

FLORIDA BUILDING COMMISSION
GENERAL BUSINESS MEETING
FLORIDA ACCESSIBILITY CODE CERTIFICATION HEARING

January 31, 2012
9:00 a.m.

TradeWinds Sandpiper Hotel
6000 Gulf Boulevard
St. Petersburg, Florida 33706

Reported By:
Penny M. Appleton
Court Reporter

Berryhill & Associates, Inc.
501 E. Kennedy Boulevard, Suite 775
Tampa, Florida 33602 (813) 229-8225

ORIGINAL

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- COMMISSION MEMBERS:
- Scott Mollan
- Christopher P. Schulte
- Drew M. Smith
- Hamid R. Bahadori
- Robert G. Boyer
- Herminio Gonzalez
- James R. Schock
- Jeff Stone
- Kiko Franco
- Jeffrey Gross
- Richard "Dick" Browdy, Chairman
- Mo Madani
- John Scherer
- Dale Greiner
- Nicholas Nicholson
- Rafael R. Palacios, PE
- Joseph "Ed" Carson
- Kenneth L. Gregory
- Jon Hamrick
- Jeff Blair, Staff
- Rick Dixon, Executive Director
- Leslie Anderson-Adam, Board Counsel

1 Thereupon, the following proceedings commenced:

2 CHAIRMAN BROWDY: At the December 6, 2011, meeting
3 of the Commission, the Commission voted to initiate the
4 process of seeking certification of the 2010 Florida
5 Accessibility Code For Building Construction by the
6 Department of Justice. The Commission has filed a
7 request for certification with DOJ, and today's hearing
8 is the next step in the certification process and will
9 provide an opportunity for the public to provide
10 feedback regarding the certification of the Florida
11 Accessibility Code.

12 The purpose for seeking certification of the
13 Florida Accessibility Code is to provide verification
14 that Florida's code complies with Federal requirements.
15 The adoption of the 2010 Florida Accessibility Code For
16 Building Construction the Commission -- with the
17 adoption of the code, the Commission integrated
18 Florida's statutory accessibility requirements with the
19 new Department of Justice standards for accessible
20 design based on the final DOJ Rules 28 CFR 35 and 28
21 CFR 36 as published in the September 15, 2010, Federal
22 Register.

23 The Commission will now conduct the certification
24 hearing. It is important for you to understand that
25 the hearing is not limited -- is limited, rather, to

1 the Commission's seeking the certification. It is not
2 specific to any issues within the code, only to
3 comments regarding the certification process and
4 whether or not the Commission should seek certification
5 of its code.

6 So now we'll open to public hearing. Are there
7 any members of the public who wish to speak at this
8 public hearing regarding the Commission's request to
9 certify the Florida Accessibility Code For Building
10 Construction?

11 Please state your name for the record,
12 Mr. Schneider.

13 MR. SCHNEIDER: Good morning. My name is Larry
14 Schneider, representing AI Florida, the Architects In
15 Florida. We are very appreciative of this, and we hope
16 we can expedite this as quickly as possible. Having
17 been involved in the original certification of the
18 first Florida Accessibility Code with the Department of
19 Justice, let us hope we can cut the time in half from
20 what the original timeframe took. Thank you.

21 CHAIRMAN BROWDY: Thank you, Larry.

22 Any other comments? Any other comments?

23 Hearing none, do any members of the Commission
24 have any comments regarding this for the transcript?

25 Yes, Commissioner Carson?

1 COMMISSIONER CARSON: Thank you, Mr. Chairman.
2 What is the schedule or is that something that's pretty
3 much out of our hands?

4 CHAIRMAN BROWDY: Jeff, do you have the schedule?

5 MR. BLAIR: Yes, sir. The schedule is Work Plan
6 Task 11, Priority 1. The schedule really is to -- the
7 discussions with DOJ will occur. The package will be
8 submitted. You know, this is part of the package
9 submittal which will happen over the next couple of
10 months. So probably, about March the package will be
11 submitted to the Department of Justice, March of 2012,
12 which is what, in two months, if you will.

13 There will be discussions probably throughout the
14 year back and forth regarding that, and then any
15 revisions that are necessary to resolve any possible
16 issues that the DOJ feels is not -- that the code is
17 not equivalent to their requirements would be looked at
18 and discussed, and rule changes or whatever will be
19 made, if necessary, throughout 2013, and sometime
20 probably toward the end of 2013, or hopefully sooner.
21 I think they've agreed to prioritize those codes that
22 have already been certified, which we have, this
23 Commission code has, so hopefully, it won't take two
24 years, but it might.

25 Rick, would you want to elaborate any further? So

1 2013. Any way, go ahead.

2 MR. DIXON: There's a package that has to be put
3 together to send to DOJ. The first step is the hearing
4 today. We have a court reporter to provide a
5 transcript, which also has to be submitted to DOJ. The
6 accessibility code will not be printed and available
7 until March, so the goal is to have all of the package
8 prepared. When the code is printed, we have a copy
9 that we can send the whole package to DOJ.

10 After that it's in their hands, and how long it
11 takes to review and determine possible
12 non-equivalencies is in their court. As Larry pointed
13 out, that took a couple years the first time around,
14 but they have reviewed Florida's law.

15 Remember that the Florida Accessibility Code only
16 deviates from the federal ADA standards for accessible
17 design in those requirements that are actually written
18 in the Florida law. There are no modifications by
19 administrative rule. So they reviewed those before.

20 What we did in the last legislative session, 2011,
21 was to eliminate some of the requirements and then to
22 recognize some of the exemptions for vertical
23 accessibility, accessible routes and their terminology
24 throughout -- that are already in the ADA standards, so
25 from our perspective, there should be no

1 non-equivalencies. They should have already reviewed
 2 most of the Florida Accessibility requirements, and
 3 that, according to what we have been told alongside
 4 conversations, certainly not the main channels, that
 5 they would expedite the review of our code.

6 Now the problem is that it gets to be timing. The
 7 changes to the accessibility code to address any
 8 possible non-equivalencies require changes to Florida
 9 law to correct those items or to address those items.
 10 So the timing with respect to when we would have to
 11 submit or you would have to submit proposals to the
 12 legislature to make changes may involve an additional
 13 year or so, but certainly, the target's to try to get
 14 the response and the dialogue discussions completed by
 15 2012 so that they could be addressed in the 2013 code.
 16 That's the optimistic view.

17 CHAIRMAN BROWDY: Any other questions with regard
 18 to this hearing? Any more comments?

19 If there are no more comments from either the
 20 Commission or members of the public, this hearing is
 21 closed. Thank you very much.

22 (The hearing concluded at 9:52 a.m.)

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STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I, Penny M. Appleton, Court Reporter for the
Circuit Court of the Thirteenth Judicial Circuit of the
State of Florida, in and for Hillsborough County,

DO HEREBY CERTIFY, that I was authorized to and
did, report in shorthand the proceedings and evidence in the
above-styled cause, as stated in the caption hereto, and
that the foregoing pages constitute a true and correct
transcription of my shorthand report of said proceedings and
evidence.

IN WITNESS WHEREOF, I have hereunto set my hand in
the City of Tampa, County of Hillsborough, State of Florida
this 6th day of February, 2012.


Penny M. Appleton

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