



STATE OF FLORIDA  
**DEPARTMENT OF COMMUNITY AFFAIRS**

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

**JEB BUSH**  
Governor

**THADDEUS D. COHEN**  
Secretary

**BOARD MEETING  
OF THE  
FLORIDA BUILDING COMMISSION**

**PLENARY SESSION MINUTES  
December 5 & 6, 2006**

**PENDING APPROVAL**

The meeting of the Florida Building Commission was called to order by Chairman Raul Rodriguez at 3:31 p.m. on Tuesday, December 5, 2006, at the Embassy Suites Hotel, Tampa, Florida.

**COMMISSIONERS PRESENT:**

Raul L. Rodriguez, AIA, Chairman  
Nicholas "Nick" D'Andrea, Vice Chairman  
Richard Browdy  
Peter Tagliarini  
Gary Griffin  
Christ Sanidas  
James Goodloe  
George Wiggins  
Herminio Gonzalez  
Hamid Bahadori  
Michael McCombs  
Randall J. Vann  
Chris Schulte  
Nanette Dean  
William Norkunas  
Dale Greiner  
Jeffrey Gross  
Paul D. Kidwell

Do Y. Kim  
Joseph "Ed" Carson  
Jon Hamrick  
Steven C. Bassett  
Craig Parrino, Adjunct Member

**COMMISSIONERS ABSENT:**

**OTHERS PRESENT:**

Rick Dixon, FBC Executive Director  
Ila Jones, DCA Prog. Administrator  
Jim Richmond, DCA Legal Advisor  
Jeff Blair, FCRC  
Mo Madani, Technical Services Manager

## **WELCOME**

Chairman Rodriguez welcomed the Commission and gallery to the October 2006 plenary session of the Florida Building Commission. He announced the passing of Arnold Valesquez, a member of the Product Approval Administration team and asked Mr. Valesquez' partner, Ted Berman, to extend the Commission's condolences to Mr. Valesquez' family.

## **REVIEW AND APPROVE AGENDA**

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

Commissioner Wiggins moved approval of the meeting agenda as amended. Commissioner D'Andrea entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

## **REVIEW AND APPROVE OCTOBER 11, 2006 MEETING MINUTES AND FACILITATOR'S REPORTS**

Chairman Rodriguez called for approval of the minutes and facilitator's reports from the October 2006 Commission meeting.

Commissioner Wiggins moved approval of the October Commission meeting minutes. Commissioner D'Andrea entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

## **CONSIDER ACCESSIBILITY WAIVER APPLICATIONS**

Chairman Rodriguez directed the Commission to Neil Mellick for consideration of the Accessibility Waiver Applications.

Mr. Mellick stated there was nothing consent agenda for this meeting. He further stated the 4<sup>th</sup> applicant; St. James Episcopal Church had withdrawn their request.

### **My Little Angels Day Care**

Mr. Mellick explained the petitioner's request for waiver as it was described in each Commissioner's files.

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

Congo River Golf Course

Mr. Mellick explained the petitioner's request for waiver as it was described in each Commissioner's files.

Commissioner Carson moved approval of the Council's recommendation. Commissioner Bassett entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

HCH Company

Mr. Mellick explained the petitioner's request for waiver as it was described in each Commissioner's files.

Commissioner Carson moved approval of the Council's recommendation. Commissioner Bassett entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Cobb Theatre

Mr. Mellick explained the petitioner's request for waiver as it was described in each Commissioner's files.

Commissioner Carson moved approval of the Council's recommendation. Commissioner Bassett entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

South Point Park

Mr. Mellick presented the petitioner's request for waiver as it was described in each Commissioner's files.

Commissioner Browdy moved approval of the Council's recommendation. Commissioner Gross entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Mr. Mellick then stated the Council had unanimously recommended a motion to amend an action taken on a previous petition. He further stated a motion was recommended to table any action until review at the February 2007 meeting.

Mr. Richmond stated the recommendation concerned a petition previously reviewed by the Commission during the last meeting. He continued stating there

were minimal adjustments to be completed before final order. He confirmed a motion had been made and recommended to the Council that the Commission make the same motion and table it until the February meeting, when it should be referred specifically back to the Council for recommendation on the amendment sought.

Commissioner Carson moved approval of the Council's recommendation. Commissioner Bassett entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

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

Chairman Rodriguez directed the Commission to Commissioner Carson for presentation of entity approvals.

Commissioner Carson presented in the form of a motion the POC recommendations for entity approvals as follows:

#### **CER 3718 CSA International – Product Certification Agency**

Commissioner Wiggins entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

#### **QUA 5922 R.I. Ogawa & Associates, Inc. – Quality Assurance Entity**

Commissioner McCombs moved approval of the POC recommendation. Commissioner Wiggins entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

#### **TST 3782 American Test Lab of South Florida, Inc. – Testing Laboratory**

Commissioner McCombs moved approval of the POC recommendation. Commissioner Wiggins entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

#### **TST 1685 Construction Consulting Laboratory International –Testing Laboratory**

Commissioner McCombs moved approval of the POC recommendation. Commissioner Wiggins entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

#### **TST 6049 Exterior Research and Design, LLC dba Trinity/ERD South Carolina – Testing Laboratory**

Commissioner McCombs moved approval of the POC recommendation. Commissioner Wiggins entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

TST 5992 Nutting Engineers of South Florida, Inc. – Testing Laboratory

Commissioner McCombs moved approval of the POC recommendation. Commissioner Wiggins entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

TST 3666 SGS US Testing Co – Rancho – Testing Laboratory

Commissioner McCombs moved approval of the POC recommendation. Commissioner Wiggins entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

VAL 6050 Exterior Research and Design, LLC dba Trinity/ERD – Validation Entity

Commissioner McCombs moved approval of the POC recommendation. Commissioner Wiggins entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Mr. Blair then presented the products for approval as they appeared in the product approval matrix provided to each Commissioner. Recommended approvals were presented in consent agenda format with conditional approvals, deferrals, and denials being considered individually. (See *Florida Building Commission Product Approval Applications*)

**Certification Method**

Recommended for Approval

Product #'s: 107-R2; 197-R2; 520-R2; 599-R3; 615-R2; 644-R2; 1037-R2; 1046-R2; 1080-R2; 1579-R2; 2047-R2; 2386-R2; 2947-R2; 3077-R1; 3663-R2; 5167-R1; 5177-R1; 5185-R1, 5524-R1; 5733; 6185-R1; 6705; 6867; 6891; 7026; 7175; 7392; 7427; 7452; 7491; 7497; 7498; 7503; 7595; 7598; 7616; 7654; 7655; 7666; 7668; 7669; 7670; 7672; 7673; 7674; 7680; 7681; 7682; 7683; 7687; 7693; 7696; 7698; 7699; 7702; 7709; 7710; 7711; 7712; 7713; 7714; 7716; 7717; 7718; 7723; 7729; 7743; 7752; 7753; 7766; 7768; 7775; 7789; 7798; 7805; 7812; 7820; 7823; 7832; 7833; 7834; 7836; 7837; 7839; 7844; 7851; 7852; 7853; 7855; 7857; 7858; 7860; 7861; 7863; 7864; 7872; 7879; 7880; 7881; 7882; 7883; 7884; 7885; 7889; 7892; 7893; 7897; 7900; 7901; 7902; 7904; 7905; 7906; 7907; 7908; 7909;

7910; 7911; 7914; 7915; 7918; 7919; 7920; 7921; 7923; 7924; 7927; 7928;  
7929; 7930; 7931; 7932; 7934; 7937; 7938; 7939; 7943; 7945; 7947; 7948; 7950;  
7951; 7952; 7953; 7954; 7955; 7956; 7957; 7958; 7959; 7961; 7962.

Commissioner Carson moved approval of the consent agenda.  
Commissioner D'Andrea entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Recommended for Conditional Approval

239-R6; 242-R4; 251-R5; 253-R4 PGT Industries

Mr. Blair stated the products were recommended for conditional approval in accordance with recommendations from Structural TAC; Miami Dade to verify anchoring requirements.

Commissioner D'Andrea moved approval of the POC recommendation.  
Commissioner Tagliarini entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

7140 Atlantic Windows and Doors, Inc.

Mr. Blair stated the product was recommended for conditional approval stating the design pressure is incorrect and should be 35 psf.

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

7660 Clay Tile Ventures, Inc. dba Redland Clay Tile

Mr. Blair stated the product was recommended for conditional approval stating TAS 118 and 120 need to be removed because there is a single product.

Commissioner Carson moved approval the POC recommendation.  
Commissioner McCombs entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

7661 Clay Tile Ventures, Inc. dba Redland Clay Tile

Mr. Blair stated the product was recommended for conditional approval because there is a single product and extra product lines needed to be removed.

Commissioner Carson moved approval the POC recommendation. Commissioner McCombs entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

7708 The Airlite Company, LLC

Mr. Blair stated the product was recommended for conditional approval stating information on "Limits of Use Other" should be removed and indicate load and size ratings in accordance with UL ZGXJ.J.R25376; and upload on installation Instructions file ZGXJ.R25376.

Commissioner Carson moved approval. Commissioner McCombs entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

7850 Masonite International

Mr. Blair stated the product was recommended for conditional approval stating Certification is for 8' door, application is for 6' door; petitioner needed to verify specimens are tested per TAS202; and correlate installation documents with products.

Commissioner moved approval the POC recommendation. Commissioner Browdy entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

7871; 7873 USA Shutter Company LLC

Mr. Blair stated the product was recommended for conditional approval stating the Engineer for the Manufacturer requested conditional approval in order to update fasteners on the application, and to remove comparative analysis.

Commissioner McCombs moved approval the POC recommendation. Commissioner Carson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

7949 JELD-WEN

Mr. Blair stated the product was recommended for conditional approval stating for Product 7949.1, the maximum size should be 37 3/8" (See 419-H-874.01); and for Product 7949.5, Impact Resistance is "Yes", therefore add ASTM E 1886/1996-05 Standard to Standard list (as per 419-H875.02).

Commissioner Carson moved approval. Commissioner Bassett entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

#### 7963 JELD-WEN

Mr. Blair stated the product was recommended for conditional approval stating NOA on description is not NOA certified.

Commissioner Carson moved approval the POC recommendation. Commissioner Gross entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

#### Incomplete Applications

Products #'s: 5583-R1; 6571; 6649; 7439; 7641; 7684; 7685; 7686; 7776; 7944.

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

##### Recommended for Approval

Product #'s: 920-R2; 4517-R2; 4590-R2; 4617-R2; 4789-R1; 4800-RS; 48900-R2; 5213-R1; 5611-R3; 5818-R1; 5826-R1; 6156-R1; 6218-R3; 6644; 6859-R1; 7279-R1; 7288-R1; 7320-R1; 7442-R1; 7445; 7458; 7531; 7536; 7589; 7630; 7636; 7639; 7640; 7649; 7652; 7653; 7663; 7667; 7675; 7676; 7690; 7691; 7695; 7728; 7730; 7731; 7734; 7742; 7745; 7749; 7750; 7755; 7758; 7763; 7765; 7769; 7771; 7787; 7795; 7796; 7806; 7808; 7809; 7811; 7813; 7822; 7824; 7830; 7831; 7835; 7840; 7841; 7854; 7859; 7866; 7868; 7870; 7874; 7876; 7878; 7886; 7887; 7888; 7903; 7912; 7913; 7916; 7925; 7941; 7960; 7964; 7965; 7966.

Commissioner Kim requested product #'s 5213-R1; 5214-R2; 5818-R1 be pulled from the consent agenda. He stated he needed to abstain from voting on those items.

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

#### 5213-R1

Commissioner Carson moved approval of the POC recommendation. Commissioner Browdy entered a second to the motion. Vote to approve the motion was unanimous. Motion carried. (Commissioner Kim abstained.)



5214-R2

Commissioner Carson moved approval of the POC recommendation. Commissioner Browdy entered a second to the motion. Vote to approve the motion was unanimous. Motion carried. (Commissioner Kim abstained.)

5818-R1

Commissioner Carson moved approval of the POC recommendation. Commissioner Browdy entered a second to the motion. Vote to approve the motion was unanimous. Motion carried. (Commissioner Kim abstained.)

Other

Jimmy Buckner, Seabuck, Representing Manufacturers

Mr. Buckner offered comment pertaining to two specific products stating the manufacturers appear to be on the verge of being penalized until the February meeting. He continued stating both of the products were uploaded on November 13<sup>th</sup> and validated on November 17<sup>th</sup> prior to the deadline. He stated hard copies had been sent by FedEx to Arnold and Associates on November 14<sup>th</sup>. He further stated there had been some type of computer error which is why the products did not get to Arnold and Associates. Mr. Buckner explained he believed the manufacturer had complied with all the conditions on a timely basis. He requested the Commission consider the products.

Mr. Blair asked Mr. Buckner for clarification concerning the products for which he was seeking approval.

Mr. Buckner stated the product numbers were 7807 and 7814.

Commissioner Carson interjected stating the issue was discussed briefly during the POC meeting. He explained if there was no risk to the Commission it may behoove the Commission to move ahead with action for the products. He directed the Commission to Mr. Richmond for legal recommendation.

Mr. Richmond advised the Commission not to move on the products at this time as they were not on the agenda; the products were not properly submitted before the Commission to be considered.

Commissioner Kim interjected he had validated five products on the 17<sup>th</sup>. He explained three of those products made it through the process but two did not. He stated he did not follow up to see why the two items did not go through.

He further stated Arnold and Associates had reviewed them and recommended them for approval.

Mr. Berman offered additional comment stating during the meeting of the POC the members were asked if they had reviewed the product and he had not. He further stated he received an email indicating the products had been reviewed by staff and the recommendation was for approval.

Mr. Richmond explained especially since a Commissioner was involved, there would be heightened scrutiny. He reiterated the Commission should not deviate from standard practice; if the products are not on the agenda they are not properly before the Commission for consideration.

Mr. Blair offered clarification the Commission has heard from the Committee and from Legal Counsel. He stated it was up to the Commission to decide if it wants to consider the products.

Commissioner Vann asked what would be the repercussions if the Commission chose to move against legal recommendation.

Mr. Richmond responded stating the item could be subject to challenge; Commissioner Kim could be subject to some action.

Commissioner Greiner offered comment expressing discomfort with the issue of setting precedence.

Mr. Blair stated since there was no motion, the Commission would move forward to the next item.

#### Recommended for Conditional Approval

7770 – Coastal Shutter Systems International, Inc.

Mr. Blair stated the product had been recommended for conditional approval stating the petitioner needed to submit a hardcopy of the evaluation report signed and sealed by the evaluator.

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

7793 – Schuco, USA L.P.

Mr. Blair stated the product had been recommended for conditional approval stating the petitioner needs to submit a hardcopy of the evaluation report signed and sealed by the evaluator.

Commissioner Carson moved approval of the POC recommendation. Commissioner Kidwell entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

7935 Metallum Enterprises

Mr. Blair stated the product had been recommended for conditional approval stating the petitioner needs to submit a hardcopy of the evaluation report signed and sealed by the evaluator.

Commissioner Carson moved approval of the POC recommendation. Commissioner Kidwell entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

6331-R2 Uroll Shutters

Mr. Blair stated the product had been recommended for conditional approval stating the applicant was missing hardcopy of evaluation report signed and sealed by evaluator. He stated the evaluation report on-line is only for anchors; the evaluation report shall refer to the product assembly; and the anchor spacing on 6331.1 exceeds tested values.

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

6866-R1

Mr. Blair stated the product had been recommended for conditional approval stating the applicant was missing the hardcopy of the evaluation report signed and sealed by evaluator. He stated the evaluation does not indicate the source of analysis; thickness and grade of product is not indicated; and the product is not described on evaluation or on installation instructions.

Commissioner Carson moved approval of the POC recommendation. Commissioner Kidwell entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

#### 7573 NuAir Windows and Doors

Mr. Blair stated the product had been recommended for conditional approval stating the applicant needs to revise the evaluator name; indicate on evaluation source of rational analysis; resubmit hard copy signed and sealed; indicate testing of "optional pocket detail"; and provide anchor analysis.

Commissioner Carson moved approval of the POC recommendation. Commissioner Kidwell entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

#### 7574 NuAir Windows and Doors

Mr. Blair stated the product had been recommended for conditional approval stating the applicant needs to indicate on evaluation source of rational analysis; resubmit hardcopy signed and sealed; indicate if testing was for both flange and fin conditions; and provide anchor analysis.

Commissioner Carson moved approval of the POC recommendation. Commissioner Kidwell entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

#### 7625 CAT-5 Protections, inc.

Mr. Blair stated the product had been recommended for conditional approval stating it was deferred from the October 2006 Commission meeting. He stated the product was not tested for plastics requirements in HVHZ indicate "no" for use within HVHZ; indicate minimum and maximum slopes; indicate reaction at connection points; and indicate distance past the openings.

Commissioner Carson moved approval of the POC recommendation. Commissioner Kidwell entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

#### 7626-R1 YKK AP America

Mr. Blair stated the product had been recommended for conditional approval stating 7626.2 and .6 are a dry system with insulated glass; and the petitioner needs to verify the reliability of the gasket for weathering requirements.

Commissioner Carson moved approval of the POC recommendation. Commissioner Kidwell entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

7697 A.C.C. manufacturing, LLC

Mr. Blair stated the product had been recommended for conditional approval stating the evaluation indicates use of rational analysis, which is not acceptable for an impact product; and the applicant needs to verify glass separation for the 120' span.

Commissioner Carson moved approval of the POC recommendation. Commissioner Kidwell entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

7701 Atlantic-Pacific International Marketing, Inc.

Mr. Blair stated the product had been recommended for conditional approval stating for use outside HVHZ the product should indicate the product was tested to UL 580 (a component of TAS 125); installation instructions need to indicate compliance with 2001 FBC, not the 2004 FBC.

Commissioner Carson moved approval of the POC recommendation. Commissioner Kidwell entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

7757 NuAir Windows and Doors

Mr. Blair stated the product had been recommended for conditional approval stating the applicant needs to indicate on evaluation source of rational analysis and plastics testing; and resubmit hardcopy signed and sealed.

Commissioner Carson moved approval of the POC recommendation. Commissioner Kidwell entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

7759 NuAir Windows and Doors

Mr. Blair stated the product had been recommended for conditional approval stating the applicant needs to indicate an evaluation source of rational analysis and plastics testing; resubmit hardcopy signed and sealed; and demonstrate CH 24 is complied with, or indicate not for HVHZ.

Commissioner Carson moved approval of the POC recommendation. Commissioner Kidwell entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

7777 Moulding Associates Incorporated

Mr. Blair stated the product had been recommended for conditional approval stating there was no indication of side lite anchor; and the applicant needs to indicate hardware as tested.

Commissioner Carson moved approval of the POC recommendation. Commissioner Kidwell entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

7819 Solatube International, Inc.

Mr. Blair stated the product had been recommended for conditional approval stating the applicant needs to submit a hardcopy of the evaluation report signed and sealed by the evaluator; remove report for Atofinia (not in accordance with 2004 FBC); and demonstrate compliance with weathering data and tensile testing requirements within HVHZ or indicate not for use in HVHZ.

Commissioner Carson moved approval of the POC recommendation. Commissioner Kidwell entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Incomplete Applications

6751

**Evaluation by Test Report**

Recommended for Approval

Product #'s:2469-R1; 6046-R1; 6526; 7534; 7535; 7679; 7720; 7781; 7791; 7818; 7829; 7843; 7869; 7890.

Commissioner Carson moved approval of the POC recommendation. Commissioner Kidwell entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Recommended for Conditional Approval

5672 Paradigm Window Solutions

Mr. Blair stated the product had been recommended for conditional approval stating the test report is not signed and sealed by a professional

engineer; the applicant needs to provide testing and certification of extrusion and laminate; and AAMA shall verify QA agreement.

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

#### 7754 Paradigm Window Solutions

Mr. Blair stated the product had been recommended for conditional approval stating the test report is not signed and sealed by a professional engineer; the applicant needs to provide testing and certification of extrusion and laminate; AAMA shall verify QA agreement.

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

#### 7748 Venetian Roof Tile, Inc.

Mr. Blair stated the product had been recommended for conditional approval stating the installation instructions do not comply with HVHZ and the applicant needs to indicate "No" for use in HVHZ or comply with testing and installation requirements.

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

#### 7760 Best Rolling Doors

Mr. Blair stated the product had been recommended for conditional approval stating the application needs to indicate minimum concrete strength and size of wedge anchors.

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

#### 7804 Entegra Sales, Inc.

Mr. Blair stated the product had been recommended for conditional approval stating for product 7804.1 the class 3 restriction should be removed by demonstrating necessary compliance.

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

Recommended for Defferal

7529 B and B Sheet Metal

Mr. Blair stated the product had been recommended for deferral stating the Valspar Test was performed at a testing lab not approved by the Commission; there is no indication of coating on panels; remove the letters that constitute evaluations; and with so many different reports and comments this application should be Evaluation Report by PE/RA.

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

7619 Barrier Metals

Mr. Blair stated the product had been recommended for deferral stating there is no indication of coating on panels; the letters that constitute evaluations should be removed; and with so many different reports and comments this application should be Evaluation Report PE/RA.

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

7926 SunSky Metal, Inc.

Mr. Blair stated the product had been recommended for deferral stating load tables cannot be used with "Test Report" method; there is no indication of coating on panels; tletters that constitute evaluations should be removed; and with so many different reports and comments this application should be Evaluation Report PE/RA.

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



Incomplete Applications

Product #'s: 7936; 7940; 7942.

**Evaluation by Entity**

Recommended for Approval

Product #'s: 1712-R2; 7382; 7694; 7700; 7751; 7826; 7849.

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

**CONSIDER LEGAL ISSUES AND PETITIONS FOR DECLARATORY STATEMENT:**

**BINDING INTERPRETATIONS:**

**DECLARATORY STATEMENTS:**

**Supplemental Hearing**

**DCA06-DEC-182 by Michael Thompson, HPA Consulting Engineers Inc.**

Mr. Richmond explained the issues presented in the petition for declaratory statement and the POC's recommendations as they appeared in each Commissioner's files.

Commissioner Bassett stated for questions 1, 2 and 4 the Council vote resulted in a tie to uphold previous recommendation; question 3 was a unanimous vote to change the recommendation to "yes".

Michael Thompson, CHPA Consulting Engineers Inc.

Mr. Thompson expressed appreciation to the Commission for allowing a second hearing concerning the issue. He stated there were a couple of issues that cannot be brought to closure. He explained the first was Section 403.2.2 of the Mechanical Code. He read from that code "Transfer air except where recirculation from such spaces is prohibited by Table 403.3. Air transferred from occupied spaces is not prohibited from serving as make-up air for required exhaust systems in such spaces as kitchens, baths, toilet rooms, elevators and smoking lounges." He continued reading "The amount of transfer air and exhaust air shall be sufficient to provide the flow rates as specified in Sections 403.3 and 403.3.1. The required outdoor air rates specified in Table 403.3 shall

be introduced directly into such spaces or into the occupied spaces from which air is transferred or a combination of both.” He stated CHPA Consulting believes they are in compliance as they have supplied the make-up air through the corridor; the air is then being transferred from the corridor to the guest room and out through the exhaust system. He further stated this design practice has been in use under many different codes, referencing this hotel the Commission meets in as an example of this design. Mr. Thompson stated, under Section 601.2, Air Movement in Egress Elements, states “Corridors shall not serve as supply return exhaust or ventilation air ducts with the following exceptions; Use of a corridor as a source of make-up air for exhaust systems in rooms that open directly onto such corridors including toilet rooms, bathrooms, dressing rooms, smoking lounges, janitor closets shall be permitted provided that each such corridor is directly supplied with outdoor air at a rate greater than the rate of make-up air taken from the corridor. “

Mr. Thompson then addressed the next point that remains open as an issue is how we define occupiable space. He stated as licensed professionals we look at the code as the letter of the code and the spirit of the code, both of which we hope to comply with or exceed to the greatest degree possible. He further stated these do not include exit pathways or egress corridors. He believes everyone is in agreement in this case this space would be defined as an exit pathway. He continued stating he believes this exit pathway can be defined as an occupied space since it is used to transfer people to and from the guest rooms, room service attendants attending different rooms, engineering personnel, and in certain areas of the hotel, the space will be used as pre-function areas on different floors. He gave several examples of other areas which are occupiable spaces, but are not defined in the code. He stated that if one would reason if it were not occupiable space, there would be signage restricting the movement of the public in those spaces. He then respectfully requested the Commission to grant positive consideration for this petition, indicating a hotel corridor is an occupiable space.

Mr. Thompson then addressed Section 4.3.11.1.2.2 of NFPA 90A allows the transfer of air by pressure differentials when door clearances do not exceed those specified for fire doors in NFPA as did in the 2001 Florida Mechanical Code. He explained it his understanding there is a clerical error in removing that one phrase between the transfer of the 2001 Code language to the 2004 Code language. He stated in his opinion, the phrase is not needed because that method of transfer air is included under NFPA 90A.

Mr. Thompson offered closing comment stating his company’s first concern is the safety of the public and doing what is right, complying with the Code both in letter and in spirit. He asked the Commission to give positive

reconsideration of the declaratory statement as it relates to the Peabody Hotel in Orlando, Florida.

Commissioner Bassett responded to Mr. Thompson's comments by stating Mr. Thompson had done a good job of paraphrasing what he had written. He stated he would like to emphasize a few things. He first referenced the issue of the definition of occupiable space. He explained the definition talks about "In which is equipped with means of egress, light and ventilation"; of which all are required for a corridor. He continued stating another issue was dirty air is not to be brought into clean air areas. He explained since the corridor is being supplied with 100% preconditioned outside air, he could not see how the corridor would be dirtier than the room. He stated there was specific language in the code that addressed the transfer of air around a doorway, which was removed due to a clerical error. He further stated this particular exclusion was put in the code by Florida and was to be brought forward in the 2004 revisions, but it somehow was missed by staff. He clarified this was never intended to be taken out nor was it addressed as something that should no longer be there. He then stated the commentary of the International Mechanical Code specifically addresses the first exemption and why that should be allowed. He further stated the commentary points out the requirements of having outdoor air at a greater rate than the make-up air and the required amount of air to go past the doorway is not excessive for the door.

Commissioner Bassett then moved approval to respond yes to all four questions in the petition. Commissioner McCombs entered a second the motion. Vote to approve the motion was unanimous. Motion carried.

**Declaratory Statements:  
Second Hearings-**

**DCA06-DEC-200 by Warren Schafer, P.E.**

Mr. Richmond explained the issues presented in the petition for declaratory statement and the POC's recommendations as they appeared in each Commissioner's files.

Commissioner Carson moved approval of the POC recommendation. Commissioner Goodloe entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

**DCA06-DEC-201 by Warren Schafer, P.E.**

Mr. Richmond explained the issues presented in the petition for declaratory statement and the POC's recommendations as they appeared in each Commissioner's files.

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

**DCA06-DEC-212 by Steve Munnell, Florida Roofing & Sheet Metal Association**

Mr. Richmond explained the issues presented in the petition for declaratory statement and the POC's recommendations as they appeared in each Commissioner's files.

Commissioner McCombs moved approval of the POC recommendation. Commissioner Gross entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

**DCA06-DEC-215 by Bruce Kaiser, Wind Tripper, Corporation**

Mr. Richmond explained the issues presented in the petition for declaratory statement and stated the POC deemed the issues were outside the scope of Rule 9B-72.

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

**DCA06-DEC-216 by Eddie Fischer**

Mr. Richmond explained the issues presented in the petition for declaratory statement and stated the POC deemed the issues were outside the scope of Rule 9B-72.

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

**DCA06-DEC-218 by Paul B. Dickson, CBO, City of Cape Coral**

Mr. Richmond described the issues presented in the petition for declaratory statement and the POC's recommendations as they appeared in each Commissioner's files.

Mr. Richmond explained there had been significant discussions both within the Commission and outside the Commission relative to the issue. He stated the current recommendation is that the Coral Walk Shopping Center, which includes a Super Target is comprised of a single building; has demonstrated compliance with Section 507.2 of the Building Code, therefore the area limitations of Table 503 do not apply to the project. Mr. Richmond repeated there had been significant discussions outside the Commission which has included discussion of certain interested parties positions with particular commissioners. He stated the discussions, in his view, would constitute ex parte communications in a quasi judicial decision. He asked if anyone who has had discussions regarding the in which a particular result has been urged upon the Commissioner that they disclose the full nature, content and deliverer of that communication at this time.

Commissioner Wiggins expressed concerns with the declaratory statement, stating he disagreed with it. He asked if he should present the analysis he has at this time or if he should wait to see if public input will be offered first.

Mr. Richmond responded explaining at this time he would like to get a disclosure from those who have received ex parte communications, who they have talked to about the issue at hand, and what those communications have been.

Commissioner Wiggins indicated he had spoken to Mo Madani about this previously.

Mr. Blair asked, as requested by Mr. Richmond, if any other Commissioner had spoken to anyone about this. He stated he was not seeking discussion on the issue; just disclosing who Commissioners may have spoken to and what was discussed.

Commissioner Sanidas disclosed content of a conversation he overheard a group of people discussing this issue and he stated he had said to the group he agreed this should have gone to the building official first and not the Commission. He explained he felt it was improperly before the Commission.

Mr. Richmond asked who was holding the discussion.

Commissioner Sanidas stated he did not recall.

Mr. Blair asked Mr. Richmond if there was any action the Commission should take.

Chairman Rodriguez opened for comment from the Commission.

Commissioner Wiggins offered comment stating the declaratory statement should first be dealt with at the local level. He continued stating the request is a variance from the Code based on the literal reading and understanding of the Building Code. He explained it did not meet 507.2 because the building is not surrounded by a 60 ft public way and private property entirely around the building. He questioned whether the entire property around the building is controlled by the Target owner, which would be one requirement that it meets this 60 ft open space. He stated it also does not meet 507.4 which allows you to reduce the 60ft to 40 ft because it is directly abutting a building next door which precludes meeting the 40 ft reduced open space requirement as well. He continued stating there are many other issues dealing with tenant space; if it went with this as just one entire building and the Target building, with the other buildings next to it, it would be precluded forever from having certain other occupancy types in the rest of that building. He explained this provision is limited to Group B, Group F, Group M, Group S, Occupancies. He further explained none of those other tenant occupancies could ever be an A2 occupancy, for example, which would be a 50 seat or greater restaurant, which is often the case in some of these shopping centers. He stated the only way this could be dealt with would be by having control of that through the developer or owner of that Target, which he or she does not have that control.

Commissioner Wiggins further stated the most important point is the issue is totally contrary to the intent of the Code. He explained the Code was crafted with this section to deal with one building under the control and ownership of one person. He stated this was put together many years ago in the model codes to allow one building to have unlimited area, if it has a total accessible 60 ft open space all the way around the building or when it meets the criteria of the reduced 40ft for firefighting purposes and for other fire protection purposes. He restated this does not meet that original intent of the Code. He continued stating this was a building under one ownership. He stated the other verbiage in the statement talks about other ownerships of other buildings on the property. He stated this brings up another question whether the tenants were under some type of condominium or separate property line ownership; which is listed in the declaratory statement, as well. Commissioner Wiggins stated with regards to the definition of building which is contrary to the definition of building line; the definition of building line in the Building Code, under Chapter 2 is "a line that is

established by law beyond which a building shall not extend.” He further stated in the declaratory statement it says the building does extend beyond the property line; the property line of Target and the property line that extends beyond that by the developer of the shopping center. He stated in this particular case, the property owner is willing to provide fire rated walls on the common walls where it joins the rest of the building. He continued stating Section 705.2 under firewalls, it clearly states each portion of a building separated by one or more firewalls that comply with the provisions of this section shall be considered a separate building. He clarified that this building will be considered a separate building, the one adjacent to it will be considered a separate building and all the others who are likewise separated will also be considered separate buildings, in addition to the fact if they are under separate ownership they are in a separate building.

Commissioner Wiggins summarized his comments stating there seems to be clear Code language which would not allow this interpretation. He offered, at the very least, there were alternate means by which to deal with this situation, such as going to the boards of appeals or local boards, but the literal interpretation of the Code would not allow this as a declaratory statement; it might allow it to go before a local board or boards of appeals by providing some alternate method of compliance with extra fire sprinklering or safety protections. He stated the Code, as written, was not intended to allow multiple ownership; the definition of building line clearly states this would be considered more than one building.

Mr. Richmond noted the declaratory statement was petitioned by the building official. He stated is not appropriately heard at this point by an appeals court because the building official was asking the Commission for clarification. He also stated this was basically an adoption of the staff recommendation, which was in part based on that very definition of building line; a line established by law, not established within the Code, not established within Chapter 553. He further stated this has been acknowledged by BOAF, the Miami-Dade Co-Compliance Office, the Broward County Board of Rules and Appeals and the International Code Council when they signed off on the commentary Eric Stafford provided. He continued stating this commentary states this term defines limitations or boundaries for construction of a building; the line is typically established by a zoning statute for rights of way dedication and is not specified in the Code. He explained the Code does not define where you can build or things along those lines, which would be found in development review, under Chapter 163. He stated the intervener delivered inconclusive evidence to the Commission that they have obtained development approval for this project that contains certain limitations that will be recorded in the minutes. He noted he did not think the future concerns are actually something the Commission can rule upon; but those concerns would be of record and the appropriate jurisdiction. He stated, ultimately, the Code does not support an alternative conclusion in this case. He

further stated this was an issue had dealt with for several years before coming to the Commission. He offered clarification stating the Building Code controls how a house is put together not where it can be built.

Mr. Blair asked Mr. Richmond if it was his recommendation to affirm the previous action.

Mr. Richmond stated that was correct.

Kathleen Croteau, Cape Coral Deputy Building Official

Ms. Croteau offered comment stating the Target shopping complex was not presented initially as a single building; rather it was presented as 5 separate buildings.... (See *ICC Representation for Code Interpretation on Declaratory Statement, From: Ronnie Green [RGreen@iccsafe.org] To: Kathleen Croteau, Sent: Friday, October 27, 2006 9:27 AM*) She explained the Planning Division does have a copy of the recorded plot, which was approved. She stated, however, the Planning Division is not looking for Florida Building Code requirements. She explained their purpose is directed specifically at zoning purposes; for instance whether it meets the intent of the area, what uses it can be used for, the location, drainage and storm water, utilities, etc. Ms. Croteau stated she had posed the question to Ronald Green, Senior Technical Staff for the International Code Council from ICC. She continued stating the first question was "Does a 2 bead fully sprinklered building with 60 foot open space three sides and zero feet open on the one side qualify for the unlimited modification of 507.2." She quoted his answer was "No, for the building to be unlimited it must be surrounded and adjoined by public ways and yards not less than 60 feet in width. She compared this to the Target store stating it has 60 feet clearance on three sides and a zero foot clearance on the one side.

Ms. Croteau stated her second question was "Can a structure be considered one building if it is built across lots with separate ownerships?" She reported Mr. Green had answered stating "The Code does not have any provisions for a single building to cross lot lines. The Code requirements are based on a building being on a single lot and the fire distance separation for that building. A single building crossing lot lines would not be Code compliant." She stated there is no provision in the Code for a single building built across lot lines although there are provisions for multiple buildings built on one lot or with assumed or imaginary lot lines placed in those instances. Ms. Croteau believed in this instance moving or removing lot lines has no significance as it has no relevance to the fire safety issues. Ms. Croteau referenced commentary relative to different lot lines and the definition of a lot line. She stated Chapter 5 goes over the provision to regulate minimum type construction. She continued stating Section 506 describes the allowable modifications to the area limits in Table 503



for buildings with sprinkler systems or larger separation distances from adjacent properties or public ways. She reiterated the Code review for the design of any building begins in Chapter 5, but the determination of the minimum required type of construction based on the use and size of the building.

Ms. Croteau further stated misapplication of Chapter 5 can result in a multitude of related areas in subsequent Code applications. She offered since the Code requirements depend on the type of construction that is required for the building if this one issue is missed there are more areas such as exterior wall and fire separation distances in Chapter 7. She stated Chapter 5 is applicable to all new structures and existing structures that are to be enlarged. She stated allowable height in these areas are to be evaluated on the basis of classification, type of construction, location on the property relative to the lot lines and other structures in the presence of an automatic sprinkler system. She further stated the open limits basically state the open space has to be on the same lot or dedicated for public use. She continued stating the owner or jurisdiction can control this space that is assumed to be open for the purposes of the area increase. She stated it was obvious one could not encumber a neighbor a future neighbor's property with a requirement that the space will always remain unoccupied.

Commissioner Greiner requested clarification concerning how the buildings were permitted.

Ms. Croteau responded the building had been permitted as five separate buildings.

Commissioner Greiner asked if the Commission was misled with the declaratory statement with respect to how the building was permitted.

Ms. Croteau replied no.

Mr. Richmond interjected comment stating the Super Target had intended the permit to be considered for one building and provide a 60 foot space open limit for the entire development. He stated the statement read as though the developers sought to have it permitted as a single building and it wasn't.

Ms. Croteau replied that was correct. She offered clarification that five separate buildings were submitted, but they wanted them permitted as one as far as the limitations and construction type.

Commissioner Greiner restated his question asking if they were asking for a permit for one building including all five of these areas.

Ms. Croteau then read the definition of fire separation...*"the distance measured from the building face to the closest interior lot line, center line of a street, alley or public way or to an imaginary line between two buildings on the same lot."* She read *"the distance should be measured at right angles from the face of the wall."* She reiterated this does not say anything about the building crossing separately owned or adjacent lots and it includes a provision for putting in imaginary line in if they are on the same lot. She then read the definition of a lot line...*"Line dividing one lot from another, a street or public way. Lot lines are legally recorded divisions between two adjacent lands or parcels. They are the reference points for the location of the building on an exterior separation and for other Code purposes."* She stated the lot line is of relevance in location of the building in relation to the lot line. She further stated the developers were trying to get unlimited area with no qualification for those special provisions which would indicate the need to comply with the limitations in Table 503.

Commissioner Kidwell asked if the property owners had tried to permit as one building would the City of Cape Coral have approved it.

Ms. Croteau responded no due to the location of the property line.

Commissioner Kidwell asked for clarification if the local building department would have required them to pull separate permits per unit.

Ms. Croteau clarified "per property". She stated there are only two parcels on this property.

Commissioner Kidwell anticipated the Super Target could have been one and the shopping center could have been the other.

Ms. Croteau stated that was correct. She further stated they had tried alternatives letting the developers know the alternate construction methods were to keep that parcel as one and not subdivide, then the building could be built as one. She reported this suggestion was declined.

Commissioner Carson asked if this issue was the first time Target has tried to do a project similar to this in this state.

Ms. Croteau responded Target had given them instances where they had done some, but she could not say if the Codes were correctly interpreted. Ms. Croteau then stated the lot line was relevant and Target did not apply for the permit as one complete structure, but as one building by itself. She explained the type of construction is a major concern. She further stated there are several provisions in the Code which allows multiple buildings to be placed on one lot, but no provisions stating a building can cross adjacent lots. She then referenced

Figures 506.2.1, 506.2.1.12, 506.2, 503.1.3, 503.1, 506.2.22, 507.6.2, 607.63, diagrams for instance when you are supposed to be taking into consideration the distances to property or lot line and then determining the type of construction based on that.

Mr. Richmond asked what in the Code specifically prohibits its construction over lot lines.

Ms. Croteau responded it is prohibited because the provision is not called out as a provision you can do. She stated the lot line and the distance to the lot line is significant.

Mr. Richmond countered asking if her position is that anything the Code does not say you can do specifically, you are prohibited from doing.

Ms. Croteau then replied there are alternate construction methods.

Mr. Richmond asked for clarification, stating there is no section in the Code that prohibits building across property lines.

Ms. Croteau concurred stating it does not state specifically one cannot build buildings across property lines, but it does say where a building may be built in direct relation to the property line. She further stated it does not need to state it specifically because it indicates it in several places when discussing the placement of multiple buildings on one lot.

Mr. Richmond asked if this is a circumstance related to putting multiple buildings on one lot.

Ms. Croteau responded no, then stated it is one provision the Code allows you to have. She stated that there is no provision for building a building across adjacent lots.

Mr. Richmond then stated the Code does not prohibit it though, just does not allow it.

Ms. Croteau concurred. She then pointed out the 60 foot open space clearance needs to be on the same lot and the space. She stated the space that is indicated for that 60 foot, to allow for unlimited modifications, is not on the same lot.

Mr. Richmond asked for clarification as to where specifically it is located in the Code.

Ms. Croteau stated 506.2.2 reads “such open spaces will be either on the same lot or dedicated for public use and should be accessed from a street or a fire lane.”

Mr. Richmond added it could also be dedicated for public use.

Ms. Croteau stated there is nothing dedicated for public use on that third side, which is a zero lot line.

Mr. Richmond asked what difference the lot makes. He continued what difference sub regulation has to Code consideration. He offered a for instance asking what if Target waited until after the building is permitted to take ownership of the property, as selling property does not require a building permit.

Ms. Croteau stated she was baffled by Mr. Richmond’s question as the lot line has everything to do with Chapter 5 and how the Code is interpreted. She further stated one could assume every city block could be one building...

Mr. Richmond stated if there were one owner to this entire project and the building was built and it would be Code compliant if there were only one owner of that property. He asked if after the fact the owner sells the dirt underneath it to Target would they need a building permit.

Ms. Croteau responded no, but it should have to go through the zoning and planning commission, which would then notify the building department and ask them if that would be Code compliant.

Mr. Richmond asked if this project had already gone through your zoning and planning commission.

Ms. Croteau responded the site itself had.

Mr. Richmond asked for clarification as to whether it was approved as proposed.

Ms. Croteau responded it was approved for zoning and planning purposes alone, not for building. She explained the only thing looked at relative to the building side during the planning and zoning of site development is handicap accessibility of handicap spots.

Mr. Richmond concurred stating the issue is not a building issue.

Paul Dickson, Building Official, City of Cape Coral

Mr. Dickson offered comment stating the issue is a building issue because the section in Chapter 5 specifically states it shall be on the same lot and the commentary states why. He stated when this was brought to his attention this is the reason it was not approved when it was originally submitted. He further stated since then, the applicant has submitted a building for Type 1B so the project can move forward pending the decision of this board. He stated he wanted to make sure everyone has an understanding that the lot line does have an affect how a building is designed, by height, area, materials used, etc. He expressed concern that a decision here could set precedence. He further stated this decision is not just about this Target project, it will determine how projects are looked at across the state.

Commissioner Greiner asked how the application was originally submitted.

Mr. Dickson stated the application was submitted as a single building on one lot of a two lot parcel for the shopping center, as a Type 2B building.

Commissioner Greiner asked if the application was submitted without the parcel line.

Mr. Dickson responded no, the original application had the parcel line on it. He explained it was turned down because the area modification was so extreme it needed that 60 foot space on all four sides in order for it to get the unlimited modifications

Commissioner Greiner asked if the concern was for the 60 feet or the property line when the original application was submitted.

Mr. Dickson responded he was concerned about the 60 foot since Chapter 5 states that it will be on the same lot or the lot will be abutting a public way so the 60 feet would remain open.

Bob Boyer, Code Development Committee, BOAF

Mr. Boyer stated all the points had been made and he would ask that the Commission consider their opinion.

Harold Law, Building Official, Sanibel Island, Florida, BOAF

Mr. Law stated they were in agreement with everything the deputy building official had brought before them. He stated a quote had been read from Eric Stafford indicating property lines had no significance. He further stated he called

Mr. Stafford and Mr. Stafford politely stated someone was wrong since property lines have always been important part of the Codes. He continued stating Section 507.2 states "the unlimited modifications area must be surrounded by public way or a yard." He read the Chapter 2 definition of a yard reads "an open space other than a court, unobstructed from the ground to the sky, except where specifically provided by this Code on the lot in which the building is situated." He stated the fourth side of this project does not have the "yard" required to get unlimited square footage to this construction. He further stated the Type 1 construction is approvable by the Building Code, but the Type 2 is not. He stated if they believe the four hour fire wall is equivalent to the 60 foot open space on that side of that building, he would hope there is documentation to support that. He expressed concern the Commission could find themselves expert witnesses for fire if they vote on it with no documentation behind the decision.

George Mazzarantani, Sean McIntyre, Mr. O'Dell, Representing Target

Mr. Mazzarantani expressed concerns that a decision is being made without supporting documentation. He stated the issue is a lot line. He stated they were in agreement with Ms. Croteau and Mr. Dickson and the simple definition of whether a lot line creates building is the issues. He further stated they were in agreement with the last vote 19-2, the staff's opinion, and Counsel. He offered that when there is discussion of the 60 foot space around the building you are presuming that a lot line creates the building, which is an incorrect assumption. He questioned, given the people's concerns, why a ruling has not been made, and further if the issue is of such precedential value why wasn't a decision made. He reported eleven other jurisdictions have done it this way, as outlined in Commissioner's packets. He stated Commissioner D'Andrea had said on record this is the way it is done in Hillsborough County. He stated in his opinion the fact that the buildings were submitted separately was irrelevant. He summarized stating the main focus is to determine if the lot line creates the building. He stated they were in agreement that Counsel was specifically on point in this matter.

Commissioner Carson asked if the Fire TAC was the TAC that reviewed the petition.

Mr. Madani stated the Fire TAC was responsible for the recommendation and the vote was 50-50. He continued stating he made the recommendation based on the Fire TAC position. Mr. Madani further stated he searched in the Code for something relating the lot line to the building. He offered his opinion is that if there is one property owner, it should be up to the property owner to decide if he wants to build one building and comply with the Codes.

Mr. Blair provided an overview of the issue and the discussions pertaining to the issue. He opened for comments different from what has already been stated.

Mr. Richmond then offered clarification stating while there may be some issues with the definition of yard; the definition of public way has been met by the development approval and has been recorded with this 60 foot open space. He stated it has contained in 1002.1 of the Code...*“Street, alley, or parcel of land open to the outside air leading to a street that has been deeded, dedicated or otherwise permanently appropriated to the public for public use, with a clear width and height of not less than ten feet.”*

Commissioner Wiggins referenced the definition of public way stating the portion of the building adjacent to the other building is not open for ten feet permanently, nor does it meet the definition of yard as far as it being *“an open space other than a court, unobstructed from the ground to the sky, except where specifically provided by this Code on the lot in which the building is situated.”* He stated, unless he is misunderstanding, it seems neither the public way nor the yard definition works in this case since there is a building that occupies space directly adjacent to Target.

Mr. Mazzarantani responded to Commissioner Wiggin’s comment stating again that Commissioner Wiggin’s question presupposes that the lot line creates the building, which is the issue here. He suggested the focus on what the building official or his deputy is stating and listen to your own staff and counsel that the Code does not contain anywhere the proposition that the property line designates a boundary between one building and another. He reiterated that the Development Order the City of Cape Coral issued did have the building lines, the site plan as part of it.

Mr. Richmond concurred stating it was never his intention to state the Code does not deal with lot lines. He continued stating there is nothing in the Code that says a property line defines a building. He further stated that line is not contained in the Code, but in zoning ordinances. He reported this commentary had been signed off by BOAF, as well as a host of other agencies.

Commissioner Kidwell offered comment stating it seems there is a difference in the interpretation of the definition of lot line. He stated the Code definition of lot line is subjective stating *“a portion or parcel of land considered as a unit.* He stated his opinion is this could be considered a lot.

Commissioner Bassett stated no one has explained to him how the building is not safe to inhabit. He stated the issue is not a building code issue it would be more of a civil issue.

Commissioner Sanidas stated the older codes explained where a building could be placed in terms of property lines and were very explanatory. He further stated the building officials had great latitude in determining how they used the Code, such as combining lots to make bigger lots. He offered sometimes this entailed moving the lot lines as long as we did not end up with more lots than we started out with. He stated the planning commission had the authority to make lots, but it was in their authority to decide if the lots were safe, that was the building department. He further stated in his county, Shelby, there was a local ordinance stating there could be three sides with a sixty foot separation and the fourth side could have a four hour firewall, with a three foot **parapet** in lieu of the 60 foot space.

Commissioner Kim offered comment expressing his apology to the deputy building official of Cape Coral for the embarrassing tone in the way she was questioned by DCA Counsel. He then moved approval of the Commission's previous action concerning the petition for declaratory statement.

Commissioner Wiggins interjected comment stating the public safety issue is that the complex would be allowed to provide lesser fire safety around the perimeter of the building. He stated the example of permitting duplexes which will be 75 feet wide and built with a one hour firewall, but if later the building is to be separated, the firewall must be changed to 2 hour firewall. He stated this is a similar analogy.

Chairman Rodriguez called for a vote on the motion. Vote resulted in 13 supporting; 7 opposed. Motion carried.

### **First Hearings-**

#### **DCA06-DEC-188, by Kevin McGrath P.E., Four Seasons Solar Products, LLC**

Dismissed

#### **DCA06-DEC-250 by Michael Griffin, Fugleberg & Koch**

Withdrawn

#### **DCA06-DEC-252 by Christopher M. Spence**

Dismissed



**DCA06-DEC-270 by Cindy, CSP Roof Consultants**

Mr. Richmond explained the issues presented in the petition for declaratory statement and the POC's recommendations as they appeared in each Commissioner's files.

Commissioner Greiner moved approval of the POC recommendation. Commissioner Schulte entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

**DCA06-DEC-273 by Jack McLaughlin ORIOLUM Corp**

Mr. Richmond explained the issues presented in the petition for declaratory statement and the POC's recommendations as they appeared in each Commissioner's files.

Commissioner Greiner moved approval of the POC recommendation. Commissioner Schulte entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

**DCA06-DEC-282 by Bert Kolodziej, P.E.**

Mr. Richmond explained the issues presented in the petition for declaratory statement and the POC's recommendations as they appeared in each Commissioner's files.

Commissioner Wiggins moved approval of the POC recommendation. Commissioner Greiner entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

**DCA06-DEC-283 by James Lozier, Hurricane Harness Corporation**

Mr. Richmond explained the issues presented in the petition for declaratory statement and the POC's recommendations as they appeared in each Commissioner's files.

Commissioner Goodloe moved approval of the POC recommendation. Commissioner Greiner entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

**DCA06-DEC-284 by Steve Munnell, FRSA**

Mr. Richmond explained the issues presented in the petition for declaratory statement and the POC's recommendations as they appeared in each Commissioner's files.

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

**RECESS UNTIL WEDNESDAY**

### **Wednesday, December 06, 2006**

The meeting of the Florida Building Commission was called to order by Chairman Raul Rodriguez at 8:31 a.m. on Wednesday, December 6, 2006, at the Embassy Suites Hotel, Tampa, Florida.

Mr. Blair briefly conducted a review of the meeting agenda.

Commissioner Wiggins moved approval of the meeting agenda. Commissioner Greiner entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

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

Chairman Rodriguez first addressed the issue of confusion between work groups, POC's, and TAC's. He explained workgroups are formed to provide industry and stakeholders affected by Commission policy an opportunity to provide feedback and recommendations prior to the implementation of Commission policy. He further explained the workgroups are an attempt to provide access to of policy and shows the Commission's commitment to consensus-building. He stated instead of going straight to rulemaking or simply deciding on a policy that affects interest groups, the Commission has added this extra step in the process for complex issues. Chairman Rodriguez continued stating the Commission also makes every effort to ensure workgroups have representatives for all of the key stakeholder groups. He added the workgroup process is a prelude to a review by the relevant TAC, POC, and/or Ad Hoc committee.

ChairmanRodirguez noted it had come to his attention that some stakeholders feel that bad behavior during workgroup and committee meetings has resulted from certain appointments to the committees. He indicated when he assumed the role of Chairman one focus of the Commission was to make sure those who appeared before the Commission to advocate their positions would have as much time available to them as possible to speak their piece. He stated these individuals have been asked to make every attempt to not demonize the opponent. He explained the Commission is committed to hearing all sides only asking the individuals who address the Commission to not repeat the same points, instead indicate their agreement with views expressed. He offered his assurance he will continue to make every effort to appoint members who participate in an honest and productive manner, on behalf of their constituent groups, and are committed to the development process". He stated differences of opinions are an expected part of the process. He added that people appear here from different walks of life and will have different viewpoints; these viewpoints should be discussed respectfully.

Chairman Rodriguez addressed the staff's role in these workgroups and committees. He acknowledged there are disagreements within these workgroups and committees; when these disagreements occur the staff's role is supplying the history of the issue, technical information, and any other clarifications the workgroup can utilize in it's consideration of the issue. He expressed the staff has the right to express their opinions, even their preferences, but are not to be an advocate of any partiality.

Chairman Rodriguez then addressed policy on the workgroup's recommendations. He explained that in general, special topics are assigned to workgroups, constituted with stakeholder representation from the various interests affected by the issue. He continued stating the workgroups develop consensus recommendations that will then be reviewed by the appropriate TAC, POC, or Ad Hoc committee, who will in turn send the package of recommendations to the Commission.

Chairman Rodriguez explained that TAC's are constituted according to ANSI participation standards. He stated the objective is to create a balance between producers, consumers, and general interests. He indicated he has been asked how the Commission is asked how the Commission does what it does. He offered although there are many misconceptions it follows a process that is incremental, just like everything else that works. He explained by the time the Commission is asked to decide on special issues, a workgroup recommendation from stakeholders has been developed. He stated the members of the Commission who are experts in their field are called upon for their knowledge He continued stating the Commission receives reviews made and delivered by a TAC/POC after recommendations. He reiterated by the time the issue is before the Commission, there has to be some very compelling reason or new information that is brought forth for the Commission to waiver. He stated if you want to prevail in the process he recommends you do not try to so by force. He explained there are different mechanisms available to politicians, but at the Commission level it is better to be a diplomat than a partisan politician. He stated the Commission recognizes every one here has special interest which is why they are called stakeholders and why he often refers Public Comment as Special Interest Comment. He commented that all involved here have time pressures and a lot at stake, but it is important to remember why we are here and to and why people keep coming back is due to the collegial atmosphere we foster.

## WORKGROUP APPOINTMENTS

Chairman Rodriguez stated Commissioner Gonzalez had asked to be replaced on the Product Validation Workgroup and Garage Door Shutter Workgroup and has asked the Commission to appoint Jamie Gascon to that

Committee. Chairman Rodriguez welcomed Mr. Gascon on behalf of the Commission.

Chairman Rodriguez announced the appointment of Jack Humberg to replace Johnny Long on the Accessibility TAC. The Chair noted that Johnny will be greatly missed, and on behalf of the Commission, welcomed Jack Humberg to the TAC.

Chairman Rodriguez then addressed the Governor's Property Casualty Insurance Reform Committee. He informed the Commission that the Committee met October 26, 2006, in Tallahassee and he was invited to attend, but was unable to do so. He stated upon his request, Commissioner Ed Carson represented the Commission and Rick Dixon accompanied him at the Committee meeting. He noted as the Committee's name suggests, their charge from the Governor was to address difficulties encountered by the insurance industry as a result of recent hurricane storm activity in Florida during 2004 and 2005. Chairman Rodriguez highlighted the recommendations that relate to the Commission and the Code. They are as follows:

- Put a uniform statewide building code in place that requires American Society of Civil Engineers (ASCE) wind lines to be adopted and prohibit any changes in future statewide building codes unless such a change enhances the structural integrity of the code as it relates to wind protection.
- Develop a code plus standard that the insurance industry would recognize for maximizing premium discounts.
- Encourage local governments to promote and advocate for code plus structures by providing incentives to builders like density bonuses, lower impact fees, and concurrency credits when new construction is built at *higher levels* than the current approved building code.

Mr. Richmond reported the Property and Casualty Committee came out with a draft bill of about 231 pages total legislation. He indicated the portions that affect the Commission start at page 56 and continue. He stated this represents an ongoing limitation of the Commission's ability to update the wind design standard in Florida, which locks it into ASCE7-02. He explained that is consistent with the Code and what is available at present, but in order to update that standard, an interested party would have to return to the legislature to do that. Mr. Richmond further stated the draft bill also contains some additional limitations on the Commission's ability to adopt statewide amendments, as mentioned by the Chair. He stated it also requires the Commission to develop the standards for the Voluntary Code plus the Building Code by July 1, 2007. He

indicated this was an optimistic schedule in light of the Legislature and the new Governor's office having agreed to call a Special Session which will commence January 16, 2007. He stated all indications are that the Committee's recommendations will be considered. He reported that he most recently learned that the Speaker of the House has reported a consensus has been reached, although no bills have been filed formerly to show what that consensus reflects. He stated he hopes to have more information when he returns to Tallahassee, but would expect this to come up in some form in January, which is before the Commission's next meeting. He continued stating the Governor-elect's office is still forming and currently communication is being sought with those who have been identified to determine what the boundaries are for DCA as an agency supporting the Commission. He reminded the Commissioners they should feel free to contact their local legislators if that is what they feel is necessary.

Commissioner Greiner noted he liked the fact they had installed ASCE7-02, but he felt uncomfortable with the inability to be able to update that when it's necessary. He asked if there are negotiations and other things going on prior to January 16, would the Commission cover that with the standard conference call.

Chairman Rodriguez replied stating Mr. Richmond would be monitoring that situation and stated a conference call could be very useful as update.

Chairman Rodriguez referenced The Property Casualty Commission Report stating the Commission may modify the selected model codes and standards as needed to accommodate the specific needs of the state, but only to the extent that such modification would enhance not weaken the structural integrity of buildings constructed in compliance with the state's building code as it relates to wind protection. He then addressed a letter received from Senator Bennett and commented on it as follows:

Chairman Rodriguez informed the Commission that he had received a letter from Senator Bennett in late October 2006, requesting action by the Commission. The Chair explained the issue as outlined in the letter is Senator Bennett has heard that certain jurisdictions are not accepting state approved products unless those products also have a Miami-Dade County NOA. Chairman Rodriguez stated the Senator noted the law states that a product bearing a Florida product approval does not require any further documentation. The Senator cited the applicable statutes and requests the Commission "develop a memorandum that highlights the requirements specified in law and that clearly indicates that a separate NOA is not required for state-approved products". The Senator also recommended that the memo "be distributed to all building officials and posted on the BOAF website".

Chairman Rodriguez stated that the Commission is drafting a response, indicating the desire to be as helpful as possible in responding to the Senator's request,

while remaining within the Commission's authority. He stated the Commission will work with the building official Commissioners to disseminate the information to all building departments with which they are affiliated. He noted the issue was discussed at the Product Approval POC on Monday, and representatives from Palm Beach, Broward, and Miami-Dade Counties offered to work with the Commission to craft and distribute a memo to clarify the issue. The Chairman stated he has been assured that each of the three counties is clear on the law and rules, and has and will, continue to communicate the requirements to their local jurisdictions and provide any education needed.

Chairman Rodriguez explained that some of the confusion is likely terminology, interchanging the term NOA for FL product approval, and could probably be corrected with education and communication. He stated that he had also been informed that some jurisdictions are requiring additional levels of review for State approved products, than is being required for products with an NOA. He further stated the locals have every right, and should ensure a product meets its "conditions of use", but not an arbitrary extra level of review. He informed the Commission that the three counties have assured the Commission that they are maintaining a level playing field and this is their official policy in that regard. As long as the permit applicant has submitted the correct documentation, additional documentation is not required. The Chair informed the Commission that he will write Senator Bennett and let him know that the Commission has reviewed the issue and has crafted a response that addresses his concerns.

Chairman Rodriguez addressed the carbon monoxide alarm requirements issue. He reported it has come to his attention there is an effort to provide an exemption to the Florida Building Code allowing local jurisdictions to adopt their own requirements regarding carbon monoxide alarms in residential buildings. He stated again, legislation is not the solution to a complex problem. He further stated local jurisdictions are already free to adopt more stringent requirements until those requirements sunset with the adoption of new editions of the Building Code. He indicated the Commission will consider code amendments on this issue in the 2007 Update Cycle, with hopes for technology to have advanced so the TAC will recommend approval. He stated the Commission will consider and hopefully resolve the issue during the current Code update cycle that is in process.

Chairman Rodriguez concluded his comments stating there is a Glitch Code Amendment effective date of December 12, 2006. He stated the Panhandle Windborne Debris Region designation will go into effect March 8, 2007, unless the Florida Legislature intervenes.

Chairman Rodriguez noted the update of the Commission Workplan will be omitted due to changes that could affect the workplan resulting from the 2007 Report to the Legislature.

**SUPPLEMENTAL RULE DEVELOPMENT WORKSHOP ON RULE 9B-70, BUILDING CODE TRAINING PROGRAM**

Chairman Rodriguez stated during the July meeting the Commission, at the recommendation of the Education POC, voted to initiate rulemaking for Rule 9B-70, the Building Code Training Program. He reported that at the August 22, 2006, meeting the Commission conducted a rule development workshop, Commissioner Browdy read the Education POC's recommendations into the record and an opportunity was provided for public comment. He then reported at the October 2006 meeting, a second Rule Development Workshop on the Building Code Training Program Rule was conducted in order to provide an additional opportunity for input regarding rule language to implement enhancements to the Advance Course Accreditation System, including establishing minimum criteria for the development and accreditation of instructor-led advance courses; establishing requirements for providers to update advance courses and submit for accreditation within 60 days after the code changes are approved by the Commission; establishing the deadline for completed advance course applications to be placed in the "Pending FBC Action" file on the Building Code Information System 23 days prior to a scheduled Commission meeting; and finally, prohibiting cross-accreditation of advance courses.

Chairman Rodriguez noted that at the October rule workshop there was significant substantive public comment provided on the rule draft, and as a consequence the Commission assigned the Education POC to review the comments, and provide recommendations to the Commission at a supplemental rule development workshop. He stated to that end, at the December 2006 meeting the Commission conducted a supplemental rule development workshop in order to provide an additional opportunity for public comment, and to consider the POC's recommendations.

Mr. Richmond opened the rule development workshop.

Commissioner Browdy read the Education POC's recommendations into the record and an opportunity was presented for public comment. At the conclusion of public comment an opportunity was offered for Commission discussion, and then the Commission took the following action:

Mr. Blair reviewed the process any parties who wish to address the Commission should come forward to make comments in favor or against or bring up new points. He reminded the gallery the Commission would like to hear all points and not repeat points already made, but acknowledge agreement or bring forward new points.

Commissioner Browdy reported the Education POC met December 4, 2006, in addition to it's regularly scheduled meeting to discuss proposed changes



to Rule 9B-70 and heard Public Comment, of which much was repetitive. He then reported he would be entering that public comment for the record on a topic by topic basis. He stated the POC would request that Counsel take the public comment and put it into proposed rule format for the ultimate review and consideration by the Commission.

Commissioner Browdy stated the topics discussed during the meeting were enhancements to the rule which included the following:

- Delete obsolete rule language regarding the equivalency exam which was originally in the rule.
- Establish criteria for creditor approval including the grandfathering of current creditors.
- Create minimum criteria for course accreditation.
- Eliminate cross-accreditation of courses.
- Eliminate any type of conflict of interests.
- Clarify the actual 50% threshold of the actual training course material being code related.
- Providers would have 60 calendar days from the effective date of the code adoption to submit their courses for accreditation
- That course applications would be accredited and placed on BCIS system no later than 23 calendar days prior to next Commission meeting allowing the POC commissioners and members of the POC adequate time to review the courses after accreditation and before recommendation to the Commission.
- DCA staff having 3 business days to move the Commission approved courses onto the BCIS system
- Include a facilitated audit of education up to 2% of accredited and reaccredited courses.

Commissioner Browdy then requested the items be incorporated into rule language for the consideration of the Commission.

Larry Schneider, AIA Florida

Mr. Schneider offered comment stating the Education POC, in which he is a participant, established effective communication, and consensus, however, the design professional community has one concern for the Commission to evaluate when it finally comes to the rule-making decision on the issue. He referenced Bullet #6 “providers shall have 60 calendar days from effective date of code adoption to submit their courses for reaccreditation.” He indicated a strong belief that the 60 days should be from the effective date of the Code, not the adoption date of the Code.

Mr. Richmond offered clarification stating he believed the action of the committee was to approve for 60 days from the effective date of the Code.

Mr. Schneider then stated the adoption and effective date of the Code that they are concerned with.

Mr. Blair further clarified stating striking the word “adoption” would resolve the issue.

Mr. Schneider agreed.

Mr. Blair offered the recommendation the word “adoption” be stricken, which would solve the issue.

Med Kopczynski

Mr. Kopczynski complimented the POC for their camaraderie and consensus building efforts. He then stated he was unable to speak at the last meeting therefore he had submitted a letter with recommendations. He believed the substantial part of the public comment was from him, and how BISC related to this particular rule. He reported it was his understanding during the meeting the committee voted favorably for the recommendations. He stated the two areas there had been some disagreement were the 60 days for re-accreditation and the dates attendant to get an issue on the agenda. He further stated if the 60 days is clarified as just described they would grant favorably to that, indicating he had sent the same suggestion in his letter to the Commission. He stated the other variance is that 23 days prior to the agenda formation. He explained he believed this to be an excessive amount of time to be able to put things on the agenda. He continued stating it may be realistic, but still excessive and he asked the Commission take a look at that and make a sound judgment. Mr. Kopczynski stated he was very pleased with the work of the POC and with the recommendations coming forward. He further stated those recommendations seemed to be very well balanced, well aired and well discussed.

Mr. Dixon offered comment stating the 60 days is pragmatic. He wanted to reiterate what the argument was relative to the 60 days. He stated the law requires 6 months after adoption before implementation can occur and one of the reasons the three months were added to the Code implementation schedule was because it takes three months to get courses approved through all the boards and accredited by the Commission. He further stated if the Commission was to accept that the courses do not have to be reaccredited until after the Code goes into effect that it reconsider the implementation date of the Code and remove that 3 additional months not required by law. He concluded this would get this Code more in sync with the national Code and bring this Code up to date.

Chairman Rodriguez asked if the time to do that was during this workshop.

Mr. Dixon responded after the Commission makes its determination on this Rule it can move forward to consider the Code implementation schedule. He reiterated the importance in linking all of these different processes.

Chairman Rodriguez agreed the more closely similar to the national Code the better.

Mr. Richmond closed the rule development workshop.

Commissioner Browdy moved approval to integrate the nine suggestions as amended then proceed with rule adoption. Commissioner D'Andrea seconded.

Commissioner Norkunas requested clarification concerning the core curriculum.

Commissioner Browdy responded stating core accessibility courses would be offered as alternative courses. He stated there would be no need to integrate that language into the rule, rather that we have the administrative ability to deal with an alternative core course for accessibility without putting it in the rule; which is why it is not part of the discussion at this time; however it will be discussed in the POC meeting.

Commissioner Bassett asked if the 60 days would go into effect after the amendment or after approval. He then stated he would vote against the motion because he is strongly against trying to teach a code after the code has been implemented.

Chairman Rodriguez called for a vote on the motion. Vote resulted in 16 supporting; 6 opposed: Norkunas, Dean, Vann, Mccombs, Hamrick, and Bassett. Motion failed.

Commissioner Bassett stated if the date of code adoption was added back, he would support the motion. Commissioner McCombs seconded that motion.

Commissioner Kim stated he voted in support of the motion because if the training were offered prior to the implementation of the code, the material would likely not be available; which is the practical issue he has with it.

Commissioner Greiner added this has been explained to him before that this is not the practical thing to do. He asked if someone could explain that to him

Commissioner Browdy offered clarification stating this was an area of compromise clearly in the area of the education community's ability to produce timely, accurate information. He stated the Code seems to be an evolutionary process, ever changing. He indicated during the Ad Hoc committee on processes, one of the things we discussed relative to trying to eliminate some of the annual updates and stick to the triennial updates. He reported a great deal of that concern was training people as the Code changes to be out in front of those changes. He explained it is a problem getting it out in advance by implementation, but we are trying as best as we can.

Commissioner Greiner asked if it was possible to hear from some of the proponents on the issue.

Chairman Rodriguez stated he believed the proponents had spoken on the issue previously, but if necessary they could speak again.

Commissioner Hamrick offered comment stating he is a provider and has a course out there soon to be up for accreditation which has been updated to the 2007 Code. He reported it was not made available to him, but he found it as quickly as possible on the internet.

Commissioner Bassett added that what we are looking at is the time period. He stated if it needs to be 90 days that is okay with him. He further stated if that means the materials were not available to teach, at least during that one month it takes to get those materials, at least they would not be giving false information on what they would be practicing in a month. He closed stating all it means, if the materials were not there in time, there would be one month in which the Commission would not be able to teach the course.

Chairman Rodriguez stated he believed the mechanics of this are getting in the way of the process.

Commissioner McCombs concurred with Commissioner Bassett then stated he had hoped to hear something different this morning, then stated since he had not, he intended to vote with the majority.

Commissioner Wiggins requested clarification concerning the motion and the Code adoption date.

Mr. Blair restated the motion is to adopt the nine bullet points, with bullet #6 staying, but with a word change from effective to adoptive instead.

Mr. Richmond stated the code adoption date is the date the Rule is filed.

Mr. Dixon added what is available at the time of adoption is the strike-underline of every change. He stated this has to be available to the Department of State and the public.

Commissioner Greiner asked what the timeframe would be between adoption and implementation.

Mr. Dixon responded according to law that span is 6 months minimum.

Commissioner Greiner offered a friendly amendment to the motion and say change the 60 to 120 days.

Mr. Blair restated the motion as amended that the providers would have 120 calendar days from date of Code adoption to resubmit their courses for reaccreditation.

Commissioner Bassett accepted the amendment. Commissioner McCombs accepted. Vote to approve the motion was unanimous. Motion carried.

## **CONSIDER COMMITTEE REPORTS AND RECOMMENDATIONS:**

### **Accessibility TAC**

Commissioner Gross presented the report of the Accessibility TAC. (See *Accessibility TAC Minutes December 4, 2006*)

Commissioner Gross requested Commission action on the following items in the form of a motion. He stated the committee would like to have a workshop on the physical update of the 2-hour training course in January. He stated the

committee had volunteered to get the materials ready themselves rather than wait until material are supplied to them.

Mr. Blair asked what the workshop would entail.

Commissioner Gross explained it would be to update the 2 hour training course, with the assistance of the Ad Hoc committee members.

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

Commissioner Gross then requested by motion a subcommittee meeting to develop preliminary recommendations to update the waiver application during February.

Commissioner Wiggins seconded.

Mr. Richmond requested for clarification purposes that we refrain from the word workshop, as it is not the same as a formal rule development.

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

Commissioner Gross then requested two more meetings during March, one to discuss where detectable warnings should go on a site and the other to discuss how to measure the turning space in the toilet room.

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

Commissioner Gross asked if someone from staff\ come to the next TAC meeting to explain to the TAC exactly what those limitations are from the rule development hearing.

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

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

Mr. Blair asked for clarification of why staff would be attending the TAC meeting in March.

### **Code Administration TAC**

Commissioner Wiggins presented the report of the Code Administration TAC. (See *Code Administration TAC Minutes December 5, 2006*)

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

### **Window Work Group**

Chairman Rodriguez presented the report of the Window Work Group. (*Summary of Window Work Group's Discussion*)

Mr. Blair conducted a review of the package of recommendations developed by the work group. (See *Work Group Recommendations 2006*)

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

### **Shutter and Garage Door Work Group**

Chairman Rodriguez presented the report of the Shutter and Garage Door Work Group. (See *Shutter and Garage Door Work Group Summary*)

Mr. Blair conducted a review of the work group's recommendations. (See *Work Group Recommendations 2006*)

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

Mr. Blair called for public comment on the work group recommendations. No one approached for comment.

### **Energy TAC**

Commissioner Greiner presented the report of the Energy TAC. (See *Energy TAC Minutes December 4, 2006*)

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

## **Energy Code Transition Study Work Group Recommendations**

Chairman Rodriguez explained the purpose of the workgroup was to evaluate the Florida Solar Energy Centers for recommendations and comparisons regarding the Florida Energy Code and the International Energy Conservation Code. He further explained the workgroup's charge was to present to the Commission a recommendation whether to keep the Florida Energy Code as a template or adopt the IECC for energy provisions. (See *Energy Code Transition Study Work Group Minutes*)

Mr. Blair conducted a review of the work group's recommendations. (See *Work Group Recommendations 2006*)

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

Mr. Blair called for public comment on the work group recommendations. No one approached for comment.

## **Mechanical TAC**

Commissioner Bassett presented the report of the Mechanical TAC. (See *Mechanical TAC Meeting Minutes December 4, 2006*)

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

## **Roofing TAC**

Commissioner Schulte presented the report of the Roofing TAC. (See *Roofing TAC Meeting Minutes December 4, 2006*)

Commissioner Schulte then requested Commission action on the following item in the form of a motion; that a memo be sent to all building departments regarding existing shingle stocks because it appears there are large inventories of roofing shingles which do not meet the new shingle labeling requirement effective December 8<sup>th</sup> 2006. He explained in order to allow this inventory to be used it was requested that a memo regarding asphalt shingles clarifying that ASTM-D3161 modified to 110 mph is equivalent to ASTM-D3161 class F which complies with the requirement for wind resistance 150mph.



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

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

### **Structural TAC**

Commissioner Kim presented the report of the Structural TAC. (See *Structural TAC Meeting Minutes December 4, 2006*)

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

### **Education POC**

Commissioner Browdy presented the report of the Education POC. (See *Education POC Meeting Minutes December 4, 2006*)

Commissioner Browdy requested an action to approve the following subject areas for potential advanced courses and fees from the CILB and ECLB:

- Construction industry licensing board had suggestions for outreach including billboards, website postings, articles for trade publications, fax sheets and other short message means to alert and reinforce the rules and laws relating to building code and licensure requirements
- Electrical Contracting Licensing Board recommended courses for safety on live electrical parts
- Board of Landscape Architecture recommends site and parking lot accessibility, commercial swimming pools and spas, lighting (site and energy conservation), water conservation through storm water design, site design, roof gardens and green roofs, outdoor type structures (arbors, shelters, large gathering facilities, etc.), LEED related topics.
- Board of Professional Engineers recommends –
  - Understanding and applying Florida Building Code for facilities in the high velocity hurricane zone (sequence of 2, 4 hour sessions)

- Understanding and applying Florida Energy Code Commercial Building Compliance Methods for HVAC systems and calculations for total building compliance (4 hrs)
- Understanding and applying Florida Energy Code Commercial Building Compliance Methods for lighting and electrical systems (2 hrs)
- Understanding and applying Florida Building and Fire Prevention Codes for sprinkler and standpipe design (4 hrs)
- Understanding and applying Florida Building and Fire Codes for fire alarm design (2 hrs)
- Building Code Administrator and Inspector Board recommends Code related courses, Training on electrical requirements of the energy code, ADA and plumbing contractors

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

Commissioner Browdy continued stating the Council also approved a proposal by the University of West Florida to create a statewide building code training program utilizing a virtual construction video library. He stated the proposal would be included as part of an RFP contract with the administrator for the council.

Commissioner Browdy continued stating a 2-hour accessibility course was discussed and the POC has recommended the Commission create an alternative core course in accessibility to further emphasize the need for accessibility training for all licensees.

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

Commissioner Browdy continued the POC then reviewed the proposed suggestions to Rule 9-B 70, submitted by BCICLCE and since those suggestions were contained in the previous report and also had been voted on in the rule development workshop he would not repeat those at this time.

Commissioner Browdy continued stating the next item was to approve the education to the 2007 Report to the Legislature. He indicated the POC

recommended the following items for inclusion into the report: a need for additional consistent training on accessibility. He then stated the sole responsibility for training should be placed on the Florida Building Code under one entity.

Commissioner McCombs moved approval of the recommendation for inclusion to the Report to the Legislature. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Commissioner Browdy stated the following actions were recommended for approval by the POC:

The recommendation for two accreditor applications:

Robert Cochel, Florida Refrigeration and Air Conditioning/Individual Contractor

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

Accreditor John Farinelli, JC Code and Construction Consultants, Inc

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

Commissioner Browdy stated the following three courses under the Accredited Pending FBC approval are now recommended for approval:

SREF Advanced Continuing Education Course, BCIS 201

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

Commissioner Hamrick disclosed conflict of interest and abstained from voting.

Vote to approve the motion was unanimous. Motion carried.

2004 Advanced FI Accessibility for Building Construction, BCIS 200

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

Advanced FBC Chapters 3, 5, 6, and 7, BCIS 203

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

Commissioner Browdy continued stating the next courses were recommended for update approval

Consent agenda course recommended for update approval:

Accessibility Code Classroom Revised 64.1  
Accessibility Internet Revised 65.1  
Advanced 2004 FBC Building Structural Summary 69.1  
Advanced 2004 FBC Building/Structural Summary 196.1  
Advanced 2004 FBC Building Structural Summary 153.1  
Advanced 2004 FBC Building Structural Summary 119.1  
Advanced 2004 FBC Building Structural Summary 118.1  
Advanced 2004 FBC Building Structural Summary 168.1  
Advanced 2004 FBC Building Structural Summary 84.1  
Advanced 2004 FBC Building Structural Update 100.1  
2006 FBC Advanced Building Structural Summary 78.1  
2006 FBC Advanced Building Structural Summary 79.1  
Advanced 2004 FBC Building Structural Summary 132.1  
Advanced 2004 FBC Building Structural Summary 190.1  
Advanced Code Module 144.1  
Advanced FBC Course 129.1  
Revised Advanced 2004 FBC Building Summary 161.1  
Advanced Building Structural Course 150.1  
Existing FBC Advanced Code Module 91.1  
Indoor Environmental Quality FBC Advanced Module 137.1

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

Commissioner Vann moved approval approve report. Commissioner D'Andrea seconded the motion.

Commissioner Norkunas noted item #5 discussed relevant issues that emanated from a conference call among members of the building code education and outreach council. He stated it appears looking at that the Construction Industry Licensing Board, the Electrical Contractor's Board, the Board of Landscape Architecture, Board of Professional Engineers, and Building Code Administrators and Inspectors Board had specific recommendations. He further stated he sits on this outreach council, and while he does not have a Board he represents 3.2 million Floridians with disabilities. He stressed he participated in the conference calls and has very strong views about education and specific education requirements to be established within the state. He requested his comments be placed in Section 5 as he was a member of that call and had strong opinions on the issues.

Commissioner Browdy responded stating he would amend his report to include Commissioner Norkunas' request.

Commissioner Norkunas expressed appreciation stating he preferred to have written record of the call.

Vote to approve the motion was unanimous. Motion carried.

### **Product Approval POC**

Commissioner Carson presented the report of the Product Approval POC. (See *Product Approval POC Meeting Minutes December 4, 2006*)

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

### **Ad Hoc Committee on Organization and Processes**

Chairman Rodriguez stated during the October 2006 Commission meeting the following Commissioners were appointed to serve on an Ad Hoc Review Committee to review organization and process issues including considering alternate members: Commissioners Browdy, D'Andrea, Kim, Greiner, Wiggins and he as Chairman. He stated the committee met December 4, 2006, and submitted recommendations for the Commission's consideration. Chairman Rodriguez then directed the Commission to Mr. Blair for an overview of the recommendations.

Mr. Blair conducted a review of the committee's recommendations. (See *Work Group Recommendations 2006*.) He then called for a motion to approve the package of recommendations.

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

Mr. Blair called for a motion to adopt policy for alternate members to participate in the work group.

Commissioner Wiggins moved approval. Commissioner Goodloe seconded the motion.

Mr. Madani interjected stating rather than using the facilitator as the point of contact, who may not be available, it can be deferred to members of the staff.

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

### **Amendment Process Review Work Group**

Chairman Rodriguez stated the Commission adopted the Code amendment process Phase I recommendations regarding the 2007 Code update, scheduled for the May 6, 2006, meeting, with Phase II recommendations during the August 2006 meeting. He further stated the workgroup met Monday to consider Phase III, education and training, ICC code updates, and Florida specific amendments to the FBC update and also Code formatting issues.

Mr. Blair conducted an overview of the Phase III recommendations of the work group. (See *Code Work Group Recommendations*)

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

### **RECOMMENDATIONS TO THE 2007 LEGISLATURE**

Chairman Rodriguez reported that the Commission had reviewed and approved a Draft Report of recommendations and issues for inclusion in the Commission's 2007 Report to the Legislature during the October 2006 Commission meeting. He stated the Final Report will have the Commission's recommendations related to Legislative assignments as well as Commission initiatives. He explained the plan is first for the Chair to review and approve the final draft of the Report to the 2007 Legislature, ensuring completeness and accuracy, then approve the Report for submittal to the Legislature. He explained that the Commission will review and adopt the Summary of Issues and

Recommendations for Inclusion in the 2007 Report to the Legislature, with the understanding that the actual Report will be updated with the Commission's final decisions, and subsequent approval by the Chair, prior to submittal to the 2007 Florida Legislature.

Mr. Blair conducted a review of the summary of issues for inclusion in the report. (See *Florida Building Commission, Facilitator's Summary of Issues for Inclusion in the 2007 Report to the Florida Legislature, December 2006*)

Commissioner Bassett stated during the last Commission meeting the Education POC requested the Commission submit to the Legislature an ADA education requirement for all license holders. He further stated he does not see that request anywhere in the report to the Legislature and it would seem a good point to discuss. He added, although the minutes do not reflect, he believed it was voted on it.

Commissioner Browdy added in his POC report he indicated two main points 1) The need for accessibility training; and 2) The single source responsibility for oversight of education. He referenced the October Education POC minutes stating a motion was made by Commissioner Bassett and seconded by John Hamrick. The actual motion was to request the Florida Building Commission include in its report to the Legislature what the Education POC perceives to be needed education regarding ADA and accessibility issues; this motion was passed.

Mr. Blair offered clarification stating the need for education in ADA accessibility issues is something that could be reported to the Legislature, but would not have to be included as a recommendation. He continued stating if the Education POC wants to require all licensees to take an accessibility course, that has to have a different motion and would need to be included in the Legislature report.

Commissioner Bassett addressed the issue indicating he believed the requirement for all licensees to take the course should be included in the report as a solution for the need expressed by Commissioner Browdy. He then moved approval as stated. Commissioner Wiggins offered a second to the motion.

Mr. Blair restated the motion as "The Commission recommends to the Legislature that all licensee categories will be required to take an ADA or accessibility course."

Commissioner D'Andrea requested clarification concerning which licensees would be required.

Mr. Richmond stated the governor's office would likely mandate the Commission go to DBPR to resolve this issue, as his office in general has not been happy having arguments among executive agencies. He further stated licensing requirements are in their jurisdiction in their substantive statutes.

Mr. Blair further clarified the issue stating as Mr. Richmond indicated, this may not be the way to implement a solution. He stated the Commission might want to make a recommendation that there be a negotiation and discussion with DBPR regarding the need for this education.

Commissioner Bassett agreed to change his motion to reflect Mr. Blair's recommendation. Commissioner Wiggins seconded the motion.

Chairman Rodriguez asked if this would be included in the Legislature report.

Commissioner Basset stated he would like this to be included in the report that we are pursuing the issue with other agencies.

Mr. Blair then restated the motion as amended to state: This is not a statutory change. The Commission will report to the Legislature indicating there is a strong need for education training regarding the ADA provisions of the Florida Building Code; the Commission will work with the appropriate agencies including DBPR to determine an acceptable way to implement this recommendation.

Commissioner Norkunas suggested the need for a specific course generated for the building officials, more so than the design professionals. He stated he has spoken to some building officials regarding this and none have seemed very happy about being drawn down a specific path.

Commissioner Greiner requested ADA be removed from the language.

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

Mr. Blair then called for a separate motion to approve the issues that will require statutory change.

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



Commissioner Kim referenced page 2 of the summary stating and suggested additional language to only allow certification method for products that have no test standards.

Commissioner Bassett asked for clarification that if a product has no standard, it cannot be certified.

Mr. Dixon provided clarification stating the certification method can only be used where an approved Certification Agency certifies compliance to a standard that includes a test evaluation. He explained the potential confusion is that the engineer's sign and seal is referred to in the rules as a certification. He reiterated the importance of being clear that a certification method can only be used where there is an adopted standard in the Code.

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

Mr. Blair continued his review of the summary of issues.

Mr. Blair called for a motion to accept the report and adopt the recommendations for submittal to the Legislature as amended, and to charge the Commission's Chair with the review and approval of the final report prior to submittal to the 2007 Legislature.

Commissioner Mc Combs moved approval. Commissioner Carson seconded the motion.

Commissioner Wiggins stated there was an item in the Proposed Insurance Reform Committee Legislation that indicates the Commission shall develop the standards for a voluntary Code Plus building code by July. He expressed concern relative to a time frame issue if the item is decided on during the February meeting, giving the Commission only one month to complete that task.

Mr. Richmond responded stating the issue is scheduled for special session. He further stated the unrealistic time frame has been recognized. He explained the best approach would be to have a conference call scheduled in advance of the special session to discuss the issues that are actually raised in the special session.

Commissioner Norkunas referenced pages 13, 14, and 15 stating the education system was very well written and he is in agreement with the building code education recommendations. He asked through the Chair and the Commission if at some point a test could be developed for accessibility, particularly for permitting officials.

Chairman Rodriguez asked for clarification concerning whether the building officials are the group for Commissioner Norkunas' focus.

Commissioner Norkunas responded that was correct.

Chairman Rodriguez suggested the Education POC would be the best direction to go.

Commissioner Bassett stated he wanted to make sure the approval motion includes what the Commission just discussed relative to the Education requirements through the Legislation.

Commissioner Browdy responded stating the requirements for licensing building officials is typically governed by boards. He stated he had given his building officials tests, but they hold no weight. He further stated the best way to get these requirements is through the statutory process, or legislative process, by going through DBPR. He explained for years there have been efforts to establish requirements for building officials and it has only resulted in ill will when the Commission tries to impose its standards on these licensed professionals who are governed by individual licensing boards.

Chairman Rodriguez stated it was discussed earlier any action of that focus should be addressed through DBPR.

Mr. Blair stated the issue can be included in the process described earlier in which an effort to negotiate with the different agencies would be appropriate.

Chairman Rodriguez called for a vote on the motion. Vote to accept the report and adopt the recommendations for submittal to the Legislature as amended was unanimous. Motion carried.

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

Mr. Dixon conducted a review of the updated Commission workplan. (See *Updated Commission Workplan December 06*)

Mr. Dixon noted the discussion of a conference call concerning special Legislative session stating the meeting will take place beginning January 16, 2007. He proposed a conference call January 11, 2007, at 10:00 a.m.

Commissioner Wiggins moved approval for the conference call as proposed. Commissioner Carson offered a second to the motion.

Commissioner Carson referenced page 9 with respect to the January 24 meeting of the workplan requesting clarification as to whether the actual POC would be reviewing the issue or the workgroup.

Mr. Dixon responded stating it would be the POC.

Commissioner Carson stated he may have misinformed the POC members by stating the workgroup would be reviewing the issue.

Mr. Blair stated he would send an email to the Product Approval Validation Workgroup to make the correction.

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

Commissioner Bassett stressed dates and times for TAC meetings in St. Augustine be established as soon as possible in order to establish quorums in those meetings.

Commissioner Gonzalez entered a motion to approve the updated workplan as outlined by Mr. Dixon. Commissioner Goodloe seconded the motion. Vote to approve the motion was unanimous. Motion carried.

### **STATUS REPORT ON FLORIDA BOARD OF PROFESSIONAL ENGINEER'S PRACTICE OF ENGINEERING DESIGN OF ALUMINUM STRUCTURES**

Commissioner Kim offered a review of the discussion stating on November 14, 2006, he attended the last meeting of the Florida Board of Professional Engineers task group on aluminum structures. He stated at the conclusion of the meeting the task group made a recommendation on a set of rules to recommend to the full board for adoption this week. He noted the new rule governing the design of aluminum structures require site specific engineering. He indicated he had provided to staff a copy of the recommended rule. He explained if the full board adopted the rule this week it would go into rulemaking process. In closing, Commissioner Kim stated the action the Board is taking has no impact on the Deemed to Comply documents the Florida Building Code has adopted.

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

Commissioner Wiggins offered a recommendation stating when there is a controversial issue and the TAC dealing with that issue has no recommendation, a policy be established to send it back to the TAC at least one time to allow these

entities an opportunity for comment with the TAC and develop a recommendation from the TAC before it comes back to the Commission. He added if the Commission could legally follow a policy as stated, it may prevent drawn out discussions at the Commission meetings with people who may know all the technical details, the past, and the intent of the Code.

Mr. Richmond responded expressing the difficulty in dealing with the time frame for issuing declaratory statements. He stated it is an extremely limited circumstance. He offered to take the matter into review then suggested procedurally it could be accomplished if the TAC could not agree on a substantive outcome but could agree it needed more time. Mr. Richmond then requested the additional time from the Commission for the next scheduled meeting stating the Commission could decide on such matters on a case by case basis.

Commissioner Wiggins concurred stating wherever it would meet the legal time frame, the Commission should follow methodology so that could be accomplished in order to provide the bodies that have deliberated on the issues the opportunity to address the Commission on issues where the TAC is split.

Commissioner Greiner added the issues should be dealt with at the TAC level and should the TAC feel they need more time, they should make that decision, as Mr. Richmond suggested. He further stated the Commission also has the power to send those issues back to the TAC as well, as evidenced in past circumstances.

Chairman Rodriguez asked if the interested parties attended the TAC meeting or if they just came before the Commission.

Commissioner Wiggins responded stating when there is a split within the TAC and parties may have not been at every meeting, they would have an opportunity to be heard within the legal time frame.

Chairman Rodriguez stated the ideal situation would be for both those entities to appear before the TAC so if the TAC was not able to deal with it, it would come to the Commission. He agreed ideally the majority of the discussion should take place during the TAC meeting the stated if there is no consensus, a discussion before the Commission would take place.

Commissioner McCombs expressed appreciation to Mr. Blair for the job he does as facilitator as well as staff for their work and availability when needed.

Commissioner Greiner concurred.

Commissioner Bassett wished all the Commission members, staff, and members of the public a happy holiday season and a happy new year.

### **GENERAL PUBLIC COMMENT**

#### **Joe Belcher, JDB Code Services**

Mr. Belcher offered comment stating he was initially an opponent of having a facilitator for the Commission meetings and he now recognizes the tremendous need for the facilitator and the fine work he does. He then reported to the Commission he had received word from Bob Boyd that Dennis Grimm had been hospitalized and had a surgery of some nature. He mentioned it since the Commission was waiting to hear from him. He continued stating the Florida Board of Professional Engineers will be organizing another task group to address some of the other problems in the aluminum industry relative to manuals that have been produced by engineers and are in use by contractors who purchase a membership to use the manuals.

Commissioner Kim responded stating the new task group is on master plans and it will include the manuals Mr. Belcher has mentioned. He then mentioned he had received an email from Dennis Grimm stating he would not be attending the meeting.

Mr. Belcher added as Commissioner Kim mentioned on the prescriptive document for aluminum construction in high wind areas, they would be submitting a total revision of the guide to the Commission as a code change. He explained the AAF is very aware of the problems that have occurred in the industry and have held many meetings over the last year-and-a-half identifying many of the areas that will be addressed in that revision.

### **ADJOURN**

Chairman Rodriguez adjourned the Florida Building Commission meeting at 11:16 a.m.