



STATE OF FLORIDA  
**DEPARTMENT OF COMMUNITY AFFAIRS**

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**JEB BUSH**  
Governor

**THADDEUS D. COHEN**  
Secretary

**BOARD MEETING  
OF THE  
FLORIDA BUILDING COMMISSION**

**PLENARY SESSION MINUTES  
May 10 & 11, 2005**

**PENDING APPROVAL**

The meeting of the Florida Building Commission was called to order by Chairman Raul Rodriguez at 3:30 p.m., on Tuesday, May 10, 2005, at the Rosen Centre Hotel, Orlando, Florida.

**COMMISSIONERS PRESENT:**

Raul Rodriguez, Chairman  
Christopher P. Schulte  
Randall J. Vann  
Michael C. McCombs  
Hamid J. Bahadori  
George J. Wiggins  
Herminio Gonzalez  
John Calpini  
Christ T. Sanidas  
Peter Tagliarini  
Nicholas "Nick" D'Andrea  
Richard Browdy  
Stephen Corn  
Dale Greiner  
Jeffrey Gross  
Paul D. Kidwell  
Do Y. Kim

Joseph "Ed" Carson  
Jon Hamrick  
Steven C. Bassett  
Diana B. Richardson  
Craig Parrino, Adjunct Member

**COMMISSIONERS ABSENT:**

Doug Murdock, Adjunct Member

**OTHERS PRESENT:**

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

**TUESDAY, MAY 10, 2005**

**WELCOME**

Chairman Rodriguez welcomed the Commissioners and gallery to the May plenary session of the Florida Building Commission. He briefly reviewed the meeting agenda noting the Product Approval Work Group had completed their package of consensus recommendations for enhancements to the product approval system, which they adopted unanimously. Chairman Rodriguez extended appreciation to the work group members, DCA staff, and the public for their collaborative efforts to build consensus on the product approval issue. He then directed the Commission to Mr. Blair for a formal review of the meeting agenda.

**REVIEW AND APPROVE AGENDA**

Mr. Blair directed the Commission members to their laptop files, explaining the procedures to reach the linked agenda. He then conducted a review of the meeting agenda.

Commissioner Greiner moved approval of the meeting agenda. Commissioner Corn seconded the motion. Vote to approve the motion was unanimous. Motion carried.

**REVIEW AND APPROVAL OF MARCH 15 & 16, 2005 MEETING MINUTES**

Chairman Rodriguez called for corrections or additions to the minutes of the March meeting minutes.

Commissioner D'Andrea moved approval of the March meeting minutes. Commissioner McCombs seconded the motion. Vote to approve the motion was unanimous. Motion carried.

**CHAIR'S DISCUSSION ISSUES AND RECOMMENDATIONS**

Chairman Rodriguez regrettably announced to the Commission the passing of Al Bragg, who served as legal advisor to the Commission. He then read a letter he had prepared and mailed to Mr. Bragg's mother on behalf of the Commission. The letter read as follows:

*The Florida Building Commission wishes to express its most sincere condolences on the passing of a true public servant, your son, Al. Al started with the Department of Community Affairs as counsel to the Florida Board of Building Codes and Standards, a predecessor group to the Florida Building Commission. Al was a formidable champion to Floridians with disabilities during the implementation of the ADA Accessibility Code. During the last six years, it has been my privilege, as Chairman, to know Al, and to have benefited from his advice and counsel. Each and every one of my fellow Commissioners joins me in a prayer of gratitude for Al, a formidable attorney and an admirable individual. Sincerely, Chairman Raul Rodriguez.*

Chairman Rodriguez then informed the Commission that Commissioner Parrino's term was allowed to expire. He stated Commissioner Parrino had been dedicated to and had served on the Commission for over six years and would have preferred to continue to serve on the Commission. Chairman Rodriguez continued stating Commissioner Parrino had been appointed as an Adjunct Member of the Florida Building Commission in recognition of his important contributions to the development of the Florida Building Code particularly the product approval system.

Commissioner Carson concurred with Chairman Rodriguez then expressed appreciation for Adjunct Commissioner Parrino's continued participation on the Product Approval POC. He stated Commissioner Parrino brings to the POC great experience and knowledge.

Chairman Rodriguez addressed the issue of ICC participation stating during the March Commission meeting the Commission had voted in support of the concept, which was reflected in the work group report. He stated the concept involves the Commission providing a coordinating forum at which existing Florida ICC members, i.e., members of BOAF, South Florida, etc., will propose Code changes based on their monitoring and participation in the ICC Code development process. Chairman Rodriguez stated BOAF would serve as the primary coordinating body to implement the concept and will communicate to the TACs through BOAF's Code Development Committee regarding Code changes. He then announced the appointment of Commissioner Do Kim to serve as Chair of the Structural TAC.

Commissioner Browdy the members of the Miniature Golf Design Charrette were present and explained for the gallery that a charette is an architectural effort to create a solution to a design problem. He stated the effort is used often in the accessibility community to illustrate solutions are achievable when qualified design professionals

gather for the purpose of resolving the issues encountered. He then introduced the design professionals who participated in the Miniature Golf Design Charrette as follows: Carol Lopez, National Architectural Director, Paralyzed Veterans of America; Diana Ebarra, President and General Manager, Ebarra Collaborative International, Orlando design firm; Commissioner Jeffrey Gross, Chairman, Founder and President, Jeffrey Gross Associates; Chris Wolfe, Design Manager, Cost of Wisconsin, recreation design firm. Commissioner Browdy extended much appreciation to the participants applauding their designs for accessible miniature golf courses.

Chairman Rodriguez added the original charrette was a cart by which the architects traveled to the presentation of architectural effort.

Commissioner Richardson expressed appreciation to Commissioner Browdy for moderating the charrette and extended gratitude to the design professionals who participated in the charrette. She then offered thanks to Bruce Ketchum and other DCA staff members for bringing the meeting together.

### **CONSIDER ACCESSIBILITY WAIVER APPLICATIONS**

Mr. Mellick presented the applications in the order the items appeared on the Accessibility Advisory Council meeting agenda, which was included in each Commissioner's laptop files:

#### **Consent Agenda Applications Recommended for Approval**

- #4 Sarasota Film Society**
- #5 Coral Springs Auto**
- #7 New Yoga Studio**

Commissioner Richardson moved approval of the Council's recommendations for the consent agenda applications. Commissioner Gross seconded the motion. Vote to approve the motion was unanimous. Motion carried.

#### **Recommended for Approval with Conditions**

- #2 Selby Group Office Building**

Mr. Mellick explained the applicant requests waiver from providing vertical accessibility to the second floor of a building undergoing conversion from residential use to office use. He stated the Council recommended approval with the condition one of the lower office spaces is converted to a conference room and the plans are submitted

to DCA staff for confirmation of compliance.

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

#3 WinterPort LLC

Mr. Mellick stated the applicant requested waiver from providing vertical accessibility to all levels of a multiple building Bed and Breakfast establishment. He explained the Council recommended approval of the waiver for the two existing structures undergoing alteration; and approval of the waiver from vertical accessibility to the second floor of cabana #2 of the two new construction cabanas, with the condition the first floor is fully accessible as well as providing vertical accessibility to at least one unit on the second floor of cabana #1.

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

#6 Reid and Associates

Mr. Mellick explained the applicant is requesting waiver from providing vertical accessibility to the second floor of an existing veterinarian's office. He stated the Council recommended approval with the condition plans are submitted to DCA staff verifying compliance of the new second floor accessible restroom.

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

#8 Jeannette E. Williams and Susan Everhard

Mr. Mellick explained the applicant is requesting waiver from providing vertical accessibility to the second floor of a townhouse undergoing alterations for conversion from residential to commercial use. He stated the Council recommended approval with the condition plans be submitted to DCA staff verifying compliance of the new second floor accessible restroom.

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

#10 S.S. Sasquatch LLC

Mr. Mellick stated the applicant requests waiver from providing vertical accessibility to the entrance of an existing warehouse. He stated the Council recommended approval of the waiver for a two-year period at which time an accessible ramp be provided or the original structure demolished.

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

#11 Sea World Aviculture Barn

Mr. Mellick explained the applicant was requesting waiver from providing vertical accessibility to the second floor of an existing storage area. He stated the Council recommended the Commission issue an order finding the second floor falls under the provisions of Section 553.509(2), which would not require the waiver.

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

#9 Paris Theater

No Commission action required.

#1 Greystone Hotel

No Commission action required.

**CONSIDER PETITIONS FOR DECLARATORY STATEMENT:**

Chairman Rodriguez directed the Commission to Mr. Shine for consideration of petitions for declaratory statements.

Mr. Shine presented the declaratory statement petitions as they appeared in each Commissioner's files.

## **Second Hearings-**

### DCA05-DEC-031 by John I. Johnson, AIA, of Gresham, Smith and Partners

Mr. Shine explained the petitioner inquired whether the Florida Building Code requires sprinklers for the six-story parking garage because it includes two enclosed elevator lobbies to be used by those parking in the garage. He stated the POC finding interpreted "stand-alone parking garage" to include that as described in the petition, which would be an exemption from the sprinkler requirement as found in Section 903.8.1, Florida Building Code. (See *State of Florida Building Commission Case #: DCA05-DEC-031*.)

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

### DCA05-DEC-032 by James P. Stephan of Stephan Manufacturing

Mr. Shine stated the petitioner asked whether the Florida Building Code allows the use of a return air grille made of wood. He explained the POC made two recommendations as described in the Declaratory Statement. (See *State of Florida Building Commission Case #: DCA05-DEC-032*.)

Commissioner Bassett offered clarification stating the reason for first recommendation was made by the POC was due to a misunderstanding of terminology in the new code effective in July. He explained following the POC meeting the proposal for the new Code was reviewed and it was discovered the language had not changed from the current code.

Commissioner Bassett moved approval of the POC recommendation #2. Commissioner D'Andrea seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Commissioner Greiner offered a friendly amendment in the form of alternate language in the declaratory statement. He referenced Page 2 of 4, Option 2, Alternative, TAC recommendation based on mistaken information, Paragraph 4 suggesting the first sentence be deleted and the second sentence state: *Therefore, demonstration to the authority having jurisdiction that the use of the product complies with the requirements of Section 103.7, Florida Building Code, Building Volume (2001 as amended 06/03)*.

Commissioner Bassett accepted the friendly amendment.

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

DCA05-DEC-034 by G. David Rogers of Florida Propane Gas Association

Mr. Shine stated the petitioner inquired under which compliance package as defined in Section 13 – 612.1(b), Florida Building Code, may gas-fired tankless water heaters be installed and by which means is the water heater's energy factor utilized in the application of the hot water multiplier. He stated there was a two part recommendation as described in the Declaratory Statement. (See *State of Florida Building Commission Case #: DCA05-DEC-034.*)

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

**First Hearings-**

DCA05-DEC-038 by A. Mark Scala, PE, Broward County Board of Rules & Appeals

Mr. Shine explained the petitioner asked if the single wall separating townhome units in Section 704.2 would be designated as an exterior wall subject to wind and water intrusion. He stated the POC recommended it is not the intent of Section 704.4.2 that an interior fire wall be designed for wind and water intrusion as an exterior wall would.

Mark Scala, PE

Mr. Scala stated townhouses are different. He stated each unit has an owner and, unlike a condominium association or an apartment building, if a unit is destroyed, the owner may not have the ability to make re-construct quickly, leaving the interior unit exposed for a length of time.

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

DCA04-DEC-042 by John Alford, PE, TLC

Withdrawn. No Commission action required.



DCA05-DEC-047 by William C. Hill, Fortifiber Building Systems Group

Mr. Shine stated the petitioner seeks a declaratory statement concerning whether moisture control products would be covered under the scope of Product Approval Rule 9B-72. He continued stating the POC recommendation was no, the language of Rule 9B-72, Product Approval, would not cover the products as described.

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

DCA05-DEC-053 by Thomas Rodgers, Arrowhead Point Property Corp.

Withdrawn.

DCA05-DEC-054 by Warren W. Schaefer, PE, W.W. Schaefer Engineering & Consulting PA

Mr. Shine explained the petitioner requested clarification regarding the use of the wind duration increase when completing structural analysis on windows and independent clipping mullions as referenced in the Florida Building Code, Section 1609.4. He stated the POC recommendation for the first question was based on the answer to DCA02-DEC-115, which was yes. Mr. Shine continued stating the POC recommendation to the second question was yes. He addressed the third question stating the POC recommendation was yes.

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

DCA05-DEC-066 by Warren W. Schaefer, PE, W.W. Schaefer Engineering & Consulting PA

Mr. Shine stated the petitioner requested clarification concerning anchoring state approved impact and non-impact windows in accordance with the test reports or manufacturer's installation instructions. He stated the POC recommendation cited Section 1707.4.2.1, Florida Building Code, which requires windows to be tested to AAMA 101/IS, which then references ASTM E 330 as the standard for testing structural performance of exterior windows. Mr. Shine continued stating the POC recommended anchoring of windows must be in accordance with both subsections 1707.4.4.1 and 1707.4.2.2, Florida Building Code, ensuring anchors must be designed in accordance with the applicable code sections stated herein and the applicable materials standards

of the Code.

Commissioner Kim moved approval of the POC recommendation. Commissioner Gross seconded the motion. Vote to approve the motion was unanimous. Motion carried.

DCA05-DEC-068 by Warren W. Schaefer, PE, W.W. Schaefer Engineering & Consulting PA

Mr. Shine stated the petitioner includes five questions for clarification. He explained the POC recommendation for the first question was in the high velocity hurricane zone, in accordance with Section 1626.1, Florida Building Code, the mullions in question must be impact resistant, however, for the non-HVHZ areas, and in accordance with 1707.4.5, Florida Building Code, the mullions in question must be lab tested or designed in accordance with accepted engineering practices. Mr. Shine addressed the second question stating the POC recommended for the HVHZ areas, and in accordance with Section 1626, Florida Building Code, the mullions in question are required to be tested in accordance with TAS 201, 202, and 203. He continued stating for non-HVHZ areas, according to Section 1606.1.4, Florida Building Code, the mullions in question may be tested to either SSTD 12, ASTM E 1886 and 1996, or TAS 201, 202, and 203. Mr. Shine stated the third question asked for clarification of responsibility for test parameters and explained the POC decided no answer was necessary. He then addressed the fourth question stating the POC recommended the HVHZ mullion members would be required to be tested and rational analysis would not be allowed, however, additional connections would be allowed using rational analysis. Mr. Shine then addressed the fifth question stating the POC recommended the answer for the first question would apply.

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

DCA05-DEC-072 by Bemie Eustace, Interplan LLC

Mr. Shine explained the petition for declaratory statement had been recommended for deferral.

Commissioner Bassett moved approval for deferring DCA05-DEC-072. Commissioner Gross seconded the motion. Vote to approve the motion was unanimous. Motion carried.

DCA04-DEC-073 by Warren W. Schaefer, PE, W.W. Schaefer Engineering & Consulting PA

Mr. Shine stated the petitioner requested clarification regarding the use of two million testing and test reports for more than one client or manufacturer requesting the same two million evaluations for their own state approval. He explained the POC recommended the answer would be yes.

Commissioner Carson moved approval of the POC recommendation. Commissioner D'Andrea seconded the motion.

Commissioner Kim requested clarification concerning a Miami-Dade official requesting a comment that the recommendation be expanded.

Jaime Gascon, Miami-Dade County Office of Building Code Compliance

Mr. Gascon stated the issue was clarified during the POC meeting. He stated it was inherently understood that a product approval is only issued to the manufacturer leaving the POC recommendation being acceptable.

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

DCA04-DEC-074 by Alan Bookspan, Allied Building Products

Mr. Shine stated the petitioner asked if a particular building product falls under Product Approval Rule 9B-72. He continued stating the POC recommended no, Rule 9B-72 does not cover flooring.

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

DCA04-DEC-075 by Robert Amoruso, PE, Florida Extruders International Inc.

Mr. Shine stated the petitioner included three questions for clarification. He addressed the first question stating the POC recommended the discrepancy between the references in Chapter 35, Florida Building Code, and Chapter 43, Florida Building Code, Residential, with regard to ASTM E 1300 is editorial in nature and is consistent

with the Building Volume. Mr. Shine addressed the second question stating the POC recommended for HVHZ areas, both ASTM E 1300-98 and ASTM E 1300-02 would be applicable, however, for non-HVHZ areas, only ASTM E 1300-02 would be applicable. Mr. Shine then addressed the third question was based on the response to question two and included three parts. He stated the POC recommended the answers as follows: a) non-HVHZ areas only ASTM E 1300-02 is required, however, in the HVHZ areas, the Code allows both ASTM E 1300-02 and ASTM E 1300-98 to be used to ensure flexibility for manufacturers producing products for the HVHZ; b) see answer to a; and c) the answer is outside the scope of the declaratory statement, thus limiting ASTM E 1300-02 statewide would require a Code change.

Commissioner Kidwell moved approval of the POC recommendations. Commissioner Greiner seconded the motion. Vote to approve the motion was unanimous. Motion carried.

DCA04-DEC-076 by Robert Amoruso, PE, Florida Extruders International Inc.

Withdrawn by petitioner.

DCA04-DEC-077 by John I. Johnson, AIA, Gresham Smith & Partners

Withdrawn. No Commission action required.

Commissioner Bassett requested additional review for declaratory statement DCA04-DEC-074 stating the issue concerns a portable classroom set on concrete block with an exposed sub-floor. He asked if the sub-floor would be part of the structural envelope of the classroom and if so, if the list of items covers everything that would be part of that structural envelope of the building.

Mr. Madani responded stating the specific issue adheres strictly to product approval and the category of the product as described in the petition for declaratory statement.

Adjunct Commissioner Parrino expressed similar concerns as Commissioner Bassett stating the project may be using a floor system that could be used as a diaphragm.

Chairman Rodriguez offered comment stating the issue in the specific statement concerns the product, VIROC, which was certified by H.W.C. Engineering as a third party inspector.

Commissioner Corn recommended keeping focus on just the situation described in the petition for declaratory statement and not trying to consider all the other variables that would be possible.

Chairman Rodriguez read the description in the declaratory statement specific to the product in question and specific to the use for that product. He stated the language allows for a third party inspector to make a determination on the appropriateness of the use for the product.

Commissioner Bassett stated he would have no objection to approving the product under the product approval system. He expressed concern, however, regarding the potential for the product to be substituted with particle board.

Mr. Madani explained the POC recommendation concerning the declaratory statement deemed the issue to be outside the scope and suggested the recommendation be left as stated.

Open discussion ensued and it was determined the issue had been answered in accordance with the presentation of the questions asked and the POC recommendation remained as described.

### **CONSIDER APPLICATIONS FOR PRODUCT AND ENTITY APPROVAL**

Chairman Rodriguez directed the Commission to Mr. Blair and Commissioner Carson.

Mr. Blair presented the products and the POC recommendations in accordance with their consent agenda as they appeared in the Commissioner's files:

#### **Certification Method**

##### Recommended for Approval

Product #'s: 214R1; 242R1; 243R1; 239R1; 245R1; 251R1; 253R1; 261R1; 324R1; 329R1; 330R1; 492R1; 1435R1; 1444R1; 1448R1; 1810R2; 2116R1; 2326R1; 2329R1; 2764R1; 2766R1; 2769R1; 3748R1; 3749R1; 3826; 3974R1; 4022; 4037; 4038; 4061; 4136; 4182; 4183; 4184; 4189; 4192; 4194; 4195; 4196; 4197; 4198; 4200; 4202; 4205; 4208; 4231; 4250; 4269; 4273; 4274; 4277; 4278; 4282; 4283; 4290; 4292; 4297; 4298; 4301; 4302; 4328; 4330; 4333; 4335; 4336; 4340; 4351; 4352; 4353; 4370; 4375; 4376; 4377; 4390; 4396; 4410; 4412; 4424; 4431; 4435; 4437; 4438; 4439

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

Recommended for Conditional Approval

Product #'s: 325R1; 328R1

Commissioner D'Andrea moved conditional approval of the three consent agenda product applications. Commissioner Kidwell seconded the motion. Vote to approve the motion was unanimous. Motion carried.

3515R1

Mr. Blair stated the product application was conditionally approved with the condition AAMA certification be provided.

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

2038

Mr. Blair stated the application was conditionally approved under the condition unlisted model numbers be removed from the application.

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

2922

Mr. Blair stated the POC recommended conditional approval provided the applicant demonstrates compliance with appropriate standards or list limitations of use.

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

3873

Mr. Blair stated the POC recommended conditional approval with the condition the applicant demonstrate compliance with TAS 202 or provide limitations of use.

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

4004, 4005, 4006

Mr. Blair stated the POC recommended conditional approval for the three product applications which was based on the same condition; that the models not listed be removed from the application.

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

4242

Mr. Blair stated the POC recommended conditional approval with the condition the applicant provide the appropriate products are provided on the website.

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

4263; 4279

Mr. Blair stated the POC recommended conditional approval for the two product applications based on the same condition; that the applicant removed models not listed on the application.

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

4299

Mr. Blair stated the POC recommended conditional approval provided the models

not listed be removed.

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

4310

Mr. Blair stated the POC recommended conditional approval with the condition the applicant list limitations of use for single doors only.

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

4315, 4316, 4317

Mr. Blair stated the POC recommended conditional approval for the three product applications based on the same condition; that the models not listed be removed.

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

4334

Mr. Blair stated the POC recommended conditional approval with the condition the anchor calculations be specified in terms of sealant for impact resistance and confirm the interior or exterior lamination qualifies.

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

4356, 4357, 4358, 4360, 4361, 4362, 4364, 4369

Mr. Blair stated the POC recommended conditional approval for all eight product applications based on the same condition; that the applicant remove the models not listed.

Commissioner D'Andrea moved approval of the POC recommendation.



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

4295

Mr. Blair stated the POC recommended conditional approval with the condition the anchor style be revised.

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

4400

Mr. Blair stated the POC recommended conditional approval with the condition the applicant provide impact certification or be approved for non-impact only.

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

4294

Mr. Blair stated the POC recommended conditional approval with the condition the applicant provide correct NOA.

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

4304

Mr. Blair stated the POC recommended conditional approval with the condition the applicant correct or demonstrate equivalency of impact standards and remove the high velocity hurricane zone description.

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

4397

Mr. Blair stated the POC recommended conditional approval with the condition the applicant correct the standards of reference.

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

3352

Mr. Blair stated the POC recommended conditional approval with the condition the applicant correct limitations of use.

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

4367

Mr. Blair stated the POC recommended conditional approval with the condition the applicant remove the NOPA and provide NOA.

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

4363

Mr. Blair stated the POC recommended conditional approval with the condition the applicant verify compliance to ASTM E 1300.

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

4246

Mr. Blair stated the POC recommended conditional approval with the condition the applicant verify and correct standards of reference and limitations of use.

Commissioner D'Andrea moved approval of the POC recommendation. Commissioner Carson seconded the motion. Vote to approve the motion was

unanimous. Motion carried.

Recommended for Deferral

4387

Mr. Blair stated the POC recommended deferral for confirmation whether the product falls under the scope of Rule 9B-72.

Commissioner Schulte stated when the product was initially presented it was recommended for approval, however, was then pulled with a request for more information. He stated staff has since provided further information and moved approval for the product as initially recommended. Commissioner Greiner seconded the motion. Vote to approve the motion was unanimous. Motion carried.

4408

Mr. Blair stated the POC recommended deferral based on the listing being verified.

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

Recommended for Denial

4382

Mr. Blair explained the POC recommended denial based on the product not being listed.

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

4383

Mr. Blair stated the POC recommended denial based on the product not being listed.

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

4384

Mr. Blair stated the POC recommended denial based on the product not being listed.

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

4167

Mr. Blair explained the POC recommended denial based on incorrect certification and validation.

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

### **Evaluation by Engineer or Architect**

#### Recommended for Approval

Product #'s: 2334R1; 3615R1; 3662; 3940R1; 4086; 4100; 4102; 4122; 4181; 4216; 4258; 4264; 4271; 4272; 4275; 4281; 4284; 4285; 4286; 4293; 4331; 4341; 4346; 4366; 4372; 4373; 4389; 4393; 4394; 4401; 4406; 4411; 4414; 4415

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

#### Recommended for Conditional Approval

478R1

Mr. Blair stated the POC recommended conditional approval with the condition the limitations of use state the product is not recommended for use in the HVHZ, loads and sizes be included; and the hard copy of the evaluation report be provided.

Commissioner D'Andrea moved approval of the POC recommendation.

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

1490

Mr. Blair explained the POC recommended conditional approval with the condition the missing hard copy of the evaluation report be provided.

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

3507R1

Mr. Blair stated the POC recommended conditional approval under the condition the evaluator satisfy questions which were previously presented.

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

3896

Mr. Blair stated the POC recommended conditional approval with the condition compliance with required testing be verified and the missing hard copy of the evaluation report be provided.

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

4097, 4229, 4230

Mr. Blair explained the POC recommended conditional approval for the three products under the condition that the applicant agrees to revise calculations as well as correct the limitations of use.

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

4243

Mr. Blair stated the POC recommended conditional approval with the condition the certificate of independence be verified.

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

4270

Mr. Blair explained the POC recommended conditional approval under the condition the certificate of independence be verified.

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

4347

Mr. Blair stated the POC recommended conditional approval with the condition the evaluation files be verified.

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

4350, 4381, 4386

Mr. Blair explained the POC recommended conditional approval for the three products based on the same condition; the limitations of use state the product is not for use in the HVHZ, and both referenced and testing standards be corrected.

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

4371

Mr. Blair stated the POC recommended conditional approval under the condition

the subcategory be corrected.

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

4413

Mr. Blair stated the POC recommended conditional approval based on the condition the testing standards be corrected and limitations of use state the product is not for use in the HVHZ.

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

4416, 4421, 4427, 4433

Mr. Blair stated the POC recommended conditional approval for the four products based on the same condition; the missing hard copy of the evaluation report be provided.

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

Recommended for Deferral

4191

Mr. Blair explained the POC recommended deferral based on panels analysis be signed and sealed by a rational analysis engineer, and validation be provided by a licensed P.E.

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

4224

Mr. Blair stated the POC recommended deferral based on panels analysis be

signed and sealed by a rational analysis engineer and validation be provided by a licensed P.E.

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

4227

Mr. Blair stated the POC recommended deferral based on panels analysis be signed and sealed by a rational analysis engineer and the validation be provided by a licensed P.E.

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

4099

Mr. Blair explained the POC recommended deferral based on testing standards and rational analysis on anchors be identified, details for the aluminum numbers be provided, and the mullion be listed on a separate application.

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

4185

Mr. Blair stated the POC recommended deferral based on certificate of independence be provided, testing standards be identified, and limitations of use indicate the product is not for use in the HVHZ.

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

4300

Mr. Blair stated the POC recommended deferral based on testing standards be



corrected, limitations of use indicate the product is not for use in the HVHZ, and the missing hard copy of the evaluation report be provided.

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

4327

Mr. Blair stated the POC recommended deferral based on evaluation of testing being identified and limitations of use indicate the product is for use in conditions of wind greater than 130 mph.

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

4409

Mr. Blair stated the POC recommended deferral based on testing verification.

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

Recommended for Denial

2511R1

Mr. Blair stated the POC recommended denial based on the application revision representing a change in performance, which would not qualify as a revision.

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

2517R1

Mr. Blair stated the POC recommended denial based on the application revision representing a change in performance, which does not qualify as a revision.

Commissioner Browdy moved approval of the POC recommendation.

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

2540R1

Mr. Blair stated the POC recommended denial based on the application revision representing a change in performance, which does not qualify as a revision.

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

2545R1

Mr. Blair stated the POC recommended denial based on the application revision representing a change in performance, which does not qualify as a revision.

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

2551R1

Mr. Blair stated the POC recommended denial based on the application revision representing a change in performance, which does not qualify as a revision.

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

3048R1

Mr. Blair stated the POC recommended denial based on the application revision representing a change in performance, which does not qualify as a revision.

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

4112

Mr. Blair stated the POC recommended denial based on category and test loads and spans not being identified, limitations of use not being provided, and the evaluator evaluating their own work.

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

### **Evaluation by Test Report**

#### Recommended for Approval

Product #'s: 2569R1; 3998; 4066; 4067; 4126; 4193; 4262; 4319; 4342; 4345; 4349; 4365; 4379; 4385; 4398; 4440; 4441; 4459

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

#### Recommended for Conditional Approval

4318

Mr. Blair stated the POC recommended conditional approval with the following conditions: 4318.1 is denied based on no provision of certificate of independence; 4318.2 provide limitations of use indicating the product is not for use in the high velocity hurricane zone.

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

4395, 4405

Mr. Blair stated the POC recommended conditional approval for the two products based on the same condition; limitations of use indicated the product is not for use in the HVHZ.

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

Recommended for Denial

3098

Mr. Blair stated the POC recommended denial based on application not being revised as required.

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

4071

Mr. Blair stated the POC recommended denial based on application revisions not being provided as directed from March 2005 deferral.

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

4072

Mr. Blair stated the POC recommended denial based on application corrections and limitations of use not provided.

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

4391

Mr. Blair stated the POC recommended denial based on the product falling outside the scope of Rule 9B-72, Product Approval.

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

4388

Mr. Blair stated the POC recommended denial based on the product falling

outside the scope of Rule 9B-72, Product Approval.

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

*Jaime Gascon, Miami-Dade County Office of Code Compliance*

Mr. Gascon noted Product # 4405 and Product # 4395 were considered together but have different conditions recommended.

Commissioner Browdy moved to reconsider Product # 4395. Commissioner Carson seconded the motion. Vote to approve the motion was unanimous. Motion carried.

4395

Mr. Blair stated the POC recommended conditional approval with the condition the limitations of use indicate the product is not for use in the HVHZ.

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

4405

Mr. Blair explained the POC recommended conditional approval with the condition the limitations of use indicate the product is not for use in the HVHZ.

**Evaluation by Evaluation Entity**

Recommended for Approval

Product #'s: 3643; 3904; 4002; 4117; 4232; 4233; 4234; 4309

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

Recommended for Conditional Approval

3350

Mr. Blair stated the POC recommended conditional approval with the condition an evaluation report be provided as well as limitations of use indicating the product is not for use in the HVHZ.

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

3832

Mr. Blair stated the POC recommended conditional approval with the condition TAS 110 compliance is provided or limitations of use indicate the product is not for use in the HVHZ.

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

3835, 3839

Mr. Blair explained the POC recommended conditional approval for the two products with the same condition; proof of compliance to the HVHZ be provided or limitations of use indicate the products are not for use in the HVHZ.

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

#### Recommended for Deferral

3124R1

Mr. Blair stated the POC recommended deferral to allow changes for the method of evaluation.

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

4253

Mr. Blair stated the POC recommended deferral based on no evaluation report or product evaluation entity and no proof of testing for HVHZ requirements.

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

Recommended for Denial

2443

Mr. Blair stated the POC recommended denial based on the product being outside of the scope of Rule 9B-72, Product Approval.

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

Commission Browdy moved to reconsider 3350. Commissioner Carson seconded the motion. Vote to approve the motion was unanimous. Motion carried.

3350

Mr. Blair stated the POC recommended conditional approval with the condition an evaluation report be provided and either demonstrate compliance with the appropriate HVHZ standards or indicate in the limitations of use the product is not for use in the HVHZ.

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

Commissioner Carson then presented the entities recommended for approval by the POC:

Architectural Testing Inc – Washington as a Product Testing Laboratory

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

Architectural Testing Inc – Florida as a Product Testing Laboratory

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

Construction Research Laboratory as a Product Testing Laboratory

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

Testing Evaluation Laboratories Inc as a Product Testing Laboratory

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

Testing Evaluation Laboratories Inc as a Product Validation Entity

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

**CONSIDER COMMITTEE REPORTS AND RECOMMENDATIONS**

**Education TAC**

Commissioner Browdy presented the report from the Education TAC meeting. (See *Education TAC Minutes May 9, 2005*.) He requested Commission action concerning TAC approved Florida Construction Lien Laws for Consumer Information and Florida Construction Lien Laws for Industry Information brochures.

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

Commissioner Browdy requested Commission action regarding educational services purveyor, Red Vector's, Indoor Environmental Quality Overview Online Course, which was submitted to the licensing boards in an instructor-led format. He stated the TAC had approved the change in format from an instructor-led course to an online



course.

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

Commissioner Browdy then requested Commission action to approve two accreditor applications:

Medard Kopchinsky

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

Sharon Mignardi

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

Commissioner D'Andrea moved approval of the TAC report and recommendations. Commissioner McCombs seconded the motion. Vote to approve the motion was unanimous. Motion carried.

**Special Occupancy TAC**

Commissioner Hamrick presented the report and recommendations from the Special Occupancy TAC. (See *Minutes of Special Occupancy TAC Meeting May 9, 2005.*)

Commissioner McCombs moved approval of the TAC recommendation to approve the brochures. Commissioner D'Andrea seconded the motion. Vote to approve the motion was unanimous. Motion carried.

**Structural TAC**

Commissioner Kim presented the report from the Structural TAC meeting. (See *Minutes of Structural TAC Meeting May 9, 2005.*)

Commissioner Browdy moved approval of the TAC report and recommendations. Commissioner D'Andrea 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 PAPBMB POC meeting. (See *PAPBMB POC Minutes March 15, 2005*). He stated there were five recommendations requiring Commission action:

#### Applied Research Associates awarded contract to serve as Prototype Buildings Program Administrator

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

#### Language added to 9B-72

*"Manufacturers using the certification method must attach to his/her application a valid Notice of Certification for their specific product from an approved certification agency."*

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

#### Staff conduct feasibility study for adding a "withdrawn" field to BCIS

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

Commissioner Browdy asked when the "withdrawn" category would be necessary for the product approval rule.

Commissioner Carson responded stating there had been a recent product approval brought under investigation and the applicant withdrew the application prior to the conclusion of the investigation.

Commissioner Browdy offered clarification stating his question concerned whether or not the "withdrawn" category provides the applicant an opportunity to avoid a denial by enabling them to withdraw the application.

Commissioner Carson replied the specific product being investigated had already been approved, not waiting for approval.

Commissioner Greiner offered clarification stating the discussion was not concerning whether there would be a choice for the use of the "withdrawn" category, rather there would be an explanation for all item numbers being considered.

Commissioner Kim stated he had suggested the additional category based on a need for documentation for products that would have been revoked. He continued stating the category provides an option for staff, not for the applicant.

Mr. Dixon added staff has always advised the approval of a product is the equivalent in the eyes of the law of the license that has been issued in accordance to Chapter 120, F.S. He stated as an example, that applicants for licensing as engineers or contractors withdraw their application during the process with no prejudice.

Mr. Blair stated the POC recommendation is for staff to research the feasibility of the additional category with further discussion prior to implementation.

Structural TAC to review Code requirements reference standards AHMA 1402-86 and ASCE 7-98 for soffit testing

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

Chairman Rodriguez stated there was a need to re-address two Accessibility Waiver Applications:

Mr. Shine explained there were two waivers that had been withdrawn by the applicants based on requests for deferral from the applicant's legal counsel.

#1 Greystone Hotel

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

#9 Paris Theatre

Commissioner Richardson moved approval to defer the application.

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

### **GENERAL PUBLIC COMMENT**

#### *Jaime Gascon, Miami-Dade County Office of Code Compliance*

Mr. Gascon addressed the procedure in place for product approval, specifically the move to the 2004 Florida Building Code and compliance therewith.

Mr. Blair interjected the issue will be brought before the Commission during the 10:30 a.m. agenda section and may be discussed at that time.

#### *Nelson Krashle*

Mr. Krashle addressed the issue of installation documents then recommended the Commission establish in the rule specific items needed for inclusion in the installation documents for clarity in terms of product categories.

Mr. Blair recommended the issue be re-entered for discussion during the product approval agenda section of the second part of the meeting.

#### *Robert Lutz, Representing United Steel Products Company*

Mr. Lutz addressed the ICC changeover eliminating the partially enclosed "loophole" in the design. He stated he had been an advocate of the partially enclosed requirement based on the impossibility to achieve 100% compliance in buildings ensuring every door and every window would never be breached. He then recommended the Commission retain the partially enclosed requirement as a design alternative in Florida.

### **COMMISSION MEMBER COMMENTS AND ISSUES**

Commissioner Greiner expressed concern regarding the accessibility waivers. He stated he was aware that DCA had requested email addresses from building officials to keep them informed. Commissioner Greiner recommended there be an email effort made to get the building officials more involved in the accessibility waiver issues.

Commissioner Gonzalez expressed concern regarding the declaratory statement process and the opportunity for the petitioner to withdraw the petition prior to the final order. He asked if it would be possible to ask why they would be withdrawing their

petition.

Mr. Shine responded stating he spoke with Mr. Richmond concerning the issue and while there is no problem with asking an applicant why they are withdrawing their petition, procedural due process provides the petitioner the right to withdraw their petition prior to a final vote.

Commissioner Gonzalez further stated there should be verification of identification of the person who is withdrawing the petition.

Chairman Rodriguez stated the issue would be referred to Mr. Richmond for further recommendation.

Commissioner Browdy added a withdrawn petition is not expunged from public record.

### **RECESS**

Chairman Rodriguez called a recess at 5:50 p.m. until May 11, 2005, at 8:30 a.m.

**WEDNESDAY, MAY 11, 2005**

**RECONVENE AND WELCOME**

Chairman Rodriguez called the meeting to order at 8:33 a.m. He directed the Commission to Mr. Blair for the review and approval of the meeting agenda.

**REVIEW AND APPROVAL OF AGENDA**

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

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

**REVIEW AND UPDATE OF COMMISSION WORKPLAN**

Mr. Dixon conducted a brief overview of the updated workplan as it was presented in each Commissioner's files.

Commissioner Wiggins moved conditional approval of the deadline submittal date for 2004 FBC Glitch Amendments to December 1, 2005, based on S.B. 442 becoming law, delaying implementation of the Code until October 1, 2006. Commissioner D'Andrea seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Mr. Dixon continued the workplan review.

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

**BUILDING CODE/FIRE CODE DUPLICATE PROVISIONS AND OVERLAPPING RESPONSIBILITIES ASSESSMENT REPORT**

Mr. Blair conducted a review of the Building Code/Fire Code Duplicate Provisions Assessment Report, which was distributed to each Commissioner. (See *Florida Building Commission Florida Building Code and Florida Fire Prevention Code Duplicate Provisions and Overlapping Responsibilities Assessment Report Attachment*.)

Jack Glenn, Florida Home Builders Association

Mr. Glenn asked for clarification concerning the time frame in which the interviews were conducted.

Mr. Blair replied he had conducted interviews over several months beginning February 10, 2005, until recently.

Mr. Glenn then stated he is receiving four to five telephone calls per week concerning the tremendous number of conflicts between the current Florida Building Code and the new Fire Prevention Code, which was implemented in January 2005. He continued stating it appears many of the conflicts will carry forward with the new Florida Building Code then suggested the sooner comparative analysis could be performed the more beneficial for all concerned parties.

Chairman Rodriguez asked what means of communication to the public would be available if the Joint Building/Fire TAC convened and began comparative analysis immediately.

Mr. Glenn responded stating there is an issue concerning dwelling unit stair design that significantly changed in the new fire code. He continued stating the state fire marshal deferred the issues to the Florida Building Code for resolution. Mr. Glenn explained the fire marshal's office sent a letter out to all fire officials with those instructions and as well, will enter into rule making to make a change in their rule to remedy the conflict. He then stated the Florida Building Commission does not have a quick remedy available to make changes that may resolve conflicts but the fire marshal's office deferring is a start in the overall process.

Commissioner Bassett stated conflicts between the two codes should defer to the Fire Code with the joint committee petitioning for a declaratory statement indicating the fire code would prevail.

Mr. Dixon interjected part of the charge for the Joint Building/Fire TAC was to consider and evaluate overlaps and conflicts between the two codes. He stated the TAC has met once and has dealt with the dwelling unit stair design issue in the most expedient manner available. Mr. Dixon offered clarification regarding using declaratory statements to resolve conflicts stating declaratory statements request clarification concerning vague language in the requirements of the Code. He added if there are conflicts between the two codes, it would not be considered vague. Mr. Dixon further stated the Commission has no expedited means of changing the Code outside of Emergency Rule Authority, which requires the threat of life safety to be considered.

Commissioner Wiggins asked if it would be possible to issue a brief listing of the applications of the Florida Fire Prevention Code and the Florida Building Code as an educational tool for the public and for designers.

Chairman Rodriguez replied the issues being discussed and all avenues to resolve conflicts between the two codes could be discussed when the TAC convenes. He added publishing the conflicts through an educational process would be very helpful and has been included in the recommendations resulting from the survey.

Commissioner Greiner moved approval of the Assessment Report recommendation to convene the Joint Building/Fire TAC to work with stakeholders within a facilitator consensus building process to identify the issues, evaluate alternatives, and develop recommendations for 1) resolving existing conflicts between the Florida Building Code and the Florida Fire Prevention Code; 2) review and decide whether additional partitioning of the codes is warranted; 3) review and decide whether further lines of demarcation for the authority and duties of the building and fire officials regarding fire prevention and life safety enforcement in addition to any other recommendations found within the report. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous. Motion carried.

### **REPORT ON THE MINIATURE GOLF DESIGN CHARRETTE**

Chairman Rodriguez directed the Commission to Commissioners Browdy, Richardson, and Gross for a review and report of the results of the charrette.

Commissioner Browdy presented the report from the Miniature Golf Design Charrette. (See *Miniature Golf Design Charrette May 10, 2005 Minutes* .) He then requested the Chairman write a letter of gratitude to the participants on behalf of the Commission.

Commissioner Gross offered comment stating the design charrette was great fun. He stated the reason for the charrette was due to changes in the industry in miniature golf. Commissioner Gross continued stating the participants visited a miniature golf course on International Drive for an exercise in the experience of miniature golf. He stated the miniature golf courses have changed over the years in the area of design with "theme" adventures; i.e., volcanoes, Hawaiian villages, pirates, etc., thus leading to problems with accessibility issues when the levels and heights of the courses change. Commissioner Gross continued stating the two design solutions presented include one with a completely accessible 18-hole course and the other with 50% of the holes accessible which would be played twice with a different experience



through each session.

Commissioner Richardson added the TAC is scheduled to discuss the designs and ideas reached during the charrette and create ways to get the ideas and challenges out to designers and design students. She stated she continues to see improvements in designs and in accessible options in a variety of areas.

### **LEGISLATIVE ISSUES REPORT**

Mr. Richmond provided an update on current Legislative issues. He stated H.B. 442 was one of the final legislative actions passed in the House on Friday, May 6, 2005 at 11:50 p.m. prior to the close of the 2005 Legislative Session. He continued stating the Commission would obtain the authority through the bill to update ASCE 7 standard with the authority being tied to the adoption of the updated ASCE 7 standards by the International Code Council, as well as the tri-annual update. Mr. Richmond further stated the binding interpretation language was successful in passing through legislation. He concluded by stating he had emailed a second version of the bill and opened for questions or discussion.

Commissioner Wiggins referenced page 82 of the bill, Section 46, then asked to what does the direction to the Commission to change the Code with regard to Table 1014 and exiting requirements pertain.

Mr. Richmond responded stating the section refers to the condo issue Commissioner Gross had referenced previously. He explained the Code would require two separate doorways out of high rise condos exceeding 2,000 square feet. Mr. Richmond stated the requirement was a provision in the International Building Code and had not been addressed by the Commission in the past. He further described two potential problems if the requirement is implemented stating the tables may or may not be identified accurately, which could be verified, and there is no time frame provided for the implementation of the requirement, which by law requires initiating rule making within 90 days of the bill becoming law.

Mr. Madani stated the language in the section is what is written in the new Code and Table 1014.1 has been revised to require two exits for certain occupancy based on the occupant load.

Commissioner McCombs referenced page 15 and asked if Mr. Richmond if he had reviewed the language previously mentioned in terms of how it relates to the National Electrical Code.

Mr. Richmond replied an agreement had been reached to change the language

to specifically identify the International Electrical Code as adopted by the International Code Council. He continued stating the language now requires adoption of the National Electrical Code as adopted by NFPA with additional language requiring subsequent adoption of the National Electrical Code by the International Code Council.

Commissioner Wiggins asked what the provision was concerning the appeal for the interpretation of building official's decision by a local appeals board.

Mr. Richmond responded stating it was the provision that creates Chapter 553.775 then referenced page 26, lines 7 through 12, of the bill stating the provision was integrated into the language allowing 25 business days.

Chairman Rodriguez opened for additional clarifying questions from the Commission or public comment.

Mr. Richmond requested Commission authority to identify concerns contained in the language of the bill to the governor for his review as well as identifying the positive aspects of the bill.

Commissioner Tagliarini moved approval for legal to draft a letter to the governor identifying the positive aspects of the bill as well as expressing the Commission's opposition to having specific Code provisions in law and recommend that the Legislature refer such issues to the Commission for development within the Commission's consensus building process. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Mr. Richmond then stated two additional bills were also passed through the legislature; i.e., a bill segregating provisions in H.B. 442 relating to the system of private providers of building code inspection services; as well as a different version of provisions relating to the adoption of updated versions of ASCE.

### **RECOMMENDATIONS OF THE HURRICANE RESEARCH ADVISORY COMMITTEE**

Chairman Rodriguez stated the Hurricane Research Advisory Committee met May 10, 2005, and have developed preliminary recommendations. He continued stating the committee had accomplished some specific tasks, 1) reviewed the recommendations heard during the April meeting; i.e., water intrusion, building code performance assessment project, Florida Roofing and Sheet Metal Association's Roof Tile Committee, and updates to improve the designs of aluminum structure, and 2) heard additional reports to determine any actions the Commission should take with

regard to hurricane related code amendments, 3) voted in support of or against the specific recommendations, and 4) were asked to vote on whether there should be an expedited rule adoption or whether the recommendations required further evaluation through the Commission's normal code adoption process. Chairman Rodriguez further stated staff would distribute a copy of the report and the committee would meet again in June to further develop a package of recommendations for Commission consideration.

### **ATTIC VENTILATION WORKSHOP REPORT**

Commissioner D'Andrea presented an overview of the Attic Ventilation Workshop Report as it appeared in each Commissioner's files.

Commissioner Corn moved approval of the Attic Ventilation Workshop Report and recommendations. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous. Motion carried.

### **PRODUCT APPROVAL WORK GROUP REPORT AND RECOMMENDATIONS AND SUPPLEMENTARY RULE HEARING ON RULE 9B-72, PRODUCT APPROVAL**

Chairman Rodriguez stated the purpose of the supplemental rule hearing was to keep the rule open while providing time for the Product Approval Work Group to complete their final package of recommendations for refinements to the rule. He continued stating the work group met on April 20, 2005 and unanimously agreed on a package of recommendations as well as language for a draft rule. He then directed the Commission to Mr. Richmond to call the hearing to order.

Mr. Richmond opened Supplemental Rule Adoption Hearing pertaining to Rule 9B-72, Florida Administrative Code, relating to Product Approval, as noticed in the *Florida Administrative Weekly*.

Mr. Blair presented the report of the recommendations from the Product Approval Work Group, which was provided to each Commissioner. (See *Product Approval Work Group Report to the Florida Building Commission Package of Recommendations for Revisions to the Product Approval System, The Full Text of the Proposed Rule Is.*; and *Comparison of Rule 9B-72 with Proposed Rule Changes Attachments*.)

Chairman Rodriguez called for public comment.

#### **Bruce Campbell, Representing Florida Board of Professional Engineers**

Mr. Campbell stated Henn Rebane, board member, and Paul Martin, Executive Director, attended previous hearings for the adoption of the initial rule. He explained he

was making comment on their behalf. Mr. Campbell stated following a review of the proposed changes to the rule, the Board of Professional Engineers offers support for the changes, specifically to clarify that rational analysis may not be used in lieu of standardized tests required by the Code for approval of products within the standard. He continued stating in conjunction with the initial adoption of Rule 9B-72, the Board of Professional Engineers adopted its own rules for product approval. Mr. Campbell explained the board's rules require more documentation than does the existing rule of the Commission. He further stated the board supports the required filing of substantiating data including test reports and calculations. Mr. Campbell addressed the issue of validators stating the board's position is if rational analysis performed by a professional engineer, the validator must be a professional engineer.

*Roland Temple, Velux America*

Mr. Temple stated he reviewed the proposed changes and requested clarification regarding installation instructions asking if the manufacturer's installation instructions would be added to the website with manufacturer approval. He additionally asked if a skylight product is approved with tempered over tempered glass, if it would be listed as a limitation of use indicating not for use in windborne debris regions.

Mr. Dixon responded stating the issue is complicated and vague due to general language. He recommended the issue be further clarified specific to technologies through public comment.

Mr. Madani replied to Mr. Temple's skylight question stating there are four preferences concerning limitations of use; i.e., whether it is applicable to the HVHZ, the design pressure, windspeed, impact or non-impact products.

Mr. Blair interjected the limitations of use would need to indicate whether the product is for use in the HVHZ, and whether the product is impact or non-impact.

Mr. Temple then addressed the issue of equivalent standards stating the new industry documents have all the standards rolled into one document that has been accepted by the industry. He asked what would be the procedure for incorporating the document into the next version of the Florida Building Code as an equivalent standard.

Mr. Dixon replied two different rule-making procedures should be pursued. He stated a Code amendment should be proposed to recognize the document directly within the Code; and a recommendation may be made during the June Florida Building Commission's public hearing on Rule 9B-72, that the new standard be recognized as an equivalent standard.

Jaime Gascon, Miami-Dade County Office of Building Code Compliance

Mr. Gascon referenced page 10, Section 8, of the package of recommendations and stated information on the website concerning the proposed revisions which are required for the change to the 2004 Florida Building Code may be misleading for manufacturers. He stated manufacturers may be led to believe they may self-certify compliance to the new Code. Mr. Gascon applauded the efforts to relieve the manufacturers of additional costs for compliance with the new Code, however, he recommended a procedure more in line with the approval process in order to verify compliance, as required by statute.

Robert Lutz, United Steel Products

Mr. Lutz stated his company manufactures structural connectors and has appeared before the Commission numerous times. He addressed the issue of evidence submitted by the hurricane research committees concerning failures of products during the 2004 storms and how it affects the industry. Mr. Lutz reminded the Commission that two companies comprise approximately one-third of the approved products on the product approval system. He expressed particular concern with Mr. Gurley's presentation where houses damaged from 1992 to 2004 were documented. He stated the houses were investigated for damage and reflected no structural failures during a major storm event. Mr. Lutz further stated the product approval system was not in place until October 2003. He then stated he questions the rationale for including structural connectors in the product approval system when there have been no evidence of structural failures. Mr. Lutz explained his company has an additional 2,000 products that are not included in the product approval system and recommended the Commission reconsider structural connectors as a necessary component of the product approval system and focus on the building envelope products, which have demonstrated failures.

Dave Olmstead,

Mr. Olmstead extended gratitude to Mr. Blair for his great efforts in the consensus building process.

Nelson Kraschel, Product Engineer, Curries

Mr. Kraschel concurred with Mr. Campbell's comments concerning testing and documentation submittal for all methods except for method 1A. He stated there must be assurance the certification entities are in compliance. He continued stating requiring additional documentation would be a burden for the companies involved in the process. Mr. Kraschel offered support for Mr. Gascon's comments. He addressed the issue of product approval applications stating for all methods, minimum specifications or

application information requirements be developed for consistency and to simplify the process for all concerned. Mr. Kraschel recommended S-change as well as additional sub-categories to assist in delivering needed information to architects, contractors, engineers, building officials, and other end users. He further stated with regard to installation instructions, minimum document requirements be implemented to assist in the review process and provide consistency. He explained installation instructions should be allowed to be developed by the manufacturer, particularly if Method 1A is being used. Mr. Kraschel advocated the use of industry standards for applicable documents such as ANSI STI A 250.11, a standardized installation document used by the hollow metal industry, as well as others which may be required for use to comply with industry standards. He then encouraged the Commission to keep the certification entities informed concerning installation instructions for incorporation into the listings obtained by manufacturers. Mr. Kraschel addressed the issue of labels recommending any label requirements be reviewed with the certification entities for recommendations. He expressed support for the manufacturer being allowed to withdraw an approved product under a set of circumstances to include: the product is no longer manufactured; design changes made to the product which would adversely affect the performance; if there is ownership change in the company.

Commissioner Kim referenced page 11 and requested clarification concerning limitations of use as it relates to windspeed.

Mr. Madani responded stating the idea is to establish four limitations of use, all of which may not be applicable for each product. He continued stating if windspeed is not applicable to a certain product the application would indicate "not applicable."

Commissioner Carson expressed appreciation to Mr. Blair and to DCA staff for their great efforts in preparation for and during the work group meeting.

Commissioner Browdy moved approval to proceed with rule adoption for Rule 9B-72, Product Approval, by conducting a rule adoption hearing during the June 29, 2005, Florida Building Commission meeting, with the intention of adopting proposed changes to the rule. Commissioner D'Andrea seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Mr. Richmond added no action had been taken relating to the change in the fees. He stated the Commission had previously moved to proceed with accepting revisions in advance of the completion of rule making. Mr. Richmond continued stating during the May Commission meeting the Commission had approved increasing the fee for revisions to \$300, however, no time frame for the increase was established or whether the increase would be in advance of rule making as well. Mr. Richmond then called for a motion to designate a specific date for the fee increase if the Commission wishes the

increase to take effect prior to rule making.

Commissioner Carson moved approval to increase the revision fees for product approval to \$300 21 days from May 11, 2005. Commissioner D'Andrea seconded the motion. Vote to approve the motion was unanimous. Motion carried.

### **PUBLIC COMMENT ON QUALITY OF CONSTRUCTION**

Chairman Rodriguez stated during the January 26, 2005, Florida Building Commission meeting, the Commission unanimously adopted the primary recommendation outline in the Construction Practices/Quality Assessment Report regarding convening a stakeholder work group process similar to the product approval and private provider work groups. He continued stating the work group would work with stakeholders to identify the issues, evaluate alternatives, and develop recommendations for enhancing coordination between the various entities charged with the education, licensing, enforcement, and codes and standards development functions related to the construction and inspection of residential homes. Chairman Rodriguez further stated public comment had been heard at the January and March Commission meetings relating to construction quality and opened for additional public comment. He announced there would be additional public comment heard during the June 2005 meeting to allow public input from several regions in the state prior to convening the workshop.

#### **Jaime Gascon, Miami-Dade County Office of Building Code Compliance**

Mr. Gascon offered comment stating many discussions that have already occurred as well as proposals that have been made are addressed in the high velocity hurricane zone areas of the Code, specifically relating to water intrusion. He recommended the Commission consider those high velocity hurricane zone areas of the Code that address the issues of concern while deliberating changes to the non-high velocity sections.

### **COMMISSION MEMBER COMMENTS AND ISSUES**

Commissioner Browdy commended Bruce Ketchum for his extraordinary effort in organizing the design charrette, which ultimately illustrated that Code compliance is achievable when owners and design professionals make a concerted effort to produce a compliant product. He then extended appreciation to Chairman Rodriguez for appointing Mr. Parrino as an adjunct member of the Commission.

Commissioner Parrino thanked Chairman Rodriguez for providing to him the opportunity to continue working with the Commission to achieve the Commission's

tasks.

Chairman Rodriguez extended much appreciation to Mr. Parrino for his willingness to continue to participate in the Commission's work efforts.

**REVIEW COMMITTEE ASSIGNMENTS AND ISSUES FOR THE  
COMMISSION'S JUNE 26-28, 2005 MEETING**

Mr. Blair conducted a review of the committee assignments and issues for the June 26-28, 2005, Commission meeting to be held in St. Petersburg.

**ADJOURN**

No further business was discussed. Chairman Rodriguez adjourned the Florida Building Commission Plenary Session at 11:27 a.m.