

**MEETING
OF THE
FLORIDA BUILDING COMMISSION**

**PLENARY SESSION
April 11, 2001**

PENDING APPROVAL

The meeting of the Florida Building Commission was called to order by Chairman Raul Rodriguez at 10:20a.m., on Wednesday, April 11, 2001, at the Rosen Plaza Hotel, Orlando, Florida.

BOARD MEMBERS PRESENT:

Raul Rodriguez, Chairman
Suzanne Marshall
Stephen Bassett
Craig Parrino
Michael McCombs
Ed Carson
Karl Thorne
Leonard Lipka
Bob Leonard
Peggy Harris
Stephen Corn
George Wiggins
Christ Sanidas
Francisco Quintana
Dan Shaw
Richard Browdy

John Calpini
Medard Kopczynski
Jim Mehlretter
Nick D' Andrea
Sam Walthour

BOARD MEMBERS ABSENT:

Dr. Diana Richardson

OTHERS PRESENT:

Rick Dixon, Executive Director
Ila Jones, Program Administrator
Jim Richmond, Legal Advisor
Kathy Butler, Legal Advisor
Doug Murdock, Adjunct Member
Jeff Blair, FCRC

WELCOME, INTRODUCTIONS

Chairman Rodriguez called the meeting to order and briefly discussed the outline and objectives of the meeting.

AGENDA REVIEW AND APPROVAL

Mr. Blair conducted a facilitated review of the agenda. (See *Facilitator's Report* Attachment.)

Commissioner Bassett stated that something was missing from the agenda. He continued that an update on the printing of the Code should be discussed.

Chairman Rodriguez stated that update would be included in the Chair's Issues and Recommendations.

Commissioner D' Andrea entered a motion to approve the agenda. Commissioner Lipka seconded the motion. Vote was unanimous. Motion carried.

REVIEW AND APPROVAL OF MARCH 6, 2001 MEETING MINUTES

Commissioner Wiggins entered a motion for approval of the minutes. Commissioner D' Andrea seconded the motion. Vote was unanimous. Motion carried.

PUBLIC COMMENT

JOHN BEDNERIK, FLORIDA POOL AND SPA ASSOCIATION
RICHARD MOSELEY, PRESIDENT OF THE CENTRAL FLORIDA
CHAPTER OF THE NATIONAL POOL AND SPA INSTITUTE

Mr. Bednerik stated that the Pool and Spa industry is concerned about it's "home" and where it will be in the transition and in the future implementation of the Code. He commented that last July when he testified to the Commission on entrapment issues he had noted that there are some differences between the Florida Building Code that will go into effect and Chapter 515, Florida Statutes (F.S.), the pool barrier legislation that was enacted. He continued that he feels that these differences need to be reconciled and would request the Commission to create a workshop that would allow the industry to sit down and work with the Commission in developing some language and interpretation, as well as standards that could be applied to pool equipment. He stated that he has found a great deal of disparity

around the state among building departments attempting to interpret Chapter 515. He further stated that he understood that the Building Code bill moving through the House and Senate does include a cross-reference to Chapter 515, F.S., which will give authority to the Building Commission to interpret and carry out its' responsibilities under that legislation. He reiterated that his organization requests that a workshop be held as soon as possible so that the industry could participate with the Commission in the development of interpretive language and some standards which could be applied to establish some uniformity.

Mr. Moseley stated that his organization, at this time, works in 28 municipalities and there are 22 different interpretations of this law. He explained that before the new law becomes effective in October, the industry would like the opportunity to help devise one set of rules which would be followed across the state. He reiterated the request for the workshop to do this.

Mr. Bednerik stated that when the Code was being developed, this was placed under the Special Occupancy TAC. He continued that when the issue of entrapment was brought before the Commission last summer, this was placed in the Plumbing TAC for a while. He further stated a Special Task Force on Pool Safety Issues which led to meetings in Ft. Lauderdale with the sponsor of the legislation. He commented that these meetings were very helpful and began to clarify and bring some interpretation of the statute. He restated the industry's desire to find a "home" in the Commission. He continued that ideally a Pool and Spa TAC would be preferred, but if that is not possible, a place under the Plumbing TAC would be acceptable. He stated that the Pool and Spa Industry is a significant segment of building in Florida and the industry feels it needs to be a part of the Code and it's interpretation.

Chairman Rodriguez stated that the Commission appreciates their presence at the meeting and for the suggestion for a workshop. He continued that a follow up to that will be performed. He commented that there should be no concern regarding a "home" as it is with the Commission. He further stated that his instinct would be that the Swimming Pool Safety Ad Hoc, which met with Senator Wasserman-Schultz, would be the appropriate group to conduct a workshop with. He stated that he came away with two clear thoughts from that meeting: 1) Senator Wasserman-Schultz's intent in sponsoring that legislation was to save lives and that should remain in the front of our minds. 2) Senator Wasserman-Schultz welcomed the Commission's interpretation of the legislation she had drafted and is sensitive about the issue mentioned by Mr. Bednerik. He stated that the Senator's goal is not to make it difficult on everyone, but to do what is possible under the law to save lives.

Mr. Bednerik commented that the industry is in full support of the legislation. He stated that when it was first introduced some four years ago, the association offered then Representative Wasserman-Schultz their support and cooperation. He further stated that the

association recommended that rather than draft something from scratch that existing language, the Model Barrier Code, which was developed by the national industry, should be employed. He continued the Model Barrier Code contained code-like language and was readily interpretable with known entities. He further stated that it had been the basis for the Southern Building Code. He commented that the Senator chose to continue to write an individually drafted law. He continued that the industry was unable to convince her to utilize the existing model code language. He reported that the industry has not opposed the Senator's legislation. He stressed that the industry is seeking to help homeowners', who have a responsibility to comply, by giving them professional advice relative to the choices they have and what needs to be done to meet the requirements of the law. He again stated the industry's support of the intention of the legislation relative to that and also the entrapment issue. He concluded that the industry wants its products to be safely used and the customers to be happy and safe in their use.

Chairman Rodriguez added that one of the reasons why the Commission promotes the participation of the construction industry coming to the Commission to work things out is principally for issues like this. He continued that it is easier to speak to the people around these tables than to speak to legislators about these issues. He stated that he believes in time, they would appreciate the opportunity to deal with the principal and not details that are written into law which is later counterproductive to what their goals were. He concluded that he personally is committed to hold a workshop, if acceptable to staff, to be scheduled with the Swimming Pool Safety Ad Hoc.

RON SCHROADER, TRIODYNE SAFETY SYSTEMS, CHICAGO

Mr. Schroader stated that on February 21st of this year, Peter Pachenic, the president of Triodyne Safety Systems wrote a letter to the Chairman, but there had been no acknowledgment of that letter. He asked if he could read it during public comment to ensure that everyone is on the same page relative to the anti-entrapment existing standards that are in place.

Chairman Rodriguez offered an apology for the lack of acknowledgment. He stated that if the letter was not lengthy, it could be read during public comment.

Mr. Schroader read from the letter referencing areas of concerns as Sections 242.2.616, 424.2.6.3. The letter offered specific suggestions or recommendations to clarify the sections that were mentioned.

Chairman Rodriguez interjected stating that these issues will have to be discussed by the Swimming Pool Safety Ad Hoc. He commented that the time spent initially on these issues should be conducted at the proper place and then come back to the Commission

with a recommendation. He stated that Mr. Schroeder would receive notification when that meeting would take place, which would allow him to attend. He restated his apology for not responding to the letter.

Mr. Schroeder asked if Chairman Rodriguez did receive the letter.

Chairman Rodriguez confirmed that he had.

DAVE OLMSTEAD, PGT INDUSTRIES

Mr. Olmstead stated that his company's objective is and has been to have all of its products certified under the new Code on or before the implementation date. He continued that, to accomplish that objective, the company is now AIA certified providers and have been recognized by the Department of Business and Professional Regulation. He expressed appreciation for all of the hard work the Commission has done. He stated that his organization is almost compliant, but a labeling problem has been discovered. He referenced Chapter 17, Testing and Labeling, and the Wind-borne debris section. He continued that the request is for the Commission to compare those two test protocols to make a determination if they are equivalent, and if so, issue a declaratory statement to allow use of either standard.

Chairman Rodriguez commented that this was discussed in the Product Approval Ad Hoc meeting. He suggested that Mr. Olmstead speak with Dennis Braddy for an update on that issue. He added that this issue will continue to receive the proper attention. He stated that, for those in the audience, the Commission welcomes public comment. He explained that to be more effective, the Ad Hoc should be the first place to address issues that are a concern, because the members of the Ad Hoc are able to devote more time discussing those issues. He concluded that every effort would be made to try to reconcile these matters so that those who seek one approval to be able to sell products statewide could have that happen.

Mr. Olmstead offered an apology that he was not there at the Ad Hoc.

Chairman Rodriguez stated that an apology was not necessary. He reiterated that he offered the comment publicly, so that anyone seeking to come before the Commission, would be aware that if there is an Ad Hoc that has been named, it would be more appropriate to begin there.

Mr. Olmstead stated that he would be happy to do that.

Chairman Rodriguez thanked Mr. Olmstead for his interest. He added that what Mr,

Olmstead is seeking is important and good for the public.

DENNIS BRADY, ARCHITECTURAL MANUFACTURING
ASSOCIATION OF FLORIDA

Mr. Braddy offered comment on the wind-line issue. He stated that it was discussed during the Ad Hoc meeting, but he wanted to ensure that the Commission knows how important this problem is for the local jurisdictions who are trying to make these decisions. He continued that Bob McCormick has put this out on the discussion group from BOAF and a lot of comments are coming back. He explained that it is clear in reading those comments that there is confusion throughout the state in how to draw those lines. He stated that Mo Modani and Charlie Hickey have worked very hard in generating a GIS system and they have made great progress with that. He suggested to the Commission that instead of the local counties trying to do this on their own, with only twelve having GIS capability, he would recommend that the state and DCA do this work for them and overlay the maps for the state to include the roads, lakes, etc. with lines drawn through them. He continued that the counties can then do their ordinances deciding which roads or lakes are nearest to those lines, without any involvement from the Commission on those issues. He further stated this allows them to have the basic information, which some counties may have a rough time getting to that point. He stated the reason for his concern is that his group is already bidding jobs or trying to bid jobs that will be under the new Code, after October 1st, which makes it very difficult if it is not known where the lines are at present. He added that his industry is not the only one with that type of problem. He concluded that he would like to have those by July 1st so that these building officials can get the lines drawn.

Chairman Rodriguez asked Mo Modani if he was prepared to do what Mr. Braddy is requesting.

Mr. Modani stated that this will be a subject of discussion when Mr. D' Andrea presents his report.

LORRAINE ROSS, FLORIDA BUILDING CODE ALLIANCE

Ms. Ross stated that with the development of the Florida Building Code being complete, the attention is shifting to the implementation phase to ensure that it works. She continued that product manufacturers are planning ahead to make sure that the appropriate products are in the appropriate places to make sure that when the October deadline that products will be there for homebuilders and other contractors to make sure that buildings are put together correctly. She further stated that there appears to be a very critical distinction relative to how counties set these wind zones. She continued that her organization would request from the Commission two things: 1) to provide the opportunity to provide all of these

necessary tools to the local communities, which would mean taking the GIS system and overlay the ASCE798 digital map. 2) ask DCA to provide a clear explanation to the counties on what options are available to them. She offered, for example, that if there are three wind zones within a county and a county decides that the entire county is the highest rated wind zone. She continued that this might actually be considered a local amendment, which has its own process and takes a lot more time. She concluded to that end that those two things with respect to setting wind zones.

Chairman Rodriguez thanked Ms. Ross for bringing that up. He stated that the funding and staff limitations of DCA have been heard. He further stated that any and all suggestions that she could bring that would result in making it easier for everyone, particularly the smaller counties that may not have the expertise, time or resources, are appreciated. He continued by stating the importance of having the Commission in the position to field these suggestions and then help disseminate them if they are good public policy.

BRISBANE BROWN, EXECUTIVE DIRECTOR, BUILDING
CONSTRUCTION INDUSTRY ADVISORY COMMITTEE &
PROFESSOR IN SCHOOL OF CONSTRUCTION AT THE
UNIVERSITY OF FLORIDA

Mr. Brown stated that as of July 1st, by legislation, the money that was coming from the Construction Industry Licensing Board and the Alarm and Electrical Contractors and going to the Department of Education for the funding of BCIAAC will now be going to the Florida Building Commission. He continued that he understood as of July 1st the Chairman would be appointing new members to that committee. He added that this committee has developed expertise in taking problems, as the members are from all of the different associations. He explained that it is able to take the problems of the industry, develop requests for proposals, evaluate the proposals and take care of the research. He stated that this is a capability that the Commission will inherit it and its funding, if a problem is brought to the Commission, it can be referred to this group, who would research it and then come back to the Commission with an answer. The group has developed many continuing education courses and is in the process of developing one now relative to termites. He concluded by stating that he just wanted to make sure the Commission knew this was happening and that the group comes to the Commission with capability and funding.

Chairman Rodriguez thanked Mr. Brown for his comments and welcomed him. He added that there is also an Accessibility Council, appointed by the Secretary, who works and recommends to the Commission. He continued that this group's coming to the Commission is not only welcome due to the money it brings, but because of the job that it does, which is greatly appreciated.

JACK DAVIS, SENIOR PLANNING ANALYST FOR DSM
PROGRAMS, FLORIDA POWER CORPORATION

Mr. Davis stated that his organization is proposing to provide a different mechanism for the "as-built" home to claim credit for a reduced multiplier. He continued by stating that, although they do not agree with the proposal which was submitted by the Florida Solar Energy Center, they do agree with the intent of the proposal of the associated multipliers. He stated that they believe in an alternative method to achieve the lower multiplier, .10, is easily obtainable. He further stated that the states are required by Federal Law to demonstrate equivalence of their Energy Codes to the 1998 International Energy Code by September 2001. He continued by stating that there is no requirement in the IECC that the duct systems be tested. He stated that Chapter 1, Section 103 of the IECC Manual states "Specific provisions of the IECC shall be determined through the use of computer software modeling, worksheets, compliance manuals, etc." He further stated that when alternative methods have been approved by the Code official as meeting the intent of the Code, they can be allowed. He feels that mastic on duct systems more than meets the intent of the Code and qualifies for utilizing the lower multiplier. He continued, although IECC provides a definition in the method for determining a substantially leak-free air distribution system, Code officials can determine the best method for demonstrating compliance, i.e., sampling protocol or prescriptive requirements. He stated the request to the Commission is to allow mastic to be used to take the lower multiplier.

Mr. Dixon offered clarification that the request is to make a modification to the Code to recognize an alternative approach to get the beneficial credit multiplier for well-sealed air ducts for houses. He explained there are limitations to what can be done due to the bounds set by the settlement agreement signed with the Homebuilders Association regarding Code amendment process. He stated that legal staff would need to review this issue to determine what is possible and report that back at the next meeting.

Commissioner Lipka stated this was discussed at the TAC meeting. He reported that suggestions were made that it be put in form of a proposed amendment for the next amendment period and would be discussed through the TAC. He continued that the fact that this is being asked does not mean that everyone agrees with it. He reiterated that after it has been discussed by the TAC, it would make a recommendation to the full Commission, as any other suggestions are handled this way.

Mr. Dixon confirmed that is the process. He stated the issue becomes when is the first opportunity to amend the Code, which needs to be researched further.

Commissioner Lipka stated that this could be done as quickly as possible, but the Code should not be held up based on this issue. He further stated that this may not be

addressed before the next meeting or two. He continued that by that time, the Code could be in effect and it would be a point of revision.

Mr. Davis stated that the infrastructure of the requirement for testing is not in place at this time. He further stated that there are less than 50 Class 1 raters in the state and of those probably only half have the necessary equipment. He continued that for that reason, it is not a viable alternative to test the hundreds of homes being built, which is why the alternative is being offered.

Chairman Rodriguez thanked Mr. Davis for bringing the issue to the Commission's attention. He stated that there is a process which must be followed and the issue will go through a TAC before coming back to the Commission.

JOHNNY LONG

Mr. Long offered comments concerning individuals with disabilities attending the Commission meetings. He discussed that when chairs are set up, individuals with disabilities are set up in the aisles. He explained that he is not able to bring his laptop due to lack of space to accommodate the efficient use of it. He also pointed out that often the hotels that host these meetings do not adequately facilitate the needs of the disabled. He requested, if there is a way, to give information to the Commissioners to assist them in evaluating the places where these meetings will be held. He concluded that he wanted to state this as a point of information and was not looking to create a problem.

Chairman Rodriguez stated that it was not a problem. He further stated that the Commission can only do a good job with the input of the public. He continued that Charlie Hickey is generally the person who books the meetings. He recommended that he communicate with Charlie any reviews of the facilities, especially if a problem is known before so that appropriate action could be taken. He welcomed Mr. Long's comments relative to this based on his experience.

RICHARD HOOFARD, OVERHEAD DOOR CORPORATION

Mr. Hoofard stated that he wanted to reiterate what Mr. Braddy and Ms. Ross had previously discussed relative to the determination of the wind-load levels for the various communities in the state of Florida. He continued that his corporation had been working for more than one year to meet the new Florida Building Code relative to ASCE 7-98. He stated that there are more than six different types of residential doors and more than twelve different types for commercial doors. He further stated that those who are contractors know the variety of product that is available meeting the perimeters of residential and commercial buildings. He continued by stating that it takes time to develop new designs and test these

to meet the new Code. He commented from their findings that outside of those who attend these meetings, no one in the state of Florida knows what is going on. He stated that is frustrating trying to develop a product for someone to meet the new Code when there is no guarantee that the local building official will follow what is being developed. He further stated that a lot of the municipalities and counties do not necessarily agree with what the new Code is telling them relative to wind-load ratings and they may arbitrarily decide to write an amendment to change that. He emphasized the need for prompt, decisive information dissemination from the Commission to the county and municipal levels as October is getting closer and manufacturers need more than one month to have products available for installation.

CONSIDERATION OF ACCESSIBILITY WAIVER APPLICATIONS

Ms. Watson stated that there were only three applications for consideration.

Item #1, The Church of Jesus Christ of Latter-day Saints. Ms. Watson stated that the applicant had requested a deferral.

Item #2, Office of Ralph Choeff. Ms. Watson stated that the application was divided into two parts. She stated the first part deals with vertical accessibility, which the Council recommended to grant with conditions. She continued that the condition is that when the first floor tenant changes and performs renovations, vertical accessibility to the second floor must be provided. The plumbing inspector called the plans illegal. She explained that Jose' Smith is the owner of the mall and the Beverly Hills Café, which during 1981 and 1982, rented the downstairs space of Mr. Choeff's office for their corporate offices. She stated that the stairway was in place at that time with a revision in 1987. She continued that it is an external stairway and is currently the only means of egress. She submitted that the space was 1,250 square feet and employs five people. She stated that there was an interior stairway which provided access to storage to the left of the plans which would be adjacent to, but currently separated from Mr. Choeff's office. She continued that there was no permit pulled for the conversion to Mr. Choeff's office. She offered that the width of the stairwell on the exterior if forty inches wide leading to a walkway extending over a roof with a one-step access. She stated that lowering the roof was presented as technically infeasible as it would encroach on the mechanical and electrical space. She further stated that the applicant had presented an addendum with the criteria that it would be less than five people in the office area. She continued that the owner and the tenant agreed to provide vertical accessibility when the downstairs tenant changes.

Chairman Rodriguez asked for clarification of the Council's recommendation.

Ms. Watson stated that the Council recommended granting the waiver for technical

infeasibility with the condition that when the first floor tenant changes, and performs renovations, vertical accessibility to the second floor must be provided.

Commissioner D' Andrea entered a motion to approve the Council's recommendation. Commissioner Lipka seconded the motion. Vote was unanimous. Motion carried.

Ms. Watson stated that the second part of this application was for a bathroom on the second floor. She explained there was a five by five space with a closet on the right. She stated that the applicant was willing to move the petition to the right, which would give a total space of 7 feet 9 inches on the width and a 5-foot depth. She continued that there is a pedestal which is 34 inches high, which is compliant and a 3-foot door. She stated that the applicant had requested this to be deferred to allow them time to work with the building department to find out the ADA specifications. She further stated that the applicant was not sure of the year because the illegal build out on it, but believe it could be 1981. She continued that if it was 1981 it would be before the sink was put in the bathroom and before the width requirement was required.

Commissioner Lipka interjected stating that he understood this to be Ms. Watson's last meeting after eight years of service. He stated that Ms. Watson had been a great contributor and felt a round of applause and well wishes would be appropriate for her.

Ms. Watson thanked the commissioners and stated that it had been great to work with. She stated that there was one more application.

Item #3, The South Miami-Dade Cultural Arts Center Ms. Watson stated that the application was presented by Antonio Sanchez. She stated that it was one of the most successful theaters the Council had seen. She further stated that they had worked with an Advisory Council of people with disabilities. Ms. Watson continued that there were two balconies and removable seats had been provided along the left edge. She stated referring to the plans, there are two branches on the second and third floor balconies. She explained that the left side is removable, but the right side is not. She stated that vertical accessibility has been provided and three seats each on the second and third floors which are integrated in the front, the middle, and the back of both floors. She stated that the Council thanked them for their effort and unanimously voted to grant the waiver.

Commissioner D' Andrea entered a motion to approve the Council's recommendation. Commissioner Lipka seconded the motion. Vote was unanimous. Motion carried.

Chairman Rodriguez stated that he knows the Commission would see more of Ms.

Watson. He further stated that her enthusiasm in knowing her work is making a difference is wonderful and contagious. He thanked her.

CHAIR'S DISCUSSION ISSUES AND RECOMMENDATIONS

Chairman Rodriguez stated that the first issue he would discuss was privatization. He reported that an Ad Hoc committee would be appointed to focus on the issue of privatization. He explained that the committee would be appointed using the ANSI criteria standards which are three producers, three consumers and five general interest people. He continued by stating with the help of staff a workplan is ready to deliver recommendations, and with the Ad Hoc's help, by the 2002 Legislature. He stated that this is a hot topic, as many are probably aware, and he did not feel it would be difficult to find people to serve on this committee, but if any of the Commissioners would like to serve, he would encourage them to do so. He further stated that the membership as specified according to ANSI must be kept. He continued that he would be chairing the committee. He stated that he believes this is a critical issue which is gaining a lot of attention and it is in everyone's best interest to bring it to the Commission and deal with it here.

Commissioner Shaw asked if volunteers were being sought at this meeting or a later time.

Chairman Rodriguez responded that it would be at a later time. He stated that he felt that since this was such an interesting and important issue, he wanted to announce it to all of the commissioners so they would be aware.

Chairman Rodriguez related that another issue is that of Code Dissemination. He reported that the Code was currently at the printers and it has a confirmed availability of between the 26th and the 30th of April. He stated that he realizes this was later than the original date of April 1st, which was when the Commission had intended to have it available.

Commissioner Bassett asked if there was a date set of when the Code will be available at the web site.

Chairman Rodriguez responded that the date that has been planned is May 15th, but it is hoped to be done prior to that. He stated that it depends on the CD's, etc. He commented that he does not want to appear to be taking this lightly. He stated that this is a very serious issue, because for the Code to be able to come into effect in October, it has to be available to people.

Commissioner Bassett stated that he was not referring to the CD version, but the online version. He further stated that it was previously indicated that when the Code went to

the printers it would be available immediately on the web site.

Mr. Dixon stated that SBCCI has not given a specific date on that yet. He continued that when they were asked prior to this meeting, their computer operation people were not available. He stated, from his understanding, they intend to put the Code on the web site immediately. He added the caveat that it may be at the signing of the contract between the department, i.e., the state and SBCCI.

Chairman Rodriguez furthered that through Mr. Dixon, who is always in the difficult position of "go-between" of the DCA and the FBC, it has already been determined that it is very important to conclude the business with SBCCI by signing whatever remains to be signed. He stated that he was happy that it had not delayed the printing of the Code and that it is already being printed. He commented that he felt it important that the message go back to DCA that this is a top priority, in order not to compromise the October 1st effective date of the Code. He added that it has been arranged to have delivery to the building departments immediately upon receiving the Code. He offered that these will be the first people to receive the books. He stated that orders will be available to the public through DCA, Miami-Dade and Broward counties, who have committed to a number of books. He further stated, for information purposes, if an order is to go through DCA, it must be done at the web site with a credit card, due to the shortage of staff availability to take orders.

Mr. Dixon stated that the Code will also be available directly through Dade and Broward counties for anyone who does not use a credit card or the web. He further stated that there would be other sale points. He added that SBCCI would be selling the Code at member and nonmember prices, depending on membership status with SBCCI. He stated it was his understanding that BOAF will also be a point of sale.

Chairman Rodriguez stated that the assistance of Dade and Broward County, as well as BOAF, is greatly appreciated. He concluded that the Code needs to get out there and the sooner, the better.

Chairman Rodriguez stated that the last issue he wanted to bring to the Commission was the evaluation of the process and availability of Code-complying shingles. He further stated that rumors continue that there is a temporary supply problem or an excessively unreasonable cost burden on this. He continued by stating that the Commission is seeking information relative to this from manufacturers. He referred to a letter from Steve Minnel, Executive Director of the Florida Roofing Sheet Metal and Air-Conditioning Contractors Association that was sent to Jack Glenn. He read the letter to the Commission, which, in summary, indicates that the shingles that meet the ASTM D-3161, modified to 110 mph wind velocity, are readily available and only cost a few dollars more per square than shingles that do not meet this requirement.

Ms. Ross stated that she had spoken with Mr. Glenn and together they will be working on getting a direct meeting together between represents shingle manufacturers as well as the Florida Home Builders Association. She added that she would anticipate that members of FRAMA, which are the contractors, would also be invited. She stated that she hopes to have that accomplished by the end of the month.

Chairman Rodriguez stated that if there are any commissioners interested he encouraged them with the importance of participation. He added it is a "self-help," thanks to Ms. Ross and Mr. Glenn.

Commissioner Lipka asked where that meeting would take place.

Mr. Dixon stated that any commissioner who is interested should contact him and he will be the point of contact with information on when and where the meeting will take place.

REVIEW AND APPROVAL OF COMMISSION'S UPDATED WORKPLAN AND MEETING SCHEDULE

Mr. Blair conducted a facilitated review of the Updated Workplan, referencing pages 12-16 of the Agenda Packet. (See *Facilitator's Report* Attachment.)

Commissioner Wiggins asked how the Privatization Ad Hoc Committee will interface with the proposed workgroup under HB 1223 with regard to commercial building inspectors.

Chairman Rodriguez responded that this would be covered under the legislative report that Mr. Dixon would be presenting, which is next on the Agenda.

Commissioner Parrino stated, referencing Item J, it was his understanding that the Manufactured/Prototype Building Ad Hoc has been assigned this particular task.

Mr. Blair responded that a workplan workshop would be conducted next month to determine if this task is still appropriate.

Commissioner Parrino stated that the Ad Hoc had already discussed that it would address this issue and have it ready for the Commission's review at the September Commission meeting.

Chairman Rodriguez thanked Commissioner Parrino and asked that he make note of it. He stated if there were any further needs to coordinate, please get with staff.

Mr. Blair continued with the facilitated review of the Updated Workplan.

Commissioner D' Andrea entered a motion to approve the Updated Workplan. Commissioner Wiggins seconded the motion. Vote was unanimous. Motion carried.

Mr. Blair added that at the May Commission meeting, an assessment workshop would be conducted. He stated that he would be sending out a survey which should be completed and returned as quickly as possible. (See *Facilitator's Report Attachment*.)

STATUS UPDATE ON LEGISLATIVE ISSUES

Mr. Dixon stated that there are two bills that are of primary importance to the Commission to report on. He conveyed that the first is the Commission's Bill which implements the recommendations made to the Legislature as of last January. He stated that the second is Senate Bill 744 and its House counterpart which address Privatization, of plans review and inspection.

Mr. Dixon stated that the Commission's Bill is moving. He reported that it had four committee assignments and on the Senate side and has passed out of one with modifications. He stated that the modifications were not enough to say that the Commission's recommendations were not being followed. He further stated that there were a number of other amendments pending at the next committee on the Senate Bill and most of those are minor clarifications that do not radically impact the Commission's recommendations. He continued that the bill came out of the House side, as well, this week. He stated that the committee picked up the Senate side bill and will strike everything and replace with the Senate version of the bill. He further stated that there would be one more committee stop on the House side. He reported that the significant changes were tweaks to the Product Approval, which, as he indicated, does not change the Commission's recommendation. He stated that it adds a term such as comparative analysis in addition to the terms testing and rational analysis. He stated there were tweaks to the lawn storage language, which clarify that it is not intended to treat site-built lawn storage sheds and manufactured lawn storage sheds differently. He further stated that the same standard for exemption from mandatory wind-borne debris protection would apply to both 720 square foot, not for human habitation, lawn storage sheds.

He stated that the other major addition to the Bill is a move to bring the Building Construction Industry Advisory Council as an entity into the Commission. He explained that the BCIAC is a group established by the Department of Education Rule which makes recommendations to the Department of Education on which research projects should be funded from the surcharge on contractors' licenses. He stated that it would come into the Commission as a Commission TAC or Advisory Group and will be constituted similarly to as it is today. He further stated that their assignment would be to advise the Commission on research.

Mr. Dixon stated that a second new issue is a rehabilitation code study. He further stated that the Commission has agreed to do this at the request of the city of Gainesville and now there is a legislator from a different area who wants it to be studied as well. He stated that it will be in the bill as a Commission assignment to bring back a recommendation to the year 2002 legislator whether or not to pursue a rehabilitation code.

Mr. Dixon reported that the other major issue is that the sponsors of the House and Senate bills for privatization of plans review and inspections are deferring to the Commission, at its request. He stated that this is a significant act because it shows a partnership between the Commission and the Legislature to deal with these Building Code issues. He continued that there was a request by several industry groups for the Legislature to authorize owners to hire architects or engineers to do plans review or inspections on buildings when the building department cannot get to the work within a certain period of time. He stated that this recommendation is not being pursued by the Legislature. He further stated that the Legislature is deferring that to the Commission for a study this next year. He commented that Mr. Richmond could describe how the negotiations are going on that particular language.

Mr. Richmond stated that he had distributed the most recent copy as it was faxed to him that morning. He further stated that he believed there are members of BOAF who are in agreement with that and have at least a preliminary agreement by the Associated General Contractors on that language. He asked the Commission to notice that it calls for an Ad Hoc committee of this Commission to be composed of identified representatives. He stated that those representatives would be required to meet at least four times prior to January 1, 2002. He further stated that they would develop recommendations which would go through the Commission and then be turned over to the Legislature before next session. He stated that he believed this to be entirely consistent with the Commission's action at the last meeting on the bill. He continued that this language is scheduled to go before a House committee that afternoon and would be in the Senate tomorrow morning. He stated that this seems like a good workable solution that incorporates the concerns of the Commission with participation in this process together with concerns of industry and actually having a solution to some of the problems they are perceiving out there. (See *Senate Bill 744* Attachment.)

Mr. Dixon offered comments on one other change that has been made to the bill. He stated that one of the industry groups has requested that the Legislature further define what type of amendments the Commission and local governments can make to the base codes. He further stated that this is in the Senate Bill at this point in time. He continued that it clarifies that amendments can only address physical characteristics unique to Florida that are not addressed adequately by the model base codes. He offered, for clarification, that the language reads "For the purpose of this part, specific needs shall mean: needs identified as unique physical characteristics that relate to Florida's geography, climate conditions, soil,

topography or other conditions that are measurably different from other areas of the nation and where the Commission determines that the model code does not adequately provide a standard of safety or protection for the state.” He stated that it is a further limitation on what amendments that local governments or the Commission can make to the Florida Building Code.

Mr. Dixon stated that there is another issue that is still under negotiation, but he will defer that until the Education Ad Hoc Report, as it was addressed to that committee earlier.

Chairman Rodriguez asked who the proponent was of the change that would further limit the Commission and the local jurisdictions.

Mr. Dixon responded that he was not certain if it was the full construction industry coalition. He stated that the Florida Home Builders Association is the group he had spoken with.

Chairman Rodriguez offered comments regarding the need for flexibility in order for the Commission to have this work right. He stated that the Commission has to be the forum where these issues are brought up. He continued that he did not feel it was the intention of anyone to curtail any special interest rights to go directly to their legislators. He stated that as industry, something is lost in doing that. He further stated that it is fair to appeal to the local legislator and try to change something that the Commission has done, but it is also fair to say that after performing the kind of work that the Commission does, this is disappointing.

Commissioner Shaw stated that after meeting with the pool and spa contractors he has concerns regarding the difficulty and disarray they are experiencing. He asked if the Wasserman-Schultz Bill language was included in the Commission Bill for interpretation and where was it going to be located.

Mr. Dixon responded that the question was not whether it should be done, but how it should be done. He stated that the mechanism is that Chapter 553 F.S. will reference Chapter 515 and the specific standards, to be integrated as part of the Florida Building Code. He further stated that this would give the Commission the authority to interpret the pool barrier requirements.

Commissioner Lipka commented that he did not believe there would ever be a way of stopping someone or group from talking to their legislator. He stated that all the Commission can do is be aware of these incidents and take a defensive or aggressive position when the time demands that it do so. He further stated that someone will always try to go around the Commission by getting a legislator to submit a bill or attach an amendment to a bill to make a change that might simply flow through. He stated that it is the same on the

Federal level, because people try to take care of their own self interest and it is a difficult process.

Chairman Rodriguez stated that he appreciated those comments. He added that no one is trying to deny any one of their rights. He commented that he believes this to be in the best interest of the industry, because it is represented by those that sit on the Commission. He further stated that it is fair to say that when a consensus is formed by a group on an issue, it is disappointing to see that it does not stop there. He continued that it could result from who has the best lobbyist at the Legislature each year or it could be resolved at the Commission to the best interest of everyone, not the least of which is the public.

Commissioner Wiggins stated that he was in agreement with Commissioner Lipka. He added that it is disheartening, after the tremendous amount of collaboration between the industries, cities and counties relative to how to deal with local amendments, to see these last minute efforts come in. He offered that this type of amendment would even prevent simple fire sprinkler amendments to the local codes, although they could then amend the fire code. He reiterated that when these kinds of limitations are placed after everyone has agreed previously as to how this would be handled, that is what is disappointing.

Chairman Rodriguez stated that the word "trust" comes to mind during all of these discussions. He further stated that there has to be an element of trust in order for the industry and the Commission to come together on these issues. He continued that when someone agrees to something, that agreement should be something that will be moving ahead.

Commissioner Shaw mentioned that some of this may be coming from comments being said by certain boards, who have indicated that no matter what the Commission does, they have decided to amend their codes to reflect what was in place in the past. He stated that this kind of comment is even worse.

Chairman Rodriguez stated that he agreed and that it was a good point.

Commissioner Bassett stated that he was not sure he understood this. He asked for clarification if the bill only limits local amendments or does it also limit what amendments the Commission can do.

Mr. Dixon offering clarification stated that this is specific to the Commission. He quoted from the existing statute "The Commission may modify the selected model codes as needed to accommodate the specific needs of this state." He reported that the added language states "For the purposes of this section, specific needs means physical characteristics."

Commissioner Bassett entered a motion that the Commission communicate with the maker of the bill and indicate that it opposes the bill.

Commissioner Wiggins seconded the motion.

Chairman Rodriguez commented that he sees the Commission as almost a “self-governing” board of the industry. He stated that it is supported by a department that is not embarrassed to come out and say that is not funded to the extent that it needs. He further stated that the Legislature cannot be expected to be experts on the problems that come before the Commission. He continued that when members of the different interest groups, such as Lorraine Ross or Dennis Braddy, come before the Commission with issues and suggestions, it makes good public policy. He stated that the Governor, the Executive Branch makes the appointment, but it is balanced by the legislative branch. He stressed that all of the industry should encourage each other to come before this Commission to contribute to the “self-government” in public and not have to do it for just political means, but to bring in some professional judgement into the equation.

Mr. Blair clarified that the motion is for the Commission to communicate with the maker that it opposes the amendment to FS 553.73(3).

Vote to approve motion was unanimous. Motion carried.

Commissioner Marshall asked if the separate foundation permits were included in the bill.

Mr. Dixon responded that staff, at the Commission’s direction, had crafted language which would allow not just foundation permits, but other special permits, prior to the complete review of the full set of plans. He stated the language was in the original version of the bill. He further stated, since that time, one of the industry groups felt it was still necessary to reference foundation permits also. He continued stating the foundation permit language was added to the bill.

Chairman Rodriguez stated that the last issue must be revisited as there was some confusion on the part of Commissioner Browdy and he wished to vote against the motion. He asked Commissioner Bassett what the parliamentary procedure would be.

Commissioner Bassett stated that a member of the winning side has to make a motion to reconsider, it has to be seconded and voted upon, and then it can be reconsidered.

Chairman Rodriguez asked Commissioner Bassett if he would like to do that.

Commissioner Shaw entered a motion to reconsider. Commissioner McCombs seconded the motion. Vote resulted in 14 in favor, 7 opposed (Quintana, Wiggins, Lipka, Sanidas, Kopczynski, Bassett, Marshall). Motion carried.

Commissioner Shaw entered a motion that the Commission votes the opposition to the bill. He asked, as maker of the motion, that Commissioner Browdy offer an explanation as to what his opposition would be.

Commissioner Bassett stated that the vote to reconsider, which is sufficient.

Commissioner Browdy commented that he was not stating the opposition to try to convince any one of his position. He stated that he would only articulate his position because he has a concern, which is not about the intent, ability, or effectiveness of the Florida Building Commission. He further stated that he has doubt about the other jurisdictions in which the members of the Florida Home Builders Association and all of the other contractors practice throughout the state of Florida. He continued that contrary to popular belief, there are a lot of municipalities that do not understand, at the present time, the effectiveness of the Florida Building Code and the Florida Building Commission having governance of that Code. He stated that it is not an issue of trust with him, as he is very pleased and feels very confident in the Florida Building Commission. He furthered that the local jurisdictions throughout the state do not share the same enthusiasm, nor the same knowledge or understanding of the process. He continued that his concern is without certain restrictions placed on the local amendment process that is inherent within the statute. There may be a tendency to abuse the opportunity for local amendments. He commented that it is a long trip to the Florida Building Commission to overturn and in the meantime, a lot of problems can occur. He stated that he believes the clarification "specific needs" is important to the local jurisdictions to give them guidance. He restated that it has absolutely nothing to do with trust or confidence in the ability of the Florida Building Commission or restricting it.

Mr. Dixon offered clarification that the reason he raised the issue to the Commission was to explain the balance of interests established by the prior process, the Building Code Study Commission. He stated that when the Study Commission was looking at establishing a system where there would be no local amendments there was one amendment that was always justified. He continued that certain communities establish more strict sprinkling requirements because they do not have adequate firefighting equipment. He commented that in his opinion, this particular amendment would also be eliminated. He furthered that the quid pro quo between the League of Cities and the industry when establishing the Code was the local governments could amend it but that the Commission, the state would, for the first time, be afforded oversight over all local amendments. He continued that there was an understanding by the Study Commission that certain kinds of amendments, other than those

that address physical differences, e.g., the freezing requirements in the code, in Florida versus those in other states that should be allowed. He concluded by stating that he believes that this amendment breaks that deal.

Commissioner Bassett stated that his major concern was that this would overly hamper the ability of the Commission to write any further amendments to the Code. He furthered that if it had simply been for local amendments, he would probably not have said anything and let the local jurisdictions deal with it with the Legislature. He continued that this amendment severely hampers the Commission's ability to do business and if it goes into effect, it will tie the hands of the Commission and it will not be able to do anything in the future.

Commissioner Shaw stated that he shared Commissioner Bassett's concern. He further stated that from a Commission viewpoint, as he understood it, it would also prohibit the Commission from making modifications to the base code. He continued that his concern with that is that the base code would overreact to an issue making something more stringent than required and create a cost that would become prohibitive. He reported that some of that was seen in the Plumbing Code and modifications were made accordingly that reduced the cost of housing because it was felt that it was not needed to be as stringent within the state. He explained that would be his concern, not the local level.

Chairman Rodriguez stated that 23 people meeting on an almost monthly basis, to consider requests which will just be taken to the Legislature if the requesters do not get what they want is not appropriate. He stated that he did not know how 22 of the commissioners felt, but there was one who was not willing to play by those rules. He further stated that it would be a waste of time to come to these meetings to debate these issues, only to find the Commission in the position that it cannot do amendments.

Commissioner Lipka commented that he agreed that it takes away the authority of the Commission. He stated that going to the Legislature is difficult enough without going with a dissenting vote. He asked Commissioner Browdy if he would consider changing his vote to present a unanimous vote to the Legislature on this issue.

Vote to approve the motion that the Commission communicate with the maker that the Commission is in opposition of the amendment to FS 553.73(3) resulted in 20 in favor, 1 opposed (Browdy). Motion carried.

EDUCATION AD HOC REPORT AND RECOMMENDATIONS

Chairman Rodriguez commented that it was a pleasure to attend this Ad Hoc Meeting as well as the Rules and Procedure Ad Hoc Meeting. He stated that the

committees were extremely well-chaired and well-run. He wanted to thank Commissioner Browdy and Commissioner D' Andrea for their leadership.

Commissioner Browdy stated that there was a quorum present shortly after the meeting was convened. He reported that the minutes of the March meeting were approved. He stated that several action steps were then taken, the first of which was reviewing a report from Pierce Jones, University of Florida, who highlighted the content, as well as the form and time schedule for the dissemination of the transition courses. He reported that the committee recommended the approval of the direction and the content of those transition courses and to authorize DCA staff to approve the final versions and disseminate them upon their completion. He asked the Commission to support the committee's recommendation.

Commissioner Sanidas entered a motion to approve the committee's recommendation. Commissioner Thorne seconded the motion. Vote was unanimous. Motion carried.

Commissioner Browdy reported the next action step was the authorization of the release of all of the transition courses that are developed, and it anticipates that three of the four will be completely developed and ready for dissemination on or before May 15th, 2001. He stated that the approval of the Commission for that action step is requested.

Commissioner D' Andrea entered a motion to approve the committee's recommendation. Commissioner Wiggins seconded the motion. Vote was unanimous. Motion carried.

Commissioner Browdy stated that the Ad Hoc then addressed the issue of governance and oversight of the transition courses until such time as the Building Code Training Program Administrator is selected through the ITN process. He further stated that Ms. Jones had indicated that the DCA staff would have governance and would continue as the administrator of the transition courses until the ITN process is fulfilled and there is an onboard Building Code Training Program Administrator. He reported that the next action step taken was to determine the process for the selection or determine the successful response to the ITN that went out for the Building Code training Program Administrator. He stated there were three options that the Ad Hoc had and it chose an option that would have one commissioner on board with DCA staff to make that determination and report back to the Ad Hoc committee prior to the May meeting and ultimately for a recommendation to the Florida Building Commission. He stated that this was Option #3, which read "to compose a selection committee made up of the designees from the Department of Community Affairs and one commissioner, which would be himself per the committee's recommendation." He asked approval for the committee's recommendation.

Commissioner Lipka entered a motion to approve the committee's recommendation. Commissioner Wiggins seconded the motion. Vote was unanimous. Motion carried.

Chairman Rodriguez thanked Commissioner Browdy for accepting that responsibility.

Commissioner Browdy reported the next action step was the recommendation of the Ad Hoc that legal proceed with amending Rule 9B-70 to reflect the approval of the transition courses as equivalent substitutes for the core so that continuing education credits can be issued for those courses in compliance with the requirements by the DBPR for licensees. He requested a motion for approval to amend Rule 9B-70.

Commissioner D' Andrea entered a motion to approve the committee's recommendation. Commissioner Lipka seconded the motion. Vote was unanimous. Motion carried.

Commissioner Browdy continued with his report stating that funding issues were discussed. He reported that there was quite a bit of discussion regarding the Senate Bill that is currently around CS for SB336/190. He stated this provides for an allocation of up to \$500,000 of CA Fund money to be used for funding the transition core courses and is dedicated to the education of the construction community and to the professional design community for the Florida Building Code. He further stated that the Ad Hoc asks the Commission to support that line-item allocation of up to \$500,000 for that funding.

Mr. Dixon stated that he would defer this to Mr. Richmond as he had talked with the department a short time ago.

Mr. Richmond stated that it has been reported to him, through DCA's legislative office, that a consensus has been reached on language to effectuate the mutual goal that this training be funded. He continued that he could not be certain what that language is, but was informed that the Home Builders Association has signed off on this along with Rick Watson and Cam Fentriss. He stated that it should be moving up that afternoon. He commented, with that in mind, if the Commission feels compelled to take action, that it be more general than actually supporting language that currently appears in the bill, i.e., support the funding efforts of the effected industry groups, rather than choosing to support specific legislative language which may put the Commission in an adverse position with the department, which is always uncomfortable for himself, as well as other staff members.

Chairman Rodriguez clarified that what is being forwarded to the Commission is what the Ad Hoc voted on. He stated that there is also the recent report from Mr. Richmond on the negotiation that has been going on. He continued that if Commissioner Browdy would like to come up with a motion that takes that report into account that would be fine. He stated that if

he did not want to do that, he should make whatever motion he thinks he wants from the Commission.

Commissioner Browdy asked that the motion of the Ad Hoc be put on the floor to be voted up or amended. He stated that if it was the will of the Commission to not be as specific as the Ad Hoc, so be it, but he would respectfully ask that the motion be considered.

Chairman Rodriguez asked for clarification of the motion.

Commissioner Browdy stated that the motion was for the Florida Building Commission to support the language contained in CS for SB336/190, providing a minimum of \$500,000 of allocated CA Fund money to be used for funding the transition courses to the industry alliance of BOAF trade associations and the professional associations.

Commissioner Wiggins seconded the motion.

Commissioner Shaw asked if an addition could be made to the motion or caveat or any necessary modifications to the bill. He stated that it appears that some modification to the bill has occurred and if that is the case, either could be supported.

Chairman Rodriguez stated that may be too vague.

Commissioner Bassett offered an amendment to the motion to strike out the words "a minimum of \$500,000 of allocated CA Fund money" and leave the rest of the wording as is.

Commissioner Corn seconded the amendment.

Chairman Rodriguez asked Commissioner Browdy if he would accept the friendly amendment.

Commissioner Browdy accepted the friendly amendment.

Commissioner Wiggins accepted the friendly amendment.

Commissioner Leonard asked if the Senate Bill should be referenced either. He stated if the intent is to be as broad as possible, it should be supportive of the funding because it may come up in a House bill and may go back and be a compromised bill, with the Commission's motion no longer in effect. He continued if the amendment from Commissioner Bassett is accepted and also struck the words referencing the actual Senate Bill, it would be indicating that the Commission is in support of funding.

Mr. Blair requested clarification that the current motion, as amended, is that the Florida Building Commission support the language contained in CS for SB336/190 to be used for funding the transition courses to the industry alliance of BOAF trade associations and the professional associations. He asked Commissioner if he accepted the motion as amended.

Commissioner Browdy responded that he did not support this amendment. He stated that he believes that putting forward a resolution that the Commission would like to be funded for education is really bland.

Commissioner Bassett seconded the amendment. He stated that he would like to speak to it.

Mr. Blair interjected that if the friendly amendment is not accepted, the next procedural way to do that would be to put it forth as an amended amendment. He asked Commissioner Leonard if he would like to do that.

Commissioner Leonard agreed to offer as an amended amendment.

Commissioner Bassett seconded the amended amendment. He stated that he was informed that this particular bill was the same bill the Commission voted to oppose because it mentions how the Commission can amend the Code. He further stated that it would be in bad to be in support of it in one position and against in another.

Mr. Dixon offered clarification that his interpretation was that the motion was not to oppose the entire bill, because it is the Commission's bill. He stated that it was the section of the bill that was being modified that limits Code amendments that the Commission has voted to oppose.

Commissioner Kopczynski commented that he was not sure if he was for or against the amendment, but he was concerned the motion would be too bland. He stated that the original bill supported a dollar amount, which represented some amount of effort on the part of the Ad Hoc. He commented if the bill that is out there is only \$50,000 that is a big difference from \$500,000.

Chairman Rodriguez clarified that Commissioner Kopczynski's comment indicates that the dollar amount is an important fact. He stated that the Commission appears to be caught-in-the-middle. He explained that the Commission is supported by the Department of Community Affairs, which is in the middle of negotiations with proponents. He continued, from what he has heard, the Commission would like to go on record supporting the transferring of funds for that purpose. He stated that he would assume, if the Commission

wants DCA to support it on that, it has to be acceptable to them as well. He concluded that what the commissioners want is to make sure funding, in the amount of \$500,00, goes to education. He asked Mr. Richmond if there was a wording that he could recommend that would be the most appropriate which would allow DCA to negotiate the terms to guarantee that \$500,00 would go to education.

Mr. Richmond stated that he did not feel that an amount in any way, shape, or form would be an issue in terms of placing that in a motion, if it is felt that \$500,000 is required to adequately fund this. He further stated that he did not think that the interest groups would have agreed to a settlement that provided inadequate funding.

Commissioner Bassett stated that the current discussion was not relative to the motion on the floor. He stated the motion on the floor pertains only to whether the bill number should be kept in the motion.

Mr. Blair clarified that the motion on the floor was only to strike language "CS for SB336/190" from the original amendment. He restated that the motion is for the Florida Building Commission to support the portion of the language contained in CS for SB336/190, providing funding for the transition courses.

Commissioner Bassett stated that the original motion contained the words "to the industry alliance of BOAF, trade associations and the professional associations," which should still be in the motion as amended to this point.

Chairman Rodriguez stated that this is not about the Commission recommending, but supporting the Ad Hoc's recommendation.

Commissioner Shaw stated that Mr. Richmond was currently speaking to Rick Watson, who was part of the negotiations. He suggested that if the discussion is postponed, Mr. Richmond could give us the update as soon as returns.

Commissioner Bassett entered a motion to table the discussion and return later. Commissioner Wiggins seconded the motion. Vote was unanimous.

Commissioner Browdy reported that the Ad Hoc committee had brain-stormed and talked with those individuals who were present at the Ad Hoc meeting to get their opinions about possible issues and titles for advanced modules. He stated the committee would be working with the Administrator, once selected, to put them into the marketplace, at a later time, after the identification of the titles of those modules was completed. He declared that was the conclusion of his report. He requested a motion to accept the report, with the exception of the funding issue for transition courses.

Commissioner D' Andrea entered a motion to approve the report. Commissioner Wiggins seconded the motion. Vote was unanimous. Motion passed.

Mr. Richmond stated that the draft, with minor tweaking, is a very general document and does not provide for the specific line-item appropriation in the statute. He further stated that the negotiations had been along the line that funding would proceed as referenced in paragraph three, with correction that it is 215.559, not 215.555. He explained that this is the CAt Fund appropriation to the department. He stated that the information was provided to him by phone from Rick Watson, who is in full agreement with it and indicated the other interest groups were in agreement as well. He stated that, per that conversation, it is anticipated that this language will go forward as an amendment. He stated that if the Commission chose to adopt a contrary view, it would be at the Commission's discretion. He further stated that he did not know what kind of functional or realistic impact it could have when the affected parties have agreed to this language and the negotiations that led to this language. (See *Legislative Intent, Delivery of Training; Outsourcing Attachment.*)

Chairman Rodriguez stated that he appreciated Mr. Richmond's honesty, but what he has said to the Commission indicates that it does not make any difference what it decides to do, because the affected parties have agreed to it. He continued by stating that the Commission could choose to take whatever position it feels appropriate on this issue.

Commissioner D' Andrea entered a motion to remove the amendment from the table. Commissioner Lipka seconded the motion. Vote was unanimous. Motion carried.

Commissioner Bassett asked if this language was going into 766.190.

Mr. Richmond responded that this is intended as a substitute for the amendment that included the language regarding the \$500,000 that was being discussed during the Education Ad Hoc Report.

Commissioner Bassett stated that as it appears to not make a difference, he withdrew his second for the motion to amend.

Commissioner Harris asked if the Commission stated that it was in agreement with the bill the way it is drafted and the proponents of the bill, could it not request a caveat of \$500,000.

Chairman Rodriguez explained that the Ad Hoc committee took a position this morning and then brought it to the Commission. He stated that the Commission has been trying to take a position that would not decrease DCA's position to negotiate. He continued that the question is does the Commission want to vote on what the Ad Hoc recommended,

which was prior to receiving the information from Mr. Richmond relative to the current status of the bill at the Legislature. He stated, as Chairman, he was not sure how realistic it was that the Commission's language could possibly come in when the affected parties have settled this, but it is the Commission's decision.

Commissioner Shaw stated that, based on a lack of true information about what is being done at the Legislature he has reservations about what is being considered.

Chairman Rodriguez stated that there is a motion from Commissioner Browdy and a second from Commissioner Wiggins to support what the Ad Hoc committee recommended earlier as modified.

Commissioner Bassett offered a reminder that there was still a motion to amend, that did not receive a second, causing it to die.

Chairman Rodriguez stated that he thought he had done that.

Commissioner Leonard suggested that the motion be left on the table, rather than vote either way for it.

Mr. Blair stated that there is not a motion on the table at present as it was voted to be removed.

Commissioner Leonard entered a motion to table the motion of the committee's recommendation relative to funding issues, based on the fact that there is now more information that makes voting on that moot.

Commissioner Shaw seconded the motion. Vote resulted in 20 in favor, 1 opposed (Bassett). Motion carried.

PRODUCT APPROVAL AD HOC REPORT AND RECOMMENDATIONS

Chairman Rodriguez presented a brief report from the Product Approval Ad Hoc Committee indicating that copies of the minutes were distributed to the commissioners for their review. He suggested rather than go through whole report, he would ask if any commissioner had any questions or clarifications please speak up.

Commissioner D' Andrea entered a motion to approve the report. Commissioner Browdy seconded the motion.

Commissioner Mehlretter pointed out two minor changes that he would take directly to staff as they are editorial in content.

Vote to approve the report as amended by Commissioner Mehlretter was unanimous. Motion carried.

RULES OF PROCEDURE AD HOC REPORT AND RECOMMENDATIONS

Commissioner D' Andrea presented a report from the Rules and Procedure Ad Hoc Committee. He stated that the committee looked at the relevant provisions of the settlement agreement between the Home Builders Association and the Florida Building Commission. He reported that there were basically fifteen areas of concern and he would be discussing the most pertinent issues. He stated that one of the big concerns was what to do with the July 1st annual submittal deadline. He further stated that the submittal should include an accurate and complete financial impact statement, allowing for adequate time for the TAC and Commission reviews with 45 day notice prior to each one of those. He continued that there would be one cycle in a twelve month period. He stated that another concern was the provision for some emergency amendment processes using Chapter 120, Rules of Procedure, should that be necessary. He reported that another of the big concerns was how to get the updates from the model codes at the three year cycle. He stated that the basic indication was to allow them to be exempt from a fiscal impact statement, unless an affected party requested it. He continued that they would become effective six months after the adoption of those codes. He stated that there were several options relative to issues that were discussed and the committee voted unanimously on all of these. He reported that all parties will have an opportunity to provide evidence on any of the issues. He stated that the changes would basically be to change something that is within the Code, to add something to the Code that is not there or to delete something that is already there. He further stated that the Florida Building Commission would determine whatever restrictions might be needed. He continued that the issue of when the impact statement should be provided was reviewed. He stated that it was determined that they should be provided on the 45 days prior to the Commission and this would also apply to the TACs. He recounted the issue of the October 1st deadline and what it does to the code change process. It was determined that the recommendation should be to keep the July 1st cycle as it is and not try to change it. He explained that means that for the first year there would be a nine month process rather than a twelve month process. He stated another issue discussed was what defines complete and accurate. He described this means that the form is used that was adopted by rule, the TAC will consider and the Florida Building Commission will determine if that is acceptable. He stated that if the TAC voted that it was not accurate and complete it would be forwarded to the Commission indicating such. He reported that, relative to the Florida-specific amendments, the staff will review and track them, the TAC would review the

changes, not using SBCCI for that purpose, the staff will provide the draft code changes and specific code language. He furthered that a three-year code change cycle would be utilized. He stated that another issue that was looked at was identifying some issues with regard to the code amendment process and the rules of procedures. clarifying basically the limitations for what are the subjects for code amendments. He reported that the allowance of using a consent agenda was discussed if it was determined that it would be appropriate. He stated that public comment was reviewed with window and time lines similar to what is utilized by the national codes. He further stated that the recommendation would be to make that consistent with Chapter 120 guidelines. He continued that an attempt to coordinate those issues in the Fire Codes with the State Fire Marshall's office would be made. He commented that there is no privy over those as the committee has worked very hard to try to bring those into coordination. He stated that the use of declaratory statements was also discussed for issued that need to be clarified. He concluded by stating that some processes and protocols were reviewed for use at the different meetings.

Commissioner Browdy entered a motion to approve the report. Commissioner Wiggins seconded the motion.

Commissioner Wiggins stated, as point of clarification, after the meeting he spoke with Jack Glenn and they discussed the settlement agreement to the Home Builders' Rule Challenge. He furthered that they also looked at the law relating to amendments to the Code. He stated that it appears to be clear that the Commission does not have to hold a wholesale amendment process every year, but the law states that the Commission may have amendments. He continued that the law also directs the Commission with regard to incorporating declaratory statements or interpretations. He stated that this was discussed at the Rules and Procedure Ad Hoc meeting. He encouraged the Commission to adopt a policy that does not result in having a huge number of amendments every year. He suggested that it should limit the number of amendments to those that are related to glitch changes or interpretations. He pointed out that the three year update would be with significant changes. He reminded the Commission that the intent was not to go through a complete submission of amendments by anybody and everybody every year during the process of the Florida Building Code.

Commissioner Shaw stated that if that is the case, he would suggest that the Commission follow the same procedure that was utilized in the final stages of adopting the Code. He furthered that in that procedure, the Chairman presented any code changes for acceptance, and that approach would create a screening process.

Chairman Rodriguez asked if this could be done.

Mr. Dixon asked for clarification on what was being requested.

Commissioner Wiggins stated that the Home Builders Settlement states that it can be by an interested party. He explained that there may be a need to limit the scope of what type of amendments would be appropriate. He offered, for instance, that the amendments could relate to interpretation or appeals that the Commission has dealt with in the Florida Building Code throughout the course of the past year that have been issues. He proposed the Commission, through policy, could limit those types of amendments and thereby accomplish its goal.

Mr. Dixon stated, from discussions with Mr. Richmond, that this could be done, but the Commission still has to consider the amendments, however, if they do not meet the criteria, they could be laid on the table until the three year revision. He further stated that this decision would have to be done by the Commission itself.

Commissioner Corn stated that at the committee meeting, staff was asked to investigate and make recommendations for the next Rules and Procedures committee meeting. He commented that he feels this would be the best approach to take and not try to resolve it at this point.

Commissioner Shaw stated that he was not sure if he got an answer if this could be done in the same fashion as the final amendments to the Code, in which any Code change proposal came through the Chairman.

Mr. Dixon responded that it could not be done that way. He explained that the process under the settlement agreement requires that all amendments go first through the technical advisory committee and then to the Commission. He stated that after the proposed amendment deadlines, prior to TAC review, there would be no further new proposed amendments, only modifications of existing proposed amendments that had already been passed.

Commissioner Marshall stated that as these thoughts are crafted, she wanted to remind the Commission that sometimes statute makes changes. She offered the example of the section on education which already requires amending because of changes in the 2000 laws. She restated that the statute changes should be included.

Commissioner Bassett stated that he recalled that the statute had some kind of wording about the need for the amendment on a one year basis. He further stated that it had to be deemed necessary to be issued before the three-year cycle. He commented that he feels that the TACs are capable of evaluating the amendments when they are brought forward and making a recommendation to the Commission whether it should be enacted for that year or whether or not it should be part of the three-year amendment cycle. He stated that if some of these are done early, it is that much less to do in the third year.

Commissioner Kopczynski called the question.

Vote to approve the report was unanimous. Motion carried.

MANUFACTURED/PROTOTYPE BUILDING AD HOC REPORT AND RECOMMENDATIONS

Commissioner Parrino stated that he would be presenting two reports from the Manufactured/Prototype Building Ad Hoc Committee. He stated one of the reports would be from the March meeting, because the committee met after the plenary session and then the report from this month. He commented that the reports would be brief as the committee is still working on the development issues of this program.

Commissioner Parrino presented a report from the March 6th, 2001 committee meeting. He stated, with a quorum present, the committee approved that the agenda and the minutes were both approved. He stated that more of the developmental issues were discussed. He reported that a conceptual flow chart for the Prototype program was devised. He explained that the flow chart followed a format such as the ones most building departments utilize to operate. He stated that limiting the types of buildings that physically can be part of the Prototype Program was discussed. He further stated that the committee agreed that buildings three stories or less in height would be able to be part of the program. He added that the buildings gross square footage was also limited to 300,000 square feet. He continued that the committee agreed that due to the repetition of these buildings throughout the state, there should be a higher degree of input from a professional designer. He stated, therefore, that all plans should bear the signature and seal of a Florida-registered engineer and architect.

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

Commissioner Parrino presented a report from the April 9th committee meeting. He stated, with a quorum was present, the committee approved the agenda and the minutes from the March meeting. He reported that the first issue that was discussed was the factory-built schools. He stated that it was brought to the attention of the committee that many of the factory-built school buildings are not receiving an insignia or inspected in the plants as currently provided by statute. He continued that there was a lengthy discussion on this issue. He stated that the committee requested that staff generate a letter to be sent to the Chairman of each of the school boards in the individual districts, with a copy to the superintendents, reminding them of their requirements for these particular types of buildings.

Commissioner Wiggins entered a motion to approve the committee's recommendation. Commissioner Lipka seconded the motion.

Mr. Blair requested clarification on the motion.

Commissioner Parrino restated the motion to send a letter, generated by staff, to the Chairman of the school board for each of the 67 counties, with a copy to the superintendents, reminding them of their requirements to provide inspections and an insignia on factory-built schools prior to occupation. He noted that the problem is that these buildings are not being inspected, but they are being occupied.

Vote to approve the committee's recommendation was unanimous. Motion carried.

Commissioner Parrino stated that the committee discussed further the developmental issues of the Prototype Building Program. He continued that a time frame was discussed for plans to be reviewed and approved as a prototype. He reported that legal staff advised the committee that Chapter 120 would prevail here and there would be a 90-day limit. He stated that the committee felt that it should impose a Commission 30-day limit on these plans, because 90 days would be too long of a period of time. He reported that there was discussion relative to architectural control. He commented that it seemed to be a big issue, but the committee felt pretty firm that architectural control is not part of the Prototype Building Program. He stated that this is in the hands of the local jurisdictions. He related that those performing the plans review would have to be pre-approved by the Florida Building Commission in order to serve on the Prototype Building Program. He stated that the committee felt that plans identification is an important issue. He reported that having critical information of the building such as limiting factors, alternates, revisions and an identification system for that particular set of plans all placed on the front of the plans was suggested. He stated that the shelf-life of plans was also discussed relative to how long they would be good for. He reported that it was determined the plans would be good until the Code changed, which would require plans modification at that time. He concluded by indicating that the committee's last discussion was on record retention. He stated the committee felt that it would want to defer this issue to allow for some discussion from the Rules and Procedure Ad Hoc Committee on what would be required for record retention on the Prototype Building Program.

Commissioner D' Andrea entered a motion to approve the report. Commissioner Thorne seconded the motion. Vote was unanimous. Motion carried.

ENERGY TAC REPORT AND RECOMMENDATIONS

Commissioner Lipka stated that there was some confusion regarding the time the

meeting was supposed to start. He stated that he had spoken about this with Mr. Dixon, who will look in to that and try to make sure that does not happen again. He stated that there was a presentation by Wendell Porter of the University of Florida. He further stated that some of the commissioners know of their work in providing transitional core changes of the training program. He explained that there were some instructors with him and they put together a slide show. He reported that DCA will forward this information to the University of Florida for inclusion in their program. He stated that there was an issue of a problem from 600A, which was designed in 1997. He stated that the multipliers on the paper form were the same for South Florida as it was for North and Central Florida, whereas the computerized program had different multipliers. He reported that a vote was taken to correct these changes and he would need the Commission's approval to make those changes.

Commissioner Bassett entered a motion to make the necessary changes as recommended by the committee. Commissioner Wiggins seconded the motion.

Mr. Dixon asked for clarification of which numbers were incorrect.

Commissioner Lipka responded that it was form 600A, from 1997, which relates to the gas furnace multipliers included on the forms for the North and Central regions, because the South had the same multipliers, which it should not have. He stated that those were going to be changed to agree with the computer program, which is correct.

Mr. Dixon stated that he would have to discuss with legal staff how to go about doing that.

Commissioner Bassett stated that the errors are typographical in the making of the form. He continued that an ERRATA sheet would correct the form.

Commissioner Lipka added that could be done or new forms could be printed.

Vote to approve the recommendation of the committee was unanimous. Motion carried.

Commissioner Lipka stated that the committee then reviewed the study by Phil Phairey relative to the air handlers in the attic. He explained that, for the study, Mr. Phairey took a sample air handler compared it to first, an air handler located in the garage and second, to an air handler in the house. He reported that the result of the study was that the air handler located in the garage was a difference of 1.4-1.8 percent for South Florida, a 10 percent difference in Central Florida and a 1 percent difference in North Florida. He stated that when these were compared to an air handler located in the house these figures rose from 11 percent in all zones to 17-23 percent in the winter and to 18-20 percent in the

summer. He commented that this was a substantial difference, which has to be considered. He stated that a question was raised whether these can be included in the agreement made, without opening the entire group up to discussion. He requested that legal staff give an answer to that.

Mr. Richmond responded that various options have been discussed that try to limit the effected amendment, but these probably need to be discussed further and brought back to the next Commission meeting.

Commissioner Lipka suggested that this be put aside for a while, until the way to propose it has been determined. He continued with his report from the Energy TAC stating that there was also a presentation from Jack Davis. He stated that there was discussion relative to the testing procedure.

Commissioner D' Andrea entered a motion to approve the report. Commissioner Leonard seconded the motion. Vote was unanimous. Motion carried.

MECHANICAL TAC REPORT AND RECOMMENDATIONS

Commissioner Harris presented a report from the Mechanical TAC. She stated that the committee met on April 9th with a quorum and a lot of interested parties. She stated that a training session was conducted by Wendell Porter of the University of Florida. She commented that it was almost a duplication of the presentation of the Energy TAC. She stated that a count was taken of those who had already seen the Energy TAC proposal on the training for the Mechanical portion of the Code. She reported that there were only two people who did not participate in that presentation and they waived their right to see the presentation again.

She stated that some new business was discussed relative to a letter she received from JoAnn Spurling, President of Thermofan of Florida. She further stated that the request from Ms. Spurling was to waive the clause of 504.6, which requires clothes dryer vents to have a smooth interior finish. She continued that Ms. Spurling indicated that she felt that the requirement of the smooth finish would put her company out of business. She stated that Thermofan is a product that is used for clothes dryers, as well as bathroom vents and any other flexible duct means in a house or a facility. She explained, from her understanding, the product that was discussed was the product from the dryer to the connection in the wall. She added that this is not necessarily from that product in the wall or in the cavity of a wall. She stated that Bob Andrews from Broward County, who had that particular incident in his county, which had some lawsuits filed against him. She reported that the vote from the TAC was that it did not have the criteria or the background information on that lawsuit to go forward with her recommendation to waive that, so it will stand as is in the Code. She added that there are too many other counties and municipalities that are already require the finish to

be smooth and it will remain to be smooth until such time as use of it is otherwise prohibited.

Commissioner Harris entered a motion to approve the report. Commissioner D'Andrea seconded the motion. Vote was unanimous. Motion carried.

PLUMBING TAC REPORT AND RECOMMENDATIONS

Commissioner Shaw presented a report from the Plumbing TAC. He stated that the committee reviewed the Plumbing Transition Training Course provided by Dr. Catherine Rupert. He stated that the TAC took it back with them so that it could address any issues to get back with Dr. Rupert within the next week. He reported that a request of the Florida Water Well Association was discussed. He explained that water wells had not previously been a part of the Code and therefore, language was provided in the Code by that group. He stated, in doing so, there was language drafted from a previous edition of a Code that required quarter inch thick tanks to be used for underground installations. He reported that the committee views this as a problem and until it can be corrected, underground pressure tanks for wells will not be used in the state of Florida due to the fact that anything less than that would become a minimum or lessening of the Code. He commented that quarter inch tanks are not produced. He suggested that this needs to be addressed at some point before October if there is a way to address it. He reported that there was also a discussion on the incompatibility of certain pvc water pipes to termiticides. He stated that Steve Dwinell, of the Department of Agriculture, was present at the meeting and he discussed that under certain conditions, termiticides, cpvc, will damage CPVC pipe. He explained this predominantly happens during retreatment where substantial amounts of product have to be used to protect an opening. He offered, for example, if a rough-end pipe has to be changed and the pipe has to be moved for re-treat, some manufacturer's require as much as three gallons per foot. He stated that when that concentration is used it damages the cpvc, causing pipe failure. He added, even worse, there is some indication that the product PEX (Cross Polyethylene) absorbs termiticides, which would put it in the waterways.

Commissioner Shaw stated that the committee reviewed and provided comments on the final draft report of the Inter-Agency Copper Pipe Corrosion Project. He explained that this is a project that was work between the Public Service Commission and the Department of Community Affairs in conjunction with the Florida Building Code Commission. He stated it has to do with the problem of copper corrosion in the state of Florida. He offered some perspective to the Commission citing that damage created by the corrosion of copper pipe is second only to termite damage. He explained that billions of dollars of failures within the state that have been recognized by the Public Service Commission, as well as the Florida Building Code Commission earlier on. He reported that in the Plumbing Code, there is

language 605.1, Water Compatibility that reads "Water service pipe and water distribution pipe shall be resistant to the corrosive action and degrading action of the potable water supply provided by the purveyor or individual water supply system." He noted that language came from the International Code and has since been removed from the International Code because of the ability to enforce it. He stated that it requires the design professional or contractor, under the present conditions, to make water analysis to determine compatibility which is not very likely. He furthered that the report by the Public Service Commission has created some language that may be helpful. He commented that this report is the first to have identified the problem, as excessive sulfides in the water creates corrosion of copper pipe systems. He reported that the TAC had previously asked the manufacturers to provide the criteria for which their materials will work, such as known parameters of known potable water elements might damage their pipe. He stated that initially the manufacturers had all volunteered to do that, but then did not follow through. He continued that the water purveyor was supposed to provide an analysis to make sure that if there were any contaminants in his water that were in excess of that amount, he would make the appropriate authority aware. He stated that the Public Service Commission is asking the Florida Building Commission to endorse at least the following recommendations:

1) That specific training regarding the Florida copper corrosion problem should be included in the Florida Building Commission Spring 2001 Training on the new statewide Florida Building Code.

2) When water utilities are not able to improve the quality of water for compatibility with service pipes and water distribution pipes, local governments that feel stronger action is necessary, should consider approving amendments to the Building Code of their county. He clarified this means that if the water cannot be controlled, then that product should be prohibited by their Code.

3) Manufacturers of water pipe products should include information in or with their products which provide the conditions under which their products are suitable for use and the quality of the water provided by the water utilities.

Commissioner Shaw stated that this had become a problem because the manufacturers are being told they must provide this criteria as a product approval for the state of Florida. He stated that it was discussed that if a manufacturer decided not to provide the criteria under which their product would work, that their product would not be approved for the state. He stated that this is something that language is needed for as far as how they are going to provide that. He further stated that if the information is provided regarding their product it will be cross-referenced with utility data to determine compatibility. He stated that the TAC voted to require the manufacturers to comply with the recommendation of #3, as stated previously.

Commissioner Shaw entered a motion to approve the report of the Public Service Commission with the recommendations provided. Commissioner Bassett seconded the motion.

Commissioner Kopczynski asked where he would be able to obtain a copy of the report.

Commissioner Shaw responded that Mr. Madani has copies of the report.

Vote was unanimous. Motion carried.

Commissioner Shaw entered a motion to require that manufacturers provide that criteria under which parameters their product will work within the potable water source of Florida, but asked how this could be accomplished, if the commission has the ability to mandate that.

Mr. Dixon stated that he would defer this to a building official and asked if this was the kind of standard that would typically be in the building code. He stated that there are certain material specifications that the Code calls out, then there are test standards referenced on how to determine if those specifications were met declaring compatibility. But he was not sure about this type of water compatibility information.

Commissioner Shaw stated that the viewpoint of what is going to happen is that the Department of Environmental Protection could get a list of all the potential elements found in the potable water source in Florida, send those to the manufacturer stating that if any of those elements will adversely affect their product, the department needs to know in what quantities would the adverse affect occur. He continued that once that is reported back it would be cross-referenced with the water being produced to say if a sulphide content above xx parts per million, then there needs to be a recommendation that copper pipe should not be used in that area. He stated that it is believed that the municipalities will not want to do that and will try to bring their water into compliance. He further stated that if that is not done and it is determined that the water is not suitable for copper pipe, they risk the liabilities of all of the existing homes in that area filing some claim based on the corrosion of the potable water.

Commissioner Bassett asked if this could be added to the list of statewide product approval.

Commissioner Kopczynski stated that there are a lot of issues that have been studied by the committee relating to this problem. He further stated that, although it is a severe problem, he did not believe there was a wealth of answers at this point. He offered that there

are issues having to do with the clean water act and the amount of copper that is suspended in the water supply. He continued that there are issues related to replacement, to restraint of trade, etc.

Commissioner Lipka stated that he agreed with Commissioner Kopczynski because to go that route, there needs to be assurance of what is causing the problem. He further stated that the problem is probably a combination of things. He continued that letting a municipality decide whether their water is good or bad opens the door and he is not sure if that is the road to go down.

Commissioner Shaw reminded the Commission that the Code already contains requirements that the design professional or contractor make that selection based on its compatibility with the water. He stated that the problem is that there is no criteria for the design professional to make that choice. He related that what this was trying to do was establish that information that the design professional would need to make that decision.

Mr. Dixon stated that technical and legal staff will look into the scheme that Commissioner Shaw has referred to and see if the Commission's authority under the current law allows that.

Mr. Madani offered comment that there are a number of ways this issue can be dealt with. The Code, at this point, is silent about any minimum requirements for either pipe materials or for the utilities with regard to the quality of waters or the define materials resistance to corrosion. He stated that the requirement is in the Code, indicating that this could be addressed by establishing minimum criteria and include those in the Code, stating that those minimum standards must be met. He further stated that through the work of the Plumbing TAC, the Public Service Commission and the Department of Environmental Protection there are some standards there that could be referenced in the Code. He also stated that the section could be changed to mandate requiring such information, as at present it is the responsibility of the contractor and designer. He offered that the section could be revised making it also the responsibility of the manufacturers to work with the contractor to provide the information for their materials. He conveyed that there is no national standard that can be referenced at this point.

Commissioner Shaw stated that if this information cannot be obtained, it would be the recommendation of the TAC to repeal the appropriate section, which requires compatibility. He further stated that this would not relieve the problem to the consumer of the state of Florida, it would simply limit the liability to the person who has to make that choice.

Chairman Rodriguez clarified that technical and legal advice will be sought to determine how this can best be done. He stated that Commissioner Shaw's message is well received that the professional is being asked to make a determination for which there is

no data, which is not fair.

Commissioner D' Andrea entered a motion to approve the Plumbing TAC report. Commissioner Lipka seconded the motion. Vote was unanimous. Motion carried.

Commissioner Lipka stated that he was informed that in order for Phil Phairy to get paid, the Commission has to approve and accept his report. He stated that implementation is another matter that is up to staff. He requested a motion to approve the report and deal with implementation at another time.

Commissioner D' Andrea entered a motion to approve the report. Commissioner Thorne seconded the motion. Vote was unanimous. Motion carried.

BUILDING/STRUCTURAL TAC REPORT AND RECOMMENDATIONS

Commissioner D' Andrea presented a report from the Building/Structural TAC. He stated that the committee met on April 9th. He stated that there two issues discussed and a presentation from the University of Florida on the status of the development of the Structural Transition Training materials. He stated that there was a declaratory statement requesting an advisory opinion on whether anchor systems are required to be corrosion resistant. He continued that staff did a technical analysis on the different code sections regarding what they stipulated and found that there were quite a few differences in what the requirement was for it. He reported that based on that and from conversations with legal staff regarding this, because these were not specific, the TAC would like to work with the proponent to formulate a Code change for consideration at the upcoming Code change cycle. He stated that the committee voted unanimously to recommend that the Florida Building Commission table the declaratory statement to allow the proponent to provide this additional information at the next Structural TAC meeting. He entered a motion to approve the committee's recommendation.

Commissioner Kopczynski seconded the motion.

Mr. Blair asked for clarification of the number of the declaratory statement.

Commissioner D' Andrea responded that the number is DCA-01-DEC-022.

Vote was unanimous. Motion carried.

Commissioner D' Andrea reported that staff had made a proposal to try to deal with the issue of establishing the location of the wind speed lines throughout the state of Florida. He related that a lot of the municipalities do not have the means with which to do that. He presented that the proposal was two parts. He stated that the first part is that DCA is going

to make the electronic file available to all local governments via the GIS system. He furthered that this will allow them to go in and pull information from the web site and have their GIS system established where the wind line is located for those jurisdictions that have the capability. He stated that the second part of the proposal is for those jurisdictions that do not have the capability. He continued that it is to attempt to receive funds, if available, to undertake a technical assistance project which would provide two things: 1) To provide GIS technical assistance to those governments that do not have it, so that they can define the wind lines and 2) DCA would develop an atlas that would compile all of the locally adopted wind speed maps for integration into an appendix for future revisions of the Florida Building Code. He stated that the staff voted unanimously to support the recommendation and asked that the Commission support the recommendation as well. He entered a motion to approve the committee's recommendation.

Commissioner Wiggins seconded the motion.

Mr. Blair asked Commissioner D' Andrea to restate the motion.

Commissioner D' Andrea stated that the motion is to see if funds are available to have staff provide assistance to develop GIS programs for those municipalities and counties that would provide the overlay for wind-speed lines and then to develop an atlas to compile all of those maps for inclusion in future revisions to the Florida Building Code.

Vote to approve the recommendations of the committee resulted in 19 in favor, 1 opposed (Sanidas). Motion carried.

Commissioner asked for a motion to approve the report.

Commissioner Kopczynski entered a motion to approve the report.

Commission Thorne seconded the motion. Vote was unanimous. Motion carried.

ACCESSIBILITY TAC REPORT AND RECOMMENDATIONS

Commissioner Browdy presented a report from the Accessibility TAC. He stated that the committee met April 9th with a quorum, as 8 of the 10 current members were present. He reported that the first item on the agenda was an Accessibility Code training program led by Mary Katherine Smith. He stated that it was very informative. He commented that the new members on the Council who attended the TAC meeting were equally informed and impressed by the efforts that are being made through the Florida Building Code to address the issues of Accessibility. He stated that there was significant discussion relative to the Accessibility Advisory Council membership. He furthered that DCA legal staff explained that the department has forwarded a proposed statutory amendment regarding the council

make-up to the Florida Building Commission via the Accessibility TAC for recommendation as to how the Commission would like the department to proceed on this issue. He explained that the actual recommendation requests that the Accessibility TAC review the proposed amendment, discuss it, and offer a consensual recommendation to the Commission. He continued that the amendment strikes existing specific organizations and recommends the replacement of organizations with seven knowledgeable persons to represent the Advisory Council. He stated that there was a discussion facilitated by Mr. Blair and was over two hours in length. He continued that during that time, the committee heard from the newly appointed members of the Advisory Council. He reported that at the conclusion of the discussion, a straw poll was taken regarding the opportunities to explore crafting recommendations to the Florida Building Commission to enhance diversity and provide open representation in the TAC meeting. He stated that there were issues regarding the mission of the Council. He reported that the straw poll by the members of the TAC was 6-2-2 in favor of looking at the proposed amendment. He stated, however, that there were present were in significant opposition to that effort and would like to leave things as they are in the existing legislation. He related that after that discussion, it was apparent that a consensus could not be reached, even to continue discussing was not moving in that direction once the discussion was opened to not only the TAC members, but the Council members as well. He stated that the committee was unable to reach a consensus on any movement on reviewing the recommendation and reviewing the legislation and making a proposal to the Commission. He reported that a document, relevant to the American with Disabilities Act and Public Access in Florida, is being promulgated through the office of the Secretary of State, Catherine Harris. He explained that this document will be disseminated to corporations and businesses on a local level which are applying for local licenses, informing them that they must comply. He stated that the committee feels that this is a very positive move informing individuals about their responsibilities to perform, not only under Florida ADA, but also ADA, in general. He continued that at the meeting in May, the committee will need four hours, which includes an additional two hours to complete the Accessibility Workshop.

Commissioner Wiggins entered a motion to approve the report. Commissioner Thorne seconded the motion.

Commissioner Shaw expressed concern relative to the working relationship of the Accessibility TAC, when the Commission is given this type of issue to address. He requested that this particular issue be removed from the purview of the TAC and brought to the general Commission for review. He stated his reason is because those groups that have been given legislative seats on the Advisory Council cannot form a consensus to remove that. He further stated that this is an unrealistic expectation, if they were ever going to go back to their association stating that they had voted for their removal of a guaranteed seat. He continued that he feels that anyone can realize that there are many exceptional individuals, who may or may not be associated with those associations, that could serve on

the Advisory Council and be an active vital part of it. He stated that to mandate that the TAC try to mitigate that is only asking for a counterproductive group, which would spend the next several months repairing trust after taking that kind of an action.

Mr. Blair suggested that for procedure a vote should be taken to approve the report and then the issue brought up by Commissioner Shaw could be discussed.

Vote to approve the report was unanimous. Motion carried.

Commissioner Shaw entered a motion that the Accessibility TAC not be assigned the review of this legislation, but instead have it referred to the Commission or have the Commission refer it to the Secretary.

Bunny Armstrong, of the Advocacy center, stated that what Commissioner Shaw has proposed is removing the voice of the disability community from any say-so on the makeup of the council. She further stated that she would strongly oppose that. She continued that she did not think that his point, relative to the fact that the Council members are asked to vote to remove themselves, is valid. She stated that it had just begun and was brought to only one session. She related that work shopping had been discussed and this was not mentioned here. She continued that she felt the Council needs to be given some more opportunities to get together as a group in the TAC and to workshop to see what consensus it can come up with that would possibly satisfy all parties or perhaps come to some common ground. She stated that to state, after one session, that the individuals on the Accessibility Advisory Council should not be included, because they are asking to vote against themselves is not necessarily true. She requested the opportunity to continue to workshop together to try to attain some consensus.

Chairman Rodriguez asked if Ms. Armstrong would oppose that the designation currently in the law, that the Secretary appoint seven members to the Advisory Council from seven designated organizations.

Ms. Armstrong stated that the Advocacy Center, which she represents, is not necessarily opposed to changing some of the language. She continued that she feels that they need more of an opportunity than they were given. She added that the Council was overwhelmed with issues, many of which could not be covered because of the time period, that the subject of workshops was brought up. She reported that she feels that is a very good idea.

Chairman Rodriguez asked for clarification that what Ms. Armstrong is requesting more time.

Ms. Armstrong stated that was correct. She added that she did not want to put a time

limit on it, but feels that several sessions when the TAC meets to try to hone the issue.

Commissioner Bassett entered a motion that the previous motion be tabled until the meeting after next. Commissioner Wiggins seconded the motion.

Commissioner Kopczynski stated, for point of order, that he was not sure if there was a motion on the floor if there was no second.

Mr. Blair stated that there was a second by Commissioner Wiggins.

Vote to table the motion resulted in 15 in favor, 4 opposed (Lipka, Browdy, Parrino and Sanidas). Motion carried

Commissioner Browdy stated there was one other issue with respect to the Accessibility TAC. He continued that currently two vacancies exist on the Accessibility TAC, one being in the producer group and the other in the consumer group. He requested the Chairman, at his discretion, fill those vacancies.

Chairman Rodriguez stated that he would address that.

LEGAL STAFF REPORTS/DISCUSSIONS/RECOMMENDATIONS/ APPROVAL

Mr. Richmond stated that legal had reported all that was pending. He invited any questions. He did state that there is a Rule Hearing on 9B-1, which will come through the Commission on April 23rd.

REVIEW COMMITTEE ASSIGNMENTS AND ISSUES FOR MAY'S COMMISSION MEETING

Mr. Blair conducted a facilitated review of the assignments for the next meeting. (See *Facilitator's Report* Attachment.)

Commissioner Harris stated that she did not think Accessibility Waiver applications would be heard at the next meeting. She continued that she thought they were always in Orlando.

Mr. Blair explained that because the Commission is moving to a six-week meeting

cycle, the Accessibility Waiver applications would be heard at every meeting.

SUMMARY AND REVIEW OF MEETING WORK PRODUCTS

Chairman Rodriguez stated that the Commission reviewed and approved the Updated Commission workplan. He further stated that Public Comment was considered. He continued that the Chair's Discussion Issues were considered. He stated that a Status Update on the Commission's Legislative Recommendation was heard. He further stated that reports with recommendations were heard from Education Ad Hoc, Product Approval Ad Hoc, Rules of Procedure Ad Hoc, Energy TAC, Mechanical TAC, Plumbing TAC, Building/Structural TAC, and Accessibility TAC. He continued that the Commission also considered and decided on Accessibility Waiver applications. He concluded by stating that assignments and issues for the May meeting.

ADJOURN PLENARY

No further business discussed, meeting adjourned at 1:57PM.