

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

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

JEB BUSH
Governor

STEVEN M. SEIBERT
Secretary

**BOARD MEETING
OF THE
FLORIDA BUILDING COMMISSION**

**PLENARY SESSION
November 6, 2001**

PENDING APPROVAL

The meeting of the Florida Building Commission was called to order by Chairman Raul Rodriguez at 8:30 a.m., on Tuesday, November 6, 2001, at the Rosen Plaza Hotel, Orlando, Florida.

Commission Members Present:

Raul Rodriguez, Chairman
Dan Shaw
Peggy Harris
Michael McCombs
Craig Parrino
George Wiggins
Christ Sanidas
Leonard Lipka
Sam Walthour
John Calpini
Karl Thorne
Nick D'Andrea
Richard Browdy
Steven Bassett
Doug Murdock, Adjunct Member

Commission Members Absent:

Francisco Quintana
Jim Mehlretter
Med Kopczynski
Bob Leonard
Stephen Corn
Suzanne Marshall
Diana Richardson

Others Present:

Suzanne Schmith, Legal Advisor
Jim Richmond, Legal Advisor
Rick Dixon, Executive Director
Jeff Blair, FCRC
Ila Jones, Program Administrator

2555 SHUMARD OAK BOULEVARD • TALLAHASSEE, FLORIDA 32399-2100
Phone: 850.488.8466/Suncom 278.8466 FAX: 850.921.0781/Suncom 291.0781
Internet address: <http://www.dca.state.fl.us>

FLORIDA KEYS
Area of Critical State Concern Field Office
2796 Overseas Highway, Suite 212
Marathon, Florida 33050-2227

WELCOME, INTRODUCTIONS

Chairman Rodriguez opened the meeting by welcoming Commission members and guests then reviewing the tasks ahead for today's meeting. He reminded the Commission of three Legislative assignments; Rehab Code Recommendations, Elevator Emergency Access Recommendations, and the Rules of Procedure Issues. Chairman Rodriguez expressed appreciation to the Ad Hocs for their work and stated that he would like to achieve consensus on the issues. He then directed the Commission to Jeff Blair for agenda review and approval.

AGENDA REVIEW AND APPROVAL

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

Commissioner Wiggins motioned approval of the agenda. Commissioner Sanidas seconded the motion. Vote to approve the motion was unanimous. Motion carried.

REVIEW AND APPROVAL OF OCTOBER 1-2, 2001 MEETING MINUTES

Commissioner Lipka motioned approval of the October minutes. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous. Motion carried.

REVIEW AND APPROVAL OF COMMISSION'S UPDATED WORKPLAN

Mr. Blair conducted a facilitated review and discussion of the updated workplan. (See *Facilitator's Report* Attachment.)

Commissioner D'Andrea motioned to approve the updated workplan. Commissioner Lipka seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Mr. Blair then referenced page 8 of the Agenda Packet and opened discussion regarding December's Commission meeting schedule. He stated that final decision on dates will be made in a week or so.

**ADDITIONAL RULE ADOPTION HEARING ON ACCESSIBILITY
CODE AMENDMENTS (9B-7)**

Ms. Schmith opened discussion regarding changes to Application for Waiver forms as well as the section of the Accessibility Code with the drawings. She explained the documents which had been distributed to the Commission and invited Public Comment. (See *Notice to Waiver Applicants* and *30(e) Toilet Stall New Construction Attachments*.)

Public Comment

Larry Schneider, A. of Florida

Mr. Schneider reviewed the comments and recommendations submitted by A. of Florida. (See *A. of Florida Changes and Recommendations Attachment*.)

Commissioner Shaw asked if there were any substantive changes in addition to the primarily editorial changes just discussed.

Mr. Schneider replied that one would be considered substantive would be item 8 of the waiver application, ensuring that the three words: unnecessary, unreasonable, or extreme hardship remains as it is in the law.

Commissioner Wiggins asked if there are instances when a non-licensed individual could submit a design.

Mr. Schneider replied that non-licensed individuals may submit designs, but the reading of the Code states "if a licensed individual," making "if" a key word in the interpretation.

Commissioner D'Andrea motioned to close the hearing. Commissioner Lipka seconded the motion.

Ms. Schmith interjected that at the last hearing there was not a complete record. She stated that the comments were submitted in writing but were not on record and then reviewed comments submitted on October 2, 2001 at the Rulemaking Hearing on Amendment of Rules 9B-7.003 and 9B-7.0042 through overhead presentation.

Vote to approve the motion was unanimous. Motion carried.

**COMMISSION DISCUSSION/DECISION ON PUBLIC HEARING
COMMENTS**

Chairman Rodriguez stated that all discussion and decisions should be based on the public comments just heard. He furthered that no new proposals for changes would be considered. Chairman Rodriguez then walked the Commission through the process for decision-making on the proposed recommendations.

Commissioner Wiggins motioned to accept and implement all of Mr. Schneider's changes and recommendations. Commissioner D'Andrea seconded the motion.

Ms. Schmith interjected that there was one recommendation from staff not to approve one of the comments but to approve an alternative recommendation.

Commissioner Wiggins stated he would amend his motion to exclude 9B-7.003(6) to be amended as staff recommended. He then asked for clarification regarding item #'s 6 and 7 at the bottom of page 4.

Ms. Schmith responded that the recommendation was to delete numbers 2 and 3 because they already appear in the notice.

Mr. Richardson requested one additional change to Mr. Schneider's recommendations. He stated that the comment on adding an "and/or" where reference was made to contractors or vendors, explaining that "and/or" raises flags and suggested that it remain "or."

Mr. Dixon suggested separating the question regarding electronic signatures from the motion so that it can be taken up in discussion later.

Commissioner Wiggins accepted the suggestion and amended his motion to exclude those items.

Commissioner Shaw asked if it is appropriate for the Commission to vote on editorial changes and expressed discomfort with the process.

Ms. Schmith replied that the recommendations that have been made are very specific and staff has already made recommendations.

Commissioner Harris asked about the comments on the first page of

the motion, bullet number 4, and also about adding the word CD where it refers to floppy disk availability.

Ms. Schmith stated that the full name of the Florida Building Commission and the Advisory Council is listed and that they were being referred to parenthetically as the "Commission" and the "Council." Ms. Schmith then responded to the second part of the question with regard to CD's being available and stated that staff does have that capability.

Commissioner Browdy asked if the words "if possible" could be deleted from the section regarding the building official comments being on the waiver application.

Mr. Dixon responded that in the past building officials did not wish to provide a statement on the application recommending whether to approve or deny. He continued that the Commission's predecessor boards decided that it was not appropriate to require it in the application. Mr. Dixon stated that he didn't know that officials could be forced to make a statement.

Chairman Rodriguez concurred with Commissioner Browdy in the use of the words "if possible." He then suggested that "if any" be added after "building official's comments."

Commissioner Wiggins stated that he would prefer that the form state that the building official "must" complete that section of the form. He then expressed agreement with Commissioner Browdy in that it is important that the building official statement be on the form and stated that better language would be helpful.

Commissioner Bassett suggested that "PC format" be defined so that DCA will have no problems reading files, etc.

Commissioner D'Andrea suggested "it is strongly recommended" that the building official make a statement.

Ms. Schmith suggested that the Commission is only authorized to make changes in the Rule based on public comment. She recommended that the suggested changes decisions be finalized by vote on the motion currently on the floor.

Mr. Blair clarified the motion on the floor. Chairman Rodriguez called for a vote to approve the motion. Vote to approve the motion was unanimous.

Chairman Rodriguez expressed concern that by saying "if possible" rather than "if any," it appears to make it optional to the applicant when it should be optional to the building official.

Ms. Schmith recommended waiting until the next cycle to take up the verbiage in that section.

Mr. Dixon stated that the forms were being submitted electronically to the Commission and the question is how licensed professionals as well as the applicant are required to sign the form. He explained that the issue is whether the signatures can be provided electronically or if a hard copy supporting document would be required as well.

Ms. Schmith offered a brief summary of the newest law stating that electronic signatures could not be required. She continued that electronic transactions are being encouraged but in some cases compatible software is needed at both ends and it could be costly.

Mr. Blair asked if there is a recommendation on how staff should address the signature issue.

Ms. Schmith replied that the way it's currently being handled, sending a duplication of the signature page by mail, unless the applicants and all involved have the electronic signature capability. She stated that it could not be required for forms to be submitted electronically.

Mr. Schneider requested clarification regarding electronic format.

Chairman Rodriguez called for a motion to proceed with Rule adoption.

Commissioner Harris asked if an electronic form is filed with signatures, would a hard copy backup then be required.

Ms. Schmith replied that if the electronic signatures are applied, then a hard copy signature would not be required. She stated that a printed copy of the electronically signed document should suffice.

Mr. Schneider stated that in the practice of architecture and engineering, there is no law that allows electronically signed and sealed documents. He continued that they are required to emboss a seal on the document and stated that no licensed professional would electronically sign and seal a document under current law.

Ms. Schmith countered that there is a law which allows engineers to

electronically seal a document, however, concurred that there is not a law that allows architects to do so.

Commissioner Wiggins asked if Public Comment could be opened again.

Ms. Schmith stated that legally it was noticed that there would be a public hearing so having a second hearing within this time frame shouldn't be a due process problem.

Commissioner Browdy motioned to re-open Public Comment. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Public Comment

*D. T. Greiner, Director, Department of Growth Management,
Building Services Division, Lake County, Florida*

Mr. Greiner offered comment regarding the building official's statement section of the waiver application form. He stated that it is imperative that building officials have input in the accessibility process. He continued that it was very important to the Accessibility Council to understand the building official's perspective. Mr. Greiner stated that he would like to see it mandatory for the building official to make a statement, recognizing that it would not be possible to do that.

Pete Billing, Building Code Consultant, Sarasota, Florida

Mr. Billing suggested that on page 11 of the waiver application form, the words "if possible please have" be deleted and word it as follows: "the building official 'shall' complete this section." He continued that it would make the building official aware of the application and the process.

Ms. Schmith stated that deleting the words *if possible* would be okay, however, making it mandatory for the building official to complete the section would be contrary to statutory requirements for waivers. She continued that it would burden the applicant with delays in having their application expedited.

Mr. Billing then stated that if the form stated "please have the building official..." then the applicant may not even submit the application to the building official.

Chairman Rodriguez asked Mr. Billing about his thoughts on the wording "comments by the building official, if any."

Mr. Billing stated he had no problem with adding "if any" to the sentence as long as the building official would sign it and acknowledge the form and if they have no comment, they can simply write in "no comment."

Joe Crum, Building Official, Port Orange, Orange County, Florida

Mr. Crum offered comment that he thought it was important that the building official offer comment on the forms and he stated that "if any" would be okay as well.

Commissioner Harris agreed with Mr. Crum and Mr. Billing that the verbiage be changed to include the building official in the waiver application process.

Commissioner Shaw suggested that a solution to the delay issue for the applicants would be forwarding a copy of the application to the building department for comment.

Mr. Dixon offered comment addressing the concerns of building departments not being involved because building officials could not be required to make a statement on the form. He suggested that staff could call the building department to notify them of the application and if they have a comment they could appear before the Commission to provide that input.

Commissioner Bassett suggested that the wording reflect a signature of the building official or "proof of notification of building official."

Commissioner Thorne stated that on page 10 it states "certification of applicant" then on page 11 the "if possible" statement. He suggested that it could begin with "review and recommendation by local building department."

Mr. Richmond reminded the Commission of the case in Martin County, a challenge by the county to an accessibility waiver, where written notice would have to be provided by the Commission therefore delaying the application process.

Chairman Rodriguez asked for clarification regarding legal's recommendation to the wording. He asked if it was correct that legal

recommended no change to the wording as it is.

Mr. Richmond stated that striking *if possible* would be no problem but the statement could not make it mandatory for the building official to make the statement.

Mr. Schneider asked if an email address line could be added to the application.

Ms. Schmith responded that an email address line could be added.

Mr. Greiner recommended "review and comment" as opposed to "please."

Commissioner Bassett motioned to close the public hearing. Commissioner Browdy seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Commissioner Thorne motioned that "if possible please have the building official complete this section." Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Commissioner Wiggins motioned to add the email line to the application form. Commissioner Bassett seconded the motion. Vote to approve the motion was unanimous.

Commissioner Bassett motioned to proceed with rule adoption by filing the proposed changes. Commissioner Browdy seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Chairman Rodriguez called for any additional discussion regarding NOPC to the approved Code refinements 9B-3.

Mr. Dixon referenced the individual comments submitted in writing to the Commission prior to public hearing. (See *Tracking Chart Proposed Written Comments on the Florida Building Code November 2, 2001* Attachment.)

No discussion ensued. No action was necessary.

Commissioner D'Andrea motioned to file the Rule. Commissioner Carson seconded the motion. Vote to approve the motion was unanimous. Motion carried.

CHAIR'S DISCUSSION ISSUES AND RECOMMENDATIONS

Chairman Rodriguez stated it had been requested by Commissioner Calpini that additional members be named for the Elevator Ad Hoc Committee. He requested volunteers and asked Commissioner Calpini to speak to his request.

Commissioner Calpini responded, now that the committee has completed all of its objectives so the request may not be necessary. He continued that his initial request of a minimum number of committee members on all committees still stands.

Chairman Rodriguez then stated that December is a very important month for attending the Ad Hoc Committee meetings. He urged the Commissioners to attend the meetings, recognizing how difficult it can be at times. Chairman Rodriguez then expressed concern about the Code being delayed by the Legislature beyond January 2002 and explained how it had happened before and how important it was that the Commission was in consensus not to delay the Code. He applauded the Commission for their tireless efforts and for their patience in listening to many others and expressed appreciation for their presence every month.

Mr. Blair clarified the previous motion to move forward with rule adoption. He stated for the record that it was for Rule 9B-3.047.

REHAB CODE AD HOC COMMITTEE REPORT AND RECOMMENDATIONS

Commissioner D'Andrea reviewed the Rehab Code Ad Hoc Committee Report. (See *Rehab Code Ad Hoc Committee Report* Attachment to Facilitator Report.)

Commissioner Bassett motioned approval of the report. Commissioner Lipka seconded the motion.

Commissioner Wiggins offered comment regarding the issue of creating a rehab code for one and two family dwelling, owner occupied units. He stated that he thought it would be a violation to pass a building code that only applies to owner occupied buildings. He suggested that the recommendation be changed. Commissioner Wiggins continued that the owner occupied requirement is a provision that is developed by the government assisted housing and is a programmatic issue.

Chairman Rodriguez stated that there would be one more Committee meeting prior to making a recommendation to the Legislature

and that the motion on the table was only to accept the report.

Commissioner Lipka requested a legal opinion be submitted to advise whether it would be appropriate regarding the owner occupied building issue.

Vote to approve the motion was unanimous. Motion carried.

RULES OF PROCEDURE AD HOC REPORT AND RECOMMENDATIONS

Commissioner Browdy presented the Rules of Procedure Ad Hoc report and recommendations. (See *Rules of Procedure Ad Hoc Report Attachment to Facilitator's Report.*)

Commissioner Wiggins motioned approval of the Committee's recommendation regarding "specific needs". Commissioner D'andrea seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Commissioner Bassett motioned approval of the Rules of Procedure Ad Hoc Committee's request for staff to create a flow chart to simply illustrate the Code amendment and appeals process. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Commissioner Bassett motioned approval of the Rules of Procedure Ad Hoc Committee's report. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous. Motion carried.

EDUCATION AD HOC REPORT AND RECOMMENDATIONS

Commissioner Browdy presented the Education Ad Hoc report and recommendations. (See *Education Ad Hoc Discussions, Attachment to Facilitator's Report.*)

Commissioner Shaw offered comment regarding the requirement for field personnel. He stated that it is very difficult to get training to the employees and suggested that the contractor be trained on how to train his employees, a "train the trainer" approach.

Commissioner Wiggins motioned approval of the Education Ad Hoc report. Commissioner Thorne seconded the motion. Vote to approve the motion was unanimous. Motion carried.

**ELEVATOR EMERGENCY ACCESS AD HOC COMMITTEE
REPORT AND RECOMMENDATIONS**

Commissioner Calpini presented the report and recommendations of the Elevator Emergency Ad Hoc Committee. (See *Elevator Emergency Ad Hoc Committee Report*, Attachment to Facilitator's Report.)

Commissioner Wiggins motioned approval of the report and recommendations. Commissioner Lipka seconded the motion.

Commissioner Wiggins requested that Commission members be emailed regarding the specific recommendations from the committee to review them prior to the next meeting.

Mr. Dixon asked for clarification then agreed that the Commission would be e-mailed the specific recommendations from the Elevator Emergency Access Ad Hoc Committee.

Vote to approve the motion was unanimous. Motion carried.

**PRODUCT APPROVAL AD HOC REPORT AND
RECOMMENDATIONS**

Chairman Rodriguez stated that the Product Approval Ad Hoc Committee meeting was an open discussion with industry rather than a formal meeting. He asked Commissioner D'Andrea to explain what members in attendance had decided.

Mr. Richmond stated staff was going through the process of implementing the changes from the last Product Approval Rule Hearing. He continued that action had to be taken regarding publishing a Notice of Additional Hearing for Tuesday morning, December 4.

Commissioner D'Andrea stated that the Committee had three objectives for the scheduled meeting. He identified the five discussion items and briefly explained what the Committee would like to see happen with those issues. (See *Product Approval Ad Hoc Report*, Attachment to Facilitator's Report.)

Commissioner Bassett motioned to reconsider proceeding with a notice of proposal changes and to notice an additional hearing on the rule of proposed. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous. Motion carried.

SWIMMING POOL SAFETY ISSUES AD HOC COMMITTEE
(Declaratory Statement)

Commissioner D'Andrea presented the Swimming Pool Safety Issues Ad Hoc Committee Declaratory Statement. (See *Swimming Pool Safety Issues Ad Hoc Committee Declaratory Statement* Attachment.)

No action needed for report.

COMMISSION DISCUSSION/DECISION ON PETITION FOR
DECLARATORY STATEMENT ON SWIMMING POOL SAFETY
REQUIREMENTS FOR INDEPENDENCE OF WINDOW AND DOOR
ALARMS

Commissioner Browdy motioned to approve the Declaratory Statement.

Ms. Schmith stated that the Commission should vote on the Declaratory Statement DCA 01-DEC-144.

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

Commissioner Shaw requested that staff provide a courtesy copy of the Declaratory Statement to Senator Washerman-Schultz.

Ms. Schmith stated that she would send a copy to the Senator.

LEGAL STAFF REPORTS / DISCUSSIONS /
RECOMMENDATIONS
/APPROVAL

Ms. Schmith first reported on the Special Session of the Legislature. She stated that prior to Special Session, the Senate Committee on Comprehensive Planning Local and Military Affairs had a

regular interim meeting. She explained that serving on the committee are several senators who have sponsored the Building Commission's efforts; i.e.; Senator Constantine chairs the committee and Senator Clary serves as well as Senator Washerman-Schultz. She continued that Senator Washerman-Schultz went on record with supportive statements about the Commission stating that it was working really well.

Ms. Schmith then discussed the Special Session with regard to a couple of bills that were filed. She stated that Senate Bill 38-B was filed by Senator Clary, which would have delayed the Code to April 1 of next year. She furthered that the bill passed committee and passed the full Senate but was amended to delay until March 1 rather than April 1. She stated that the House introduced a companion to 30B, House Bill 31B which was never taken up in committee and never passed the House.

Ms. Schmith reported on what the Department of Community Affairs has done to assist with addressing the entities that raised the delay issue. She explained that a response had been submitted by Secretary Seibert addressing the concerns of the Florida Home Builders Association as expressed in their letter requesting delay of the Code. She stated that the primary concerns were regarding wind speed lines.

Chairman Rodriguez suggested that on issues that are of such interest to the Commissioners, the Commissioners get copies of the letters and such so that everyone has a copy at the same time.

Commissioner Bassett echoed Chairman Rodriguez's comments then added that if a bill is filed that effects the Code, that the Commissioners be notified.

Chairman Rodriguez concurred and stated that each Commissioner has their own constituents and supporters and should have a chance to appeal to them when issues arise.

Commissioner Wiggins stated that the Building Official's Association of Florida and the League of Cities had written to the Governor regarding the Builders Association issue and furthered that since there will be another Legislative session perhaps the Commission should go on record again recommending against delaying the Code with the argument that millions of dollars of projects are being designed according to the Code. He asked if it would be appropriate for the Commission to go on record again to request that the Code proceed without delay.

Chairman Rodriguez stated that not only would it be appropriate, it

would be helpful to the situation.

Commissioner Wiggins motioned that the Commission request that Legislature not delay in implementation of the Florida Building Code. Commissioner Lipka seconded the motion.

Commissioner Lipka stated that in some cases where the old Code was accepted, the new Code will not allow many of the requirements of that Code which could be very costly.

Vote to approve the motion was unanimous. Motion carried.

Ms. Schmith then referenced the Settlement Agreement and the Amendment to the Settlement Agreement. (*See Settlement Agreement between Florida Building Commission and Florida Home Builders Association and Amendment to Settlement Agreement Attachments.*)

Commissioner Browdy motioned approval of the Amendment to the Settlement Agreement in the case of the Florida Homebuilders vs. the Florida Building Commission case #00-125 2 RP dated October 17, 2000. Commissioner Wiggins seconded the motion.

Commissioner Bassett commented that he wanted to commend the Florida Home Builders for signing the Settlement Agreement.

Commissioner Wiggins asked for clarification regarding item number 10 on the Settlement Agreement. He asked if the three year update cycle was inferred or the annual cycle.

Ms. Schmith responded that the annual cycle was referenced in item 10.

Vote to approve the motion was unanimous. Motion carried.

UPDATE ON BUILDING CONSTRUCTION PERMITTING AND INSPECTION TASK FORCE

Adjunct Commissioner Murdock presented an update on the Building Construction Permitting and Inspection Task Force. (*See Building Construction Permitting and Inspection Task Force Update Attachment.*)

Commissioner Shaw asked if as a contractor he could ask his owner

for his inspection to be done by a private contractor.

Commissioner Murdock stated that the process is an all or nothing process, plan review or inspection, which means that it is established at the building department at the time the permit is applied for.

Commissioner Wiggins stated that he was also serving on the Task Force and responded to Commissioner Shaw's question stating that the decision has not been finally determined.

Commissioner Shaw stated that he sees an opportunity for a new industry.

Commissioner Walthour asked how the fire prevention inspections or plan review fit into this process and asked where the inspectors would sign off on the form.

Commissioner Murdock replied that fire review has to be done prior to permitting. He stated that the Task Force did not really discuss the fire issues.

Commissioner Browdy asked if the Task Force addressed the issue of delegating authority for statewide permits or master permits.

Commissioner Wiggins asked for clarification.

Commissioner Browdy stated that instead of applying for a prototype building permit on a jurisdictional basis using the alternative method instead, such as a master permit.

Commissioner Murdock referred the issue to legal.

Mr. Richmond stated that legal had been working on the prototype building process and that the alternative is not provided for in law. He then stated that it would be a privatized entity to provide those statewide plan review and master permitting.

Commissioner Browdy asked that it be included in the Task Force's agenda for the next meeting. He then asked if it would be possible to have inspections privatized without plan review.

Commissioner Murdock replied that the issue had not been addressed by the Task Force but he would place it on the agenda for the

next meeting.

Commissioner Shaw asked if he would be able to attend the meeting in Fort Myers to discuss the issue and asked if fire service inspections would be included in the agenda.

Commissioner Wiggins stated that Commissioner Shaw may wish to obtain a copy of the prospective plan providing the time figures for plan review and inspection. He continued that there is a draft Legislation for the time scheduling for contractors to notify the building department which is not really improved.

Commissioner Shaw stated that it would be to his advantage to be able to call a private inspector to do the inspection when the homeowner is at home.

Commissioner D'Andrea asked if a person comes to the building department and states that they are using the alternative method, then that's final.

Commissioner Murdock concurred that it is all or nothing.

Mr. Richmond cautioned the Commission regarding the privatization Task Force and any Commissioners attending the Task Force Committee meeting. He stated that one Commissioner has been assigned to represent the cities, Commissioner Wiggins, and if others are present and discussion ensues, there could be a Sunshine Law violation.

Commissioner Bassett commented on the 48-hour notice to the building department for private inspections and stated that he sees a problem with the official being available. He suggested that some thought should go into the qualifications of the alternate inspectors.

Commissioner Murdock stated that it was determined by the Task Force that the designated representative be either an engineer or architect or be certified under 468 to conduct the proper inspections.

PRESENTATION BY FDOT ON TURNPIKE FACILITY

PERMITTING
AND CODE ENFORCEMENT

Ms. Schmith spoke on the issue of enforcement of the Code. She stated that the Commission recommended that certain state agencies be allowed to retain their authority. She continued that last year the DOT included in their presentation that the code should be enforced for DOT Turnpike facilities by their agency and that DOT receive their enforcement authority back.

Mr. Dixon stated that final recommendations to the Legislature would be considered at the December meeting.

Chairman Rodriguez asked for clarification on action from the Commission and whether it can be taken if the DOT representative is present or not.

Ms. Schmith stated that the Commission can take action and she agreed to try to meet with a representative from DOT before the next Commission meeting.

Commissioner Browdy suggested that a formal request from FDOT be made to the Commission in writing and then if a representative is not available for discussion or questions, the Commission can take action based on the written request. He then asked if there is any experience with FDOT or other state agencies not being required to comply with local ordinances and regulations.

Ms. Schmith responded that she would research that and submit the findings.

Commissioner Sanidas stated that his area has been contacted by FDOT to handle particular projects.

Commissioner Bassett motioned that the Electrical TAC be directed to begin its consideration of the 2002 NEC so that it would be available as early as possible.

Chairman Rodriguez stated that staff had already been notified.

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

Commissioner Parrino stated that FDOT went on record expressing concern with the Turnpike building and its rural location.

PUBLIC COMMENT

*Joe Hetzel, Technical Director, Door and Access Systems
Manufacturer's Association, Cleveland, Ohio*

Mr. Hetzel stated that his company supports the requirements for quality assurance as contained in the current product approval rule draft. He continued that it is still believed that the market is a determining factor in the effectiveness of a manufacturer's quality assurance program. He furthered that the Commission should rely on databases maintained by various certification agencies for products certified for use in the state of Florida. (See *Joe Hetzel Public Comment Attachment*.)

Joe Crum,

Mr. Crum thanked the Commission for all the work they have done. He expressed gratitude on behalf of the Building Officials Association of Florida, the Volusia County chapter and the Central Florida chapter.

REVIEW COMMITTEE ASSIGNMENTS AND ISSUES FOR DECEMBER'S COMMISSION MEETING

Mr. Blair conducted a facilitated review of the Committee assignments and issues. (See *Facilitator's Report Attachment*.)

SUMMARY AND REVIEW OF MEETING WORK PRODUCTS

Chairman Rodriguez briefly reviewed the meeting work products. He stated that the Commission had conducted an additional Rule Adoption Hearing for Accessibility Code Requirements. He continued that the Commission had approved changes to the Accessibility Code amendment, had reviewed and adopted a Commission Workplan and had considered the Chair's discussion issues. He stated that the Commission had considered the Rehab Code and Ad Hoc Committee report as well as the Rules of Procedure Ad Hoc report, the Education Ad Hoc report and recommendations, the Elevator Emergency Access Ad Hoc report, the Product Approval report, the Swimming Pool Safety Issues Ad Hoc Committee's recommendations and that they had discussed and decided on the Declaratory Statement. He furthered that

the Commission had decided on the Settlement Agreement amendments as presented, considered an update on Building Construction Permitting and Inspection Task Force, heard FDOT concerns as expressed by Suzanne Schmith, and had reviewed the assignments for December's Commission meeting.

No further business was discussed and Chairman Rodriguez called for a motion to adjourn the Plenary Session.

ADJOURN

Motion was entered and seconded to adjourn the meeting. Meeting was adjourned at 1:02 p.m.