



STATE OF FLORIDA  
**DEPARTMENT OF COMMUNITY AFFAIRS**  
*"Dedicated to making Florida a better place to call home"*

JEB BUSH  
Governor

THADDEUS D. COHEN  
Secretary

**BOARD MEETING  
OF THE  
FLORIDA BUILDING COMMISSION**

**PLENARY SESSION MINUTES  
February 6 & 7, 2006**

**APPROVED  
MARCH 21, 2006**

The meeting of the Florida Building Commission was called to order by Chairman Raul Rodriguez at 4:00 p.m. and recessed at 6:00 p.m., on Monday, February 6, 2006, and was reconvened at 8:34 a.m. on Tuesday, February 7, 2006 at the Rosen Plaza Hotel, Orlando, Florida.

**PLENARY SESSION – TUESDAY, FEBRUARY 8, 2006**

**COMMISSIONERS PRESENT:**

Raul Rodriguez, Chairman  
Randall J. Vann  
William J. Norkunas  
Nanette Dean  
Chris Schulte  
Michael McCombs  
Herminio Gonzalez  
James Goodloe  
Christ T. Sanidas  
Gary Griffin  
Peter Tagliarini  
Nicholas "Nick" D'Andrea  
Richard Browdy  
Dale Greiner  
Jeffrey Gross  
Do Y. Kim  
Joseph "Ed" Carson  
Jon Hamrick

Steven C. Bassett

**COMMISSIONERS ABSENT:**

Hamid J. Bahadori  
George J. Wiggins  
Stephen Corn  
Paul D. Kidwell  
Craig Parrino, Adjunct Member

**OTHERS PRESENT:**

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



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Do Y. Kim  
Joseph “Ed” Carson  
Steven C. Bassett

**COMMISSIONERS ABSENT:**

Stephen Corn  
Paul D. Kidwell  
Craig Parrino, Adjunct Member

***MONDAY, FEBRUARY 6, 2006***

**WELCOME**

Chairman Rodriguez welcomed the Commission and the gallery to the February 2006 plenary session of the Florida Building Commission. He stated the focus of the first part of the plenary will be on declaratory statements and approvals of products and entities. Chairman Rodriguez then directed the Commission to Mr. Blair for an outline of the meeting agenda.

**REVIEW AND APPROVE AGENDA**

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

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

**REVIEW AND APPROVE OCTOBER 10 & 11, 2005 MINUTES AND  
DECEMBER 6 & 7 MEETING MINUTES AND FACILITATOR'S REPORT**

Chairman Rodriguez called for comments, corrections, or additions to the October 2005 and the December 2005 Commission meeting minutes and facilitator's reports for those meeting dates.

Commissioner McCombs noted he was mistakenly designated absent for the December meeting.

Commissioner Carson referenced page 15 of the October minutes contains four x's for a product number recommended for approval. He noted the correct product numbers should be 4184 R1 and product number 4197 R1.

Commissioner Norkunas noted page 32 of the December minutes which contains the misspelled name of a speaker for public comment. He stated the correct spelling of the name is Peter Spalutto.

Commissioner Carson referenced page 42 of the December minutes stating there are four x's where the ARA contract number should appear. He stated item was a proposed revision to contract number 06-BC-28-12-00-22-008.

Commissioner Gross entered a motion to approve the October 2005 and the December 2005 Commission meeting minutes as amended. Commissioner D'Andrea entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

### **CONSIDER APPLICATIONS FOR PRODUCT AND ENTITY APPROVAL**

Commissioner Carson presented in the form of a motion the entities recommended for approval as they appeared in each Commissioner's files.

PSI/Pittsburgh Testing Laboratory – Certification Agency

Commissioner McCombs entered a second to the motion to approve the certification agency. Vote to approve the motion was unanimous. Motion carried.

Laboratory Accreditation Bureau – Product Accreditation Body

Commissioner McCombs entered a second to the motion to approve the product accreditation body. Vote to approve the motion was unanimous. Motion carried.

Mr. Blair presented the consent agenda products which were recommended for approval as they appeared in each Commissioner's files.

### **Certification Method**

#### **Recommended for Approval**

Product #'s: 42-R3; 43-R3; 44-R3; 45-R3; 394-R2; 395-R2; 397-R2; 404-R2; 607-R1; 635-R1; 638-R1; 846-R1; 1486-R1; 1518-R1; 1610-R1; 1739-R1; 1872-R1; 2045-R1; 2052-R1; 2054-R1; 2055-R1; 2056-R1; 2059-R1; 2060-R1; 2061-R1; 2062-R1; 2074-R1; 2077-R1; 2138-R1; 2142-R1; 2146-R1; 2292-R1; 2550-R1; 2552-R1; 2553-R1; 2670-R1; 2717-R1; 2722-R1; 2725-R1; 3159-R1; 3234-R1; 3779-R1; 3913-R1; 4062-R2; 4177-R1; 4242-R1; 4277-R1; 4397-R1; 4417-R1; 4708-R2; 4992; 5300-R1; 5327; 5358-R1; 5511-R1; 5545; 5669; 5732; 5735; 5753; 5770; 5874; 5905; 5913; 5919; 5924; 5926; 5928; 5932; 5933; 5934; 5935; 5936; 5938; 5939; 5940; 5941; 5954; 5968; 5969; 5976; 5979; 5981; 5983; 5989; 5994; 5995; 5996; 5997; 6002; 6003; 6004; 6007; 6010; 6013; 6015; 6016; 6017; 6018; 6021; 6023; 6024; 6028; 6029; 6049; 6050; 6051; 6052; 6053; 6054; 6055; 6057; 6058; 6059; 6061; 6063; 6068; 6069; 6071; 6072; 6073; 6074; 6075; 6076; 6077; 6079; 6082; 6084

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

Recommended for Conditional Approval

Mr. Blair presented the products which were recommended for conditional approval as they appeared in each Commissioner's files.

841-R1

Mr. Blair stated the POC recommended conditional approval with the condition the applicant remove products not listed by Certification Agency; limits of use to be model specific; provide equivalency of standards on impact testing.

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

6048

Mr. Blair stated the POC recommended conditional approval with the condition the applicant provides a current test report and the certification agency verifies compliance.

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

Recommended for Denial

5901

Mr. Blair stated the POC recommended denial based on the company/product not listed by certification agency.

**Evaluation by Engineer/Architect**

Mr. Blair presented the consent agenda items recommended for approval as they appeared in each Commissioner's files.

Product #'s: 1559-R3; 1688-R2; 1689-R2; 1690-R2; 1691-R2; 1692-R2; 1693-R2; 1694-R2; 1695-R2; 1754-R1; 1861-R1; 2205-R1; 2249-R3; 2298-R1; 2900-R1; 2902-R1; 2959-R1; 2960-R1; 2979-R1; 2983-R1; 3030-R2; 3263-R1; 3501-R1; 3502-R1; 3538-R1; 3630-R1; 3631-R1; 3632-R1; 3633-R1; 3636-R1; 3637-R1; 3732-R1; 4133-R1; 4154-R1; 4249-R1; 4271-R1; 4616-R1; 4677-R1; 4890-R1; 5231; 5360-R1; 5490; 5493; 5513; 5624; 5665; 5666; 5700; 5745-R1; 5766; 5790-R1; 5877; 5900; 5902; 5904; 5917; 5921; 5943; 5947; 5963; 5964; 5973; 5974; 5977; 5980; 5984; 5985; 5992; 5993; 5999; 6000; 6005; 6019; 6025; 6033; 6035; 6037; 6038; 6044; 6060; 6062; 6064; 6065; 6066; 6067; 6080; 6081; 6083; 6085; 6088; 6089; 6090; 6091; 6092; 6093; 6094; 6095

Commissioner D'Andrea moved approval of the POC recommendation.  
Commissioner Carson entered a second to the motion.

Commissioner Kim announced abstention from voting for product # 6066. He stated 6066 is his company's product. Product # 6066 was then removed from the consent agenda.

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

6066

Commissioner Bassett moved approval for product # 6066. Commissioner D'Andrea entered a second to the motion. Vote to approve the motion was unanimous. (Commissioner Kim abstained.) Motion carried.

#### Recommended for Conditional Approval

5727

Mr. Blair stated the POC recommended conditional approval with the condition the applicant correct evaluation that refers to impact tests that are not verifiable; evaluation needs to be in accordance with ASCE 7-02; limits of use shall indicate "Not to be used in HVHZ"; building height, roof slope, wind speeds, maximum openings; evaluation did not indicate anchoring; structural analysis did not comply with the conditions; change category to structural component and subcategory to other; arch opening support; needs to remove comments from limits of use.

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

5975

Mr. Blair stated the POC recommended conditional approval with the condition the applicant corrects testing standards; removes reports of standards not adopted; provides equivalency of standards of those tested to adopted; separates the products (different materials and thickness); and provides limits of use for product.

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

### **Evaluation by Test Report**

#### Recommended for Approval

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

Product #'s: 4345-R1; 4759; 5292-R1; 5325-R1; 5622; 5635; 5636; 5705; 5822; 5944; 5958; 5959; 5960; 5971; 6001; 6008; 6009; 6026; 6030; 6031; 6032; 6034; 6036; 6039; 6040; 6041; 6046; 6047; 6087

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

#### Recommended for Conditional Approval

4752

Mr. Blair stated the POC recommended conditional approval with the condition the applicant provide limits of use indicate "Not to be used in HVHZ" unless it complies with HVHZ requirements.

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

### **Evaluation by Evaluation Entity**



Recommended for Approval

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

Product #'s: 1463-R1; 3557-R1; 3795-R1; 5373; 5734; 5930; 5978; 5988

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

Recommended for Conditional Approval

1008-R1

Mr. Blair stated the POC recommended conditional approval for product 1008-R1. He stated the application indicates that it complies with ASTM D5055-00 while evaluation report does not indicate this compliance; sections 2303.1.2 and R502.1.4 require design and monitoring in accordance with ASTM D5055; evaluation needs to indicate compliance with those standards.

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

Recommended for Deferral

4023; 2484-R1; 2887R-1; 2889R-1; 3393R-1; 3395R-1

Mr. Blair then presented six products that were validated after the POC meeting and administrators recommend deferring the items back to the POC.

Commissioner D'Andrea moved approval to defer the products back to the POC for consideration. Commissioner Carson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Applications Withdrawn by Applicants – No Commission Action Required

5987; 3071R-1; 1299R-1

Mr. Blair stated three products had been withdrawn by the applicant requiring no Commission action.

**CONSIDER LEGAL ISSUES AND PETITIONS FOR DECLARATORY STATEMENT:**

Mr. Richmond stated the Legislature met in special session during the month of December and passed a lobbyist expenditure bill. He stated the focus of the bill was expenditures made on behalf of lobbyists, however, it applies to and effects Executive Branch agencies and state officers, such as each Commission member. Mr. Richmond advised the Commissioners they could not accept anything from someone who is a lobbyist or from someone who employs lobbyists. He then opened for questions or comments.

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

**Declaratory Statements:**

**Supplemental Hearings-**

**DCA05-DEC-159 by Ron Lambert, Greystone of Florida, Inc.**

Mr. Richmond stated there was a need to obtain additional facts relating to the issue and recommended the petition for declaratory statement be dismissed for lack of a substantial factual petition.

Commissioner Greiner entered a motion to approve legal's recommendation to dismiss. Commissioner D'Andrea entered a second to the motion.

Commissioner Bassett noted the file was inaccessible on his laptop.

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

**Second Hearings-**

**DCA05-DEC-215 by Gary L. McDonald, AIA, Basham & Lucas Design Group, Inc.**

Withdrawn by petitioner.

No Commission action necessary.

Mr. Richmond noted there is great effort made by staff, the TAC, and himself to analyze the petitions and make recommendations and then the petitioner may withdraw the petition after all the work has been done. He recommended the Commission take action to implement policy stating once a petition for declaratory statement has been agenda'd for TAC review, the petitioner may not withdraw the petition.

Commissioner Greiner entered a motion to approve the policy as stated. Commissioner Bassett entered a second to the motion.

Commissioner Browdy stated approving such a policy would be a departure from existing policy and asked if the same would be suggested for such items as accessibility waiver applications.

Mr. Richmond stated the policy he is recommending would apply only to declaratory statements where the petitioner is requesting the Commission's interpretation of a provision of the Florida Building Code.

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

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

Mr. Richmond presented the petition for declaratory statement as it appeared in *DECLARATORY STATEMENT Case #: DCA05-DEC-173*.

*Arnold Verwey, Okeechobee County Building Official (Inaudible)*  
*Thomas J. Baird, Attorney, Representing Okeechobee County*

Mr. Verwey stated all manufactured homes and buildings should be required to have a rain plain or barrier to prevent moisture intrusion into the interior of the building. He stated he has seen units less than five years old that do not have moisture barriers and the buildings were condemned. He continued stating the vinyl siding is being totally relied upon to provide weather resistance. He further stated the vinyl siding manufacturers and the Vinyl Siding Institute both agree that vinyl siding is not a weather barrier. Mr. Verwey concluded his comments by stating it is his strong belief that any material applied over OSB board to manufactured buildings in the field should fall under the jurisdiction of the building official.

Commissioner Gonzalez asked if the petitioner was present during the first hearing relating to the petition.

Commissioner Kim responded when the petition was discussed during the Structural TAC the petitioner was not present. He stated there was a lengthy discussion held concerning the issue and although many of the TAC members did not disagree with the proponent, the TAC recommendation was based strictly on an interpretation of the Florida Building Code relating to the issue. Commissioner Kim continued stating the TAC could not deviate from the interpretation of the Code and suggested it may be an issue for which a Code change would be appropriate.

Commissioner D'Andrea referenced the exceptions contained in the 2001 Code and it provides, "*over water repellant panel sheathing, including wood structural*". He stated the text in the declaratory statement does not reference the words "water repellant" where the intent of the Code would be "water repellant fiber board not less than 7/16-inch". Commissioner D'Andrea continued stating the declaratory statement text not referencing the fiber board could be misinterpreted to allow any fiber board.

Commissioner Kim interjected stating OSB would fall within the definition of structural panel, and is water repellant.

Mr. Verwey added the exemption refers to the panels listed in the tables contained in the Code. He stated in Section 2301.1.2, it provides "*tables do not apply in over 100 mph wind zone areas*". Mr. Verwey stated the moisture for the subject petition would not be occasional, rather wind-driven rain.

Mr. Madani added the restriction referenced is specific to windload. He stated the exception under (4) it includes, "*fiber board not less than 7/16 inch*". Mr. Madani continued stating staff confirmed through SBCCI, who provided the evaluation report for the product, that their intent was for the fiber board to be water repellant, which is consistent with the Code.

Commissioner Bassett expressed distaste for the OSB terminology and suggested the text read "the material complying with. . ." and provide the ASTM standards.

Mr. Richmond interjected stating there are no ASTM standards or tables referenced with regard to the fiber board. He continued stating the exception in full states, "*over water repellant panel sheathing including wood structural panels complying with Table 2308 1(b) and Table 2308 1(d), fiber board not less than 7/16 thick, particle board complying with ANSE A208.1 grades, and Table 2308.1(c), and gypsum not less than 1/2 inch thick*". Mr. Richmond further stated each of the four provisions, by their inclusion in the list, are included by definition in what is referred to as "water repellant panel sheathing".

Commissioner D'Andrea entered a motion to approve the TAC recommendation, which would be consistent with the Commission's previous action. Commissioner Carson entered a second to the motion. Vote to approve the motion resulted in 18 supporting; 1 opposed (Bassett). Motion carried.

**DCA05-DEC-217 by Tina M. Neace, Dependable Air Designs**

Mr. Richmond presented the petition for declaratory statement as it appeared in *DECLARATORY STATEMENT Case #: DCA05-DEC-217*.

Commissioner Carson entered a motion to approve the TAC recommendation. Commissioner D'Andrea entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

**DCA05-DEC-220 by T. Eric Stafford, PE, T. Eric Stafford & Associates**

Mr. Richmond presented the petition for declaratory statement as it appeared in *DECLARATORY STATEMENT Case #: DCA05-DEC-220*.

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

**First Hearing-**

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

Mr. Richmond presented the petition for declaratory statement along with the TAC recommendation as it appeared in each Commissioner's files.

Commissioner Greiner stated the subject declaratory statement is a controversial one in terms of how building officials in the field are interpreting it. He continued stating the recommendation for the declaratory statement is a very important issue. Commissioner Greiner then recommended a note be added to the declaratory statement language to state, "*It is beneficial to know that recent UL testing provided evidence that Class 1 rigid duct one-inch thick performed to a level equal or greater than that of the 26-gage metal with respect to fire penetration.*" He then moved approval of the TAC recommendation as amended. Commissioner McCombs entered a second to the motion.

Jack Glenn, Florida Home Builders Association

Mr. Glenn offered comment stating legal would have problems with the declaratory statement concerning the issue of whose authority it is to approve the provisions. He then stated the issue has become a very serious problem. He continued stating there are building officials throughout the state that are reluctant to approve anything that is not listed in black and white. Mr. Glenn then offered comment regarding the changes in the heating/AC industry in terms of the decrease in sheet metal ductwork and the mechanics not being trained to work with metal duct. He continued stating the Worker's Comp rates are considerably more for metal ductwork installers. Mr. Glenn stated there has been a Code change that everyone agreed would resolve the issue, and the declaratory statement response would be temporary guidance for the building officials who will not approve materials without seeing Commission action. He offered support for the language Commissioner Greiner suggested to be added to the declaratory statement stating it would be a tremendous benefit to the industry.

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

**DCA05-DEC-219 by Dr. Humayoun Farooq, PE, Al-Farooq Corporation**

Deferred until next meeting.

**DCA05-DEC-235 by Joseph Herrmann, Production Manager, Arroyo Enterprises, Inc.**

Mr. Richmond presented the petition for declaratory statement along with the TAC recommendations as they appeared in each Commissioner's files.

Commissioner D'Andea entered a motion to approve the TAC recommendation. Commissioner Wiggins entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

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

Mr. Richmond presented the petition for declaratory statement along with the TAC recommendations as they appeared in each Commissioner's files.

Commissioner Carson entered a motion to approve the TAC recommendation. Commissioner D'Andrea entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

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

Mr. Richmond presented the petition for declaratory statement along with the TAC recommendations as they appeared in each Commissioner's files.

Commissioner Carson entered a motion to approve the TAC recommendation. Commissioner McCombs entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

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

Mr. Richmond presented the petition for declaratory statement along with the TAC recommendations as they appeared in each Commissioner's files.

Commissioner Carson entered a motion to approve the TAC recommendations. Commissioner McCombs entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

**DCA05-DEC-284 by Andrew Croft, Fastnet International**

Mr. Richmond presented the petition for declaratory statement along with the TAC recommendations as they appeared in each Commissioner's files.

Commissioner Carson entered a motion to approve the TAC recommendation. Commissioner Kim entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

**COMMISSION MEMBER COMMENTS AND ISSUES**

Chairman Rodriguez opened for comments and questions from the Commission members.

**Hotel Accessibility (Commissioner Norkunas)**

Commissioner Norkunas prefaced his remarks by stating he has a fiduciary obligation as the disability representative on the Commission in speaking for the 3,102,000 individuals who live in Florida with a disability. He stated he believed he has a moral and ethical commitment to a cause which he has been working with for 54 years of his life. Commissioner Norkunas continued stating the Americans with



Disabilities Act is a civil rights act providing to those individuals with disabilities the full and equal enjoyment of all that is available to everyone. He further stated in 2005 there should be no such thing as an individual with a disability traveling to any public accommodation in the state of Florida with no accessibility provisions. Commissioner Norkunas noted the economy of Florida is a tourist economy which encourages and welcomes individuals from other parts of the country into our state, which would include those individuals with disabilities. He continued stating if it is difficult for the Florida Building Commission to find a hotel or restaurant that meets the requirements of state or federal accessibility laws, it is a sad day for Florida. Commissioner Norkunas further stated there were no immediate cures to change the status of public accommodation in the state. He offered two recommendations to the Commission; i.e., 1) education on accessibility issues; and 2) consistency throughout the state in terms of accessibility education, testing, and availability.

Chairman Rodriguez responded in concurrence with Commissioner Norkunas. He then asked how would the state bring older buildings into compliance with current accessibility regulations.

Commissioner Bassett stated the hospitality industry organizations could bring into focus accessibility requirements and include education on accessibility in their presentations to industry representatives and stakeholders.

Commissioner Norkunas added education on accessibility has been tried with ongoing effort with only minor support from the industry. He then stated there are only two states with a lot of accessibility, California and Florida. He commended officials of Florida who have implemented accessibility requirements in the state.

Joe Crum, Building Official, Port Orange

Mr. Crum stated the building officials enforce the Florida Accessibility Code, however, ADA requirements may only be enforced by DOJ. He continued stating occasionally building officials are limited by political entities and suggested representatives for accessibility reach out and take accessibility education to the county commissions, city officials and commissioners, and other local government representatives.

Commissioner Browdy offered comment stating the Commission has made great effort to disseminate appropriate information and education with respect to disability issues and the Accessibility Code. He reminded the Commission during the last Commission meeting there was a recommendation to ensure that parts of the Accessibility Code were not subject to binding interpretation due to the importance and significance of the Code. Commissioner Browdy stated the Commission over the years



had also created educational opportunities through the use of charets with design professionals specific to the theatre seating issues as well as the most recent charet for miniature golf. He continued stating the history of the Florida Building Commission has been one of understanding and empathy with efforts to create an educational opportunity for the citizens of Florida to better understand the importance of the Accessibility Code.

Commissioner Sanidas offered comment relating to the Embassy Suites in Tampa stating he had requested and was placed in an accessible room. He stated some of the hotels are working on providing accessible rooms and more investigation into the issue would be appropriate before making general conclusions.

Commissioner Bassett stated there are a number of jurisdictions throughout the state that do not understand the ADA. He suggested there be education among Code officials for better understanding of the Accessibility Code.

Commissioner D'Andrea added every year all building officials in the state of Florida attend an accessibility class. He stated the issue is with the 573 interpretations of the Accessibility Code because it was not written by Code officials. Commissioner D'Andrea then stated building officials along with designers work very hard to make sure the building is designed, reviewed, and permitted with the understanding the building officials think they have concerning the Accessibility Code. He continued stating there could be Legislative changes made with regard to existing buildings, as well as systematic inspections for existing buildings to bring the buildings into compliance with the Code.

Commissioner Norkunas encouraged the Commission to meet throughout the state in accommodations that may not be in compliance. He stated he would agree to meet in hotels that do not meet ADA requirements in order to bring the issue to their attention for education and action.

### **GENERAL PUBLIC COMMENT**

*Bob McCormick,*

Mr. McCormick offered comment concerning the recent Structural TAC meetings in Tampa and commended the Commission, DCA, and staff for the room arrangements and organization for the meetings in terms of seating, wiring, and supportive documents.

### **RECESS UNTIL WEDNESDAY 8:30 AM**

***TUESDAY, FEBRUARY 7, 2006***

The meeting of the Florida Building Commission reconvened and was called to order by Chairman Raul Rodriguez at 8:34 a.m. on Tuesday, February 7, 2006, at the Rosen Plaza Hotel, Orlando, Florida.

**COMMISSIONERS PRESENT:**

Raul L. Rodriguez, AIA, Chairman  
Randall J. Vann  
Bill Norkunas  
Nanette Dean  
Christopher P. Schulte  
Michael McCombs  
Hamid Bahadori  
Hernando Gonzalez  
George J. Wiggins  
James Goodloe  
Christ Sanidas  
Gary Griffin  
Peter Tagliarini  
Nicholas D'Andrea  
Richard Browdy

Dale Greiner  
Jeffrey Gross  
Do Y. Kim  
Joseph "Ed" Carson  
Steven C. Bassett

**COMMISSIONERS ABSENT:**

Stephen Corn  
Paul D. Kidwell  
Craig Parrino, Adjunct Member

### **RECONVENE AND WELCOME**

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

### **REVIEW AND APPROVAL OF AGENDA**

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

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

### **CHAIR'S DISCUSSION ISSUES AND RECOMMENDATIONS**

Chairman Rodriguez announced William Rejah had been appointed by Secretary Cohen to the Accessibility Advisory Council in order to attain quorum. He extended a welcome to Mr. Rejah for serving on the Council.

Chairman Rodriguez addressed the issue of the Coastal High Hazard Study Committee process stating in September of 2005 Governor Bush issued an Executive Order creating the Coastal High Hazard Study Committee. He then read an excerpt of the order:

*. . . The committee shall be a forum for identification, discussion, and recommendation of enhanced land planning strategies and development standards that are consistent with protected property rights, and which establish clear standards for mitigation of life safety, community infrastructure, and property hazards. The committee shall consider, evaluate, and make recommendations concerning issues of importance to the protection of coastal resources . . .*

Chairman Rodriguez stated the committee has met a number of times and the work is intensive. He continued stating the Commission had been provided a seat on the committee and he or Mr. Dixon had attended each meeting including a conference call and final recommendations have been developed. Chairman Rodriguez stated only one of the recommendations is an issue relating to growth management which would concern the Florida Building Commission. He further stated when DCA reviews comp

plan amendments it is typical for CHHA construction increased density requests to be rejected. Chairman Rodriguez stated the proposal which has been recommended by the committee would provide an option in the Code allowing increased density through performance-based construction versus the current prescriptive criteria methodology. He then read the recommended text as follows:

*To avoid costly redevelopment expenses, new development within the CHHA could consider utilizing increased density mitigating options such as code-plus construction [enhanced building code options] to reduce risks to life and property by basing requirements on more severe storms and required by current policies. Such requirements would result in buildings built to withstand the hazards of stronger storm surges, more severe flooding, and higher winds. Special consideration should be given to the corrosive effects of the coastal environment on construction materials and to the enhanced effects of winds near open water on buildings. This includes greater wind forces and the risks related to windborne debris. Buildings within the CHHA are on the front line and take the strongest water and wind effects of hurricanes as they move on shore and continue across the land. Higher standards will reduce damage costs and speed recovery while providing for more adequate shelter in the more frequent storms.*

Chairman Rodriguez stated there was no Commission action necessary with regard to the recommendations and if the recommendations are adopted by the Legislature the Commission would then be charged with developing the performance-based criteria.

Chairman Rodriguez then addressed an issue concerning the Commission's ability to represent Legislative interests. He stated many of the Commission members have expressed frustration with the Commission's ability to advance Legislative agendas. He continued stating the issue had been discussed with DCA staff and legal upon which a recommendation was based to hold a bi-weekly conference call during the Legislative session. Chairman Rodriguez stated the conference call would be advertised as a Commission meeting and Mr. Richmond and/or staff would update the Commission regularly concerning the status of the Commission's Legislative agenda. He continued stating the updates would also provide a means for the Commission to make recommendations and provide appropriate ongoing guidance to staff. He further stated the conference calls would be scheduled for Mondays and would allow Legislators to participate. Chairman Rodriguez noted the dates scheduled for the conference call meetings during session are March 13, April 3, April 17, and May 1, 2006, with times to be determined and announced.

Chairman Rodriguez then addressed special project issues which were identified by stakeholders. He stated it had been requested that the Commission develop recommendations for each issue through a work group process. Chairman Rodriguez addressed each issue as follows:

1) Annual Interim Amendment and Update Process – Chairman Rodriguez stated Mr. Blair would conduct an assessment on the Annual Interim Amendment and Update Processes. He continued stating the Commission would be requesting statutory authority for an “expedited amendment process” in Chapter 553, for glitch and correlation amendments. Chairman Rodriguez explained the process would allow the Commission to implement expedited amendments using only the standard Chapter 120 rule development procedures. He stated if the Commission is granted the authority, the annual amendment process should be re-evaluated. He continued stating building officials and industry representatives have expressed concerns regarding amending the Code closely following a major Code update. Chairman Rodriguez further stated the 2004 edition of the Code became effective October 1, 2005, with the process of considering annual amendments already in place. He then requested Commission action to charge the facilitator with conducting an assessment project on the Commission’s Annual Interim Amendment and Triennial Update Processes.

Commissioner D’Andrea moved approval to direct the facilitator to conduct an assessment as described. Commissioner Wiggins entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

2) Code Correlation Committee – Chairman Rodriguez stated he would be appointing a commission of building officials to serve as a Correlation Committee to assist staff in reviewing ICC materials from the glitch process and ensuring that all amendments and ICC materials are correlated within the Code. He stated staff would assume responsibility for contacting members of the commission by phone seeking their assistance as necessary. Chairman Rodriguez announced the members of the Correlation Committee as follows: Nick D’Andrea; Herminio Gonzalez; Dale Greiner; Christ Sanidas; George Wiggins; and Jim Goodloe.

3) Termite Work Group – Chairman Rodriguez stated it would be necessary to appoint a Termite Work Group to consider proposals for enhancing the Code’s termite provisions. He continued stating staff was working with stakeholders to identify members to serve on the work group and appointments would be announced once those members have been identified.

4) Window Work Group – Chairman Rodriguez stated the Windows Work Group would consider and develop recommendations regarding labeling and water intrusion.

He announced the members of the Windows Work Group include Commissioner Greiner; Jaime Gascon; Jim Shock; Roger Sanders; Chuck Anderson; Dave Olmstead; Dick Wilhelm; Robert Amarus; C.G. Valentine; John Hill; Dwight Wilkes; and C.W. McCumber.

A) Energy Code Transition Work Group – Chairman Rodriguez stated as a result of discussion and amendments proposed to the Energy TAC, the TAC has recommended the proposed transition to the International Energy Conservation Code be evaluated and recommendations developed for the next Code update process. He continued stating to accomplish the review and recommendations, there will be an IECC Transition Study Work Group appointed. He further stated staff and stakeholders were in the process of identifying members with appointments to be made following that process.

B) Roofing – Chairman Rodriguez stated stakeholder input was being collected and two alternatives were being considered, i.e.; a) form a separate Roofing TAC; or b) to continue with a Roofing Subcommittee to the Structural TAC. He then encouraged suggestions and preferences from Commissioners and industry representatives be submitted to staff.

5) 2006 Annual Interim Amendment – Chairman Rodriguez expressed appreciation to the TACs for their great efforts in reviewing and developing recommendations on some 645 amendments. He then stated during the January 2006 TAC meetings TAC chairs were reminded that the primary purpose of the Glitch Code Amendment Process was to focus on identifying and correcting glitches in the Code. Chairman Rodriguez stated the 2004 edition of the Code represents a first update of the Code and a transition from the Standard Building Code to the International Building Code as the foundation code. He continued stating as a result of the transition, the 2004 Code has introduced a large number of changes which industry and Code enforcement officials are beginning to master. Chairman Rodriguez further stated the Commission should be cautioned not to introduce a large number of additional changes during the 2006 Annual Interim Amendment Process. He recognized there were changes that were necessary in order to correct glitches, update standards, and provide clarity or address an immediate problem such as hurricane protection.

Chairman Rodriguez then added the Commission must consider the laws and requirements for the Annual Amendment Process. He stated Chapter 553 requires that the Commission approve annual amendments upon finding that the amendment meets all of the following criteria: 1) The amendment must be needed in order to accommodate the specific needs of the state; 2) The amendment has a reasonable and substantial connection to the health, safety, and welfare of the general public; 3) The amendment strengthens or improves the Code or provides for innovation or new



technology by allowing equivalent or better products, methods, or systems of construction; 4) The amendment does not discriminate against products, methods, or systems of construction of demonstrated capabilities; and 5) The amendment does not degrade the effectiveness of the Code.

Chairman Rodriguez stated the Commission must also consider fiscal impact of each amendment as it relates to local government, industry, and property and building owners. He continued stating the Commission must keep the FBC and the FFPC in sync to the extent possible and keep the FBC up to date with changes to the International codes with as little lag time as possible. Chairman Rodriguez concluded by stating the best the Commission could do would be two years behind the International codes, which would place Florida codes three years behind the NFPA. He then requested Commission action to only consider correlation and standards updates, glitch and hurricane related amendments.

Commissioner Bassett asked who would be authorized to pull amendments from the TAC approved consent agendas.

Chairman Rodriguez responded the Commission would be considering the amendments during plenary sessions.

Commissioner Browdy moved approval for the Commission to only consider amendments related to hurricane provisions, glitch, standards updates, and correlation issues. Commissioner D'Andrea entered a second to the motion.

Commissioner Browdy stated the issues related to hurricanes are very broad in terms of what is and what is not a hurricane related issue. He then offered an amendment to his motion to narrow the words "hurricane issues" which is too broad. He suggested changing the language from "hurricane" issues related to life safety hurricane issues.

Mr. Richmond offered clarification stating the process being discussed is simply the Commission's annual amendment cycle, which is outside the Legislative hurricane issues. He recommended to each Commissioner who has concern with any item included in the consent agenda amendments, that the item be removed from the consent agenda and considered individually.

Mr. Blair added the language could be restricted to state "those hurricane related provisions that have been bedded and recommended by the Hurricane Research Advisory Committee".

Mr. Dixon interjected stating there were a number of items to be put forward for Code amendment immediately, while there were other items recommended for further research and development standards.

Mr. Blair repeated the motion as amended to state the Commission would consider amendments related to hurricane provisions that were bedded and recommended by the Hurricane Research Advisory Committee for approval during the glitch process, as well as glitches, standards updates, and correlation issues.

Commissioners Browdy (maker) and D'Andrea (second) accepted the motion as amended.

Commissioner Bassett stated the wordsmithing was not necessary because a Commissioner merely needs to express that the item is not hurricane related and remove it from the consent agenda then a 25% vote would sustain the removal.

Commissioner Kim expressed support for the motion then voiced concern with trying to narrow the scope of the Code changes. He stated he had brought the matter before the Structural TAC as well as the Commission on occasion and had been told the process was an open amendment process.

Mr. Dixon offered clarification stating the requirement of law as expressed in Chapter 120 provides that any changes may be entered by those who wish to do so. He continued stating that does not obligate the Commission to approve the changes.

Commissioner Bassett proposed an amendment to the amended motion stating that any issue approved through the TAC but determined by the Commission that it is not a part of the process, would automatically be re-submitted in the name of the proponent for later consideration.

Mr. Dixon stated there are legal issues involved with Commissioner Bassett's proposal. He explained staff may notify proponents to review their proposal consistent with the 2006 International codes then resubmit the proposals, but staff may not make the changes and resubmittals.

Mr. Richmond added the pulled amendments could be left pending on the website as originally submitted to be reconsidered at a later date. He advised staff submitting amendments should be discouraged because of the analysis of the amendments that is mandatory.

Commissioner Greiner expressed discomfort with amendments being automatically forwarded as well as with staff notifying proponents to review and



resubmit their amendments. He encouraged proponents to monitor and review their amendments and take necessary action to direct them appropriately.

Commissioner Griffin added the TAC voted approval for staff to notify proponents and those participants who attended the meeting left with the understanding they would be notified. He suggested perhaps staff enter notification advising proponents they would not be notified to review and resubmit amendments.

Chairman Rodriguez stated the TAC had voted to make the recommendation to the Commission for staff to make notifications and explained that although rarely does the Commission fail to follow TAC recommendation, it has happened.

Commissioner Greiner suggested placing notification on the website of Commission action relating to staff notifying proponents of their amendments so the proponents would be informed.

*Jack Glenn, Florida Home Builders Association*

Mr. Glenn expressed concern with the modified motion. He stated there was a great deal of work and money spent to provide prescriptive requirements for the IRC for those items that were not bedded and approved by the Hurricane Research Advisory Committee. He continued stating those items represent approximately half of those amendments considered by the Structural TAC resulting in the amendments made from the work and effort conducted during the three-day meeting would now not meet the criteria according to the language of the motion.

Mr. Dixon concurred adding the Commission had been previously advised the requirements of the Residential Volume of the Code did not apply to Florida. He stated staff then began researching options to improve the Residential Volume and ICC began a process to update the SSTD 10 to be integrated into the Code. Mr. Dixon continued stating the ICC process has still not produced an improved document. He then explained the participants in the SSTD 10 updating process had been contracted by DCA to work on updating the Residential Volume of the Code. The resulting updates and amendments have gone through TAC review and provide a significant update to the Code's hurricane requirements.

Chairman Rodriguez then called for a vote on the motion. Vote to approve the motion resulted in 10 supporting and 9 opposed. Motion failed.

Commissioner Greiner moved approval of the original motion as presented prior to the amendment.

Chairman Rodriguez then read the original motion which stated the Commission would only consider amendments related to hurricane provisions, glitch, standards updates and correlation issues during the 2006 Interim Amendment Process.

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

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

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

Mr. Dixon reviewed the work plan as presented in each Commissioner's agenda packet.

Commissioner Wiggins moved approval of the updated work plan. Commissioner Gonzalez entered a second to the motion then requested clarification concerning item 12 on page 7 of the work plan.

Mr. Dixon responded stating the status for the schedule relating to the 2007 Code update is in flux because the Commission may not consider proposed changes until the 2006 International Codes have been released for six months. He continued stating there are certain volumes of the code available now but the International Residential Code will not be available until March 2006. Mr. Dixon stated the six months count may begin following the release of the Residential Code in March.

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

### **CONSIDER ACCESSIBILITY WAIVER APPLICATIONS**

Chairman Rodriguez directed the Commission to Neal Mellick to present the accessibility waiver applications.

Mr. Mellick presented the 12 accessibility waiver applications as they appeared in each Commissioner's files. He stated application # 10, Historic Train Depot, was deferred at the request of the applicant. Mr. Mellick then explained the Council had voted not to reconsider the Oseroff application, which had been denied during the October 2005 meeting.

Mr. Mellick stated the Council recommended approval for the following applications:

#1 Galleria Theatre

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

#3 Cobb Theatre

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

# 9 Lane Pontiac, Buick, GMC

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

#11 CVS Pharmacy Distribution Center

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

Mr. Mellick stated the Council recommended approval with conditions for the following applications:

# 2 World Gym Fitness Center

Mr. Mellick stated the Council recommended approval with the condition the applicant provide staff a breakdown of the accessible features, including the costs, to meet the required 20% accessibility allocation.

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

# 4 Hollywood Movie 14

Mr. Mellick stated the Council recommended approval with the condition that one additional required accessible seat with its companion seat be added to theatres 6 and

9, as well as an additional accessible seat with its companion seat be added to the lower levels of theatres 1, 7, 8, and 14, with the revised plans submitted to DCA for verification.

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

#5 Clariden Associates, Inc.

Mr. Mellick stated the Council recommended approval with the condition an accessible restroom be provided on the first floor and provide a listing of uses of rooms on the plans to DCA staff for verification.

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

#6 Little Haiti Cultural Community Center

Mr. Mellick stated the Council recommended approval with the condition the accessible seat located on the end caps of the rows be moved in one seat allowing a companion seat to be on the end caps.

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

#8 José Martin Park Gymnasium

Mr. Mellick stated the Council recommended approval with the condition the accessible seats located on the end caps be moved in one seat to allow a companion seat to be on the end cap.

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

Mr. Mellick stated the last application was recommended for deferral:  
# Little Haiti Soccer Park

Mr. Mellick stated the Council recommended deferring the application to allow time for the applicant to provide additional information related to an additional required accessible seat not located in the facility with its companion seat, the line of sight and visual obstructions to the playing field, accessibility to the control room and press box, and provide details for the roof covering over the bleacher area.

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

Commissioner Norkunas offered comment stating the Commission would continue to hear his comments over the next four years each time the Advisory Council appears before the Commission. He stated he was not raising issues or second guessing the work of the talented Council members. He continued by stating he is the disability representative for the Florida Building Commission and has a fiduciary obligation to speak when he deems it necessary. Commissioner Norkunas further stated the applications for waiver presented to the Accessibility Advisory Council do not appear to be considered equally. He explained one previous application was presented by a high paid lobbyist and the waiver was approved. He then stated an architect presented an application during the last Council meeting and the application was not approved, however when he re-appeared before the Council during the most recent meeting, he appeared with a high profile architect and the application was approved. Commissioner Norkunas stated nothing relating to the application had changed except the individual delivering the presentation. He then stated there seems to be a great number of theatres appearing for waivers and encouraged the Commissioners to look for ways to make changes in terms of the accessibility requirements for vertical access so it would not always be necessary for theatres to come before the Commission for waivers. Commissioner Norkunas addressed viewing angles stating they had been published by the access board to be approximately 30%. He noted the waivers viewing angles for many of the smaller theatres exceeds 30%. He encouraged the Commission to pay close attention to the small increases in viewing angles for theatres and stressed the importance of the 30% line of sight. Commissioner Norkunas then pointed out to the Commission there were three local government entities on the list of applications for waiver then stated a government entity should never appear before the Commission requesting an accessibility waiver.

Mr. Mellick responded to Commissioner Norkunas' comments by stating the Council does not base opinions or recommendations on the presenter, rather the opinions are based on findings of facts presented by the applicants. He stated there had been many high profile presenters that have been denied. Mr. Mellick then stated the specific case referenced in Commissioner Norkunas' comments was re-submitted with many changes to the plans which were improvements in terms of accessibility,

including line of sight issues. He further stated local governments would continue to appear before the Council with issues relating to bleachers and stadium seating until the Accessibility Code requirements are changed.

Commissioner Bassett offered comment stating there is a history of the Commission overturning recommendations made by the Advisory Council. He continued stating the Commission had addressed the theatre issues six or seven years ago and it was determined the Accessibility Code is Legislatively mandated and the Commission has no authority to make changes to the Accessibility Code nor offer binding opinions. Commissioner Bassett stated the Commission held a design charet to determine guidelines that may be acceptable to submit for consideration.

### **DISCUSSION OF WIND DESIGN EXPOSURE CATEGORY C DEFINITION**

Chairman Rodriguez stated Section 41 of S.B. 442 requires that the Florida Building Commission shall evaluate the definition of Exposure C category as currently defined in Section 553.71(10) FS and make recommendations for a new definition that more accurately depicts Florida specific conditions prior to the 2006 regular session. He continued stating prior to the Commission's December meeting DCA staff discussed the issue with affected interests and proposed a recommendation strategy to enhance the current definition while preserving its feasibility for implementation. Chairman Rodriguez further stated the Commission voted to refer the recommendation to the Structural TAC for review, however the Structural TAC did not have a quorum for their most recent meeting and have not discussed the issue. He stated staff had discussed the issue with stakeholders and agreement has been reached concerning a concept for Exposure B instead of Exposure C to serve as the default and Exposure C will be defined according to criteria and definitions developed in a stakeholder consensus process. He noted the Commission would then adopt a definition by rule if deemed necessary. Chairman Rodriguez then explained the recommendation is for the Commission to include in its Report to the Legislature a request seeking authority to define Exposure C in rule and the definition be removed from law. He opened for Commission action relating to the recommendation.

Commissioner D'Andrea moved approval for the Commission to recommend to the Florida Legislature the definition of Exposure C be removed from law, thereby authorizing the Commission to adopt a new definition within the Code by rule. Commissioner Greiner entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

### **UPDATE ON PANHANDLE WIND BORNE DEBRIS STUDY (DR. KURT GURLEY)**

Chairman Rodriguez stated Section 39 SB 442 mandates that the Commission, in conjunction with local building officials, conduct a review of damage resulting from Hurricane Ivan and any other data to evaluate and to make recommendations to the Legislature for any changes to Florida's Building Code specifically as it applies to the region from the Eastern border of Franklin County to the Florida-Alabama line, then issue a report summarizing the findings and recommendations prior to the 2006 regular session. He continued stating on September 13, 2005, the Commission conducted the first workshop, which was held at the Okaloosa County Airport, for the purpose of soliciting input from local building officials and other stakeholders in the panhandle region of the state. Chairman Rodriguez further stated an overview of the workshop process had been delivered to the Commission during the October 2005 Commission meeting and the Commission voted unanimously to request budgetary authority to contract with Applied Research Associates to conduct an engineering based risk assessment of hurricane windborne debris protection options for the panhandle in order to analyze the risks, costs, and benefits of windborne debris protection for the region. He then directed the Commission to Dr. Kurt Gurley for a presentation on the results of the risk assessment study.

Mr. Gurley presented the report of the Wind Borne Debris Criteria for the Florida Panhandle via PowerPoint presentation. (*See Assessment of Wind Borne Debris Criteria for the Florida Panhandle February 2006 ARA Progress Report.*)

Chairman Rodriguez asked if the forest referred to in the panhandle would be pine lands and if the models have been adjusted appropriately.

Dr. Gurley replied there are coefficients in the hurricane wind model that allow accounting for the local terrain, which would include trees as well as hills.

Commissioner Bassett asked if the model has been formatted to consider the quality of construction and the durability of the tree canopy.

Dr. Gurley responded the ARA wind model does account for the possibility of tree "blow-down", which would include the tree impacting the structure.

Commissioner Kim asked if ARA has a methodology for defining a tree line in the panhandle.

Dr. Gurley responded stating there are no preconceived notions regarding methodology or where the tree line would be drawn. He explained the idea is to obtain a balance between the costs and the benefits that would be equal.

Mr. Madani asked if the growth of the areas is being factored into the model.



Dr. Gurley responded stating the model is capable of reflecting changes by reconducting analysis for the years in which there has been known significant changes. He stated the recommendations made based on current analysis will continue moving as development progresses in the state of Florida.

Mr. Dixon added the point of the project is to provide background data for Commission consideration in establishing the wind borne debris region. The proposed recommendation to the 2006 Legislature is to remove the definition from the law and leave the Commission to determine the appropriate region through its consensus processes.

Commissioner Greiner offered comment stating there is much discussion regarding how much trees protect structures, however given the successive wind events the trees that are protecting the structures become less in numbers.

Chairman Rodriguez responded that historically developers have removed trees to build subdivisions because it is cheaper. He offered comment stating in a capitalist system the market governs so the possibility of trees becoming more useful could make a comeback in the market place, not only for their decorative and shading appeal, but for their deterrent abilities. Chairman Rodriguez then stated the advantage of education is it puts the information out there and people can make their choices.

Mr. Dixon noted it may be discovered that there are other perils caused by trees that need to be acknowledged and addressed in the Code.

Commissioner Bahadori asked if the report would clearly indicate the limitations of the ARA model.

Dr. Gurley responded there will be language that identifying reasonable uncertainties.

### **DISCUSSION ON DEVELOPMENT OF RECOMMENDATION TO THE 2006 LEGISLATURE**

Chairman Rodriguez opened for a motion to recommend to the Legislature that the panhandle windborne debris region definition be removed from law, thereby authorizing the Florida Building Commission to adopt a new definition within the Code by rule.



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

### **UPDATE ON REPORT TO THE 2006 LEGISLATURE**

Chairman Rodriguez stated during the December Commission meeting the Commission authorized the Chairman to review the final draft of the full Report to the Legislature, ensure accuracy and forward the approved report to the Legislature. He then directed the Commission to Mr. Blair for a review of the report.

Mr. Blair conducted a review of the Report to the 2006 Florida Legislature as it appeared on each Commissioner's files as well as the website. (See *Florida Building Commission's Report to the 2006 Legislature*.)

### **CONSIDER COMMITTEE REPORTS AND RECOMMENDATIONS:**

#### **Accessibility TAC**

Commissioner Gross presented the report of the Accessibility Technical Advisory Committee. (See *Florida Building Commission Accessibility TAC Meeting February 6, 2006*.)

Commissioner Gross requested in the form of a motion approval for the Accessibility TAC to be the center for recommendations for improvements for hotels in the Commission meetings are held. Commissioner Greiner entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Commissioner Gross stated historically the Accessibility TAC has supplied individuals to come before the Commission to discuss sensitivity issues. He the requested Commission action to approve 15 minutes during the March Commission meeting for Commissioner Norkunas to provide a presentation concerning disability issues. Commissioner Greiner entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Commissioner Gross requested Commission action to approve requesting Legislative action which would allow movie theatres and stadium areas to bypass waivers and automatically receive approvals if they meet criteria of the formal workshops that have been held in the past.

Commissioner Browdy moved approval for the motion as stated. Commissioner Wiggins entered a second to the motion.

Commissioner Browdy offered comment stating Legislative guidelines could be presented to building officials for determining whether or not a theatre complies. He continued stating the best option would be for the motion picture theatre industry to go through the Prototype Building Program and have the prototypes approved at the state level. Commissioner Browdy reminded the Commission just because Legislative action is taken does not mean theatres and stadiums will not appear before the Commission for waivers.

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

Commissioner Gross requested Commission action to authorize the TAC to review the viewing angles and determine whether 30% is the proper viewing angle, then make recommendations to the Commission regarding the findings.

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

Commissioner Gross requested a motion to authorize the TAC to investigate, review, and determine whether there are differing interpretations of the Accessibility Code throughout the state then explore resolution options.

Commissioner Greiner moved approval of the motion as stated. Commissioner Bahadori entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Commissioner Gross requested a motion to authorize the TAC to review federal court decisions concerning accessibility issues and develop a reference list or register so the issues would be available for review for future decisions.

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

Commissioner Gross requested a motion to authorize the TAC to determine with legal's input whether more public input could be placed in the Accessibility Council meetings.

Commissioner Tagliarini moved approval of the motion as stated. Commissioner McCombs entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Chairman Rodriguez applauded the work the Accessibility TAC is doing and the work the TAC has just been authorized to tackle.

Commissioner Greiner reiterated the Chairman's comments then echoed Commissioner Norkunas' earlier comments regarding California and Florida and their efforts to meet accessibility issues. He stated he would like to see Florida brought to the top in terms of providing accessibility.

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

Commissioner Norkunas offered comment stating he had reviewed the work of the other TACs and is very impressed by what the Education POC brings to the Commission. He then stated all the committees carry the word "Advisory" and upon review of Rule 9B 3.004, Commission Organization and Operations, he discovered item #6 speaks to the purpose and the mission of the committees. Commissioner Norkunas explained the language discusses the need to review issues, advise the Commission regarding declaratory statement, etc., then finally it states at the end, ". . . and in all other areas of interest to the Commission as delegated by the Chairman". Commissioner Norkunas then appealed to the Chairman to allow the Accessibility TAC to discuss most anything related to accessibility without coming before the Commission for permission, rather seek approval for the recommendation that would result from the discussions.

Chairman Rodriguez responded stating it is preferred that issues come before the full Commission not to ask permission but to keep the Commission informed in order to achieve consensus when voting is needed.

### **Code Administration TAC**

Commissioner Wiggins presented the report of the Code Administration Technical Advisory Committee. (See *Code Administration TAC Meeting January 23, 2006.*)

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

## **Education POC**

Commissioner Browdy presented the report of the Education Program Oversight Committee. (See *Education POC Meeting February 6, 2006.*)

Commissioner Browdy requested a motion to approve the requirement for online courses to go through the accreditation process.

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

Commissioner Browdy requested Commission action on the following items:

William Dumbaugh, Application for Accreditor, POC recommended approval

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

Commissioner Browdy presented the following courses which the POC recommended for approval:

Building Structural Internet Course

Commissioner Bassett moved approval of the POC recommendation. Commissioner Gross entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Mechanical Energy Course

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

Plumbing Fuel Gas Course

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

Commissioner Browdy presented the following courses on a consent agenda for approval:

Building Structural; Titan Continuing Education  
Building Structural; Smith, Currey & Hancock  
Building Structural; Contractor's Education Services  
Administration; Becker & Polliocoff  
Building Structural; Contractor's Institute  
Mechanical Energy; Contractor's Institute  
Plumbing Fuel Gas; Contractor's Institute  
Energy Internet; Goldcoast School of Construction  
Building Structural; Pinch-a-Penny, Inc.  
Building Structural; Red Vector  
Building Structural; AAA Construction School  
Mechanical Energy; AAA Construction School  
Plumbing Fuel Gas; AAA Construction School  
Building Structural; Construction Estimating Institute

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

Commissioner Browdy then called for a motion to accept the report.

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

### **Electrical TAC**

Commissioner McCombs presented the report of the Electrical Technical Advisory Committee. (See *Electrical TAC Meeting January 24, 2006.*)

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

### **Energy TAC**

Commissioner Bassett presented the report of the Energy Technical Advisory Committee. (See *Energy TAC Meeting January 30, 2006.*)

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

### **Fire TAC**

Commissioner D'Andrea presented the report of the Fire Technical Advisory Committee. (See *Fire TAC Meeting January 24, 2006.*)

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

Commissioner D'Andrea then presented the report of the joint meeting of the Mechanical/Fire TACs. (See *Joint Meeting Mechanical/Fire Technical Advisory Committees February 5, 2006.*)

Commissioner Browdy moved approval to accept the Fire TAC report from the Joint Fire/Mechanical TAC meeting. Commissioner Wiggins entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

### **Mechanical TAC**

Commissioner Bassett presented the report of the Mechanical Technical Advisory Report. (See *Mechanical TAC Meeting February 5, 2006.*)

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

### **Plumbing TAC**

Commissioner Greiner presented the report of the Plumbing Technical Advisory Committee. (See *Plumbing TAC Meeting January 23, 2006.*)

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

### **Structural TAC**

Commissioner Kim presented the report of the Structural Technical Advisory Committee. (See *Structural TAC Meeting January 23, 2006.*)

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

Commissioner Kim then stated the Structural TAC met February 5, 2006, but did not have a quorum. No code modifications or declaratory statements were considered.

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

### **Special Occupancy TAC**

Commissioner Hamrick presented the report of the Special Occupancy Technical Advisory Committee. (See *Special Occupancy TAC Meeting February 1, 2006.*)

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

### **HURRICANE RESEARCH ADVISORY COMMITTEE**

Mr. Blair presented the report of the Hurricane Research Advisory Committee. (See *Hurricane Research Advisory Committee Meeting February 6, 2006.*)

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

Mr. Blair then requested Commission action to approve the Hurricane Research Advisory Committee's recommendation to the Florida Building Commission to request that DCA seek Legislative spending authority to provide financing for the Walls Wind Facility at FIU and for conducting testing specific to building code development, with the proposed funding amount is \$500,000, of which \$300,000 would be for the facility and \$200,000 for specific testing. Mr. Blair explained the Commission would then have authority to review specific budget and contract requirements once spending authority is granted.



Commissioner Carson moved approval for the motion as stated. Commissioner Goodloe entered a second to the motion.

Commissioner Browdy requested the issue be presented to the Budget Committee for the Florida Building Commission in order that the best sourcing for the money be determined unless it was a time sensitive issue.

Mr. Dixon stated the issue is time sensitive and the budget requests are developed a year in advance. He explained the department's budget, which includes Commission items, was submitted last summer. Mr. Dixon stated there has been a request submitted for supplemental budget amendment authority then he offered clarification stating the motion does not commit the Commission to a project at this time but is asking for the authority to spend, at some future date, money for the FIU facility and testing.

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

Chairman Rodriguez then directed the Commission to Commissioner D'Andrea to revisit the issues surrounding declaratory statement DCA05-DEC-173 for clarification of the report conclusions. He directed the Commission to Section 2203.3 of the Florida Building Code. Commissioner D'Andrea then stated the petition requests clarification for whether the water repellant pertains to all of the listed items, not just the wood structural panels.

Commissioner Browdy moved approval to reconsider declaratory statement DCA05-DEC-173. Commissioner McCombs entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Commissioner Greiner concurred with Commissioner D'Andrea stating he would expect an item that was water repellant to be labeled as such.

Commissioner D'Andrea moved approval of declaratory statement DCA05-DEC-173 provided staff indicates the water repellency applies to all the items. Commissioner Sanidas entered a second to the motion.

Mr. Richmond offered clarification stating the way the order was drafted and the way staff conducted analysis was that exception four allows for water repellant panel sheathing including "the following four examples", creating more than a clarification, rather an imposition of an overlay of water repellency to each of the items, which would likely change the answer or require deferring to the petitioner for additional information.



Commissioner D'Andrea stated the intent of the declaratory statement was to ask if fiber board not less than 7/16" could be used, for which the answer would be yes, provided the fiber board is water repellent.

Commissioner Bassett expressed appreciation for the reconsideration stating he was the one dissenting vote. He stated he opposed the declaratory statement because the answer was unclear as stated.

Mr. Richmond added the answer Commissioner D'Andrea seeks is really a "conditional" declaratory statement rather than providing a definite answer in the way declaratory statements should be worded. He recommended the petitioner should indicate whether the fiber board is water repellent rather than providing him a conditional response.

Commissioner Greiner moved approval to defer the declaratory statement in order to obtain additional information from the petitioner. Commissioner McCombs entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Commissioner Bassett asked if there had been progress made in terms of holding the Miami Commission meeting at the Hard Rock Café in Fort Lauderdale.

Ms. Jones responded stating Commissioner Norkunas had surveyed the hotel for accessibility and it did meet the accessibility requirements. She stated the issue now is price negotiation with their first quote being \$5,000 per day for meeting room space. Ms. Jones continued stating an additional quote should be returned in just a few days.

### **GENERAL PUBLIC COMMENT**

Chairman Rodriguez called for public comment.

### **REVIEW COMMITTEE ASSIGNMENTS AND ISSUES FOR THE MARCH 26, 27 & 28, 2006 COMMISSION MEETING**

Mr. Blair conducted a review of committee assignments and issues for the March 26, 27, 28, 2006 Commissioner meeting.

### **ADJOURN**