



STATE OF FLORIDA  
**DEPARTMENT OF COMMUNITY AFFAIRS**

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

**CHARLIE CRIST**  
Governor

**THOMAS G. PELHAM**  
Secretary

**BOARD MEETING  
OF THE  
FLORIDA BUILDING COMMISSION**

**PLENARY SESSION MINUTES  
February 6 & 7, 2007**

**PENDING APPROVAL**

The meeting of the Florida Building Commission was called to order by Chairman Raul Rodriguez at 3:31 p.m. on Tuesday, February 6, 2007, at the Embassy Suites Hotel, Tampa, Florida.

**COMMISSIONERS PRESENT:**

Raul L. Rodriguez, AIA, Chairman  
Richard Browdy  
Peter Tagliarini  
Gary Griffin  
Christ Sanidas  
James Goodloe  
George Wiggins  
Herminio Gonzalez  
Hamid Bahadori  
Michael McCombs  
Randall J. Vann  
Nanette Dean  
William Norkunas  
Dale Greiner  
Jeffrey Gross  
Paul D. Kidwell  
Joseph "Ed" Carson  
Jon Hamrick

Craig Parrino, Adjunct Member  
Doug Murdock, Adjunct Member

**COMMISSIONERS ABSENT:**

Nicholas "Nick" D'Andrea, Vice Chair  
Chris Schulte  
Do Y. Kim  
Steven C. Bassett

**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 February 2007 plenary session of the Florida Building Commission. He directed the Commission to Mr. Blair for a review of the Commission meeting agenda.

## **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. Commissioner Greiner entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

## **REVIEW AND APPROVE DECEMBER 5 & 6, 2006 MEETING MINUTES AND FACILITATOR'S REPORTS AND OCTOBER PRODUCT APPROVAL POC REPORT**

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

Commissioner Greiner moved approval of the December Commission meeting minutes. Commissioner Gross entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Chairman Rodriguez then called for approval of the Product Approval report from the October 2006 Commission meeting and amendment to the December 2006 Commission meeting minutes to include the product approval report.

Commissioner Carson moved approval of the Commission's action for product approval applications. Commissioner Gross 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 J. R. Harding for consideration of the Accessibility Waiver Applications as they appeared in each Commissioner's files.

Mr. Harding stated there would be no consent agenda presented for the waiver requests.

#5 Sandcastle Real Estate

Mr. Harding 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 Gross entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

#1 Ritz Carlton Hotel

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

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

#2 Titusville High School

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

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

#3 Astronaut High School

Mr. Harding 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 Gross entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

#4 David Dixon Production

Mr. Harding explained the petitioner's request for waiver stating the application consisted of two-parts. He stated the first request was for vertical access to the second floor of a new multi-million dollar production building. He further stated the plans indicated there would be no more than five persons on the second floor and the applicant has testified the offices would not be open to the public. Mr. Harding added the request falls under an automatic exemption and does not require

a waiver. He explained since the applicant has requested a waiver, the Council has recommended approval based on the automatic exemption. Mr. Harding continued stating the second part of the request was a waiver for vertical access to raised platforms to two of the three editing rooms. He stated since the project is new construction the Council unanimously voted denial of the waiver.

#### 1<sup>st</sup> Portion

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

#### 2<sup>nd</sup> Portion

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

#### #6 Royal Palm Theatre Grove Cobb?

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

Commissioner Browdy asked if the current action would be an amendment to the existing work or if it would be a new waiver.

Mr. Harding replied it would be a new waiver stating the original application never really took shape. He stated the project design was revised creating access to the upper level and the Council was satisfied with the design.

Commissioner Browdy then asked if there had been any previous denials on the project.

Ms. Smith responded there had been a previous order issued granting approval based upon the conditions at that time. She stated the new design is for a very upscale upper level.

Ms. Anderson-Adams added the waiver was granted last year and waivers are only good for one year if construction has not begun on a project.

Chairman Rodriguez requested further clarification from Mr. Richmond.

Mr. Richmond stated it would be appropriate for the Commission to vote on the waiver as new because of changes to the project.

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

#### #7 Theriaque Office Building

Mr. Harding stated the request for waiver was a reconsideration of an action previously taken by the Commission and the Accessibility Waiver Council. He explained the waiver was for vertical access in a lawyer's firm with multiple layers. He further explained it had been a home which was being converted into a business. He stated the accessibility in general was chaos. Mr. Harding then stated the approval was for bathrooms plural, but in the motion it was for the bathroom on the main lower area. He explained the Council recommendation is for approval for clarification that only one bathroom in the portion of the building needs to be altered to be accessible.

Mr. Richmond interjected the appropriate motion would be to amend an action previously taken to incorporate the recommendation of the Council.

Commissioner Greiner moved approval of the Council's recommendation. Commissioner Gross 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 the POC recommendations for entity approval in the form of a motion as follows:

#### QUA 6252 Progressive Engineering Inc.- Product Quality Assurance Entity

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.

#### VAL 6317 Progressive Engineering - Product Validation Entity

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

TST 6127 Ramtech Laboratories Inc. – Product Testing Laboratory

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

QUA 6128 Ramtech Laboratories Inc. – Quality Assurance Entity

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

Mr. Blair then presented the products for approval as they appeared in the 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: 239-R7; 242-R5; 1483-R1; 1630-R2; 1824-R2; 2253-R2; 2646-R2; 4873-R1; 5783-R1; 7313-R1; 7359-R1; 7532; 7790; 7923-R1; 7931-R1; 7943-R1; 7969; 7970; 7972; 7988; 7991; 7992; 7995; 8004; 8008; 8009; 8014; 8015; 8016; 8018; 8020; 8021; 8022; 8026; 8027; 8029; 8031; 8032; 8039; 8042; 8048; 8049; 8051; 8052; 8053; 8076; 8084; 8089; 8090; 8092; 8100; 8111; 8115; 8122; 8123; 8126; 8127; 8137; 8138; 8139; 8143; 8154; 8155; 8156; 8157; 8160; 8161; 8162; 8164; 8166; 8167; 8168; 8171; 8175; 8176; 8177; 8179; 8181; 8184; 8186; 8187; 8189; 8190; 8195; 8196; 8202; 8204; 8205; 8206; 8208; 8209; 8212; 8219; 8221; 8222; 8223; 8224; 8225; 8226; 8227; 8229.

Commissioner Browdy moved approval for the consent agenda. Commissioner Carson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Recommended for Conditional Approval

7727R1 MW Manufacturers, Inc.

Mr. Blair stated the product was recommended for conditional approval stating for Products 7277.10 and .11, there is no certification of Impact Resistance or compliance with Sect. 1714.5.2.1; certificate does not indicate compliance with Sect. 1714.5.2.1 for 7277.12.

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

7615, 7620 Gilkey Window Company, Inc.

Mr. Blair stated the product was recommended for conditional approval stating it was uncertain whether the product was tested with the installation strap; and the applicant needs to provide material and thickness of installation straps.

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

7641, 7684, 7685, 7686 - Twin Windows Corporation

Mr. Blair stated the product was recommended for conditional approval stating the application indicates "No" for HVHZ but Limits of Use Other indicates "not for use in HVHZ"; and the applicant needs to provide certification of laminate and plastic extrusion in accordance with Ch. 26.

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

7944 Megrame U.S. Windows & Doors

Mr. Blair stated the product was recommended for conditional approval stating the applicant must provide hardware schedule for doors; it was uncertain whether testing was performed with clips; and the applicant needs to provide certification of plastics for door frame and glass laminate.

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

8054 JELD-WEN

Mr. Blair stated the product was recommended for conditional approval stating for products 8054.7 for the given design pressure, the maximum size is incorrect under limits of use; for products 8054.9, for the given design pressure, the maximum size is incorrect under limits of use.

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

#### 8072 DORMA Automatics

Mr. Blair stated the product was recommended for conditional approval stating the Notice of Proposed Action is not acceptable; applicant needs to download final approved Notice of Acceptance (NOA); there are 2 products and 4 lines of models; the applicant needs to revise and remove lines that are repetitions; and installation instructions to be verified by certification agency.

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

#### 8119 Pro-Techt Window and Doors

Mr. Blair stated the product was recommended for conditional approval stating the standard ASTM F588 is not an FBC adopted standard and should be removed; standard year for ASTM E1886/1996 is not adopted (adopted are 02 and 05) installation instructions file does not load.

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

#### 8147, 8148, 8149, 8150, 8150, 8151 Plycraft Garage Doors

Mr. Blair stated the product was recommended for conditional approval stating the installation anchors other than tested validation of rational analysis shall be by a Florida Professional Engineer; indicate "No" for use within HVHZ or provide wet-dry testing of wood based structural panels in accordance with Sect. 2315.1.11.

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.

#### 8153 Shwinco Industries Inc.



Mr. Blair stated the product was recommended for conditional approval stating the product design pressure rated 100 on application which exceeds required rating.

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

#### 8183 Pro-Techt Window and Doors

Mr. Blair stated the product was recommended for conditional approval stating the standard ASTM F588 is not a FBC adopted standard and must be removed; standard year for ASTM E 283 is not adopted; and the installation instructions file does not load.

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

#### 8192 Pro-Techt Window and Doors

Mr. Blair stated the product was recommended for conditional approval stating the standard ASTM F588 is not a FBC adopted standard and must be removed; installation instructions file does not load.

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

#### 8228 Masonite International

Mr. Blair stated the product was recommended for conditional approval stating the rational analysis must be validated by Florida Professional Engineer.

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

#### Incomplete Applications

Product #'s: 3288-R2; 4453-R1; 7980; 8194.

No Commission action necessary.

## **Evaluation by Architect or Engineer**

### Recommended for Approval

Product #'s: 4517-R3; 5700-R1; 6218-R4; 7096-R1; 7344; 7800; 7801; 7802; 7807; 7814; 7868-R1; 7878-R1; 7898; 7922; 7946; 7977; 8028; 8033; 8046; 8057; 8058; 8059; 8060; 8062; 8063; 8068; 8069; 8077; 8079; 8086; 8087; 8088; 8091; 8093; 8095; 8098; 8103; 8107; 8113; 8131; 8141; 8142; 8172; 8173; 8200; 8214; 8216; 8217.

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

### Recommended for Conditional Approval

7543 M W Manufacturers Inc., 7870-R1 Jordan's Aluminum, Inc., 8207 C.  
May Construction & Electrical, Inc.

Mr. Blair stated the product was recommended for conditional approval stating the application is missing the hardcopy of evaluation report signed and sealed by evaluator.

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

2479 Thompson Architectural Metals Company, Inc.

Mr. Blair stated the product was recommended for conditional approval stating the applicant needs to separate limits of use for HVHZ and non-HVHZ; remove obsolete memo from Miami Dade; and installation instructions within HVHZ need to comply with RAS 118, RAS 119 and RAS 120.

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

3473 Weatherguard Building Products

Mr. Blair stated the product was recommended for conditional approval stating the application was previously approved to 2001 FBC. He stated the applicant was set to re-apply on 7/17/2006 pursuant to FBC vote on 7/11/2006; however, the application is missing the hardcopy of evaluation report signed and

sealed by evaluator; the Quality Assurance agency is pending; applicant has applied with Miami-Dade for Quality Assurance. He further stated the approval is in accordance to 2001 FBC.

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

5586 Nana Wall Systems, Inc.

Mr. Blair stated the product was recommended for conditional approval stating the application is missing the hardcopy of evaluation report signed and sealed by evaluator; applicant needs to explain the comparative analysis (what sizes and pressures were tested); and provide schedule of hardware (locks, hinges, sills, etc.) as tested.

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

6410 R2 Folding Shutter Corporation

Mr. Blair stated the product was recommended for conditional approval stating the slats tested up to 110 PSF which constitutes rational analysis and is not allowed; the applicant needs to provide testing for plastic slat (impact, load, fire and exposure); evaluation report does not indicate analysis of post.

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

6418 R1 Transparent Protection Systems, Inc.

Mr. Blair stated the product was recommended for conditional approval stating the evaluation report indicates to be used within HVHZ but not tested to HVHZ requirements and should be removed; applicant should indicate porosity.

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

6422-R Folding Shutter Corporation

Mr. Blair stated the product was recommended for conditional approval stating the applicant should remove Page 25/41 from test report because it does not refer to the test; there is no evidence of rational analysis or impact testing for storm bars or mullions.

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

#### 6423 R2 Folding Shutter Corporation

Mr. Blair stated the product was recommended for conditional approval stating there is no evidence of rational analysis or impact testing for mullions; drawings uploaded are not signed and sealed; tests and drawings conflict on grade of metal.

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.

#### 7529 B and B Sheet Metal

Mr. Blair stated the product was recommended for conditional approval stating the applicant is missing the hardcopy of evaluation report signed and sealed by evaluator; the evaluation report signed and sealed on Page 1 only; applicant should indicate if load and exposure testing was done on both panel coating with Fluropon and G90; grade of material is not specified; applicant needs to indicate if testing was done with 15/32" plywood substrate. He continued stating the details on installation instructions are not consistent and some drawings were for a different manufacturer. Mr. Blair stated the applicant needed to verify that higher pressures are for use in edge and corner conditions. He further stated the application was deferred from December 2006 meeting with the condition of: so many different reports and comments this application should be Evaluation Report by PE/RA.

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

#### 7619 Barrier Metals

Mr. Blair stated the product was recommended for conditional approval stating the application is missing the hardcopy of evaluation report signed and sealed by evaluator; the evaluation report signed and sealed on Page 1 only; application should indicate if load and exposure testing was done on both panel

coating with Fluropon and G90. He continued stating the grade of material is not specified; the applicant should indicate if testing was done with 15/32" plywood substrate; details on installation instructions are not consistent and some drawings were for a different manufacturer. He further stated the applicant needs to verify that higher pressures are for use in edge and corner conditions. Mr. Blair then stated the application had been deferred from the December 2006 meeting with the condition of: so many different reports and comments this application should be Evaluation Report by PE/RA.

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

#### 7613-R1 Folding Shutter Corporation

Mr. Blair stated the product was recommended for conditional approval stating the glass separation table distances are not sufficient for impact loads; there is no evidence of rational analysis or impact testing for build-out angles or posts; there is no evidence of testing for slats with polycarbonate or perforations; and uploaded drawings need to be signed and sealed.

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

#### 7651 Custom Hurricane Products Inc.

Mr. Blair stated the product was recommended for conditional approval stating the applicant needs to remove manufacturer's literature; the applicant should upload signed/sealed evaluation report; and the minimum glass separation shall be provided.

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

#### 7895 Whirlwind Building Systems

Mr. Blair stated the product was recommended for conditional approval stating the application is missing the hardcopy of evaluation report signed and sealed by evaluator; the evaluation reports two design pressures as tested for TAS125 and the higher pressure needs to be verified that it is for use on perimeter and corners only.

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

#### 8116, 8121 KD Windows

Mr. Blair stated the product was recommended for conditional approval stating Miami-Dade BCCO will verify that testing standards components of TAS 202 as originally tested for this evaluation are current as adopted in the 2004 FBC.

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

#### 8215 High Velocity Hurricane Protection Systems

Mr. Blair stated the product was recommended for conditional approval stating the applicant needs to verify it meets deflection requirements within HVHZ or indicate "No" for HVHZ

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

#### 7873 R1 USA Shutter Company LLC

Mr. Blair stated the product was recommended for conditional approval stating the application is missing the signed and sealed hardcopy of the evaluation report; the evaluation reports do not mention any testing standards shown on application; there is no verifiable evidence of rational analysis, comparative analysis, or testing; the applicant needs to demonstrate compliance with deflection for HVHZ, or No for HVHZ.

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

#### 7926 SunSky Metal, LLC

Mr. Blair stated the product was recommended for conditional approval stating the applicant needs to explain the term "paint" material and provide a testing report; the grade of material needs to be provided; the applicant needs to indicate if testing on both types of metal?; verify if testing was conducted on 15/32" deck; and indicate that higher pressure from TAS 125 is for perimeter and corner only. He

then stated this application was deferred from Dec 2006 meeting with condition of: 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 Wiggins entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

#### 7989 ASI Building Products

Mr. Blair stated the product was recommended for conditional approval stating the description indicates non-porous, but this is an engineering determination and should be on evaluation reports.

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

#### 8078 Dunbarton Corporation

Mr. Blair stated the product was recommended for conditional approval stating the applicant needs to add TAS 201, 202, 203 to the list of Standards, as found in the Evaluation Reports; and ASTM 1886/1996 are not in any of the Evaluation Reports and the applicant needs to provide equivalency of standards.

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

#### 8085 Sun Metals Systems, Inc.

Mr. Blair stated the product was recommended for conditional approval stating the applicant needs to change the category/subcategory to panel wall/storefront; and if window, the mullion has to be a separate application.

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

#### 8108 Clarke Brothers LLC -Metal Tech USA

Mr. Blair stated the product was recommended for conditional approval stating for Product 8108.2 there are "no" Evaluation Reports by PE and the installation instructions need to be uploaded; for Product 8108.4 there are "no"



installation instructions uploaded; Evaluation Report by PE is not for model/number on application; for Product 8108.5 there are “no” Evaluation Reports by PE and Installation Instructions need to be uploaded; and for Product 8108.9 the design Pressure is incorrect.

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

#### 8128 Summit Roofing

Mr. Blair stated the product was recommended for conditional approval stating the application is missing the hardcopy of the signed and sealed of evaluation report; and the Certificate of Independence lacks signature and seal.

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

#### 8129 Thermoplast

Mr. Blair stated the product was recommended for conditional approval stating the Evaluation Reports do not mention any testing standards shown on application; and there is no verifiable evidence of testing for Impact Resistance.

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

#### 8203 Guardian Building Products - Ashley Aluminum, LLC

Mr. Blair stated the product was recommended for conditional approval stating the applicant needs to remove “from table spans with design loads above highest tested for transverse load or cycling”.

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

#### 8210 Manos Fabric, Inc.

Mr. Blair stated the product was recommended for conditional approval stating the specifications of the fabric are not provided (tensile strength of fiber, puncture strength, open area, etc.)



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

8211 All American Shutters, Inc.

Mr. Blair stated the product was recommended for conditional approval stating the applicant needs to remove “from table spans with design loads above highest tested for transverse load or cycling”; remove “radius cut panels not tested”; and verify the test report is from the applicant.

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

8213 American Building Products, LLC

Mr. Blair stated the product was recommended for conditional approval stating the applicant needs to remove “from table spans with design loads above highest tested for transverse load or cycling”; and remove “radius cut panels not tested”.

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

8218 - Hurricane Armor, LLC

Mr. Blair stated the product was recommended for conditional approval stating the applicant needs to clarify glazing separation; indicate side reactions; and permanent components need to comply with Chapter 26 Plastic requirements.

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

8220 CAT-5 Protection, Inc.

Mr. Blair stated the product was recommended for conditional approval stating the applicant needs to provide specifications of fabric (tensile strength of fiber, puncture strength, etc.)

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

Incomplete Applications

Product #'s: 5755-R1; 7401; 7475; 8109; 8199.

No Commission action necessary.

**Evaluation by Test Report**

Recommended for Approval

Product #'s: 5259-R1; 7781-R1; 8040; 8101; 8094;

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

Recommended for Conditional Approval

7936, 7940, 7942 EFCO Corporation

Mr. Blair stated the product was recommended for conditional approval stating the applicant needs to provide laboratory marked drawings with lab seal; and provide certification of laminate.

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

8140, 8144, 8146 Comfort Line Inc.

Mr. Blair stated the product was recommended for conditional approval stating the applicant needs to verify installation instructions are as tested; and verify anchoring locations in installation drawings.

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

8158, 8159, 8169, 8188 EFCO Corporation

Mr. Blair stated the product was recommended for conditional approval stating the installation instructions do not indicate attachment to structure.

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

#### Incomplete Applications

Product #'s: 5705-R1; 5955-R1; 7973; 7974; 7785; 8125.

No Commission action necessary.

#### **Evaluation by Entity**

Product #'s: 560-R2; 7993; 8043; 8097.

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

#### Recommended for Conditional Approval

4478-R1, 6527-R1 Weyerhaeuser

Mr. Blair stated the product was recommended for conditional approval stating the Evaluation report is based on rational analysis; validation needs to be done by Florida PE.

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

8013 Maxitile, Inc.

Mr. Blair stated the product was recommended for conditional approval stating the Report ER-5139 is not a Standard, but is the ICC Evaluation report number; the applicant needs to remove and include testing standard as per report and as adopted in the 2004 FBC; the model, number or name on application is not the same as in Evaluation Report; use in HVHZ and Impact Resistance is not supported in Evaluation Report; installation Instructions are for Model MaxiPlank

only, not for MaxiPanel nor MultiShake; the validator is not an approved validation entity, it has to be the individual PE.

Commissioner Carson moved approval. Commissioner Wiggins 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:**

Mr. Richmond stated he had no business to discuss besides the bill that will be discussed later in the agenda.

**Declaratory Statements:**

**Second Hearings:**

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

Ms. Anderson-Adams 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 Vann entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

**DCA06-DEC-273 by Jack McLaughlin, Oriolum Corporation**

Ms. Anderson-Adams 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 Bahadori entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

**DCA06-DEC-282 by Burt Koldziej, PE, ITW Buildex**

Ms. Anderson-Adams 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 McCombs entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

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

Ms. Anderson-Adams 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 Bahadori entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

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

Ms. Anderson-Adams explained the issues presented in the petition for declaratory statement and the POC's recommendations as they appeared in each Commissioner's files.

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

**First Hearings:**

**DCA06-DEC-287 by Phillip Stoller of Perma-Column, 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 Greiner moved approval of the POC recommendation. Commissioner Vann entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

**DCA06-DEC-293**

Withdrawn

**DCA06-DEC-294 by Joseph R. Webster of Atlantic Windows & Doors, 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 Greiner 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-299 by Grant Tolbert of Hernando County Development Services**

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 to defer back to the TAC for consideration at the March meeting. Commissioners McCombs entered a second to the motion. Vote to approve the motion to defer was unanimous. Motion carried.

**DCA06-DEC-300 by Thomas E. Miller, PE, of Structural Engineering and Inspections, 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 Greiner moved approval of the POC recommendation. Commissioner Wiggins entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

**DCA07-DEC-002 by Kari Hebrank of 4<sup>th</sup> Floor Advocacy**

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.

Ms. Hebrank expressed support for the petition.

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

**DCA07-DEC-004 by Stephen R. Walsh, PE, of Walsh Engineering, Inc.**

Mr. Richmond stated this petition is beyond the scope of the Commission's authority and will be dismissed.

**DCA07-DEC-011 by Billy Tyson, CBO, of Clemmons, Rutherford & Associates**

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

Commissioner Browdy expressed concern regarding a procedural issue referencing the question of a particular lot and its wind exposure. He stated it would be difficult for a building official to make decisions based on an opinion from the Commission and then a deferral back to the professional engineer record. He further stated his concern is if the Commission went on record defining a wind exposure on particular lots, it would receive numerous requests to clarify the correct exposure on different lots.

Commissioner Kidwell responded stating the same concern was addressed during the TAC and the initial plan was to not address the issue. He further stated that was not an acceptable decision. He then stated the committee made a decision and then disclaimed it.

Commissioner Wiggins added he held the same concern and stated the original vote did not include the reference to the engineer. He stated it is hard, as a building official, to enforce something that is referred back to the engineer since those individuals look to us for a specific interpretation that gives clear guidance. He suggested this may need to be the subject of a workgroup because it is a big issue for building officials and engineers around the state trying to accurately interpret that provision in the Code.

Mr. Blair stated the Structural TAC would be bringing forth a recommendation regarding the discussion of Exposure C. He further stated discussing this issue as a particular declaratory statement would be inappropriate at this point. He then explained and suggestions for a workgroup or any other idea would be presented to the Commission from the Structural TAC.

*Jack Glenn, Florida Home Builders Association*

Mr. Glenn stated the Exposure C issue has become a major issue around the coastal areas of the state because the current guidelines are confusing. He suggested the Commission establish some clarifying guidelines on how to interpret the Code in those sections for the building officials around the state.

**RECESS UNTIL WEDNESDAY**



### **Wednesday, February 7, 2006**

The meeting of the Florida Building Commission was called to order by Chairman Raul Rodriguez at 8:31 a.m. on Wednesday, February 7, 2007, 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  
Doug Murdock, 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

### **REVIEW AND APPROVE AGENDA**

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 Commission appointments. He stated he had been in contact with **Melanie Demuzio** regarding several Commission appointments which are pending. He explained Ms. **Demuzio** indicated the Commission appointments were being reviewed, in addition to other Board appointments, in a prioritized order. He then stated Ms. **Demuzio** had informed him the appointments would be made prior to the March meeting and the Commission would be asked for advice on those appointments before they are final.

Chairman Rodriguez then addressed TAC appointments. He stated Dan Griffith and Larry Banks had both agreed to serve on the Mechanical TAC. He also stated **George Gaminetta** had agreed to serve on the Plumbing TAC. He further stated there are two more candidates, Jim Bickford and **Joseph Kajack** to be reviewed; one to be a member and the other an alternate. He explained the Commission would review, during rulemaking, its authority to appoint alternate members. He reminded the Commission there are many considerations in making appointments including consumers, producers or general interest groups.

Chairman Rodriguez then discussed the insurance reform bill. He stated the legislature had passed Bill H1A, a bill that directs the Commission to adopt national standards. He explained there are two primary tasks in the bill directed toward the Commission. He stated the first task is the Commission must amend the Code by the summer of 2007 incorporating the Windborne Debris Protection Requirements conforming to 2006 IBC and IRC provisions. He then stated the second task for the Commission is to develop voluntary guidelines that will be used to qualify buildings for public insurance. He explained these buildings are within 2500 feet of coastal proximity.

Chairman Rodriguez stated the Commission would be reviewing the legislative actions with Jim Richmond, who had been the Commission's representative during special session process. He mentioned a letter may be drafted on the Commission's behalf to at least inform the local jurisdictions on what the legislature is about.

Chairman Rodriguez stated there would be an energy forum, a symposium on energy efficiency and humidity control in Florida homes on February 28, 2007 at the Doubletree Hotel Tampa Westshore Airport location. He explained the idea for the symposium was derived from discussions from the energy code workgroup meetings and have primarily been between the window manufacturers and the air conditioner manufacturers. He continued stating the workgroup process identified the need for a technical forum to discuss how energy efficiency measures that affect sensible heat gains impact air conditioning equipment's ability to control indoor humidity. He stated an industry stakeholder put the workgroup together with the help of the Commission's staff. He explained the goal of the workgroup symposium was to create a broader base of understanding on building envelope energy efficiency measures interact with air conditioning systems so a strategy can be made for better energy efficiency while maintaining healthy indoor environments.

Chairman Rodriguez stated there was a review and approval of the TAC Code Amendment Review Process and a standing motion.

Chairman Rodriguez then directed the Commission to Mr. Blair for an overview of the Code Amendment Process.

Mr. Blair briefly reviewed the Code Amendment Process and the standing motion as presented in each Commissioner's files.

Commissioner Wiggins asked if the vote was less than 75 percent would the motion still be recorded and passed on to the Commission.

Mr. Blair replied all the different votes including those approved, those not approved and those somewhere in between would be recorded.

Commissioner Wiggins then asked if there was less than a quorum for the TAC meeting for the item would the issue carry on with no recommendation or would the entire process stop.

Mr. Richmond responded stating without TAC actions amendments do not move forward. He reiterated the importance of having quorums at the March TAC meetings.

Commissioner Wiggins moved approval of the amendment process and the standing motion. Commissioner Greiner entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Chairman Rodriguez announced the appointment of Joseph Kayjack to the TAC. He stated after the Commission had reviewed the rulemaking Jim Bickford would be appointed as the alternate to the TAC.

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

Mr. Dixon conducted a review of the updated Commission workplan. He then directed the Commission to Mr. Madani for a review of the TAC meeting schedule for March 2007.

Mr. Madani offered a review of the TAC Meeting Schedule as presented in a supplemental document which was distributed to each Commissioner. (See *Meeting Schedule for the Technical Advisory Committees for Consideration of the Proposed Code Changes to the 2007 Update of the Florida Building Code, March, 2007*, also available online.)

Commissioner Greiner asked if meeting times are to be announced since none were listed on the schedule.

Mr. Madani replied there would be staff available during those meetings to coordinate the flow of the individual TAC meeting times.

Commissioner Greiner moved approval of the updated workplan. Commissioner D'Andrea entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Commissioner Wiggins noted all the hotel rooms are booked during the meeting schedule. He asked if there were any way to ensure the TAC members participating in these meetings will have the ability to stay at the hotel where the meeting will be held.

Ms. Jones stated rooms were booked from the 11<sup>th</sup> through the 13<sup>th</sup>. She explained when the Sunday meeting was added there were no rooms available on Saturday night. She also stated no rooms were available for Thursday. She explained arrangements are being made to locate rooms for the TAC members in hotels as close as possible to the meeting location.

### **RULE ADOPTION HEARING ON RULE 9B-70, BUILDING CODE TRAINING PROGRAM**

Chairman Rodriguez stated during the July 2006 meeting the Commission, at the recommendation of the Education POC, voted to initiate rulemaking 9B-70, the Building Code Training Program. He then stated during the August 22, 2006 meeting the Commission conducted a rule development workshop, Commissioner Browdy read the Education POC's recommendations into the record and opportunity was provided for public comment. He further stated during the October 2006 meeting a second rule development workshop on the Building Code Training Rule was conducted in order to provide additional opportunity for input regarding rule language, to implement enhancements to the advanced course accreditation system including establishing minimum criteria for the development and accreditation of instructor led advanced courses, establishing requirements for providers to update advanced courses and submit for accreditation within 60 days after code changes are approved by the Commission, as well as establishing the deadline for the completed advanced course applications to be placed in the pending Florida Building Commission action file on the Building Code information system 23 days prior to a scheduled Building Commission meeting and prohibiting cross accreditation of advanced courses. Chairman Rodriguez explained during the October rule workshop there was significant substantive public comment provided on the rule draft. He stated as a consequence the Commission assigned the Education POC with reviewing the comments and providing recommendations to the Commission at a supplemental rule development workshop. He further stated during the December 2006 meeting the Commission conducted a supplemental rule development workshop to provide an additional opportunity for public comment and to consider the POC's recommendations, Commissioner Browdy reviewed the Education POC's recommendations and following public comment, the Commission adopted the POC's recommendations and voted to proceed with rule adoption. He

then stated this meeting is the next step in the rule development process and provides another opportunity for input on the Commission's adoptive rule amendment.

Chairman Rodriguez then directed the Commission to Mr. Richmond who served as hearing officer.

Mr. Richmond called the hearing to order.

Larry Schneider, AIA

Mr. Schneider presented the following amendment to the rule:

9B-70.002 Subparagraph 1. He stated in the second sentence the words or entities were not stricken. He therefore recommends the second sentence should read "Persons desiring to be accreditors" and strike the words "or entities" to be consistent with the intent.

Mr. Richmond stated he had not reviewed the change. He then stated he did know it was stricken in an initial paragraph, eliminating entities as a group; therefore it would be consistent with the action of the POC.

Med Kopczynski

Mr. Kopczynski addressed the language concerning accreditors and cross-accrediting. He stated it does create potential problems for the program because there is a limited number of accreditors and not all of the accreditors are universal, therefore limited in their scope. He further stated if the language remains in the rule with no additional mechanisms for accreditors, the Commission could be faced with courses that are unable to be accredited.

Chairman Rodriguez asked Mr. Kopczynski if the language were not changed what could happen.

Mr. Kopczynski replied it was his understanding some of the accreditors were limiting portions of the work currently being produced. He stated most of the accreditors were providers and they are reluctant to accredit those with whom they are in competition. He then stated when courses are being provided that cannot be accredited, a third entity would be required from a pool of three or four entities; therefore accreditors could be depleted.

Chairman Rodriguez stated one way of correcting the situation would be to ensure they know their competition is good.

Mr. Kopczynski then stated language which was inserted that did not come from the workshops which he believes creates problems. He referenced 9B-70.002, subparagraph 2(a) when discussing course title number the original language said the word advanced shall be in the title and language was added that states "and if appropriate internet". He stated there are a significant number of courses already on the system that do not have that nomenclature. He further stated it singles out Internet courses and there are a number of different courses out there today in varying formats. He then stated if the attempt in the title is to identify the format then it should address identifying the format not just one slice of format. Mr. Kopczynski continued by stating it is difficult with the present BCIS system and CILB system because there is a very limited number of characters that can be input into the computer system. He explained even now course titles must be truncated just to make them fit inside the system. He then stated there is a place in BCIS today to enter and click on the course type, whether it is Power Point, Internet, lecture, alternate format, or multimedia. He further stated once BCIS is redesigned the system could be made to draw from those clicks that same information without corrupting the title. He commented even though this seems like a minor issue, at least from the standpoint of people who use the system, he believes it will prove to be somewhat significant.

Commissioner Browdy responded to Mr. Kopczynski's comments first addressing the point of cross-accreditation as a significant issue. He stated it is the belief of the POC that language should remain in there as an appropriate safe-guard to make sure the accreditation process continues to be clean, fair, and pure. He further stated decent qualitative reviews of the courses rather than compromised reviews as a result of one accreditor accrediting another individual's courses and the cross-accreditation. He explained the language in the rule was developed by legal counsel to make sure it was appropriate. He reiterated he and the rest of the POC would not want the language removed from the rule. He then addressed the issues regarding course titles and Internet formats. He stated over the course of the rule development and the education process more and more were finding courses that have been adapted for Internet delivery format, therefore it was important to indicate which courses were taught by an instructor and which courses were taught on the Internet. He explained the same material was basically being delivered two different ways. He stated for approval purposes it was necessary for the Commission not to discriminate but to illustrate those two differences so accredited courses were known and to make sure they were not reduplicated in the accreditation process. He then stated the development for a BCIS workshop to improve the BCIS for the users with input coming in from users and providers and hopefully any glitch within the system which is complicated by the nomenclature of the internet versus the classroom will be addressed at that time. He concluded his comments by deferring the issue of cross-accreditation to Mr. Richmond.



Mr. Richmond added the concern regarding the limited market of accreditors was discussed at the POC level and he developed the initial language of the draft which was worked through at that level. He stated the issues itemized by Mr. Kopczynski were considered.

Ms. Jones then stated staff was in the process of updating the Building Code Information System to address some of the issues such as extending the amount of space. She explained because of the updating staff was requesting a delayed effective date for at least for 45 days, which will allow the updates to be entered into the BCIS.

Mr. Richmond then closed the public comment portion of the workshop.

Commissioner D'Andrea moved approval to proceed with rule adoption of Rule 9B-70, Building Code Training Program. Commissioner Hamrick entered a second to the motion.

Mr. Richmond then suggested adding language to the motion stating the change that Mr. Schneider recommended, as it was consistent with the POC's intent. He stated the motion, as it stands would not integrate that change. He further stated if the change is to be incorporated into the motion and if a change is to be made a delayed effective date should be included in the motion to allow the system to catch up with the rule.

The makers of the motion agreed to the amendment.

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

### **RULE DEVELOPMENT WORKSHOP ON RULE 9B-72, PRODUCT APPROVAL**

Chairman Rodriguez stated the product approval validation workgroup worked for over a year to develop a consensus package of recommendations regarding the validation aspects of the product approval rule. He stated the workgroup concluded their work in June of 2006 and the Commission reviewed the recommendations during the fall of 2006. He further stated the Commission's Product Approval POC held a special meeting on January 24, 2007 to review the proposed changes and provide the POC's recommendations to the Commission. He added the POC held another special meeting on February 5, 2007 and finalized their recommendations which Commissioner Carson will give us. He explained this workshop will implement the Commission's draft of amendments to the validation requirements for the Product Approval Rule.

Chairman Rodriguez then directed the Commission to Mr. Richmond who served as hearing officer.

Mr. Richmond called the hearing to order.

Joe Belcher, JDB Code Services

Mr. Belcher stated the IHPA, Hurricane Protection Association, is working on the association product approval and how that system works. He asked if it is determined after meeting with the POC that something should be done to the rule will there be time to do so.

Mr. Richmond responded stating currently only certain provisions of the rule are open. He stated the entire rule has not been opened. He further stated a rule adoption hearing will take into account the specific text and allow for potential change if the Commission decides it is necessary through proposed changes.

Mr. Belcher stated he did not know that it would be necessary, but he wanted to let the association know its options.

Commissioner Carson presented the recommendations and proposed modifications to the rule as presented in a supplemental document which was distributed to each Commissioner. (See *New Rule 11/22/06 – PAVWG Recommendations – Proposed Modifications* matrix.)

Mr. Madani noted the document has the recommendations of the TAC, the POC and the Product Validation Workgroup. He then stated there were three issues addressed at the meeting. He stated the first issue proposed was to allow for multiple certifications for agencies to be included in one application. He explained the proposal was reviewed considering the cost and the potential problems that could arise from allowing multiple certifications under one application. He stated after the review staff and the POC were in agreement that multiple certifications for one agency under one application should not be allowed at this time, but postponed until future revision of whole system. He continued stating the second issue was technical validation established under this revised rule. He stated technical validation should not apply to manufacturers who utilize their engineers to compile the installation instruction for the product based on tested data. He then stated at this time it is recommended that technical validation only be applied to those engineers who do evaluation reports for the whole product. He stated the third issue was addressing additional fees to cover the cost of putting together this system or the revisions. He then stated at this point the information system will require approximately forty thousand dollars. He stated the workgroup feels this should be assessed with regard to additional fees and the proposal is to determine any other additional fees and to plan to discuss those fees at future workshops.



Mr. Richmond reiterated the workshop had only opened certain sections and the fee section was not opened. He stated if this recommendation were to be accepted the appropriate action would be to notice a supplemental rule development workshop so that section could be opened allowing staff to submit their information and data to be considered by the Commission at that point.

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

Mr. Gascon stated the summary indicates the tested conditions would not require additional engineering or calculations when the installation instructions are uploaded. He commented he recalled from the POC it was discussed that the tested conditions for installation on anchors for any tested products would be immediately transferred over and uploaded as the condition of attaching that product. He stated there are cases where a product would be tested and during that test the safety factors might have been exceeded. He then stated there should be verification that the safety factors have not been exceeded. He explained products are typically tested on wood substrates, which through NDS 1.6 safety factors are common, so the product conceivably could have been loaded beyond its working loads.

Chairman Rodriguez asked for Mr. Gascon's suggestion.

Mr. Gascon responded stating it is something that must be verified. He added he was not certain if an administrative validation alone could serve that purpose.

Mr. Madani interjected stating the determination whether there is a rational analysis conducted within that evaluation or just an implementation of the tested data which would be determined by the administrator.

Mr. Dixon stated it was not necessarily rational analysis in this instance. He explained the product as tested had fasteners used in excess of what the fastener manufacturer's specification for the safety factor. He requested clarification from Mr. Gascon that this part of the certification should be reviewed for compliance with the fastener safety factor.

Mr. Gascon stated this is something that needs to be addressed somewhere down the line in this approval process and verified. He then stated if it is certified by the certification agency to be sure they are checking this aspect.

Mr. Dixon requested clarification from Mr. Gascon whether he is recommending a technical validation done on that part of the certification testing.

Mr. Gascon replied he was not sure it needs to be taken to that point; however this is semi-technical in nature. He stated just making sure the certification agencies are aware that aspect must be checked somewhere along the line could be sufficient.

Mr. Dixon asked if an amendment to the Code would be more appropriate.

Mr. Gascon stated if we are depending on the administrator to check it, this should be stated somewhere.

Mr. Dixon stated this would get back to expansion of scope of the administrator's services.

*Darius Grimes, Wayne Dalton*

Mr. Grimes stated having been engaged in a lot of testing he can say we do exceed the safety limits when we test a product. He explained the reason this is done is there is a technical evaluation done on those anchors after the testing. He stated if he tests a product with fasteners twelve inches on center his installation drawings may never reflect that. He then stated the purpose of the test is to test the assembly as installed, therefore many times a load factor of 1.5, 1.6 or 1.2 is used in testing so there is a standard so that we have established our maximum fastener spacing. He further stated in the evaluation process if he used a four times load on the anchor in testing it might reduce the spacing to say three inches on center. He explained he is never allowed to exceed that spacing in his installation drawing; therefore he will test as big of a spacing as he can so that on much lower pressures he can go to a larger spacing staying within the tested spacing.

Commissioner Rodriguez asked Mr. Grimes for his recommendation.

Mr. Grimes replied he agreed with Mr. Gascon completely, it must be evaluated, but it does not need to be in the standard.

Mr. Madani interjected that under the rule there were some safe-guards included, such as verifications of those installation instructions by a licensed engineer or by the certification agency.

*C.W. Macomber, Palm Beach County Building Department*

Mr. Macomber offered comment stating he was in agreement with the last two speakers and wanted that recognized from a building department standpoint. He stated the intent was to make the product approvals that are posted on the BCIS user-friendly. He explained the reports submitted are often test reports, which were

not easy to follow. He stated he believes the technical review will lead to a better substantiated document to use.

Mr. Dixon requested clarification concerning whether Mr. Macomber felt an accompanying evaluation report should be included.

Mr. Macomber replied they were hoping for a summary of an installation instruction not a test report.

Mr. Dixon asked Mr. Macomber if he was requesting the requirement for providing the installation specifications together with the certification should also include a separate report and not just the testing report that was relied upon during the certification.

Mr. Macomber replied that was correct. He stated there is a need for a simplified document.

Mr. Blair stated in the checklist it says the instructions have to be verified including anchorage requirements are provided to the manufacturer to the performance documented in the uploaded certificate. He further stated the manufacturer's licensed design professional has performed his verification. He asked if that didn't cover this.

Mr. Madani suggested a solution to this that is both practical and is consistent with the Miami-Dade approach. He stated either the installation instruction has to be verified by the certification agency or if it has not been it should require technical evaluation.

Chairman Rodriguez asked Mr. Macomber his thoughts on the suggestion.

Mr. Macomber stated it sounded like it would work. He then stated their main concern was the original comment made that the engineer for the manufacturer did not have to do a technical review in drafting some type of installation instruction to see if it related back to how the product was tested.

Chairman Rodriguez asked Mr. Gascon if this was consistent with Miami-Dade.

Mr. Gascon stated it was consistent.

Mr. Blair provided an overview of proposed options based on the matrix as well as suggestions from public comment for additional modifications if that is the direction the Commission wants to take.

Mr. Richmond then closed the public comment portion of the workshop.

Commissioner Browdy asked if the intent of allowing multiple certifications was to create a situation for a product that had been approved by a single entity and that certification entity dissolved or was no longer valid, there would be an alternative source for it without putting the product back through the entire approval process. He asked what the intent of having the multiple certifications was.

Mr. Madani offered clarification stating it was to allow a manufacturer who has more than one product that is certified by more than one certification agency to enter those under one application, which could be very confusing.

Commissioner Browdy asked if the intent had more to do with financial issues.

Mr. Madani stated that was correct.

Commissioner Browdy moved approval. Commissioner D'Andrea entered a second to the motion.

Mr. Blair interjected to integrate the proposed changes and add supplemental rule during the next meeting , the fee section needed to be added to the motion.

Commissioner Browdy approved the additions. Commissioner D'Andrea entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

### **RULE DEVELOPMENT WORKSHOP ON RULE 9B-3, FLORIDA BUILDING COMMISSION**

Chairman Rodriguez stated at the December 2006 Commission Meeting and Ad Hoc committee of Commissioners met to review committee organization and process issues including the appointment of alternate members for TACs and workgroups. He then stated the AdHoc committee developed a package of consensus recommendations regarding alternate members which the Commission unanimously adopted. He further stated this workshop was the first step to implementing the Commission's policy on alternate members for workgroups and TACs.

Chairman Rodriguez then directed the Commission to Mr. Richmond who served as hearing officer.

Mr. Richmond stated for clarification there are two sections of Rule 9B-3 currently open and noticed for rule development at this point. He explained the one

specifically addressing alternates is 9B-3.004 and will now be open for public comment. He then opened the workshop for public comment with an initial public comment stating there was a glitch in getting this language on the agenda and circulated in advance of the meeting. He then stated the Commission's request would be to enter a motion to notice for supplemental rule development workshop to allow the language to be circulated so that meaningful comment can be made. He also stated the same motion would apply to 9B-3.050 which pertains to annual amendments and limitations the commissioners have discussed on that process.

Mr. Richmond closed the rule development workshop for 9B-3.004 and 9B-3.050 after no public comments were made.

Chairman Rodriguez asked Mr. Richmond to restate the necessary motion.

Mr. Richmond stated the motion requested would be to set both of the rules for supplemental rule development workshop to allow for circulation and consideration of specific rule language.

Commissioner Gross moved approval of the motion as stated. Commissioner Hamrick entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

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

#### **Accessibility TAC**

Commissioner Gross presented the report of the Accessibility TAC. (See *Accessibility TAC Minutes February 6, 2007*)

Commissioner Browdy moved approval to accept the report. Commissioner Greiner entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

#### **Budget Committee**

Chairman Rodriguez presented a report from the meeting of the Budget Committee. (See *Budget Committee Minutes February 6, 2007*)

Commissioner Norkunas noted there are no reference documents regarding the budget or the budget meeting. He asked if those could be provided to the Commissioners.

Chairman Rodriguez stated the documents which were reviewed could be part of the packet the Commissioners will receive.

Ms. Jones stated this was included on the agenda.

Commissioner Norkunas commented he was looking at the agenda and he did not see anything pertaining to the budget figures.

Mr. Dixon stated the figures could be located on the Budget Committee Agenda from Tuesday at 1pm.

### **Energy TAC**

Commissioner Greiner stated there was no meeting of the Energy TAC as there was no quorum.

### **Fire TAC**

Commissioner D'Andrea presented the report of the Fire Technical Advisory Committee. (See *Fire TAC Minutes February 6, 2007*)

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

### **Joint Fire TAC/Fire Code Advisory Council**

Commissioner D'Andrea announced the Advisory Council would be meeting following the Commission meeting and would be chaired by Mr. Blair. He stated there would be a report available after the meeting.

### **Plumbing TAC**

Commissioner Vann presented the report of the Plumbing Technical Advisory Committee. (See *Plumbing TAC Minutes February 6, 2007*)

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

Mr. Richmond offered technical clarification stating in the absence of a quorum there is no report to approve.

### **Structural TAC**

Commissioner Kim presented the report of the Structural TAC. (See *Structural TAC Meeting Minutes February 6, 2007*)

Commissioner Kim moved approval for the Commission to conduct a workshop at the March meeting to discuss and clarify Exposure C. Commissioner Wiggins entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

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

### **Education POC**

Commissioner Browdy presented the report of the Education POC. (See *Education POC Meeting Minutes February 6, 2007*)

Commissioner Norkunas offered comment stating the reason the Education Council was ineffective was because the word "shall" was not part of the legislative mandate. He stated unless the word "shall" is involved when there are a lot of different stakeholders it is extremely difficult to bring about consensus.

Commissioner Browdy continued his review of the report and requested Commission action regarding the following courses which were approved administratively:

FBC Advanced 2004 Course 41.2  
Indoor Environmental Quality FBC Advanced Course 191.1  
FBC Advanced 2004 Plumbing, Fuel, and Gas 42.1  
FBC Advanced 2004 IEQ Overview 34.1  
Advanced FBC Module Building Structural Course 49.1  
Advanced Building Structural Course 97.1  
2004 FBC Advanced Course 151.1  
Advanced Administrative Course 77.1  
2004 FBC Advanced Accessibility Training Course 216  
2004 FBC Chapters 5, 6, and 7 Course 210  
Advanced 2004 Building Structural Summary 2006 Supplement Course  
221  
FBC Advanced Training Course Residential Course 220  
Advanced Three Building Envelopes Construction Methods Course 211  
2004 Advanced FBC Building Structural Summary Course 128.1  
2004 Advanced Building Structural Summary Course 106.1  
2004 Florida Building Structural Summary 105.1  
Advanced 2004 Mechanical Energy Course 189.1



FBC Advanced Residential Course 94.2  
Advanced 2005 Accessibility Course 215  
Advanced 2004 Florida Building Structural Summary Course 111.1  
Advanced FBC 2004 Florida Building Structural Summary Course 146.1  
2004 FBC Building Structural Summary Course 158.1  
2004 FBC Building Structural Summary Course 116.1  
Advanced 2004 Florida Building Structural Summary Course 125.1  
FBC Advanced 2004 Building Structural Course 155.1  
Advanced 2004 FBC Structural Course 149.1

Commissioner Greiner moved approval of the updated courses.  
Commissioner D'Andrea entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

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

### **Product Approval/Prototype Buildings/Manufactured Buildings POC**

Commissioner Carson presented the report of the Product Approval/Prototype Buildings/Manufactured Buildings POC. (See *Product Approval/Prototype Buildings/Manufactured Buildings POC Meeting Minutes February 6, 2007*)

Commissioner Carson requested in the form of a motion Commission action regarding the following items:

#### **Administrator for Prototype Building Program**

Commissioner Carson stated ARA has given 30-day notice stating they no longer wish to administer the Prototype Building Programs, citing financial hardship and slowed building as reasons for its decision. He moved, as recommended by the POC, directing DCA staff to contact bidders two and three from the original request for proposals to determine if those applicants are still interested in taking over the administrative portion of the prototype building program.

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

#### **BCIS System Glitch**

Commissioner Carson stated there had been a glitch within the BCIS that had caused corruption of some files. He moved, as recommended by the POC, conditional approval of FL8104, FL 2690R2, FL3394R1 and FL 1901R3



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

#### Revocation of Approvals

Commissioner Carson moved, as recommended by the POC, revocation of the following approvals due to lack of QA's:

FL3541BG Machine and Metal Fab, Inc.

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

FL 4629 **Puiyat** Steel Corp

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

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

### **REPORT ON SPECIAL LEGISLATIVE SESSION ACTIONS AND COMMISSION FOLLOW-UP ACTIONS**

Mr. Richmond presented a report on the Special Legislative Session decisions concerning previous Commission action. He stated the Special Session resulted in a Conference Committee Bill, which was ultimately signed by the Governor the Wednesday following the close of the Special Session. He further stated the bill had provisions relating to the Commission and the Code. He explained the bill revoked the panhandle provisions the Commission had adopted and also the alternative for design for internal pressures throughout the state. He stated the issues were contained in Section 9 of the Bill. He then stated local authorities had the jurisdiction to enforce the Code and were directed to a minimum required windborne debris protection in accordance with IBC sections 1609.1 and 1609.2. He explained 1609.1 of the International Building Code and provisions of the International Residential Code 2006 windborne debris is determined as defined in 1609.2 of the International Building Code 2006 and Section 301.2 of the International Residential Code 2006. He stated the Commission, in the 2<sup>nd</sup> Section, is directed to amend the Code by July 1, 2007 to reflect the application of those provisions identified in Section 9 and to eliminate all exceptions, which provide less stringent requirements. He then stated the Commission has been charged with the development of voluntary code plus guidelines for increasing the hurricane

resistance of buildings which may be modeled on high velocity zone hurricane requirements, specifically the identification of products, systems and methods of construction the Commission anticipates could result in stronger construction which is to be included in the Commission's 2008 report to the Legislature. He further stated a later provision in the bill couples the Code with the guidelines developed by the Commission to Citizen's essentially writing insurance to property located within 2500 feet of the coastal construction control line. He explained this would apply to new construction after January 1, 2009. He then asked Mr. Dixon to discuss implementation issues that have been identified.

Mr. Dixon noted there were issues requiring Commission consideration in addition to the bill's directive to the Commission. He explained there was a request by local jurisdictions for information on certain questions regarding how they are to enforce the 2006 IBC provisions. He stated there are a number of items currently in the Florida Building Code that are impacted because they are not also in the IBC and the IRC. He stated staff has recommended the Chairman be authorized to send a letter to local jurisdictions explaining the new requirements of the law and communicating how what they are currently enforcing is being impacted by this immediate change in law. He then stated certain parties have approached a higher authority regarding the immediate implementation of changes and how that disrupts the building construction industry in the state and are requesting some dispensation.

Mr. Dixon explained the first item in the bill directly impacting the Commission is the July 1 mandate for amending the Florida Building Code to eliminate any exceptions that provide less stringent requirements than the 2006 IBC IRC. He stated the plan would be to conduct a rule adoption hearing during the next Commission meeting in order to allow time to go through all of the Chapter 120 administrative process. He explained the amendment is subject only to the Chapter 120 requirements according to the way the law was written. He advised there are issues to be addressed that go beyond the elimination of the pressure design option and the use of 120mph wind contour for definition of the windborne debris in the panhandle.

Mr. Dixon then discussed the code plus issue. He first offered his preference to not use the term "code plus" because it creates confusion between the very narrow use of the term in the law with something that has a broader meaning in hurricane mitigation. He reiterated it is not a building code requirement, it is an insurance qualification requirement, therefore it is not regulatory in the sense it would be imposed through the Building Code. He continued stating it is referenced in the law just passed as the criteria for buildings to qualify for Citizens insurance in the 2500 foot zone around the coast of Florida. He explained the law opens Citizens Insurance to commercial entities now. He further explained the law also provides a limit on losses that private insurance companies would have to bear by providing a government backstop that authorizes the revenues of the state to cover insurance losses above a certain amount.

Mr. Dixon expressed that this apparently led to the idea that there should be a higher standard established for the most expensive properties located in the most vulnerable areas of the state, the coastal buildings. He stated it appears this criteria is intended to limit the public's risk. He stated there is a recommendation from the Hurricane Research Advisory Committee that will address this and how to approach a target or goal for determining the technical criteria that would be applied.

Mr. Dixon then stated the new law indicates the Commission cannot modify the foundation codes to diminish wind resistance and water intrusion protection requirements of those foundation codes. He explained this section of the law on Code updates does not use the same terminology as in the instruction for the July 7<sup>th</sup> Code Amendment, which says the Commission is to eliminate any "less stringent" exceptions. He stated this leaves some flexibility for judgment on what diminishes and what enhances the foundation codes. Mr. Dixon continued stating in the 2007 Code Amendment Process this means the TACs and the Commission must determine if proposals diminish the wind resistance requirements and the water intrusion requirements. He stated staff would be available to help the TACs understand the new standard they have to apply in review of the proposals of changes to the Code. He then referenced supplemental documents, which were distributed to each Commissioner. (See *Provisions of the Legislature's insurance proposal; House Bill 0001A; Summary of Changes Proposed to the 2004 FBC in accordance with HB0001A*)

Mr. Dixon explained the building officials have a different charge in the bill than the Commission. He noted the charge to building officials is to enforce the 2006 IBC and the IRC windborne debris requirements. He stated there were some exceptions in the Code that are impacted. He further stated some of these would be resolved in interpretation of whether they are less stringent. He then asked Mr. Richmond to discuss some of these items.

Mr. Richmond explained a couple of factors mandate a limited application of the language, which would indicate only the last three bullet items to be addressed by the Commission. He stated they put into context the previous section of the bill, addressing the internal pressure design with the opening protections in the panhandle exemption. He further stated with the exception of the amount of time the Commission was given to go through the rulemaking process. Mr. Richmond then stated he believed the Commission should focus only on the following three items to fulfill its charge:

- 1) Remove the interior pressure design option
- 2) Revise the wind speed map to take out the panhandle exemption
- 3) Revise the definition of windborne debris region to remove the panhandle exception

Commissioner Wiggins stated he had a question with regard to the Code Plus technical provisions that are to be created by the Building Commission and report to the Legislature. He stated in the statutory language it only addresses hurricane resistance in that area, noting within that 2,500 foot area there is a huge amount of storm surge damage. He asked should the Commission assume there will be no dealing with that area relative to storm surge or any of the other FEMA requirements in the 2500 foot coastal zone as it relates to this Code Plus.

Mr. Dixon responded stating Florida does have requirements in the coastal areas that go beyond the FEMA flood requirements. He further stated the DEP standards for elevation, which are greater than the FEMA requirements, have been adopted in the Florida Building Code. He noted that staff does not see this as just a wind issue. Water can kill in hurricanes. Winds destroy and damage property. He stated therefore, water does have to be a part of the criteria, not just the wind resistance.

Commissioner Wiggins then asked relative to the language of not diminishing the wind requirements in the foundation codes if during this cycle of review the Commission should look back at any changes in the foundation Code from 2003 to the 2006 edition to determine if there are any diminishing wind or water issues in the foundation codes or is the language clear the foundation codes are to be left alone and the Commission will only deal with not diminishing requirements in the existing Florida Building Code.

Mr. Dixon replied the way the law is written, the baseline is the foundation codes. He stated if the foundation code changes, it is not subject for review of whether it diminished requirements from a previous edition.

Commissioner Carson stated he attended two meetings in the panhandle and there is great concern regarding implementation timing.

Mr. Dixon responded stating there will be guidance provided in the coming months and while the Commission cannot instruct local officials how to interpret the law that way it will provide leadership in how the Code will stand as of July 1<sup>st</sup>. He then stated if there were no more questions regarding staff recommendations on specific issues, a motion could be made to initiate rulemaking to amend the Code with a hearing at the next meeting.

Mr. Richmond explained one option would be to eliminate the requirement for a rule development workshop as outlined in Chapter 120, which is allowed in limited circumstances when a workshop cannot provide additional assistance in the rulemaking function. He stated this construct works if the Commission were to adopt the limited view of what its charge is. He further stated the first determination is the

scope the Commission has to endeavor to address in that rulemaking and then a specific finding that no workshop would be necessary.

Chairman Rodriguez requested clarification in terms of the motion desired.

Mr. Richmond restated the motion to determine the scope of the rulemaking to be accomplished by the Commission would be to amend the Code to remove the Interior Pressure Design Option, to revise the wind speed map to take out the panhandle provisions previously adopted by the Commission and to revise the definition of windborne debris region to address the same issue.

Commissioner Wiggins moved approval of the motion. Commissioner Griffin entered a second for the motion.

Commissioner Greiner asked, if the effective date would then be July 1.

Mr. Richmond responded the effective date of the Commission's actions will be July 1. He then stated the Commission was not given any authority relative to an implementation date of the mandate that local jurisdictions must enforce the 2006 IBC and IRC requirements for wind-borne debris.

Commissioner Greiner requested clarification in terms of the process. He stated the Commission is trying to provide some type of guidance through this process by saying the Commission will do what it believes the Legislature told it to do through a rulemaking process which will make the Legislature's charge to the Commission effective July 1. He asked if this is what the Commission is to convey to jurisdictions.

Commissioner Kim offered comment stating many building departments are taking action and the goal of the Commission is to have some uniform interpretation and consistency throughout the state. He stated through the letter from the Chairman, although it cannot specifically state when this should be implemented at the local level, some guidance would be very helpful.

Mr. Richmond stated there could be additional alternatives available that are separate and distinct from the rulemaking. He further stated if the Commission could take care of the rulemaking issues then it could get into the actual implementation date at the local levels, addressing some of these concerns in different ways.

Chairman Rodriguez called for a vote on the motion. Commissioner Browdy opposed. Motion carried.

Mr. Richmond then requested a motion that states a rule development workshop is not necessary given the limited scope and authorization to proceed with noticing a rule adoption hearing at the March meeting.

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

Mr. Richmond then stated the issue of implementation at the local level has been the subject of much discussion. He noted the Governor has been asked by construction interest groups to consider providing some relief by the establishment of an effective date through means available to the Governor. He stated the Commission is in a position to at least authorize the chair, if it is determined he could provide assistance to gain some certainty and some time to address these changes, to offer the Commission's support of a July 1<sup>st</sup> or later deadline, to allow a reasonable amount of time for building officials, designers and others in the actual construction trades to implement these provisions.

Chairman Rodriguez asked should the Governor ask the Commission's opinion on this implementation issue. He stated the Commission has already discussed the importance of giving the building departments some direction, although it cannot tell them what to do. He further stated if the Governor were to find he had the authority to have July 1 be the outside date would the Commission feel it could lend its support to the Governor. He then stated if that is the case he would need authority to write a letter of support after he has asked, not before.

Commissioner Greiner requested comment from Mr. Glenn stating the Home Builders Association sent a letter to the Governor and if we are interested in supporting that, he would be in agreement. He stated his concern is this is something very difficult to implement immediately due to projects that are underway, applications in place and many other details, which would require consideration prior to implementation. He then stated July 1<sup>st</sup> is very close, but possible, however without guidelines for the jurisdictions that are supposed to be operating as one entity he feels the Commission would be failing in its mission.

Commissioner Wiggins moved approval to authorize the Chairman to write a letter to the Governor, should he be asked by the Governor's office, to support an implementation date of July 1, 2007 for the new House Bill 1 Statutory Construction Requirements as a reasonable date for implementation in light of the difficulty for projects that have already been designed and monies spent. Commissioner Greiner entered a second to the motion.

*Jack Glenn, Florida Home Builders Association*



Mr. Glenn stated the Home Builders Association has sent a letter to the Governor indicating the tremendous financial impact on the construction industry throughout the state of Florida by immediate implementation of provisions of Section 9 of House Bill 1. He explained the letter covers items such as impairment of contract, in addition to criteria to redesign projects that are currently in permitting and in some cases have already been permitted since the time the Governor signed this Bill. He extended appreciation to the Commission for its efforts to advise the Governor this is not just a homebuilder issue, but a general construction issue for the state. He stated it has a tremendous impact on building departments, as well as contractors and future homeowner's. He further stated there were issues with impairment of contract, which is a civil issue. He explained it appears, through polling over the last two weeks for areas where wind speed was 120mph and in some cases 130mph on the east coast from Indian River County to Jacksonville and on the west coast as far south as the Sarasota and Manatee areas. He stated the predominant design that has been occurring has been a design for internal pressure. He then stated while a design for internal pressure could merely have shutters added to the building and continue to work under this criteria, it is a significant increase in cost. He then stated the logical mechanism which would occur through the process would be redesign of the buildings as enclosed, provide the protection, and remove the additional construction which had been provided for the increased loads and offset that cost of window protection by that redesign. He further stated the letter stated this immediate action has a \$72 million economical impact on homebuilders in the state of Florida.

Larry Schneider, AIA of Florida

Mr. Schneider concurred with Mr. Glenn stating the architects are in agreement with the homebuilders. He expressed Mr. Glenn has his support as it impacts the design community, as well as the commercial building projects out there also impacting this issue. He expressed strong support of an implementation date as far back as possible. He stated July 1<sup>st</sup> is comfortable for new projects and can be addressed accordingly, but for those who are underway or are in application process there will be a major impact on the design community.

Jim Shock, Duval County Building Department

Mr. Shock stated the importance of obtaining some sort of written direction on implementation dates. He expressed agreement with both the homebuilders and the architects.

Darius Grimes President, CSI Construction Services

Mr. Grimes concurred with a July 1 implementation date. He stated as a manufacturer of hurricane shutter products and in discussion with dealers intending

to business with some of the builders, there is certainly a need to have some time for them to get resources in place in order to pick up any additional business that may come to them at once. He further stated even if the builders wanted to comply at this point, he was not certain there would be enough installation support in the panhandle to provide approved shutter systems that quickly.

*Dave Olmstead, PGT Industries*

Mr. Olmstead expressed agreement with the previous statements, as a large manufacturer of opening protection products, that immediate implementation is just not practical.

*Joe Belcher, JDB Code Services*

Mr. Belcher, speaking for the International Hurricane Protection Association, expressed agreement that implementation cannot be done rapidly and would be an undo burden; he offered support for an effort to encourage the Governor to rectify the situation.

*C.W. Macomber Palm Beach County Building Department*

Mr. Macomber concurred with previous statements. He asked, when determining the scope of what would be addressed in the adoption hearing there was a bullet summary of seven items, but only three are being addressed at this hearing, when will the other four items be addressed. He explained there had been a number of calls from the sunroom industry, the replacement window and door industry relative to the effective date and how it affects them.

Mr. Dixon responded the form of communication would be, "These are the items impacted by the new law and these are the ones the Commission voted it is necessary to change in the Code by July 1." He explained the building officials will have to draw their own conclusions from that action.

*Mike Fisher, Pella Company*

Mr. Fisher requested the motion be restated.

Mr. Richmond replied the motion on the floor authorizes the Commission Chairman to lend support to the effort to establish a July 1 effective date for the new provisions identified in Special Session Bill 1A by letter to the Governor if it becomes aware it would be advantageous to the effort.

Mr. Fisher then requested clarification concerning the effective date is considered permanent application date. He then stated the windows industry has



issues related to transition particularly affecting the panhandle region. He further stated allowing this extra time to deal with those issues and would appreciate some clarification on that to provide proper planning and recommendations to our members.

Commissioner Carson requested the Commission actions be done as expeditiously as possible.

Chairman Rodriguez responded it is important to understand the Commission would be supporting the Governor, as it would not be appropriate to initiate anything more than it has already done which is follow our process through to July. He then stated however if support should be requested it would mean there would be something the Governor could do at which time the letter would be sent, if approved by the Commission.

Commissioner Browdy stated the letter to the Governor should state, as a predicate, the Legislature, in taking the action it has, has taken the time processes and the established administrative processes of the Florida Building Commission and abbreviated them to the extent that compliance with the legislative mandate is impossible. He then stated the importance for those people who were engaged and involved in this effort to understand that they have undone everything the Commission has tried to work for during the last eight years. He further stated they have unraveled our process, they have taken our philosophy about the latest technologies and created something in the legislative mandate which states not withstanding the latest technology we can never lower the standards that are established as of this moment, which may good or bad.

Chairman Rodriguez interjected the national standards may not be amended, but if the national standards are affected we do not have to come back and determine whether they have lowered or raised the standard.

Commissioner Browdy continued stating because of the manner in which this legislation was created, without the input of the agency that was primarily responsible for building code promulgation, a problem has occurred and he reiterated the importance for them to know that is the reason the Commission is sitting in the position it is now because this process has been abbreviated because of the legislative action.

Chairman Rodriguez then offered further comment stating he could not agree more.

Commissioner Browdy stated he did not want to get involved with a controversy with the Governor.

Chairman Rodriguez responded stating if the Governor were looking at this now it is because obviously someone in his office believes there might be good reason to do so. He reiterated during the past summer the Commission raised the standard the legislature had lowered against its recommendation. He stated now the legislature is telling the Commission it cannot lower the standard that was set by the Commission. He then stated it would be his intention to write a letter that is both truthful and diplomatic to the Governor should the Commission be asked.

Commissioner McCombs stated he was hoping it would be proper to write the letter regardless if we were asked. He then stated he believes the whole Commission and all interested parties feel like this needs to be stated even before being asked by the Governor to give a time.

Chairman Rodriguez stated if the Governor cannot do anything about it, there is no point asking him to do something he cannot do. He further stated the Commission will follow its process, the staff has put it in the workplan and it has determined it can get there by July 1, which is not easy with all the rulemaking processes it has to follow. He reiterated, based on advice from legal counsel, it is wise to wait until the Commission is asked before sending a letter.

Commissioner McCombs stated the message would not necessarily be for the Governor but for the legislature to let them know what they have done and the Commission's disapproval and the citizens of Florida's disapproval.

Chairman Rodriguez responded stating that is a different issue and it may be something the Commission could consider for inclusion in the Commission's report to the legislature by respectful dialogue. The Commission understands the legislature is correcting something they did earlier, except they have involved the Commission in the undoing and now they are involving us in the doing.

(someone (no name stated) from public offered support in writing letters)

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

Mr. Blair then called for a motion to authorize the Chairman to write a letter to local jurisdictions letting them know about the legislation.

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

Commissioner Browdy stated there was an opportunity in the budget committee meeting and in the education committee meeting to discuss the legislative issues and the impact that it has on the construction industry specifically

as it relates to compliance with this issue. He further stated there were some unallocated funds in the education area and the committee was hoping those unallocated funds could be redirected toward communicating this issue with the industry and timely notifying practitioners of the Florida Building Code about this particular issue so they can be in compliance to the extent they can be in compliance. He requested the Commission, if approved by budget, to earmark some of these funds to make sure the licensees are aware of this situation.

Ms. Jones offered clarification stating the request was for an additional \$100,000.00 for Building Safer Florida contract, which was just initiated. She stated funds can be reallocated and would ask the Commission to approve authority to amend the contract to include the additional \$100,000.00.

Commissioner Browdy entered a motion to amend the contract to include the additional \$100,000.00. Commissioner Hamrick entered a second to the motion. Vote to approve was unanimous. Motion carried.

*Jack Glenn, Florida Home Builders Association*

Mr. Glenn stated the Home Builders Association is prepared to immediately begin some quick education on the impact of the loss of the panhandle exemption, the loss of internal pressure and advice on the insurance discounts that are available which insurance companies have not made the public aware of.

Commissioner Gross asked if there would be a supplement to the Code issued in July as has been done previously.

Mr. Dixon responded in quick response form a strike-underline format document can be used. He stated the replacement pages would come as time is available to get those developed and the production can occur.

Commissioner Gross stated he understood this would be for the July mandate to the Commission. He asked if the immediate local changes would have no publication.

Mr. Dixon responded the Commission has no legally authorized role in the immediate changes.

Vote to approve the funding was unanimous. Motion carried.

**HURRICANE RESEARCH ADVISORY COMMITTEE**

Mr. Blair presented a report from the Hurricane Research Advisory Committee. (See *Hurricane Research Advisory Committee Report February 6, 2007*)

Mr. Dixon offered clarification stating the Wind-Borne Debris Phase II contract was already executed at both ends; it had been on hold because the legislative session was coming. He stated the first stage of phase two did not have any windborne debris evaluation in it. He explained that contract focused on the physical testing of the performance of buildings in open and suburban terrains to determine the pressure coefficients to be used in the modeling. He then stated the contract, as it currently stands is okay with a slight modification of the scope to eliminate references to windborne debris. He further stated the testing is still relevant to the pressure related design of buildings and the inadequacies in the pressure coefficients, which were identified through the phase one project.

Mr. Blair continued his report from the committee meeting.

Commissioner Kim offered comment stating one of the tasks staff should be asked to do is look at the ICC performance-based building codes. He noted the State of Florida is not the only state that has gone through this so-called crisis, referencing California's with seismic 10 years ago. He stated due to that crisis, ICC put together a number of national experts to develop a performance-based building code that provided a framework to buildings and structures in excess of the minimum code requirements. He added there was a lot of good information in the performance-based codes and he would recommend staff contact ICC to get copies of that and prepare a report back to the Commission relative to what those codes recommend.

Commissioner Browdy asked if the results of the study being funded in any way results in standards that may be lower than the current national standard does the legislative action preclude utilizing those new standards.

Mr. Dixon responded stating the Commission and the State Fire Marshal are required by law to coordinate the building and fire codes. He continued stating the issue is there are two different systems of standards that when looked at as a group of criteria they may be equivalent or enhanced versus the other. But if looked at by individual criteria one may be less than the other. He then stated if the legislature had intended the Commission never adopt something less stringent it would have used the same words used in the other section of the law which says not "less stringent". But instead it used the words "enhanced" and "diminished" which leaves some flexibility for determination if a different approach or set of requirements actually enhances the Code even though some of the criteria of the set may be less stringent. He stated there had been a lobbying effort to get the words changed from

“diminished and enhanced” to something more definitive like “less stringent” and it was not adopted.

Commissioner Greiner moved approval to continue with the current contract for research on the wind terrain effects related to wind pressure design coefficients and that an additional project be funded in the 2007-2008 year in the amount of \$250,000.00 to develop insurance qualifying criteria for buildings built within 2500 feet of the coast after 2009, based on the criteria of a 250 year storm event. Commissioner D’Andrea entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

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

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

Mr. Blair presented the final report, which will be presented to the 2007 Legislature. (See *Florida Building Commission, Report to the 2007 Legislature, Final*)

Commissioner Greiner asked if the Chairman could add commentary relative to Commissioner McCombs concern regarding the legislature’s action and how it has impacted the industry.

Chairman Rodriguez clarified the action referred to was subsequent to the report.

Mr. Blair responded that was correct.

Chairman Rodriguez offered to keep that issue in mind for the next report. He then called for a motion to approve the report.

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

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

Commissioner Greiner presented slides of damage created by the tornadoes that occurred in Florida on Friday, February 2, 2007 around 3:30am. He stated the region was declared a federal disaster area by the President. He noted the pictures are not detailed pictures to determine Code effects, but thought the Commission and

public might be interested in viewing them. He explained the pictures were of the Lake County area only and the tornadoes were rated an EF-3 with wind speeds up to 165mph, and approximately ½ mile wide and 6 miles long.

### **GENERAL PUBLIC COMMENT**

#### **Bob Boyer, Building Officials Association of Florida**

Mr. Boyer asked the Commission to consider one more letter to all local governments asking them to consider to further support the Code official in the Code development process of the Florida Building Code. He stated their involvement is imperative.

Chairman Rodriguez stated he appreciated the request. He expressed the importance of the Code official's involvement in this process.

Commissioner Greiner moved approval to send a letter to building departments asking them to continue to participate in the in the Code development process. Commissioner Wiggins entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

#### **Wendall Haney, RW Building Consultants**

Mr. Haney asked, relative to the Rule 9B-72 Product Approval categories for doors and for windows, if the Commission could consider adding a subcategory to those two for consideration of approval of plastics materials, which are used in those products. He stated currently manufacturers who produce products of a specific material with each application of the derivative products have to supply all of the testing and approval documentation to show the plastic material is approved in each one of those. He then stated if there could simply be a Florida application and plastics approval then the derivative products could be referred to that plastics approval, making the process more efficient in reviewing the applications when they come before the Commission.

#### **James Bell, Thesa Alloy ?**

Mr. Bell stated there is a standard ICC is working on for tornado/hurricane shelters. He further stated the two standards are in conflict because there is no cycling standard in the current testing for tornadoes. He requested the Commission consider adding some sort of cycling standard for the 2008 or 2009 implementation of the shelter standard which is being looked at for use in Florida. He stated it would be preferred to use the same national standard in Florida as in the rest of the country.



Steve Strawn, Geldwin, Inc.

Mr. Strawn requested Commissioners expand the scope of the window labeling task group to work on the development of a door window installation anchorage specifications template for product approval applications. He stated there is a lot of question regarding what is submitted, what the building official looks at, and what the installers look at. He asked the workgroup be charged with developing a template that may make it easier for the administrator to approve the product approval application for the building officials to determine if the windows are installed correctly, etc.

Steve Barns, Pentair Water Pools and Spa

Mr. Barns offered comment stating last year the Building Commission passed a new rule raising the minimum COP of the swimming pool heat pump heaters, which has been a bit problematic. He explained heat pumps are the best option for efficiently heating swimming pools. He stated the national standard which manufacturers aim for is 80/80/80 (water/temperature/humidity), the target range most people are swimming. He noted if it is 50 degrees outside, most people do not want to spend the money to heat a pool because of the 30 degree difference. He continued stating Florida had adopted 50/50 which means heat pumps would need to be optimized for 50 degrees at 50 percent humidity, which is a big disconnect. He further stated another disadvantage to going to the higher rating is Pentair has recently gone to 100 percent non-ozone depleting refrigerants, which are less efficient at heating and cooling, resulting in all of their heat pump products being pulled out of Florida. He then stated in the FBC tracking chart of proposed modifications it was listed as a hot water heater. He asked the Commission where to go from this point.

Chairman Rodriguez responded it would be referred to the Energy TAC.

Larry Schneider, AIA of Florida

Mr. Schneider requested communication be sent to ICC requesting the updates to the CD's for Code updates as quickly as possible.

Aaron Fields, Representing Heat Pump Manufacturer

Mr. Fields stated the industry is no longer a fledgling industry. He noted that thousands of homes per year are obtaining heat pumps to place on their pools. He further stated other industries have gone through similar shakeups and have bounced back producing more efficient products. He stated the heat pump manufacturing industry is prepared for standardization. He stated his manufacturing company is one of the few that will meet the new standards as they are written, with the understanding the standards may be changed in the future and welcome these

standards to be in place. He stated his belief that other manufacturers will have units which meet these requirements, but not all of their units will meet the requirements. He further stated if some go through, but their most profitable units do not, those manufacturers will not want this to go through. He reiterated his company's readiness to comply indicating they would rather work on the other units which do not comply and tweak them until they do meet the standard. He stated there had been no standardization for heat pumps relative to neither performance nor efficiency and many companies have been able to exaggerate their performance and efficiencies to the public. He noted these mandates should not be set or the manufacturer should not be able to set its own standards in an industry. He concluded offering appreciation for what the Florida Building Commission has done.

### **ADJOURN**

Chairman Rodriguez adjourned the Florida Building Commission meeting at 11:18 a.m.