



STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS
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Secretary

**BOARD MEETING
OF THE
FLORIDA BUILDING COMMISSION**

**PLENARY SESSION MINUTES
March 21 & 22, 2006**

**APPROVED
MAY 2, 2006**

The meeting of the Florida Building Commission was called to order by Chairman Raul Rodriguez at 3:30 p.m., on Tuesday, March 21, 2006, at the Embassy Suites Hotel, Tampa, Florida.

COMMISSIONERS PRESENT:

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

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

COMMISSIONERS ABSENT:

Randall J. Vann

OTHERS PRESENT:

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

MONDAY, MARCH 21, 2006

WELCOME

Chairman Rodriguez welcomed the Commission and the gallery to the March 2006 plenary session of the Florida Building Commission. He directed the Commission to Mr. Blair for a review and approval of the meeting agenda.

REVIEW AND APPROVE AGENDA

Mr. Blair conducted a review of the meeting agenda as it appeared in each Commissioner's agenda packet.

Commissioner Browdy entered a motion to approve the meeting agenda as presented. Commissioner D'Andrea entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

REVIEW AND APPROVE FEBRUARY 6 & 7, 2006 MEETING MINUTES AND FACILITATOR'S REPORT

Chairman Rodriguez called for comments, corrections, or additions to the February 2006 Commission meeting minutes and Facilitator's report.

Commissioner Wiggins noted a correction for his attendance to the February 7, 2006, portion of the plenary session stating he was present for the second day. He then noted a misspelled name on page 16, Mr. McCormack. He did not note the correct spelling (McCormick). Commissioner Wiggins then entered a motion to approve as amended the minutes of the February 2006 plenary session. Commissioner D'Andrea entered a second to the motion.

Commissioner Carson referenced page 8 stating the minutes indicate items beginning 4021 were recommended for deferral when they were actually denied.

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

REPORT ON 2004 FBC PURCHASES AND ICC SERVICES-MARK JOHNSON

Chairman Rodriguez directed the Commission to Mark Johnson, ICC Services, for 2004 FBC purchases report.

Mr. Johnson extended appreciation to the Commission and provided a brief history of the distribution of building codes. He stated in 2006, Florida is the leading state for code distribution. He attributed the success to affordability of the Florida codes, which are available at approximately 10% off the prices for ICC codes. Mr. Johnson continued stating ICC has updated its website making available the Florida codes with the revisions in a read-only format. He added ICC is updating Florida codes on CD-ROM with search features, hyperlink features, and the ability to annotate as well as the ability to update previously purchased CD's.

Mr. Johnson addressed support services issues stating a Florida commentary for the Building volume of the Florida Building Code is in the process of being developed and will be available over the next three months. He stated a commentary for the Residential volume would be the next process. Mr. Johnson stated in the next 45 days a Florida Building Code application guide would be available providing answers to over 300 frequently asked questions relating to the Florida Building Code. He then brought up the issue of e-solutions explaining e-solutions would place a base code document online in a PDF format with the ability to make changes and distribute for approval saving a vast amount of time for that process.

Mr. Johnson addressed the issue of updates and revisions stating a couple of options were being researched; i.e., a registration system placed online where individuals would be able to register their code books online to be included in a notification process for updates or revisions; or making the updates and revisions available online for downloadability. He stated a third option would be a subscription service for automatic updates and revisions through electronic format or by mail.

Mr. Johnson concluded his comments by announcing the complete family of 2006 codes are available in print or through downloading a PDF document. He then noted Building Safety Week is May 7 through May 13.

CONSIDER ACCESSIBILITY WAIVER APPLICATIONS

Mr. Mellick stated the Council received 15 applications for waiver and were allotted only three hours to hear the cases, which resulted in three of the cases not being heard. He requested for future meetings more time be scheduled for the Accessibility Advisory Council meetings. Mr. Mellick then presented the applications for waiver from accessibility as they appeared in each Commissioner's files.

#10 – Colony Theatre Restoration and Stage House Improvements, Miami Beach

Mr. Mellick stated the application was withdrawn by the applicant.

No Commission action required.

#1 – Florida Marines Agency Islands Shipping Lines, Inc., Miami

Mr. Mellick stated the application was recommended for deferral until the next Commission meeting.

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

#8 – Herrle Communications Group, Tallahassee

Mr. Mellick explained the application was recommended for deferral until the next Commission meeting.

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

#4 – Sanibel Harbour Resort and Spa Courtside Restaurant, Ft. Myers

Mr. Mellick explained the issues related to the application as presented in each Commissioner's files. He stated the Council recommended approval based on 20% disproportionate cost.

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

#9 – Adora Inn, Mount Dora

Mr. Mellick stated the issues related to the application then explained the Council recommended approval based on historic exemption.

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

#11 – Adonel Concrete, Fort Pierce Batch Plant, Fort Pierce

Mr. Mellick explained the issues related to the application for waiver stating the project would receive automatic exemption based on the facility not being open to the public with less than five people. He stated the Council recommended approval of the waiver.

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

#12 – Camelot, Clearwater Beach

Mr. Mellick stated the issues relating to the application for waiver explaining the Council recommended dismissal for the 36" grab bar based on lack of jurisdiction; and approval for waiver from vertical accessibility based on 20% disproportionate costs.

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

#15 – Master Excavators, Miami

Mr. Mellick explained the issues relating to the application stating the request would receive automatic exemption because the facility is not open to the public and less than five persons. He stated the Council recommended approval of the waiver.

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

Mr. Mellick presented the waiver applications which were recommended for approval with conditions as presented in each Commissioner's files.

#3 – Dunnellon Historic Train Station, Dunnellon

Mr. Mellick explained the issues relating to the application stating the Council recommended approval with the condition the applicant provide a vertical lift within two years.

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

#6 – Adolfo Ibanez School of Management, LLC, Miami

Mr. Mellick explained the issues relating to the application stating the Council recommended approval with the condition the applicant provides an accessible at the front as well as to the rear of the four levels. He then directed the Commission to representatives for the applicant for discussion.

Larry Schneider, Architect, Representing applicant

Mr. Schneider introduced Lori Hieman, Adolfo Ibanez School of Management. He then addressed the issues relating to the application stating it is the applicant's belief the school's project falls under the extreme hardship provision of the accessibility chapter. He explained the provision was not intended to require accessible seating for every row of seating. Mr. Schneider cited portions of the Florida Accessibility Code and the Americans with Disabilities Act. He then provided a brief synopsis of the Adolfo Ibanez School of Management and conducted a review of the project with overhead projector assistance.

Ms. Hieman offered a more detailed explanation of the project and how the seating would be arranged in relation to the instructors' positions, also with the aide of overhead presentation. She stated because the room provides only 50 seats requiring two accessible seats, the preferred position for the accessible seats would be in the front or on the end due to visibility.

Commissioner Wiggins asked if the configuration provided by the applicant includes a desk or table for the accessible seat.

Ms. Hieman responded stating the table/desk is in the process of being designed and would be placed for the accessible seat.

Mr. Mellick then offered additional comment stating the Council's recommendation would offer a choice of seating for disabled students rather than forcing them to be seated in the front of the classroom.

Commissioner Browdy asked how much space would be lost in the A/V storage area if a ramp were constructed for access to the upper level.

Mr. Schneider responded stating the ramp would be 29 feet with landings at the top and bottom. He stated there was only one place the ramp could be installed then stated a lift would be a preferred method of providing access to save space and would be cost prohibitive. Discussion ensued concerning solutions to the ramp versus lift possibilities for providing accessibility.

Chairman Rodriguez interjected the Commission would more likely be in favor of providing a choice of accessible seating, which would coincide with the Council's recommendation. He then requested clarification concerning the applicant's waiver.

Mr. Schneider offered clarification stating the desired recommendation from the Commission in terms of providing a choice for accessible seating would be that the recommendation would require the applicant to provide accessibility to the last tier level, leaving the choice of provision with the applicant. He further requested there be a waiver under exception 11-4.8.3, the Florida-specific 44" ramp mandate, allowing a 36" ramp as provided under the federal ADA guidelines. Mr. Schneider additionally requested a specific time frame for providing accessibility to the upper tier since it had not been included in the applicant's design or their budget.

Commissioner Norkunas entered a motion to approve the Council's recommendation to approve the waiver with conditions as described. Commissioner Wiggins entered a second to the motion.

Commissioner Browdy offered an amendment to the motion to provide the applicant the choice for the method to accomplish the provision as well as waive the Florida-specific 44" ramp requirement to allow a 36" ramp.

Commissioner Norkunas accepted the amendment, as did Commissioner Wiggins.

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

#13 – Roxy 10 Movie Theater

Mr. Mellick explained the issues relating to the waiver and stated the Council recommended approval with the condition the applicant move one accessible location to the first level for theaters 2, 3, 7, 8, and 9, with all other theaters having an additional accessible location on the first level; as well as placing removable hand rests on all end rows.

Commissioner McCombs entered a motion to approve the Council's recommendation. Commissioner Browdy entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

#14 – Just Acute Medicine, P.A.

Mr. Mellick presented the issues relating to the application for waiver stating the Council recommended approval with the condition no medical/patient care will be provided at this location.

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

Mr. Mellick presented the applications for waiver recommended for deferral by the Council:

Case #2 – Little Haiti Soccer Park

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

Case #7 – Planet Fitness Oviedo

Commissioner Browdy entered a motion to approve the Council's recommendation to defer the application until the next scheduled meeting of the Accessibility Advisory Council. Commissioner D'Andrea entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Mr. Mellick presented the final application for waiver, which was recommended for denial by the Council:

Case #5 – Ruth Chris Renovation and Addition

Mr. Mellick explained the issues relating to the application for waiver from providing vertical accessibility to a new roofed terrace costing \$435,000. He stated the Council unanimously recommended denial based on lack of hardship.

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

CONSIDER APPLICATIONS FOR PRODUCT AND ENTITY APPROVAL

Mr. Blair presented the applications for product approval in the order they appeared in each Commissioner's files.

Certification Method

Recommended for Approval

Mr. Blair presented the consent agenda items recommended for approval:

Product #'s: 57-R2; 224-R2; 228-R3; 239-R3; 245-R3; 251-R3; 1215-R2; 1493; 1628-R1; 1814-R1; 1817; 1943-R1; 2025-R1; 2766-R3; 2877-R1; 2981-R1; 3512-R2; 3577-R1; 4023; 4274-R1; 4435R2; 4437-R2; 4438-R2; 4439-R2; 5419-R1; 5664; 5781-R1; 5831-R1; 5835-R1; 5839-R1; 5948; 5979-R1; 6111; 6118; 6125; 6127; 6131; 6135; 6139; 6144; 6147; 6150; 6164; 6165; 6168; 6169; 6171; 6173; 6174; 6175; 6183; 6185; 6187; 6188; 6189; 6190; 6194; 6197; 6198; 6204; 6206; 6208; 6210; 6214; 6220; 6224; 6228; 6233; 6235; 6236; 6238; 6242; 6244; 6249; 6253; 6254; 6256; 6258; 6259; 6262; 6263; 6265; 6266; 6268; 6269; 6277; 6279; 6289; 6302; 6307; 6333; 6334; 6342; 6374; 6375; 6376; 6377; 6386; 6390; 6392; 6393; 6394; 6396; 6397; 6403; 6404; 6408; 6409; 6428; 6429; 6430; 6431; 6432; 6433; 6434; 6435; 6436; 6442; 6443; 6446; 6447; 6452; 6453; 6458; 6466; 6479; 6488; 6490; 6492; 6496; 6497; 6499; 6501; 6505; 6502; 6503; 6504

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

Recommended for Conditional Approval

698-R1

Mr. Blair stated the POC recommended conditional approval with the condition the applicant provide evidence of certification of design pressure of -307 or revise; and Indicate "Not for use in HVHZ" unless tested to TAS 125.

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

1424-R1

Mr. Blair stated the POC recommended conditional approval with the condition the applicant select an entity to confirm installation instructions.

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

1601-R3; 1616-R3

Mr. Blair stated the POC recommended conditional approval with the condition the applicant Indicate "not for use in HVHZ" unless tested to requirements of TAS 114 and TAS 117 Appendix B.

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

1875-R2

Mr. Blair stated the POC recommended conditional approval with the conditions that the applicant correct the Certification Agency selection and consolidates products into one line.

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

6107

Mr. Blair stated the POC recommended conditional approval with the condition the applicant correct products 6107.3, 6107.4, 6107.5, 6107.6, which have design pressure on application exceeding certification.

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

6140

Mr. Blair stated the POC recommended conditional approval with the condition the applicant insert the UL listing file into the "Certification Agency Certificate" section of the application.

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

6196

Mr. Blair stated the POC recommended conditional approval with the condition the applicant correct "No" on use outside HVHZ.

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

6337

Mr. Blair stated the POC recommended conditional approval with the condition the applicant make corrections to product 6337.3, for which pressure and size exceed certification; as well as for product 6337.4, which is certified for a different company than the applicant.

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

6338

Mr. Blair stated the POC recommended conditional approval with the condition the applicant make correction for product 6338.8 where design pressure exceeds certification.

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

6378

Mr. Blair stated the POC recommended conditional approval with the condition the applicant indicate compliance with Sec. 1626 of the FBC or on limits of use state "Not for use in HVHZ"; as well as indicate missile level.

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

6411

Mr. Blair stated the POC recommended conditional approval with the condition the applicant provide certification for or remove window models 311.

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

6506; 6509

Mr. Blair stated the POC recommended conditional approval with the condition the applicant corrects the sizes on application, which exceed certification; Professional Engineer has to validate rational analysis on anchor design; and the applicants need to provide testing of sidelights for pressure in accordance with TAS 202.

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

Recommended for Denial

4146-R3

Mr. Blair stated the POC recommended denial because there are installation instructions added; therefore this is not an "Editorial Changes" review and requires a technical review; additionally, the installation instructions for 4146.2 has pressures different from certification.

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

4269-R1

Mr. Blair stated the POC recommended denial because the application does not comply with the current Product Approval Rule 9B-72; installation drawings were not uploaded; certification of products were not uploaded; testing standards do not comply with current adopted testing standards.

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

6485

Mr. Blair stated the POC recommended denial because there is no certification certificate; testing on application was done at a non-accredited or approved laboratory.

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

5793

Withdrawn by applicant.

No Commission action necessary.

Evaluation by Engineer / Architect

Recommended for Approval

Mr. Blair presented the products recommended for approval on a consent agenda.

Product #'s: 4554-R1; 5587; 5884; 5957; 6102; 6109; 6114; 6119; 6130; 6136; 6142; 6151; 6156; 6163; 6166; 6180; 6184; 6213; 6229; 6231; 6234; 6250; 6252; 6255; 6264; 6267; 6270; 6278; 6282; 6309; 6315; 6330; 6332; 6336; 6362; 6370; 6373; 6379; 6385; 6388; 6398; 6400; 6402; 6406; 6407; 6412; 6413; 6414; 6415; 6416; 6417; 6418; 6419; 6424; 6425; 6426; 6445; 6454; 6465; 6480; 6486; 6489

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

6306

Mr. Blair stated the POC recommended approval and directed the Commission to Commissioner Dean.

Commissioner Dean disclosed she has a financial interest in the product.

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

Recommended for Conditional Approval

2484-R1; 2889-R1; 3393-R1; 6181; 6215; 6218; 6222; 6223; 6241; 6423; 6427; 6494

Mr. Blair stated the POC recommended conditional approval with the condition the applicant provides the hardcopy of signed and sealed evaluation report.

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

5945

Mr. Blair stated the POC recommended conditional approval with the condition the applicant correct standards of reference, ASTM E72 is not an adopted standard in the 2004 FBC; in addition there are specific testing standards that need to be performed for roofing products; limits of use shall indicate exterior patio use only.

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

6104

Mr. Blair stated the POC recommended conditional approval with the condition the applicant verify testing for arched and notch conditions.

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

6276

Mr. Blair stated the POC recommended conditional approval with the condition the evaluation report is corrected as requested by the evaluator.

6288

Mr. Blair stated the POC recommended conditional approval with the condition the applicant correct the installation instructions, which were provided with grommets and was not a tested condition.

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

6410

Mr. Blair stated the POC recommended conditional approval with the condition the applicant indicate on note of glass separation outside HVHZ or indicate if not used the structure needs to be designed as "open structure"; limit span to 14 ft.

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

6422

Mr. Blair stated the POC recommended conditional approval with the condition the applicant indicate glass separation or indicate "Not for use on enclosed structures".

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

6477; 6482

Mr. Blair stated the POC recommended conditional approval with the condition the evaluation reports substantiate data on rational analysis and test reports.

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

Recommended for Deferral

6148

Mr. Blair stated the POC recommended deferral because test reports used for the evaluation were performed at a testing facility that is not an accredited testing laboratory.

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

6191

Mr. Blair stated the POC recommended deferral because this application consists of two different products; the products shall be listed separately with their own limits of use indicating design pressure and their own evaluation report and installation instructions; files have been placed on the wrong section of application; the section used is for equivalency of standards; the installation instruction provided does not detail the installation and attachment to structure; missing hardcopy signed and sealed of evaluation report.

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

Evaluation by Test Report

Recommended for Approval

Mr. Blair presented the products recommended for approval on a consent agenda.

Product #'s: 2931-R1; 6106; 6112; 6113; 6116; 6117; 6134; 6209; 6221; 6226;
6232; 6287; 6317; 6326; 6367; 6391; 6399; 6401; 6451

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

Recommended for Conditional Approval

680-R1

Mr. Blair stated the POC recommended conditional approval with the condition
the applicant indicate not to be used in HVHZ.

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

4720; 4736

Mr. Blair stated the POC recommended conditional approval with the condition
the applicants indicate "Not for use in HVHZ"; and remove the reference to use in HVHZ
on installation instruction.

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

6129

Mr. Blair stated the POC recommended conditional approval with the condition
the applicant correlate pressures on application with test reports.

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

6141; 6149; 6286; 6327; 6353

Mr. Blair stated the POC recommended conditional approval with the condition
the applicant correct the installation instructions, which do not indicate the anchors and
substrate.

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

4539-R1

Mr. Blair stated the POC recommended conditional approval with the condition the applicant indicate on limits of use "Not for use in HVHZ"; correct testing laboratory approval, which does not indicate accreditation for TAS 103.

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

6143

Mr. Blair stated the POC recommended conditional approval with the condition the applicant correct the installation instructions, which are illegible for 6143.1 and 6143.2; and for product 6143.3 the installation instructions do not indicate the anchors and substrate.

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

6145

Mr. Blair stated the POC recommended conditional approval with the condition the applicant correct the installation instructions, which do not indicate the anchors and substrate; and correct the drawings, which indicate pressure above testing.

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

6146

Mr. Blair stated the POC recommended conditional approval with the condition the applicant correct the installation instructions, which do not indicate the anchors and substrate; and correct the drawings, which indicate pressure above testing.

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

6313

Mr. Blair stated the POC recommended conditional approval with the condition the applicant correct installation instructions which do not provide attachment to structure; indicate products cannot be used in HVHZ unless cardboard panels are tested to the wet-dry requirements.

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

6331

Mr. Blair stated the POC recommended conditional approval with the condition the applicant correct installation drawings for 6331.1, which include rational analysis for sizes other than tested; both models do not indicate glass separation from shutter.

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

6360

Mr. Blair stated the POC recommended conditional approval with the condition the applicant remove installation on concrete substrate because it was not tested.

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

6365

Mr. Blair stated the POC recommended conditional approval with the condition the applicant correct loads on application, which are resisting, not design pressure; and provide design pressure.

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

6420

Mr. Blair stated the POC recommended conditional approval with the condition the Certificate of Independence is from the testing laboratory; indicate on limits of use "Not for use in HVHZ" unless tested for impact requirements in HVHZ.

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

6421

Mr. Blair stated the POC recommended conditional approval with the condition the applicant provide certificate of independence from the testing lab.

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

6498

Mr. Blair stated the POC recommended conditional approval with the condition the applicant indicate on limits of use "Not for use in HVHZ"; and correct the testing standards on application, which are not supported by test report.

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

Recommended for Deferral

2335-R2

Mr. Blair stated the POC recommended deferral because applicant applied using certification method; changed application method to test report and validated after deadline.

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

6275

Mr. Blair stated the POC recommended deferral because validation entity is not an approved entity.

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

6240

Mr. Blair stated the POC recommended deferral because laboratory on application did not perform tests; identify manufacturer's plant location; manufacturer to allow distributor to apply for approval and provide mark on product; not to be used in HVHZ; provide legible manual.

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

6323

Mr. Blair stated the POC recommended deferral because laboratory on application did not perform tests; identify manufacturer's plant location; manufacturer to allow distributor to apply for approval and provide mark on product; not to be used in HVHZ; provide legible manual.

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

6325

Mr. Blair stated the POC recommended deferral because laboratory on application did not perform tests; identify manufacturer's plant location; manufacturer to allow distributor to apply for approval and provide mark on product; not to be used in HVHZ; provide legible manual.

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

Evaluation by Evaluation Entity

Recommended for Approval

Mr. Blair presented the products recommended for approval under a consent agenda.

Product #'s: 2440-R1; 6193; 6297; 6304; 6350; 6352; 6354; 6355; 6484

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

Recommended for Conditional Approval

6203

Mr. Blair stated the POC recommended conditional approval with the condition the applicant remove testing standards not supported by the evaluation report; indicate on limits of use "Not for use in HVHZ".

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

6468

Mr. Blair stated the POC recommended conditional approval with the condition the applicant ensures Certificate of Independence is from Evaluation Entity.

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

CONSIDER LEGAL ISSUES AND PETITIONS FOR DECLARATORY STATEMENT

Supplemental Hearings:

DCA05-DEC-173 by Thomas J. Baird, Attorney, Okeechobee County

Mr. Littlejohn presented the findings for the declaratory statement as it appeared in each Commissioner's files. (See Case #: *DCA05-DEC-173* Attachment.)

Commissioner Bassett expressed opposition to the declaratory statement stating the petition had been deferred from the last Commission meeting. He stated the manufacturer of the siding and the Siding Institute agree that the siding does not protect the underlying material from the weather.

Mr. Madani added staff had contacted the petitioner regarding the Commission's concerns. He explained there were two concerns that were addressed. He stated one issue was whether the question in the declaratory statement addressed only the siding installed onsite or whether it would apply to the entire module, and the response was the question only related to the siding installed onsite. Mr. Madani continued stating the second issue was providing clarification concerning the building official's position regarding the product, and the response was the building official's position was the product was not water repellant. Mr. Madani further explained the OSB would not be exposed to the weather rather it would be covered, as provided in Chapter 14 of the Florida Building Code. He stated the response to the declaratory statement is acceptable and the final authority should lie with the local jurisdiction, which would be the building official.

Commissioner Bassett countered the declaratory statement is not clear in its intent. He stated his interpretation of the declaratory statement is the building official does not have jurisdiction. He then stated the material is not weather resistant and OSB deteriorates in five years.

Commissioner Wiggins concurred with Commissioner Bassett stating the Code provides for sheathing board along with a type of exterior siding, which has been the requirement for many years.

Commissioner Bassett moved approval to deny the declaratory statement. Commissioner Kim entered a second to the motion then asked how the declaratory statement could be rejected.

Mr. Blair explained the Commission must either modify the final order or accept the position declared in the final order.

Commissioner Bassett then moved approval to revise the declaratory statement to state: waterproof material must be applied between the OSB and the vinyl siding. Commissioner Wiggins entered a second to the motion.

Mr. Madani stated the petitioners were present and asked them to explain their position.

Arnold Verwey, Okeechobee County

Mr. Verwey stated it has consistently been his position that vinyl siding must be protected by weatherproof material. He stated he had seen many problems over the years with homes using vinyl siding as the weatherproofing exterior material. He continued stating OSB is a "once wood" product and needs more protection by a "rain (drainage) plane" to keep the water out. He then stated the Code provides for exceptions including using gypsum board, which when wet has no structural strength. Mr. Verwey further stated the beginning of the section states the products would not be permitted in areas with wind speeds over 100 mph, which was his reason the exception would not apply.

Mr. Blair explained the motion and called for questions and discussion.

Commissioner Kim asked if there is a definition for weather barrier in the Code and then asked Mr. Verwey how the rest of the siding was installed; i.e., whether it was installed with a barrier.

Mr. Verwey responded stating the siding was not installed with a barrier.

Commissioner Greiner expressed concern with a manufactured home being built to DCA standards without the barrier then applying different standards for the site-built section of the home.

Mr. Dixon interjected the affect of the declaratory statement is that it would then apply to all construction in the state, making it clear that a waterproof barrier would be required to be applied between the siding and the OSB.

Commissioner Browdy suggested the maker of the motion defer the petition back to the Structural TAC.

Commissioner Bassett then accepted Commissioner Browdy's substitute motion to defer the declaratory statement.

Commissioner Wiggins referenced page 2 of the declaratory statement then entered an additional substitute motion to remove “not” from the first and second sentences of Item 3, then correct “SOB” to OSB. Commissioner Bassett entered a second to the motion.

Mr. Blair explained there were two motions to consider or discuss; i.e., the first was to defer the petition back to the Structural TAC, and the second motion was to amend the petition as stated by Commission Wiggins.

Chairman Rodriguez called for a vote on the motion to amend the declaratory statement as described by Commissioner Wiggins. Vote to approve the motion resulted in 12 supporting; 6 opposed. Motion carried.

Second Hearings:

Mr. Littlejohn introduced two Florida State University, College of Law interns who will be assisting the legal department for the Commission: Kristin Register and Kristen Gutman. He then directed to the Commission to the assistants for presentation of the second hearing of the following declaratory statements:

DCA05-DEC-216 by John O’Connor, Marion County Building Official

Ms. Register presented the issues and responses relating to the petition for declaratory statement. (See Case #: DCA05-DEC-216 Attachment.)

Chairman Rodriguez then directed the Commission to Mr. O’Connor for comment.

John O’Connor, Marion County Building Official

Mr. O’Connor expressed appreciation for the work on the declaratory statement then stated while he does not disagree with the language in the declaratory statement, it does not clarify the issue in the way he intended. He continued stating what he wanted to be made clear through the declaratory statement to all 500 building officials in the various jurisdictions is exactly how to approve an alternative material. Mr. O’Connor requested more specificity be included in the declaratory statement.

Chairman Rodriguez then posed three options for the Commission to act on the petition. He stated the Commission could defer the petition back to the TAC, strengthen the language as suggested by Mr. O’Connor, or approve the TAC recommendation.

Commissioner Greiner stated the intention was not to limit the options to building officials' options because there is always another material out there that could be approved. He continued stating the Code is specific in terms of allowing building officials to consider equivalencies and make decisions based on that information. Commissioner Greiner then moved approval of the declaratory statement as presented. Commissioner McCombs entered a second to the motion.

Jack Glenn, Florida Home Builders Association

Mr. Glenn offered support for the declaratory statement stating there is now testing information for 1" board stating it is equivalent to 26 gage, however, not for other materials. He continued stating other materials would be required to go through the same process for approved use or equivalency determination.

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

DCA05-DEC-235 by Joseph Hermann, Production Manager, Arroyo Enterprises

Ms. Guttman presented the issues and responses relating to the petition for declaratory statement. (See Case #: DCA05-DEC-235 Attachment.)

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

DCA05-DEC-245 by Joseph Hetzel, P.E., DASMA

Ms. Register presented the issues and responses relating to the petition for declaratory statement. (See Case #: DCA05-DEC-245 Attachment.)

Commissioner Wiggins moved approval of the TAC recommendation. Commissioner D'Andrea entered a second to the motion.

Wiggins then noted a correction under Conclusions of Law, Item 3, suggesting replacing the word "absurd" with incorrect.

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

DCA05-DEC-282 by Joseph Hetzel, P.E., DASMA

Ms. Guttman presented the issues and responses relating to the petition for declaratory statement. (See Case #: *DCA05-DEC-282* Attachment.)

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

DCA05-DEC-283 by Joaquim Medeiros, P.E., Madson, Kneppers & Associates, Inc.

Ms. Register presented the issues and responses relating to the petition for declaratory statement. (See Case #: *DCA05-DEC-283* Attachment.)

Joaquim Medeiros, Petitioner

Mr. Medeiros stated his company has had many issues since the 2004 Code was implemented. He explained the 2001 Florida Building Code incorporated the 25% rule for re-roofing repair within a twelve month period. He stated as a consultant he recommended to insurance companies to cover up to 100% any damage of more than 25% according to the 2001 Code. Mr. Medeiros stated the 2004 Code did not include the 25% provision initially then in the November 2005 supplement, the 25% roofing repair provision was included in the Building volume and the Residential volume. He then stated both volumes reference the 2004 Florida Building Code for standards and the standards were not found. He continued stating the omission of the 25% roofing repair provision will cost millions of dollars because he will no longer be able to advise the insurance industry to pay for damages over 25%. Mr. Medeiros explained his petition is seeking clarification concerning the issue.

Shaun Bolender, Property Owner

Mr. Bolender stressed the importance of clarification concerning the declaratory statement. He stated he lost 11 roofs during Wilma and faces the same situation as Mr. Medeiros in terms of the 25% provision. Mr. Bolender continued stating his losses amounted to \$886,000 if he remains in compliance with the 2004 Code and it would be \$426,000 under the old provision. He further stated his insurance company included a clause requiring compliance with codes in place and urged the Commission to clarify the issue relating to the declaratory statement.

Mike Goolsby, Building Code Compliance Office, Miami Dade County

Mr. Goolsby offered clarification concerning the existing building code, Chapter 5, Alteration Level 1, stating the definition applies to removal and replacement. He

stated removal and replacement of roofing material would fall under this chapter. Mr. Goolsby then referenced Sections 1512 through 1525 within which can be found the 25% provision.

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

DCA05-DEC-284 by Andrew Croft, Fastnet International

Ms. Guttman presented the issues and responses relating to the petition for declaratory statement. (See Case #: DCA05-DEC-284 Attachment.)

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

ACCESSIBILITY AWARENESS PRESENTATION

Chairman Rodriguez stated there was an issue concerning one of the waivers from accessibility. He directed the Commission to Mr. Mellick for discussion.

Commissioner Browdy moved for reconsideration concerning item # 15 from the Accessibility Waiver Applications. Commissioner Greiner entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Mr. Mellick then explained case # 15, Master Excavators, received automatic exemption as well as falling under the 20% disproportionate cost provision. He stated during the first presentation of the case he had failed to read the 20% finding.

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

Chairman Rodriguez stated during the February 2006 Commission meeting Commissioner Norkunas had offered to provide an Accessibility Awareness Presentation and welcomed the participants.

Commissioner Norkunas stated he would address three issues concerning accessibility; mobility, vision, hearing. He offered a demonstration by asking everyone in the room to stand and explained no one had difficulty getting to and sitting in a chair and that should be available to anyone including those in wheelchairs. Commissioner

Norkunas then addressed the issue of hearing and asked if anyone in the room if they paid for a microphone then offered a demonstration with signers providing interpretation for the hearing impaired. He stated hearing is the largest disability in the U.S. stating 2 out of 3 people are hearing impaired. Commissioner Norkunas then addressed the vision issue by requesting the lights be dimmed to demonstrate darkness and asked a vision-impaired person to read a statement in Braille. Commissioner Norkunas then concluded his presentation by stating he hoped the issues would have an impact on how the meetings are conducted each month.

Chairman Rodriguez then directed staff to investigate possibilities for providing appropriate accommodations and Commission meeting documents for hearing and vision impaired individuals.

First Hearings:

DCA05-DEC-219 by Dr. Humayoun Farooq, P.E., Al-Farooq Corporation

Mr. Littlejohn presented the issues and responses relating to the petition for declaratory statement. (See Case #: *DCA05-DEC-219*)

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

DCA06-DEC-003 by Martha A. Heller

Mr. Littlejohn presented the issues and responses relating to the petition for declaratory statement stating the TAC recommended dismissal. (See Case #: *DCA06-DEC-008*)

Commissioner Gross offered comment stating the petition for declaratory statement refers to a federal definition, which should be noted in the order for dismissal to avoid re-submittal by the petitioner.

Commissioner Browdy moved approval of the TAC recommendation to dismiss. Commissioner Greiner entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

DCA06-DEC-008 by Gary Harrison, Contractor Sales, Inc.

Mr. Littlejohn presented the issues and responses relating to the petition for declaratory statement stating the TAC recommended dismissal. (See *Case #: DCA06-DEC-008*)

Commissioner Browdy moved approval of the TAC recommendation to dismiss. Commissioner Greiner entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

DCA06-DEC-014 by Kevin McGrath, P.E. for Four Seasons Solar Products, LLC

Mr. Littlejohn presented the issues and responses relating to the petition for declaratory statement. (See *Case #: DCA06-DEC-014*)

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

DCA06-DEC-067 by Joseph Hetzel, P.E., DASMA

Mr. Littlejohn presented the issues and responses relating to the petition for declaratory statement. (See *Case #: DCA06-DEC-067*)

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

DCA06-DEC-068 by Jack Glenn, CBO for Florida Home Builders Association

Mr. Littlejohn presented the issues and responses relating to the petition for declaratory statement. (See *Case #: DCA06-DEC-068*)

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

DCA06-DEC-071 by Bob Ousley for Kodi Klip Corporation

Mr. Littlejohn presented the issues and responses relating to the petition for declaratory statement stating the TAC recommended dismissal. (See *Case #: DCA06-DEC-071*)

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

DCA06-DEC-072 by Diego Rivera for Diritec Corporation

Mr. Littlejohn presented the issues and responses relating to the petition for declaratory statement. (See Case #: *DCA06-DEC-072*)

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

COMMISSION MEMBER COMMENTS AND ISSUES

Commissioner Browdy offered comment to encourage the Commissioners to read and use the rule to avoid unnecessary requests for waiver to come before the Commission.

Chairman Rodriguez concurred then directed staff to include the findings for the Accessibility Council as well as the Commission. He then called for Commission member comments or requests for agenda items.

GENERAL PUBLIC COMMENT

Dwight Wilkes, St. John's County Building Department

Mr. Wilkes addressed an issue that was discussed during the Electrical TAC meeting and urged the Commission to listen closely to Commissioner McCombs' report from the Electrical TAC and consider the impact on the commercial industry in Florida.

RECESS UNTIL WEDNESDAY, MARCH 22, 2006 8:30 AM

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

WEDNESDAY, MARCH 22, 2006

The meeting of the Florida Building Commission reconvened and was called to order by Chairman Raul Rodriguez at 8:34 a.m. on Wednesday, March 22, 2006, at the Embassy Suites Hotel, Tampa, Florida.

COMMISSIONERS PRESENT:

Raul Rodriguez, Chairman
Nicholas D'Andrea, Vice-Chairman
Richard Browdy
Peter Tagliarini
Gary Griffin
Christ Sanidas
James Goodloe
George Wiggins
Herminio Gonzalez
Hamid Bahadori
Michael McCombs
Chris Schulte
Nanette Dean
William Norkunas
Dale Greiner
Jeffrey Gross
Paul D. Kidwell
Do Y. Kim
Joseph "Ed" Carson
Steven C. Bassett

Craig Parrino, Adjunct Member

COMMISSIONERS ABSENT:

Randall J. Vann
Stephen Corn

OTHERS PRESENT:

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

RECONVENE AND WELCOME

Chairman Rodriguez welcomed the Commission and gallery to the second day of the March 2006 Florida Building Commission plenary session. He stated there were a number of substantive issues for consideration and directed the Commission to Mr. Blair for a review of the meeting agenda.

REVIEW AND APPROVAL OF AGENDA

Mr. Blair conducted a review of the meeting agenda as it appeared in each Commissioner's agenda packet.

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

CHAIR'S DISCUSSION ISSUES AND RECOMMENDATIONS

Chairman Rodriguez stated there were five issues for discussion:

1 – Termite Work Group

Chairman Rodriguez announced the following individuals would be serving on the Termite Work Group, which has been formed to enhance the Code's termite provisions: Steve Dwinell; Jack Glenn; Roland Holt; Phil Koehler; Mike Moore; Doug Murdock; D. R. Sapp; Jim Shock; Jeffrey Stone; and George Wiggins. Chairman Rodriguez stated a meeting for the work group has been scheduled for May 17, 2006, in Tampa.

2 – Energy Code Transition Study Work Group

Chairman Rodriguez announced the appointment of a Transition Study Work Group for the purpose of evaluating the transition to the International Energy Conservation Code and make recommendations during the next Code update process. He stated the work group will include the following individuals to serve: Bob Andrews; Steve Bassett; Bob Cochell; Philip Faerey; Jack Glenn; Gary Griffin; Jeff Householder; Patty Krause; Larry Nelson; Pete Quintela; Roger Sanders; and Ivan Zuniga. Chairman Rodriguez stated the work group is scheduled to meet in Tampa on May 18, 2006.

3 – Window Labeling Work Group

Chairman Rodriguez announced three changes to the membership: Dick Wilhelm will be replaced by Steve Strong; Rusty Carroll and Mark Daniels will be added as members. Chairman Rodriguez then stated the members of the work group as follows: Robert Amarouso; Chuck Anderson; Rusty Carroll; Mark Daniels; Jaime Gascon; Dale Greiner; John Hill; C. W. McCumber; Dave Olmstead; Roger Sanders; Jim Shock; Steve Strong; C. G. Valentine; Dwight Wilkes; and Craig Parrino. He stated the work group is scheduled to meet in Tampa on May 31, 2006.

4 – Code Amendment Process Review Work Group

Chairman Rodriguez stated the Commission by rule shall update the Florida Building Code every three years and shall select the most current versions of the International Building Code, the International Fuel Gas Code, the International Mechanical Code, the International Plumbing Code, and the International Residential Code, which will then be adopted by the International Code Council and the National Electrical Code, which is adopted by the National Fire Protection Association; all of which be used as foundations to form the updated Florida Building Code. He continued stating the International Code Council has completed their publication of the 2006 International codes with the issuance of the International Residential Code March 1, 2006. Chairman Rodriguez further stated it would be September 1, 2006, before the Commission can begin the Code update process for the 2007 edition of the Florida Building Code. Chairman Rodriguez explained the Code Amendment Process Review Work Group has been tasked with a short term scope to make a recommendation regarding the 2007 Code update schedule; and a long term scope to deliver recommendations to the Commission regarding proposed enhancements to the annual interim amendment and triennial Code update process.

Chairman Rodriguez announced the work group is scheduled to meet April 19, 2006, in Tampa. He stated the following individuals have been appointed to serve on the work group: Jeff Burton; Nick D'Andrea; Jack Glenn; James Goodloe; Dale Greiner; Gary Griffin; Jon Hamrick; Kari Hebrank; and Randall Vann.

5 – Roofing

Chairman Rodriguez announced a Roofing TAC has been formed and Commissioner Schulte had volunteered to serve. Chairman Rodriguez stated he would make additional appointments following staff and stakeholder review and discussion.

REVIEW AND UPDATE OF COMMISSION WORKPLAN

Chairman Rodriguez directed the Commission to Mr. Dixon for a review of the updated work plan.

Mr. Dixon conducted a review of the revised work plan and meeting schedule as presented in each Commissioner's files.

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

MAY CODE HEARING / RULE DEVELOPMENT WORKSHOP PROCESS

Chairman Rodriguez provided a history of the Commission's arrival to the workshop process. He then directed the Commission to Mr. Blair for a review of the rule development workshop process.

Mr. Blair explained the process for the series of Code amendments. (See *Consideration Process for Reviewing Proposed Amendments to the Florida Building Code*)

Commissioner Bassett asked when the lists of amendments will be available to the Commission.

Mr. Madani responded the Code changes as recommended for approval by the TAC's have been posted on the system since early March with 45 days provided for comment through April 8. He stated the modifications that staff and Code Correlation Committee have determined as outside the scope of the Code change process will be posted on the website as well.

Commissioner Greiner asked if the consent packages would be posted on the website.

Mr. Madani replied the consent packages would be posted on the website three weeks prior to the Commission meeting.

Commissioner Gross stated there are only seven Code areas and more TAC's. He asked how one would find specific modifications within the Code areas.

Mr. Madani responded stating the tracking charts are posted on the website by committee and the modifications would be available under its TAC and can be downloaded.

Commissioner Griffin requested staff to email each Commissioner when the agendas become available.

Commissioner Kim asked if what the TAC's agreed on during their review and consideration of each Code change submitted could have been changed prior to being posted on the website.

Mr. Madani responded there have been no changes but some of the modifications may have been found to be outside the scope of the Code change process.

Commissioner D'Andrea entered a motion to approve the process.
Commissioner Wiggins entered a second to the motion.

Commissioner Bassett expressed concern regarding the review process of the proposed amendments stating the modifications designated outside the scope of the process should be reviewed and if it is discovered some of them meet the criteria, they should be placed on the discussion agenda rather than on the negative consent agenda.

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

UPDATE ON 2006 LEGISLATIVE SESSION

Mr. Dixon stated there were no major changes since the recent conference call concerning Legislative issues. He continued stating there was one issue requiring discussion concerning private providers. He encouraged each Commissioner to review the language that had been added to the Senator Constantine's bill and provide comment during the next conference call meeting.

Mr. Dixon then addressed two pending issues regarding Exposure C and the panhandle windborne debris issue. He stated the Exposure C issue has been resolved. He continued stating there is controversy regarding the wind borne debris region issue but there had been an agreement on a delayed implementation time from the Chapter 120 rule amendment process which will be six months.

Jack Glenn, Florida Home Builders Association

Mr. Glenn offered clarification stating the bill as it is currently written would provide for a six month delayed implementation period and no later than May 31, 2007.

Mr. Dixon then addressed the foundation for temporary buildings issue and noted there is concern with size of the building and the length of time it is considered temporary. He then directed the Commission to representatives of Williams-Scotsman.

Wayne McGowan, Regional Vice President, Williams-Scotsman

Mr. McGowan presented language for Commission consideration that would exempt modular structures for temporary use and construction use. He stated interpretations from various counties around the state had been gathered and brought to their attention. Mr. McGowan stated it makes it difficult to do business in 67 counties

when each county has their own interpretation. He explained Williams-Scotsman had 8,000 units come off-rent in the state of Florida during 2005 with the average lease term being 17 months. He stated only 30% of those units were for construction use. Mr. McGowan explained much of their long-term lease units, which would lease for 3, 4, and 5 years, was for developers, sales organizations, private daycares, and remodeling or renovation projects that are over two to three years. He stated it will greatly impact their business if they are required to install a foundation that is four or five times the current requirement.

Jodi Barrows, Williams-Scotsman

Mr. Barrows noted nowhere in the Code nor in any amendment has the word “temporary” been defined or been assigned any length of time. He stated there are municipalities applying their own definitions or lengths of time to the term “temporary”. He reiterated Mr. McGowan’s comment relating to construction offices being a small portion of the current module industry. Mr. Barrows explained there are foundations that do meet the windload and soil bearing pressure provisions as described in the Code that are not poured foundations. He stated they are also providing in the proposed language that if a temporary structure is located in a flood zone, a more permanent foundation and anchoring system be required. Mr. Barrows continued stating his company also is proposing the requirement of a time limit on temporary structures and if the unit remains past the limit an short-term extension be filed.

Commissioner Greiner asked if there was a reason a Code change or a request for declaratory statement would not be an easier solution than seeking Legislative change.

Mr. McGowan explained they were operating on guidance based on results of the past years trying to overcome local interpretations as it impacts the Williams-Scotsman business.

Chairman Rodriguez provided further clarification stating an easier path as well as a less expensive approach would have been to come before the Commission to seek a Code change to resolve the issue. He stated the Commission is a regulated body representing all aspects of the construction industry for the benefit of the entire state. He strongly encouraged seeking consideration and action from the Florida Building Commission for any future issues relating to how the Code is interpreted.

Mr. Dixon requested clarification concerning policy for resolving issues with the Code. He asked if the sense of the Commission that the definition of “temporary” must be clarified so the temporary structures can be managed appropriately.

Commissioner Wiggins asked what the proposed definition is and how would it be implemented into the Code.

Mr. Dixon responded stating that during the conference call meeting the issue of a definition was brought up and the four years that was initially proposed to be the length of time a structure would be considered temporary seemed to raise concerns. He stated the length of time may be an issue the Commission would like to discuss.

Commissioner Greiner stated the term “temporary” is an issue that needs to be addressed and possibly better defined. He continued stating he opposes the idea of the Legislature applying the definition and suggested they should send it back to the Commission for the definition.

Commissioner D’Andrea expressed concern with the lack of information provided stating 48-months is not really temporary. He stated there were no limitations on the size of the building and no information on installation methods. He explained the issue is an important issue and needs to be addressed because of the technical aspects involved.

Mr. Dixon added the proposed language does address the windload requirements and soil bearing provisions stating the structure must meet the local requirements, which may be performance criteria that must be designed and calculated by an engineer.

Commissioner Sanidas explained the issue is not just a building code issue. He explained there are difficulties in describing “temporary” structures in terms of fire lanes as provided in the Fire code as well as other issues that may be presented.

Mr. Blair provided further clarification stating the Commission would request that the Legislature refer the issue back to the Florida Building Commission to develop and adopt by rule a definition through a consensus process.

Mr. Dixon offered a final point on the bill stating a private provider provision added to the bill states that if there are undue delays in the inspection of a home, an owner may ask the building official if a private provider may be hired to conduct the inspections to meet the building schedule. He stated the language does require the building official to allow the hiring of a private provider.

PRELIMINARY REPORTING ON PANHANDLE WIND BORNE DEBRIS STUDY (DR. LARRY TWISDALE, ARA, AND DR. KURT GURLEY, THE UNIVERSITY OF FLORIDA)

Chairman Rodriguez provided a brief history of the reasoning behind the study stating the 2005 Florida Legislature debated whether to revise the definition of the panhandle's windborne debris region and determined further study was warranted. He stated the Legislature directed the Florida Building Commission to review the effects of Hurricane Ivan on damage caused by windborne debris and other data, then in conjunction with building officials in the effected areas, develop a recommendation for consideration by the 2006 legislative session. Chairman Rodriguez then directed the Commission to Dr. Larry Twisdale and Dr. Peter Vickery for a preliminary report.

Dr. Twisdale presented the preliminary findings of the study through a Power Point presentation. (See *Wind-Borne Debris Criteria Powerpoint*)

Commissioner Greiner asked if there is a definition for how many trees create a canopy and what the difference is when a number of those trees get blown down.

Dr. Twisdale responded stating the results will map the index to canopy cover to show what would result. He stated one of the issues is how to control how many trees will be in a particular location in the future and how it will affect land use planning and what can and cannot be done with trees. He continued stating resulting data would also reflect the number of trees per acre and other data pertinent to the area studied.

Commissioner Bassett asked if the builder or developer of particular subdivisions will be factored into the results of the findings related to damage from Hurricane Andrew. He then asked if the type of tree would be factored into the data in terms of which types of trees withstand wind better than others.

Dr. Twisdale replied stating when the damage of individual neighborhoods are modeled to study damage from Hurricane Andrew, it will be essential to reproduce the building damage for the neighborhood. He continued stating there are differences based on tree species in terms of how they affect the windborne environment and those results will be part of the data.

Dr. Vickery then presented the wind load portion of the presentation.

Mr. Dixon asked what impact the reduction of windspeed would have on the transport of windborne debris.

Dr. Vickery replied it should be linear.

Mr. Madani asked how to determine design loads for structures in treed areas.

Dr. Vickery responded stating if there are trees there are lower windloads on the houses compared to an open terrain. He continued stating the windload calculations in ASCE-7 are already too low so when you consider the trees in the calculation it brings the windload back to an appropriate calculation.

Commissioner Wiggins asked if there would be changes directed to the ASCE-7 committee based on the research.

Dr. Vickery replied some changes would be preferred but there are additional roof slopes and calculations to be factored into the equation.

CONSIDER COMMITTEE REPORTS AND RECOMMENDATIONS:

Accessibility TAC

Commissioner Gross presented the report of the Accessibility Technical Advisory Committee. He announced the appointment of J. R. Harding to serve as vice-chairman for the Access Board which is the board responsible for writing federal regulations for accessibility. Commissioner Gross explained the position is the highest citizen position possible since the Chairman must be government appointment. (See *Florida Building Commission Accessibility Advisory Committee March 20, 2006.*)

Commissioner Gross entered in the form of a motion approval for the following four items requiring Commission action:

1. Accessibility TAC developing recommendations for the Commission's Legislative package

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

2. Implement a system to allow annual or biannual public comment during Accessibility Advisory Council meetings.

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

3. Detectible warnings and curb ramps – request Dean Perkins from DOT attend the next Commission meeting for discussion to resolve conflicting provisions between FDOT and the Florida Building Code.

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

4. Hotel Improvements – Updated profiles for individuals requiring special needs.

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

Commissioner Browdy entered a motion to accept the report of the Accessibility TAC. Commissioner D’Andrea entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Building Code Education and Outreach Council Education POC

Commissioner Browdy presented the report of the Building Code Education and Outreach Council along with the Education POC report. (See *Education and Outreach Council Meeting Minutes February 28, 2006* and *Education Program Oversight Committee March 21, 2006.*)

Commissioner Browdy moved approval of a provider to have up to 60 days from the date of Code implementation to update their courses; all courses should be labeled to specify under which version of the Code the course was developed; and the Commission may revoke the approval of any course not timely updated pursuant to Chapter 120 rules.

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

Commissioner Browdy then presented the following items for consideration and action by the Commission:

Dr. Leon Wetherington - Accreditor

Commissioner D’Andrea moved approval of the TAC recommendation. Commissioner Goodloe entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

ATI-How do the Code Changes Affect Me – Aquatic Training Institute

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

Advanced Administration – Internet Course – Gold Coast School of Construction

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

Florida Existing Building Code Advanced Module – BRB Code Educators, Inc.

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

Commissioner Browdy presented the following updated courses on a consent agenda:

Advanced Administration – Gold Coast School of Construction
Advanced Administration – Internet Version – Gold Coast School of Construction
Residential Advanced – Palm Construction School
Building Structural – BRB Building Code Educators
Advanced Residential – BRB Code Educators
Building Structural – Palm Beach Notices
Building Structural – School for Contractors and Trades
Building Structural – TDS Construction Services
Building Structural – Florida Hard Hat, Inc.
Building Structural – Contractor's Education System
Building Structural – Building Estimating and Exam School
Advanced Residential – Gold Coast School of Construction
Building Structural – Brevard Electrical Apprenticeship and Training Program
Building Structural – Gray Systems
Building Structural – Jack Lahee Electrical Code Connections
Building Structural – American Construction School

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

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

Electrical TAC

Commissioner McCombs presented the report of the Electrical Technical Advisory Committee. (See *Minutes Electrical Technical Advisory Committee March 21, 2006.*)

Mr. Dixon explained the Code amendment proposals reviewed during the Electrical TAC meeting were proposals which added exemptions to certain requirements that have been in the Code since 1991. He continued, stating over time the system for identifying control points and calculations have been relaxed. Mr. Dixon further stated what became apparent during the TAC meeting was designers have not been following Code requirements for ten to fifteen years. He added when Code officials begin to enforce the Code there will be significant increased costs and requirements to the building owners. He then stated the challenge will be how to inform designers and officials about the changes that will be taking place without creating major disruptions in the design and construction of permitted buildings. Mr. Dixon explained one recommendation from the committee was to publicize the changes through the engineering societies and through the Engineering Licensing Board so the design professionals will be informed of their responsibilities.

Commissioner Wiggins requested the specific Code sections be identified.

Mr. Dixon responded Chapter 4, Section 401 of the Energy Code which applies to commercial buildings.

Mr. Madani added some of the requirements are for hospitals and state agencies with some Energy Code requirements.

Commissioner Bassett stated as Chairman of the Constructed Environment Committee for the Florida Engineering Society he has been charged with reviewing the Florida Board of Professional Engineers' requirements for a set of electrical drawings. He stated he would be in a position to provide much of the education that will be required to notify the designers of the changes.

Commissioner Kidwell offered comment stating design professionals are not charged with implementation of the Code, rather they are charged with good design. He stated a designer not following the provisions of the Florida Building Code does not

constitute an error but implementation of the Code would be in the hands of the building officials as well. He suggested efforts be made to inform and educate the building officials with regard to the changes.

Mr. Dixon countered there is an assumed responsibility for designers to comply with the laws in place and the Florida Building Code is a law. He stated if there are specific requirements they cannot simply be ignored.

Commissioner Kidwell added there is a belief in most of the industry if an approved set of plans is received from the building department it is assumed an alternative method has been approved. He stated if education is the challenge then all parties concerned should be included; i.e., designers, building officials, etc...

Mr. Dixon stated Commissioner Browdy had recommended previously that the Code Administration TAC be reactivated to address code enforcement and compliance issues. He then stated the current discussion could be a topic for that TAC.

Commissioner Browdy suggested forming a work group of qualified individuals perhaps from BOAF to provide direction regarding the best way to address the issue so that commercial buildings already designed are not deemed to be noncompliant.

Mr. Dixon concurred then stated it may be possible to get the parties together during the July Commission meeting.

Commissioner Griffin offered comment stating the concern may be the requirements would not be worth the cost. He recommended education on the process not just the requirements.

Commissioner McCombs concurred with Commission Griffin's comments then stated there are jurisdictions that have discovered the provisions during the past three weeks and have shut down the jobs.

Commissioner Bassett volunteered to serve on the work group. He then stated some of the requirements being discussed are federal requirements and can not be changed. He continued stating it will be an educational process for all parties concerned.

Commissioner Griffin recommended breaking down the requirements of the Energy Code into mechanical, electrical, etc...

Commissioner Bassett stated the Energy Code has the breakdown then suggested references be placed in the Electrical sections to go to the Energy code.

Mr. Dixon added the Energy Code and the Accessibility Code have a separate set of laws exclusive of the Building Code and their requirements are just integrated into the Florida Building Code.

Commissioner Wiggins suggested sending out an educator to building officials and boards concerning the issue. He then requested staff send each Commissioner the sections of the Code under scrutiny.

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

Fire TAC

Commissioner D'Andrea presented the report of the Fire Technical Advisory Committee. (See *Minutes Fire Technical Advisory Committee March 20, 2006.*)

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

Hurricane Research Advisory Committee

Mr. Blair presented the report of the Hurricane Research Advisory Committee. (See *Hurricane Research Advisory Committee Report March 21, 2006.*)

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

Structural TAC

Commissioner Kim presented the report of the Structural Technical Advisory Committee. (See *Structural TAC Meeting March , 2006.*)

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

Product Approval POC

Commissioner Carson presented the report from the Product Approval Program Oversight Committee meeting. (See *Product Approval POC Meeting March , 2006.*)

Commissioner Carson moved approval that the placement of storage shed kits is within the scope of 9B-74, Prototype Buildings Program. Commissioner Gross entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Commissioner Carson moved approval for the adoption of new policy regarding conditional approvals being deferred. He referenced paragraph 4 Item C for details relating to the motion. Commissioner McCombs entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Commissioner Carson entered a motion to approve the start of revocation proceedings on products FL 3946 and FL 3946R-1. Commissioner Kim entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Commissioner Carson moved approval of the existing revocation procedures. Commissioner Greiner entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Commissioner Carson entered a motion to approve the staff recommendation regarding revisions and affirmations of approved products and whether they would be subject to the requirements of the new requirements of Rule 9B-72 as implemented January 1, 2006. He referenced paragraph E for further details relating to the motion. Commissioner Wiggins entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

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

Product Approval Validation Work Group Report

Mr. Blair presented the report of the Product Approval Validation Work Group. (See *Product Approval Validation Workgroup Report February 7, 2006.*)

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

GENERAL PUBLIC COMMENT

Chairman Rodriguez called for public comment.

Franklin G. Frail, Representing Pinellas County Schools

Mr. Frail stated he attended the Electrical TAC meeting where no action was taken on any of the 27 proposed modifications. He continued stating lengthy discussion took place concerning modification 1774. (See *Public Comment Franklin Frail*)

Shaun Bolender, AKIW

Mr. Bolander stated he had requested Section 1518.3 be considered in the record as well as Section 6.4 of TAS 103 95. He continued stating both items deal with self-adhering underlayments.

Joe Belcher, JDB Code Services

Mr. Belcher offered comment on the ICC "draft" stating the draft should be created in a Legislative format in order to easily identify the changes from the 2004 Code to the 2006 Code.

Commissioner Bassett expressed appreciation to staff for scheduling a meeting in Fort Lauderdale.

REVIEW COMMITTEE ASSIGNMENTS AND ISSUES FOR THE MAY 1, 2 & 3, 2006 COMMISSION MEETING

Mr. Blair conducted a review of committee assignments and issues for the May 1, 2, & 3, 2006 Commissioner meeting.

ADJOURN

Commissioner Greiner entered a motion to adjourn. Commissioner Wiggins entered a second to the motion. Meeting adjourned at 11:44 a.m.