <b>13 4 0 0 0=4.76</b>
❖ Accessibility Waiver Applications	5 4 3 2 1 <b>12 4 1 0 0=4.64</b>
❖ Requests for Declaratory Statements	5 4 3 2 1 <b>12 4 1 0 0=4.64</b>
❖ TAC Reports and Recommendations	5 4 3 2 1
❖ POC Reports and Recommendations	<b>14 3 0 0 0=4.82</b>
❖ Consideration of 2003 Amendments to the Florida Building Code	5 4 3 2 1 <b>11 4 1 0 1=4.35</b>
❖ Public Comment	5 4 3 2 1 <b>9 5 1 0 0=4.53</b>
❖ Assignments and Issues for Next Meeting	5 4 3 2 1 <b>11 4 1 0 0=4.63</b>

### RATE THE FOLLOWING ASPECTS OF THE MEETING?

+++ ↔ ---

✓ Clarity of the meeting purpose and plan	5 4 3 2 1 <b>13 3 1 0 0=4.71</b>
✓ Background information was helpful	5 4 3 2 1 <b>10 6 0 1 0=4.47</b>
✓ Agenda packet was helpful	5 4 3 2 1 <b>11 5 1 0 0=4.59</b>
✓ Balance of structure and flexibility	5 4 3 2 1 <b>10 6 1 0 0=4.53</b>
✓ Group involvement and productivity	5 4 3 2 1 <b>11 5 1 0 0=4.59</b>
✓ Facilitation	5 4 3 2 1 <b>14 2 1 0 0=4.76</b>

✓ Facility

5 4 3 2 1  
8 5 3 1 0=4.18

#### COMMENTS:

- ✓ Good meeting, many thanks to staff
- ✓ The Dec. statements and tabs were confusing, however, chair provided cross reference as meeting proceeded
- ✓ The facilitator is responsible for leading us (23) efficiently through a very complicated process!
- ✓ Meeting went well considering it was the first code-change hearings
- ✓ Good meeting and a great place
- ✓ Facilitation was outstanding. Jeff was on point, succinct, and kept the meetings on track
- ✓ Good meeting over all

#### WHAT DID YOU LIKE BEST ABOUT THE MEETING?

- ✓ Short lunch-good idea to keep this busy meeting moving.  
Jeff did a very good job keeping the meeting going. Staff had info in good order.
- ✓ The Eden Roc!
- ✓ The Hotel
- ✓ Cooperative atmosphere among us.
- ✓ I appreciated the staff effort in arranging the code mods. and backup data.
- ✓ Facilitation was most helpful in moving the commission through the code amendment process

#### HOW COULD THE MEETING HAVE BEEN IMPROVED?

- ✓ The hotel was not in any condition to host this meeting. Noise during the committee mtgs. as well as a lack of usable restrooms-not good!
- ✓ The sound system made it difficult to understand the speakers. Recommend using microphones with on/off buttons
- ✓ The sound engineering in the room was most inadequate
- ✓ The code change process and guidelines to TAC must be better adhered to or we'll always have chaos!!!

## ATTACHMENT 2

### COMMISSION ADOPTED WORKPLAN

#### WORKPLAN BY TASK

**AA** 2002 Glitch Amendments and Update to New Editions of Model Building Code

**Schedule for 2003 Glitch Amendments:**

Amendment submittal cutoff	6/14/02
Post on website	6/26/02
TAC's consider	8/12/02
Post TAC recommendations on website	8/26/02
Commission considers	10/28/02
Rule hearing	12/10/02
Effective date of amendments	3/10/03

**Schedule for 2004 Base Codes Update:**

Amendment submittal cutoff (independent submittals)	2/28/03
Post on website (independent/base code updates/local amends)	3/21/03
TAC's consider	5/12-14/03
Post TAC recommendations on website	5/23/03
Commission considers	7/14-16/03
Rule hearing	8/25-26/03
Effective date of first update	3/01/04

**BB** Develop Policy for Transition to International Building and Residential Codes and Updating to 2003 IPC, IMC AND IFGC

**Schedule:**

Public workshops	May-Jul 2002
Proposed transition plan completed	Sep 2002
Public hearing on proposed plan	Oct 2002
Final Decision on proposed plan	Dec 2002
Submit changes to 2004 base codes update (see AA)	Feb 2003
Effective date	Mar 2004

**CC** Collaborative Initiatives on Technical Support of the Code

**Initiatives:**

1. Industry outreach via initiatives of industry associations  
Contract with BASF Apr 2002 1<sup>st</sup> contract  
Sep 2002 2<sup>nd</sup> contract
2. Establish informal code interpretation joint venture with BOAF  
*See additional project 4.*
3. Develop forms for use with privatized plans review and inspections  
*See additional project 5.*

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

**DD** Joint Project with SFM to Develop Fire Prevention Code for Historic Buildings

**Schedule:**

Organizational and planning meeting of joint FBC Fire TAC and SFM Fire Code Advisory Council	Mar 2002
Building Code standards complete	Oct 2002
Submitted for 2003 code amendment cycle	Feb 2003
Standards adopted and effective	Mar 2004

**EE** Develop Commentaries for the Code and Each Subcode

**Plan:**

Phase I Investigate and determine formatting

Phase II Develop commentaries

**Schedule:**

Phase I	Aug-Sep 2002
Phase II	
Authorize issuing a RFP	Sep 2002
Select a contractor (defer to DCA)	Oct 2002
Develop draft commentaries	Dec 2002-Apr 2003
TACs Review and refine commentaries	Jun-Jul 2003
Commission approves	Aug 2003

**FF** 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:**

Initiate project at BOAF board meeting	Aug 2002
Select contractor (defer to FBC/BOAF committee and DCA)	Oct 2002
Draft standards for public review completed	Jul 2002
Public comment and finalize draft	Aug-Dec 2003
Standards finalized	Jan 2004

**GG** Deleted 9/02

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

**Schedule:**

Assign to Code Admn TAC for review	Sep 2002
Develop any necessary Code amendments and/or changes to law	Sep-Dec 2002
Submit for 2003 Code amendment cycle	Feb 2003
Effective date	Mar 2004

**II** ISO Ratings Program for Building Departments

**Plan:**

Assist local governments with obtaining best ratings by establishing policies to transition to the International codes as quickly as possible and to keep the base codes updated with few amendments in the minimum time possible.

Note: The ISO Building Code Effectiveness Grading System program (BCEGS) is a private sector grading program used by insurance companies to judge building code effectiveness in communities and establish property insurance rates accordingly. The program is nationwide and staff advise the best approach to assisting Florida communities obtain the best ratings are to update and maintain the FBC in a responsible manner and to pursue efforts to assist building departments improve their physical and personnel resources.

**Additional task #1** Deleted 9/02

**Additional task #2** Revise Building Code Training Program rule for “advanced courses” and course approval criteria.

**Schedule:**

Workshops on draft rule amendment	Jul-Aug 2002
Recommendation to Commission	Aug 2002
Discussions with DBPR on program transfer	Sep-Nov 2002
Finalize recommendations to Legislature	Dec 2002

**Additional task #3** Develop building code provisions to be added to the Florida Building Code to facilitate the rehabilitation and use of existing structures.

**Schedule:**

Residential and Commercial building rehab committees established	Mar 2002
Draft code amendments completed	Oct 2002
Draft revisions to law completed	Oct 2002
Report to the Legislature completed	Dec 2002
Submitted for 2003 code amendment cycle	Feb 2003
Standards adopted and effective	Mar 2004

**Additional task #4** 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	Aug-Sep 2002
Rule development workshop	Dec 2002
Rule hearing	Jan 2003
Rule effective	Feb 2003

**Additional task #5** Develop forms for use with private inspections:

a. Notification of selection of private inspections submitted with permit applications. 553.891(4), F.S.

b. Affidavit to be submitted by private plans reviewer indicating the individual reviewed the plans and the plans comply with the Code s.553.891(5), F.S.

Note: there are two additional forms identified by law which are left to the building official's discretion. It is proposed that BOAF develop models for these forms.

**Schedule:**

Consider partnership with BOAF	Jul 2002
BOAF/Commission Staff develop draft forms	Jul-Aug 2002
Rule development workshop on draft forms	Sep 2002
Rule hearing	Dec 2002
Rule effective	Jan 2003

**Additional task #6** 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:**

Consider timing of study and determine whether to recommend additional time and/or authorize RFP	Sep 2002
Review and approve RFP to hire contractor	Jan 2003
Select contractor and initiate study	Mar 2003
Complete study and begin Commission review	Oct 2003
Complete report to the Legislature	Dec 2003

**Additional task #7** 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	Jan 2003
Submit for 2004 FBC edition amendment	Feb 28, 2003

## ATTACHMENT 3

### SUMMARY OF COMMISSION ACTION ON PROPOSED 2003 AMENDMENTS TO THE FLORIDA BUILDING CODE

<b>Section:</b>	<b>Mod No.</b>	<b>Action</b>	<b>Commission Act</b>
Code Administration	078, 262, 076	Approved as Submitted	Consent, 18-0
Code Administration	2	Approved as Modified	18-0
	250	Approved as Modified	18-0
	248	Approved as Modified	17-1
	77	Approved as Modified	Amended 18-0, approved as amended 18-0
	137	Approved as Modified	18-0
	253	Approved as Modified	18-0
Code Administration	document 3-C	no affirmative recommendation	meet criteria, <75% vote
Code Administration	79	no action to approve	
	243	Approved with comments	19-0
	75	no action to approve	
Electrical	270	Approved as Submitted	18-0
Electrical	86	Approved as Modified	18-0
Electrical	document 3-C	no affirmative recommendation	meet criteria, <75% vote
Electrical	188	no action to approve	
Energy	282, 281, 287, 074	approved as submitted	Consent, 19-0
Energy	32	Approved as Modified	19-0
Energy	206, 107	no action to approve	
Energy	206, 181	no action to approve	
Fire	062, 237, 024, 265,	Approved as Submitted	Consent, 19-0
Fire	238	Approved as Modified	18-0
	254	Amendment 18-0, reconsider 18-0	Approved as amended 18-0
	263	Approved as Modified	19-0
Fire	236	Approved as Modified	18-0
	168	no action to approve	
	239	Amendment 18-0, reconsider 18-0	Approved as amended 17-0
Fire	146		0-17
	159	no action to approve	
Mechanical	255, 277, 257, 280, 085, 247	Approved as Submitted	16-0

Mechanical	87	Amendment 16-0	Approved as amended 17-0
	285	Approved as Modified	17-0
Mechanical	174	Approved as Submitted	16-2
	256	Approved as Submitted	18-0
	286	not approved	02-013
	149	Approve modification as proposed 8-9, reconsider 14-4	Original Amendment 13-5
Mechanical	162	failed 13-5, reconsider 13-4	Approved as amended 15-1
Plumbing	81, 083, 039, 041, 252, 031, 056, 251, 047, 186, 046, 045,	Approved as Submitted	Consent, 18-0
Plumbing	80	Approved as Modified	18-0
	108	Approved as Modified	17-0
	38	Approved as Modified	17-0
	272	Approved as Modified	16-1
	128	Approved as Modified	17-0
Plumbing	141	no action to approve	
	140	no action to approve	
	82	approve with modifications	15-1
	127	no action to approve	
	142	no action to approve	
	138	no action to approve	
	170	withdraw	
Plumbing	document 3-C	no affirmative recommendation	meets no criteria
Special Occupancy	084, 139, 190, 129	Approved as Submitted	Consent 17-0
Special Occupancy	115	Approved as Modified	17-0
	116	Approved as Modified	17-0
	117	Approved as Modified	17-0
	209	Approved as Modified	17-0
	189	Approved as Modified	17-0
Special Occupancy	156	withdraw	
Special Occupancy	134	no action to approve	
Structural	241, 010, 267, 193, 202, 195, 101, 197, 198, 273, 230, 271, 278, 110, 240, 164, 015, 231, 203, 013, 227, 228, 199, 200, 201, 210, 100, 114, 113, 111, 136, 212, 133	Approved as Submitted	Consent, 18-0
	154	Amendment 17-0	Approved as amended 17-0
Structural	96	Approved as Modified	17-0

	14	Approved as Modified	17-0
	57	Approved as Modified	17-0
	242	Approved as Modified	17-0
	284	Approved as Modified	18-0
	268	Approved as Modified	18-0
	166	Amendment 1-18	Approved as amended 19-0
	94	Approved with comments	19-0
	185	Approved 17-0, reconsider 17-0	Approved as amended 17-0
	269	Approved as Modified	16-0
	180	Failed 11-6, Reconsider 18-0	Approved as amended 17-2
	167	Approved as Modified	15-1
	283	failed 11-5, reconsider 17-0	Approved as amended 19-0
	233	Approved as Modified	17-0
	175	Amendment 18-1	Approved as amended 19-0
	275	Approved with comments	19-0
Structural	211	Approved with comments	17-0
	204	Approved as Modified	18-0
	232	no action to approve	
	176	no action to approve	
	177	no action to approve	
	207	no action to approve	
	11	no action to approve	
	191	no action to approve	
	214	no action to approve	
	215	no action to approve	
	220	no action to approve	
	12	no action to approve	
	264	no action to approve	
	266	Approved as amended 18-0	
	55	no action to approve	
	225	no action to approve	
Structural	194	no action to approve	
	235	Approved with comments	18-0
	178	no action to approve	
	17	no action to approve	
	58	Approved by FBC	17-1
	21	no action to approve	
	22	no action to approve	
	258	no action to approve	
	234	Amendment 18-0	Approved as amended 16-2
	126	no action to approve	
	97	Approved as Submitted	19-0
	29	no action to approve	
	131	no action to approve	

223	no action to approve
216	no action to approve
217	no action to approve
218	no action to approve
219	no action to approve
221	no action to approve
222	no action to approve