



STATE OF FLORIDA  
**DEPARTMENT OF COMMUNITY AFFAIRS**

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

**JEB BUSH**  
Governor

**THADDEUS D. COHEN**  
Secretary

**BOARD MEETING  
OF THE  
FLORIDA BUILDING COMMISSION**

**PLENARY SESSION  
December 7 & 8, 2004**

**PENDING APPROVAL**

The meeting of the Florida Building Commission was called to order by Chairman Raul Rodriguez at 2:04 p.m., on Tuesday, December 7, 2004, at the Rosen Centre Hotel, Orlando, 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  
Stephen Corn  
Dale Greiner  
Jeffrey Gross  
Paul D. Kidwell

Do Y. Kim  
Joseph "Ed" Carson  
John Hamrick  
Diana B. Richardson

**COMMISSIONERS ABSENT:**

Steven C. Bassett  
Doug Murdock, Adjunct Member

**OTHERS PRESENT:**

Rick Dixon, Executive Director  
Ila Jones, DCA Prog. Admin.  
Richard Shine, Legal Advisor  
Jeff Blair, FCRC

**Tuesday, December 07, 2004**

**WELCOME**

Chairman Rodriguez welcomed the Commissioners and gallery to the first split Plenary Session. He then regretfully announced to the Commission the death of fellow Commissioner Leonard Lipka, who had served on the Commission for many years. Chairman Rodriguez offered a personal statement reflecting on the time and dedication made by Commissioner Lipka as well as each and every Commissioner. He proposed the Commission work for 2005 be dedicated to Leonard Lipka in recognition of his service on the Commission.

Commissioner Wiggins moved approval for the dedication of the Commission's 2005 work to the late Commissioner Lipka. Commissioner D'Andrea seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Chairman Rodriguez stated for those Commissioners wishing to send condolences to the Lipka family, staff would have necessary information. He further stated a letter would be sent to the family on behalf of the entire Commission announcing the dedication for 2005.

**REVIEW AND APPROVAL OF MEETING AGENDA**

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

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

**CONSIDERATION OF ACCESSIBILITY WAIVER APPLICATIONS**

Mr. Melick presented the consent agenda applications for which the Council recommended unconditional approval:

**#6 Hialeah Branch Courthouse**

Mr. Mellick stated the Council unanimously recommended approval of the request based on extreme hardship.

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

Mr. Mellick then presented the consent agenda applications for which the Council recommended conditional approval:

# 4 Daytona International Speedway

Mr. Mellick explained the applicant was requesting waiver from providing vertical accessibility to the Victory Lane Clubhouse Rooftop's second row rooftop seating on the new \$6 million building. He stated the Council recommended approval based on the provisions of Chapter 553.512 deemed unnecessary with the condition that the accessible locations be altered from the plans submitted as directed by the Council.

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

#5 Daytona International Speedway

Mr. Mellick stated the applicant was requesting waiver from providing vertical accessibility to all rows of temporary bleachers for the Victory Circle. He stated the Council unanimously recommended approval based on the provisions of Chapter 553.512 deemed unnecessary and unreasonable with the condition that the companion seats be moved to be in line with the accessible seat locations.

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

#9 Christine E. Lynn College of Nursing

Mr. Mellick explained the applicant was requesting a waiver from providing vertical accessibility to all three tiers of two teaching classrooms in a \$12 million new learning facility. He stated the Council unanimously recommended approval based on the provisions of Chapter 553.512 deemed unnecessary provided the required fourth accessible seat in each third level be added.

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

#10 MuviCo Coconut Point 20

Mr. Mellick stated the applicant is requesting waiver from providing vertical accessibility to all rows of seating in a twenty-theatre movie complex. He continued stating the Council unanimously recommended approval based on the provisions of Chapter 553.512 deemed unnecessary and unreasonable with the conditions that the

accessible seating for theatres 5, 18, 7, 8, 19 & 20 is relocated with companion seats located to the crossover aisle; the accessible seating is relocated one seat in toward the crossover aisle for theatres 1, 4, 9, 11, 14 & 16; and the accessible seating is moved two seats in toward the crossover aisle for theatres 3 and 12.

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

Mr. Mellick then presented the requests which were recommended for deferral:

#1 Stock Exchange Restaurant

Mr. Mellick stated the request had been deferred many times to allow the applicant to submit additional information and a consultant hired by the applicant has contacted staff requesting that the application be deferred to allow time for a new application to be submitted. He stated the Council unanimously recommended the request be deferred.

Commissioner Richardson asked if a deferral was the appropriate action when a new application was being submitted.

Mr. Shine responded explaining the applicant had called staff asking if he could withdraw the application and submit a new one rather than have the application deferred.

Commissioner Richardson then moved approval to accept the applicant's request to withdraw the application. Commissioner McCombs seconded the motion. Vote to approve the motion was unanimous. Motion carried.

#7 Lakeland Starnet Theatre

Mr. Mellick explained the applicant was requesting waiver from providing vertical accessibility to all rows of seating in an existing ten-theatre movie complex currently undergoing alterations. He stated the Council and applicant agreed on conditions for six of the ten theatres leaving the remaining four theatres not addressed in terms of accessibility. Mr. Mellick continued stating the Council recommended deferring the request to allow time for the applicant to provide accessibility options for the four remaining theatres.

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

#8 Casa Marina Hotel and Restaurant

Mr. Mellick stated the applicant is requesting waiver from providing vertical

accessibility to the second level of an existing penthouse in the hotel. He explained the hotel has been designated historic by both local and national historic registers, however no documentation presented indicated the interior arches, which would be altered by the installation of a lift, were of historic significance. Mr. Mellick stated the Council unanimously recommended deferring the request to allow the applicant to submit documentation from the local or national register stating the interior is significant.

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

Mr. Mellick presented the requests which were recommended for denial:

#2 Green Iguana

Mr. Mellick explained the applicant was requesting a waiver from providing vertical accessibility to the upper level of a dining area which was constructed without being permitted by the local building department. He stated the Council unanimously recommended denial based on lack of hardship.

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

#3 Target Store T-688

Mr. Mellick stated the applicant was requesting waiver from providing vertical accessibility to a 3,331 square feet mezzanine on an existing building undergoing a \$4.5 million alteration. He explained the Council unanimously recommended denial based on lack of hardship.

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

**LEGAL REPORTS AND CONSIDERATION OF PETITIONS FOR  
DECLARATORY STATEMENT:**

Chairman Rodriguez announced Mr. Richmond would not be present to deliver the legal report due to the birth of a daughter last night. He then directed the Commission to Mr. Shine for the legal reports.

Mr. Shine stated the special session which was slated for December 13, 2004 will not include Code related items, rather the insurance issues and the pre-kindergarten issues will be addressed. He stated there would be further discussion concerning session

as it relates to the Code later during the meeting.

Mr. Shine stated there were 17 declaratory statements that had been drafted then dismissed. He presented them in the form of a consent agenda for Commission action:

DCA04-DEC-236 by AAA Roofing Corp.  
DCA04-DEC-354 by Lawrence Bennet  
DCA04-DEC-132 by Clearwater Gas System  
DCA04-DEC-047 by Homeguard Pest Control  
DCA04-DEC-366 by Ridd Safe Pool Net  
DCA04-DEC-277 by T.A. Krebs  
DCA04-DEC-007 by W. P. Merrick  
DCA04-DEC-011 by Alex Schultz  
DCA04-DEC-214 by Wilson and Co.  
DCA04-DEC-242 by Baker County  
DCA04-DEC-241 by Charlotte County  
DCA04-DEC-266 by Robert Duncan  
DCA04-DEC-139 by Jay Scott Drafting  
DCA04-DEC-128 by Kool Duct Inc.  
DCA04-DEC-242 by Lee County Division of Development Services  
DCA04-DEC-224 by Renta Enterprises  
DCA04-DEC-272 by Sky Architecture

Commissioner Greiner moved approval for dismissal of the consent agenda. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Mr. Shine directed the Commission to the appropriate files on their laptops, as well as supportive printed material, which was distributed to each Commission member, for presentation of the petitions for declaratory statement:

**Second Hearings-**

DCA04-DEC-123 by Stephen P. Maslan, PE

Mr. Shine explained the petitioner inquired whether the subject building falls under any subcategories or if it would be subject to Rule 9B-72. He stated the POC recommendation was that metal buildings that are custom fabricated would not be collectively subject to Rule 9B-72.

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

DCA04-DEC-161 by Robert G. Boyer of Palm Beach County

Mr. Shine stated the petitioner inquired whether a roof access hatch falls under a category of product covered by Rule 9B-72. He explained the POC recommendation was a pre-engineered roof access hatch attached to the structure meets the definition of structural component as per Rule 9B-72.010(28) and would be subject to the requirements of product approval.

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

DCA04-DEC-162 by Robert G. Boyer of Palm Beach County

Mr. Shine stated the petitioner inquired whether the subject pre-cast concrete wall systems require approval under Manufactured Buildings Program administered pursuant to Chapter 553. He explained the POC recommendation was the wall system described in the petition was a manufactured building of closed construction with the system being custom fabricated per customer order, therefore would not be subject to approval by the Manufactured Buildings Program.

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

DCA04-DEC-163 by C.W. Macomber of Palm Beach County

Mr. Shine stated the petitioner inquired whether Section 1707.4.2.2 of the Florida Building Code, Building Volume, would allow a supplemental label conforming to AAMA 203 Procedural Guide for Window Inspection and Notification Systems to indicate a higher allowed design pressure than tested on smaller windows without additional testing. He explained the POC recommendation was the Commission had issued a declaratory statement, DCA04-DEC-117, which contained the same material facts. He stated during the hearing of DCA04-DEC-117 it was demonstrated that TAS 202 specifically provides for rational analysis in accordance with Chapter 24 of the Florida Building Code, Building Volume, as a foundation for use of a smaller window than that tested. Mr. Shine then stated the declaratory statement DCA04-DEC-117 would therefore be retracted due to inconsistency with the conclusion pertaining to TAS 202.

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

DCA04-DEC-188 by C.W. Macomber of Palm Beach County

Mr. Shine explained the petitioner had been presented with a signed contract from

a pest control operator requiring annual renewal payments for continued service, and upon payment thereof service shall be provided for a minimum of five years. He stated the case is materially identical to the facts presented for DCA03-DEC-222 where the Commission issued a declaratory statement finding that contracts for the prevention of subterranean termites in new construction must meet the requirements of Chapter 482 F.S. and Chapter 5E-14 Florida Administrative Code, which is under the jurisdiction of the Department of Agriculture. Mr. Shine continued stating the Department of Agriculture had granted expressed rulemaking authority with regard to pest control contracts. He stated the agency has authorized one-year contracts with a minimum of four annual renewals for termite baiting systems. Mr. Shine further stated the Commission had interpreted the Code in a manner consistent with the authorized rules of the Department of Agriculture and Consumer Services.

Commissioner Parrino moved approval of the POC recommendation. Commissioner Greiner seconded the motion. Vote to approve the motion resulted in 19 in support; 2 opposed (Wiggins, Browdy). Motion carried.

### **First Hearings-**

#### DCA04-DEC-165 by Ricardo Lizarazu of Suncoast Post-Tension

Mr. Shine stated the petitioner asked if live load reduction according to the Florida Building Code is permitted in the design of two way flat post tension concrete slabs. He explained the POC recommendation was no, Section 1618.1 Exception 1 prohibits the reduction of the assumed live loads in the design of slabs.

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

#### DCA04-DEC-171 by Jo McCann of Coral Springs

Mr. Shine explained the petition deals with satellite dish installations and permitting issues. He stated legal staff would issue a recommendation for the case. He continued stating the State of Florida is pre-empted by Federal law from action regarding the issue, therefore the recommendation is for dismissal.

Commissioner McCombs moved approval to dismiss the declaratory statement. Commissioner Kidwell seconded the motion.

Commissioner Wiggins interjected satellite dish installation and permitting is only pre-empted up to a particular sized dish. He then requested clarification regarding the dish size in the petition.

Commissioner McCombs' response was too low for accurate summary.



Commissioner Wiggins then asked if it would be necessary to clarify that the preemptive law would be for satellite dishes that are 1 meter in diameter or less.

Mr. Shine stated Mr. Richmond's opinion provided that Federal law expressly prohibits local regulation of satellite dishes in the absence of the issue of specific findings concerning safety. He continued stating Mr. Richmond's opinion further provides that circumstances applicable in some areas of the state could justify some limited regulation under the Florida Building Code, however, adoption of the current edition of the proposed 2004 edition is not supported by specific findings concerning safety issues associated with satellite dishes therefore deeming the Code inapplicable to such installations. Mr. Shine further stated Mr. Richmond recommended the declaratory statement be denied on the basis that the issue is beyond the jurisdiction of the Florida Building Commission.

Commissioner McCombs withdrew his motion to dismiss then moved approval for legal's recommendation to deny the petition for declaratory statement. Commissioner Kidwell accepted the withdrawal of the motion to dismiss then seconded the new motion to deny the declaratory statement.

Commissioner Wiggins then stated it was still unclear whether satellite dishes beyond 1 meter in diameter are not regulated by the Code.

Mr. Dixon responded stating if the petition was dismissed due to lack of jurisdiction it would allow the petitioner to re-submit with further specifications based on the size of the dish. He explained that Mr. Richmond stated there was not sufficient Legislative record to support the state regulating dish installations.

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

DCA04-DEC-192 by Bart Walden of CBS

Mr. Shine stated the petitioner asked if classification would be allowed under Rule 9B-72 or Rule 9B-1 in order to apply house wrap in the plant. He explained the POC recommended no regarding Rule 9B-72, however regarding Rule 9B-1 the recommendation was to remain consistent with the Commission's action for declaratory statement DCA04-DEC-162: no, as per Section 553.37(11) F.S., providing that wood frame exterior wall systems are custom manufactured components which are not required to comply with the state Manufactured Buildings Program, but must comply with all local requirements of the authority holding jurisdiction for the installation site.

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

DCA04-DEC-195 by Roger Joyce of Bilco

Mr. Shine explained the petitioner asked if a roof access hatch falls under a category of product covered in Rule 9B-72 for state or local product approval. He stated the POC recommendation was yes, pre-engineered hatches attached to the structure meet the definition of structural component as per Rule 9B-72.010(28).

Commissioner Greiner noted a duplicate statement discussed during the Second Hearing statements dealing with the same issue and asked if the statement should be referenced.

Commissioner Parrino interjected the issue is similar to the previous statement discussed and stated it should be referenced in the response to this petition.

Commissioner Greiner moved approval of the POC recommendation provided the previous declaratory statement concerning the same issue is referenced in the response. Commissioner Parrino seconded the motion and offered clarification stating the previous statement which should be referenced was DCA04-DEC-161. Vote to approve the motion was unanimous. Motion carried.

DCA04-DEC-218 by Patrick L. McDonald

Mr. Shine stated the POC recommended dismissal because the declaratory statement does not address future projects and is requesting Commission action of a third party which is out of the scope of the declaratory statement process.

Commissioner Parrino moved approval of the POC recommendation. Commissioner D'Andrea seconded the motion. Motion carried.

DCA04-DEC-219 by W. Vincent of Construction Specialties Inc.

Mr. Shine stated the question posed was whether custom designed louvers must comply with the requirements of Rule 9B-72 for state or local approval. He explained the POC recommendation was no, custom designed and engineered louvers designed for specific projects are exempt from the requirements of Rule 9B-72 per Section 553.842(11) F.S.

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

DCA04-DEC-221 by Edward Lewis of Edward Lewis Architects Inc.

Mr. Shine explained the POC recommended dismissal because the issue was under question with the local authority holding jurisdiction.

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

DCA04-DEC-222 by Ed Riley of Collier County

Mr. Shine stated the POC recommended dismissal based on lack of jurisdiction.

Ed Riley, Collier County Commission

Mr. Riley stated the building official usually issues permits in Collier County through Florida Building Code, Section 104. He explained the building official has decided not to issue a permit for changes of monitoring systems for fire alarm systems, leaving no means of tracking or inspecting the changes to ensure compliance. He stated the Fire Prevention Code does provide for issuance of permits by the County Commission however the county's attorney recommended the Fire Code was part of the Building Code therefore only the building official may issue permits.

Mr. Shine interjected another possible action would be to defer the petition until further information is obtained.

Commissioner Vann moved approval to defer the declaratory statement. Commissioner D'Andrea seconded the motion. Vote to approve the motion was unanimous. Motion carried.

DCA04-DEC-225 by Bemie Eustace of Interplan LLC

Mr. Shine stated the recommendation was to defer the petition due to sufficiency concerns.

Commissioner D'Andrea moved approval to defer the declaratory statement. Commissioner Carson seconded the motion. Vote to approve the motion was unanimous. Motion carried.

DCA04-DEC-230 by Patricia Weeks of Blair Home Construction

Mr. Shine stated the question presented was if the intent of the Florida Building Code was to require smoke detection inside the sleeping area as well as outside the sleeping areas. He explained the POC recommended yes, Chapter 553.88 F.S. adopts NFPA 72 as the minimum alarm standard for the state.

Commissioner D'Andrea moved approval of the POC recommendation. Commissioner Tagliarini seconded the motion.

Commissioner Wiggins asked if the text of the Florida Building Code overrule

referenced standard if the language differs.

Commissioner D'Andrea responded stating the section prior to the one referenced for the installation states that smoke detectors shall be installed in accordance with NFPA 72. He continued stating another section of the statutes incorporates alarm standards of NFPA 72 as the minimum requirements then further requiring smoke detectors be installed in the corridor areas.

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

DCA04-DEC-231 by Carl Driver of NuAir Manufacturing

Mr. Shine stated the question posed was if the intent of Section 2405.3.1.1 in Chapter 24 of the Florida Building Code was to limit glass design loads to the graphs of Figure 2405.3 thereby limiting the maximum allowed design loads to those within the range of the graphs, or, may formulas and calculations from ASTM E 1300 be used in place of the graphs. He explained the POC recommended no, it is not the intent of the Florida Building Code to limit glass design loads to the graphs of Figure 2405.3.

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

DCA04-DEC-232 by C.W. Macomber of Palm Beach County

Mr. Shine stated the petition was withdrawn.

No Commission action required.

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

Mr. Shine stated the petition was recommended for deferral to allow the petitioner time to amend the declaratory statement.

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

DCA04-DEC-196 by Robert Powell of Lake Square Aluminum Inc.

Mr. Shine stated explained the petition involved a challenge to a building official's interpretation of the Electrical Code. He stated the petition must be heard through a local appeals board first and the POC recommended dismissal.

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

Chairman Rodriguez recognized Secretary of Department of Community Affairs, Thaddeus Cohen, Architect, who was present in the audience.

### **BREAK**

Chairman Rodriguez called for a five minute break at 4:04 p.m.

### **CONSIDERATION OF APPLICATIONS FOR PRODUCT AND ENTITY APPROVAL**

Mr. Blair stated this meeting was the first Commission meeting with the validation entity present and extended a welcome to them. He then 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 Unconditional Approval**

Product #'s: 696; 2021; 3101; 3328; 3336; 3339; 3340; 3343; 3406; 3445; 3463; 3464; 3465; 3519; 3520; 3522; 3529; 3546; 3548; 3551; 3554; 3559; 3560; 3567; 3570; 3573; 3574; 3584; 3587; 3595; 3603; 3609; 3611; 3618; 3620; 3621; 3622; 3623; 3624; 3625; 3629; 3652; 3661; 3663; 3667; 3668; 3673; 3675; 3676; 3677; 3678; 3679; 3680; 3681; 3682; 3683; 3684; 3685; 3686; 3687; 3688; 3689; 3690; 3691; 3700; 3704; 3715; 3728; 3729; 3734; 3735; 3736; 3737; 3738; 3748; 3749; 175R1; 225R1; 2363R1; 3492R1

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

##### **Recommended for Conditional Approval**

2358

Mr. Blair stated the POC recommended conditional approval with the condition the limitations of use indicate the product is not for use in the HVHZ.

Commissioner McCombs moved approval of the POC recommendation. Commissioner Parrino seconded the motion. Vote to approve the motion was

unanimous. Motion carried.

2589

Mr. Blair stated the POC recommended conditional approval under the condition a clean version of the NOA is uploaded.

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

3005

Mr. Blair stated the POC recommended conditional approval with the condition the limitations of use indicate the product is not for use in the HVHZ.

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

3031

Mr. Blair stated the POC recommended conditional approval with the condition documentation for testing in the HVHZ is provided or limitations of use be listed indicating the product is not for use in the HVHZ.

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

3217

Mr. Blair stated the POC recommended conditional approval with the condition standards of reference should be corrected.

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

3266

Mr. Blair stated the POC recommended conditional approval with the condition documentation for testing in the HVHZ is provided or limitations of use be listed indicating the product is not for use in the HVHZ.

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

3530

Mr. Blair stated the POC recommended conditional approval with the condition the link to manufacturer's instructions is removed.

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

3533

Mr. Blair stated the POC recommended conditional approval with the condition the link to manufacturer's instructions is removed.

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

3553

Mr. Blair stated the POC recommended conditional approval with the condition the limitations of use indicate the product is not for use in the HVHZ.

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

3586

Mr. Blair stated the POC recommended conditional approval with the condition the limitations of use indicate the product is not for use in the HVHZ.

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

3591

Mr. Blair stated the POC recommended conditional approval with the condition the limitations of use indicate the product is not for use in the HVHZ.

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

Recommended for Deferral

3130

Mr. Blair stated the POC recommended deferral based on confirmation that all the recommended changes have been made.

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

Recommended for Denial

3303

Mr. Blair stated the POC recommended denial based on the applicant not addressing the HVHZ issue nor the issues and comments for reasons for deferral.

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

**Engineer or Architect Evaluation Entity**

Recommended for Approval

Product #'s: 2754; 2894; 2982; 3293; 3393; 3449; 3466; 3467; 3470; 3473; 3500; 3531; 3538; 3539; 3541; 3543; 3576; 3581; 3600; 3612; 3615; 3628; 3630; 3631; 3632; 3633; 3636; 3637; 3641; 3653; 3654; 3669; 3671; 3694; 3719; 3723; 3732; 3747; 2533R1; 2597R1; 2653R1; 2876R1; 2975R1

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

Recommended for Conditional Approval

1559

Mr. Blair stated the POC recommended conditional approval with the condition the concrete deck and fastener comply with requirements for fastening.



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

2612

Mr. Blair stated the POC recommended conditional approval with the condition the evaluator reviews the application.

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

3263

Mr. Blair stated the POC recommended conditional approval with the condition the hard copy of the sign and seal is confirmed; calculations are verified by engineer; and limitations of use indicate the product is not for use in the HVHZ.

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

3275, 3276

Mr. Blair stated the POC recommended conditional approval under the conditions the hard copy of the sign and seal documents are provided and the limitations of use indicate the product is not for use in the HVHZ.

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

3405, 3443

Mr. Blair stated the POC recommended conditional approval under the conditions that the fastener beds be corrected for compliance.

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

3448

Mr. Blair stated the POC recommended conditional approval with the condition two of the three products listed are removed with only one remaining.

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

3627

Mr. Blair stated the POC recommended conditional approval with the condition the reference to storm glass is removed from the approval document.

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

3746, 3750

Mr. Blair stated the POC recommended conditional approvals with the conditions the evaluation reports are corrected for each product.

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

Recommended for Deferral

3662

Mr. Blair stated the POC recommended deferral because the application is incomplete and proper testing must be documented.

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

3706

Mr. Blair stated the POC recommended deferral based on the applicant providing proper testing documentation and complete the application.

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

3766, 3767, 3769, 3770, 3772, 3773

Mr. Blair stated the POC recommended deferral for the products to allow time for the application to be reviewed by legal staff.

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

Recommended for Denial

3724

Mr. Blair stated the POC recommended denial based on the product being outside the scope of Rule 9B-72.

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

2694

Mr. Blair stated the POC recommended denial based on the product being outside the scope of Rule 9B-72.

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

3344

Mr. Blair stated the POC recommended denial due to no corrections being made to the application following the October comments and deferral.

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

**Evaluation By Test Report**

Mr. Blair presented the consent agenda the POC recommended for approval.

Recommended for Approval

Parrino McCombs

Product #'s: 1684; 2559R1; 3337; 3436; 3446; 3614; 3670; 3733; 3739; 3741

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

Recommended for Conditional Approval

1674

Mr. Blair stated the POC recommended conditional approval with the condition the limitations of use indicate the product is not for use in the HVHZ or provide proper testing.

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

2143

Mr. Blair stated the POC recommended conditional approval with the condition the limitations of use indicate the product is not for use in the HVHZ or meet the requirements of TAS 107 RAS 115 to demonstrate compliance.

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

3459

Mr. Blair stated the POC recommended conditional approval with the condition the limitations of use indicate the product is not for use in the HVHZ or demonstrate compliance with standards required in the HVHZ.

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

3460

Mr. Blair stated the POC recommended conditional approval with the condition the type of sealant used during testing is indicated.

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

3491

Mr. Blair stated the POC recommended conditional approval under the condition test report is validated by an approved test lab, the reference standards are corrected, and the racking capacity for the roof panels is provided.

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

3532

Mr. Blair stated the POC recommended conditional approval with the condition the limitations of use indicate the product is not for use in the HVHZ or demonstrate compliance with applicable standards.

Recommended for Deferral

3521

Mr. Blair stated the POC recommended deferral for clarification between wall components and roof components, and the subcategory is corrected.

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

Recommended for Denial

2962

Mr. Blair stated the POC recommended denial based on no corrections being made following October comments and deferral.

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

2969

Mr. Blair stated the POC recommended denial based on the corrections not being made from the October deferral.

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

### **Evaluation by Evaluation Entity**

#### Recommended for Approval

Mr. Blair presented the consent agenda recommended by the POC for approval:

Product #'s: 3394; 3619; 3664; 3708; 1999R1

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

#### Recommended for Conditional Approval

2256

Mr. Blair stated the POC recommended conditional approval with the condition the limitations of use indicate the product (except IX) is not for use in the HVHZ as well as correct the product category.

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

3505

Mr. Blair stated the POC recommended conditional approval with the condition the reference standards are corrected.

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

3557

Mr. Blair stated the POC recommended conditional approval under the condition the limitations of standards indicate the product is not for use in the HVHZ.

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

3751

Mr. Blair stated the POC recommended conditional approval with the condition the application's completeness is verified.

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

Recommended for Deferral

3692

Mr. Blair stated the POC recommended deferral based on incorrect certification method and the HVHZ product is submitted under a new application.

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

Recommended for Denial

2805

Mr. Blair stated the POC recommended denial based on corrections not being made following the October deferral.

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

2928

Mr. Blair stated the POC recommended denial based on corrections not being made from the October deferral.

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

3453

Mr. Blair stated the POC recommended denial based on limitations of use not completed.

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

Commissioner Carson then presented the applications the POC recommended for entity approval:

Tie Product Testing Lab / American Test Lab of South Florida Inc.

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

Hurricane Test Laboratory LLC as a Test Laboratory

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

Quality Auditing Institute Ltd. as a Product Certification Agency

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

Quality Auditing Institute Ltd. as a Product Validation Entity

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

**RULE ADOPTION HEARING ON NOTICE OF CHANGE TO RULE 9B-3.047,  
2004 FLORIDA BUILDING CODE**

Chairman Rodriguez stated the Commission voted unanimously at its October meeting to revise fire separation distance in Section R202 to include "or a fire separation easement" and to add a *fire separation easement* definition for the purpose of determining fire separation distance to read: *an easement shall be defined as a legal binding restriction placed on a property that would prohibit construction within its confines.* He then directed the Commission to Mr. Shine to formally open the hearing.



Mr. Shine opened Rule Adoption Hearing on Notice of Change to Rule 9B-3.047, Florida Building Code at 3:59 p.m.

PUBLIC COMMENT

Jack Glenn, Representing Florida Home Builders Association

Mr. Glenn stated he was the proponent for the fire separation distance Code change. He stated there had been concern expressed regarding placing the word "easement" into the Code. He then presented replacement language for consideration. (See *CHAPTER 2 Definitions Attachment.*)

Joe Belcher, Representing Florida Concrete & Products Association

Mr. Belcher offered comment concerning a change to Section R703.6 of the International Residential Code aka Florida Building Code, Residential, 2004 Edition. (See *Proposed Modification to the Florida Building Code, Section #R703.6 Attachment.*)

Mr. Glenn approached offering additional support for Mr. Belcher's change on behalf of the Florida Home Builder's Association.

Allen Plant, Orange County Building Division  
Bob Olin, Orange County Building Division

Mr. Plant stated he would like to be placed on the agenda for comment and a presentation concerning the water intrusion issue.

Joe Crum, President, Building Officials Association of Florida

Mr. Crum offered support for Mr. Belcher's modification and read into the record a letter from the Building Officials Association of Florida. (See *Building Officials Association of Florida, Inc. Letter to Chairman Rodriguez Dated November 12, 2004 Attachment.*)

Bob Olin, Orange County Building Division  
Allen Plant, Orange County Building Division

Mr. Olin stated he and Mr. Plant were not speaking on behalf of the Orange County Building Division, rather representing the Central Florida Chapter of the Building Officials Association of Florida. He presented their position concerning the water intrusion issue and submitted a written report to each Commissioner. (See *Central Florida Chapter ICC and BOAF, Report of the Ad-Hoc Committee on Water Intrusion in Buildings Following the 2004 Hurricanes, Proposed Modification to the Florida Building Code Section # R202 and R703.1 [Proposal #1], Proposed Modification to the Florida Building Code Section R202 and R601.3 [Proposal #2], Proposed Modification to the Florida Building Code Section #*

*R202 and R703.1 [Proposal #3], and Proposed Modification to the Florida Building Code Section #202 and 1403.2 Attachments.)*

*Joe Belcher, Representing Florida Concrete & Products Association*

Mr. Belcher offered clarification stating his previous proposed change is a separate issue from the water intrusion presentation. He then offered further clarification concerning two items: i.e.; "IFC&PA" referenced in the water intrusion document should read "FC&PA" for the Florida Concrete & Products Association; and Masonry Info Tech and the Florida Concrete Products Association have been supplied the water intrusion information however there are great concerns with some of the information provided. Mr. Belcher then stated the issue may require much further discussion than the Commission could consider during the current meeting. He stated during the next Code amendment cycle there would be solutions offered for addressing some of the problems discovered.

*Jack Glenn, Florida Home Builders Association*

Mr. Glenn stated "HBA" as listed on the water intrusion report represents the metro-Orlando chapter. He stated the statewide association is working with the Orlando chapter and a study to determine the cause of the water intrusion problem is currently underway and a report would be made available upon completion.

*Joe Crum, Building Officials Association of Florida*

Mr. Crum stated the water intrusion presentation was made by the Central Florida Chapter of BOAF. He continued stating the statewide association was in agreement that the issue must be addressed and awaits the HBA study results before making a recommendation for action.

Chairman Rodriguez then closed the public comment portion of the hearing and opened for Commission discussion.

Commissioner Wiggins requested clarification concerning which proposal submitted by the Central Florida Chapter of BOAF would be the first choice for adoption.

Mr. Olin responded stating Proposals # 3 and 4 would be recommended. He noted the proposal number was located in the bottom right corner of each proposal.

Chairman Rodriguez reviewed the threshold issue used to determine whether additional Code changes could be made stating the change must maintain the current level of protection afforded in the Code. He stressed that maintaining the current levels of protections are the only changes that would not require the Commission to meet the 45-day, 45-day review, that is required for new changes to the Code. Chairman Rodriguez reminded the Commission Mr. Richmond had recommended there be no additional hearings held concerning the NOPC's, which is not required by law as well as many

hearings already having been held.

Mr. Shine closed the public comment portion of the hearing at 4:25 p.m. He then stated the water intrusion issue may involve substantive changes which would require an additional hearing round and recommended against additional hearings.

Chairman Rodriguez then called for a motion to proceed with rule adoption for Rule 9B-3.047, Florida Building Code, by filing the rule with the Secretary of State.

Commissioner Browdy moved approval to proceed with rule adoption for Rule 9B-3.047, Florida Building Code. Commissioner Greiner seconded the motion.

Mr. Blair then conducted a review of the issues for Commission consideration in terms of their inclusion in the 2004 edition of the Florida Building Code. He suggested each issue be considered individually and voted by the Commission for acceptance.

Commissioner Browdy withdrew his motion to proceed with rule adoption.

#### Fire Separation Issue

Commissioner Greiner moved approval to adopt the change specific to projections on walls. Commissioner Corn seconded the motion.

Commissioner Wiggins expressed concern with mandating one-hour rated walls for every building within six feet on a residential building lot. He stated the result would mean mandating that every guesthouse or ancillary building within six feet have no windows. He continued stating it is difficult to fully evaluate the impact given the short amount of time for reviewing the issue. He then offered support for the previous proposal submitted by Mr. Glenn.

Commissioner D'Andrea requested Mr. Glenn to offer comment concerning the issue.

Mr. Glenn stated under the current Code the wall would have to be rated at a distance of three feet with no openings. He continued stating the issue is no longer distance from property lines, rather distance between buildings. Mr. Glenn countered a detached guest house is classified as another single family dwelling which would not be treated as a garage or storage shed.

Chairman Rodriguez called for a vote on the motion. Vote to approve the motion resulted in 19 supporting and 2 opposed (Kidwell, Wiggins). Motion carried.

Mr. Blair then presented the next issue for consideration:

#### Exterior Plaster Definition

Commissioner Greiner moved approval to adopt the proposed change to Section # R703.6 submitted by Mr. Belcher. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Commissioner Greiner asked Mr. Belcher, through the Chair, if the intent was that plaster means stucco or plaster as defined in the Code and would not include decorative cementitious finish.

Mr. Belcher responded stating cementitious finish is a separate definition and would not apply to the proposed provision.

Mr. Blair presented the third issue for Commission consideration:

Water Intrusion Issue

Commissioner Browdy stated in lieu of legal counsel's advice concerning the issue and the fact that there is ongoing research being conducted to determine the cause of water intrusion, a change to the Code may be abrupt and he would not support adopting the proposed changes.

Commissioner Greiner offered support for Commissioner Browdy's comments stating the Commission had not received adequate detailed analysis on the problem to determine whether a Code change would resolve the issue.

Chairman Rodriguez added the issue is not simply a threshold issue, rather Commission action to make a Code change would be premature.

Chairman Rodriguez then called for a motion to proceed with rule adoption for Rule 9B-3.047, Florida Building Code, by adopting approved changes and publishing a Notice of Proposed Changes with no additional hearings to be held.

Commissioner Greiner so moved. Commissioner Kidwell seconded the motion.

Commissioner Wiggins requested clarification concerning the motion in terms of the water intrusion issue.

Chairman Rodriguez stated there had not been enough information gathered concerning the water intrusion issue for the Commission to adopt a Code change. He continued stating the work is in place for further discussion and Commission action after more research has been completed and a report made available for review.

Commissioner Schulte asked if there was a date of completion for the water intrusion report to be made available.

Commissioner Browdy responded stating the report would be made available in less than 20 days.

Commissioner Corn expressed support for the motion stating thousands of homes are built in Florida with concrete and block construction in which settling occurs and expansion and contraction, which can occasionally trigger leaks which can be solved by the builder or homeowner.

Chairman Rodriguez called for a vote to approve the motion. Vote to approve the motion resulted in 20 supporting and 1 opposed (Wiggins).

Commissioner Wiggins reiterated Proposal #1 would not be a substantive change. He stated it would simply carry over what is already included in the Code.

Commissioner D'Andrea stated he was not opposed to Commissioner Wiggins' suggestion to adopt Proposal #1, however he was uncertain if it would create a delay in implementing the Code.

Mr. Shine interjected the majority of language in Proposal #1 is found in the current Code. He stated, however, there is a new definition, "weather resistant," which could trigger the Code adoption proceedings with the 45-day, 45-day process.

Commissioner Kidwell offered comment stating there was no reason to include the wording in Proposal #1.

Commissioner Gonzalez offered support for Proposal #1 stating it would be consistent with other sections of the Code.

Commissioner Sanidas moved approval to reconsider the motion for rule adoption. Commissioner Parrino seconded the motion. Vote to approve the motion resulted in 8 in support and 12 opposed. Motion failed.

**RECESS UNTIL WEDNESDAY, DECEMBER 8, 2004, 9:00 A.M.**

Chairman Rodriguez recessed the plenary session at 4:54 p.m.

**WEDNESDAY, DECEMBER 8, 2004**

**RECONVENE AND WELCOME**

Chairman Rodriguez called the meeting to order at 9:00 a.m.

**REVIEW AND APPROVAL OF AGENDA**

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

Chairman Rodriguez stated the reason for two plenary sessions was to allow for public comment following each substantive issue. He then directed the Commission to Mr. Blair for an overview of the procedures.

Mr. Blair explained the new format for public comment will allow for more public input into the issues considered, excluding procedural or process issues. He stated following each issue, after the Commissioners have asked clarifying questions, the public will be permitted to comment on the issue then Commissioners would open discussion and Commission action when necessary.

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

**REVIEW AND APPROVAL OF AUGUST 31, 2004 MEETING MINUTES AND OCTOBER 19, 2004 MEETING MINUTES**

Chairman Rodriguez called for additions or corrections to the minutes from the August 31, 2004 as well as the October 19, 2004 Commission meetings.

Commissioner Parrino stated during the August meeting he submitted a Form 8-A Conflict of Interest which should be included in the minutes.

Commissioner D'Andrea moved approval of the August and October meeting minutes as amended. Commissioner Carson seconded the motion. Vote to approve the motion was unanimous. Motion carried.

**CHAIR'S DISCUSSION ISSUES AND RECOMMENDATIONS**

Chairman Rodriguez reported there had been email exchanges with Governor Bush which included the list of issues for consideration during the special Legislative session. He stated the session would be limited to insurance issues related to the recent hurricanes in Florida and the pre-kindergarten issue which is a time sensitive item. He

then directed the Commission to Mr. Blair for a report on the Quality of Construction Assessment project.

Mr. Blair conducted an overview of the Quality of Construction research project. He stated interviews are still being conducted with approximately twenty completed to date and fifteen remaining to include all the perspectives concerning the issues. He continued stating the interviews would be completed in December which would complete the data collection for the conclusion of the assessment report. Mr. Blair stated the report would be presented for review during the January 2005 Commission meeting.

Chairman Rodriguez announced the appointment of a coordinating group composed of Commissioners as well as other stakeholder groups. He stated the charge for the group would be review available research and identify the building failures resulting from the hurricanes then determine appropriate Commission action if necessary.

Chairman Rodriguez then extended appreciation to Commissioner Hamrick for accepting the appointment to serve on the Education TAC.

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

Mr. Dixon announced the January Commission meeting is scheduled for January 24, 25, and 26, 2005, at the Rosen Plaza Hotel and encouraged the Commissioners to make reservations soon due to a busy month for meetings and conferences in Orlando. He then conducted a review of the updated Commission workplan which was provided in each Commissioner's agenda packet.

Commissioner Parrino expressed concern with beginning the Code update cycle prior to the effective date of the new Code. He suggested the Code update cycle begin after the Code goes into effect in July 2005. He then offered support for Alternative 2.

Chairman Rodriguez stated Alternative 2 would saddle the Commission with the responsibility to review and consider the amendments in a timely fashion.

#### **Joe Belcher, JDB Code Services**

Mr. Belcher expressed support for Alternative 1 to get an early start prior to the Code implementation date. He stated it is not an uncommon practice in national and international Code development cycles.

#### **Jack Glenn, Florida Home Builders Association**

Mr. Glenn stated the July 1, 2005 implementation date resulted from delays during the last Code cycle. He offered support for Alternative 2 expressing concern, however, with having only three months of Code availability. Mr. Glenn stated Code availability usually means the Code is available over the Internet and a printed version may not be

available until July creating difficulty for education and training.

Mr. Dixon encouraged the Commission to establish a pattern in the Code development process. He stated a pattern that could be repeated over time creates predictability and familiarity throughout the industry. He continued stating changing dates and moving around on the calendar from cycle to cycle makes it difficult for designers to plan and schedule Code changes in their projects as well as making it difficult for the industry as a whole to adapt to the Florida Building Code. Mr. Dixon suggested as well that industry's business cycles be considered in the development process.

Chairman Rodriguez stated the Commission is authorized to make Code amendments annually but it is not required to. He offered support for Mr. Dixon's recommendation to establish a pattern for the development process.

*Phil McMann, International Code Council*

Mr. McMann offered comment stating the ICC used to enter one-year cycles but found it difficult for the industry trades to keep up with the changes. He stated they now conduct 18-month cycles for efficiency and to allow for industry reaction.

Mr. Blair suggested placing the subject on the agenda for the January meeting then evaluating and identifying the issues for discussion and decision.

Commissioner Vann asked if there was a process in place in the event a horrendous error was made in the Code or with an approved product.

Mr. Dixon responded stating the law currently limits the Commission to one amendment per year. He stated there is a possibility for emergency rule which carries with it very strict criteria for qualification, i.e., immediate life safety threat to the public. Mr. Dixon continued stating there would not be many errors that would rise to the standard of life threatening leaving recourse limited to one amendment per year.

Mr. McMann stated the ICC's Board of Directors could make an emergency adjustment if it was discovered there was a direct life safety threat. He added in his twenty-five year relationship with the ICC only one emergency adjustment had been made.

Commissioner Wiggins offered comment stating it was originally established that the Florida Building Code be updated through a three-year cycle with one-year updates which were intended to be minimal changes. He expressed support for continuing with the cycle and minimize the one-year annual updates by possibly establishing limiting criterion for the updates.

Chairman Rodriguez posed whether every 18 months would accomplish the same goal.



Mr. Belcher reminded the Commission earlier in the process there had been a declaratory statement request submitted by an architect for a school project and the Fire TAC identified an error in the Code requiring the rating of corridors. He stated it was determined by legal the error could not be deleted by declaratory statement or interpretation and cautioned the Commission to lock into a cycle without flexibility. Mr. Belcher then offered support for the one-year cycle for the implementation of the new Code.

*Jerry Sparks, Building Official, St. Pete Beach*

Mr. Sparks offered support for Commissioner Wiggins' comments regarding the three-year cycle. He stated there should be a mechanism in place to address emergency issues with Code changes falling into the three-year process.

Commissioner Calpini stated even if the annual amendments were minimized there would still be the administrative process to be followed. He continued stating it seems the administrative process is difficult to address in an annual update cycle then expressed support for weighing the costs to move to an 18-month cycle.

Commissioner D'Andrea stated the ICC cycle is 18 months and the Commission's task is to determine when to implement any changes resulting from the ICC cycle. He offered support for Mr. Belcher's position in terms of the conversion to the International Building Code and take the option each year of reviewing and evaluating any issues presented. Commissioner D'Andrea then expressed support for Alternative 1.

Commissioner Sanidas suggested designating the first three years of the new Code cycle for annual amendments after which the ICC's 18-month cycle could be implemented.

Commissioner D'Andrea moved approval to accept Alternative 1. Commissioner Greiner seconded the motion. Vote to approve the motion resulted in 20 supporting and 1 opposed (Vann). Motion carried.

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

**SYNOPSIS OF HURRICANE RESEARCHERS WORKSHOP**

Chairman Rodriguez stated a Hurricane Researchers Workshop was held Monday, December 6, 2004, concerning the effects of Charlie, Frances, Ivan, and Jeanne with the objective of providing a forum for information exchange and analysis. He announced there would be a second workshop held February 11 & 12, 2005, with a symposium format and a broader scope. Chairman Rodriguez stated the two workshops would be a

key step in determining whether the Commission should effect any Code changes.

Mr. Dixon stated most of the Commissioners and members of the gallery were present during the workshop and heard preliminary observations and assessments of the problems. He continued stating some of the failures were obvious while other failures' causes would require further research and evaluation such as the water intrusion issue. Mr. Dixon stated some researchers would not complete their final analyses and reports until time for the National Hurricane Conference.

Commissioner Greiner expressed interest in hearing from the Florida Home Builders Association following the February workshop with respect to their forensic investigation currently underway concerning the water intrusion issue.

Mr. Dixon stated there had been a call for presentations from the FHBA to present their findings during the January 2005 Commission meeting as well as during the workshop in February.

Commissioner Sanidas stressed the importance to caution the research groups not to enter large numbers of amendments for the annual cycle due to possible media reactions.

Joe Belcher, JDB Code Services

Mr. Belcher recommended a formal request to BOAF be made to establish a committee to attend the workshops and evaluate the information.

Joe Crum, President, Building Officials Association of Florida

Mr. Crum stated there is already a committee in progress to address issues which will be covered during the workshops.

Johnny Long, Paralyzed Veterans of America

Mr. Long expressed concern for Florida citizens with disabilities and evacuation alternatives, specifically doorways, and asked when Code changes are addressed following the results from the research that individuals with disabilities be considered.

**PRODUCT APPROVAL WORK GROUP PROGRESS REPORT**

Mr. Blair reiterated the December Product Approval Work Group meeting has been rescheduled for January 11 & 12, 2004, at the Rosen Plaza Hotel at 1:00 on the 11<sup>th</sup> and all day for the 12<sup>th</sup>. He announced the meeting schedule and times could be located on the FBC website.

**PROGRESS REPORT OF THE ICC PARTICIPATION WORK GROUP**

Commissioner D'Andrea provided an overview of the ICC Participation Work Group. He stated the work group met the morning of December 7, 2004, with 15 members representing major stakeholder groups. He continued stating the meeting was very productive with active member participation and focus on how to best utilize the ICC Code change process for the benefit of the Florida Building Code process. Commissioner D'Andrea stated Mr. Blair facilitated the meeting and would be preparing a report which would be made available to all committee members for review and recommendations to be addressed during the next work group meeting, then presented to the full Commission for any action necessary.

Mr. Blair stated the report would be made available on the consortium's website, [www.consensus.fsu.edu](http://www.consensus.fsu.edu), as well as the FBC website.

### **REVIEW DRAFT REPORT TO THE GOVERNOR AND 2005 FLORIDA LEGISLATURE**

Chairman Rodriguez conducted a review of the recommendations to the 2005 Florida Legislature. He referenced the *Recommendations to the 2005 Florida Legislature* document which was included in each Commissioner's laptop files.

#### **Carrie Hebrank, Florida Building Materials Association**

Ms. Hebrank first extended happy holiday wishes to members of the Commission then requested clarification concerning the first three issues referenced, the elimination of the ability to design for internal pressure, which is currently in the statutes.

Chairman Rodriguez responded stating the issue stated "Eliminate the definition of wind exposure Class C from Section 553.73 F.S. and allow the definition of ASCE 7 as adopted by the Florida Building Code to be used."

Ms. Hebrank added the internal pressure issue is a separate issue and was not addressed during the Chairman's review.

Commissioner Parrino requested the audio from the October meeting be reviewed stating the internal pressure design issue was not included in the Commission's Report to the Legislature.

Mr. Blair interjected a motion was made which did include the internal pressure design issue. He stated the issues were considered individually and motions were made regarding each issue. Mr. Blair read from the October Commission meeting Facilitator's Report "The Commission voted unanimously 18-0 in favor to seek Legislative authority for the Commission to make determinations related to designing for internal pressures." The motion was not to eliminate designing for internal pressures, rather authorize the Commission to make determinations concerning the issue.

*Roland Temple, Velux America and Window & Door Manufacturer's Association*

Mr. Temple referenced recommendation #1 concerning allowing the updated edition of the ASCE 7 standard and asked if the Commission additionally discussed the issue of the Commission being authorized to utilize updated editions of other standards, i.e., Impact Standards from ASTM.

Mr. Blair responded stating the Commission has the authority to reference additional standards other than ASCE 7.

Commissioner D'Andrea moved approval of the Commission's recommendations to the Governor and the 2005 Legislature and to authorize the Chairman to review and approve the final draft of the Report to the 2005 Legislature. Commissioner Greiner seconded the motion. Vote to approve the motion was unanimous. Motion carried.

**CONSIDER COMMITTEE REPORTS AND RECOMMENDATIONS**

**Accessibility TAC**

Commissioner Richardson presented the report from the Accessibility TAC meeting. She requested Commission action concerning the date of the Miniature Golf Course Charrette be changed to May 10, 2005. (See *Minutes of Accessibility TAC Meeting December 6, 2004*)

Commissioner D'Andrea moved approval of the Miniature Golf Course Charrette dates. Commissioner McCombs seconded the motion. Vote to approve the motion was unanimous. Motion carried.

**Electrical TAC**

Commissioner McCombs presented the report from the Electrical TAC meeting. (See *Minutes of Electrical TAC Meeting December 6, 2004*).

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

**Fire TAC**

Commissioner D'Andrea presented the report from the Fire TAC meeting. (See *Minutes of Fire TAC Meeting December 6, 2004*).

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

### **Structural TAC**

Commissioner Parrino presented the report from the Structural TAC meeting. (See *Minutes of Structural TAC Meeting December 7, 2004*).

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

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

Commissioner Carson presented the report from the PAPBMB POC meeting. (See *Minutes of PAPBMB POC Meeting December 6, 2004*).

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

### **GENERAL PUBLIC COMMENT**

#### *Jerry Sparks, Building Official, City of St. Pete Beach*

Mr. Sparks submitted to Commission the local administrative amendments which the City of St. Pete Beach has adopted on November 23, 2004. He stated included in the amendments are abatement procedures for unsafe and unfit structures which has been a personal project for the past ten years. He recommended the Commission review and utilize as necessary the abatement procedures as the water intrusion issues are evaluated and considered.

Chairman Rodriguez accepted the amendments and stated the Commission would review and consider the abatement procedures as the research process continues.

Mr. Sparks added the procedures were compiled by a group of people and there are three jurisdictions in Florida using the procedures.

#### *Joe Crum, Building Officials Association of Florida*

Mr. Crum expressed appreciation on behalf of BOAF for the Commission's accomplishments over the past year.

#### *Amy Overton*

Ms. Overton reiterated the January 11 and 12, 2004, Product Approval Work

Group meeting has been scheduled in the middle of the largest trade show in the world, the International Builder's Show, and urged the Commission to reschedule the meeting due to lack of sleeping rooms available.

Jack Glenn, Florida Home Builders Association

Mr. Glenn stated there would be 100,000 to 125,000 people attending the trade show in January and the NHBA is reserving rooms for attendees up to 35 miles outside Orlando and anyone coming in from out of town to attend the work group meeting may not find accommodations.

Commissioner Parrino suggested rescheduling the meeting from Tuesday/Wednesday to Monday/Tuesday to avoid conflicts with the trade show.

Mr. Blair stated he would try to accommodate people's needs in terms of resolving the meeting issue by moving the dates or finding the rooms.

**COMMISSION MEMBER COMMENTS AND ISSUES**

Commissioner Gonzalez requested a letter be written and a certificate or plaque be sent to the Lipka family letting them know the Commission action taken to dedicate the work of 2005 to late Commissioner Lipka.

Chairman Rodriguez stated a letter would be sent.

**REVIEW COMMITTEE ASSIGNMENTS AND ISSUES FOR THE COMMISSION'S  
JANUARY 24, 25, & 26, 2004 MEETING**

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

**ADJOURN**

No further business was discussed. Chairman Rodriguez extended appreciation for the year's attendance and loyalty to the Commission. The Florida Building Commission Plenary Session adjourned at 10:19 a.m.