



STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

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Governor

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Secretary

**BOARD MEETING
OF THE
FLORIDA BUILDING COMMISSION**

**PLENARY SESSION MINUTES
August 23 & 24, 2005**

PENDING APPROVAL

The meeting of the Florida Building Commission was called to order by Chairman Raul Rodriguez at 2:35 p.m., on Tuesday, August 23, 2005, at the Don Shula Hotel, Miami Lakes, Florida.

COMMISSIONERS PRESENT:

Raul Rodriguez, Chairman
William J. Norkunas
Christopher P. Schulte
Randall J. Vann
Michael C. McCombs
Hamid J. Bahadori
Herminio Gonzalez
George J. Wiggins
James Goodloe
Christ T. Sanidas
Gary Griffin
Nicholas "Nick" D'Andrea
Richard Browdy
Stephen Corn
Dale Greiner
Jeffrey Gross
Paul D. Kidwell
Do Y. Kim

Joseph "Ed" Carson
Jon Hamrick
Steven C. Bassett
Doug Murdock, Adjunct Member
Craig Parrino, Adjunct Member

COMMISSIONERS ABSENT:

Peter Tagliarini

OTHERS PRESENT:

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

TUESDAY, AUGUST 23, 2005

WELCOME

Chairman Rodriguez welcomed the Commissioners and gallery to the August 2005 plenary session of the Florida Building Commission. He directed the Commission to Mr. Blair for a formal review of the meeting agenda.

REVIEW AND APPROVE AGENDA

Mr. Blair conducted a review of the meeting agenda.

Commissioner D'Andrea moved approval of the meeting agenda as amended. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous. Motion Carried.

CONSIDER ACCESSIBILITY WAIVER APPLICATIONS

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

Consent Agenda Applications Recommended for Approval

Mr. Mellick stated case #'s 3 and 4 were withdrawn.

#2 Misener Marine Construction

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

#6 Interactive Realty, Inc.

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

#10 St. Johns County Fairgrounds Arena

Commissioner Browdy moved approval of the Council's recommendation.

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

Recommended for Approval with Conditions

#1 Greystone Hotel

Mr. Mellick presented the issues related to the request for waiver and stated the Council recommended approval based on the provisions of F.S. 553.512 relating to 20% disproportionate cost with the condition that the existing elevator is made operable.

Commissioner Norkunas moved approval to take the request back to the Accessibility Council. Commissioner Wiggins seconded the motion.

Commissioner Norkunas offered additional comment concerning the attendance of members of the Council during the meetings and stressed the importance of attending in order to fulfill a quorum and to get maximum input and participation from the Council members.

Robert Fine, Attorney, Representing Greystone Hotel

Mr. Fine offered comment arguing that a vote relating to the application based on disproportionate cost would be the appropriate action to be taken by the Commission.

It was noted by DCA staff that the application did not identify the appropriate ADA expenditures associated with the project.

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

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

#5 Coolgrinz Coffee

Mr. Mellick presented the issues relating to the request for waiver then stated the Council recommended approval with the conditions seats on the first level be dedicated for accessibility and a cost allocation of accessible features is provided to DCA staff for approval.

Commissioner Browdy moved approval of the Council's recommendation.

Commissioner Gross seconded the motion. Vote to approve the motion was unanimous. Motion Carried.

#7 Crandon Park International Tennis Center Stadium

Mr. Mellick presented the issues surrounding the request for waiver stating the Council recommended approval with the condition drawings are provided to DCA staff confirming the placement of required companion seating adjacent to the 6 accessible seats in the four corners of the lower bowl.

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

#11 Spuntino, Inc. Bakery

Mr. Mellick presented the issues relating to the request for waiver stating the Council recommended approval, with the condition an office on the first floor for equivalent facilitation is provided.

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

Recommended for Deferral

#8 Florida Marines Agency/Islands Shipping Lines, Inc.

Mr. Mellick presented the issues relating to the request for waiver and the Council's recommendation to defer the request.

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

#14 Oseroff

Mr. Mellick stated the applicant was not present for the presentation of the application. He further stated the application was incomplete and lacked adequate information for the Council to recommend approval. He stated the Council unanimously recommended deferral and made request that the applicant make an appearance for

the presentation of the application at the next meeting.

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

Recommended for Denial

#13 Xtreme Fun Center

Mr. Mellick presented the issues relating to the request for waiver stating the Council recommended denial based on lack of hardship.

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

Recommended for Dismissal

#9 R'Club

Mr. Mellick stated the Council recommended dismissal based on lack of jurisdiction.

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

#12 The Harbors

Mr. Mellick explained the issue surrounding the request stating the issue falls under the Fair Housing Act and is not within the Commission's jurisdiction. He stated the Council recommended dismissal of the request based on lack of jurisdiction.

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

#15 Surfstyle Retail Store

Mr. Mellick directed the Commission to Mr. Shine for legal opinion regarding the request.

Mr. Shine stated during the June Commission meeting a motion was made to amend action previously taken relating to the request. He stated the applicant in the case has alterations totaling \$460,000 and has agreed to provide a lift to the mezzanine level. Mr. Shine stated a final order had been issued providing one year to demonstrate compliance and the final order has not been appealed in a timely manner. He explained the Council had voted against adopting the motion to amend action previously taken because the evidentiary standard was not met to re-open the case. Mr. Shine then stated the Council recommended against adopting the motion to amend action previously taken.

Robert Fine, Attorney, Representing Surfstyle Retail Store

Mr. Fine stated the issue was originally heard during the January 2005 Commission and Accessibility Advisory Council meetings. He stated during the January meeting, a temporary waiver was granted allowing the store to provide vertical accessibility to its mezzanine within a one-year period. Mr. Fine continued stating the issue surrounding the application was providing a wheelchair lift to a mezzanine, which was fourteen feet above the main level. He further stated there has been a change in circumstances that may warrant reconsideration of the matter. He appealed to the Commission to decide if the new information warrants a change. Mr. Fine presented the new information stating his client presented his request to the Commission agreeing to provide a lift to the mezzanine within a year's time. He stated his client then went to the local building department to obtain a permit to install the lift, at which time the elevator inspector determined that the elevation was too high for a lift and that a loola, or an elevator, must be installed to provide vertical accessibility, the cost of which is much greater than installing an elevator lift.

Mr. Fine then stated there are inconsistencies between the Elevator Code, the Florida Building Code, and the Accessibility Code, in terms of the height for the platform allowing a lift. He continued stating the Accessibility Code provides if platform lifts are used they shall comply with Chapter 11-4.2.4, 11-4.5, etc., and ASME 817.1 1990, which limits wheelchair lifts to 12 feet vertical distance. Mr. Fine added the Elevator Code has adopted later versions of ASME including ASME 18.1, which allows for greater travel distance of 14 feet. He stated the Legislature, however, had not amended Chapter 11 to include the provision. Mr. Fine stated the building official based his decision on the lesser travel distance because he may have been unaware of the existing ASME 18.1 allowing 14 feet. He requested the Commission allow the request to come back to the Commission with the merits of the case based on a loola or elevator requirement so the Council can reconsider the matter.

Commissioner Norkunas offered comment expressing confusion with regard to the request. He then offered support for the request to come back before the Council and Commission as an element of fairness.

Mr. Mellick added the case for the elevator height is a local board of appeals issue. He stated even if the applicant brought the issue back before the Council and Commission, \$460,000 in alterations as it relates to the \$5,600 for the installed elevator or loola does not represent disproportionate cost.

Mr. Fine countered stating the calculation of costs was not an issue that was before the Council and should not come before the Commission as part of the analysis relating to the request for waiver.

Mr. Richmond interjected the consideration should be limited to the procedural aspect of the matter. He offered clarification stating during the last meeting the motion had been tabled to amend action previously taken with notice, which can be adopted by the Commission on a simple majority. Mr. Richmond cautioned the Commission with regard to adopting the motion to amend previous action stating the establishment had their day before the Council and the Commission with this matter representing a precedent in terms of cases coming before the Commission in this manner.

Chairman Rodriguez requested clarification concerning the recommendation from the Advisory Council.

Mr. Richmond stated the recommendation of the Advisory Council was that the motion to amend action previously taken should fail.

Commissioner Wiggins moved approval to bring the previously tabled motion to the floor. Commissioner Corn seconded the motion. Vote to approve the motion was unanimous. Motion Carried.

Commissioner Wiggins then moved to approval to amend action previously taken with notice. Commissioner Norkunas seconded the motion.

Mr. Richmond offered clarification stating the motion made during the June Commission meeting was simply to amend action previously taken for the purposes of referring the issue to the Council for their recommendation. He then stated if the Commission wishes to take substantive action on the issue, the request must be referred back to the Council for recommendation.

Chairman Rodriguez called for a vote on the motion. Vote to approve the motion resulted in 18 supporting; 2 opposed. Motion Carried.

CONSIDER PETITIONS FOR DECLARATORY STATEMENT:

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

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

First Hearings-

DCA05-DEC-094 by Jeffrey B. Stone, American Forest & Paper Association

Mr. Richmond presented the issues relating to the petition for declaratory statement stating the discussion would be held during the rule development workshop.

No Commission action required.

DCA05-DEC-095 by William S. Berk for State Farm Florida Insurance Company

Mr. Richmond stated the petition had been dismissed as an issue that should be brought before a local appeals board.

No Commission action required.

DCA05-DEC-113 by David G. Karins, PE, Karins Engineering Group, Inc.

Mr. Richmond stated the petitioner seeks a declaratory statement on an interpretation of Sections 1610 and 1612 of the 2001 Florida Building Code, Building Volume, and Section 1604.3 and 1613 of the 2000 Florida Building Code, Building Volume. He presented the issues raised in the petition and stated the POC's recommendation. (See *State of Florida Building Commission Case #: DCA05-DEC-113 Declaratory Statement.*)

Dave Karins, Karins Engineering Group, Inc.

Mr. Karins stated the manufacturer of the product is a client of Karins Engineering and the issue came up during the product approval process approximately one year ago. He expressed concerns relating to deflections stating the deflections would not negatively impact the building structure if they exceeded the arbitrarily chosen deflection limits. Mr. Karins also stated there are other products in the marketplace that

are using the exact same application that are not required to conform to the deflection limits. He requested the Commission consider the issues he presented when deciding on the waiver.

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

DCA05-DEC-135 by Vipin N. Tolat, PE of Tamlyn & Son's Roof Connectors

Mr. Richmond stated the petitioner seeks a declaratory statement pertaining to the conflict of interest provisions contained in Rule 9B-72 of the Florida Administrative Code that relates to Product Approval. He presented the issues raised in the petition and stated the POC's recommendation. (See *State of Florida Building Commission Case #: DCA05-DEC-072 Declaratory Statement.*)

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

DCA05-DEC-136 by Tim Michaels, Stoughton Homes, Inc.

Mr. Richmond stated the petitioner asks whether the residential code allows openings on the zero lot line of a building with a ten-foot separation between buildings. He presented the issues relating to the petition and stated the POC recommendation. (See *State of Florida Building Commission Case #: DCA05-DEC-136 Declaratory Statement.*)

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

DCA05-DEC-142 by Tim Michaels, Stoughton Homes, Inc.

Mr. Richmond stated the petitioner seeks to determine whether the 2004 Florida Building Code, Residential Volume, requires fire protection sprinklers on single family dwellings of three or more stories. He presented the issues relating to the petition and stated the POC recommendation. (See *State of Florida Building Commission Case #: DCA05-DEC-142 Declaratory Statement.*)

Commissioner D'Andrea stated there was an issue with the correlation between two sections of the Florida Building Code. He explained correlation issue is raised

because there is a reference in the Florida Building Code in Section 903.2 under Group R stating “an automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area.” Commissioner D’Andrea then stated Section 903.6 states “Any building that is of three stories or more in height shall be equipped with an approved automatic sprinkler system installed in accordance with Section 903.1.” He stated the exception states “single and two-family dwellings.”

Commissioner D’Andrea then moved approval to add the clarification contained in Section 903.6.1 to 903.2.7 resulting in providing for an exception for single- and two-family dwellings in the automatic sprinkler requirement, with appropriate changes made in the residential code as well.

Mr. Madani interjected the issue has to do with the Building Volume and suggested leaving the Residential Code as it is written. He stated there are two sections in Chapter 9, one general and one specific. Mr. Madani then asked when the changes would be made relating to the issue.

Commissioner Wiggins seconded the motion.

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

DCA05-DEC-151 by Bill Schoolbred, Elixir Industries

Mr. Richmond stated the petition pertains to an aluminum roof system and which category the system falls under pursuant to Rule 9B-72. He stated the POC recommendation relating to the petition. (See *State of Florida Building Commission Case #: DCA05-DEC-151 Declaratory Statement.*)

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

Second Hearings-

DCA05-DEC-072 by Bemmie Eustace, Interplan LLC

Mr. Richmond presented the issues relating to the petition for declaratory statement. He stated the POC recommendation in response to the petition. (See *State of Florida Building Commission Case #: DCA05-DEC-072 Attachment.*)

Commissioner Wiggins stated it was his understanding declaratory statements relating to the Accessibility Code could not be considered.

Mr. Richmond responded stating the Accessibility Code has become an element of the Florida Building Code.

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

DCA05-DEC-088 by John L. Clinton, Class 1, Inc.

Mr. Richmond stated the petitioner requested clarification concerning the required edition of ASTM D 6380, which is listed in Section 1507.3.3 of the Florida Building Code. He stated the POC recommendation. (See *State of Florida Building Commission Case #: DCA05-DEC-088 Attachment.*)

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

DCA05-DEC-089 by Anirudh A. Chopde, Walker Parking Consultants

Mr. Richmond stated the petition had been withdrawn.

No Commission action necessary.

DCA05-DEC-149 by Gene Boecker, AIA, Code Consultants, Inc.

Mr. Richmond stated the petition had been withdrawn.

No Commission action necessary.

CONSIDER APPLICATIONS FOR PRODUCT AND ENTITY APPROVAL

Mr. Blair presented the first compliance method, consensus agenda for approval.

Commissioner Kim interjected public disclosure concerning product approval item #'s 405R1, 4968, 2362R1, and 5115 stating those products were presented from his company therefore he would abstain from voting on the four products.

Certification Method

Recommended for Approval

Product #'s: 107R1; 132R1; 149R1; 153R1; 157R1; 161R1; 163R1; 175R2;
183R1; 196R1; 197R1; 206R1; 234R1; 239R2; 241R1; 242R2; 243R2; 245R2;
251R2; 253R2; 261R2; 282R1; 328R2; 330R2; 331R2; 392R1; 394R1; 395R1;
404R1; 405R1; 420R1; 429R1; 430R1; 431R1; 433R1; 434R1; 435R1; 436R1;
437R1; 438R1; 439R1; 451R1; 457R1; 459R1; 461R1; 569R1; 572R1; 576R1;
617R1; 618R1; 619R1; 620R1; 644R1; 929R1; 931R1; 933R1; 935R1; 937R1;
985R1; 986R1; 998R1; 1000R1; 1035R1; 1037R1; 1045R1; 1046R1; 1061R1;
1062R1; 1064R1; 1080R1; 1089R1; 1093R1; 1100R1; 1163R1; 1175R1;
1177R1; 1182R1; 1215R1; 1222R1; 1227R1; 1231R1; 1232R1; 1234R1;
1241R1; 1258R1; 1289R1; 1291R1; 1367R1; 1368R1; 1435R2; 1456R1;
1457R1; 1544R1; 1545R1; 1587R1; 1601R1; 1606R1; 1608R1; 1616R1;
1661R1; 1711R1; 1723R1; 1724R1; 1726R1; 1747R1; 1819R1; 1821R1;
1823R1; 1824R1; 1825R1; 1844R2; 1924; 2019R1; 2122R1; 2198; 2206R1;
2272R1; 2307R1; 2309R1; 2313R1; XXXXR2; 2345R1; 2337R1; 2346R1;
2349R1; 2475R1; 2493R1; 2631R1; 2642R1; 2643R1; 2644R1; 2645R1;
2646R1; 2647R1; 2657R1; 2675R1; 2752R1; 2766R2; 2769R2; 2808R1;
2813R1; 2833R1; 2860R1; 2920R1; 2998R1; 3063R1; 3067R1; 3074R1;
3126R1; 3130R1; 3131R1; 3132R1; 3133R1; 3134R1; 3137R1; 3138R1;
3140R1; 3169R1; 3192R1; 3298R1; 3299R1; 3301R1; 3325R1; 3329R1;
3336R1; 3339R1; 3494R1; 3506R1; 3508R1; 3515R2; 3546R1; 3548R1;
3570R1; 3574R1; 3584R1; 3604R1; 3663R1; 3675R1; 3681R1; 3682R1;
3683R1; 3684R1; 3685R1; 3686R1; 3687R1; 3688R1; 3690R1; 3691R1;
3704R1; 3762R1; 3763R1; 3764R1; 3784R1; 3788R1; 3845R1; 3851R1;
3878R1; 3893R1; 3899R1; 3900R1; 3942R1; 3943R1; 3944R1; 3947R1;
3954R1; 3956R1; 3957R1 3958R1; 3959R1; 3955R1; 3984R1; 4037R1; 4038R1;
4064R1; 4091R1; 4092R1; 4093R1; 4118R1; 4182R1; 4183R1; 4189R1;
4192R1; 4195R1; 4205R1; 4278R1; 4283R1; 4328R2; 4356R1; 4357R1;
4358R1; 4360R1; 4361R1; 4363R1; 4364R1; 4396R1; 4400R1; 4452R1;
4435R1; 4437R1; 4438R1; 4439R1; 4659R1; 4671R1; 4674R1; 4698; 4701;
4715; 4724; 4732; 4734; 4738; 4740; 4741; 4742; 4765; 4774; 4775; 4776; 4778;
4779; 4781; 4782; 4790; 4794; 4795; 4801; 4805; 4809; 4810; 4813; 4814; 4816;
4820; 4821; 4825; 4826; 4854; 4862; 4863; 4873; 4874; 4875; 4876; 4877; 4878;
4879; 4881; 4882; 4888; 4891; 4894; 4897; 4901; 4911; 4931; 4933; 4934; 4939;
4943; 4995; 4956; 4958; 4962; 4964; 4972; 4993; 4994; 5000; 5006; 5010; 5012;
5031; 5034; 5036; 5041; 5042; 5043; 5045; 5046; 5047; 5048; 5049; 5050; 5052;
5053; 5055; 5056; 5057; 5059; 5064; 5065; 5069; 5071; 5072; 5076; 5077; 5078;
5079; 5080; 5081; 5085; 5086; 5089; 5090; 5091; 5098; 5100; 5104; 5105; 5108;

5110

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

Recommended for Conditional Approval

Product #'s: 134R-1, 135R-1

Mr. Blair stated the POC recommended conditionally approving the products listed with the condition the attached chart containing sizes and pressures is removed.

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

Product #'s: 397R1; 476R1; 1233R1; 1264R1; 1265R1; 1533R1; 1660R1; 2656R1; 2815R1; 3790R1; 3791R1; 5087

Mr. Blair stated the POC recommended conditionally approving the products listed with the condition the models not listed be removed.

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

Product #'s: 1743R-1, 3553R2

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

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

4146R-1, 4147R1; 4158R1

Mr. Blair stated the POC recommended conditionally approving the products listed with the condition the products do not comply with ASTM E 1300; pressures for product listings coincide with the pressures on the application; test reports for TAS201; 202; and 203 be provided.

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

4849, 4850

Mr. Blair stated the POC recommended conditional approval for the products with the condition compliance with the 2004 FBC is verified by the certification agency.

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

4904, 4940

Mr. Blair stated the POC recommended conditionally approving the products with the condition detail of glass is provided and verify how rational analysis was validated.

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

5007, 5008, 5009, 5011

Mr. Blair stated the POC recommended conditional approval for the products with the condition the application is corrected to correspond with the listings.

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

2367R1, 2369R1

Mr. Blair stated the POC recommended conditional approval with the condition the application method is changed to evaluation by product entity.

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

3341R-1

Mr. Blair stated the POC recommended conditional approval under the condition compliance with high velocity hurricane zone or correct limitations of use.

Bud Bullie, Fleming Door Products, Ltd.

Mr. Bullie stated there had been an administrative issue concerning product # 3341R1 which resulted in the documents provided not being properly reviewed by the POC. He continued stating the information is incorrect. Mr. Bullie explained the product is HVHZ compliant and does comply with the 2004 FBC. He further stated the product is a UL listed product and he had discussed the issues with Mr. Burman who assured him the information would be corrected and the product would be recommended for approval. Bullie then asked for Mr. Burman's input.

Mr. Burman was not present during the plenary session however was attending via telephone. Mr. Burman confirmed the information presented by Mr. Bullie and recommended approval without conditions.

Mr. Blair called for a motion to approve product # 3341R1.

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

5005

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

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

4564

Mr. Blair stated the POC recommended conditional approval with the condition the listing of the product is clarified and include drawing reference to limitations of use.

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

Motion Carried.

138R-1

Mr. Blair stated the POC recommended conditional approval with the condition the label is corrected.

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

432R-1

Mr. Blair stated the POC recommended conditional approval with the condition the duplicate listings are removed.

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

784R-2

Mr. Blair stated the POC recommended conditional approval with the condition the correct certification of testing standards be provided.

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

1612R-1

Mr. Blair stated the POC recommended conditional approval with the condition the equivalency of standards is provided and model listings corrected.

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

4412R-1

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

the hardware schedule is provided.

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

4906

Mr. Blair stated the POC recommended conditional approval with the condition the testing standards be corrected and certification of plastic material be provided.

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

4918

Mr. Blair stated the POC recommended conditional approval with the condition standards of reference are corrected and certification is verified.

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

5063

Mr. Blair stated the POC recommended conditional approval with the condition the glass meets compliance with ASTM E 1300.

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

5106

Mr. Blair stated the POC recommended conditional approval with the condition the pressures listed on the application are corrected to comply with certification.

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

5114

Mr. Blair stated the POC recommended conditional approval with the condition the detailed glass and anchor calculations validation are provided, as well as verify testing of transit.

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

5093

Mr. Blair stated the POC recommended conditional approval with the condition product is listed by the certification agency and correct certifications attached to the application.

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

Evaluation By Engineer or Architect

Recommended for Approval

Product #'s: 417R1; 55R1; 704R1; 742R1; 920R1; 1024R1; 1559R2; 1654R1; 1707R1; 1708R1; 1709R1; 1710R1; 1800R1; 1803R1; 1804R1; 1805R1; 1822R1; 1901R2; 2144R1; 2224R1; 2355R2; 2362R1; 2456R1; 2464R1; 2485R1; 2534R2; 2633R1; 2635R1; 2662R1; 2686R1; 2899R1; 2945R1; 2948R1; 3342R1; 3402R1; 3443R1; 3448R1; 3692R1; 3722R1; 3861R1; 3862R1; 3863R1; 3876R1; 3884R1; 3915R1; 3917R1; 3939R1; 3940R1; 3985R1; 4053R1; 4058R1; 4065R1; 4180R1; 4264R1; 4373R1; 4389R1; 4393R1; 4408R1; 4414R1; 4594R1; 4606; 4608; 4613; 4647; 4658; 4746; 4747; 4757; 4771; 4789; 4791; 4792; 4800; 4802; 4803; 4804; 4822; 4833; (end of recording)

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

Recommended for Conditional Approval

697R-1

Mr. Blair stated the POC recommended conditional approval with the condition a different quality assurance entity is selected and the complete NOA is required.

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

804R1

Mr. Blair stated the POC recommended conditional approval with the condition the test reports are corrected.

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

1423R2

Mr. Blair stated the POC recommended conditional approval under the condition the limitations of use are included for all products.

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

1885R1

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

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

2291R1

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

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

unanimous. Motion Carried.

2756R2

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

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

3267R-1

Mr. Blair stated the POC recommended conditional approval with the condition compliance with HVHZ test requirements are met or limitations of use indicate not for use in the HVHZ.

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

3750R2

Mr. Blair stated the POC recommended conditional approval under the condition the evaluation report is corrected.

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

3890R1

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

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

3923R1

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

the hard copy of the engineer's evaluation report is provided.

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

3914R1

Mr. Blair stated the POC recommended conditional approval under the condition the anchors shown are corrected.

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

4411R1

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

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

4515

Mr. Blair stated the POC recommended conditional approval with the condition the limitations of use indicated not for use in the HVHZ unless the steel complies to the protection requirements in Section 2220 and compliance with TAS 201, 202, 203, and ASTM E 8 is demonstrated.

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

4609

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

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

unanimous. Motion Carried.

4760, 4764, 4811

Mr. Blair stated the POC recommended conditional approval for the three products with the condition the installation drawings standards of reference are corrected for each product.

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

4819

Mr. Blair stated the POC recommended conditional approval with the condition products 4819.1 and 4819.2 demonstrate compliance with the HVHZ or indicate not for use in HVHZ under limitations of use.

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

4898

Mr. Blair stated the POC recommended conditional approval with the condition the required testing standards are met.

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

4917

Mr. Blair stated the POC recommended conditional approval with the condition the limitations of use are corrected and compliance with RAS 115 is demonstrated.

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

4957

Mr. Blair stated the POC recommended conditional approval under the condition the required validation entity is met.

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

4965

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

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

4970, 4971, 4983

Mr. Blair stated the POC recommended conditional approval with the condition glass protection is provided or use of glass is excluded from use in the windborne debris region.

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

4985

Mr. Blair stated the POC recommended conditional approval with the condition an evaluation report is provided and limitations of use are corrected.

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

4990

Mr. Blair stated the POC recommended conditional approval under the condition standards of reference are corrected and anchor calculations are provided.

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

unanimous. Motion Carried.

4997

Mr. Blair stated the POC recommended conditional approval with the condition compliance with requirements of the HVHZ are demonstrated or provide limitations of use indicating not for use in the HVHZ.

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

5024, 5026, 5039, 5073, 5099

Mr. Blair stated the POC recommended conditional approval for each product with the condition the hard copy of the engineer's evaluation report is provided.

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

5102

Mr. Blair stated the POC recommended conditional approval under the condition the water infiltration related tables are corrected and evaluation report is provided.

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

5113

Mr. Blair stated the POC recommended conditional approval with the condition the limitations of use indicate not for use in the HVHZ or demonstrate compliance with steel protection requirements in Section 2220 of the FBC.

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

Recommended for Deferral

4718

Mr. Blair stated the POC recommended deferral until the metal deck is tested, standards of reference are corrected, and the load tables are signed and sealed.

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

4978

Mr. Blair stated the POC recommended deferral until the evaluation report is provided, the validation and evaluation entities are confirmed or corrected, and the hard copy of the engineer's evaluation report is provided.

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

4979

Mr. Blair stated the POC recommended deferral until the evaluation report is provided and the evaluation and validation entities are confirmed or corrected.

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

Evaluation by Test Report

Recommended for Approval

Product #'s: 1001R1; 1433R1; 2147R1; 2276R1; 2364R1; 3349R1; 3337R1; 3461R1; 3521R1; 3614R1; 3739R1; 3941R1; 4302R1; 4385R1; 4395R1; 4539; 4636; 4766; 4797; 4798; 4843; 4936; 4941; 4942; 4952; 4953; 4974; 4975; 4976; 5001; 5021; 5082; 5084

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

Recommended for Conditional Approval

1923

Mr. Blair stated the POC recommended conditional approval with the condition the limitations of use indicate not for use in the HVHZ unless compliance with the HVHZ requirements are demonstrated.

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

2753R-1, 3227R-1

Mr. Blair stated the POC recommended conditional approval with the condition the quality assurance entity approval is updated.

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

3857R-1

Mr. Blair stated the POC recommended conditional approval with the condition the limitations of use indicate for exterior patio use only.

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

4710

Mr. Blair stated the POC recommended conditional approval under the condition the limitations of use indicate not for use in the HVHZ or demonstrate compliance with the appropriate HVHZ requirements.

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

4855

Mr. Blair stated the POC recommended conditional approval under the condition the standards of reference are corrected and test components of the A/C are listed, and limitations of use indicate not for use in the HVHZ or demonstrate compliance with appropriate HVHZ requirements.

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

4889, 4966

Mr. Blair stated the POC recommended conditional approval for each product with the condition the limitations of use indicate not for use in the HVHZ or demonstrate compliance with the appropriate HVHZ requirements.

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

4973

Mr. Blair stated the POC recommended conditional approval with the condition the limitations of use indicate not for use in the HVHZ or compliance with appropriate HVHZ standards are demonstrated.

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

4999

Mr. Blair stated the POC recommended conditional approval with the condition the glass configuration demonstrates compliance with ASTM E 1300.

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

5013

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

the limitations of use indicate not for use in the HVHZ or compliance with the appropriate HVHZ requirements is demonstrated.

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

5033

Mr. Blair stated the POC recommended conditional approval with the condition testing reports are corrected.

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

5083

Mr. Blair stated the POC recommended conditional approval with the condition the testing reports are corrected.

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

Recommended for Deferral

1930R-1

Mr. Blair stated the POC recommended conditional approval with the condition the certificates of independence are confirmed or corrected and compliance with Chapter 16 and RES 111 is demonstrated.

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

4622

Mr. Blair stated the POC recommended conditional approval under the condition the certificates of independence from testing laboratories are provided, subcategory is

corrected, and appropriate evaluation entity is provided.

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

Evaluation by Evaluation Entity

Recommended for Approval

Product #'s: 77R1; 830R1; 889R1; 1712R1; 1714R1; 2023R1; 2304R1; 2524R2; 3505R1; 3576; 4853; 4905

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

Recommended for Conditional Approval

2434R-1

Mr. Blair stated the POC recommended conditional approval with the condition the certificate of independence is provided or remove references to standard building code.

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

503R-1, 538R1, 1725R-1

Mr. Blair stated the POC recommended conditional approval for each product with the condition tables are corrected.

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

4432R-1

Mr. Blair stated the POC recommended conditional approval with the condition the limitations of use indicate not for use in the HVHZ or compliance with appropriate

HVHZ requirements is demonstrated; and impact testing calculations are provided at the time of permit.

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

4928

Mr. Blair stated the POC recommended conditional approval with the condition the certificate of independence is provided and the appropriate testing standards are provided.

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

5101

Mr. Blair stated the POC recommended conditional approval with the condition the certificate of independence is provided and the proper testing standards are included.

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

Recommended for Deferral

4255

Mr. Blair stated the POC recommended conditional approval with the condition the limitations of use indicate not for use in the HVHZ or demonstrate compliance with appropriate HVHZ requirements.

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

Mr. Blair then extended appreciation to Mr. Burman and his staff for their work in the product approval presentation. He directed the Commission to Commissioner

Carson for POC recommended entity approvals.

Progressive Engineering Inc.

Commissioner Carson stated the POC recommended approval for Progressive Engineering Inc. as a product testing laboratory.

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

PRESENTATION ON BUILDING CODE INFORMATION SYSTEM UPGRADES

Chairman Rodriguez directed the Commission to Hara Day for a review of the package of upgrades to the Building Code Information System.

Cindy Loomis, ISF
Hara Day, ISF

Ms. Loomis stated the objective of the website re-design project is to first restructure the web application to provide more readily available information to users and Florida Building Code enforcement officials. She continued stating the second objective of the re-design of the website is to upgrade the underlying technologies to allow users to benefit from features and functions expected from Internet based technologies. Ms. Loomis further stated the re-design process began a year ago during focus group sessions with individuals from stakeholder groups, building officials, and DCA staff members. She explained since the first focus group session there have been four to five more focus group sessions and much has been learned from the website users in terms of what works well and what may not work so well. Ms. Loomis then stated currently ISF is in the process of conducting prototype mock-ups of what the system will look like to allow input prior to beginning programming on the actual website. She stated the 2005-2006 objectives for the re-design project is to deploy the first components of the new website in late January, which will include the Home page, Product Approval, Binding Interpretations, and administrative functions that allow website management. Ms. Loomis continued stating there would be a link on the Home page to the prototypes as they become available.

Ms. Jones added the update of the Building Code Information System is a three-year project with the first year (2005-2006) dedicated to completing the modules and issues just described by Ms. Loomis. She stated the second year (2006-2007) additional modules would be added such as Manufactured Buildings and Prototypes with the third and final year (2007-2008) scheduled for completion of the project.

Ms. Loomis then stated some components of the website will be new in design while others will be in their current design until all of the components can be migrated into one location and design. She stated another benefit of the new site will be consolidation of the user names and passwords for each component to merge so one user name and password will be the same for all components throughout each user's session. Ms. Loomis added there would be more sophisticated reporting available from the database for use by DCA staff and for publication on the website when desired.

Commissioner Greiner asked if the reason for the three-year spread in the completion of the project is due to budget constraints.

Ms. Jones responded budget is a factor in the schedule. She added there was approximately \$500,000 being spent for the redesign project with completion anticipated in 2007-2008. She stated the funding would take the project through the middle of the 2007-2008 fiscal year and the Commission would have to request additional funding from the Legislature. Ms. Jones stated there had been a budget amendment submitted for 2006-2007 for additional \$500,000 under "other projects."

Commissioner Gross asked if there would be any incremental changes apparent on the website prior to the completion of the project.

Ms. Jones responded stating the Binding Interpretation, Product Approval, and administrative processes would be implemented in late January 2006.

Ms. Loomis directed the Commission to the video screens for a demonstration of the new information system

Commissioner Carson offered comment stating during the product approval demonstration of the website there was still a lot of confusing DCA information connected to the product approval data.

Ms. Jones stated the DCA information connected to the product approval data in the attempt to create synchronization of information throughout the entire department's system.

Commissioner Gross added synchronization of the color of the DCA logo and information would be preferred as well. He concurred with Commission Carson concerning the DCA information wrapped around specific components suggesting there may be a better way of presenting the DCA information throughout the system.

DISCUSSION OF IMPLEMENTATION DATE FOR RULE 9B-72, PRODUCT APPROVAL

Chairman Rodriguez stated the BCIS is currently being redesigned which makes it necessary to delay the implementation date of the product approval rule amendments until the system is online. He continued stating ANA, the system administrator, and the American Forest Products Association have raised issues regarding Rule 9B-72 resulting in the implementation date for adopted rule changes recommended for January 1, 2006, holding one additional rule adoption hearing during the October Commission meeting. Chairman Rodriguez directed the Commission to Mr. Richmond for further discussion and to answer any questions.

Mr. Richmond explained developing the BCIS is actually developing the forms used for the product approval system, which are necessary to complete the rule adoption process. He stated due to the issues raised by ANA, the system administrator, and the AFPA, it is recommended that the Commission hold another hearing to be noticed for the October Commission meeting and establish a delayed effective date for the rule of January 1, 2006.

Commissioner Schulte asked if the January 1, 2006, implementation date for the rule would coincide with the activation of the first round of components on the website.

Mr. Richmond responded stating January 1, 2006, was also on schedule for the product approval module.

Commissioner D'Andrea moved approval to hold an additional rule adoption hearing during the October 2005 Commission meeting for the purpose of taking comments on the issues identified and establish January 1, 2006, as the effective date for the adopted changes for Rule 9B-72, Product Approval. Commissioner Greiner seconded the motion. Vote to approve the motion was unanimous. Motion Carried.

CONSIDER COMMITTEE REPORTS AND RECOMMENDATIONS

Accessibility TAC

Commissioner Gross presented the report of the Accessibility TAC. (See *Accessibility TAC Minutes August 22, 2005.*)

Commissioner Gross then requested in the form of a motion approval for the Accessibility TAC to develop an accessibility checklist for plans review and field inspections. Commissioner D'Andrea seconded the motion. Vote to approve the motion was unanimous. Motion Carried.

Commissioner D'Andrea moved approval to accept the Accessibility TAC report. Commissioner Carson seconded the motion. Vote to approve the motion was unanimous. Motion Carried.

Education POC

Commissioner Browdy presented the report of the Education POC. (See *Education POC Minutes August 22, 2005.*)

Commissioner Browdy requested in the form of a motion approval of a resolution that the Education POC will review and approve or deny any submitted course that has been approved by any TAC or accreditor, then recommending action relating to the submitted course. Commissioner D'Andrea seconded the motion. Vote to approve the motion was unanimous. Motion Carried.

Commissioner Browdy then entered a request in the form of a motion approval for a three-hour Windstorm and Tree Damage course. Commissioner D'Andrea seconded the motion. Vote to approve the motion was unanimous. Motion Carried.

Commissioner Browdy stated the following brochures had been approved by the POC and recommended in the form of a motion the Commission approve the brochures as follows: Tree Vulnerability During Hurricanes Fact Sheet; Indoor Environmental Quality; Post-Flooding Recommendations; and Roof Type Performance During the 2004 Florida Storms. Commissioner D'Andrea seconded the motion. Vote to approve the motion was unanimous. Motion Carried.

Commissioner Browdy then presented in the form of a motion the following accreditor application approvals:

Larry Schneider, AIA Approved as Accreditor

Commissioner D'Andrea moved approval for Mr. Schneider to be approved as accreditor. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous. Motion Carried.

Robert Mealey, Approved as Accreditor

Commissioner D'Andrea moved approval of Mr. Mealey as an approved accreditor. Commissioner Carson seconded the motion. Vote to approve the motion was unanimous. Motion Carried.

Commissioner Browdy then stated two courses had been approved; one course for Landscape Irrigation through the Hoover Group, and Indoor Environmental Quality through Red Vector. He then recommended the Commission approve the two courses for an online format.

Commissioner D'Andrea moved approval of the online format for the courses as described. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous. Motion Carried.

Commissioner D'Andrea moved approval of the Education POC report. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous. Motion Carried.

Fire TAC

Commissioner D'Andrea presented the report and recommendations of the Fire Technical Advisory Committee. (See *Fire TAC Minutes August 22, 2005*.)

Commissioner D'Andrea moved approval to accept the Fire TAC report and recommendations. Commissioner Wiggins seconded 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 August 22, 2005, Minutes*.)

Commissioner D'Andrea moved approval to accept the Hurricane Research Advisory Committee's report. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous. Motion Carried.

Mechanical TAC

Commissioner Bassett stated the TAC did not meet because the only declaratory statement being considered was sent back to the originator.

Structural/Fire TAC

Commissioner Kim presented the report of the Structural/Fire TAC. (See *Structural/Fire TAC Minutes August 22, 2005*.)

Commissioner D'Andrea moved approval to accept the report of the Structural/Fire TAC. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous. Motion Carried.

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

Commissioner Carson entered two recommendations in the form of a motion that required Commission action:

Approve Revised Prototype Fee Schedule and Revise Prototype ARA, Inc. Contract

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

Expired Entities Manufacturers Receive 45-Day Notice for New Entity Selection or Manufacturer Approval Revoked or Suspended

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

Commissioner D'Andrea moved approval to accept the report of the PAPBMBPOC. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous. Motion Carried.

Product Approval Validation Work Group

Mr. Blair stated the Product Approval Validation Work Group's first meeting was primarily an organizational meeting. He explained the Legislature requested the Commission convene a work group with stakeholders to review the issue of a single validation entity for state approval and to make recommendations to the Commission regarding the issue. Mr. Blair stated the work group had identified possible options and will convene another meeting in October to continue their discussions.

Commissioner D'Andrea moved approval to accept the report of the Product Approval Validation Work Group. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous. Motion Carried.

GENERAL PUBLIC COMMENT

Chairman Rodriguez called for public comment.

Jeffrey Stone, American Forest & Paper Association
David Lewis, APA

Mr. Stone stated three ASTM standards regulating wood products have been updated to dates that differ from dates reflected in the Florida Building Code. He continued stating there are engineered wood products in the marketplace that were manufactured under previous ASTM standards and new products entering the marketplace that were manufactured under new ASTM standards. Mr. Stone identified the standards as D3737, a standard practice for establishing allowable properties for structural glued laminated timber; D5055, a standard specification for establishing and monitoring structural capacities of prefabricated wood eye joists; and D5456, a standard specification for evaluation of structural composite lumber products.

Bob Kelly, Vinyl Siding Institute, Washington, D.C.

Mr. Kelly stated the standard referenced in the Florida Building Code is D3679(01), which has three years of development; and D3679(04) is the new standard the manufacturers are using currently and is referenced in the International Code.

Mr. Madani interjected the manufacturer's would have an opportunity to get their products approved based on up-to-date standards with specific certification for their products after the January 1, 2006, effective date of Rule 9B-72.

Bob McCormick, Florida Roofing Association

Mr. McCormick stated the expedited Code changes appeared in the form of a matrix on the website just more than a week ago, which did not provide ample time for all interested parties to provide input. He expressed concern regarding the forty minutes scheduled for the issue on the agenda and requested the Commission commit to the time and participation required to adequately address all the issues.

Robert Lucky, Building Official, Town of Jupiter

Mr. Lucky addressed the water intrusion issue stating he enjoyed the discussions and efforts to find solutions to the problems. He stated he did not hear discussion concerning which standards would be applied or considered related to dryer vents or penetrations from air conditioning tubing. Mr. Lucky continued stating he would appreciate information regarding how the dryer vents or air conditioning penetrations should be flashed.

Chairman Rodriguez stated the issues were discussed during the Hurricane Research Workshop and there were volunteers for research in each topic.

Lorraine Ross, Asphalt Roof Manufacturer's Association

Ms. Ross stated the agenda that was posted on the website for the Structural TAC did not mention that expedited amendments would be discussed. She continued stating many individuals making travel arrangements became aware of the expedited amendment agenda item after their arrangements had already been made. She encouraged the Commission to be especially cognizant that many rely on the website for information concerning the meetings and which sessions they will attend.

Joe Hetzel, Technical Director, DASMA

Mr. Hetzel stated in June there were comments submitted concerning Rule 9B-72 that were read into the record with discussions regarding how the comments would be handled during the Commission meetings. He respectfully requested his organization's comments be addressed during the Rule Adoption Hearing for Rule 9B-72 in October, if the comments are not addressed during the current meeting.

Mr. Dixon explained Rule 9B-72 had been in process for over a year with approval for an additional rule adoption hearing to be scheduled in October. He stated the Commission would need to decide how much depth any further changes to the rule would be allowed prior to the effective date. Mr. Dixon continued stating staff had been advised some issues could be addressed, however, re-writings of specific criteria become a more laborious process.

COMMISSION MEMBER COMMENTS AND ISSUES

Chairman Rodriguez called for Commission comments.

Commissioner Greiner expressed concern regarding notification of particular meetings and events and to the time slots that appear on the Commission meeting agenda and their accuracy. He then asked if staff could consider a different way to block or estimate scheduled time.

Chairman Rodriguez there are time certain issues which are usually considered during the time they are entered on the agenda, however, if there is no time certain agenda item it is advisable for those who wish to be heard attend the meetings.

Ms. Ross added there was no hint on the Structural TAC agenda that expedited

amendments were being discussed and in terms of gathering comments it is important that posted meeting agendas be as accurate as possible. She then requested clarification concerning time certain agenda items.

Mr. Richmond responded stating declaratory statements and accessibility waivers cannot begin earlier than the time scheduled on the agenda. He continued stating agendas are required to set forth items in the order in which they will be considered and when the agenda item order is amended, Chapter 120 would be violated.

Mr. Madani then stated all interest groups were sent an email providing information stating the expedited amendments would be discussed during Structural TAC meeting.

Commissioner Bassett offered comment stating the Structural TAC discussed an education course on post flooding consideration and mold. He stated there were more people interested in mold and recommended the information on mold go to other TACs.

Commissioner Schulte asked if an additional rule development workshop would be allowed to be scheduled before the October meeting if the meeting should continue at length.

Mr. Richmond responded stating the rule adoption hearing must be held in October and it couldn't be noticed until the completion of the workshop. He continued stating anything that is not completed during the Commission meeting should not go forward.

RECESS UNTIL WEDNESDAY 8:30 A.M.

Chairman Rodriguez recessed the Plenary Session at 5:48 p.m. until Wednesday, August 23, 2005, 8:30 a.m.

WEDNESDAY, AUGUST 24, 2005

RECONVENE AND WELCOME

Chairman Rodriguez called the plenary session to order at 8:33 a.m. He welcomed the Commissioners, staff, and gallery to the second day of the Florida Building Commission's plenary session. He then introduced the first of two distinguished guests to the Commission meeting, Milly Garcia-Arejo, Director of Constituent Services, Office of the Mayor of Miami-Dade County - Carlos Alvarez.

Ms. Arejo extended a welcome to the Commission members, DCA staff, and the public to Miami Lakes on behalf of Mayor Alvarez. She presented a Certificate of Appreciation, which she read as follows:

This is a Certificate of Appreciation from the Miami-Dade County Office of the Mayor and Board of County Commissioners given as appreciation to the Florida Building Commission. As Mayor, on behalf of the Board of County Commissioners, and the residents of Miami-Dade County, I take great pleasure in presenting this Certificate of Appreciation to you in recognition of your valuable contribution to our community, on this 24th day of the month of August, 2005, in Miami-Dade County, Florida. Thank you for being here.

Chairman Rodriguez then introduced Wayne Slayton, Mayor of Miami Lakes.

Mayor Slayton welcomed the Commission to Miami Lakes. He stated he is also an electrical contractor although not devoting much of his time to that profession as

mayor of Miami Lakes. Mayor Slayton then presented the Key to Miami Lakes to Chairman Rodriguez expressing great appreciation for the Commission bringing the meeting to the town of Miami Lakes.

REVIEW AND APPROVE JUNE 28 & 29, 2005, MEETING MINUTES

Chairman Rodriguez

Commissioner Wiggins moved approval of the June 28 & 29, 2005 meeting minutes. Commissioner D'Andrea seconded the motion.

Commissioner Bassett noted at the top of page four, appointments to the Education POC, the first names of Commissioner Corn and Commissioner Bassett were transposed.

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

REVIEW AND APPROVAL OF AGENDA

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

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

CHAIR'S DISCUSSION ISSUES AND RECOMMENDATIONS

Chairman Rodriguez first recognized two former Commissioners for their service and dedication to the Commission over the years. He requested Dr. Diana Richardson come up to the front for a presentation. Chairman Rodriguez stated one of the important aspects of serving on the Florida Building Commission are the friendships made during service. He continued stating Dr. Richardson was one of the founding members of the Commission serving since August 1997. He presented a plaque to Dr. Richardson for her great work and service to the Commission and read the plaque as follows:

Presented to Ms. Diana B. Richardson, August 23, 1997, to June 27, 2005, in recognition of your distinguished service to citizens of Florida on the Florida Building Commission.

Dr. Richardson extended appreciation to the Commission for the recognition stating it had been a pleasure to serve on the Commission. She stated she has enjoyed the dedication, camaraderie, and particularly the diversity brought to the issues before the Commission. Dr. Richardson stated when the diversity of the Commission is embraced the issues move forward easier and the process moves more smoothly. She continued stating there had been progress made in terms of accessibility issues and thanked the members of the Commission for the work on accessibility issues.

Chairman Rodriguez recognized former Commission member John Calpini. He stated Mr. Calpini would be greatly missed as a member of the Commission then announced Mr. Calpini had agreed to serve as a member of a TAC.

Mr. Calpini echoed Dr. Richardson's comments stating it had been a pleasure to experience the public process and get to know the Commission members. He stated with Chairman Rodriguez's direction, the counsel of the Commission membership, and the amazing support from DCA staff, made it an honor and a pleasure to serve.

Chairman Rodriguez then announced the appointment of Commissioner Do Kim to the Product Approval Validation Work Group. He stated the Legislature has created a Building Code Education and Outreach Council whose function is to coordinate, develop, and maintain education and outreach to ensure administration and enforcement of the Florida Building Code. Chairman Rodriguez announced the Florida Building Commission has three positions on the council: Bill Norkunas, Richard Browdy, and Rick Dixon will be representing the Commission on the Education Council. He extended appreciation to each for their willingness to participate on the Council. Chairman Rodriguez then stated Donald Kitner had agreed to serve on the Energy TAC in the position for General Interest. He stated Brad Schiffer had agreed to serve on the Fire TAC in the Architect's position, replacing Michael Kravit. Chairman Rodriguez extended appreciation to Mr. Kravit for his service on the TAC. Chairman Rodriguez continued by announcing Accessibility TAC appointments Soi Williams and Bemmie Eutaz, both architects filling vacant positions. He expressed appreciation for their participation. Chairman Rodriguez stated former Commissioner John Calpini and Commissioner Jim Goodloe had agreed to serve on the Special Occupancy TAC. He stated Mr. Calpini would be replacing Kathy White and he extended appreciation to Ms. White for her service on the TAC.

Chairman Rodriguez addressed the Panhandle Hurricane Ivan Study Workshop stating Section 39 of SB442 mandated the Commission conduct a review of damage resulting from Hurricane Ivan in conjunction with local building officials. He stated the findings from the workshop would be put in the form of recommendations to the Legislature for any changes to the Florida Building Code specifically as it would apply to

the region from the Eastern border of Franklin County to the Florida-Alabama state line. Chairman Rodriguez continued stating a report summarizing the findings and recommendations would then be issued prior to the regular session of the 2006 Legislature. He further stated in order to initiate the project a facilitated workshop progress would be designed and conducted in the panhandle region, the first of which is scheduled for September 13, 2005, at the Okaloosa Airport on S.R. 85 near Crestview. Chairman Rodriguez stated the Hurricane Research Advisory Committee members are encouraged to attend.

Chairman Rodriguez stated at the June 2005 Commission meeting the Commission approved printed supplements for printing the expedited and glitch amendments to the Florida Building Code. He continued stating the Commission also voted to have replacement pages available for sale as soon as possible. Chairman Rodriguez directed the Commission to Ms. Jones for an overview of the progress and the status of the supplements and replacement pages for expedited and glitch amendments.

Ms. Jones stated the replacement pages would be available on the BCIS as well as the ICC website by November 1, 2005. She stated ICC would have the replacement pages available for purchase by December 15, 2005, at a member price of \$12 and non-member price of \$15. She stated anyone who purchases the pages through the BCIS would receive the member price. Ms. Jones continued stating the electronic version of the pages would be available by the end of January 2006.

Chairman Rodriguez then addressed the Commission's Annual Effectiveness Survey. He stated the survey is conducted each October and is a self-evaluation exercise. He encouraged each Commissioner to take the time to complete and return the survey to Mr. Blair for discussion during the October Commission meeting. Chairman Rodriguez stated Mr. Blair had made the survey available to each Commissioner electronically as well as hard copies that have been distributed to each Commissioner.

Mr. Blair interjected he would appreciate receiving the completed surveys by September 8, 2005, either via email or fax.

REVIEW AND UPDATE OF COMMISSION WORKPLAN

Mr. Dixon conducted a review of the updated Commission workplan.

Commissioner Corn moved approval of the updated Commission workplan. Commissioner D'Andrea seconded the motion. Vote to approve the motion was unanimous. Motion Carried.

REPORT ON BINDING INTERPRETATION INITIATION

Chairman Rodriguez stated DCA, BOAF, and ISF had met to discuss the logistics for implementing the binding interpretation process. He continued stating the process would take place electronically through the BCIS. Chairman Rodriguez then directed the Commission to Ila Jones for a report and recommendations for the binding interpretation initiation.

Ms. Jones explained Senate Bill 442 authorized a venue for a review of the decisions of local building officials or local appeal boards using BOAF for binding opinions. She stated the statute also allows payment of the fee directly to BOAF. Ms. Jones continued stating the process will be totally electronic through the BCIS with the exception of one manual process, which will require the petitioner to have their petition date-stamped at the building department. She further stated the system would allow for and provide tracking for public comment on the information provided by the building official or the appeals board, and the petitioner. Ms. Jones explained the system would track the process of the petition based on the statutory time lines outlined in the statute, then would notify the petitioner, the building official, BOAF, and DCA of the petition status at any time. She stated following BOAF's issuance of the binding opinion the system would correlate the binding opinion to the appropriate section of the Code. Ms. Jones then stated the binding opinions would be searchable by Code section or the number issued by the BCIS. She continued stating the implementation date for the binding opinion module is scheduled for late January 2006. She then requested Commission action for the approval of the \$250 fee for the binding opinions.

Chairman Rodriguez stated the fee would be included as part of the rule development workshop later during the meeting.

Commissioner Bassett asked if the Commission would be reviewing the binding opinions.

Mr. Richmond responded stating the matter would be discussed during the rule development workshop, then stated the Commission would have the ability to review the opinions.

Commissioner Browdy requested clarification concerning the accessibility issues in the Code stating the binding interpretation would also apply to the Accessibility Chapter of the Florida Building Code but would not be used to replace a waiver. He then requested confirmation of his comment.

Mr. Richmond replied the binding interpretation issue in terms of accessibility is a process that would require monitoring. He stated the entire process for the Accessibility Code is scheduled for re-certification in the near future and may be the subject for DOJ scrutiny.

Commissioner Gross asked through the Chair if binding interpretation would be Florida-specific.

Mr. Richmond responded stating the entirety of the Florida Accessibility Code is Chapter 11 of the Florida Building Code and the process would apply to the entirety of the Florida Building Code.

RULE DEVELOPMENT WORKSHOP ON RULE 9B-3.047, CODE AMENDMENTS [AND CORRELATE CHANGE TO CONFORM WITH RATIONALE PREVIOUSLY ACCOMPLISHED IN 9B-3.050]

Chairman Rodriguez stated during the June Commission meeting the Commission approved the package of recommendations for expedited Code amendments, the Hurricane Research Advisory Committee's recommendations, and Legislative mandates, and voted to initiate rulemaking. He continued stating the rule development workshop is to implement the Commission's approved Code amendments, staff identified editorials, and public identified correlation issues. He directed the Commission to Mr. Richmond who would serve as hearing officer. (See *Document 1, Code Changes Required By Law: SB 442; Document #2, Expedited Code Changes to 2004 Florida Building Code Public Comments on Document #1; Original Comments for Document #2; Document #3 Expedited Code Change/Correlation to 2004 Florida Building Code Attachments.*)

Mr. Richmond formally opened the rule development workshop. He then stated one additional subject had been noticed but would not be the topic of consideration, which was the update of a form for submittal of amendments to the Code.

Chairman Rodriguez opened for public comment for Issues # 1 through # 12.

Mr. Blair explained the procedure and provided orientation with regard to the documents provided.

Mr. Richmond interjected one of the written comments requested the Commission hold additional workshops on the issues which would not be a realistic option at this time.

Ruth Tarrodo and Rusty Warren, Florida Association of Plumbing Heating and

Cooling Contractors

Ms. Tarrodo expressed opposition to Issues 4 and 5 as they relate.

Mr. Warren stated licensed plumbing contractors in Florida are concerned with the health and safety of water. He stated backflow preventers are devices developed to prevent contamination of potable water. Mr. Warren referenced Section 312 of the Plumbing Code which states "Frequency of testing shall be determined in accordance with the manufacturer's installation instructions. Where the manufacturer of the assembly does not specify frequency of testing, the assembly shall be tested at least annually." He then referenced the 1974 Safe Water Drinking Act which states "Backflow preventers shall be tested annually." Mr. Warren then stated according to the American Backflow Prevention Assembly, "more than 100,000 backflow incidents occur every day in the United States, some of which may result in costly litigation." He stated if the backflow preventers are left too long without testing and adjusted, the chances of requiring replacement increases.

Mr. Richmond reminded the Commission the backflow issue has been mandated Legislatively and even if backflow prevention inspections were removed from the FBC, inspections may not be required more than once every three years.

Joe Belcher, JDB Code

Mr. Belcher addressed Issue # 11 requesting a modification. (See *Issue Number 11 – Ch. 2005-141 Laws of Florida Section 44 Attachment.*)

Commissioner Wiggins stated the law is narrow specific to the issue and it may show the folly of including a building code provision in the law by citing only Type 3 construction. He deferred to Mr. Richmond for clarification.

Mr. Richmond responded stating retroactivity would be applied through provisions in Florida law. He urged the Commission to interpret the issue consistent with the intent of the drafters, which Carried specific reference to the 2004 Florida Building Code.

Unidentified Commenter, Cross Connection Backflow Specialist, City of Deerfield Beach

Ms. *Unidentified* addressed Issue #4 stating changing the requirements to every three years is ludicrous. She stated Florida has accomplished so much to get backflows in the ground. Ms. *Unidentified* continued stating AWWA has a standard of

suggested annual inspections which has been working successfully.

Lorraine Ross, Asphalt Roofing Manufacturer's Association (ARMA)

Ms. Ross addressed Issue #8 dealing with the ventless attic issue. She submitted her public comment in writing with a brief verbal review of the highlights. (See *Written Comments Dated August 24, 2005, Submitted by Lorraine Ross Representing ARMA Attachment.*)

Jaime Gascon, Miami-Dade Office of Code Compliance

Mr. Gascon echoed Ms. Ross' comments on behalf of his department.

Gabe Farkas, Icynene, Inc.

Mr. Farkas commended Ms. Ross for her research relating to all the issues. He further explained the reference to ASTM 283, which is the recent reference for assemblies. Mr. Farkas stated ASTM 283 is the standard used across the U.S. concerning air leakage and the evaluation of air leakage. He continued stating the standard is a very good standard and would bear reading before comments could be made concerning the relevance of the standard's title. Mr. Farkas then stated the references made concerning combustibility of plastics holds the assumption that the update to the Code relates to a specific product. He countered the reference concerns many products if not all insulation products. Mr. Farkas further stated there were negative comments regarding foreign plastics and explained there are documented cases in Florida where foam actually saved the structure and the occupants in it. He addressed comments made concerning national evaluations, specifically, the reference requiring attic ventilation. Mr. Farkas reminded the Commission the national evaluation was issued in 2003 at which time there was no conditioned attic provision in the Code. He then addressed comments concerning vapor retardant requirements for roof applications stating it is actually a moisture barrier that is required. Mr. Farkas then opened for questions or discussion concerning his comments.

Ms. Ross added she would donate her copy of the ASTM standard for the Commission's reference.

Ron Bailey, Bailey Engineering Corporation, Energy TAC Member

Mr. Bailey suggested revisions to the language relating to "conditioned" attic space. He stated "conditioned" should be deleted and replaced with "unvented attic assemblies" in both the 806 and the 4409 references. Mr. Bailey then addressed the reference that was made to ASTM E 283 stating it was consistent with the existing

Energy Code language for similar situations. He encouraged an exception for both 806 and 4409 which read "as designed by an architect or an engineer."

Art Kamm, Kamm Consulting Engineers

Mr. Kamm stated his firm is the second largest mechanical electrical engineering design firm in the state of Florida. He stated his company designs many houses both with vented and unventilated attics. Mr. Kamm addressed the permeability issue as it relates to ASTM E 283 stating licensed engineers should evaluate what permeability really is. He then stated he was formerly employed by Owens-Corning Fiberglass Co. and continued stating all insulations burn. Mr. Kamm further stated insulation under the roof deck would be better selected by a professional. He added that attics should be designed by professional engineers or architects in order to avoid some of the problems that have been resulting from poorly designed attic space.

Peter Worthy, Worthy Engineers

Mr. Worthy stated he is a licensed local engineer and has seen a lot of tragedy in the design of luxury homes due to condensation from cold surfaces. He explained unless every professional, every tradesman, and every contractor is totally trained in moisture elimination, there will be condensation on ductwork, diffuser cans, and the most damage coming from condensation on cavity walls. Mr. Worthy then stated after calculating demolition, health problems, loss of time, remediation of mold and mildew, and reconstruction, it can mean millions of dollars per domicile. He added the Energy Code, which allows the moisture situations to arise, saves approximately \$400-\$500 per year in energy costs. Mr. Worthy further stated allowing vapor in the attic is a disaster waiting to happen. He then stated the attic vents could not be sealed quickly enough to take steps in avoiding the moisture problems. Mr. Worthy then offered suggestions in design and placement of ductwork and attic vents to avoid the problems.

Kari Hebrank, Florida Building Materials Association

Ms. Hebrank offered support for Issue #9. She stated her organization supports the adoption of the most current edition of ASCE 7.

Mr. Blair then closed the public comment portion of the hearing relating to Issues 1 through 12. He opened for Commission action to remove any items from the consent agenda.

Commissioner Bassett requested Issue #8 be pulled from the consent agenda.

Commissioner Wiggins requested Issue #11 be pulled from the consent agenda.

Mr. Blair then called for a motion to approve the consent agenda Issue #'s 1 through 12 as amended excluding #'s 8 and 11.

Commissioner D'Andrea moved approval of the consent agenda Issues 1 through 12 with exclusions as stated. Commissioner Greiner seconded the motion.

Commissioner Kim expressed concern regarding approval of both columns. He stated some of the Code section columns and the comment columns contradict the proposed language.

Mr. Madani concurred then stated both columns should be approved because some of the comments address the issues in the Code section columns or defer them to the glitch cycle.

Commissioner Kim added the Structural TAC never approved deferring adoption of ASCE 702 to the glitch cycle.

Commissioner D'Andrea asked if the amendments could be modified during the glitch cycle.

Mr. Richmond stated modifications would be allowed during the glitch cycle.

Commissioner D'Andrea stated if there is a good Code change that needs more work in order to satisfy all the elements, then deferring to the glitch cycle would be acceptable.

Commissioner Greiner concurred with Commissioner D'Andrea then added there are certain items that need further tweaking and the glitch cycle would allow the TAC's to do that.

Mr. Richmond stated each item is individual in terms of the modifications that would be possible during the glitch cycle. He offered an example stating inspections for back flow prevention would not change no matter what the Commission decides.

Commissioner Browdy stated the real issue is the impact Commission action on the current amendments will have on Code enforcement in the interim time between approval and deferment to the glitch cycle. He then posed to the Code enforcement officials how the imperfections of the approved amendments would be dealt with in the interim prior to being "tweaked" during the glitch cycle.

Commissioner D'Andrea responded stating the building officials have been dealing with Code issues for over twenty years and there have always been Codes as written that are not exactly enforceable. He continued stating in many instances there is a Code change that needs to be included but has not been fine-tuned. Commissioner D'Andrea added the situation is not anything new to the building officials and their organization (BOAF) is used as a network for communication in terms of how to resolve some of the issues until the language has been refined.

Commissioner Browdy expressed concern that there may be issues that many residential contractors within the state of Florida are unfamiliar with, such as unvented attics. He stated there are few Florida contractors that have no experience dealing with unvented attics which may result in uncertainty in the quality or standards protecting the unvented attic.

Mr. Blair interjected the unvented attic and the mezzanine issues would be discussed separately because they were pulled from the consent agenda. He then requested the Commission focus on the issues included in the consent agenda.

Commissioner Kim asked what was being approved in terms of Issue #'s 9 and 10.

Mr. Madani responded stating the vote for Issue #'s 9 and 10 delay the adoption of 02 with the issues being further discussed during the glitch amendment cycle.

Commissioner Kim requested Issues 9 and 10 be pulled from the consent agenda.

Commissioner Sanidas offered comment stating if an elected official proposes certain requirements which are wrong, the Commission should advise that official the requirement is wrong to avoid political embarrassment. He continued stating the officials rely on the expertise of the Commission to offer guidance in terms of decisions and proposed requirements.

Chairman Rodriguez called for a vote to approve the consent agenda issues which exclude Issue #'s 8, 9, 10, and 11. Vote to approve the motion was unanimous. Motion Carried.

Issue #8

Mr. Blair called for discussion regarding Issue #8, Conditioned Attic Assemblies.

Commissioner Corn stated there had been many comments concerning Issue #8 with individuals opposing the issue as if it were a requirement to provide unvented attic space. He continued stating contractors could continue building structures just as they had been building them.

Commissioner Bassett stated requested an exception be added in the language which would state "if an engineer or architect designs it."

Mr. Richmond stated adding the language would not be allowed unless the language would improve the ICC provision's ability to resist water intrusion. He continued stating the language is very general and may not be appropriate for rule making.

Commissioner Bassett stated the Hurricane Research Committee had stated unvented attics would prevent water intrusion.

Commissioner Greiner added the Commission has the ability to accept alternative materials and methods from the architect or engineer.

Commissioner Corn stated all plans are provided by architects and engineers and posed why the additional language would be necessary.

Mr. Dixon responded stating residential construction does not require architect or engineer plans except in Miami-Dade and Broward counties.

Commissioner Schulte offered comment stating Lorraine Ross had conducted a lot of research concerning the issue and expressed support for the document she submitted to the Commission. He asked if the life safety issues relating to the fire language as detailed in the document could be added.

Mr. Richmond replied there were two ways to enter rule making with one being a direct action from the Legislature, which would be limited to the provisions adopted by the ICC. He stated modifying issues which have been addressed by the Legislature would require authority the Commission does not currently have.

Commissioner D'Andrea stated dealing with the life safety issues brought forward by Ms. Ross is something the Commission is currently unable to do because of the Legislative mandate. He expressed concern regarding the life safety issues and stated the language may require more technical input for information on how to meet the requirements contained in the language.

Chairman Rodriguez added the issues should be included in the Commission's

2006 Report to the Legislature.

Commissioner D'Andrea entered a motion to approve Issue #8 for the proposed Code change. Commissioner Browdy seconded the motion.

Commissioner Bassett stated the issue had been brought before the Commission before and it was stated the issue could be dealt with under Alternate Means and Methods and the building official would accept it. He countered there was a declaratory statement petitioned last year because the building official would not accept the Alternate Means and Method. Commissioner Bassett then stated his proposed language was not accepted because there was already in place a means to provide a ventless attic. He continued stating the means provided creates a firetrap. Commissioner Bassett explained his intention is to develop a way to provide a ventless attic that is not a firetrap that would be available to protect houses during hurricanes.

Commissioner Bassett then moved in the form of an amendment to the existing motion adding an exception that ventless attics may be provided when they are designed by an architect or engineer. Commissioner Schulte seconded the motion.

Commissioner Kim asked how the exception would apply.

Commissioner Bassett responded stating it provides the engineer or architect with the authority in writing to be more readily accepted by Code officials.

Commissioner D'Andrea expressed concern for Commissioner Bassett's methodology in terms of the engineer or architect design exception stating simply adding the language "this must be designed by an architect or engineer."

Chairman Rodriguez called for a vote for approval of Commissioner Bassett's amendment to the motion. Vote to approve the amendment resulted in 2 supporting and 18 opposing. Amendment failed.

Chairman Rodriguez then called for a vote to approve the motion. Vote to approve the motion resulted in 16 supporting and 4 opposing. Motion Carried.

Issue #'s 9 and 10

Mr. Blair then opened discussion concerning Issue #'s 9 and 10.

Commissioner Wiggins offered comment stating the Commission is already behind in terms of having current standards. He continued stating it would not

negatively impact to adopt both Issue #9 and #10 in the expedited process.

Commissioner Wiggins then moved approval to move ahead with adopting Issues #9 and #10. Commissioner D'Andrea seconded the motion.

Mr. Richmond interjected because Issues 9 and 10 were in the Legislation they were in the list, however, adopting the updated ASCE standard is currently tied to the tri-annual update process. He stated the Commission could move forward with the adoption however the action may not prevail.

Commissioner Kim requested clarification concerning the definition of Commission updates.

Mr. Richmond responded stating the updates are tri-annual and then there is the annual amendment process.

Mr. Blair called for a vote to approve the motion.

Commissioner Greiner asked if the Commission was currently involved in the updating process.

Mr. Richmond explained the rulemaking on the tri-annual update had been closed. He explained the current process is an expedited rule proceeding pursuant to Legislation, not an update process.

Commissioner Schulte stated he was present during the Structural TAC meeting and it was his understanding there were many design professionals using the 02 currently. He continued stating the intent was to expedite the 02 with the extensive revisions being dealt with during the glitch cycle.

Mr. Madani explained if the 02 is adopted much of the text must then be revised to be consistent, which would require an extensive change to Chapter 16.

Commissioner Kim added there was discussion and comments from Structural TAC members relating to the tables and text in Chapter 16 and it was stated the simplified tables were already based on 02 with only minor differences. He then stated many design professionals were already using 02 to stay in line with the most current standards. Commissioner Kim encouraged support from the Commission on the issue.

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

Issue #11

Commissioner Wiggins moved approval for Issue #11. Commissioner D'Andrea seconded the motion. Vote to approve the motion was unanimous. Motion Carried.

Issue #13

Mr. Blair then opened for discussion regarding Issue #13, which deals with plywood specifications.

Jeffrey Stone, American Forest & Paper Association

Mr. Stone offered comment stating his organization opposes modifications 569 and 570 relating to panel thickness. He stated there was not adequate technical to justify the changes to the Code initially. Mr. Stone explained the proponents stated the Code change was intended to strengthen and enhance conventional construction provisions for applicability throughout Florida where windspeeds exceed 100 mph. He then stated the Code change only addresses sheathing thickness, which is merely one facet of conventional wood frame construction, ignoring the limitations and weaknesses of other conventional wood frame elements. Mr. Stone stated modifying only one aspect of conventional wood frame construction while ignoring other limitations is not only unwise but potentially dangerous. He noted conventional construction in the new 2004 Code is appropriately limited to areas where the windspeeds are less than 100 mph stating it should be noted that conventional construction is intended for single-family, residential use outside the hurricane-prone zones. Mr. Stone continued stating the modification creates additional cost in construction because wood structural panels increase in cost as the panels get thicker, and the modification discriminates against wood engineering systems because of the thicker wood structural panel requirement. He then encouraged the Commission to oppose modifications 569 and 570 and rely upon engineering that will provide safe structures.

Kari Hebrank, Florida Building Materials Association

Ms. Hebrank offered support for Mr. Stone's comments stating there is no technical justification for the Code changes that will result in increased housing costs in a state that already has an affordable housing problem.

Jack Glenn, President, Florida Home Builders Association

Mr. Glenn offered support for Mr. Stone's comments.

Dave Olmstead, PGT Industries

Mr. Olmstead stated of all the testimony and evidence presented to the Hurricane Advisory Committee, there was no mention of inadequate sheathing thickness in any of the reports.

Bob Boyer, Building Code Advisory Board, Palm Beach County
C.W. McComber, Palm Beach County

Mr. Boyer stated the standards were developed in Palm Beach County following Hurricane Hugo. He continued stating while there was no substantiating data found in the file, the modifications were a compromise reached with the local homebuilders. Mr. Moyer explained initially it was suggested 16" center trusses with ¾" plywood. He stated the requirements have been in effect since 1989 and if Palm Beach County loses the requirement, some of the safety built in for residents in a windborne debris region will be defeated. Mr. Boyer requested support for the requirement as written and if support cannot be provided, perhaps a local amendment for the windborne debris region or Palm Beach County.

Mr. McComber added one of the reasons the requirement exists was because of deficiencies and limitations in Chapter 23. He stated Chapter 23 provides a prescriptive table for plywood thicknesses but is limited to windspeeds of 100 mph or less. Mr. McComber continued stating there is no table of reference for windspeeds exceeding 100 mph.

Mr. Stone agreed that the NOA controls the requirement. He stated if the NOA provides for a thicker panel, then a thicker panel must be used. He continued stating the wood frame construction manual, which is a referenced standard, provides the design and in certain conditions, thicker sheathing will be required, specifically in areas with windspeeds exceeding 100 mph. Mr. Stone then stated the default standard for protection over glazed openings is 7/16" wood structural panels.

Commissioner Browdy moved approval to repeal 569 and 570, substituting the original provisions contained in the International Residential Code stating there is no compelling evidence justifying the change and the impact would be significant in many areas. Commissioner Greiner seconded the motion.

Commissioner Wiggins added local governments may still adopt a local technical amendment under the procedures set forth in the state if it is determined there is a need for it in a specific geographic location. He stated the prescriptive requirements in the Florida Residential Code would not include applications in any areas where windspeeds exceed 100 mph resulting in all buildings being engineered for windspeed.

Chairman Rodriguez called for a vote on the motion. Vote to approve the motion resulted in 16 support; 1 opposed (Bassett).

BREAK

Mr. Blair opened for public comment regarding Issues 15 through 45.

Jack Glenn, Florida Home Builders Association

Mr. Glenn addressed Issue #'s 43 and 44 stating Issue #43 is the FEMA recommendation to eliminate the provisions for roof-over or recovering roofs and would require all roofs in windzones of 110 mph to be stripped completely to inspect sheathing and attachment. He stated the requirement has merit, however, it adds a tremendous unnecessary cost for the existing homes in Florida. Mr. Glenn continued stating the exposed sheathing could trigger the requirement to bring the roof structure up to current Code requirements, which may be impractical and impossible. He expressed the same concerns with Issue #44, which is the residential companion to Issue #44.

Joe Belcher, Representing Florida Concrete Association

Mr. Belcher addressed Issue #15 expressing concern with regard to the deletion of the exception for concrete and masonry. He stated the provision adopts a test standard, which is related to veneer walls, but the Code standard relating to doors and windows in the wall. Mr. Belcher continued stating by deleting the exception the masonry wall itself would be subjected to a window test, which would be inappropriate.

Mr. Belcher then addressed Issue #'s 19, 20, 21, 22, and 23. (See *Issue 20, Issue 22, and Issue 23 Attachments.*)

Cam Fentriss, Representing Florida Roofing, Sheet Metal & Air Conditioning Contractors Association

Ms. Fentriss offered comment concerning Issue #'s 34, 35, 36, 37, 42, 43, and 44. (See *Anna Cam Fentriss Letter Dated August 24, 2005, To The Florida Building Commission Attachment.*)

Jaime Gascon, Miami-Dade County Office of Code Compliance

Mr. Gascon requested clarification concerning the language for Issue #'s 38 and 39.

Mr. Blair responded by reading the language for Issue # 38, 1507.2.5.1, Asphalt Shingle Systems.

Mr. Gascon then stated Issue #'s 38 and 39 should be excluded from the expedited process for use in the HVHZ.

Lorraine Ross, ARMA

Ms. Ross concurred with Mr. Gascon stating Issue #'s 38 and 39 should be deferred for further consideration during the glitch cycle.

Mark Skalla, Broward County Board of Rules and Appeals, Structural Engineer

Mr. Skalla also addressed Issue #'s 38 and 39 stating he reviewed the UL 2390 tests and he cannot determine the pounds per square foot uplift would be as a result of the test. He concurred with Ms. Ross suggesting the item be deferred until the glitch process.

Kari Hebrank, Florida Building Materials Association

Ms. Hebrank expressed concern as well with Issue # 38.

Dave Olsen, Florida Fiber Building Systems Group

Mr. Olsen stated he submitted his comments to Mr. Madani concerning Issue # 15. He then addressed Issue # 22 suggesting clarity should be provided and it would need to be qualified when two layers of weather resistant barrier to the sheathing or to masonry walls. Mr. Olsen addressed Issue # 40 stating the word "flashed" should be inserted into the language.

Jeff Burton, Institute of Home Safety

Mr. Burton addressed Issue # 42 and provided his comments in writing. (See *Institute of Home Safety Comment on Issue # 42 Attachment.*)

Lorraine Ross

Ms. Ross addressed Mr. Burton's comments stating the data presented in the proposed amendment is too broad. She stated FRSA has presented a list of question pertinent for clarification relating to the issue. Ms. Ross expressed concern regarding the re-roofing situation in terms of increased costs. She requested the issue be

deferred to the glitch amendment cycle for further consideration.

Bud Neely, Fleming Door Products, Representing the National Association of Architectural Metal Manufacturer's and the Canadian Steel Door Manufacturer's Association

Mr. Neely addressed Issue # 40 stating flashing is not part of the steel door or window manufacturer, rather a separate part of the commercial and residential specification. He recommended the proposed wording from the Structural TAC be adopted, which was "Installation instructions for exterior doors and windows. Windows and doors shall be installed in accordance with the manufacturer's installation instructions."

Dick Wilhelm *Fenestration Manufacturer's Association*

Mr. Wilhelm concurred with Mr. concerning Issue # 40.

Frank Newness, International Institute for Latham Plaster, Chair ASTM 926

Mr. Newness addressed Issue #'s 15 and 16 stating there is language that is not consistent with common practice in the U.S. He suggested the language be word-smithed for consistency with common practice in the industry. He suggested both issues be deferred to the glitch cycle for further consideration and refinement.

Commissioner Wiggins offered clarification stating there was a recommended change during the Structural TAC to only add the language "all exterior finishes shall be applied in accordance with the manufacturer's specifications or installation instructions," leaving the remaining language intact.

Billy Cohen, RoofTec Roofing and Sheet Metal

Mr. Kelly offered support for the letter from FRSA which was submitted earlier during the meeting. He then addressed Issue #'s 27 and 28 in terms of the definitions relating to the ability to have water resistance or water protection and which standards it would follow. He stated the definitions need clarification.

Commissioner Greiner stated the TAC decided to eliminate entirely the definitions.

Bob McCormack

Mr. McCormack offered support for the concept of the language in Issue # 42 then stated the language being added establishes no parameters for percentages of roof damage as it relates to how much of the roof covering would be removed. He recommended deferral for Issue # 42 to be further considered during the glitch cycle.

Mr. Blair closed public comment for Issues 15 through 45. He then called for Commission discussion.

Commissioner Greiner requested Issue #'s 15, 16, 19, 20, 21, 22, 23, 25, 26, 27, 28 and 42 be pulled from the consent agenda.

Commissioner Wiggins requested in the form of a motion that Issue #'s 34, 35, 36, 37, 38, 39, 42, 43, and 44 be deferred to the glitch amendment cycle. Commissioner Browdy seconded the motion.

Commissioner Bassett proposed a substitute motion to defer Issue #'s 15 through 45 to the glitch amendment cycle. There was no second to the motion.

Mr. Blair called for a vote on the motion. Vote to approve the motion was unanimous. Motion Carried.

Mr. Blair then called for a motion to approve the consent agenda as amended.

Commissioner Wiggins moved approval of the consent agenda as amended. Commissioner D'Andrea seconded the motion. Vote to approve the motion resulted in 1 opposed (Bassett), 19 supporting. Motion Carried.

Issue 15

Commissioner Greiner moved approval to replace the original proposed language with TAC recommended language as unanimously agreed during the Structural TAC. Commissioner Wiggins seconded the motion. Vote to approve the motion resulted in 1 opposed (Bassett), 19 supporting. Motion Carried.

Issue 19

Commissioner Greiner moved approval to allow the second exception. Commissioner Hamrick seconded the motion. Vote to approve the motion resulted in 1 opposed (Bassett), 18 supporting. Motion Carried.

Issues 20 and 21

Commissioner Greiner entered a motion to remove the “seat” requirement for Issue #'s 20 and 21. Commissioner D’Andrea seconded the motion.

Commissioner Bassett stated it has been his personal experience the “seat” does not keep the moisture out of the house.

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

Issue 22 and 23

Commissioner Greiner moved approval to allow the suggested modification as presented by Mr. Belcher. Commissioner D’Andrea seconded the motion. Vote to approve the motion resulted in 1 opposed (Bassett), 19 supporting. Motion Carried.

Issue 25

Commissioner Greiner moved approval to accept the proposed language with additional language stating “as required by Section 1405.3, Flashing.” Commissioner Wiggins seconded the motion. Vote to approve the motion resulted in 18 supporting, 1 opposed (Bassett). Motion Carried.

Issue 26

Commissioner Greiner moved approval to accept the proposed language with additional language stating “as required by R703.8,” at the end. Commissioner D’Andrea seconded the motion. Vote to approve the motion resulted in 18 supporting, 1 opposed (Bassett). Motion Carried.

Issues 27 and 28

Commissioner Greiner moved approval to remove the definitions from both the Building and Residential Volumes of the Code. Commissioner D’Andrea seconded the motion. Vote to approve the motion was unanimous. Motion Carried.

Mr. Blair then presented the Correlation Issues in Document 3 as a consent agenda for approval of the proposed recommendations. (See *Document 3, Expedited Code Change / Correlation to 2004 Florida Building Code* Attachment.) He opened discussion concerning the proposed changes to any of the issues.

Billy Cohen, Florida Roofing Contractors

Mr. Cohen referenced Section RT107320/601 stating the language states "reference unchanged." He countered the reference should be changed to the fourth edition, which would correlate with the expedited Code changes in Document # 1.

Commissioner Bahadori requested 403.15 be removed from the consent agenda.

Commissioner Norkunas requested Sections 11-9.2, 11-Figure 28, 11-Figure 30e, Rule 9B-7 be removed from the consent agenda.

Mr. Blair then called for a motion to approve the consent agenda as modified.

Commissioner D'Andrea moved approval of the consent agenda as modified. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous. Motion Carried.

403.15

Commissioner Bahadori stated the proposed change would delete the smoke control requirement for all high-rise buildings. He then moved approval to defer the issue to be further considered during the glitch cycle. Commissioner D'Andrea seconded the motion.

Commissioner Bassett added a companion Section 513.1 contains the same proposed change and should be included in the motion with 403.15.

Bassett moved to reconsider approval of the consent agenda. Commissioner D'Andrea seconded the motion. Vote to approve the motion was unanimous. Motion Carried.

Commissioner D'Andrea moved approval to remove 513.1 from the consent agenda and approve the consent agenda as modified. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous. Motion Carried.

Commissioner D'Andrea entered a friendly amendment to the motion to defer 403.15 to include 513.1 for further consideration during the glitch cycle. Commissioner Bassett seconded the motion. Vote to approve the motion was unanimous. Motion Carried.

Issue 11-9.2

Commissioner Norkunas requested clarification concerning the language in Issue

11-9.2.

Commissioner Gross offered clarification concerning the issue stating in the last edition of the Code where it shows the number of required showers, the number was moved down one line. He stated it is very important the table is corrected to correct the number of showers required.

Commissioner Norkunas moved approval to accept the proposed change for Issue 11-9.2. Commissioner Gross seconded the motion. Vote to approve the motion was unanimous. Motion Carried.

Issue 11-Figure 28

Commissioner Norkunas moved approval to accept the proposed change for Issue 11-Figure 28. Commissioner Gross seconded the motion. Vote to approve the motion was unanimous. Motion Carried.

Issues 11-Figure 30e, Rule 9B-7

Commissioner Norkunas stated Florida is the only state that requires a sink in the disabled stall, which is an enormous cost. He then requested clarification concerning why any reference to Figure 30e is being deleted.

Mr. Richmond responded stating the amendment being referred to [Rule 9b-7] included removal of Figure 30e from the Florida Accessibility Code for building construction. He stated the rule has been amended and the Code amendment follows.

Commissioner Norkunas then stated Chapter 11, the Florida Accessibility Code, is certified by the Department of Justice with some exceptions, including Figure 30e. He then asked why this exception was being removed and not the other exceptions.

Mr. Richmond responded stating the exception is not being removed, only the figure. He continued stating the figure was not in the document when certification was obtained, rather it was added at a later date and has subsequently been removed from the Accessibility Code. He assured Commissioner Norkunas the requirement has not been changed, rather only the figure is being removed for consistency with the Accessibility Code.

Commissioner Gross recommended deferring Issue #'s 11-Figure 30e and Rule 9B-7 until the glitch cycle. Commissioner Norkunas seconded the motion. Vote to approve the motion was unanimous. Motion Carried.

Mr. Blair stated there were additional correlation issues to be considered. He presented the issues under a consent agenda for approval. (See *FBC 2001 Comparison to FBC-B and FBC-R 2004, Submitted by Jack Glenn, FHBA, 8/23/05 Attachment.*)

Mr. Dixon explained the correlation issues previously approved were editorial issues while the correlation issues for consideration now have been previously approved by the Commission but require verification that they are included in all the appropriate volumes of the Florida Building Code.

Commissioner Schulte requested clarification concerning the last table on page 8 under the residential section.

Mr. Glenn replied the table above is from the Florida Building Code and contains four columns. He explained when the table was placed in the Residential Code the guage and thickness columns were combined resulting in only three columns. Mr. Glenn stated the proposed change is to re-insert the missing column to be consistent with the Florida Building Code.

Commissioner Kim requested Issue R301.2.1.1.1 be removed from the consent agenda.

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

Mr. Glenn offered comment addressing the issue that was removed from the consent agenda. He stated the issue was a Florida-specific amendment from the Florida Building Code dealing with vinyl and acrylic removable panels in screened enclosures.

Commissioner Kim asked about the design pressures.

Mr. Glenn responded stating there were no design pressures with the only reference to aluminum in Chapter 3. He stated if the aluminum manual is not referenced as a standard the Florida Building Code is the standard.

Commissioner Kim moved approval to accept the proposed amendment. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous. Motion Carried.

Mr. Blair then addressed two additional issues for consideration.

Issue 2405.5

Mr. Blair called for public comment relating to 2405.5.

Roland Temple, Velux America

Mr. Temple stated Issue 2405.5 is the actual document the Commission approved, however, the language lists only companion document 1600 IS 7. He then recommended the reference to 1600 be removed and add a reference to the document approved in 2405.5.

Commissioner Corn moved approval to accept the proposed language for Issue 2405.5. Commissioner D'Andrea seconded the motion. Vote to approve the motion was unanimous. Motion Carried.

Mr. Temple stated the same situation exists in the Florida Residential Code and requested approval to add similar language for the residential code.

Commissioner D'Andrea moved approval to accept the proposed language. Commissioner Corn seconded the motion. Vote to approve the motion was unanimous. Motion Carried.

Issue 109.3.4

Mr. Blair then addressed the issue of ensuring that termite requirements are the same for the Building and the Residential volumes of the Code. (See *Kathleen Ruppert Comments About Termite Related Sections in 2004 FBC Attachment.*)

Commissioner Greiner moved approval to accept the proposed amendment. Commissioner D'Andrea seconded the motion. Vote to approve the motion was unanimous. Motion Carried.

Mr. Richmond formally closed the rule development workshop.

Chairman Rodriguez called for a motion to proceed with rule adoption for Rule 9B-3.047, integrating and noticing the approved amendments and modifications and filing the rule with the Department of State.

Commissioner Browdy moved approval to proceed with rule adoption as stated.

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

RULE DEVELOPMENT WORKSHOP ON RULE 9B-3.0475, TRIENNIAL UPDATE PROCESS

Chairman Rodriguez stated the purpose of the rule development is to conform the rule related to the triennial Code update process with the statutory requirements and changes from the 2005 Legislative session. He directed the Commission to Mr. Richmond who would serve as the hearing officer.

Mr. Richmond formally opened the rule development workshop. He stated Section 7 of the bill amended 553.73(6) to provide additional requirements for the triennial update process. He continued stating there was no current rule that explicitly applies to triennial updates then stated the Commission has the authority to adopt the Commission's procedures by rule. Mr. Richmond explained there would be time for additional workshops and stated there was no current proposed language for the rule.

Chairman Rodriguez called for public comment.

Mr. Richmond closed the rule development workshop noting no public comment was received.

Commissioner D'Andrea moved approval to proceed with rule adoption for Rule 9B-3.0475, Triennial Update Process. Commissioner Gross seconded the motion.

Commissioner Bassett requested clarification regarding proceeding with rule adoption with no language developed for the rule.

Mr. Richmond responded stating unless the Commission has the desire to write a rule addressing the triennial update process rulemaking could be withdrawn.

Commissioner D'Andrea withdrew his motion to proceed with rule adoption.

Commissioner Corn moved approval to withdraw from rulemaking relating to Rule 9B-3.0475. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous. Motion Carried.

RULE DEVELOPMENT WORKSHOP ON RULE 9B-3050, STAFF REVIEW OF CODE AMENDMENTS

Chairman Rodriguez stated Florida law requires staff to review Code changes for

completeness prior to forwarding proposed changes to the TAC or Commission for consideration. He stated the rule development would clarify and implement the process for how staff will process the Code changes prior to forwarding to the Commission and conform the rule to statutory requirements. Chairman Rodriguez directed the Commission to Mr. Richmond who would serve as hearing officer.

Mr. Richmond formally opened the rule development workshop. He stated the requirement is a new requirement added by Section 7 of the bill. He continued stating there is no mandatory element for rulemaking then recommended entering some criteria in rule language may help the general public in developing their Code amendment submittals.

Chairman Rodriguez called for public comment.

Kari Hebrank, Florida Building Materials Association

Ms. Hebrank offered comment stating the issue is an important issue in terms of how the amendments have arrived in the Code. She stated if the process is established so staff could send the amendments back to the applicant to ensure the forms were completed correctly before the amendments are forwarded to the TACs for consideration.

Mr. Richmond closed the rule development workshop.

Mr. Dixon recommended staff bring back a draft of the rule language to the October Commission meeting.

Commissioner Bassett moved approval to direct staff to draft rule language for presentation to the Commission during the October 2005 meeting. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous. Motion Carried.

RULE DEVELOPMENT WORKSHOP ON RULE 9B-3.055, BINDING INTERPRETATION

Chairman Rodriguez stated binding interpretation establishes in rule the system as required by 2005 Legislation for how the binding interpretation process will function. He stated the rule development workshop would conform to the Commission's rules and rules of procedure to statutory requirements. Chairman Rodriguez directed the Commission to Mr. Richmond who would serve as hearing officer.

Mr. Richmond formally opened the rule development workshop. He stated Section 9 of the bill created 553.775(3c), which creates the binding interpretation process. He continued stating the Legislation requires the Commission to adopt by rule the form for the petition and the applicable fee.

Chairman Rodriguez called for public comment.

Mr. Richmond recognized Ms. Jones previous comment relating to the \$250 fee for binding interpretation to be paid directly to the contractor [BOAF]. He then closed the rule development workshop.

Commissioner Bassett asked how the Commission would have oversight over the opinions issued by BOAF.

Mr. Richmond responded stating the Commission has the role of appellant jurisdiction for the decisions. He stated individuals may appeal decisions to the Commission or the Commission can review the decisions and override them by means of declaratory statement.

Commissioner Corn asked if it was a requirement to charge the \$250 or could the fee be less.

Mr. Richmond replied the \$250 fee is a cap set by Legislation, which the contractor will be charging the Commission and the Commission would then recoup the cost.

Commissioner Wiggins asked if there should be clarification concerning the \$250 fee and the type of interpretation provided. He stated there are many complexities in terms of Code interpretation and it may be appropriate to charge more if there were a comprehensive interpretation provided.

Commissioner Gross asked if it would be mandatory to obtain a binding interpretation prior to petitioning for a declaratory statement.

Mr. Richmond stated an individual may always petition the Commission for a declaratory statement keeping in mind the declaratory statement is not a two-party process. He continued stating if the building official does not have to apply the decision for a declaratory statement if the facts surrounding the petition are material to his decision. He further stated the binding interpretation process is the only way to get an absolutely binding decision.

Commissioner Bassett asked if the Commission has been authorized to contract

a third party to write opinions with regard to the Florida Building Code.

Mr. Richmond stated the Florida Building Commission has been directed to operate in concert with BOAF.

Commissioner Browdy asked if it was the responsibility of BOAF to indicate to the petitioner there is no need for another interpretation or that they can reference an existing interpretation.

Mr. Richmond responded stating BOAF does have statewide application but each particular case may have specific details that may differ from a similar interpretation previously issued. He continued stating the fee would be \$250 for each separate opinion with BOAF being tasked to have knowledge of all relevant resources in order to provide answers to the questions.

Commissioner Sanidas asked if there was a list provided for the members of the Code Interpretations Committee.

Mr. Richmond replied he had no knowledge of the list being provided.

Commissioner D'Andrea moved approval to proceed with rule adoption for Rule 9B-3.055 including adopting the fee of \$250 for the contractor and designing the form according to statute. Commissioner Greiner seconded the motion. Vote to approve the motion was unanimous. Motion Carried.

RULE DEVELOPMENT WORKSHOP ON RULE 9B-3.053, ALTERNATE PLAN REVIEW AND INSPECTION FORM

Chairman Rodriguez stated the purpose of the rule is to establish a jobsite notification form required for private providers. He stated the form requires specific information to be posted on a jobsite where a private provider is conducting inspections. Chairman Rodriguez directed the Commission to Mr. Richmond who would serve as hearing officer.

Mr. Richmond closed the rule development workshop on Rule 9B-3.055. He then opened the rule development workshop for Rule 9B-3.053. He stated Section 11 of the bill directs the Commission to adopt a form by rule with specific requirements for the form identified in the statute.

Chairman Rodriguez called for public comment.

Shelly Ransom, Capri Engineering

Ms. Ransom stated she represented the largest private provider firm in the state of Florida. She continued stating her company had developed a sample form that will be submitting for consideration. Ms. Ransom explained the form states "Pursuant to Florida Statute 553.791, the building code inspection services required by the Florida Building Code are being provided by a private provider. Please see contact information below." She further stated the form could be printed on card stock and laminated for weatherproofing and to be maintained consistently for the duration of the project.

Mr. Richmond added he had received Capri Engineering's form then he noted the form omitted the type of services to be performed, which is specifically required by the statute. He then stated the form otherwise is an acceptable means of accomplishing the basis for the form. Mr. Richmond closed the rule development workshop.

Chairman Rodriguez called for a motion to proceed with rule adoption for Rule 9B-3.053, Alternate Plan Review and Inspection Form.

Commissioner Greiner moved approval to proceed with rule adoption as stated. Commissioner D'Andrea seconded the motion. Vote to approve the motion was unanimous. Motion Carried.

REPORT ON BUILDING CODE SYSTEM ASSESSMENT PROJECT

Chairman Rodriguez stated the report was a triennial report to the Legislature. He explained Florida Statute Chapter 553.77(1)(b) directs the Commission to make a continual study of the Florida Building Code and related laws in a triennial basis report on findings and recommendations to the Legislature for provisions of law that should be changed. Chairman Rodriguez stated in order to accomplish the directive efficiently an Ad Hoc Committee is being appointed comprised of Commissioners who will meet in a facilitated process and develop recommendations to the Commission by December 2005. He announced the appointments to the Ad Hoc as follows: Commissioner Browdy; Commissioner Carson; Commissioner D'Andrea; Commissioner Gonzalez; Commissioner Goodloe; Commissioner Gross; Commissioner Kim; Commissioner Vann; and Commissioner Wiggins.

Mr. Blair conducted a brief overview of the assessment project stating the project was the triennial process the Commission is required to report to the Legislature on the Building Code System. He then stated there is a survey to be completed by staff, the Commissioners, the public, and can be completed either online (at consensus.fsu.edu/fbcsystemsurveyindex) or the document may be downloaded and

faxed.

RULE ADOPTION HEARING ON RULE 9B-1, MANUFACTURED BUILDINGS

Chairman Rodriguez stated during the June Commission meeting the Commission held a rule development workshop to implement proposed changes to the Manufactured Buildings Rule. He stated the changes to the rule are intended to clarify the programmatic procedures of the Manufactured Buildings Program which include refinements to the following sections of the rule: procedures; definitions; fees; inspections; and insignias. He directed the Commission to Mr. Dixon who would serve as hearing officer.

Mr. Dixon opened the rule adoption hearing for Rule 9B-1, Manufactured Buildings.

Mr. Dixon called for public comment. No one approached for comment.

Mr. Dixon closed the rule adoption hearing.

Commissioner D'Andrea moved approval to proceed with rule adoption for Rule 9B-1, Manufactured Buildings. Commissioner Carson seconded the motion. Vote to approve the motion was unanimous. Motion Carried.

DRAFT OUTLINE OF THE REPORT TO THE 2006 LEGISLATURE

Chairman Rodriguez stated each year the Commission reports to the Legislature the recommendations and actions resulting from Legislative assignments. He directed the Commission to Mr. Blair for a brief review of the draft outline for the Report to the 2006 Legislature.

Mr. Blair stated the purpose of the outline is to promote identifying ideas and issues to be included in the report. He stated the outline has been organized by building code issues: hurricane damage investigation, expedited Code amendments, the implementation of the 2004 Code update, status report of the 2004 glitch process, an update of the 2007 triennial Code update process, the triennial review of the Building Code System, construction practices assessment, status on building code and fire code overlapping provisions, ICC Code development, product approval, education system, status on Legislative assignments relating to Panhandle Hurricane Ivan Study, Exposure Category C Study, Product approval single validations issue, private provider job form, rules and appeals for building officials, and standards for Hospice.

PRESENTATION ON HURRICANE DENNIS

Commissioner Browdy moved approval to defer the presentation on Hurricane Dennis. Commissioner D'Andrea seconded the motion. Vote to approve the motion was unanimous. Motion Carried.

ADVISORY OPINION ON BAY COUNTY AMENDMENT OF DESIGN WIND SPEEDS

Chairman Rodriguez an issue had arisen concerning Bay County's adoption of windspeed requirements. He stated staff had conducted a review of the situation and found no substantive problem with Bay County's adoption of windspeeds. Chairman Rodriguez explained there is a general procedural problem regarding adoption of windspeeds by local jurisdiction, which is related to possible outdated information. He directed the Commission to Mr. Richmond for an overview of the situation.

Mr. Richmond reminded the Commission the last delay of the 2001 version accomplished by Senate Bill 52C, which directed local governments to locate the windspeed lines from Figure 1606, Florida Building Code, consistent with geographic landmarks within their jurisdictions. He stated that directive has been accomplished.

Commissioner McCombs moved approval to direct Mr. Blair to integrate process for adoption of local windspeed lines through the triennial review process. Commissioner Hamrick seconded the motion. Vote to approve the motion was unanimous. Motion Carried.

GENERAL PUBLIC COMMENT

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

REVIEW COMMITTEE ASSIGNMENTS AND ISSUES FOR THE COMMISSION'S OCTOBER 10 - 12, 2005 MEETING

Mr. Blair conducted a review of the committee assignments and issues for the October 10 – 12, 2005, Commission meeting to be held in Orlando.

Mr. Dixon stated the October meeting had been scheduled during a holiday week and it was requested the meeting be moved to October 9, 10, and 11 rather than the original schedule for October 10, 11, and 12, 2005.

Commissioner Greiner moved approval to reschedule the meeting for October 9,

10, and 11, 2005. Commissioner McCombs seconded the motion. Vote to approve the motion was unanimous. Motion Carried.

Commissioner Wiggins asked if it would be possible to hold some of the 2006 meetings in Orlando.

Chairman Rodriguez responded stating there were problems locating an accessible hotel that will provide the required meeting space at the state room rate.

ADJOURN

No further business was discussed. Chairman Rodriguez adjourned the Florida Building Commission Plenary Session at 12:51 p.m.