



STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

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Governor

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Secretary

**BOARD MEETING
OF THE
FLORIDA BUILDING COMMISSION**

**PLENARY SESSION MINUTES
March 15 & 16, 2005**

PENDING APPROVAL

The meeting of the Florida Building Commission was called to order by Chairman Raul Rodriguez at 2:04 p.m., on Tuesday, March 15, 2005, at the Radisson Mart Plaza Resort, Miami, Florida.

COMMISSIONERS PRESENT:

Raul Rodriguez, Chairman
Christopher P. Schulte
Randall J. Vann
Michael C. McCombs
Hamid J. Bahadori
Craig Parrino
Herminio Gonzalez
George J. Wiggins
John Calpini
Christ T. Sanidas
Peter Tagliarini
Nicholas "Nick" D'Andrea
Richard Browdy
Dale Greiner
Jeffrey Gross
Paul D. Kidwell
Do Y. Kim

Joseph "Ed" Carson
John Hamrick
Steven C. Bassett

COMMISSIONERS ABSENT:

Doug Murdock, Adjunct Member
Diana B. Richardson
Stephen Corn

OTHERS PRESENT:

Rick Dixon, Executive Director
Ila Jones, DCA Prog. Admin.
Jim Richmond, Legal Advisor
Leslie Anderson-Adams, Legal Advisor
Jeff Blair, FCRC

TUESDAY, MARCH 15, 2005

WELCOME

Chairman Rodriguez welcomed the Commissioners and gallery to Miami and to the first day of the Plenary Session of the Florida Building Commission. He conducted a brief review of the issues included in the meeting agenda. Chairman Rodriguez expressed appreciation to Ila Jones and the DCA staff for responding to the evaluation comments by providing two video screens for better viewing from all sides of the room, as well as connection via the Internet to DCA's website. He stated staff had additionally linked the discussion documents to the Commission agenda.

REVIEW AND APPROVE MEETING AGENDA

Mr. Blair first explained to the Commissioners how to activate the agenda links for the discussion documents. He then conducted a review of the proposed meeting agenda as presented in each Commissioner's agenda packet.

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

REVIEW AND APPROVAL OF JANUARY 25 & 26, 2005 MEETING MINUTES

Chairman Rodriguez called for corrections or additions to the minutes of the January meeting minutes.

Commissioner Greiner moved approval of the January 25 and 26, 2005 meeting minutes. Commissioner D'Andrea seconded the motion. Vote to approve the motion was unanimous. Motion carried.

CHAIR'S DISCUSSION ISSUES AND RECOMMENDATIONS

Chairman Rodriguez began discussion stating there were few discussion issues. He then announced the following TAC appointments resulting from changes in membership recommendations made by the TAC chairs: John Hamrick, Chair, Special Occupancy TAC; Jaime Gascon, Structural TAC, replacing Ted Burman; Joe Crum, Mechanical TAC, moving from Energy TAC; Phillip Simmons, Mechanical TAC, moving to producer category; Dale Greiner, Budget Committee.

Chairman Rodriguez then addressed the Attic Ventilation Work Group stating the Attic Ventilation Workshop had been scheduled for March 16 following the Plenary Session. He stated the workgroup had been created to review the available research and make recommendations on the attic ventilation requirements for the Florida Building Code. Chairman Rodriguez explained the workgroup had been appointed as a contingency meeting only as necessary depending on the level of consensus demonstrated during the workshop. He then announced the following workgroup appointments: Energy TAC representatives Steve Bassett, Ron Bailey, Phil Farey, Richard Reynolds; Structural TAC representatives Do Kim, Chris Schulte, George Wiggins, and Craig Parrino; Fire TAC representative Nick D'Andrea, who will chair the workgroup during meetings.

Chairman Rodriguez stated the issue of the Commission's request for an expedited adoption of the hurricane-related Code amendments had been considered. He continued stating staff had been assigned to research whether there is support for an expedited process authorized by the Legislature. Chairman Rodriguez explained Mr. Richmond would report on the issue under the Legislative Issues Report agenda item.

PRODUCT APPROVAL WORK GROUP PROGRESS REPORT AND DECIDE ON LEGISLATIVE RECOMMENDATIONS

Chairman Rodriguez stated the Product Approval Work Group held their fourth meeting February 8 and 9, 2005, and reported that progress is being made on evaluating options for refining the system. He continued stating the work group would meet again March 28 and 29, 2005, in Orlando. Chairman Rodriguez reported the work group had spent a significant portion of February's meeting with focus on statutory issues and has prepared a list of statutory and threshold recommendations to be presented for Commission consideration while the Legislature is in session. He then directed the Commission to Mr. Blair for a progress report and the recommendations for statutory changes resulting from the fourth meeting.

Mr. Blair conducted an overview of the report from the fourth Product Approval Work Group meeting. (See *Product Approval Work Group Report to the Florida Building Commission Including Recommendations for Statutory Changes Attachment*.)

Commissioner Browdy asked if a local government would be permitted to require items that had previously been eliminated from the product approval criteria and still be in compliance with the rule.

Mr. Richmond responded stating there had been a question regarding the issue and explained legally they would be precluded from requiring previously eliminated items, however, from a practical standpoint they could obtain and enforce the data that

had been previously eliminated. He then stated if the data obtained and enforced was beyond the information required within the rule there would be a risk.

PUBLIC COMMENT

Ralph Hughes, Tampa

Mr. Hughes directed the Commission to the first paragraph under local product approval then offered comment concerning "evaluation report by the evaluation entity." He then asked what would be the responsibility of the building official if an evaluation report submitted by the evaluation entity.

Mr. Dixon responded stating the intent for the current discussion was to present to the Commission recommendations from the work group concerning statutory changes to allow time to take action if necessary and make recommendations to the Legislature. He continued stating current statute does require building official validation and there is no proposal to change the statute.

Mr. Blair stated he would add in the words "to be validated by the local building official" and present the change to the work group during the next meeting.

Mr. Hughes continued his comments referencing the last paragraph. He cited "eliminate the mandatory checklist required for product approval." Mr. Hughes expressed concern regarding the wording stating the checklist was developed to assist the applicant as well as the building official.

Mr. Dixon stated there would be ample time for comment concerning proposed changes to the Administrative Rule which may be addressed at the appropriate time. He suggested the Commissioners focus on the recommendations for changes to the law itself rather than changes to the rule.

Jaime Gascon, Miami Dade County Building Code Division

Mr. Gascon addressed the issue of validation and how it is addressed at the statute level. He then referenced the resolution that had been presented to each Commissioner. (See *Miami-Dade County Board of Rules and Appeals, Resolution Attachment*.)

Commissioner Bassett asked if it would be possible to obtain a list of the items recommended for changes that need to be presented to the Legislature to define the focus of discussion for the Commission as well as the public.

Mr. Blair responded stating the recommended statutory changes were presented on the screen along with other items and recommendations. He then itemized the specific recommendations presented for Legislative consideration: Scope of the Rule; Evaluation Installation Instructions; Evaluation Product Materials Exemptions; and Validation Entity.

ICC PARTICIPATION WORK GROUP PROGRESS REPORT AND DISCUSSION

Chairman Rodriguez stated Commissioner D'Andrea had been appointed to lead a work group to investigate the Commission's options including how to work with state partners, i.e., BOAF, then to make recommendations for a practical process for the Commission to use to participate in the ICC Code development processes. He stated the work group met in December 2004 and developed a list of issues and options for the Commission's participation. Chairman Rodriguez then stated the work group additionally met the morning of March 15, 2005, prior to the afternoon Plenary Session. He directed the Commission to Commissioner D'Andrea for a progress report and the work group's recommendations.

Commissioner D'Andrea reported the Work Group had met earlier in the day and reviewed the options which were identified by the work group during the past meetings. He stated the work group conducted a straw poll resulting in a supporting vote of 9 – 3 for the concept of the Florida Building Commission participating in the ICC process in a coordination role between the Code development groups of South Florida, BOAF, and other Code development groups, and to utilize the TACs as part of the review process, as well as the BOAF Code Development Committee providing and sending legal, accurate documentation announcing Code changes to Code Development Committee and the TAC members.

Commissioner D'Andrea stated there had been three concerns expressed during the work group meeting and identified those as follows: 1) Indepth participation would be time consuming and cost prohibitive particularly for DCA staff; 2) Cost Benefit Analysis should be performed prior to moving forward; and 3) Consider focusing on a Florida Building Code process for the state of Florida rather than getting involved at the national level. Commissioner D'Andrea summarized the discussion by stating the work group decided participation would be a workable concept and appealed to the Commission for comments and discussion.

Commissioner Sanidas offered comment stating those involved with the Code groups have understood that the members of the groups are the local cities and counties having representation on behalf of the Commission. He continued stating the

Commission should not get involved in overshadowing the local representative's participation. He concluded by stating individualism is important and the Commission should not lock into a position of involvement until the local representative's participation has been reviewed and evaluated.

Commissioner Gonzalez concurred with Commissioner Sanidas' comments stating further it would be inappropriate for the Florida Building Commission to devote resources to the International Code process. He continued stating the Commission's responsibility lies solely with the people of Florida, which is where resources should be concentrated. Commissioner Gonzalez then stated the Florida Building Commission has an obligation to maintain the Florida Building Code and participating in the ICC process would place an unacceptable demand of the Commission's time.

Chairman Rodriguez interjected the reason the work group was formed was because a new model code will be going into effect and participating in the national or international effort would benefit the Commission, however, would require Commission volunteer time.

Commissioner Bassett stated his understanding was not to try to get Commission members to participate on the national or international committees, but to organize the representatives throughout the state who are already participating on committees for information dissemination to and from the Commission and the TACs in a more timely manner.

Commissioner Parrino offered comment stating the Commission already has its plate full with current assignments. He stated the TACs already have considerable time involved in meeting deadlines for Code updates for the state of Florida without international code process involvement. Commissioner Parrino expressed opposition to the Commission getting involved in the ICC code development process.

Commissioner D'Andrea added it is agreed that no additional work or assignments can be added to the Commission or to the TACs. He stated the objective for involvement would be through committees that are already established, i.e., South Florida's committee, BOAF's committee, etc., who are already reviewing the Code changes being brought to the ICC process. Commissioner D'Andrea continued stating the Commission and the TACs could utilize the existing participation by reviewing and considering the options. He explained through the committees already in place, the participation could be achieved without the intense work effort on the part of the Commission or the TACs.

PUBLIC COMMENT

Ralph Hughes,

Mr. Hughes stated he attended the work group meeting earlier in the day and would base his comments on that observation. He explained the proponents cite the Code development process as the most time consuming issue and stated the Code has now been developed with current tasks being updates and maintenance of the Code. He continued stating the proponents stated the Commission should participate in the ICC Code development process by providing input related to amending the base national code. Mr. Hughes then rebutted the Commission should not participate in the ICC code development process because that is beyond the scope of the Commission's mission. He further stated it is not the Commission's purpose nor mission to try to influence code changes which would not be Florida specific. Mr. Hughes then addressed issue by issue the proponents' recommendations for Commission participation in the ICC Code development process rebutting each item. He expressed opposition to the recommendations and concluded his comments by stating adopting the proponents' recommendations would be presented as part of the legislation that created the Florida Building Commission, which has charged the Commission with developing and maintaining a unified building code in and for the state of Florida. Mr. Hughes further stated Senator Constantine stated it best when he said the intent of the Florida Building Commission is to have a Code "of Floridians, by Floridians, and for Floridians."

Joe Crum, President, BOAF

Mr. Crum noted a couple of items omitted in the report. He stated one item was that BOAF offered to gather input from the committees to relieve DCA staff from that time and effort. He stated additionally the funding would be assisted through membership on the committees by ICC reimbursement for travel and accommodations. Mr. Crum added it is incorrect to assume there could be no changes in the International Code process particularly if members are participating from other states in the Southeast, i.e., Georgia and South Carolina, which would form a more regional group.

Chairman Rodriguez concurred then added it is a matter of time for the Commission to be actively participating in the ICC process, however, through BOAF's partnership with ICC as well as the FBC, participation can be begun.

Mr. Blair offered a summary of the discussion stating a straw poll should be conducted to assess the support for the concept of the Commission serving in a coordinating role with existing organizations, i.e., BOAF and South Florida, and TAC members who wish to participate. He then requested staff to work with those

organizations and bring a report back to the Commission for further consideration.

Commissioner Browdy added the level of participation may be better qualified through establishing whether the effort would or would not have Commission staff or financial resources.

Commissioner Wiggins stated the FBC is moving forward with utilizing the ICC as a base document for the Florida Building Code to include a national consensus code change process that is already in place. He posed whether the groups conducting the evaluation of the international code change amendments could send to the Florida Building Commission the items in those code change proposals which would specifically concern Florida.

Chairman Rodriguez responded stating the Commission would not incur any travel costs or time involved by relying on TAC member participants and representatives of the partnership organizations to participate in the ICC process and bring the information back to the Commission or the TACs. He then called for a show of hands for the straw poll for support of Commission participation through a coordinating role. Vote resulted in 12 supporting the concept and 7 in opposition.

Mr. Blair then stated he would prepare a report to bring back to the Commission to clarify the concept for the Commission's involvement in the ICC process.

Commissioner Bassett asked how would the revisions to the I Code be considered. He suggested the issue be added to the work plan for further discussion and consideration.

Commissioner Browdy asked how many of the organizations that are currently active in the Florida Building Commission process actively participate in the ICC code development process. He then suggested it would be helpful for the Commission to be provided a list of those organizations in the state of Florida that are actively involved in the ICC code development process, then further obtain timely reports from those organizations concerning code changes that would effect the industry.

BUILDING CODE/FIRE CODE DUPLICATE PROVISIONS AND OVERLAPPING RESPONSIBILITIES ASSESSMENT UPDATE

Mr. Blair reported he was currently in the assessment process and has interviewed 19 individuals and has additionally been in discussion with 12 members of the Joint Building/Fire TAC. He stated he was still in the process of gathering information and expects to provide a report for the Commission during the May

Commission meeting.

LEGISLATIVE ISSUES REPORT

Mr. Richmond provided a report of the issues currently being considered before the Legislature. He stated email updates of the legislative proceedings in Tallahassee had been provided to each Commissioner. Mr. Richmond continued stating Senate Bill 442 is currently the primary vehicle for building code legislation. He stated it would be presented before the Senate's business regulation committee on March 16. Mr. Richmond then addressed the substantive issues included in the bill stating Section 1 of the bill pertains to a \$10 million CAT fund appropriation the department receives each year for mitigation efforts. He explained the section designates money to be spent on the Southeastern Builder's Conference and the Disaster Contractor's Network as well as Building a Safer Florida. He stated there are some generalized policy concerns within the department regarding designating expenditures within a statute, which are being expressed on behalf of the department.

Mr. Richmond then stated Section 2 of the bill pertains to alarm contractors and Section 3 pertains to an exemption from contractor installation of lawn storage buildings. He stated the lawn storage building issue had been brought before the Commission in prior years for any concerns or objections, for which there were none expressed. He continued stating Section 4 of the bill contains provisions overriding the challenge for swimming pool exit alarms, which would allow battery-powered alarms. He further stated the section also designates adoption of the International family of codes as well as requires a staff review of proposed amendments and elimination of those not responsive to the requirements of law.

Mr. Richmond reported there were two additional items in the bill, one specifying that unvented attic spaces be permitted in the state of Florida in accordance with the provisions adopted by the International Code Council, directing the Commission to adopt that requirement as a Code amendment immediately. He added the bill also provides specifications for mezzanine size in S occupancy buildings. Mr. Richmond stated the last two provisions, along with the pool exit alarms issue, were contrary to the Commission's prior position that technical code provisions should not be written into statute. He then addressed Section 5 of the bill stating it relates to the appointments of Commissioners and the mandate that interest groups provide a three-person list. He stated it additionally authorizes the governor to appoint from the list or anyone else duly qualified.

Mr. Richmond addressed Section 6 of the bill stating it contains relocations of other sections as well as addresses the prototype buildings program allowing the administrator to approve plans changes. He continued stating the section also contains

language concerning conflict of interest by Commissioners, specifically any Commissioner that has a current or potential personal or financial interest in any action of the Commission must abstain from voting on that provision. He expressed concern for the language stating legal staff is currently trying to address the issue.

Mr. Richmond then stated Section 7 pertains to relocation of the numbers stricken from Section 6 and also includes the binding interpretation language. He explained one change in the language is that it also provides for a fee to be charged which would nullify the fiscal impact on the department. He continued by addressing Section 8 of the bill stating it pertains to truss placement plans eliminating the requirement for engineer signed and sealed truss placement plans.

Mr. Richmond explained Section 9 pertains to the Alternate Plans Review and Inspection System. He stated it primarily contains the recommendations from the report developed by the work group. He continued stating there were two items that deviated from the report recommendations; one item was the bill does not currently allow building code administrators to perform the functions on an unlimited basis, and it increases the amount of insurance for commercial projects to \$2 million.

Mr. Richmond addressed Section 10 stating it was derived from previous language pertaining to building permit fees charged by local governments and their use. He stated the language assures that the all provisions be considered by the League of Cities and the Florida Association of Counties. He continued stating Section 11 is a Chapter 120 exemption for binding interpretations. He further stated Section 12 addresses building code education.

Mr. Richmond then stated Sections 14 and 16 of the bill address product approval. He stated statewide product approval appears to be consistent with the actions of the work group to date with two exceptions; the exclusion of the work group's recommendations that 1) the administrator of the system serve as the single third-party validator, and 2) to seek specific statutory authority to establish lists of prescriptive standards which would relieve products complying from the requirement of going through the product approval system.

Mr. Richmond concluded his bill summary by stating there would be additional items considered by regulated industries. He explained one item as licensure action against building officials who enforce other than what the Code requires, as well as the provision for private provider insurance including rating requirements and aggregate requirements. He then called for Commission direction in terms of how to proceed.

Commissioner Bahadori requested clarification regarding the fire sprinkler issues.

Mr. Richmond replied the fire sprinkler issue is located in the “strike everything” amendment which differentiates between system design concepts produced by design professionals and system layouts produced by contractors. He stated the section also contains licensing issues.

Commissioner Browdy requested clarification concerning the local product approval issue and asked if the product approval system flows in tandem with the permit process or if it is a separate process, and if the effective date of an approved product would be the project permit date or the product installation date.

Mr. Richmond responded stating the two processes run in tandem with each other. He stated the issue is a technical glitch that should be addressed with the effective date of the approved product tied to the project permit date as opposed to the product installation date.

Commissioner McCombs requested clarification concerning the electrical code and asked if the language stated the national electrical code “as modified by the ICC.”

Mr. Richmond replied the language states the national electrical code “as adopted by the International Code Council.” He stated the electrical code is adopted and amended by the ICC. He continued stating the language needed some clarification and directed the Commission to Mr. Glenn for his input.

Jack Glenn,

Mr. Glenn offered clarification stating the “strike everything” amendment was intended to strike the International Electrical Code because the NEC is referenced in a different section of Chapter 553. He explained the intent was to completely eliminate the reference to the International Electrical Code from the bill, deferring to the current statute in Chapter 553.88.

Commissioner Calpini asked with whom Mr. Richmond was working in terms of the fire related issues.

Mr. Richmond stated he was not directly working with any particular staff person.

Mr. Glenn interjected Buddy Dewar, National Fire Sprinkler Association, has been working with Chief Goodlove with the Fire Marshal’s Office. He added both the sprinkler issue and the stair issue had been approved by the Fire Marshal’s Office.

Mr. Blair addressed the issues that were recommended by the work group but

were not included in the bill; i.e., the product material exemption review and the administrator validation entity, requesting Commission action on those issues if desired by the Commission.

Commissioner Parrino stated the Commission should support the recommendations of the work group. He suggested the Commission make a recommendation that the two omitted items be included in the legislation. He then suggested the Commission not support any changes to the product approval status until the work group has concluded their discussions.

Chairman Rodriguez asked Mr. Richmond for clarification regarding the Commission's options.

Mr. Richmond replied the sponsor would most likely include the two issues in the bill. He stated it would be appropriate for the Commission to take formal action to accomplish the addition of the two issues.

Commissioner Parrino added his recommendation was to endorse the two additions to the provisions provided in Section 14 of S.B. 442 to include only the recommendations of the work group and no additional language. He then moved approval to add to the bill the product material exemption recommendation and the administrator validation entity recommendation. Commissioner Carson seconded the motion.

Commissioner Gonzalez expressed concern stating there was a resolution by two counties entered in opposition to the administrator validation entity recommendation and entering the recommendation into the bill under the circumstances may hinder the progress of the bill.

Mr. Dixon stated the resolutions are not in conflict with the work group's recommendation, which was not to eliminate validation as a requirement but to eliminate the reference to validation entity. He explained that what is currently in place is a hired validator as extended Commission staff who may continue to perform the validations and the change would be that the manufacturer would no longer be permitted to hire their own validator for their application.

Commissioner Wiggins offered an amendment to the motion stating the motion would accomplish the intent of the Miami-Dade and Broward Board of Rules and Appeals resolutions and would not eliminate the validation requirements.

Commissioner Parrino accepted the amendment. Commissioner Carson also

accepted the amendment.

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

Commissioner Greiner asked if there were items in Section 9 that were contrary to the work group's recommendations.

Mr. Richmond responded stating Section 9 pertains to Alternative Plans Review and Inspections and while he would encourage BOAF to get involved with industry representatives concerning the issues, he is confident in his direction from the Commission regarding the issue.

Mr. Blair then called for Commission action concerning the recommendations relating to education.

Commissioner Browdy stated the Education TAC reviewed the bill during its recent meeting as well as Rick Watson, who also addressed concerns. He continued stating if the Commission has no responsibilities for education relating to the Florida Building Code, then removing the resources would be acceptable. He added if the Commission maintains responsibilities for education as it relates to the Code, then without resources it would be difficult to execute the responsibilities. Commissioner Browdy stated the bill is a compromise concerning the issue and the TAC made no recommendation concerning the issue.

Commissioner Wiggins referenced Section 4 of the bill stating it contains proposals to include Code provisions in the statute. He then moved approval to recommend against placing building code provisions in the Florida statute as proposed in Senate Bill 442. Commissioner Greiner seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Mr. Richmond then addressed the Code related issues that resulted from the four hurricanes, specifically pertaining to authority to advance implementation of amendments to address the issues. He stated the issue was discussed and there was support for writing solutions into law as opposed to identifying issues and allowing the Commission to develop the solutions. Mr. Richmond continued stating there has been no direction regarding the issues to date.

Mr. Dixon explained the Commission faces the dilemma of the 2004 Code not becoming effective until July 1, 2005, and having time to review and address glitches in a timely manner, versus being responsive to the four hurricanes of 2004 and the public request for the Commission to address the problems resulting from the hurricanes. He

stated the current work plan schedules the glitch amendments becoming effective July 1, 2006, with a deadline for proposed amendments at the end of June, which does not provide time to repair those glitches. He continued stating it was proposed to allow a one-time exemption from some procedures required for adopting amendments to the Code in order to allow for responses to the hurricane issues quicker. He further stated if the upcoming hurricane season is an active season, the public's eye would be back on the Commission as it relates to what has been done in response to the '04 hurricanes.

Commissioner Wiggins moved approval for the Commission to seek the one-time statutory authority to respond to hurricane related issues that may result in Code adjustments. Commissioner McCombs seconded the motion. Chairman Rodriguez called for a vote on the motion. Vote resulted in 1 opposed (Browdy). Motion carried.

CONSIDER ACCESSIBILITY WAIVER APPLICATIONS

Mr. Mellick presented the applications in the order the items appeared on the Accessibility Advisory Council meeting agenda, which was included in each Commissioner's agenda packet:

Stock Exchange Restaurant

Mr. Mellick stated the applicant requested waiver from providing accessibility to the existing platform areas of an existing restaurant. He continued stating the Council recommended approving the waiver with the condition the building official reviews the description of work verifying that no structural work was performed. Mr. Mellick then stated there was no quorum for the Council meeting and the recommendations were consensus formed.

Commissioner McCombs moved approval of the Council's recommendation. Commissioner D'Andrea seconded the motion.

Commissioner Browdy stated the minutes of the January Commission meeting indicate the Council deferred action on the waiver allowing the applicant time to provide further information demonstrating financial hardship. He asked then what additional information the Council had received for the basis of the recommendation.

Mr. Mellick responded stating the Council reviewed the application further to determine whether the project fell within the provisions which would trigger accessibility requirements. He stated following further review, the Council determined the work was merely cosmetic and there was no need to demonstrate financial hardship.

Peter Niles, Representing Stock Exchange Restaurant

Mr. Niles explained the original package submitted was seemingly lost or misplaced and a new application package was submitted and included the details of construction.

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

Casa-Casuarina

Mr. Mellick stated the applicant requested waiver from providing vertical accessibility to all levels of an existing residence that is being converted to a luxury lodging house and spa. He continued stating there were three separate issues contained in the request for waiver: 1) accessibility to the second and third levels from the courtyard, which the Council recommended to approve; 2) vertical accessibility to the pool area, which the Council recommended conditional approval with the condition the applicant provide program equivalency through policies and procedures to be submitted to DCA staff for approval; and 3) alternate accessible entrance, which the Council recommended conditional approval with the condition the applicant provide signage at the front entrance indicating the accessible entrance, as well as provide a call box at the accessible entrance along with a covered weather protection for patrons.

Commissioner McCombs moved approval of the Council's recommendation. Commissioner D'Andrea seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Barry University

Mr. Mellick stated the applicant was requesting waiver from providing vertical accessibility to all rows of seats in a 280-seat classroom as well as a 250-seat amphitheatre. He explained the Council divided the request into two issues: 1) vertical accessibility to all rows of the 280-seat classrooms, which the Council recommended approving with the condition the seats are offset to avoid the straight line to the classroom front; and 2) accessibility to all rows of the 250-seat amphitheatre, which the Council recommended approval with the condition the applicant add a tenth accessible seat location with companion seating to accommodate five on each side of the theatre.

Commissioner McCombs moved approval of the Council's recommendation. Commissioner D'Andrea seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Village Park

Withdrawn. No Commission action required.

CONSIDER APPLICATIONS FOR PRODUCT AND ENTITY APPROVAL

Mr. Blair conducted a review of the process of Commission action for each consent agenda group of applications or individual applications as presented. He then presented the application numbers for specific products in the four consent agenda groups:

Certification Mark or Listing:

Recommended for Unconditional Approval

Product #'s: 166R-1; 599R-1; 784R-1; 1286R-1; 1287R-1; 1288R-1; 1293R-1; 1327R-1; 1363R-1; 1366R-1; 1442R-1; 1443R-1; 1445R-1; 1446R-1; 1450R-1; 2425; 2870; 2871; 2875; 3089R-1; 3092R-1; 3553R-1; 3717; 3800; 3801; 3822; 3956; 3963; 3976; 3992; 4001; 4003; 4018; 4029; 4031; 4032; 4036; 4047; 4051; 4052; 4062; 4064; 4068; 4082; 4085; 4087; 4091; 4092; 4093; 4103; 4106; 4107; 4108; 4118; 4129; 4130; 4131; 4132; 4135; 4140; 4146; 4147; 4148; 4151; 4158; 4161; 4166; 4177

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

Recommended for Conditional Approval

3215

Mr. Blair stated the POC recommended conditional approval provided the limitations of use should indicate the product is not for use in the high velocity hurricane zone or the product must comply with HVHZ Code provisions.

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

3820

Mr. Blair stated the POC recommended conditional approval provided the list of drawings and applications for larger sizes must be removed from application.

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

3942

Mr. Blair explained the POC recommended conditional approval provided the test pressures, the glazing and the listing be clarified.

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

3952

Mr. Blair stated the POC recommended conditional approval provided the standards of reference and design pressure are verified.

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

3960

Mr. Blair explained the POC recommended conditional approval provided the standards of reference are updated and the limitations of use are corrected.

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

3969

Mr. Blair stated the POC recommended conditional approval provided the product complies with conditions of the tests and limitations of use are corrected.

Commissioner D'Andrea moved approval of the POC recommendation.

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

4056

Mr. Blair explained the POC recommended conditional approval provided the conditions of use are listed.

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

4125

Mr. Blair stated the POC recommended conditional approval provided the standards of reference are corrected.

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

4169

Mr. Blair explained the POC recommended conditional approval provided the glass configuration is modified and compliance with requirements of the high velocity hurricane zone are demonstrated or limitations of use are listed.

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

4171

Mr. Blair stated the POC recommended conditional approval provided the glass configuration is modified and compliance with requirements of the high velocity hurricane zone are demonstrated or limitations of use are listed as well as indicated spacers and fasteners.

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

4178

Mr. Blair stated the POC recommended conditional approval provided certification is completed.

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

Recommended for Deferral

2075 R1

Mr. Blair stated the POC recommended deferral based on applicant request.

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

2708; 2709R-1; 2710; 2712R-1

Mr. Blair stated the POC recommended deferral based on applicant request.

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

4126

Mr. Blair stated the POC recommended deferral based on incorrect application and limitations of use.

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

4150

Mr. Blair stated the POC recommended deferral based on missing information on certification listing.

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

4163

Mr. Blair stated the POC recommended deferral stating the application should have model series listed separately and impact testing should be corrected.

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

Recommended for Denial

2149

Mr. Blair stated the POC recommended denial stating a product was added which was not included on the original application as well as other products not being listed.

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

3849

Mr. Blair stated the POC recommended denial based on conditions from January not being corrected.

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

3910

Mr. Blair stated the POC recommended denial based on testing requirements not met.

Commissioner D'Andrea moved approval of the POC recommendation. Commissioner Carson seconded the motion. Vote to approve the motion was

unanimous. Motion carried.

3962

Mr. Blair stated the POC recommended denial based on conditions cited in January were not met.

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

3965

Mr. Blair stated the POC recommended denial based on application not complying with conditions set in January.

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

4030

Mr. Blair stated the POC recommended denial based on product not being certified by a certification agency.

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

4059

Mr. Blair stated the POC recommended denial based on product not being certified by a certification agency.

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

4070

Mr. Blair stated the POC recommended denial based on product not being certified by a certification agency.

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

4152

Mr. Blair stated the POC recommended denial based on product not being certified by AAMA.

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

4156

Mr. Blair stated the POC recommended denial based on product not being certified by AAMA and not complying with ASTM E 1300.

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

4172

Mr. Blair stated the POC recommended denial based on AAMA's certification not complete and model lines not deleted.

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

4173

Mr. Blair stated the POC recommended denial based on AAMA certification not complete.

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

4175

Mr. Blair stated the POC recommended denial based on AAMA certification not complete and no verification of compliance with ASTM E 1300.

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

Evaluation by Architect or Engineer

Recommended for Approval

Product #'s: 847R-1; 891R-1; 2678R-1; 3076R-1; 3448; 3589; 3610; 3709; 3863; 3890; 3906; 3908R-1; 3911; 3912; 3914; 3924; 3982; 3993; 3996; 3997; 3999; 4012; 4013; 4053; 4054; 4055; 4057; 4058; 4065; 4069; 4090; 4104; 4113; 4114; 4115; 4127; 4138; 4149; 4154; 4180

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

Recommended for Conditional Approval

3413, 3414, 3416, 3417, 3418

Mr. Blair stated the POC recommended conditional approval with the condition the applicant combines the model lines into a single model line.

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

3840

Mr. Blair stated the POC recommended conditional approval with the condition the gage is corrected or limitations of use listed.

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

3967

Mr. Blair stated the POC recommended conditional approval with the condition all products' NOA's are approved or removed.

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

3918

Mr. Blair stated the POC recommended conditional approval with the condition impact conditions are provided on limitations of use.

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

4063

Mr. Blair stated the POC recommended conditional approval with the condition impact conditions are provided on limitations of use and limitations of use should indicate product is not for use in impact conditions.

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

4088

Mr. Blair stated the POC recommended conditional approval with the condition all products comply with Section 2222.4.3 and products 4088.9 through 4088.14 comply with Sections 2220.2 and 2220.3, also limitations of use should be listed.

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

4116

Mr. Blair stated the POC recommended conditional approval with the condition

impact conditions are provided on limitations of use and limitations of use indicate not for use in impact conditions or in the HVHZ.

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

4133

Mr. Blair stated the POC recommended conditional approval with the condition the limitations of use are corrected.

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

Recommended for Deferral

4122

Mr. Blair stated the POC recommended deferral based on impact testing is provided.

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

Recommended for Denial

3967

Mr. Blair stated the POC recommended denial based on no descriptions for products on applications 3967.1, 2, 3, 5, and 7 as well as no evidence of compliance with ASTM E 1300.

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

3981

Mr. Blair stated the POC recommended denial based on products not identifiable

and no descriptions provided.

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

3977

Mr. Blair stated the POC recommended denial based on deferral requirements not met.

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

4112

Mr. Blair stated the POC recommended denial based on no evaluation, certificate of independence, tests, and loads were not identified.

Ed Moses, Elexir Industries

Mr. Moses offered comment stating Arnold had advised the package was missing the information, which was then emailed within the allowed time frame. He stated the email was never received for unknown reasons and requested the Commission grant a conditional approval under the condition the information is provided in timely manner.

Mr. Burman offered clarification stating the POC had originally recommended deferral and he would again recommended that action to allow time for the complete package to be resubmitted.

Commissioner Parrino moved approval to defer product 4112 to allow time for the complete package to be submitted and reviewed. Commissioner D'Andrea seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Evaluation by Test Report

Recommended for Approval

Product #'s: 2278; 3471; 3547; 3923; 4077; 4121

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

Recommended for Conditional Approval

4120

Mr. Blair stated the POC recommended conditional approval with the condition the silicone type is specified, impact rating is provided, and thickness requirements for HVHZ are indicated or limitations of use indicate the product is not for use in the HVHZ.

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

4141

Mr. Blair stated the POC recommended conditional approval with the condition the compliance method is changed.

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

Recommended for Deferral

3988

Mr. Blair stated the POC recommended deferral (second deferral) based on test report not indicating class type.

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

4066; 4067

Mr. Blair stated the POC recommended deferral based on no evidence of compliance with ASTM E 1300.

Commissioner D'Andrea moved approval of the POC recommendation.

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

Recommended for Denial

3938

Mr. Blair stated the POC recommended denial based on incorrect test reports presented and other application omissions.

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

3979

Mr. Blair stated the POC recommended denial based on incomplete test reports and no evidence of test owner connected to applicant.

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

Evaluation by Entity

Recommended for Approval

Product # 's: 3313; 3423; 3802; 3901; 4143

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

Recommended for Conditional Approval

1849 R 1

Mr. Blair stated the POC recommended conditional approval with the condition limitations of use are corrected.

Commissioner D'Andrea moved approval of the POC recommendation.

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

3635

Mr. Blair stated the POC recommended conditional approval with the condition the application matches evaluation report.

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

4081

Mr. Blair stated the POC recommended conditional approval with the condition limitations of use are corrected.

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

Recommended for Deferral

3643

Mr. Blair stated the POC recommended deferral based on application be corrected to include testing centers and limitations of use are corrected.

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

4117

Mr. Blair stated the POC recommended deferral based on the requirements of Chapter 26, HVHZ, and impact testing are considered or limitations of use are corrected.

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

Commissioner Carson presented the applications recommended for entity approval:

Architectural Testing Incorporated, Wisconsin – Product Testing Laboratory

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

P F S Corporation – Validation Entity

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

CONSIDER PETITIONS FOR DECLARATORY STATEMENT:

Chairman Rodriguez directed the Commission to Mr. Richmond for consideration of petitions for declaratory statements.

Mr. Richmond presented the declaratory statement petitions as they appeared in each Commissioner's files.

Second Hearings-

DCA04-DEC-233 by Seann M. Frazier of Greenberg Traurig PA

Mr. Richmond stated the petitioner asked whether or not tenant renovations to a leased area trigger path of travel obligations by landlord to areas outside of the tenant's leased space. He continued stating the POC recommended when a tenant permits and performs an alteration limited to the tenant's space, the petitioner is not obligated to provide accessibility in the common area. He further stated the path of travel obligation triggered by the alteration is limited to those areas within the tenant's leased space. (See *Ashley Avenue Associates, LLC, Case # DCA04-DEC-233 Attachment.*)

Commissioner Greiner moved approval of the POC recommendation. Commissioner Wiggins seconded the motion. Vote to approve the motion resulted in 1 opposed (D'Andrea). Motion carried.

First Hearings-

DCA04-DEC-222 by Ed Riley of Collier County

Dismissed. No Commission action required.

DCA05-DEC-031 by John I. Johnson, AIA, of Gresham, Smith and Partners

Mr. Richmond stated the petitioner asked whether the term stand-alone as used in Section 903.8.1 (2) referring to parking garages prohibit enclosed elevator lobbies for occupant use. He stated the POC recommended no, enclosed elevator lobbies designated only for serving the garage occupants is within the Florida Building Code's criteria for stand-alone parking garages.

John Johnson, AIA, Gresham, Smith and Partners

Mr. Johnson stated he was available to answer questions from the Commission or the public.

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

DCA05-DEC-032 by James P. Stephan of Stephan Manufacturing

Mr. Richmond stated the petition asked whether a wooden air return grille is permissible to be placed in a specific house in Milton, Florida. He continued stating the POC recommended yes, the Code section was not intended to cover return air grilles in the R-3 occupancy home. Mr. Richmond then requested clarification from the Commission concerning the language cited in the petition.

Commissioner McCombs moved approval of the POC recommendation. Commissioner Bassett seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Mr. Richmond stated the petition refers to return air temperatures will not reach flammable temperature in the application of wooden return air grilles. He requested Commission clarification.

Commissioner Bassett offered comment stating there was much discussion on the issue and the R-3 designation allows installation of an air conditioning unit in a closet with a louvered door. He stated the petition issue would be the same type of

installation but is called a grille. Commissioner Bassett then stated when the International Residential Code becomes effective in July, the issue is exempt and is further defined and clarified.

DCA05-DEC-034 by G. David Rogers of Florida Propane Gas Association

Mr. Richmond stated the petition pertains to propane gas fired tankless water heaters and their installation under compliance packages in Chapter 13, Florida Building Code, Energy Code, Sections 612.1.B, Prescriptive Methods Specific to Method B. He stated the POC recommended no, propane gas fired tankless water heaters may be installed only in Method B compliance package A through D in North and Central Florida, and yes, propane gas fired tankless water heaters may be installed under all Method B compliance packages in South Florida.

Mr. Richmond then stated the second part of the question concerning Method C compliance package is not relevant to the new home described by the petitioner.

Mr. Richmond addressed the question asking if propane fired tankless water heaters with E F ratings that exceed Table 6A-22 maximum on form 6A-01 would be allowed to utilize the hot water multiplier for the .6 and up HWM category. He stated the POC recommended the tankless water heater energy factors tested and computed in accordance with the U.S. Departments of Energy's test procedures in Part 4-30 sub part B, Appendix E shall be treated in the same manner as other water heater energy factors.

Commissioner Schulte moved approval of the POC recommendation. Commissioner McCombs seconded the motion. Vote to approve the motion was unanimous. Motion carried.

DCA05-DEC-035 by Ed Riley of Collier County

Dismissed. No Commission action.

PUBLIC COMMENT ON QUALITY OF CONSTRUCTION

Chairman Rodriguez stated during the January 26, 2005 Commission meeting, the Commission announced the adoption of the primary recommendation outline in the construction practices quality assessment report regarding convening a stakeholder work group process, similar to the product approval and private provider work groups, to work with the stakeholders to identify the issues, evaluate alternatives, and develop

recommendations for enhancing coordination between the various entities charged with the education, licensing enforcement, and Code and Standards development functions related to the construction and inspection of residential homes. He continued stating during the Orlando work group meeting the public was heard on issues relating to construction quality with the same input sought from the South Florida region of the state during this public comment forum. He then stated other regions' input would be sought prior to convening the work group. Chairman Rodriguez then called for public comment.

Ralph Hughes,

Mr. Hughes posed what is the cause of the problem. He asked is it the Florida Building Code stating it probably was not. He then asked is it the problem of the home builders stating that answer would vary. Mr. Hughes stated if all home builders had the mind set of Commissioner Browdy the problem would not exist. He stated the problem was not really caused by the home builders either. He asked is the problem caused by local building officials lacking Code enforcement stating absolutely not. Mr. Hughes then explained the problem is the lack of adequate funding of the building department by local jurisdictions. He stated the building officials could not take the position due to the political nature of their jobs. Mr. Hughes continued stating the Florida Building Commission could take the position complete with recommendations relating to the problem.

GENERAL PUBLIC COMMENT

Chairman Rodriguez then opened for general public comment.

Joe Belcher, JDB Code Services

Mr. Belcher stated Eric Stafford is involved in a project to develop a 2004 Florida Building Code commentary which has been described in a letter submitted to staff and to each Commissioner. (See *T. Eric Stafford & Associates, LLC Letter dated March 15, 2005 Attachment.*)

Commissioner Greiner asked for clarification concerning funding for the project and then asked if the commentaries would be taking into consideration the reasons for changes that are used through the Florida Building Code.

Mr. Belcher responded stating the funding would be strictly private from Mr. Stafford, who would then recover the funds through sales. He then stated the reasons would be taken into consideration and conveyed to all concerned.

Commissioner Greiner stated the reason the Florida Building Commission decided not to create a commentary was due to the number of already existing commentaries available. He then moved approval for the Commission to agree to the concept of a commentary that would include Florida-specific items such as Mr. Stafford described. Commissioner Hamrick seconded the motion. Vote to approve the motion resulted in 16 supporting and 2 opposed. Motion carried.

Mr. Dixon reminded the Commission authority from the Legislature had been granted to develop a commentary and the Commission had decided not to develop the commentary itself, rather to support all commentaries to be used in Florida.

COMMISSION MEMBER COMMENTS AND ISSUES

Commissioner Greiner requested clarification concerning hurricane issues in June in St. Petersburg and the Commission action that would follow.

Mr. Dixon responded stating the quality construction issues and the hurricane issues would be heard throughout the next two meetings and during the June Commission meeting. He continued stating the reports of the projects in process have targeted the end of April for their recommendations available. Mr. Dixon then stated the committees would address the reports at the May meeting with preliminary recommendations resulting regarding what action the Commission should take. He explained the major issues to be addressed before June are the water intrusion issues in Central Florida, the roofing issues, aluminum structures, and shutter failure issues. Mr. Dixon stated FEMA is focusing on roof top equipment which has already been addressed.

RECESS

Chairman Rodriguez called a recess at 4:31 p.m. until March 16, 2005, at 8:30 a.m.

WEDNESDAY, MARCH 16, 2005

RECONVENE AND WELCOME

Chairman Rodriguez called the meeting to order at 8:30 a.m. He offered an overview of the day's meeting issues then directed the Commission to Mr. Blair for the review and approval of the meeting agenda.

REVIEW AND APPROVAL OF 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 agenda. Commissioner Gonzalez seconded the motion. Vote to approve the motion was unanimous. Motion carried.

CONSIDER COMMITTEE REPORTS AND RECOMMENDATIONS

Accessibility TAC

Commissioner Gross presented the report from the Accessibility TAC meeting. (See *Accessibility TAC Minutes March 15, 2005.*)

Budget Committee

Commissioner Browdy presented the report from the Budget Committee meeting. (See *Budget Committee Minutes March 15, 2005.*)

Commissioner D'Andrea moved approval of funding the facilitator's contract as submitted. Commissioner Calpini seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Commissioner Parrino moved approval to accept the report. Commissioner Calpini seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Education TAC

Commissioner Browdy presented the report from the Education TAC meeting. (See *Education TAC Minutes March 15, 2005.*)

Commissioner D'Andrea moved approval of the Education TAC report as

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

Commissioner Gonzalez offered a recommendation to substitute retired TAC member Bob McCormick with Dennis Braddey. He stated BOAF has offered support for that transition.

Chairman Rodriguez stated an official request from BOAF would be in order then the appointment could be made.

Joe Crum, President, BOAF

Mr. Crum stated Bob McCormick had retired and his position was filled by Dennis Braddey. He then stated the association would support Dennis Braddey's filling the vacant position on the Education TAC.

Chairman Rodriguez then appointed Dennis Braddey to the Education TAC.

Commissioner Browdy added if Senate Bill 442 is passed it is likely there will no longer be an Education TAC, he still welcomed Mr. Braddey's appointment on behalf of the Education TAC.

Energy TAC

Commissioner Bassett presented the report from the Energy TAC meeting. (See *Energy TAC Minutes March 15, 2005.*)

No Commission action requested.

Fire TAC

Commissioner D'Andrea presented the report from the Fire TAC meeting. (See *Fire TAC Minutes March 15, 2005.*)

No Commission action requested.

Mechanical TAC

Commissioner Bassett presented the report from the Mechanical TAC meeting. (See *Mechanical TAC Minutes March 15, 2005.*) He stated the TAC had decided there was an error approving declaratory statement DCA05-DEC-032 concerning wooden

return air grilles. He continued stating he would recommend during the next meeting the TAC reverse that action.

Mr. Richmond offered comment stating an approved recommendation had been issued and appropriate procedure would be drafting alternative orders to be presented during the next Commission meeting.

Structural TAC

Commissioner Parrino presented the report from the Structural TAC meeting. (See *Minutes of Structural TAC Meeting March 15, 2005.*)

No Commission action requested.

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

Commissioner Carson presented the report from the PAPBMB POC meeting. (See *PAPBMB POC Minutes March 15, 2005.*) He stated there were five recommendations requiring Commission action.

Commissioner Carson moved approval of the rebid for the Prototype Buildings Program Administrator contract. Commissioner D'Andrea seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Commissioner Carson moved approval for the renewal of A and A's Product Approval Program Administrator contract. Commissioner D'Andrea seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Commissioner Carson moved approval for opening Rule 9B-1, Manufactured Buildings Program. Commissioner D'Andrea seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Commissioner Carson moved approval for DCA staff to convene a meeting of affected parties regarding product approval number FL208. Commissioner D'Andrea seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Commissioner Carson moved approval for \$300 fee for product and entity revisions. Commissioner D'Andrea seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Commissioner Parrino moved approval to accept the report of the PAPBMBPOC.

Commissioner D'Andrea seconded the motion. Vote to approve the motion was unanimous.

**REVIEW COMMITTEE ASSIGNMENTS AND ISSUES FOR THE
COMMISSION'S MAY 9, 10, 11, 2005 MEETING**

Mr. Blair reviewed committee assignments for scheduling the committee meetings in May 2005.

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

Chairman Rodriguez stated the purpose of the hearing is to finalize the rule amendment codifying the criteria developed by the Education TAC regarding the Program for Voluntary Accreditation of Building Code Training Providers. He continued stating a rule development workshop was held during the January 2005 Commission meeting. He then directed the Commission to Mr. Richmond, hearing officer, and Mr. Blair, facilitator.

Mr. Richmond opened the hearing offered a brief description of the rule stating the accreditation of advanced modules had been separated into a new section of 9B-70, which leaves the core education requirements in the first section. He then directed the Commission to page 4, paragraph 3, of their packet stating 6 months had been selected as the time period allowed before the Commission considers developing courses on specified subject areas.

Chairman Rodriguez called for public comment. No one approached for public comment. He then called for Commission comments and discussion.

Commissioner Gonzalez directed the Commission to page 5, item F, stating it indicates the revisions would be handled in the same manner. He then asked if there is a fee for revisions.

Mr. Richmond explained the fees related to this issue are solely an agreement between the accreditor and the course developer and would be subject to their determination. He then closed the public hearing.

Commissioner Wiggins moved approval to proceed with rule adoption for Rule 9B-70, Florida Building Code Training Program. Commissioner D'Andrea seconded the motion. Vote to approve the motion was unanimous. Motion carried.

RULE ADOPTION HEARING ON RULE 9B-3.048, STATE MINIMUM PLUMBING CODE; RULE 9B-3.049, STATE MINIMUM ELECTRICAL CODE, AND; 9B-3.050, STATEWIDE AMENDMENTS TO THE FLORIDA BUILDING CODE

Chairman Rodriguez described the purpose of the hearing is to complete the formal rule development process for the three rules. He stated the section of the minimum codes is to eliminate the obsolete state minimum plumbing and electrical codes that were replaced by the implementation of the 2001 Florida Building Code. Chairman Rodriguez continued stating Rule 9B-3.050, Statewide Amendments to the Florida Building Code, is being conducted in order to adopt by rule the requirement that proponents submitting proposals for Florida-specific amendments to the Florida Building Code must provide a rationale for the proposed amendment. He then directed the Commission to Mr. Richmond, hearing officer, and Mr. Blair, facilitator.

Mr. Richmond called the hearing to order and opened for public comment. No one approached for public comment. He then closed the public hearing.

Chairman Rodriguez then called for Commission comments and discussion.

Commissioner Wiggins noted on page 5, the proposed modification change form, under the rationale portion, item C, is repetitive and should be corrected. He then moved approval of the rule adoption with the amendment the typographical error be corrected. Commissioner Greiner 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 updated workplan as it was presented in each Commissioner's files.

Mr. Blair added Mr. Dixon was seeking Commission input concerning the shaded area located under the approved item, Alternative 1, which is a concept providing additional time for review of the current 2004 Code document and for proposing amendments.

Commissioner Wiggins asked if the concept was contained in the shaded area pertaining to hurricane issue amendments or the annual cycle, or both.

Mr. Dixon responded stating the Commission had voted to request that the Legislature authorize the Commission to conduct a process, which would eliminate some of the time and steps relating to glitch amendments.

Commissioner Parrino stated if the Legislature does not grant authority to deal with hurricane related issues, those issues would then be placed in the annual update cycle. He continued stating if the cut-off date of June 24, 2005, it is unlikely the recommendations will be completed. He then expressed support for the August date as the cut-off date.

Mr. Dixon noted the amendment cycle schedule is optimistic based on the historical time lines needed for hearings and public comment opportunity.

Commissioner Wiggins asked if there were staff or legal recommendations concerning the alternatives.

Mr. Dixon replied stating staff recommended moving to the August cut-off date.

Commissioner Bassett expressed support for the August deadline stating it is important to obtain needed hurricane protection amendments as soon as possible.

Chairman Rodriguez called for two motions, one for the desired alternative and the other to approve the updated workplan.

Commissioner Bassett moved approval for Alternative #2. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Mr. Dixon continued his review of the workplan revisions.

Commissioner Bassett asked if the Commission would be required to wait until the I-Code is published or if the work could take place from the proceedings during which the I-Code was adopted.

Mr. Dixon responded stating from a legal perspective more time may be needed to determine an appropriate action. He continued stating under Senate Bill 442, there is a six-month delay time from the time the I-Codes become available before the Commission may begin a deliberative process to enter amendments. Mr. Dixon added the Commission may begin reviewing the documents to determine which changes would be appropriate for Florida without taking action on the decisions.

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

JOINT SESSION WITH HURRICANE RESEARCH ADVISORY COMMITTEE
Summary of February 11-12 Hurricane Symposium
Roofing Industry's Roof Tile Systems Improvement Initiative
Aluminum Industry's Aluminum Structures Design Improvement Initiative
Assessment of Building Code Performance/Surveys of Home Damage
Study on Hurricane Driven Water Intrusion

Chairman Rodriguez stated the Hurricane Research Advisory Committee was charged with advising the Commission and TACs concerning the viability of information supporting Code changes that address building features resulting from the 2004 hurricanes. He continued stating the mission of the committee is to identify and review the results of and gaps in research, and make recommendations as to which research is sufficient to support proposed Code enhancements. Chairman Rodriguez further stated one report is available on one of the studies identified to date, other projects may not be completed until April or May. He then announced a joint meeting of the Commission and the Advisory Committee to hear presentations on the research projects that were not heard during the December workshop is being held because many Commissioners were unable to attend the symposium.

Chairman Rodriguez then recognized the research presenters as follows: Dr. Joe Liebrich, national consultant, would discuss the water intrusion study; Jeff Burton, team member conducting state-sponsored building code performance assessment project, would report status and preliminary results; Bob Ferante and Rick Olsen, Florida Roofing and Sheet Metal Association's Roof Tile Committee, would update the Commission on the industry initiative to upgrade standards for the attachment of clay and concrete roof tiles; and Joe Belcher, consultant, would update the Commission on the initiative of the Aluminum Contractors Association to improve the design of aluminum structures.

Chairman Rodriguez then recognized the Advisory Committee members: Chris Schulte, representing contractors; Do Kim, representing engineers; Nick D'Andrea, representing building officials; Tim Reinholt, representing researchers and insurance; Joe Crum, representing BOAF; Jack Glenn, representing home builders; John Engargiola and Todd Davidson, representing FEMA; George Wiggins, representing local governments; Craig Parrino, representing product manufacturers; and Dave Olmstead, also representing product manufacturers. He then directed the Commission to Mr. Dixon for a summary of the February symposium.

Summary of February 11-12 Hurricane Symposium

Mr. Dixon presented a summary of the hurricane symposium, which was held in

February 2005. He stated there have been two formal workshops where researchers have presented research results available at the time. He continued stating during the December Commission meeting many of the projects were still in early or mid-stages and during the February symposium more advanced information was available on many of the previously reported projects. Mr. Dixon further stated Peter Vickory of ARA made a presentation updating the ARA wind modeling in storm characterization. He reported the storms were characterized as 120 events with the exception of Hurricane Charley, which was characterized as a 150 event. He continued reporting that Florida Coastal Monitoring Program researchers made a presentation reporting their results from measuring and updating their wind speeds data. Mr. Dixon stated there were presentations by Ricowee(?) Studies of Roofing with more updated information. He continued stating a report would be made available from that project on April 1, 2005 at a conference in Miami Beach. He further stated FEMA made presentations concerning the different mitigation assessment team projects, mostly mirroring what had already been reported with minor updating and refining. He explained Mr. Engargiola indicated there were summary reports available with the full reports becoming available in May. Mr. Dixon then reported Commissioner Kim had made a presentation concerning aluminum structures and a couple of new presentations which will be delivered to the full Commission during the current meeting.

Roofing Industry's Roof Tile Systems Improvement Initiative

Bob Ferante and Rick Olsen, Representing

Mr. Olsen referenced a supportive document, which contained the draft recommendations resulting from the research. He then expressed appreciation to the Commission for the opportunity to speak on behalf of the Tile Roofing Institute. Mr. Olsen offered a brief introduction to the draft recommendations as presented in the report.

Mr. Ferante then conducted an overview of the recommendations as presented in the report. (See *Supplemental Instructions for Hip and Ridge Attachment Sections of the FRSA/RTI "Concrete and Clay Roof Tile Installation Manual "Third Edition" Attachment.*) He welcomed comments and questions from staff members and Commission members.

Mr. Olsen concluded by requesting that the Commission support the formal recommendations; help clarify the formal FBC product approval process to include those uplift resistance values and any restrictions that have resulted; and creating the requirement of a Uniform Qualified Applicator's Program for industry uniformity.

Commissioner Wiggins asked if the recommendations would require a change in the existing Code or in the new Code effective July 1, 2005.

Mr. Olsen responded stating he would have to review the current and upcoming Codes further to determine whether a change would be necessary. He continued stating there is a product approval process in place and part of the process would require a change in the submission of product data so the uplift data is compared with the approvals. Mr. Olsen then stated the document referenced in the Code is the FRSA TRI installation guide, and the document provided during the current Commission meeting will serve as a supplement to the installation guide. He explained the document would not require Commission acceptance, however, it may be beneficial for the Commission to recognize the document as a further interpretation.

Mr. Dixon added the Code requirement would be what was in effect at the time the Code was adopted. He stated the supplement has been presented after the Code adoption and would therefore not be required except through an amendment.

Commissioner Tagiarini asked how the applicator program would be officialized.

Mr. Ferante replied currently there is a uniform applicator program in place for the adhesive manufacturer and it will also be instituted for the mortar-set manufacturers. He stated there is an established program, which is being presented to the mortar manufacturers for consideration and consensus. Mr. Ferante explained generally there is a classroom setting where a test is conducted with participants required to answer specific questions along with answering a percentage of additional questions, after which there is a qualified applicator card provided to the individual installers. He stated a list is developed from passing test participants and the list is distributed to local building officials who in turn ask for the card on the job site.

Commissioner Schulte expressed support for the proposed changes then requested the proposed changes contained in the report be considered to be included in the expedited Code change process, if authorized by the Legislature, if the proposed changes are not approved for the supplemental installation guide. He then expressed appreciation to the industry for expeditiously moving forward with the proposed changes.

Chairman Rodriguez concurred and stated what makes the process successful is industries moving ahead and conducting and reporting the research which will improve the safety and welfare of the residents of Florida.

Commissioner Bassett asked if the Commission is responsible for maintaining or changing the book of protocols developed by Dade County, and if not the Commission,

then who would be making the changes to protocol.

Chairman Rodriguez replied the protocols were developed for the high velocity hurricane zone and would have to come before the Commission as part of the Code.

Mr. Ferante stated the recommendations contained in his report meet the requirements of the high velocity hurricane zone or are more stringent.

Mr. Olsen added the trim tiles in the past have been treated as accessory tiles and must be reviewed and considered in terms of how they will be treated in the Code.

Chairman Rodriguez then called for public comment.

Jaime Gascon, Miami-Dade County

Mr. Gascon asked if there had been consideration for TAS 106, which is the tile uplift test performed in the field after tile installation.

Mr. Ferante responded stating the test merely reveals whether the tile is attached or not, it does not provide resistance values.

Mr. Gascon added in Miami-Dade County the test is considered a sort of "tire kick test" to ensure the roof is installed correctly then asked if there would be any enhancements to the test.

Mr. Olsen responded stating he had not considered enhancements to the test but had reassessed the faults of the test. He continued stating there is supportive data indicating products have passed the test but still do not meet the requirements of the manufacturer's installation instructions. Mr. Olsen then stated the test could be readdressed but appears to be another "cottage industry" type of application.

Mr. Ferante added the test was developed following Hurricane Andrew with concerns for how it would be performed and how it would be uniform. He continued stating 28 days roof cure time must be allowed then the concern was who would return to perform the test. He stated there were many issues to be discussed and still to be considered in terms of the test.

Commissioner Schulte addressed an additional issue concerning the TAS 106 test stating he performs many installations in the Broward and Dade areas using the test. He continued stating the TAS 106 test merely tests field tile not addressing hip and ridge attachments as part of the assembly. He suggested further review and

consideration of the TAS 106 test for possible enhancements.

Aluminum Industry's Aluminum Structures Design Improvement Initiative

Joe Belcher, Representing Aluminum Industry

Mr. Belcher stated the Aluminum Association of Florida is very concerned about the number of failures that occurred during the hurricanes. He stated there had been meetings held with industry professionals, engineers, and building officials to assess the failures and as a result, modifications to Table 2002.4 have been made. He further stated the modifications would be prepared and presented to the Commission during the June or August meetings. Mr. Belcher then stated a database of 30-35 aluminum structure design engineers has been developed and the intent is to bring design professionals together to understand load applications. He reported there had been one meeting to date in Fort Pierce that was very well attended and stated there was another meeting scheduled for April as well as compiling an email initiative, which is ongoing with questions and responses.

Commissioner Kim added he had participated in the engineering community outreach events and thanked the building officials and aluminum design engineers who opened discussion concerning the issues and failures.

Assessment of Building Code Performance/Surveys of Home Damage

Jeff Burton, Institute for Business and Home Safety (IBHS)

Mr. Burton extended appreciation to the Commission and the subcommittee for inviting him to conduct the research. He then presented a report of the methodology derived from the post hurricane field studies. (See *Post Hurricane Field Study* PowerPoint Presentation.)

Chairman Rodriguez opened for Commission clarifying questions.

Commissioner Browdy asked how the percentage of roof damage resulting from trees was skewed.

Mr. Burton replied stating it was determined by the way the questions were asked. He stated as an example a question would be: What percentage of tiles was lost this side of the roof? Was it from wind or windborne debris? Was it from trees? He stated the tree answer would be available very soon. Mr. Burton then stated the areas that were researched, particularly in the high wind speed areas with tile roof areas, would result in a small percentage of tree damage because there are not many large

trees in the area. He explained the majority of damage would most likely be caused by wind or windborne debris.

Commissioner Wiggins asked if there was any comparison of older, pre-1960 homes, to newer homes.

Mr. Burton responded stating the permit data would provide existing data to pull specific information about the homes. He continued stating it would be cost prohibitive to conduct a study to gather the data but the permit data could provide the basic information.

Commissioner Wiggins then asked if there was a comparison of shuttered homes versus non-shuttered homes.

Mr. Burton replied the same methodology was used as used for the roof, the wall directionality. He stated every opening in the house is recorded including the size of the opening and specific details about glazing, casements, and protection if any, and if the protection was damaged or breached.

Commissioner Wiggins finally asked if there were recommended Code changes as a result of the study and if so, when would the recommendations be available.

Mr. Burton replied there would be recommended Code changes which may be available in conjunction with the dates previously discussed. He then stated if the date could be moved to August rather than June it would provide time for more completion for the proposed amendments.

Commissioner Kim offered comment stating the Code is relatively silent in terms of soffitt design. He continued stating Code changes would provide engineers and architects better guidance in terms of how soffitt design pressures specifications are calculated.

Chairman Rodriguez then called for public comment. No one approached for public comment.

Study on Hurricane Driven Water Intrusion

Joseph Lstiburek, Ph.D., P.Eng.

Mr. Lstiburek presented the results of his water intrusion investigation with the aid of a PowerPoint presentation. (See **Need Presentation Name**)

Mr. Lstiburek made the following recommendations in terms of building code changes:

- Define water resistant barriers and require minimum performance
- Require a bond break between stuccos and WRB's
- Require terraced concrete sills for windows
- Require flashing under framed walls
- Require cap flashing over mold windows
- Clarify the difference between flashing and a control joint
- Require seats under CMU walls
- Require flanged flashed service penetrations including minimum performance requirements for the materials
- Allow venting of bath vents out of soffits
- Wind-block roof rafters and trusses
- Allow one vented condition to attics
- Structural requirements should not conflict with water management requirements
- Allow adhered membranes on roof decks

Commissioner Wiggins asked if there was a study conducted concerning the thousands of homes that did not leak that had masonry exterior and were painted block or stucco.

Mr. Lstiburek responded stating one question that no one had asked was concerning the role of construction defects in the leaking homes. He continued stating in his opinion half of the rain entry was due to construction defects. Mr. Lstiburek further stated the focus of his research was non-construction defect related problems because those issues of poor installation and poor construction will come to the forefront through the litigation process.

Chairman Rodriguez interjected it is important that the question be raised and truthfully answered. He stated design can be illustrated, with the construction and inspections being implemented properly. Chairman Rodriguez expressed appreciation to Mr. Lstiburek for his focus in the design portion of the construction process.

Mr. Lstiburek then stated half of the water intrusion events occurred due to poor construction practices. He added if all of his recommendations were implemented water intrusion could be reduced by maybe half but probably not eliminated completely. Mr. Lstiburek stated there is a trade-off between money spent on technology to eliminate the problems and the affordability of home building. He further stated part of the focus should be on education and proper construction. He offered comment stating the

structural engineering requirements in Florida is brilliant and is attempting to deal with large amounts of rain, high humidity, and high winds.

Mr. Madani asked if there had been an opportunity to review the International Code, Building Volume, which addresses many of the issues included in the recommendations.

Mr. Lstiburek replied stating the I-Codes are good codes, however, it is not always clear in terms of the function of the requirements. He gave an example stating the two layers of paper are important and it could be clarified that a drainage plain and a bond break would be necessary as well to allow drainage to occur. Mr. Lstiburek recommended customizing or "Florida-izing" the best of the requirements in the I-Codes. He added the current ASTM standards referenced in the I-Codes with respect to water resistant barriers are inadequate because the materials that meet those standards failed, resulting in an inappropriate standard.

Commissioner Greiner asked if the information concerning to air conditioning and inside/outside temperatures was relating to particular areas in the Energy Code.

Mr. Lstiburek responded stating energy conservation has been in the forefront for the past twenty years and the consequence has had an effect on drying potentials. He stated if the energy flow across the assembly is reduced, even for good societal and social reasons, consequences will result because the energy is no longer available to dry out an assembly, or dry in an assembly, and other construction methods will be necessary to correct the reduced drying potentials, i.e, flashing windows and doors.

Mr. Blair stepped out of his facilitator role to concur with Mr. Lstiburek regarding using head flashing for mold windows. He then asked why the same recommendation would not be appropriate for all windows.

Mr. Lstiburek replied stating some windows are constructed very well and their flange detail provides the flashing overhead while other windows clearly require head flashing. He continued stating some window manufacturers can legitimately claim their windows are self-flashed at the top while other windows don't meet that requirement. Mr. Lstiburek recommended some type of performance requirement in terms of window flashing be researched and implemented.

Commissioner Schulte offered comment as the Commission's roofing contractor representative addressing Mr. Lstiburek's comments regarding the base sheet being tacked to the deck in the South Florida area. He stated the intent of the nailed base sheet as opposed to a peel-n-stick base sheet was to allow easy removal at the time of

re-roofing to inspect for bad wood and nailing of sheathing. Commissioner Schulte continued stating in South Florida there is probably more re-roofing than in other areas of the country and the inability to inspect the roofing prior to re-roofing could pose further problems.

Mr. Lstiburek expressed appreciation to Commissioner Schulte's comment stating it was the first explanation he has been provided that has shed light on the issue.

Mr. Dixon stated the August meeting is currently scheduled for meeting in Miami, however, an alternative is being researched because of the review of proposed amendments and how they may be scheduled.

ADJOURN

No further business was discussed. Chairman Rodriguez adjourned the Florida Building Commission Plenary Session at 11:47 a.m.