



STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

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JEB BUSH

THADDEUS D. COHEN
Secretary

**BOARD MEETING
OF THE
FLORIDA BUILDING COMMISSION**

**PLENARY SESSION MINUTES
June 28 & 29, 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, June 28, 2005, at the Hilton Hotel, St. Petersburg, Florida.

COMMISSIONERS PRESENT:

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

Joseph "Ed" Carson
Jon Hamrick
Steven C. Bassett
Doug Murdock, Adjunct Member
Craig Parrino, Adjunct Member

COMMISSIONERS ABSENT:

Richard Browdy

OTHERS PRESENT:

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

TUESDAY, JUNE 28, 2005

WELCOME

Chairman Rodriguez welcomed the Commissioners and gallery to the June 2005 plenary session of the Florida Building Commission. He announced the had signed SB 442 and legislative assignments resulting from the bill have been integrated into the Commission's workplan, which would be discussed during the June 29 segment of the plenary session. He then directed the Commission to Mr. Blair for a formal review of the meeting agenda.

REVIEW AND APPROVE AGENDA

Mr. Blair conducted a review of the meeting agenda.

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

REVIEW AND APPROVAL OF MAY 10 & 11, 2005 MEETING MINUTES

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

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

CHAIR'S DISCUSSION ISSUES AND RECOMMENDATIONS

Chairman Rodriguez addressed the issue of the signing SB 442 extending appreciation to the for his support of the Commission's process and for his role in Code development. He offered a chronology of events since the May 2005 plenary session. Chairman Rodriguez stated during the May 10 & 11, 2005 Commission meeting the Commission requested a letter to the be drafted (See *Agenda Packet, Pages 16 & 17*) expressing the Commission's position concerning the inclusion in the law of specific Building Code and product approval provisions not recommended by the Commission and not assigned to the Commission for consideration in a consensus and full stakeholder representative process. He continued stating the letter expressed the Commission's concern regarding certain provisions, as well as the Commission's

support for many other provisions within the bill. Chairman Rodriguez further stated the emphasis of the communication was not for or against specific Code provisions that were not developed by the Commission, rather on the fact that the Commission is directed by Chapter 553, Florida Statutes, to adopt and maintain the Florida Building Code. He then stated the Commission is committed to a deliberative process that provides extensive opportunity for participation by impacted parties and the full consideration of the technical merits of proposed Code changes. Chairman Rodriguez stated the Commission additionally sent a letter to Secretary Cohen, Department of Community Affairs (See *Agenda Packet, Page 18*), thanking him for the excellent legislative support the department provided the Commission on behalf of enhancing the Commission's recommendations regarding legislative initiatives related to the Building Code system.

Chairman Rodriguez expressed appreciation to Bush for his June 8, 2005, letter to Secretary of State, Glenda Hood, discussing signing Senate Bill 442 into law. (See *Agenda Packet, Pages 19 – 21.*) Chairman Rodriguez additionally extended thanks to Senate President, Tom Lee, for insisting that certain provisions be directed to the Florida Building Commission for study, rather than becoming a specific requirement mandated by law. Chairman Rodriguez then expressed great appreciation to Senator Lee Constantine for his continued and tireless support for the Florida Building Commission.

Chairman Rodriguez announced the had made following re-appointments to the Florida Building Commission: the re-appointment of Hamid Bahadori, representing Fire Protection Technologists; the re-appointment of Ed Carson, representing the Manufactured Buildings profession; the re-appointment of Steve Corn, representing General Contractors; re-appointment of Herminio Gonzalez, representing Code Officials; re-appointment of Dale Greiner, representing Code Officials; re-appointment of Paul Kidwell, representing Structural Engineers. Chairman Rodriguez extended a warm welcome to the Commissioners and appreciation for their past and continued service to the Commission.

Chairman Rodriguez then announced the had appointed three new Commissioners: Jim Goodloe, representing State Insurance, replacing former Commissioner John Calpini, who had served the Commission since August 1997; Gary Griffin, representing Mechanical Contractors, replacing the late Commissioner Leonard Lipka, in whose honor the Commission's work for 2005 has been dedicated; Bill Norkunas, representing Persons with Disabilities, replacing former Commissioner Dr. Diana Richardson, who had served since August 1997. Chairman Rodriguez welcomed the new Commissioners stating the former Commissioners would be recognized during the August meeting in Miami Lakes.

Chairman Rodriguez announced the following TAC appointments in lieu of the appointment of new Commission members: Jeff Gross, Chair of the Accessibility TAC; Bill Norkunas, Accessibility TAC; Jim Goodloe, Fire TAC; Pete Schwab, Fire TAC; Gary Griffin, Mechanical TAC. Chairman Rodriguez then stated the Legislature has created a Building Code Education and Outreach Council, whose function is to coordinate, develop, and maintain education and outreach ensuring administration and enforcement of the Florida Building Code, which was formerly the purpose of the Commission's Education TAC. Chairman Rodriguez continued stating the Education TAC would no longer be necessary and extended appreciation to the members of the TAC for their service. He further stated education must remain a cornerstone of the Building Code system and the Commission had created an Education POC, which will consist of the following Commission members: Richard Browdy, Chairman; John Hamrick; Pete Tagliarini; Stephen Bassett; Herminio Gonzalez; Steven Corn.

Chairman Rodriguez addressed the Product Approval Validation Work Group issue stating the Legislature had assigned him to appoint a work group whose function will be to review the issue of third party validation and report back to the Commission. He stated a single facilitated meeting was anticipated and announced Jeff Blair had been assigned to work with staff to conduct a meeting. Chairman Rodriguez then announced the following appointments to participate in the work group: Larry Schneider, representing Architects; Bill Dunbaugh and Herminio Gonzalez, representing Building Officials; John Hill and Sig Valentine, representing Evaluators; Jimmy Buckner, representing Engineers; Tim Collum and Craig Parrino, representing Product Manufacturers; Ed Carson, representing Contractors.

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. He first presented the consent agenda items:

Consent Agenda Applications Recommended for Approval

- #1 Paris Theatre**
- #3 AMC Sarasota Theatre**
- #4 Windemere Union Church PreSchool**
- #6 Homestead Miami Speedway**
- #8 Empire Plaza, LLC**
- #9 Tutor South Beach Resort, and**
- #10 The Palmer, which was recommended deferral per applicant request**

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

Recommended for Deferral

#2 Greystone Hotel

Mr. Mellick stated the application was deferred from the previous meeting to provide the applicant time to provide additional information. He continued stating the Council again recommended deferral for the applicant to provide additional specific information.

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

#7 Meizner Marine Corporation

Mr. Shine stated the applicant was not present for the presentation of the application. He further stated the application was incomplete and lacked adequate information for the Council to recommend approval. He stated the Council unanimously recommended deferral and made request that the applicant make an appearance for the presentation of the application at the next meeting.

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

#5 Angler's Boutique Resort

Mr. Shine stated the applicant was requesting waiver from providing vertical accessibility to all levels of a resort hotel containing two historic structures and two new buildings. He continued stating the applicant presented the case as a single complex proposing there is no need to provide vertical accessibility to all levels of the new buildings if they at least meet the two required accessible rooms. Mr. Shine further stated no accessible rooms were shown on the plans presented and that the applicant had proposed the following: existing historic north building, four rooms, construction budget of \$550,000, no accessible rooms nor route to two of the four rooms, no accessible restroom; existing historic center building, no waiver request for the building, no construction or alteration cost demonstrated, no accessible restrooms indicated on the plans except common hallway restrooms. Mr. Shine explained the applicant

proposed both accessible rooms to be located in the existing hotel, but did not identify those rooms on the plans. Mr. Shine then explained the Council recommended the following based on the plans presented and proposed: existing historic north building, approval based on historic provisions and technical infeasibility; existing historic center building, no waiver requested; the new south five-story tower building, the applicant proposed to provide vertical accessibility to all floors contingent on all waivers approved, with the required accessible rooms either both in the tower building or one in the tower and one in another building. Mr. Shine added new buildings are treated differently from alterations according to the Americans with Disability Act.

Robert Fine, Representing Angler's Resort, LLC

Mr. Fine stated the applicant was seeking waiver from vertical accessibility based on unnecessary hardship. He explained the project provides accessibility as required and complies with ADA. He stated the areas for which the waiver is requested are limited with significant hardships presented. Mr. Fine continued stating the project consists of four buildings on the site, two existing structures and two new structures. He stated the existing structures are qualified historic buildings with the property being located in the South Miami Beach Historic Art Deco District. He further stated one of the historic buildings is a three-story building which will be fully accessible with elevator access. He explained the other historic building was a much smaller two-story building. Mr. Fine stated the plans did not show accessible rooms, however, during the presentation it was conveyed the accessible rooms would be provided and the location of the rooms was also conveyed. He continued stating there was no intention to present the project without accessible rooms. Mr. Fine explained the project was located in a jurisdiction with a competent accessibility department and the project would not be constructed without all the required components.

Commissioner Greiner asked if there was a recommendation from the local building department.

Mr. Fine responded there was not a recommendation from the local building department explaining there had been a change in administration that may have created a delay in the progress on the project. He then conducted a review of the drawings presented and explained the extent of their request for waiver in conjunction with the new buildings.

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

Open discussion ensued concerning the project and the waiver request.

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

#11 Related Survura Realty Services

Mr. Shine explained the applicant was requesting waiver from providing vertical accessibility to the second floor and roof terrace of a portion of an existing building undergoing a \$26,000 alteration. He stated the Council unanimously recommended granting the waiver based on technical infeasibility.

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

#12 Surfside Retail Store

Mr. Shine directed the Commission to Mr. Richmond for a review of the waiver application.

Mr. Richmond stated the request had not been considered by the Accessibility Council because of its past consideration by both the Council and the Commission. Mr. Richmond explained since it is a waiver request it is appropriate to consider the request during the Commission's plenary session. He continued to explain the project concerned a mezzanine area in a retail store. He further stated the applicant had appeared before the Council and had agreed to specific conditions, the waiver request was brought before the Commission and was approved with the conditions specified. Mr. Richmond then directed the Commission to Robert Fine to present further details concerning the waiver request.

Robert Fine, Representing M.E.D. Properties

Mr. Fine stated the project had been brought before the Commission in January and the waiver was granted with the condition that the applicant provide accessibility to the mezzanine within one year. He explained the applicant's understanding was the accessibility could be provided by means of a wheelchair lift. Mr. Fine explained further that the applicant proceeded to make preparations for the lift and have since been told by the city building officials that a lift would not be in compliance because the mezzanine is slightly over 14 feet. Mr. Fine then stated the Elevator Code and the Accessibility Code conflict on the issue and explained when the new ADAAG has been adopted in Florida the issue will be resolved. He then advised the Commission it is within their authority to reconsider the request when "new evidence is presented which warrants a change." Mr. Fine requested the Commission reconsider

the previous action concerning the request and take the necessary procedural action to do so.

Mr. Richmond interjected a "Motion to Amend Action Previously Taken" would be an appropriate means of procedure for the Commission to reconsider the previous ruling. He then offered another approach stating the Commission could enter a motion to amend action previously taken then immediately table the motion until the next Commission meeting then refer the matter to the Accessibility Advisory Council for consideration and recommendation to the Commission. Mr. Richmond then cautioned the Commission the motion to amend previous action could potentially be a dangerous precedent.

Chairman Rodriguez asked Mr. Richmond, as Commission Counsel, what he would recommend as a course of action for the Commission.

Mr. Richmond responded he would recommend making the motion then referring the issue back to the Council in order that a decision may be made with all the facts presented.

Commissioner Greiner entered a motion to amend action previously taken concerning the waiver for Surfside Retail Store. The motion was seconded.

Commissioner Gonzalez motioned to table the motion to amend action previously taken until the August Commission meeting with the condition the issue be referred back to the Accessibility Advisory Council for recommendation. Commissioner Wiggins seconded the motion. Vote to approve the motion resulted in 15 support; 4 opposed. Motion carried.

Commissioner Norkunas expressed concern stating the accessibility issues need to be dealt with on a regular and consistent basis without tabling the issues to send them back for further review. He stated the projects concern accessible issues and if Mr. Fine brings requests back before the Commission for action, the action should be taken at that time. Commissioner Norkunas continued stating by delaying action concerning accessibility issues the persons with disabilities continue to suffer or are not treated equally.

Chairman Rodriguez responded stating the reason for tabling the motion and referring the issue back to the Accessibility Advisory Council is because the Council never heard the request.

Mr. Richmond interjected the Council has a mandatory advisory role to the

Commission concerning waivers.

Chairman Rodriguez explained the importance of the Commission acting upon a recommendation from the Accessibility Advisory Council concerning issues related to accessibility.

Mr. Fine added the reason the motion was tabled concerned legal issues as well and fairness to all parties was of utmost concern.

CONSIDER PETITIONS FOR DECLARATORY STATEMENT:

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

Mr. Richmond first addressed two items recommended for dismissal:

DCA05-BC-092 by Citrus County Builder's Association
DCA05-BC-114 by Paul Davis Restoration, Tampa East

No Commission action required on the declaratory statements.

Mr. Richmond then introduced Jill Cabai, extern from Florida State University, College of Law, who drafted the orders for the second hearing declaratory statements.

Commissioner Bassett requested clarification concerning the Citrus County Builder's Association issue asking if any jurisdiction could issue requirements not in the Building Code format, but that affects the building code, without the Commission having input regarding the issue.

Mr. Richmond responded the Commission only has authority on items included in the Florida Building Code or locally adopted amendments to the Florida Building Code. He did add that items improperly adopted by local governments into alternative forms may be challenged through the Petition for Writ xxxx and entered into the local circuit court by anyone wishing to challenge it.

Ms. Cabai then presented the declaratory statement petitions as they appeared in each Commissioner's files.

Second Hearings-

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

Ms. Cabai explained the petitioner inquired whether the townhouse separation wall must be designed as an exterior wall subject to wind and water intrusion. She stated the TAC recommended the wall separating the townhouses does not have to be designed as an exterior wall subject to wind and water intrusion.

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

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

Ms. Cabai stated the petitioner inquired whether moisture control products are covered under the scope of Rule 9B-72 of the Florida Administrative Code. She continued stating the TAC recommended that moisture control products are not covered under the scope of Rule 9B-72 of the Florida Administrative Code.

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

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

Ms. Cabai explained the petitioner raised multiple issues relating to how the Code addresses windows, mullions, and their connections. She stated the Commission's ultimate findings were as follows: a) load combinations contained in the Code apply to window and/or analysis, b) load combinations contained in Section 1609.4.1 are identical to those of Section 2.4 of ASCE 7-9A, c) the Code implies that regardless whether or not the 0.75 load reduction is used the duration of load increase cannot be used with materials other than wood and masonry when completing analysis on windows, doors, or independent clip mullions. Ms. Cabai stated there were two options: 1) yes, 2) staff recommendation, no, according to Section 1609.4.3, simultaneous use of both 1/3 increase and allowable stress, and the 25% reduction in combined loads is not permitted.

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

Ms. Cadai stated the Commission needed to select one of the options listed for

the load reduction issue.

Mr. Madani explained when staff reviewed the action taken by the TAC, the answer was not correct. He stated there had been declaratory statements issued concerning the same subject matter and staff made the recommendation, which appeared as a second option, based on prior declaratory statements issued.

Commissioner Bassett entered a motion to reconsider the previous action. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Commissioner Wiggins moved approval of the TAC recommendation including the staff recommendation, which appears as option 2. Commissioner Bassett seconded the motion.

Commissioner Kim asked if Option 2 was approved by the TAC. He expressed concern regarding the issue and suggested the petition be sent back to the Structural TAC for further review.

Commissioner Greiner asked if the current answer is in agreement with DCA02-DEC-115.

Mr. Madani replied the option 2 answer is in agreement with prior declaratory statements which were approved by the Commission.

Ms. Cadai added there were other items to consider concerning the declaratory statement. She stated there were additional statements to be made: 1) the 1/3 stress increase is not allowed in the anchor analysis according to Section 1609.4.3, 2) load combinations apply to window mullion anchors for consistency with DCA02-DEC-115, 3) an ICBO report does not override the Florida Building Code, 4) when there is a composite standard being analyzed and one material standard allows the 1/3 increase but the other does not, the 1/3 increase does not apply to the composite, 5) if an anchor penetrates a concrete-filled masonry cell of a wall, and the anchor runs through the masonry into the concrete, the 1/3 duration increase does not apply, 6) when determining the allowable stress increase for wood in the high velocity hurricane zone, Section 1621 of the Florida Building Code is the standard, 7) and when determining the allowable stress increase for wood outside the high velocity hurricane zone, Section 1609.4.3 is the standard.

Chairman Rodriguez called for public comment. No one approached for public comment.

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

Commissioner Bassett stated he opposed the motion because he did not understand the issue.

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

Ms. Cadai stated the petitioner requests clarification of Section 1704 of the Code, regarding anchoring of state approved impact and non-impact windows in accordance with test reports or manufacturer's installation instructions. She explained the TAC recommendation was anchoring of windows must be in accordance with both Sections 1707.4.1 and Section 1704.2.2 of the Florida Building Code.

Wiggins moved approval of the TAC recommendation noting a typo at the bottom of the page concerning the spelling of the word "windows". Commissioner Greiner 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

Ms. Cadai stated the petitioner inquired whether it is required to impact test tube mullions for high velocity hurricane zone and/or a non-high velocity hurricane zone. She stated the TAC recommended the high velocity hurricane zone mullion members are required to be tested and the configurations be used on the windows. She further stated rational analysis is not permitted to serve as the foundation for an approval. Ms. Cadai then stated the recommendation stated for non-high velocity hurricane zones, mullions are required to be lab tested or designed in accordance with accepted engineering practices as directed by the Florida Building Code.

Commissioner Greiner moved approval of the TAC recommendation. Commissioner Wiggins 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

Ms. Cadai stated the petitioner asked if it would be acceptable to use his own mullion testing and test report as part of his tube mullion evaluation for multiple window manufacturer's products submitted for approval under Rule 9B-72.070, approval method

1B. She continued stating the TAC recommendation was the petitioner may use his tube mullion testing and test report for more than one manufacturer requesting the same tube mullion evaluation for their own state approval.

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

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

Ms. Cadai stated the petitioner inquired whether VieRock is subject to the requirements of Product Approval Rule 9B-72, of the Florida Administrative Code. She explained the TAC recommendation was VieRock was not subject to the requirements of Rule 9B-72 for product approval.

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

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

Ms. Cadai stated the petitioner requested clarification regarding ASTM E 1300, as referenced in the 2004 Florida Building Code. She stated the TAC recommendation stated 1) the discrepancy between the reference in Chapter 35 of the Building Volume and Chapter 43 of the Residential Volume, with regard to ASTM E 1300, is editorial, 2) in the high velocity hurricane zone areas of the state, both ASTM E 1300-98 and ASTM E 1300-02 are applicable, 3) in the non-high velocity hurricane zone areas, only ASTM E 1300-02 is applicable.

Commissioner Wiggins asked if the Commission could rule on a Code that is not yet in effect.

Mr. Richmond responded it would be appropriate because it is based on an adopted rule with a delayed effective date.

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

First Hearings-

DCA05-DEC-072 by Bemie Eustace, Interplan LLC

Mr. Richmond stated the TAC recommendation stated the second floor of the building described used exclusively for storage of stage props and animal food is unoccupiable space excepted from the requirements for vertical accessibility.

Bemmie Eustace, Interplan LLC

Ms. Eustace offered support for the recommendation then offered clarification stating there had been confusion concerning Exception 2 and Exception 3 of Chapter 553.509 falls under the definitions of "occupancy" from the Florida Building Code. She continued stating "occupiable," which was passed on from the ADA, relates to human occupancy in the exception, as well as "persons," which is also used in Exception 3. Ms. Eustace suggested it would be helpful for building officials to have a clear understanding that those words are not interchangeable.

Commissioner Gross added the language used had been discussed during the TAC meeting and it was placed on the agenda for the next TAC meeting for further discussion.

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

DCA05-DEC-079 by Curtis P. Sunday, S & P Architectural Products

Mr. Richmond stated the petition had been deferred.

No Commission action required.

DCA05-DEC-088 by John L. Clinton, Class 1, Inc.

Mr. Richmond stated the TAC recommendation stated the 2003 edition of ASTM D 6380 is applicable via Section 1507.3.3 of the Florida Building Code, and was the most current version in effect when the Code was adopted. He added the Code does not designate an edition within its text.

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

DCA05-DEC-089 by Anirudh A. Chopde, Walker Parking Consultants

Mr. Richmond stated the petition entailed a three-part question. He continued stating the TAC recommendations were as follows: 1) either 1607.9 or 1607.9.2 provide live load reductions for the parking structure, 2) under 406.3.5 the parking structure was type 1 B construction but applying paragraph 2 of 406.3.6, it is type 2 B construction because the maximum and gross tier area of the garage does not exceed that allowed for the higher structure, and 3) the definition of "interior area" is the clear distance between the top of the floor slab and the underside of the floor slab above for the purpose of calculating the area required to be open in order to maintain designation as a parking structure.

Mr. Chopde, Walker Parking, Tampa

Mr. Chopde requested clarification concerning the interior area definition as it relates to both floor slabs.

Mr. Richmond responded stating the definition of interior area had been discussed and found the definition cited to be consistent with the dictionary identified in the Code.

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

DCA05-DEC-094 by Jeffrey B. Stone, American Forest & Paper Assoc.

Mr. Richmond stated the TAC recommended deferring the petition for declaratory statement until the Commission takes action on the 5/8" sheathing issue as commanded by the Florida Legislature.

No Commission action required.

Commissioner Greiner asked if Paul Davis Restoration, DCA05-DEC-114, had been advised to take the issue to their local board.

Mr. Richmond stated their letter seems to reference going before the local board and having certain evidence disallowed.

Commissioner Kim addressed DCA05-DEC-054 stating the staff recommendation and what the Commission approved was not what the TAC had intended.

Commissioner Greiner moved approval to reconsider declaratory statement DCA05-DEC-054. Commissioner Carson seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Commissioner Kim moved approval for Option 1, Yes, as the TAC recommendation for the declaratory statement. Commissioner Greiner seconded the motion for discussion.

Commissioner Greiner asked if Option 1 was consistent with DCA02-DEC-115.

Commissioner Kim responded stating Option 1, Yes, was in agreement with DCA02-DEC-115. He continued stating the question as posed stated the 1/3 level stress increase may not be used whether the .75 load duration is being used, and the answer is yes. Commissioner Kim offered further clarification stating in staff's recommendation, Option 2, the statement is rephrased to state the 1/3 level stress increase may not be used and the 25% reduction of combined loads at the same time, which leaves the recommendation ambiguous.

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

CONSIDER APPLICATIONS FOR PRODUCT AND ENTITY APPROVAL

Mr. Blair presented the first compliance method, consensus agenda for approval.

Certification Method

Recommended for Approval

Product #'s: 520R1; 586R1; 599R2; 615R1; 651R1; 652R1; 653R1; 654R1; 655R1; 656R1; 657R1; 682R1; 699R1; 728R1; 1262R1; 1476R1; 1481R1; 1870R1; 1875R1; 1956R1; 1960R1; 2047R1; 2143R1; 2571R1; 2576R1; 3101R1; 3453R1; 3492R1; 4052R1; 4103R1; 4166R1; 4201; 4328R1; 4387R1; 4402; 4410R1; 4417; 4449; 4450; 4452; 4453; 4455; 4456; 4457; 4458; 4460; 4461; 4477; 4489; 4492; 4493; 4500; 4507; 4520; 4549; 4550; 4551; 4552; 4553; 4559; 4562; 4568; 4571; 4572; 4573; 4580; 4581; 4582; 4585; 4586; 4597; 4600; 4602; 4625; 4652; 4659; 4669; 4671; 4673; 4674; 4680; 4681; 4682; 4683; 4684; 4685; 4686; 4687; 4688; 4689; 4691; 4693; 4694; 4695; 4696; 4697; 4705; 4708; 4731

Commissioner Carson moved approval of the POC recommendation.

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

Recommended for Conditional Approval

Product #'s: 1096R1; 1214R1; 1251R1; 2690R1; 3273R1; 3519R1; 3520R1; 4429; 4511; 4651; 4663; 4664

Mr. Blair stated the POC recommended conditionally approving the products listed with the condition the products not listed are removed from each application.

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

2418R1

Mr. Blair stated the POC recommended conditional approval with the condition the sections of the Code are removed as well as the extra lines.

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

4471

Mr. Blair stated the POC recommended conditional approval with the condition the NOA's are identified and the maximum size tested and the performance grade is indicated.

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

4482

Mr. Blair stated the POC recommended conditional approval with the condition the non-impact products are removed and the glass configuration is included.

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

4535

Mr. Blair stated the POC recommended conditional approval with the condition sections of Code notation are removed and include NOA number on the limits of use.

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

4548

Mr. Blair stated the POC recommended conditional approval with the condition the NOA number is corrected for product 4548.3.

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

4589

Mr. Blair stated the POC recommended conditional approval with the condition the subcategories are separated and the glass configurations are indicated.

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

4626

Mr. Blair stated the POC recommended conditional approval with the condition the NOA number is removed from the section, include the testing standards, and include NOA number under limitations of use.

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

4634

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

compliance with ASTM E 1300 02 is demonstrated.

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

4668

Mr. Blair stated the POC recommended conditional approval with the condition the DLL of glass is indicated and the building materials of hardware is provided as well as testing the mullion in accordance with Section 2315.1.11 or indicate the product is not for use in the high velocity hurricane zone, and edge distance and penetration of anchors is indicated.

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

4679

Mr. Blair stated the POC recommended conditional approval with the condition compliance with high velocity hurricane zone result requirements or indicate not for use in the high velocity hurricane zone in the limitations of use, as well as remove the reference to Section to 1523.6.2.

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

Recommended for Denial

4490

Mr. Blair stated the POC recommended denial due to the product being outside the scope of Rule 9B-72.

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

4518

Mr. Blair stated the POC recommended denial based on the product being duplicative of product FL 4521.

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

Evaluation by Engineer or Architect

Recommended for Approval

Product #'s: 705R1; 1365R1; 1416R2; 1423R1; 1901R1; 2355R1; 2632; 3026R1; 3060R1; 3403R1; 3746R1; 3750R1; 4054R1; 4055R1; 4191; 4224; 4227; 4236; 4245; 4249; 4327; 4408; 4409; 4425; 4462; 4464; 4487; 4503; 4517; 4519; 4525; 4537; 4538; 4541; 4546; 4554; 4569; 4574; 4575; 4587; 4590; 4592; 4593; 4594; 4595; 4599; 4601; 4604; 4610; 4611; 4612; 4614; 4615; 4616; 4617; 4618; 4619; 4628; 4641; 4643; 4656; 4660; 4662; 4665; 4666; 4667; 4670; 4672; 4676; 4677; 4692; 4702; 4711; 4713

Robert Lutz, United Steel Products Co.

Mr. Lutz requested the following products be pulled from the consensus list: 1901R1; 1423R1; 2355R1; 3746R1; 3750R1.

Commissioner Carson moved approval of the consent agenda as amended. Commissioner Gross seconded the motion. Vote to approve the motion was unanimous. Motion carried.

1423R1

Mr. Blair stated the POC and the consultant recommended approval for product #1423R1.

Mr. Lutz stated his issue with all the products he requested be removed is the same for each product. He continued stating when the original reports were submitted for the products, he expressed concern to the Structural TAC stating he did not recommend accepting the product reports. Mr. Lutz explained it was his view that the reports had violated the board rules, the independence rules, as well as not meeting the validation requirements. He then read directly from the report the following:

...the engineer that has reviewed the data reviewed the data for compliance and

is not responsible for any errors or omissions to any documents, calculations, drawings, specifications, tests or summaries prepared and submitted by the design professional or the preparer of record who are listed in the substantiating data section of this report...

Mr. Lutz then stated he wasn't certain what the responsibility of the engineer was but noted three of the original five substantiating data reports contained signed and sealed calculations by Simpson Strong Tie with the other two reports signed and sealed by Jeremy Gilstrap, who is an employee of Simpson Strong Tie. He continued stating if independence is claimed, the company submitting the reports should not be providing signed and sealed calculations. Mr. Lutz further stated it appears the engineer who has submitted the evaluation report actually performed a validation. He reminded the Commission Bruce Campbell, Board of Engineers, appeared before the Commission explaining what constituted validations. Mr. Lutz explained during Mr. Campbell's description, he stated validation were not "non-technical reviews" that in fact, validations were technical reviews with the validator reviewing the calculations and test reports submitted in the evaluation report. Mr. Lutz further stated there was no technical information to be validated on the reports relating to the products.

Randy Shackelford, Simpson StrongTie

Mr. Shackelford stated Mr. Lutz may not understand the process and the Commission Plenary Session would not be the appropriate place to question the process. He continued stating the products were each considered by the POC during the meeting and none of the points were brought forward at that time. He further stated Mr. Lutz's concerns were competitive issue concerns and read a report which was submitted by Mr. Lutz to the POC for approval:

...the subcommittee on evaluation, ICCES, and its staff, are not responsible for any errors or omissions to any documents, calculations, drawings, specifications, tests or summaries prepared and submitted by the design professional or preparer of record that are listed in the substantiating data of this section...

Mr. Shackelford then stated Simpson's evaluation entity, a Florida registered professional engineer, models his evaluations after those of ICC evaluation reports which have been deemed the best reports which have been approved by Rule 9B-72, which constitutes state approval.

Mr. Blair interjected public comment is for addressing the applications and products, not for competitive issues or personal comments. He then directed the Commission to Commissioner Carson for comment from the POC on the issue.

Commissioner Carson deferred the Commission to Mr. Berman for recommendation stating Mr. Berman had brought the package forward for approval.

Ted Berman, ANA

Mr. Berman offered comment stating he would stand fast for his recommendation for the products and the compliance method. He stated the report was professional, prepared by a professional engineer, and validated by another professional engineer in accordance with the rule. Mr. Berman then stated there have been many more applications submitted by Mr. Anderson, the engineer of record, for other companies so it is not believed he specifically works for the applicant.

Commissioner Carson moved approval of the POC recommendation on all products which were pulled from the consensus list: 1901R1; 1423R1; 2355R1; 3746R1; 3750R1. Commissioner McCombs seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Recommended for Conditional Approval

Product #'s: 2249R1; 2250R1; 2251R1; 2754R1

Mr. Blair stated the POC recommended conditional approval with the condition the hard copy of the evaluation report is presented.

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

2927R1

Mr. Blair stated the POC recommended conditional approval with the condition the testing standards are corrected, show compliance with Chapter 26, and demonstrate compliance with the high velocity hurricane zone requirements or include in the limitations of use not for use in the high velocity hurricane zone.

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

4483

Mr. Blair stated the POC recommended conditional approval with the condition the applicant provide signed and sealed hard copy of the revised evaluation report.

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

4629

Mr. Blair stated the POC recommended conditional approval with the condition the standards are corrected and a signed and sealed hard copy of plans be provided.

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

4642

Mr. Blair stated the POC recommended conditional approval with the condition the certificate of independence is provided and limitations of use indicate the maximum size tested and the missile level, as well as a hard copy of the signed and sealed plans be provided.

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

4645

Mr. Blair stated the POC recommended conditional approval with the condition the limitations of use are corrected to state product is not for use in the high velocity hurricane zone.

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

4646

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

the certificate of independence is provided and the limitations of use be corrected.

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

4648

Mr. Blair stated the POC recommended conditional approval with the condition the limitations of use be corrected to state the product is not for use in the high velocity hurricane zone.

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

4690

Mr. Blair stated the POC recommended conditional approval with the condition the test reports indicate the sealant used and provide details of the sealants.

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

4700

Mr. Blair stated the POC recommended conditional approval with the condition standards of reference and limitations of use are corrected and the maximum uplift is indicated.

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

4707

Mr. Blair stated the POC recommended conditional approval with the condition the standards of reference is corrected and galvanized is indicated or other type listed, and demonstrate compliance with high velocity hurricane zone requirements or change the limitations of use to exclude use in high velocity hurricane zone.

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

4709

Mr. Blair stated the POC recommended conditional approval with the condition the sizes of veneer are indicated as well as load testing of adhesive is indicated.

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

Recommended for Deferral

704R1

Mr. Blair stated the POC recommended deferral based on products listed on the application being in different categories and corrections are necessary.

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

4212

Mr. Blair stated the POC recommended deferral based on required testing missing, no details of anchoring demonstrated, standards of reference need correction, and the POC recommended the applicant seek a declaratory statement.

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

4647

Mr. Blair stated the POC recommended deferral based on validators performing outside the scope of their accreditation, incorrect testing standards, and no indication of section properties.

Commissioner Carson moved approval of the POC recommendation.

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

4658

Mr. Blair stated the POC recommended deferral based on validators performing outside the scope of their accreditation, and incorrect testing standards.

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

Recommended for Denial

202R1

Mr. Blair stated the POC recommended denial based on corrections not made following deferral from May 2005 Commission meeting.

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

209R1

Mr. Blair stated the POC recommended denial based on sizes of windows being larger than the tested size and the anchors were overstressed.

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

211R1

Mr. Blair stated the POC recommended denial based on anchors being overstressed.

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

212R1

Mr. Blair stated the POC recommended denial based on anchors being overstressed and a new subproduct was added.

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

2705R1

Mr. Blair stated the POC recommended denial based on deferral from the January, March, and May 2005 Commission meetings and compliance not being met from those deferral requirements.

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

2708

Mr. Blair stated the POC recommended denial based on anchors overstressed and application being deferred from January, March, and May 2005 meetings.

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

2709

Mr. Blair stated the POC recommended denial based on anchors overstressed and application being deferred from January, March, and May 2005 meetings.

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

2710R1

Mr. Blair stated the POC recommended denial based on deferral from January and March 2005 Commission meetings and anchors being overstressed.

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

2712R1

Mr. Blair stated the POC recommended denial based on anchors overstressed and application being deferred from January, March, and May 2005 meetings.

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

4099

Mr. Blair Mr. Blair stated the POC recommended denial based on noncompliance with conditions for deferral from the May 2005 Commission meeting.

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

4185

Mr. Blair stated the POC recommended denial based on noncompliance with conditions for deferral from the May 2005 Commission meeting.

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

4300

Mr. Blair stated the POC recommended denial based on noncompliance with conditions for deferral from the May 2005 Commission meeting.

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

Evaluation by Test Report

Recommended for Approval

Product #'s: 3716; 3778; 4305; 4434; 4432; 4443; 4484; 4504; 4514; 4566; 4675

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

Recommended for Conditional Approval

1498R1

Mr. Blair stated the POC recommended conditional approval with the condition the models that were not included on the test report be removed.

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

2469

Mr. Blair stated the POC recommended conditional approval with the condition equivalency of standards is obtained.

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

3383

Mr. Blair stated the POC recommended conditional approval with the condition limitations of use indicate not for use in the high velocity hurricane zone or demonstrate compliance with the requirements of such.

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

3388

Mr. Blair stated the POC recommended conditional approval with the condition limitations of use indicate not for use in the high velocity hurricane zone or demonstrate compliance with such requirements.

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

4343

Mr. Blair stated the POC recommended conditional approval with the condition limitations of use include maximum size tested and indicate not for use in the high velocity hurricane zone or demonstrate compliance with HVHZ requirements.

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

4430

Mr. Blair stated the POC recommended conditional approval with the condition testing report include details of limitations of use.

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

4502

Mr. Blair stated the POC recommended conditional approval with the condition standards of reference be corrected and limitations of use include maximum size tested.

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

4510

Mr. Blair stated the POC recommended conditional approval with the condition tests of mullions be submitted and proper rational analysis or evaluation by engineer be provided.

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

4516

Mr. Blair stated the POC recommended conditional approval with the condition limitations of use include glass configurations.

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

4621

Mr. Blair stated the POC recommended conditional approval with the condition the applicant remove the NOA number on limitations of use.

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

4631

Mr. Blair stated the POC recommended conditional approval with the condition the models not tested for water penetration are indicated and details for qualifying doors are included.

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

4633

Mr. Blair stated the POC recommended conditional approval with the condition limitations of use indicate maximum size tested and not for use in the high velocity hurricane zone and include glass configurations.

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

4640

Mr. Blair stated the POC recommended conditional approval with the condition limitations of use indicate the product is not for use in the high velocity hurricane zone or demonstrate compliance for such requirements.

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

4644

Mr. Blair stated the POC recommended conditional approval with the condition limitations of use include maximum size tested and design tested pressures as well as equivalency of standards be provided.

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

Recommended for Denial

2556R1

Mr. Blair stated the POC recommended denial based on the application revision done for product other than the original application.

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

Recommendation by Evaluation Entity

Recommended for Approval

Product #'s: 820R1; 859R1; 1077R1; 3664R1; 3901R1; 4426; 4432; 4448

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

Recommended for Conditional Approval

1453R1

Mr. Blair stated the POC recommended conditional approval with the condition the wind allowable stress increases are obtained and the reduced values according to the 2004 Florida Building Code.

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

2661R1

Mr. Blair stated the POC recommended conditional approval with the condition the limitations of use indicate the product is not for use in the high velocity hurricane zone and manufacturer literature for installation be attached and analysis provided.

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

3468

Mr. Blair stated the POC recommended conditional approval with the condition the 30% wind increase tables are corrected.

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

4312

Mr. Blair stated the POC recommended conditional approval with the condition the obsolete evaluation is deleted, standards of reference are corrected, and the models are modified.

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

4478

Mr. Blair stated the POC recommended conditional approval with the condition certificate of independence is provided and panels must be tested for compliance with the requirements of HVHZ or indicate on limitations of use not for use in HVHZ.

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

4501

Mr. Blair stated the POC recommended conditional approval with the condition limitations of use be corrected to indicate 4501.1 is non-high velocity hurricane zone and demonstrate equivalency of standards.

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

4521

Mr. Blair stated the POC recommended conditional approval with the condition certificate of independence is provided and testing standards and Code references are corrected.

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

4039

Mr. Blair stated the POC recommended conditional approval with the condition the certificate of independence is provided and panels be tested in accordance with Section 2315.1.11 and Chapter 23, as well as indicate in limitations of use the product is not for use in the high velocity hurricane zone.

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

Recommended for Denial

3124R1

Mr. Blair stated the POC recommended denial based on noncompliance with the conditions for deferral from the May 2005 Commission meeting.

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

4253

Mr. Blair stated the POC recommended denial based on noncompliance with the conditions for deferral from the May 2005 Commission meeting.

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

CONSIDER COMMITTEE REPORTS AND RECOMMENDATIONS

Accessibility TAC

Commissioner Gross presented the report of the Accessibility TAC. (See *Accessibility TAC Minutes June 27, 2005.*)

Commissioner Gross requested Commission action concerning two items, which were presented in the form of a motion for approval:

Miniature Golf Charrette Report

Commissioner Wiggins seconded the motion for approval to accept the report from the Miniature Golf Charrette. Vote to approve the motion was unanimous. Motion carried.

Proposed New ADAAG Standards Workshop

Commissioner Kim seconded the motion for approval to hold the ADAAG Standards Workshop in Miami during the August Commission meeting.

Education TAC

Commissioner Hamrick presented the report of the Education TAC. (See *Education TAC Minutes June 27, 2005.*) He reported there was no quorum so the committee met in a workshop forum in which the discussion focused on review and recommendations for the 7-hour Chapter 16 Structural Windloading Course.

Structural TAC

Commissioner Kim presented the report of the Structural/Fire TAC. (See *Structural/Fire TAC Minutes June 27, 2005.*)

Commissioner Tagliarini moved approval to accept the report of the Structural/Fire TAC. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous. Motion carried.

GENERAL PUBLIC COMMENT

Chairman Rodriguez called for public comment. No one approached to offer comment.

COMMISSION MEMBER COMMENTS AND ISSUES

Chairman Rodriguez called for Commission comments.

Commissioner Kim asked if the Commission would be receiving electronic versions of the 2004 Florida Building Code.

Mr. Madani responded stating the CD-ROMs would be available on the second day of the plenary session, June 29, 2005.

Commissioner Norkunas offered comment stating there have been more than 3,000 ADA federal lawsuits filed in the state of Florida. He continued stating he promised the to try to put a stop to the suits that are costing Florida businesses hundreds of millions of dollars. Commissioner Norkunas explained the problem has been created by noncompliance within the state of Florida. He additionally cited permitting officials as contributing to the problem. He stated not much can be done when a design professional's building has been a city or county approves the plans. Commissioner Norkunas further stated there are federal penalties for improper placement of toilets or grab bars and education is the key to resolving the problem. He continued stating consistency is a must and there should be no difference in an

accessible bathroom in Miami from an accessible bathroom in any other city or county, but there are changes from jurisdiction to jurisdiction.

RECESS UNTIL WEDNESDAY 8:30 A.M.

WEDNESDAY, JUNE 29, 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 Greiner seconded the motion. Vote to approve the agenda was unanimous. Motion carried.

CHAIR'S DISCUSSION ISSUES AND RECOMMENDATIONS

Chairman Rodriguez stated one of his tasks as Chair is to recognize the service of those who serve on the Commission and extend appreciation for their commitment and dedication. He then called former Commission Craig Parrino to approach for the presentation of a plaque in recognition of his service on the Commission since July 1999. Chairman Rodriguez stated Mr. Parrino would no longer be serving as a voting member of the Commission, however would still be serving as an Adjunct Commissioner to remain actively involved in the Commission's work.

Chairman Rodriguez then opened discussion concerning printing and formatting expedited and glitch amendments. He explained there would be a need to print both expedited amendments then glitch amendments as well. Chairman Rodriguez stated replacement pages would have been more convenient but would take more than three months once the amendments are adopted. He continued stating the supplement page option of printing could be printed and distributed in one month and would be the only choice allowing the implementation date of the Code to be met. Chairman Rodriguez further stated the expedited schedule would allow the Commission to adopt certain Code amendments related to water intrusion, roof covering attachments, and ventless attic spaces, using only the Chapter 120 rule development process which would then allow the Commission to forego the additional provisions in Chapter 553 requiring a 45-day posting of proposed amendments prior to TAC review then an additional 45-day posting of TAC recommendations before the Commission may consider Code amendments and commence the rule development process. Chairman Rodriguez then stated the Commission would be considering recommendations from the Hurricane

Review Advisory Committee during the current session and would make a preliminary judgment on the proposed Code amendments. He further stated the Commission would then hold a rule development workshop during the August 2005 Commission meeting in Miami, a rule adoption hearing in October, if requested, with the amendments becoming effective November 1, 2005. Chairman Rodriguez announced the glitch amendment schedule has an amendment submittal deadline of December 1, 2005, and the rule development workshop will be held in March 2006 with the effective date of the amendments anticipated to be August 2006.

Chairman Rodriguez called for Commission discussion then public comment on the issue.

Larry Schneider, AIA of Florida

Mr. Schneider offered comment stating he appreciated the need to get information out to the public as soon as possible, however, he urged the Commission to reconsider the supplement printing stating the replacement pages is 100% better for everyone concerned. He then stated perhaps the pages could be purchased to be inserted rather than the supplemental sheets which would have to be cut and pasted.

Mr. Schneider then stated he was aware the CD-ROM version of the Code is now available and asked how the updates of the CD-ROM version would be handled.

Ms. Jones responded stating ICC would make arrangements to have the supplements purchased. She stated the supplements would also be online for downloading as well. Ms. Jones then stated the electronic updates would require further discussion.

Commissioner Wiggins asked if portions of both, i.e., the replacement pages as well as the supplement pages, would be possible to reduce costs for those who need the updates.

Mr. Dixon responded stating different options could be pursued to try to meet the needs of all concerned. He stated ICC and other groups would be consulted for formatting and printing of the supplements and the replacement pages. Mr. Dixon then stated the primary goal is to meet the November 1 deadline, which is required by statute, as well as the need to make changes quickly to address conflicts or errors in the Code which would be through the glitch amendment process and the supplement option for printing, with replacement pages to be printed later.

Commissioner Bassett asked if the supplement pages could be made available online for downloading with the replacement pages printed in hard copy for distribution

later.

Mr. Dixon replied there is a cost impact for the state even in the downloading process. He stated the replacement pages could be made available at a later date and would have to be purchased.

Commissioner Bassett moved approval to publish Code updates as quickly as possible and direct staff approval to find the most time and cost efficient manner in which to do so. The motion was seconded. Vote to approve the motion was unanimous. Motion carried.

Chairman Rodriguez addressed the issue concerning the future development and amendment of the Florida Building Code, Residential Volume. He stated as a result of the Commission's action to limit the prescriptive design criteria for wood and masonry wall and roof systems in the residential volume to regions with windspeeds of less than 100 mph, the residential volume of the Florida Building Code is not useful for structural design in the majority of the state. Chairman Rodriguez explained staff has recommended the Commission conduct a project to develop prescriptive criteria to be adopted through the glitch cycle. He stated a contractor is being considered to develop technical recommendations for appropriate prescriptive criteria and could assist the Commission in deciding whether to amend the IRC during the glitch cycle, with the deadline for amendments being December 1, 2005, and the effective date anticipated for August 10, 2006. Chairman Rodriguez then directed the Commission to Mr. Dixon with a call for action from the Commission concerning the IRC issue.

Mr. Dixon stated during the June 2004 Commission meeting the Commission was advised the provisions for structural design in the 2004 edition of the Florida Building Code would reduce the standards for the interior of the state that had been in place in Florida since 1993. He continued stating the counties to which the criteria still apply are Columbia, Alachua, Marion, as well as the high velocity hurricane zone areas due to the HVHZ requirements have been captured and inserted into the residential volume. Mr. Dixon explained the criteria included in the residential volume would be fine for plumbing, mechanical, fuel gas, and general design requirements but not for structural design requirements for the majority of the land area of the state. He explained staff has recommended the Commission work with the industry associations whose design manuals are recognized as alternate design methods in the residential volume, capture the prescriptive criteria of the alternate standards and insert those standards into the Code. Mr. Dixon stated preliminary discussions with industry representatives have been successful. He continued stating the process could be completed rather quickly and the goal of having a single reference document for contractors to use when constructing one and two family dwellings will be upheld and

completed.

Commissioner Corn moved approval for staff to conduct a project for development of prescriptive criteria for the residential volume of the FBC and adopted through the glitch amendment cycle. Commissioner Wiggins seconded the motion then requested clarification concerning standards for different windspeeds, which would essentially be developing another hurricane standard for the state of Florida. He added there has been a hurricane standard and its use has not been successful. Commissioner Wiggins then expressed concern regarding attempting to develop prescriptive measures for all the different windspeeds in Florida in such a short period of time.

Mr. Dixon explained the approach proposed is similar to the approach taken by the ICC HRC Standards Committee. He stated staff had been monitoring the committee's process and the target output of standards by July would be timely to coincide with the Commission's update for the Florida Building Code. Mr. Dixon continued stating the approach would be to use existing standards, not develop new standards, from industry associations. He added the areas requiring further development of standards are the foundation requirements and joined wood and masonry construction wall requirements. Mr. Dixon then stated the chairman of ICC's committee has been consulted and it was confirmed that the production of criteria and standards would include Commission and staff assistance.

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

REVIEW AND UPDATE OF COMMISSION WORKPLAN

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

Commissioner Goodloe then moved approval of the updated workplan. Commissioner Carson seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Chairman Rodriguez opened for discussion and Commission action concerning initiating rule making for Legislative tasks. He called for a motion to initiate rule making by scheduling a rule development workshop during the Commission's August meeting for the expedited Code amendment process and related amendments, the private provider jobsite notice form, and rules for appeal of building officials' decisions, and binding interpretation, which are all Legislatively mandated tasks.

Commissioner Greiner moved approval to initiate rule making by scheduling a rule development workshop in August. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous. Motion carried.

PRIORITIZATION OF 2005 TASKS

Mr. Blair stated after removing the tasks that must be considered annually, there were merely four tasks left to prioritize, i.e., building fire duplicate provisions project; construction practices quality project; updating the Florida Energy Code compliance software; and review Rule 9B-3.004, Alternates for Committee Members. He recommended the Commission re-organize the schedule of tasks and accept the workplan with the tasks prioritized as presented.

Commissioner Greiner moved approval to re-organize the schedule of tasks. Commissioner Gonzalez seconded the motion.

Commissioner Bassett asked if the software update for the Energy Code would affect the ability for the public to comply with the Energy Code.

Mr. Dixon responded stating the regulatory requirements have been updated for the Code, however, there were enhancement items that are being pursued.

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

ATTIC VENTILATION WORKSHOP II REPORT

Chairman Rodriguez stated the Commission convened a work group to review the literature and make recommendations regarding whether the Commission should amend the residential code to allow the use of unvented attics. He continued stating the 2005 Legislature passed legislation mandating that the Commission shall integrate standards pertaining to ventless attic spaces as adopted by the ICC into the Florida Building Code. Chairman Rodriguez further stated the work group has concluded their deliberations and has recommended that the Commission should allow for unvented attic spaces in the Florida Building Code.

Mr. Blair summarized the report and recommendations from the Attic Ventilation Work Group. (See *Minutes Attic Ventilation Workshop II May 11, 2005.*)

Commissioner Bassett referenced the report, SB 442 Directions and IRC Code Language, stating the Code language as adopted does not provide for unventilated

attics, rather it provides for an additional conditioned storage space within the house. He stated the Code must allow for the attic space to be unventilated due to mold and mildew problems in Florida homes.

DISCUSS THE REVIEW OF THE 2004 FBC MODIFICATIONS 569 AND 570 ON ROOF DECKING

Chairman Rodriguez stated the roof decking issue is another Legislative assignment. He continued stating the 2004 Florida Building Code Table 2304.7(3) contains a Florida-specific amendment not allowing the use of less than nominal 5/8" structural panel sheathing for roof decking in areas with windspeeds of 110 to 140 mph, while the IBC does allow the lighter sheathing. Chairman Rodriguez explained the Commission is tasked to review the provision and determine whether to amend the Code, first by soliciting public comment and clarifying questions and discussion from Commissioners. He then called for public comment.

Jeffrey Stone, American Forest & Paper Corporation

Mr. Stone stated his association views the issue as a serviceability issue or an aesthetic issue, rather than a safety issue. He continued stating a building could be designed to withstand hurricane force winds in accordance with ASCE 7 using 7/16" wood structural panel sheathing. Mr. Stone further stated in the high velocity hurricane zones there are additional issues for consideration in terms of windspeeds. He then explained there is no greater profit on behalf of the wood industry in selling 5/8" or 7/16" wood structural panels. Mr. Stone stated prices could be higher when the suppliers have to stock additional sizes of wood sheathing. He then stated he would be active in helping resolve the issue and encouraged the Commission to consider the issue seriously.

Jack Glenn, Florida Home Builders Association

Mr. Glenn offered comment stating he was a member of the Structural TAC and the only opposing vote when the modification was submitted. He stated his concern was that neither modification was submitted with indication of a fiscal impact. He continued stating the materials suppliers around the state indicated to his association that there was significant impact in increased cost. Mr. Glenn then stated there was no engineering justification submitted with the modification proposal to indicate that windspeeds in Florida necessitated an increase in roof sheathing thickness.

Commissioner Greiner asked if both modifications were part of the prescriptive requirements included in the residential code.

Mr. Glenn responded stating the modifications were contained in the Florida Building Code, not within the residential code. He reminded the Commission the prescriptive requirements in the residential code currently cannot be used anywhere in the state of Florida.

Commissioner Wiggins requested clarification stating since the modifications are not contained in the residential code then there would be no requirement for application to one and two family dwellings or townhouses that fall within the scope. He stated the modifications would then only impact occupancies such as multi-family dwellings like apartments or condominiums, or commercial buildings.

Mr. Glenn offered further clarification stating the modifications would indeed apply to one and two family dwellings because none of the prescriptive requirements in the residential code can be used in Florida and all other standards reference back to the Florida Building Code, Chapter 23.

Carrie Hebrank, Florida Building Materials Association

Ms. Hebrank stated the association opposed the proposed modifications due to increased cost without increased benefit to the consumer. She explained the suppliers estimated it would cost a minimum of \$5 more per panel which would increase the cost of a 2,000 square foot home the increase would be between \$500 to \$800. She continued stating there were also inventory concerns with many of the mills indicating to the association they do not prefer milling the specified size of sheathing, or plywood, the smaller size or larger size is preferred. Ms. Hebrank then stated some of the mills are located in Alabama and Georgia where the size requirements differ, which places additional strain on the mills for Florida production. She then addressed the issue of existing inventory stating the suppliers have been working with the current standards and the existing inventory would be difficult to exhaust with production of a mandated increased size of the sheathing. Ms. Hebrank summarized the association's position by stating the policy is to oppose changes to the Florida Building Code which would increase costs without direct benefit of safety and requested the Commission consider those issues when making decisions on the issue.

David Lewis, American Plywood Association

Mr. Lewis offered comment stating the mills he contacted indicated no problem in supplying the 5/8" panels, so supply should not be an issue.

RECOMMENDATIONS OF THE HURRICANE RESEARCH ADVISORY COMMITTEE

Chairman Rodriguez stated the Hurricane Research Advisory Committee met June 28, 2005, and has prepared a list of recommendations for presentation to the Commission. He then conducted a review of the recommendations as they were presented in each Commissioner's files. (See *Hurricane Research Advisory Committee Recommendations for Expedited Adoption June 28, 2005.*)

Chairman Rodriguez then called for public comment.

Jeffrey Stone, American Forest & Paper Corporation

Mr. Stone expressed concern regarding the proper drainage planes issue stating the language "include a sheet of plastic" may create another problem of mold because of the use of plastic. He stated all the research on mold conducted at the Forest Products Laboratory has been with the use of plastic sheathing, which does not allow the buildings to breathe.

Commissioner Bassett referenced the first recommendation stating weep holes should be integrated with the seat otherwise the seat will not perform because stucco creates the perfect dam.

Commissioner Wiggins suggested if weep holes are integrated into the bottom the termite intrusion issue should be considered.

Commissioner Bassett moved approval to integrate the package of recommendations for early implementation as part of the Legislative authorization for expedited Code amendment implementation for hurricane related provisions. Commissioner Carson seconded the motion. Vote to approve the motion was unanimous. Motion carried.

OTHER ISSUES

Mr. Richmond stated the Florida Building Commission requested an opinion from the Commission on Ethics concerning service of a member or a prospective member on the Accessibility TAC. He continued stating the opinion is binding only for the specified TAC member and further stated he would be free to discuss the opinion with any TAC or Commission member who wishes to discuss it further. (See *Letter dated June 7, 2005, Re: Commission on Ethics Opinion No. 05-10 Attachment.*)

Chairman Rodriguez then directed the Commission to Ila Jones for an update on education courses information.

Ms. Jones stated the Education TAC had two issues requiring Commission action. She requested Commission action for the approval of the Chapter 16 Structural Wind Load Course which was approved through the Structural TAC with two conditions: 1) clarify that Exposure D does not apply to the coast of Florida; and 2) window film needs to be either removed or the condition of use clarified. Ms. Jones explained the course is an update of an existing course and needs to be submitted and delivered to the public for teaching the courses for the 2004 Code.

Commissioner Hamrick moved approval of the Chapter 16 Structural Wind Load Course with conditions as presented. Commissioner Carson seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Ms. Jones then requested Commission action concerning the approval of an accreditor application for Colleen Walters, Chair, Landscape Architect Board. Ms. Jones explained the Landscape Architect Board would like to be an accreditor of courses for their continuing education courses.

Commissioner Hamrick moved approval of the accreditor application for the Landscape Architect Board. Commissioner Carson seconded the motion. Vote to approve the motion was unanimous. Motion carried.

CONSIDER COMMITTEE REPORTS AND RECOMMENDATION

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

Commissioner Carson presented four items which require Commission action. He presented each item in the form of a motion for approval:

Commissioner Carson moved approval for manufacturers who obtained approval by submitting an evaluation report by a registered architect or engineer, who also validated the application, be notified that the validator must be changed within 60 (sixty) days or the product will be suspended. Commissioner McCombs seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Commissioner Carson moved approval to add a "withdrawn" field to the BCIS application status page without stating the reason. He added the field would be viewable by DCA staff and building officials. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Commissioner Carson moved approval for entities that have not renewed their

entity status by their expiration date be automatically issued a 45-day grace period followed by revocation if they have not renewed within the 45 days. Commissioner Gonzalez seconded the motion.

Commissioner Bassett asked if the 45 days is a filing requirement or if the Commission would have to approve the process.

Mr. Richmond responded renewals would not require POC or Commission action. He added if the entity did not renew within the 45 days their status would not be revoked, rather, it would expire and they would then be required to enter into a new approval process which would require Commission approval.

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

Commissioner Carson moved approval to revoke FL 3473 based on the results from the A&A Arnold investigation. Commissioner Gonzalez seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Commissioner Carson concluded his report and stated additional POC recommendations would be considered during the rule development workshop.

Commissioner McCombs moved approval of the PA/PB/MB POC report. Commissioner Bahadori seconded the motion. Vote to approve the motion was unanimous. Motion carried.

PUBLIC COMMENTS ON QUALITY OF CONSTRUCTION

Chairman Rodriguez stated during the January 2005 Commission meeting the Commission unanimously adopted the primary recommendation outlined 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 during the January, March, and May 2005 Commission meetings public comment was heard on issues relating to construction quality.

Chairman Rodriguez then called for additional public comment concerning quality of construction. No one approached for public comment.

GENERAL PUBLIC COMMENT

Chairman Rodriguez called for public comment.

Jeffrey Stone, American Forest & Paper Corporation

Mr. Stone stated his organization is involved in the Hurricane Resistant Construction Standards Committee for ICC and assisted in the development of SSTD 10, which is referenced in the Code, as well as their wood frame construction manual, which is an ANSI recognized standard. He continued stating he would attempt to work with staff in terms of the existing standards issue however there is an ANSI standard addressing the issue. Mr. Stone further stated AFPC would not prefer to see additional standards developed that would contradict or would be in competition with the existing ANSI standard.

REVIEW COMMITTEE ASSIGNMENTS AND ISSUES FOR THE COMMISSION'S AUGUST 22-24, 2005 MEETING

Mr. Blair conducted a review of the committee assignments and issues for the August 22-24, 2005, Commission meeting to be held in Miami.

SUMMARY REVIEW OF MEETING WORK PRODUCTS

Chairman Rodriguez stated the Commission had decided on Accessibility Waivers, decided requests for Declaratory Statements, decided applications for approval of products and entities; decided on the Chair's discussion issues and recommendations; reviewed the Commission's workplan; decided on Accessibility, Code Administration, and Fire/Structural TAC recommendations; decided on PA/PB/MB POC recommendations and report; discussed the format for printing expedited and glitch amendments; discussed the development and amendment of the Florida Building Code, Residential Volume; discussed the Attic Ventilation Work Group recommendations; discussed recommendations of the Hurricane Research Advisory Committee; offered public comment time for Construction Quality issues; offered time for Commission discussion; reviewed the assignments and issues for the August Commission meeting.

Mr. Dixon announced an orientation session to be held during the August meeting for the new Commission members and any other Commissioners who wish to be refreshed in terms of the procedures of the Commission in accordance with Chapter 120.

Commissioner Wiggins asked if the Hurricane Advisory Committee recommendations could be posted on the website.

Mr. Dixon responded stating the recommendations would be posted in a

committee report as well as the draft language for consideration during the August meeting.

Mr. Blair added the work group reports are included as attachments to the Facilitator's Summary Report which is also available on DCA's website as well as the Consortium's website.

Chairman Rodriguez then recessed the Commission Plenary Session until the scheduled 10:35 Rule Hearing on Rule 9B-72, Product Approval.

RULE HEARING ON RULE 9B-72, PRODUCT APPROVAL

Chairman Rodriguez stated the package of recommendations for revisions to Rule 9B-72 were a consensus product that has been developed over the past year. He continued stating the Commission had reviewed and supported in concept the recommendations and the reports from the Product Approval Work Group (PAWG). Chairman Rodriguez further stated there had been Legislative actions affecting the rule and a draft of the rule which incorporates the PAWG recommendations as well as the Legislative mandates. 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, Product Approval, and called for public comment. He referenced and briefly reviewed the supportive document, which was distributed to each Commission member and noted some of the changes reflected. (See *2005 Product Approval Work Group Recommendations to Rule 9B-72, Product Approval Attachment*.)

Mr. Richmond then addressed and briefly reviewed written comments that were received under separate cover. (See *DASMA Comments on Proposed Changes to Florida Product Approval Rule 9B-72 Per April 20, 2005 Product Approval Work Group Recommendations, Attachment, and Product Approval Public Comments* in electronic files.)

Mr. Blair offered clarification stating the Commission had been presented a package of recommendations for incorporation into the Senate Bill 442 revisions from PAWG, recommendations from the Product Approval POC, staff recommendations, and submitted written proposed changes from DASMA and the public.

Chairman Rodriguez then called for public comment.

Jaime Gascon, Miami-Dade County Office of Code Compliance

Mr. Gascon addressed the issue of “self-affirmation” or “self-certification” for Code compliance. He expressed opposition to the issue stating comments concerning the issue are still conflicting in terms of what type of review will be held when an individual or entity “self-affirms” a submittal for compliance with the new Code. Mr. Gascon recommended the procedure go back to the certification agency or to the validator in order for independence for compliance to be stated.

Joe Hetzel, Representing DASMA

Mr. Hetzel offered comment addressing the proposed changes to rule. (See *Public Comment Proposed Changes to Rule 9B-72, Product Approval Submitted by Joseph Hetzel, P.E.* Attachment.)

Roland Temple, Velux America

Mr. Temple offered comment in support for the portion of Rule 9B-72, Equivalency of Standards. He stated the fenestration industry had worked over the years to combine their documents. He then stated the skylight industry in conjunction with the Commission was the first to put in place 1600 IS 7, with NAFS 02 included. Mr. Temple noted the Code language is inconsistent in terms of reference with NAFS 02 in some locations and 1600 IS 7 in others. He stated the A-440 includes all the skylight requirements for performance along with enhancements for performance levels. He continued stating the industry is requesting that Rule 9B-72 be accepted for consistency and a single reference of standards from the fenestration industry.

Carrie Hebrank, Representing Construction Suppliers

Ms. Hebrank stated she would appreciate reviewing all the proposed changes in single document to see how the various sections work together. She continued stating the Legislature made changes to the local product approval process and then recommended the Commission include those changes on the website or made available elsewhere so officials can have access to the changes.

Mr. Richmond closed the rule adoption hearing and stated the documents would be submitted for Commission review.

Chairman Rodriguez then opened for Commission discussion through the Chair.

Commissioner Carson moved approval to proceed with rule adoption for Rule 9B-72, Product Approval, with integration and notification of the approved changes and filing the rule with the Department of State. Commissioner Hamrick seconded the motion. Vote to approve the motion was unanimous. Motion carried.

RULE DEVELOPMENT WORKSHOP ON RULE 9B-1, MANUFACTURED BUILDINGS

Chairman Rodriguez stated the purpose of the rule development workshop was to implement the revisions previously approved by the Commission, which are intended to clarify the programmatic procedures of the Manufactured Buildings Program. He continued stating the changes include refinements to the following sections of the rule: Procedures; Definitions; Fees; Inspections; and Insignias. Chairman Rodriguez then directed the Commission to Mr. Richmond who would serve as the hearing officer.

Mr. Richmond opened the hearing then stated the Rule Development Workshop on Rule 9B-1, Manufactured Buildings, was noticed in the Florida Administrative Weekly. He then directed the Commission to Michael Ashworth, Manufactured Buildings Program Manager, for a summary of the proposed rule language.

Mr. Ashworth stated there had been two previous POC meetings addressing and seeking input into the rule along with comments from the public. He then reviewed the proposed changes to the rule. (See *Memorandum from Michael Ashworth dated June 29, 2005* in electronic files.)

Mr. Richmond closed the rule development workshop and requested a motion to integrate the recommended change and notice for rule adoption.

Commissioner Greiner moved approval to proceed with rule adoption with changes integrated into the rule. Commissioner McCombs seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Commissioner Kidwell noted exclusion of "a building used to house communications equipment" and recommended clarification concerning the use of the building and what communications equipment would include.

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

Chairman Rodriguez then announced the receipt of a letter from Martha Bragg, mother of the late Al Bragg. He read the letter as follows:

Thank you so much for your kind words and thoughts about my son Al. He loved every minute of his time with each of you and he did love what he was doing. We miss him but have fond memories of good times together. Please convey my thanks to your fellow commissioners. All Al's family will be thinking of you during the approaching hurricane season. Sincerely, Martha Bragg

ADJOURN

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