

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

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JEB BUSH
Governor

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Secretary

**BOARD MEETING
OF THE
FLORIDA BUILDING COMMISSION**

**PLENARY SESSION
January 14, 2003**

PENDING APPROVAL

The meeting of the Florida Building Commission was called to order by Chairman Raul Rodriguez at 9:00a.m. on Tuesday, January 14, 2002, at the Rosen Centre Hotel, Orlando, Florida.

COMMISSIONERS PRESENT:

Raul L. Rodriguez, AIA Chair
Dan Shaw
Hamid Bahadori
Michael McCombs
Craig Parrino
Herminio Gonzalez
George Wiggins
Leonard Lipka
Christ Sanidas
Richard Browdy
Stephen Corn
Dale Greiner
Paul Kidwell
Do Y. Kim
Ed Carson
Steven Bassett

COMMISSIONERS ABSENT:

Peggy Patterson
John Calpini
Karl Thorne
Nick D'Andrea
Suzanne Marshall
Doug Murdock, Adjunct Member

OTHERS PRESENT:

Rick Dixon, Executive Director
Ila Jones, DCA
Jim Richmond, Legal Advisor
Tim Dennis, Legal Advisor
Jeff Blair, FCRC

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WELCOME REVIEW AND APPROVAL OF AGENDA

Chairman Rodriguez opened the meeting welcoming Commissioners and gallery to the first meeting of 2003. He then directed the Commission to Mr. Blair for a review of the meeting agenda.

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

Commissioner Wiggins moved approval of the meeting agenda. Commissioner Parrino seconded the motion. Vote to approve the motion was unanimous. Motion carried.

REVIEW AND APPROVAL OF DECEMBER 14, 2002 MEETING MINUTES

Chairman Rodriguez opened for discussion and approval of the December meeting minutes.

Commissioner Wiggins moved approval of the December 14, 2002 meeting minutes. Commissioner Corn seconded the motion. Vote to approve the motion was unanimous. Motion carried.

REVIEW AND UPDATE OF COMMISSION WORKPLAN

Mr. Dixon conducted a review of the Commission workplan as it appeared in each Commissioner's agenda packet.

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

CHAIR'S DISCUSSION ISSUES AND RECOMMENDATIONS

Chairman Rodriguez stated there were several issues to report and discuss. He stated the first issue concerns the Joint Administrative Procedures Committee (JAPC) in terms of their rejection of the Board of Architectures' (BOA) electronic signature seals rule due to BOA's lack of statutory authority. Chairman Rodriguez explained electronic seals are important to the successful implementation of the Prototype Building's Program and the BOA is seeking the Commission's support for their effort to obtain statutory authority.

Commissioner Lipka offered comment in support of the architects obtaining statutory authority.

Commissioner Greiner offered comment in the form of a motion recommending the Commission support the BOA in its attempt to obtain statutory authority and explained it is important to the prototype process as well as to internet permitting. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Chairman Rodriguez then opened discussion concerning the core Building Code Course stating Section 553.841 currently requires licensees to complete the Building Code Training Program Core within two years of the curriculum becoming available. He stated the licensees would then be required to comply by May 2003 and explained the core courses requirement would work better if it coincided with license renewal schedules. He further stated that if the Commission agrees with the licensees' core requirement aligning with the renewal cycles, a request to the Legislature must be entered for approval during the upcoming session.

Mr. Dixon stated the Landscape Architect's Licensing Board had requested the Commission recommend the change.

Commissioner Lipka offered comment expressing disagreement with the alignment of the core and license renewal schedules. He stated there has been ample time for preparation for renewals and meeting core requirements. He suggested the core curriculum should remain a separate issue from the renewal process.

Mr. Dixon then added that from staff's perspective the issue should be viewed as cooperation with the licensing boards. He stated some flexibility would help in creating a good relationship with the licensing boards noting there are difficult issues the Commission will be requesting the cooperation of the licensing boards later in the year. He advised the Commission to carefully select the issues on which to disagree with the licensing boards.

Commissioner Shaw asked if it is critical that license renewal coincide with when the course was taken.

Mr. Dixon responded stating the issue is most licensees wait until the last three months before taking their continuing education courses

and aligning with the deadline for taking the core course with license renewal deadlines would make sense.

Commissioner Shaw moved approval of recommending a Legislative change to align the core course deadline with the license renewal deadline. Commissioner Wiggins seconded the motion.

Commissioner Bassett stated a year ago licensees renewed licenses and were given the opportunity to take the course before renewal. He stressed there is no difference in the situation than half of the licensees in the state who must take the course before May 1, 2003 regardless of when their license is up for renewal. He stated there has been more than two years notice of requirement to take the course as well as two years since it became effective. He continued stating there have been many opportunities to take the courses and there are three courses offered prior to May.

Mr. Dixon stated that during the negotiations of the Study Commission there were discussions concerning providing sufficient time to take a core course and two years was selected because the license renewal cycles were two years. He added providing more time to get the core curriculum is not an unreasonable request.

Chairman Rodriguez expressed agreement with all comments which had been made then stated the issue is more about creating relationships. He stated it is not a life or death issue but it would create goodwill with the landscape architects. He noted there had been sufficient time for the requirement to be met but it is not a big deal.

Commissioner Bassett added he appreciates the need to develop rapport with the landscape architects however there had been many groups who have made commitments for meeting space and hotel space during the next three months to accommodate the crowd which will attend. He continued stating if the deadline is postponed there will be no one attending the meetings.

Commissioner Lipka expressed agreement with Commissioner Bassett.

Chairman Rodriguez called for a vote on the motion. Vote resulted in 10 in favor; 6 opposed. Motion failed.

Chairman Rodriguez reported the Commissions Report to the 2003

Legislature had been written and reviewed and the Commission actions on the two Chair Discussion issues would be added to it. He stated once the items are added the report would be available on the internet and each Commissioner will be mailed a hard copy of the report.

Chairman Rodriguez opened discussion regarding the adoption scheduled for the 2003 Code amendments. He reminded the Commission there were a variety of strategies for proceeding with the implementation of the adopted Code amendments and it was decided they would become effective on June 30, 2003. He noted there is only one option that will ensure implementation by June 30 and that it is for the Commission not to hold another rule adoption hearing for the noticed changes. During the February Commission meeting any comments concerning the changes would be reviewed, then move forward to file the rule with the Department of State. He further noted there is an additional option available, if the Commission feels there is a compelling reason it would schedule another rule hearing. Chairman Rodriguez expressed his recommended action will be not to hold another rule adoption hearing but to review any changes during the February meeting then pending any critical amendments the rule would be filed with Department of State.

Chairman Rodriguez then opened discussion on the 2004 Code update process and directed the Commission to Mr. Dixon for staff's recommendation.

Mr. Dixon referenced the *2002 Amendment Process; Proposed 2003 Amend Process* document which was included in each Commissioner's packet. He then conducted a review of the outline for the process.

Commissioner Browdy moved approval of the 2003 amendment process. Commissioner Wiggins seconded the motion.

Commissioner Bassett requested clarification on behalf of the TACs reviewing the proposals and the changes that will be allowed after they are posted on the internet.

Mr. Dixon responded stating the TACs will review proposals and make recommendations to the commission as the first step of the Code development process but after that there is no formal review by the TACS. During the rule development process they can provide comment or make other recommendations like any other party.

Mr. Richmond added the TACs could make a recommendation to the

Commission but the recommendation must contain all of the supportive cost data as well as the state of Florida supportive data.

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

Chairman Rodriguez opened discussion regarding the TAC and POC member reappointments stating the chairs should review their membership for attendance and participation at committee meetings and be prepared to make recommendations during a special TAC chair discussion regarding any changes. He stated the committee chairs meeting will take place during the February meeting and TAC assignments will be discussed as well as any issues requiring direction or guidance. Chairman Rodriguez reminded the Commission to follow the ANSI representation requirements the TACs follow stating three members should be consumers, three members should be producers, and five members should be general interest members.

Commissioner Bassett asked if the TAC/POC members list could be distributed again to the committee chairs.

Chairman Rodriguez concurred then opened discussion regarding a rule development workshop. He stated a rule development workshop on the non-binding advisory opinions process needed to be scheduled for the February meeting.

Commissioner Browdy moved approval to hold a rule development workshop at the February Commission meeting. Commissioner Lipka seconded the motion. Vote to approve the motion was unanimous.

CONSIDERATION OF ACCESSIBILITY WAIVER APPLICATIONS

Mr. Mellick addressed each waiver application as they appeared in the Commissioner's agenda packets.

#1Crispin, Porter, Boguski Office Interiors

Mr. Mellick presented the case which was deferred from the December Commission meeting. He noted the applicant was not present for the Council meeting but called staff to request an additional deferral since it was not a time-specific deferral for more time to gather information.

Commissioner Browdy moved approval of the Council's recommendation to defer until February. Commissioner Sanidas seconded the motion. Vote to approve the motion was unanimous. Motion carried.

#2 Rene Ruiz Couture

Mr. Mellick presented the case stating it was withdrawn by the petitioner.

No action necessary.

#3 Jackson Kirschner Architect Office

Mr. Mellick stated the case was an application for waiver from vertical accessibility to the second floor of a two-story tenant space. He stated the Council recommended approval of the waiver based on twenty percent disproportionality.

Commissioner Browdy moved the recommendation of the Council to approve the request for waiver. Commissioner Richardson seconded the motion. Vote to approve the motion was unanimous. Motion carried.

#4 The Merritt Square Mall Cobb Theatre

Mr. Mellick presented the request stating it was a request for waiver from vertical accessibility to all rows of seating in a new \$5.5 million sixteen screen theater. He stated following much discussion and presentation and alterations by the applicant which concurs with the Council's suggestions, the Council recommended approval of the waiver based on the submitted changes and on technical infeasibility.

Commissioner Richardson moved approval of the Council's recommendation to approve as amended. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous. Motion carried.

#5 Jacksonville Museum of Modern Art

Mr. Mellick presented the case stating it was a request for waiver from vertical accessibility to all rows of seating in a 140 seat auditorium. He stated following presentation and discussion the Council recommended deferring the waiver request to provide the applicant more

time to re-submit the request with more details included.

Commissioner Richardson moved approval of the recommendation of the Council to defer the request. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous. Motion carried.

**RULE DEVELOPMENT WORKSHOP FOR RULE CHAPTER 9B-72,
PRODUCT APPROVAL**

Mr. Richmond stated Rule 9B-72 was noticed for rule development workshop at the December Commission meeting. He then called the workshop to order.

Chairman Rodriguez called for public comment regarding rule development for Chapter 9B-72, Product Approval.

Dennis Braddy

Mr. Braddy offered comment stating the Product Approval POC met and it was suggested that a flat fee for product approval manufacturers. He expressed his support for the idea but reported the committee had chosen a different route. Mr. Braddy noted by changing to a flat fee for the manufacturers there could also be an annual renewal process which would generate additional income for the product approval system year after year. He then stated not implementing a flat fee will result in additional staff time to make decisions on any variations of products which may be submitted. Mr. Braddy offered support for a flat fee of \$1,000 with a renewal fee which could be determined after one year.

Commissioner Carson reported the POC has met three times on rule 9B-72 resulting in approximately fifteen hours of discussion. He noted the fee issue presented the most difficulty in reaching agreement. He stated the final proposal was approved 3-1 to implement a fee of \$300 per subcategory with renewal every two years.

Mr. Blair began a facilitated workshop concerning Chapter 9B-72 rule development. He conducted a brief review of the changes to the rule with the aid of overhead projection. (See *Product Approval System Issues; January 13, 2003 Attachment.*) He suggested that following the review and discussion a motion to proceed with rule adoption would then be appropriate.

Commissioner Wiggins requested clarification regarding the \$300

per subcategory asking if single-hung windows would be one category and double-hung another, etc.

Mr. Blair responded defining the product is a separate issue from categorizing the product, which would be considered at a later time.

Mr. Dixon offered confirmation for Commissioner Wiggins stating the manufacturers may also carry multiple lines of double or single-hung windows. He explained all the lines of double-hung windows would be in one sub-category and the single-hung lines another, and so on.

Mr. Blair continued reviewing the changes to the rule as they appeared on the overhead presentation.

Commissioner Bassett expressed concern regarding a process for obtaining different types of products. He stated there had been a presentation on equipment tie-down which is not in the seven listed categories. He posed to the Commission whether statewide approval is desired on products used to tie-down equipment.

Mr. Dixon responded stating the proposed approved list would not cover such tie downs of equipment.

Commissioner Lipka offered comment stating the issue had been discussed many times and equipment cannot be pre-approved without knowing where and how it will be attached to the building. He stated it must be left to the local building official to approve the equipment after it has been installed and attached.

Commissioner Wiggins asked what the general provision is for products resulting from a new technology.

Mr. Blair responded stating the issue is specific to statewide approval. He stated it allows a process for introducing new products in the optional categories.

Mr. Dixon added the new technologies are not limited to the seven categories as the rule is proposed but include any building envelope component. He stated it provides no preferential treatment as the products must go through a standardized or custom evaluation and it must be validated.

Mr. Blair then continued reviewing the product approval changes.

Discussion and comments regarding the changes ensued.

Commissioner McCombs moved approval to proceed with rule adoption. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Mr. Richmond then closed the rule development workshop.

LEGAL REPORTS:
UPDATE ON FPSA CHALLENGE OF POOL ALARM STANDARDS
AND OTHER ISSUES

Mr. Richmond opened discussion on the rule challenge stating the administrative law judges have not entered an order to date for the rule challenge concerning battery powered swimming pool exit alarms. He stated the attorney/client session for this meeting has been canceled. Mr. Richmond then suggested rescheduling the session for February's meeting which requires the chair's concurrence. He added there would be a two week time period in which he would be required to file a Notice of Appeal. He furthered if an adverse decision is received, there would be thirty days to appeal the decision to a district court. He recommended the Commission grant him authority to file the Notice of Appeal on the Commission's behalf. He added should the Commission decide in February that an appeal was not the appropriate avenue it could be withdrawn.

Commissioner Greiner moved approval to grant Mr. Richmond authority to appeal the administrative law judge's decision regarding rule challenge concerning battery operated swimming pool alarm systems. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous. Motion carried.

PETITIONS FOR DECLARATORY STATEMENT

Mr. Blair explained the Commission's Declaratory Statement Process which was adopted unanimously in March 2002.

SECOND HEARINGS

DCA02-DEC-272 by Ari Sklar, Sklarchitecture

Mr. Dennis presented the request for declaratory statement stating it was recommended for dismissal.

Commissioner Corn moved approval for dismissal. Commissioner Greiner seconded the motion. Vote to approve the motion was unanimous. Motion carried.

DCA02-DEC-289 by Grant Tolbert, Hernando County Development Department

Mr. Dennis presented the request for declaratory stating it had been heard by the appropriate TAC for recommendations to the Commission. He stated the TAC concluded the answer to question 1 was "no" with regard to the issuance of a permit based on engineered plans without calculations showing the gable end wall not continuous from floor to roof or ceiling diaphragm. He stated the wall must be structurally continuous not necessarily of the same material as the issue of continuity refers to the structural continuity of the wall being maintained to assure resistance to all lateral and vertical loads for the full height of the wall.

Mr. Dennis then presented the TAC's response to question 2 concerning a similar issue with the exception of demonstrating an equivalency with Sections 2117.1.2 and 2313.4.2. He stated the TAC's answer to the question was the same as question 1.

Chairman Rodriguez called for public comment.

Commissioner Wiggins moved approval of the declaratory statement subject to changing the date to 2003. Commissioner Greiner seconded the motion.

Commissioner Bassett stated a similar situation occurred in Broward and Dade counties. He continued stating the building official can request the calculations then asked if the official would be qualified to follow through to ensure accuracy.

Commissioner Kim responded stating the Structural TAC had discussed the issue and he stated the Code is clear that the building official has the right to request the calculations. He added it could be reviewed by a staff engineer or the calculations could be forwarded to the Board of Professional Engineers if deemed inappropriate.

Vote to approve the motion was unanimous. Motion carried.

DCA02- DEC-342 by Pete Quintela, Miami-Dade County Code Compliance & DCA02-DEC-356 by Oriel Haage, Miami Dade

County Code Compliance

Mr. Dennis stated the requests involve waiving permits and minor repairs requirements and identifying limitations. He stated the response stated it was left to the discretion of the local authority to determine what minor repairs are and when they are authorized.

Commissioner Greiner moved approval of the declaratory statements. Commissioner Carson seconded the motion. Vote to approve the motion was unanimous. Motion carried.

DCA02-DEC-352 by David Bishop, Fawley-Bryant Architects, Inc.

Mr. Dennis presented request for declaratory statement stating the petitioner had faxed a request to table the request until next month's hearing.

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

DCA02-DEC-355 by Greg Doyle, Florida Roof Deck Association

Mr. Dennis presented the request stating the petition seeks interpretation in response to two questions; one concerning Section 104.5.2 of the Code asking if authority is given to the local building official to require a lightweight insulated concrete applicator to obtain special inspections or hire an architect or engineer to perform those inspections; and if Section 104.1.1 of the Code give the local building official authority to require a lightweight insulating concrete applicator to obtain a special permit in order to apply the material. He continued stating the TAC responded to question 1 stating yes if the local building official's opinion is that the insulation conditions are hazardous or complex; and in response to question 2 the TAC's answer was that a permit be obtained for all works that are required to meet the standards of the Code and requiring a special permit would be within the administrative authority of the building official.

Commissioner Browdy directed a question to the building officials present during the meeting asking what specific conditions would require a special permit. He stated the answer to the declaratory statement was broad and requested clarification in terms of whether a building official

might abuse the special permit requirement.

Commissioner Greiner responded stating usually specific situations are covered by local ordinances. He stated Coral Gables would be an example of a local area requiring special permits for painting and other maintenance projects.

Commissioner Browdy stated it was pointed out that the reason for a special permit would be the project is either hazardous or complex.

Commissioner Gonzalez stated in Dade County there is a program incorporated by the building officials requiring a special inspector when the job is of unusual size or characteristics.

Vote to approve the motion was unanimous. Motion carried.

FIRST HEARING

DCA02-DEC-271 by Jack McStravic, Lee County Division of Development Services

Mr. Dennis presented the request stating the petition was recommended for dismissal for nonspecificity.

Commissioner Corn moved approval to dismiss. Commissioner Wiggins seconded the motion. Motion to approve was unanimous. Motion carried.

DCA02-DEC-366 by Kim Northard, Kid Safe Pool Nets

Mr. Dennis stated legal recommended the petition be referred to the local authority for consideration through the local appeals process.

Commissioner Greiner moved approval for legal's recommendation. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous. Motion carried.

DCA02-DEC-354 by Lawrence Bennett, Civil & Structural Engineering

Mr. Dennis presented the request stating the TAC voted to dismiss due to lack of sufficient information.

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

DCA02-DEC-369 by Joe Hetzel, DASMA

Mr. Dennis presented the request stating the petitioner is asking for clarification concerning a project located at the Beligio at Fiddler's Creek in Tampa by asking three questions. He stated the TAC's response to question 1 was Section 1705.1 is applicable to in-place construction where the Code does not provide specific testing standards. He continued stating a garage door is required to be tested using a pre-construction load test in accordance with the testing procedure outlined in Section 1707.4.3 of the Code.

Mr. Dennis stated the TAC's answer to question 2 concerning Section 1621.1 was yes they are separate. He explained the 150% is a testing criteria requirement stating a garage door is to be tested to 1.5 times the wind design load.

Mr. Dennis then addressed question 3 stating the TAC's response was that calculations in ASCE 7 include the use of the k_d factor should the KD factor for garage doors be .85.

*Joel Hetzel, Technical Director of the Door & Access Systems
Manufacturer's Association*

Mr. Hetzel stated he is a registered professional engineer in the state of Florida and offered support for the TAC recommendations concerning the declaratory statement. He expressed great concern regarding professional engineers in the state of Florida who take liberties with technical provisions for windloads on garage doors. He stated the engineers seem to be ignoring the technical basis regarding what is or is not appropriate to do.

Commissioner Carson moved approval of the TAC's recommendation. Commissioner Browdy seconded the motion. Vote to approve the motion was unanimous. Motion carried.

DCA02-DEC-357 by Oriel Haage, Miami-Dade County Code
Compliance

Mr. Dennis stated the response to the petition had been approved during the last Commission meeting conditioned upon the fact that the petitioner revised the request to address a specific project. He stated the petitioner had met the Commission's condition for revision.

Chairman Rodriguez called for public comment.

Commissioner Carson moved approval of the Commission's recommendation. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous. Motion carried.

DCA02-DEC-359 by William Brewer

Mr. Dennis stated the request had been withdrawn by the petitioner.

DCA02-DEC-365 by Peter Schwab, Wayne Automatic Fire Sprinklers, Inc.

Mr. Dennis presented the request stating the TAC's response to question 1 was the building official has authority over sprinkler provisions as it relates to the requirements of the Florida Building Code. He continued stating the TAC's answer to question 2 was the Florida Building Code, Chapter 9 applies. Mr. Dennis then addressed question 3 stating the TAC's response was NFPA 13. He added staff and legal had discussed the issues pertaining to the declaratory statement and may consider developing more technical insight as a result of the declaratory statement.

Commissioner Greiner stated the TAC's responses to questions two and three are correct. He then explained the TAC's answer to question one should have been yes because the Florida Building Code was the dominating document and the building official has the final authority concerning the issue. He then requested the response be changed and moved approval of the declaratory statement as amended. Commissioner Wiggins seconded the motion.

Mr. Richmond responded the question as proposed by the proponent reads: "...is the building official the final deciding authority for the type of fire sprinkler system required for this building?" He stated under the Florida Building Code the building official is the final deciding authority, however not under the Fire Code.

Mr. Dixon posed whether the Fire Code also requires sprinkler

system 13.

Commissioner Greiner countered the only thing that applies to the building in the declaratory statement is the Florida Building Code, Section 9.

Mr. Richmond stated the Commission can say what the building official can do. He continued stating the Commission does not have greater authority than anyone else concerning this issue.

Commissioner Greiner stated the question asked who is the final deciding authority for the type of sprinkler system in the type of building as described in the petition; he furthered the answer is the building official.

Vote to approve Commissioner Greiner's motion to approve as amended was unanimous. Motion carried.

Mr. Dennis then presented a list of requests for declaratory statements which had been dismissed by legal as follows:

DCA02-DEC-017 Pestiol, Inc.
DCA02-DEC-036 Backpack, Inc.
DCA02-DEC-060 Triadyne Safety Systems, LLC
DCA02-DEC-061 Triadyne Safety Systems, LLC
DCA02-DEC-062 AirTend Air Conditioning Contractors
DCA02-DEC-063 DASMA International
DCA02-DEC-071 Hoosier Bay Industries, Inc.
DCA02-DEC-073 Mermaid Pools of Central Florida
DCA02-DEC-077 George S. Pellington, PE
DCA02-DEC-113 PLC Engineering
DCA02-DEC-124 Miami-Dade Water and Sewer
DCA02-DEC-127 Mike Morello, Inc.
DCA02-DEC-130 Dr. Jack Reinhardt, Inc.
DCA02-DEC-132 Isonene, Inc.
DCA02-DEC-133 Portable Fence and Screen, Inc.
DCA02-DEC-174 Florida Power and Light
DCA02-DEC-178 Larry Banks
DCA02-DEC-206 Charles Purvis, Architect
DCA02-DEC-208 City of New Port Richey

COMMITTEE REPORTS AND RECOMMENDATIONS

Accessibility TAC

Commissioner Corn presented the report of the Accessibility TAC. (See *Accessibility Technical Advisory Committee Meeting Minutes Attachment.*)

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

Fire TAC

Commissioner Greiner presented the report of the Fire TAC meeting. (See *Fire Technical Advisory Committee Minutes Attachment.*)

Commissioner Corn moved approval to adopt the TAC's report. Commissioner Carson seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Structural TAC

Commissioner Parrino presented the report of the Structural TAC meeting. (See *Structural Technical Advisory Committee Meeting Minutes Attachment.*)

Commissioner Carson moved approval of the report. Commissioner Kidwell seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Education Program Oversight Committee (POC) and TAC

Commissioner Browdy presented the report of the Education Technical Advisory Committee meeting (See *Education Technical Advisory Committee Meeting Minutes Attachment*) and the report of the Education Program Oversight Committee meeting. (See *Education Program Oversight Committee Meeting Minutes Attachment.*) He stated the committees were held simultaneously in order to address issues specific to both groups.

Commissioner Lipka moved approval of the TAC and POC reports. Commissioner Parrino seconded the motion. Vote to approve the motion

was unanimous. Motion carried.

Commissioner Lipka moved approval to seek Legislative authority to create an FBC Education Accreditation Process the Florida Building Commission. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Commissioner Browdy reported additional statistical information stating the number of individuals trained by the Florida Building Commission: licenses 53,237; licensees 45,463; total multiple licenses and courses submitted to date 63,416.

Product Approval/Prototype Building/Manufactured Buildings Programs Oversight Committee (POC)

Commissioner Carson presented the report from the meeting of the PA/PB/MB POC. (See *Product Approval/Prototype Building/Manufactured Buildings Program Oversight Committee Meeting Minutes Attachment*.)

Commissioner Carson stated two applications had been submitted for product approval entities:

Miami-Dade County Building Code Compliance Office -
Certification Agency

Commissioner Browdy moved approval of MDCBCCO as a certification agency. Commissioner Parrino seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Omega Point Laboratories - Certification Agency

Commissioner McCombs moved approval of Omega Point Laboratories as a certification agency. Commissioner Parrino seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Commissioner Carson then presented four recommendations for disciplinary procedures for the Manufactured Building Program for inclusion in the Commission's 2003 Report to the Legislature. He stated at a previous meeting a document was reviewed, discussed, and amended and resubmitted and the committee recommended approval by the Commission.

Commissioner Lipka moved approval of the committee's recommendation. Commissioner Parrino seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Commissioner Carson recognized the work of staff in their help with the product approval process. He expressed great appreciation to staff as well as Mr. Blair and legal.

Commissioner Kidwell moved approval of the report. Commissioner Greiner seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Mr. Dixon conducted a review of the 2003 of the Florida Building Code revision process approved earlier as it relates to the schedule of Commission meetings.

Commissioner Browdy moved approval of the revised meeting schedule to include establishing a meeting in June 2003. Commissioner Kim seconded the motion. Vote to approve the motion was unanimous. Motion carried.

PUBLIC COMMENT

Kari Hebrank, Florida Building Materials Association

Ms. Hebrank offered comment regarding the product approval rule; the fee issue; auditing; and certification agency products both on the statewide and local levels. It was requested Ms. Hebrank submit her comments in writing. (See *Carrie Hebrank Public Comment Attachment.*)

REVIEW COMMITTEE ASSIGNMENTS AND ISSUES FOR COMMISSION'S JANUARY MEETING

Mr. Blair opened discussion for committee assignments and meetings for the February meeting. It was decided all committees need to meet in February.

SUMMARY AND REVIEW MEETING WORK PRODUCTS

Chairman Rodriguez stated the Commission had decided on the Chair discussion item and on accessibility waiver applications. He continued stating the Commission had held a Rule Chapter 9B-72 Product Approval rule development workshop; had heard and decided on legal

reports and recommendations; and had decided on first and second hearing declaratory statements. Chairman Rodriguez then stated the Commission had heard and approved TAC and POC reports and recommendations and had heard public comment.

Commissioner Bassett noted there is a commentary on the federal ADA and requested the Commission be provided a copy as an educational tool.

Mr. Madani responded the commentary is available from U.S. Access Board and the Department of Justice and stated copies would be obtained and provided.

Commissioner Sanidas asked if there was a response from FDBPR regarding the licensing exams.

Mr. Dixon responded that as a result of the Commission's action on the education program during the December meeting, he had suggested combining a notice to the boards rather than submit two separate letters. He stated the letter to the licensing boards is being written to ask what code they are testing on and if the boards want the core curricula requirement for new licenses to be met through licensing exams..

ADJOURN

No further business discussed, meeting adjourned at 11:47 am.