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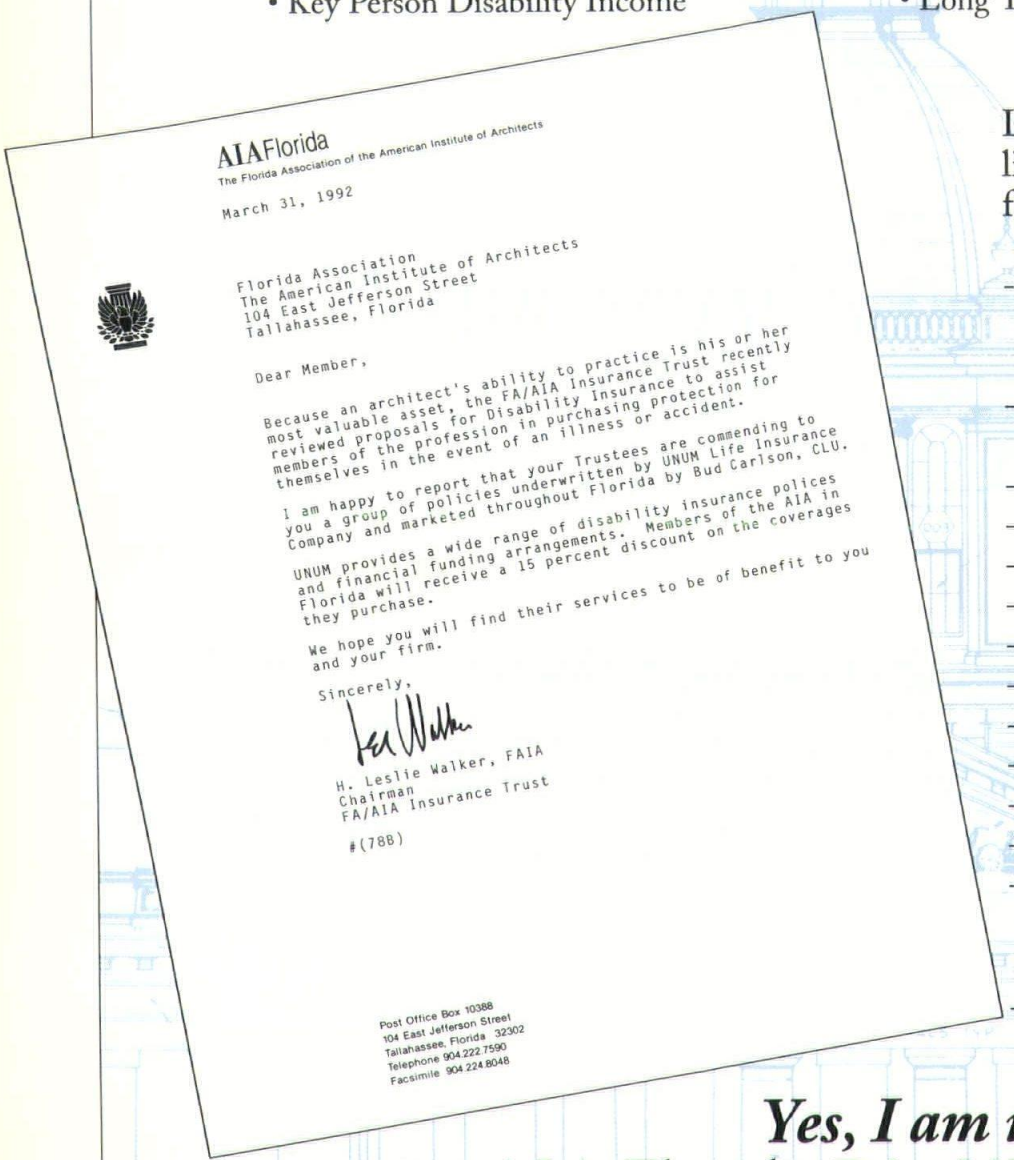

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March 31, 1992

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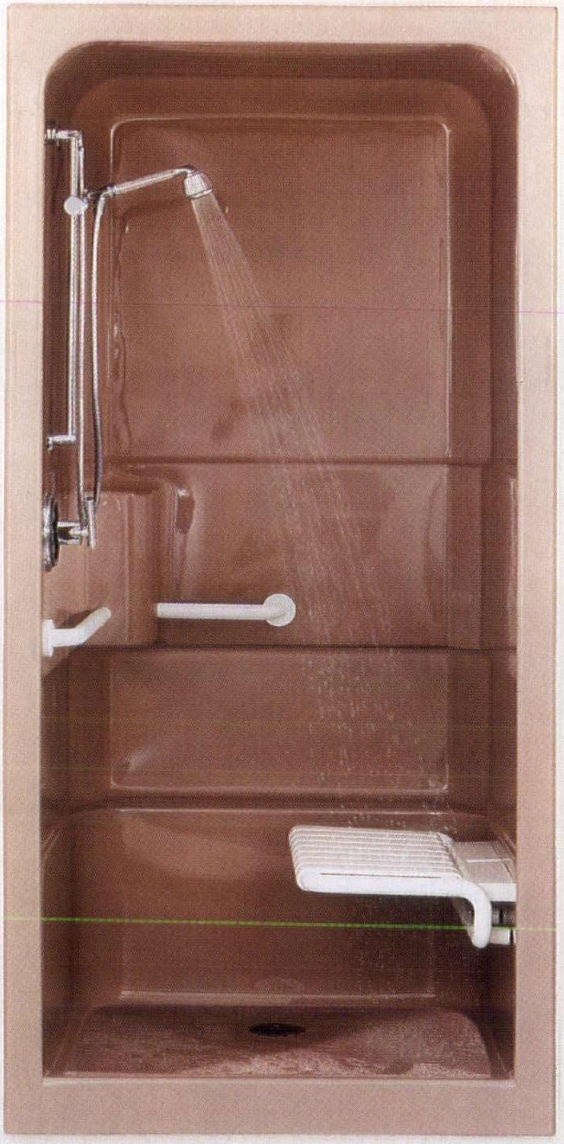

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CONTENTS

FLORIDA ARCHITECT

May/June 1992
Vol. 39, No. 3

Features

Departments

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EDITORIAL

The opportunity to hear Vincent Scully speak about his latest book, *Architecture, the Natural and the Manmade* and see Seaside for the first time in five years took me to the Florida Panhandle community in early March. As always, I enjoyed hearing the Scully lecture. He is the current dean of architectural historians and he remains an animated speaker whose enthusiasm is contagious. However, what I would have liked to hear Scully discuss was the community of Seaside and unfortunately, that was not the topic that evening.

Seaside has grown a lot since I saw it last. And it has been featured in countless numbers of newspapers and periodicals from professional architecture journals to travel magazines. According to an article which appeared in a recent lifestyle publication targeted at physicians, Seaside is "that rarity, an upscale Panhandle resort, this ten-year-old village of Nantucket-like cottages with gracious porches and picket fences....."

Seaside is many things, but Nantucket, it isn't. Nor should it want to be. The analogy was probably drawn because to the layman Seaside looks like a large dense collection of vintage buildings, and therein lies its charm. But, Seaside's buildings are not vintage. They are new. They are the work of contemporary architects. They simply employ a vernacular vocabulary. Therein lies their merit and it is on those criteria that the community should be judged.

In the Winter, 1992, edition of *The Seaside Times*, developer Robert Davis commented on his recent tour of Italy and made the distinction between holiday towns and vacation resorts in Italy. His comments indicate that he would like to see Seaside's reputation aligned with the former, those places that "combine relaxed elegance with liveliness, exuberance and messy vitality."

Could that be to keep it separate from the likes of Disney World? Because, perhaps regrettably, there is little, if any, messy vitality about Seaside. It is nothing, if not pristine right down to the last pink weatherboard. And it speaks a language with which the architectural historian cannot always identify. There are some specific building components here that cannot be found anywhere else, just as there is no antecedent for the American pavilion at Epcot. There is a certain lack of reality about the architecture of both places.

It is premature and unfair to judge Seaside so early in its brief history. The paint hasn't even had time to fade and new buildings are going up all the time. The future will tell us whether this "holiday town" is successful. As to whether its spacious porches and picket fences are a rarity in the Panhandle, clearly the person who wrote that isn't aware of Apalachicola and a handful of other non-resorts that are both charming and a great place to spend a holiday. **DG**

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Construction-Related Report Available

You can obtain a copy of a study entitled "Code Enforcement: Scope and Extent of Problem and Recommendations for Solutions" by Professor Wilson Barnes and Professor Jose Mitrani of the Department of Construction Management at Florida International University. This study addresses two issues: local amendments to adopted building codes and the relationship of uncertified building officials to non-uniform code enforcement.

This research was conducted through a review of written material on the general subject of code enforcement and code regulation reform; through a statewide questionnaire survey of both building officials and design professionals; through personal interviews of random selected building officials and design professionals; through contact with other State agencies; and through contact with, and survey of, code and building officials in other states. The results indicate that, while local amendments have been sometimes used improperly or sometimes used unnecessarily, that they are a useful medium to accommodate the great diversity in Florida's environment and in its political subdivisions. The research also indicated that formal training and certification of code enforcement personnel is desirable.

Copies of this report may be obtained by contacting:
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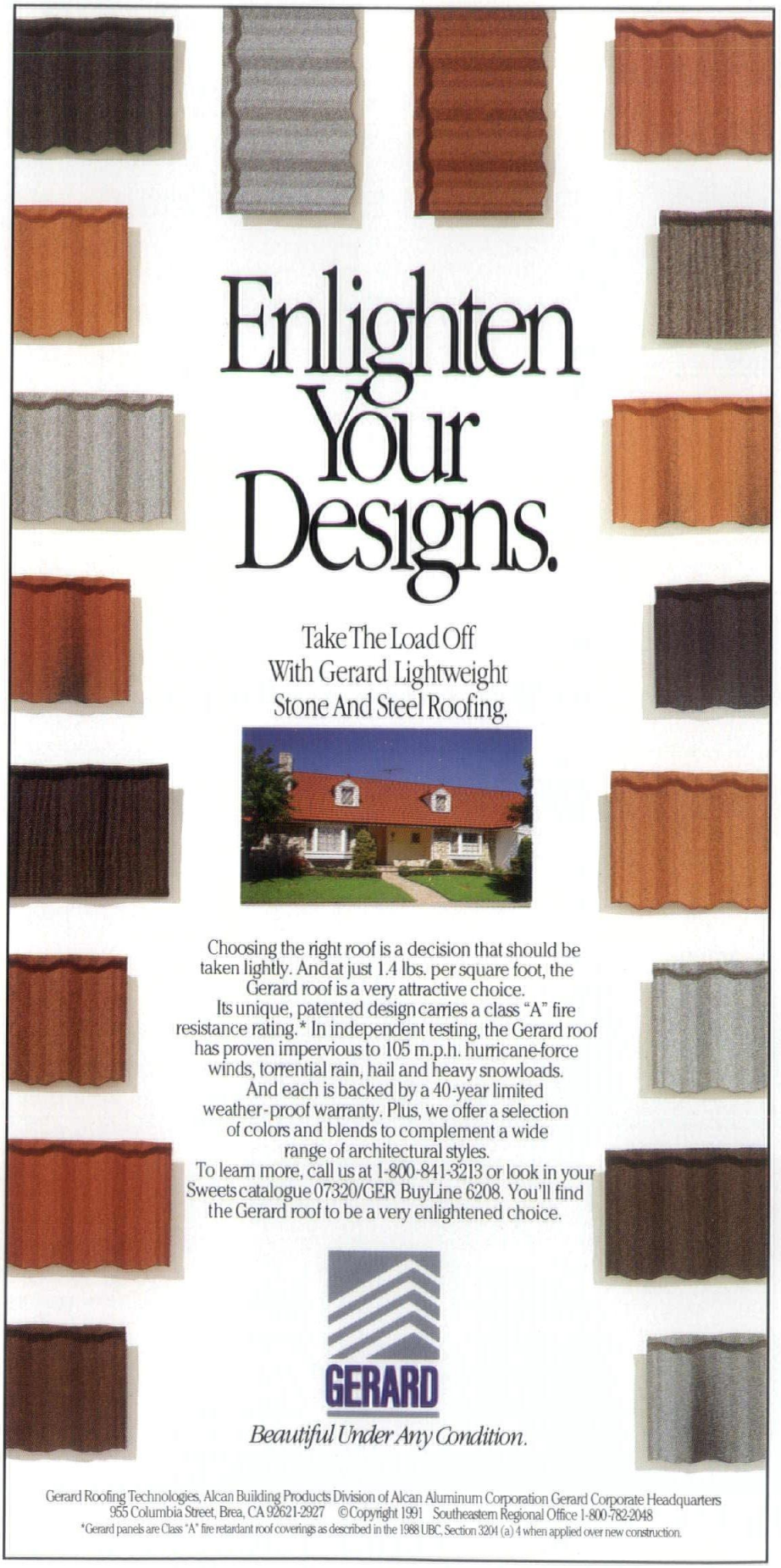

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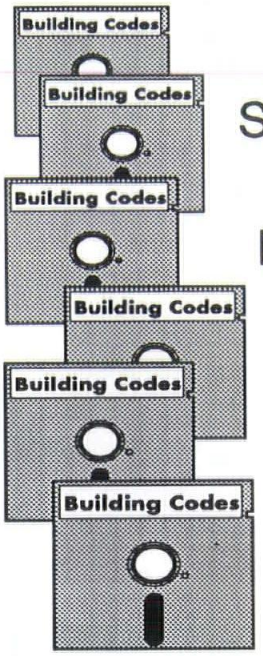

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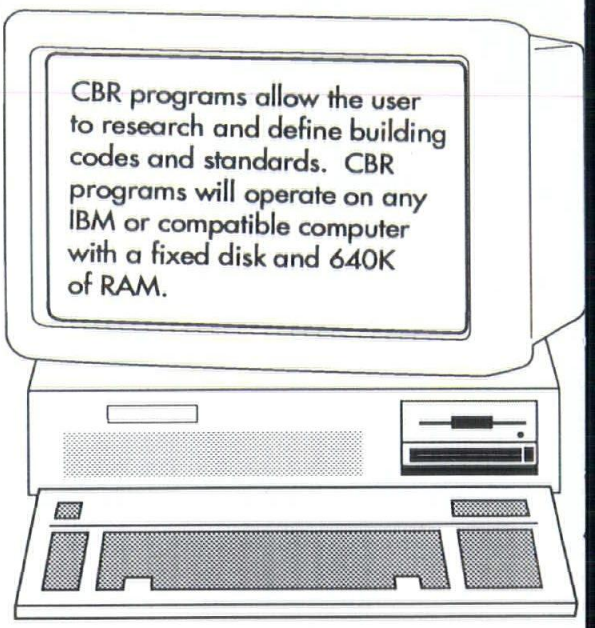

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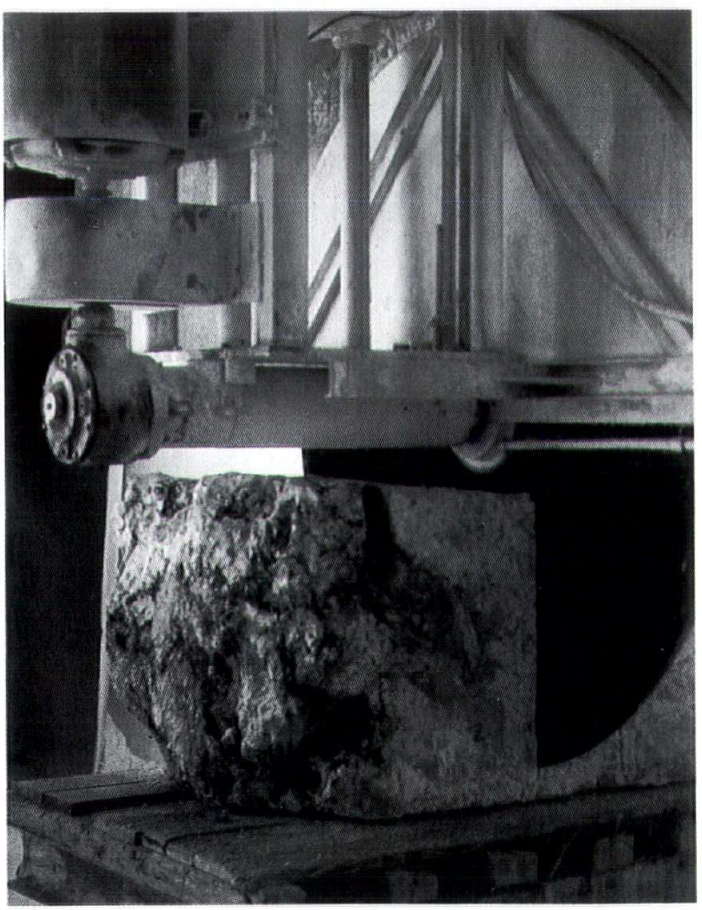

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LEGAL NOTES

Reconsidering The Statute of Repose: A Reasonable Reduction

by Claramargaret H. Groover, Esq.

In Florida, an architect or engineer may remain liable for alleged design defects or deficiencies up to 15 years after the construction project is completed. Studies show that claims for design defects and deficiencies typically arise within the first six to ten years after an owner has occupied the facility. Many states have architect and builder statutes that are more reasonably based on this empirical data. Problems that arise after six years result more often from the effects of the passage of time and are considered maintenance issues that the owner, not the design professional, has the burden to bear along with the benefit of ownership. Architects and engineers question why they and their insurers must remain available to fund the owner's maintenance responsibility on a project that the designer was paid a fee only to design.

Distinguishing Between A Statute Of Repose And A Statute of Limitation

Under Florida Statute 95.11(3)(c) (1980), the legislature established the time limits on an owner or injured third-party to sue for damages arising from the design, planning or construction of an improvement to real property. Florida Statute 95.11 (3) (c) sets forth both a 4-year statute of limitation and a 15-year statute of repose. The statute of repose, unlike a statute of limitation that limits the time in which the owner or injured party may bring an action after the cause of action accrues, operates to bar an injured party's right of action after completion of an improvement to real property regardless of whether the cause of action has accrued. Because the statute of repose may operate to bar a right of action even before an injury occurs, the statute may apply prospectively only and not retroactively.

The 4-year statute of limitation contained in Florida Statute 95.11 (3) (c) for known, or patent, defects begins to run from the latest of the following dates:

1. the date the building department issues the Certificate of Occupancy;
2. the date the owner takes actual possession;
3. the date the contract between the design professional and the owner is completed, or terminated;
4. the date the project is abandoned, if not completed.

On the other hand, if the defect is concealed, or latent, the owner or injured party must file suit within four years after the owner or injured party first knew or should have reasonably known of the defect.

The 15-year statute of repose bars a cause of action brought more than 15-years after the latest of the same events considered under the 4-year limitation period for patent defects, (i.e., the earliest of the date of the Certificate of Occupancy; the date of actual possession by the owner; the date that the professional's contract with the owner is completed; or the date the project is abandoned, if not completed) even if the injury has not occurred. In proving the limitations or repose defense, the designer must show competent evidence that each of the events occurred or is otherwise inapplicable.

Consider the application of the repose period from the design professional's perspective in the following scenario. A mother whose child died in a hotel fire in 1985 sued the architect who designed the hotel claiming negligent design. The architect had prepared the drawings and specifications for the hotel beginning in 1968 and completed them in 1969. The owner, acting as the general contractor, built the hotel without hiring the architect to provide on-site observation services through the construction period. The owner made final payment to the architect in September, 1969, and the architect, thereafter, issued one last addendum to the drawings in October, 1969. After October, 1969, the architect had no further control or involvement in the project.

Beginning in late 1969, the owner finished the hotel and obtained the certificate of occupancy January 14, 1970, and began renting rooms. Over the years from completion until the fire in 1985, the hotel operator maintained and serviced the electrical and heating equipment alleged to have caused the fire. On January 4, 1985, a fire at the hotel resulted in the child's death. The personal representative filed suit February 15, 1985, fifteen years and 31 days after the hotel operator occupied the hotel. Is the statute of repose available as a defense to bar the personal representative's action against the architects?

Claims Studies

Claims against architects and engineers rarely result in payment to the plaintiff and only serve to increase defense costs. Increased defense costs lead to higher premium costs resulting in many professionals considering the option to practice without liability insurance, or "go bare." The cases studied in 1985 considered 234 closed cases in which the liability insurers had made only 39 indemnity payments for settlement or judgment. In other words, only 39 claimants, 16%, successfuly negotiated or litigated the claim against the designer. Only two of the 39 indemnity payments were made on claims arising more than ten years after substantial completion. No data was available on defense costs through litigation and resolution of the 234 closed files studied.

The more telling data not yet available would include totals for the designers' defense costs. The indemnity payments made as a result of an architect or engineer settling the case or paying a judgment rendered against him or her is only part of the story.

The design professional pays the initial costs of indemnity or defense up to the limit of the deductible under the policy. The data regarding defense costs were not collected for the 1967, 1983 or 1985 surveys, but in 1989, studies began to examine more cost information.

In a 1989 study conducted for New Hampshire design professionals, Shinnerer reviewed 57 CNA Company files for the years between and including 1984 to 1988 and focused on 24 claims brought in New Hampshire. By the sixth year after substantial completion, 84% of all claims were made and by the seventh year 96% were brought. No claims were made for years 8, 9, and 10 after substantial completion so that the majority of claims studied were raised within ten years.

The 1989 New Hampshire study noted the amounts paid in indemnity and defense costs on some claims. Of the two claims made in 1985, less than one year after the building was substantially complete, the indemnity payments for the three claims totalled $54,000 and the costs to defend were $85,600. The totals included payments contributed by the design professional under the policy's deductible. This is but a modest glimpse at the defense costs designers are facing.

Statutes Of Repose In Other States

In 1980, when the legislature reenacted the statute of repose, 45 of 50 states had statutory limits on actions based on design or construction of improve-

Cont. on pg. 28

Architecture For The Fast Lane

Corporate Headquarters, Service and Distribution Center
Lamborghini USA
Jacksonville, Florida

KBJ Architects, Inc.
Jacksonville, Florida

Project Architect:
Thomas K. Rensing, AIA
Consulting Engineer:
Smith Hardaker Huddleston and Collins, Inc.
Contractor:
Elkins Industrial Contractors, Inc.
Owner:
The Beekler Company

The client requested that the design of this 56,000-square-foot corporate headquarters, distribution and service center have an elegant, timeless appearance with a style that related to its user.

With a budget in the range of $35 per square foot, including interiors, display area, site work and extensive containerized truck access, a scheme of simplicity of structure and materials was dictated.

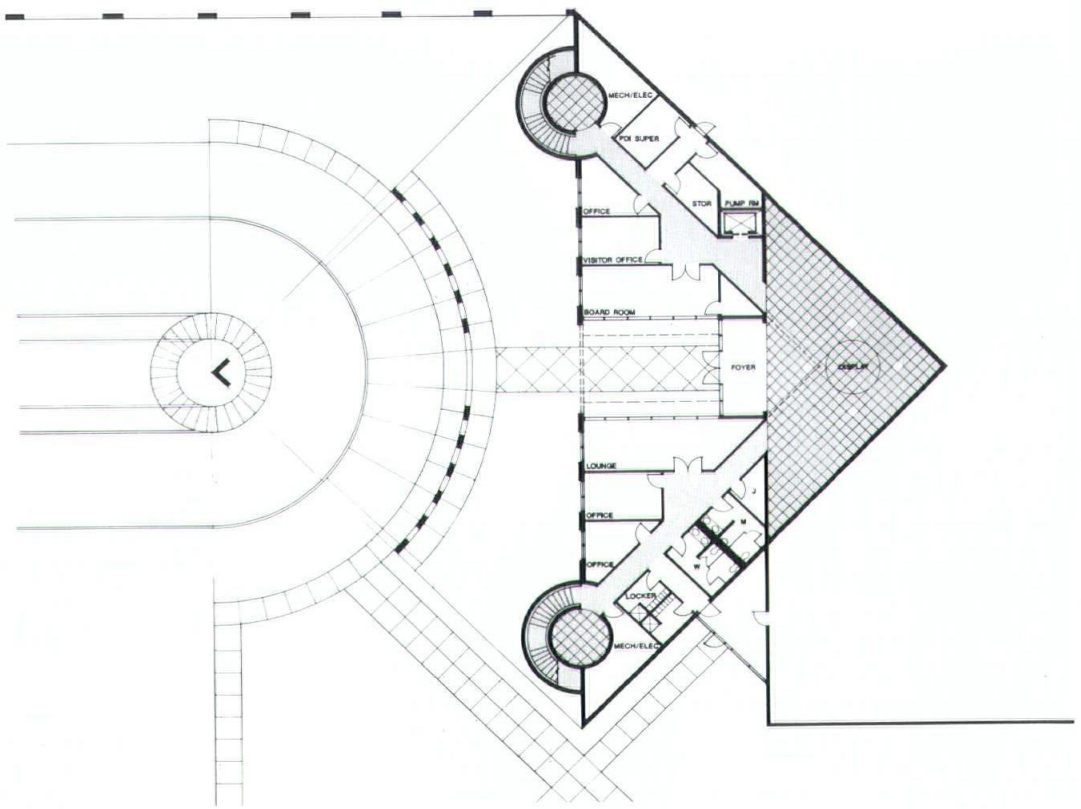
The user, a manufacturer of exotic, Italian handcrafted automobiles, required that the design be of an art form which related to classic design, but, like the automobile, had modern features.

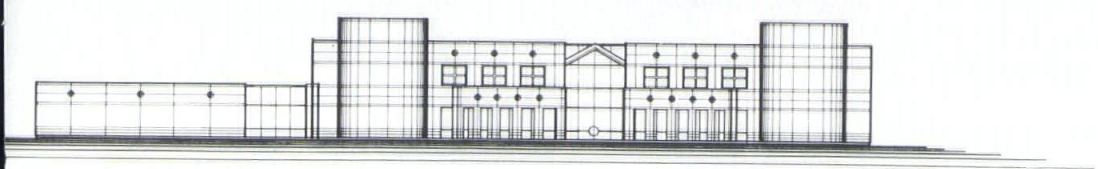
Referring to the style known as Italian Neo-Realism, which frees architecture from the fixed schemes of the modern movement and indirectly relates to historical context, the architect utilized the idea of a race track with hidden historical references and classic beauty.

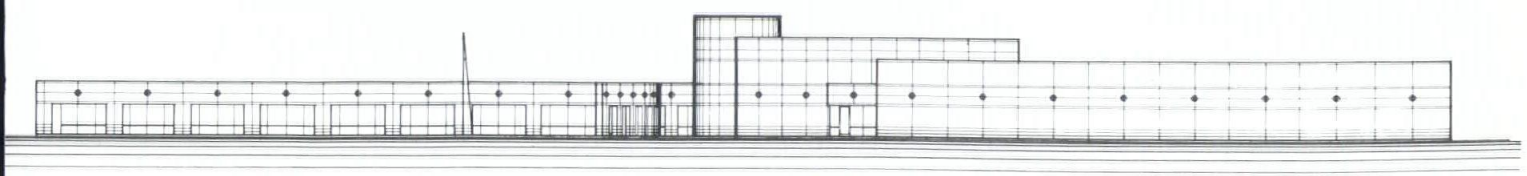
Specifically referenced is the Hippodrome in Constantinople which had a long, linear race track with an enclosure at the end of the processional for heads of state. This structure was designed in a similar fashion with a long processional colonnade leading to the executive area which is surrounded by support areas.

The executive area was designed as a totally separate entity, as a perfect square with the intersection of the race track processional eroding the square into its corner points and establishing the main joints of structure. The primary point at the end of the axis is the display area with its counterpart, the obelisk, at the opposite end of the axis. Stair shafts, of secondary importance, frame the entrance.

White painted concrete with deep rustication was chosen to give the structure a stable, timeless, classic look. The geometry and abstract erosion of the dominant features gives the building its contemporary appearance.







Photos, opposite page, top: *Interior showroom and* below, floor plan level one. This page, top: *Main facade and entry and elevations.* Photos by Cheuvront & Assoc.

The Bus Stops Here

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Bruce D. Amalfitano, AIA
Consulting Engineer:
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Landscape Architecture:
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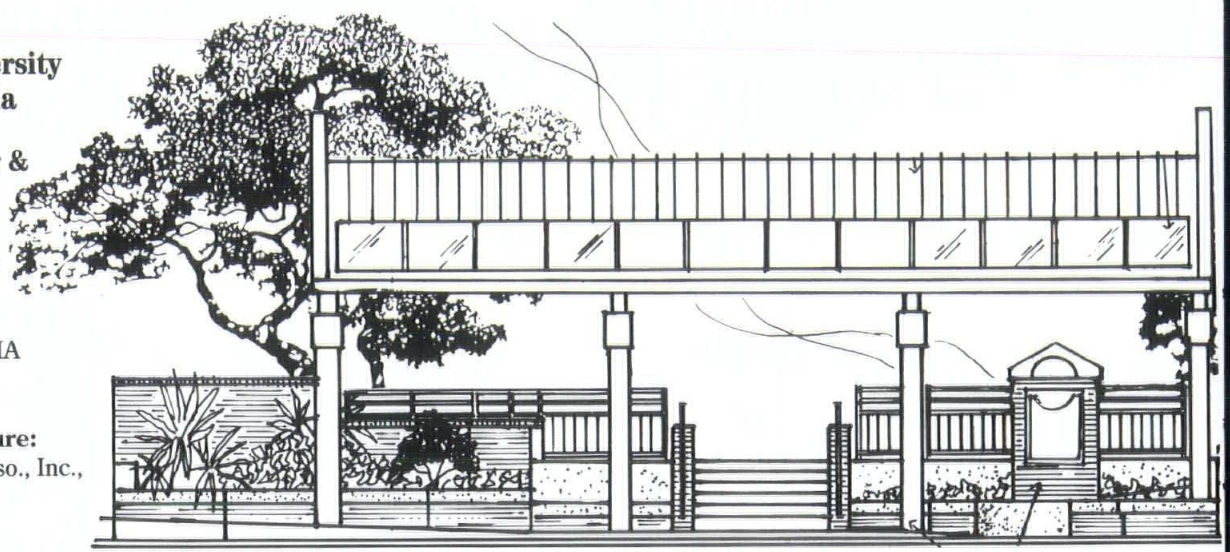
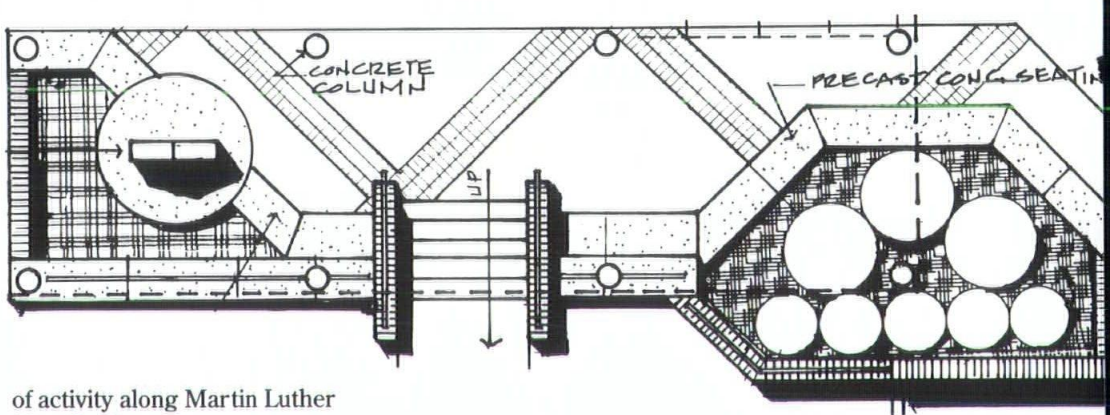


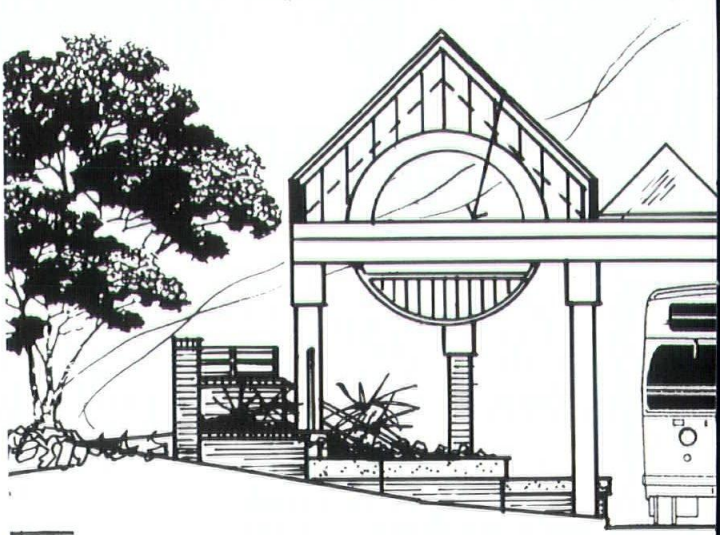


The creation of a pedestrian plaza which would create a strong central core uniting the area around Florida A&M University's Student Union was the goal of this design. The project closed a congested street to all vehicular traffic except buses and introduced planters, seating areas, paving, shelters and landscaping to the area. The plaza unites three other major projects including the Student Union Renovation, the Quadrangle Redesign and the renovation of Lee Hall.

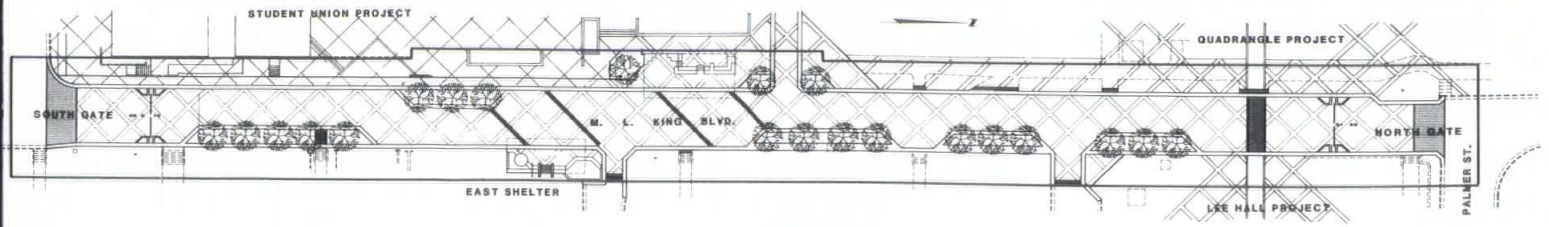
The plaza and shelter construction utilizes materials which already exist on campus, including brick which was used extensively in the paving system. The shelters employ round concrete columns to support a tubular steel truss system and metal substrate decking. A standing seam metal system was used for roofs and gable ends. Seating is brick and precast concrete as are signage elements.

Though small in scale, this plaza project serves as the centerpiece for the entire campus upgrading. The Plaza extends a widely-used outdoor student gathering area adjacent to the Union into other major centers of activity along Martin Luther King Boulevard.

Funding for the project was unique in that a city-owned transportation department used a federal appropriation to implement a State University transportation master plan. The University has leased the property to the City for use as a loading area for the Taltran Bus System, but the University set the standard for landscaping, lighting and signage as part of its campus upgrade.



Drawing this page and site plans, opposite, courtesy of the architect. Photo, opposite, by Randy Lavoy.


STUDENT UNION PROJECT
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SOUTH GATE
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EAST SHELTER
LEE HALL PROJECT
PALMER ST.

A Community With Character

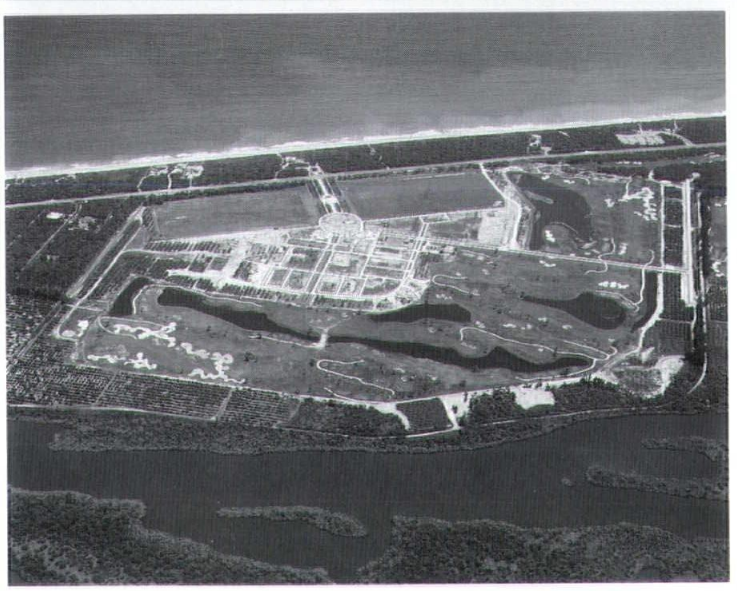
Windsor
Vero Beach, Florida

Andres Duany and
Elizabeth Plater-Zyberk,
Miami, Florida

Consulting Engineers:
Jose Sanchez – structural; Luis Perez – structural; Victor Reeves – plumbing, electrical & mechanical
Landscape Designer:
Andres Duany and Elizabeth Plater-Zyberk
Interior Designer:
Susan Schuyler Smith, ASID, with Richard Plumer Designs
Kitchen and Bath Consultant:
Drue Hartwell
General Contractor:
Croom Construction
Developers of Windsor:
Mr.and Mrs. Galen Weston and Mr.and Mrs. Geoffrey Kent

Windsor, a new village in Vero Beach on Florida's Atlantic coast is inspiring innovative designs by many architects. The community was planned by the Miami-based team of Andres Duany and Elizabeth Plater-Zyberk, and Duany expects the work by the architects to set new architectural standards for the State.

Located on a 416-acre, ocean-to-river site in Vero Beach, the seaside pedestrian-oriented community was designed to function as a real village. A market center anchors the community, with an eight-room inn, post office, and business center, and serves as a gateway to the central village. An 18-hole, championship seaside golf course, designed by Robert Trent Jones, Jr., surrounds the property on three sides, and to the east are two polo fields reserved for championship matches. All the sporting and social amenities, like the tennis center, croquet greensward, post office, bistro and clubhouses, will be within a short walk from any home in the central village.



Photos, top: *View from across the south polo field showing three of Windsor's first homes in the central village. Far left house designed by architect Scott Merrill, middle house by James E. Gibson, and far right by architect Clemens Bruns Schaub.* Above: *Aerial view of Windsor's 412-acre ocean-to-river site in Vero Beach. The layout follows the land plan as designed by Duany/Plater-Zyberk. All community amenities, including the market crescent, golf course, golf clubhouse, tennis center, polo fields, beach club and croquet will be within a short walk from any home in the central village. One-half to two acre homesites are planned along the perimeter of the golf course and on the oceanfront.* Photos by Thomas Delbeck.

Unlike other Duany/Plater-Zyberk plans, Windsor is a totally private community with homesites starting at $165,000 and running as high as $2 million for an oceanfront lot. Duany readily admits that because Windsor caters to the sophisticated, monied class it does not make inroads into providing affordable housing, which he and Plater-Zyberk advocate; however, he expects Windsor to set new standards of design based on architectural restraint and attention to detail.

The concise planning code for Windsor encompasses urban and architectural standards, which address such items as building articulation, materials, build-to-line requirements, window proportions, and criteria even on the smallest lots for out buildings. With this framework in place, it allows for up to 300 architects – the number of homes when Windsor is complete – to design homes that fit the spirit of the community and,

at the same time, satisfy the personal requirements of clients.

The codes are tightest in the central village where 17 of the 300 homes will be built. Houses with 9 to 13-foot masonry walls are built directly on the property lines forming a continuous wall that defines the streets and intimate lanes of the village. Inside, the walls serve as a physical boundary for the homes' private courtyards and outdoor "living rooms."

Architects are challenged to address the entire lot and to effectively integrate the exterior with the interior spaces. Lots in the central village range from 3000 to 18,000 square feet, with the average being 8200 square feet.

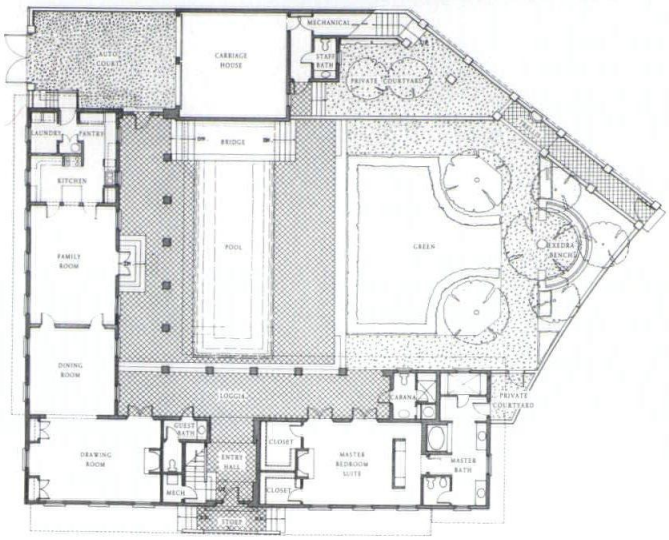
Prior to selling any lots, the developers presented the codes to thirteen architects, nine of whom are Florida-based. Each architect was commissioned to design a home for a specific site. Duany and Plater-Zyberk also were engaged to design a home within the framework of the codes that they had developed for the community.

The Duany/Plater-Zyberk house, the fifth to be completed at Windsor, is situated on a 9,246 square foot lot. It has 5,855 square feet under roof, 3,919 of which is air-conditioned. The two-story main house, with drawing room and master suite on the first floor, opens to the interior garden and faces the 100-foot-wide main boulevard. A one-story ell, housing the dining room, family room and kitchen, also overlooks the private atrium garden to the east, and faces a village green to the west.

A separate out-building on the lot serves as a two-car garage on the ground floor with a guest flat above. The guest flat has a kitchen, walk-in closet, full bath and a large central room to be used either as a combination sleeping/sitting room or a large home office. The guest flat is accessed either through the garden or a separate gated entrance on a side street.

Duany and Plater-Zyberk are especially sensitive to building with durable materials which age gracefully and work well in this climate. They chose to construct the home they designed of masonry with a galvanized metal roof. The masonry stucco is finished with a steel trowel. They asked that the finish be neither an applied texture, nor mirror-smooth; rather that it should show the hand of the workman and general irregularities in the wall. The stucco was painted a soft yellow with a blue color wash on the wood shutters, gates and exposed rafter tails. A balcony along the full length of the facade, supported by heavy structural wood members, adds to the neighborly character of the village.

Inside, simplicity prevails in the profiles of the baseboard and crown moldings, the doors, and



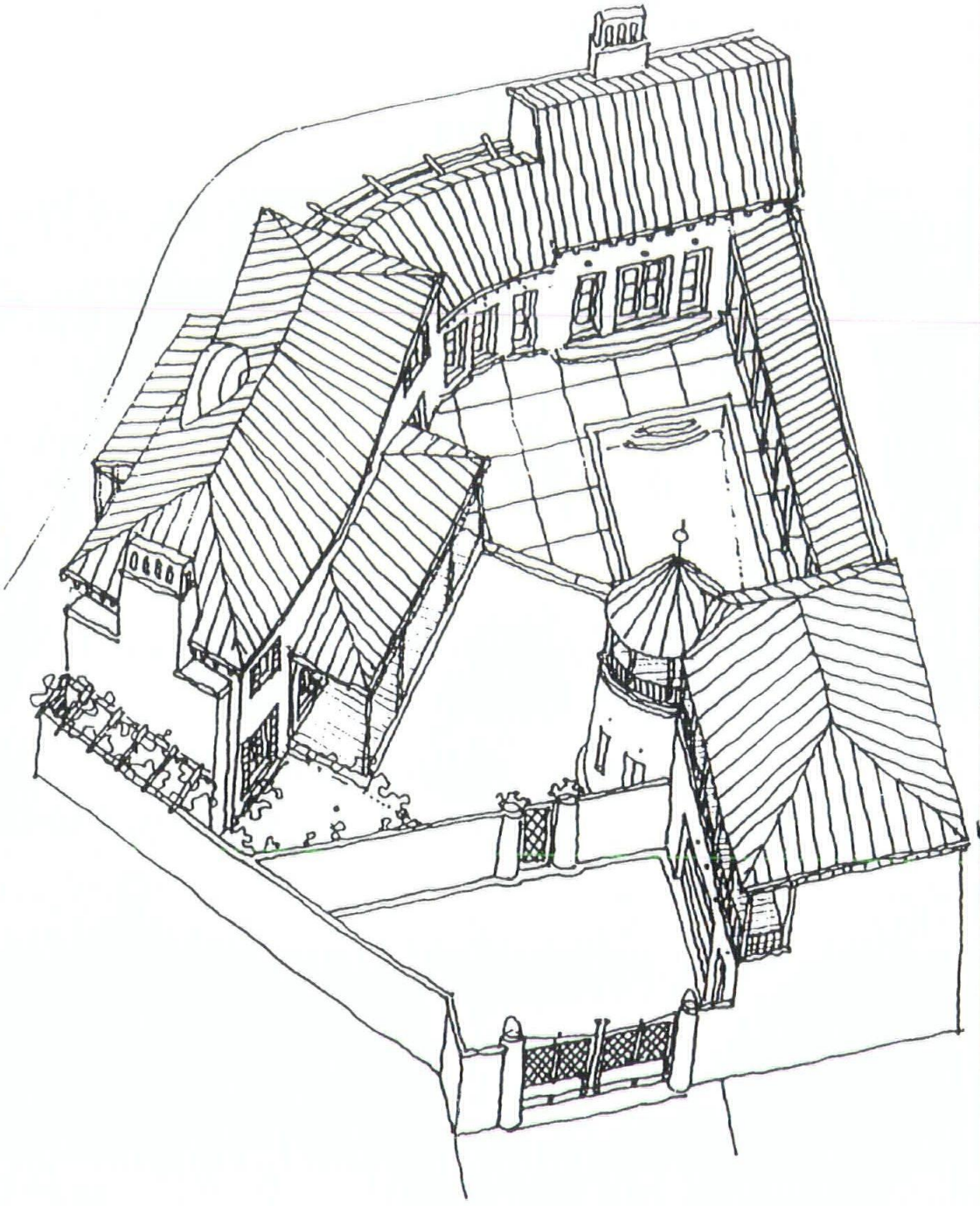
Photos, top: *Duany Residence and courtyard.* Below: *Ground floor plan of Duany Residence courtesy of the architect.* Photos by Thomas Delbeck.

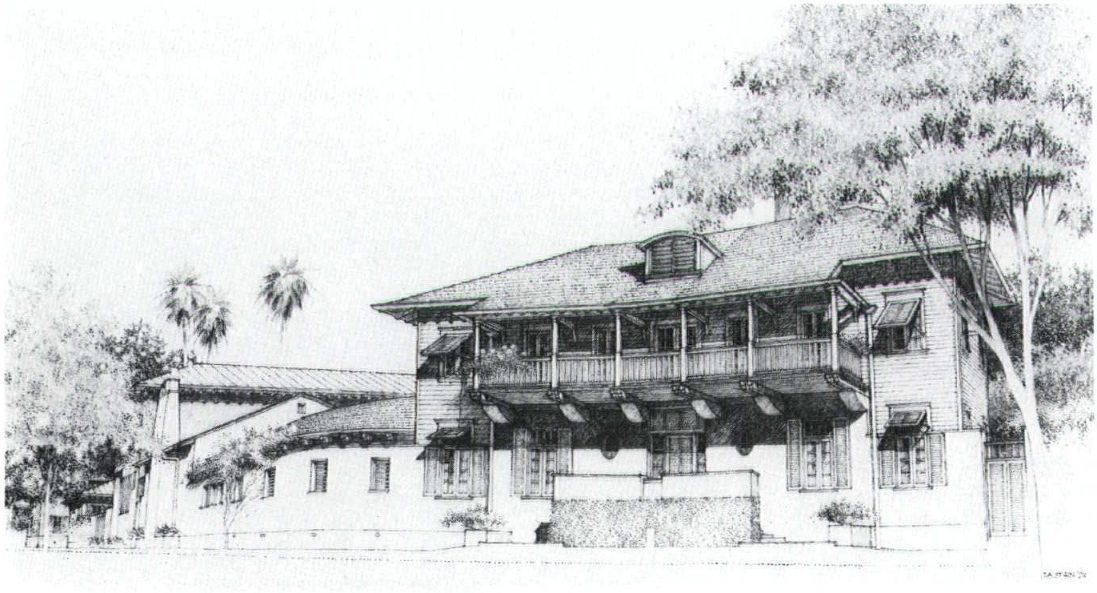
hardware. The floors are blond oak, except where the internal loggia and pool terrace are paved with old Chicago brick set in a herringbone pattern.

The developers selected interior designer Susan Schuyler Smith, ASID, from Richard Plumer Designs, who worked closely with the architects during the building process. She specified interior surfaces, such as the flooring, cabinets, tile and special paint finishes on the kitchen cabinets and walls.

The result of this combined effort is a residence with strong character in a community that is on the leading edge of development planning.

Virginia Nodine Moulton is a freelance writer based in Vero Beach, FL, who specializes in Florida real estate. For the past three years she has produced the New York Times' Florida Residential Property section, and is a member of the National Association of Real Estate Editors (NAREE).





Central village home designed by University of Miami professor Thomas Spain in collaboration with Rolando Llanes.

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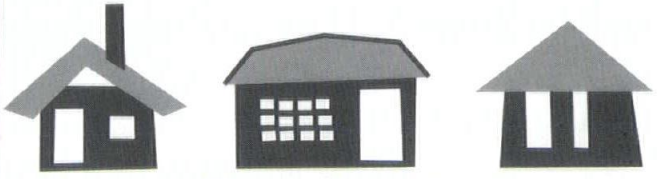

The competition seeks to identify a repertoire of outstanding single family home and site designs to be considered for use by the sponsor in its infill housing program.

Registration Closes: May 22, 1992
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An Emphasis on Form

Women's Resource Center of Sarasota Sarasota, Florida

Carl Abbott Architect FAIA
Sarasota, Florida

Job Captain:
Michael O'Donnell
Consulting Engineer:
Bill Rast
Contractor:
N. Craig McAllister
Owner:
Women's Resource Center

This center is a special place in the community for women. Although no medical care is provided, it is a place to seek guidance and assistance and a place that provides a forum for women's group meetings and activities.

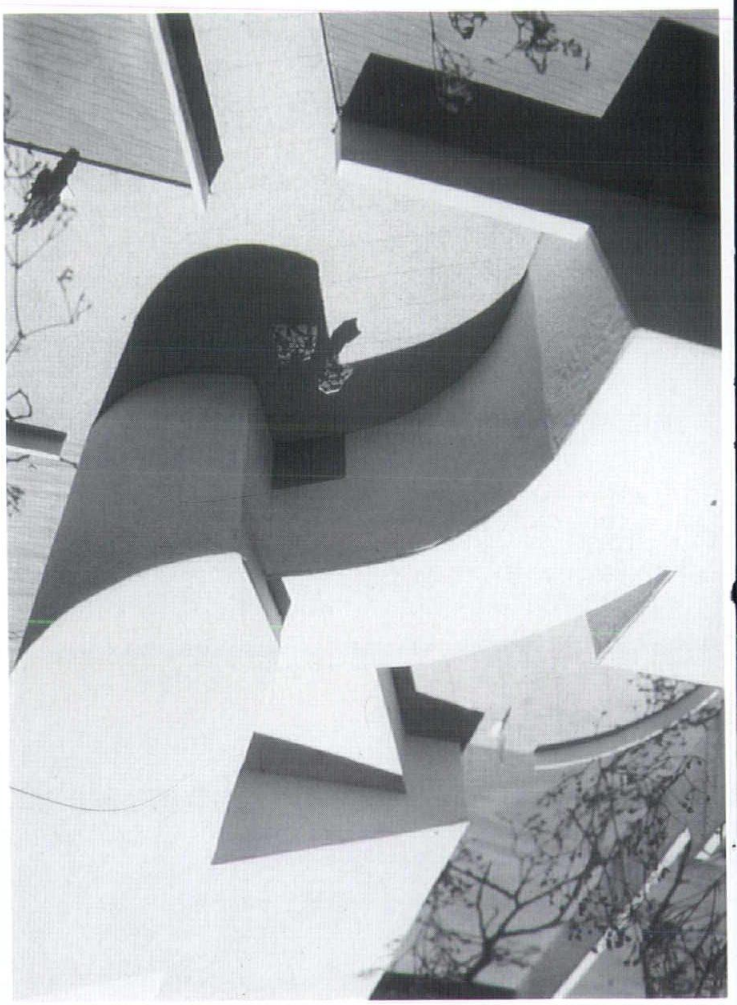
The site is on a main thoroughfare lined with relatively low-scale buildings. From the roadway, the Center presents a strong presence to the community.

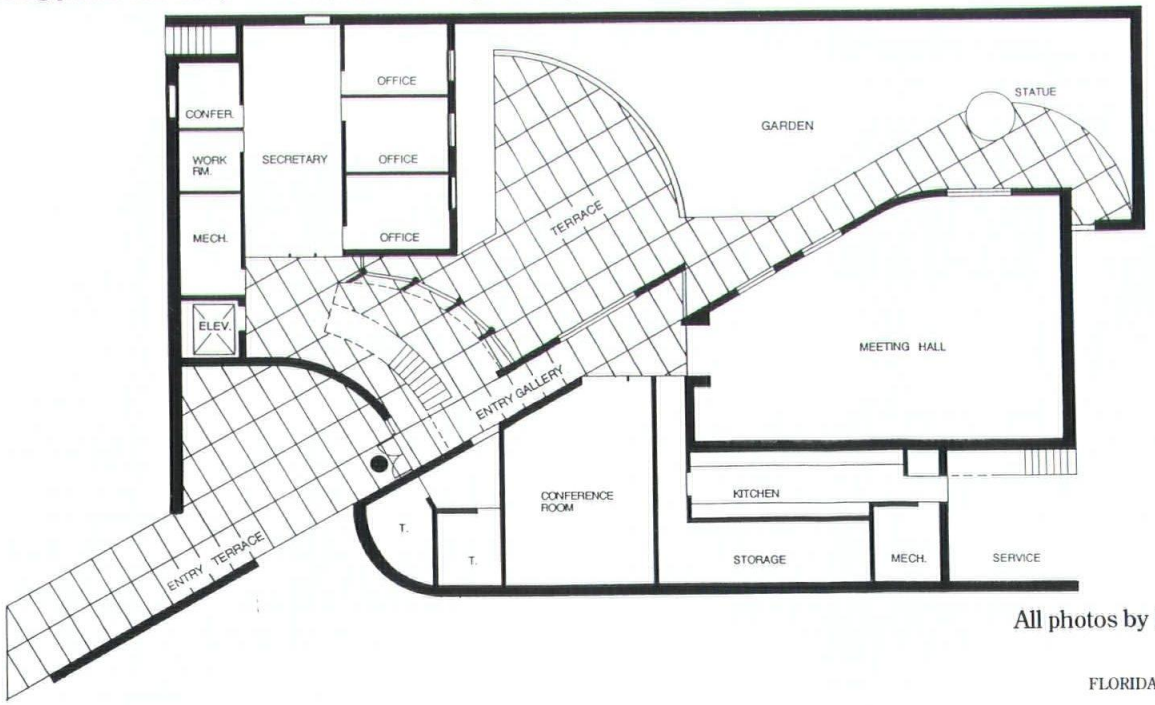
The curved forms of the entry walls define the internal space and lead the visitor inward. Acting as the hub of the building is the double-volume entry gallery with its compound sloped ceiling plane. The entry gallery opens wide to the cloistered courtyard and garden beyond. Radiating from the sides of the entry space are the two distinct wings of the building which express the functions of the center, one of which is individual counseling and the other, large group activities.

The design places a strong emphasis on humanistic qualities. The building has a lot of strength that seems to offer protection, yet as one walks in it is like a labyrinth that unfolds. While the Women's Resource Center is feminine in spirit, with curved walls, sloped roofs and elongated surfaces, it is a distinctive, self-assured presence in the community.

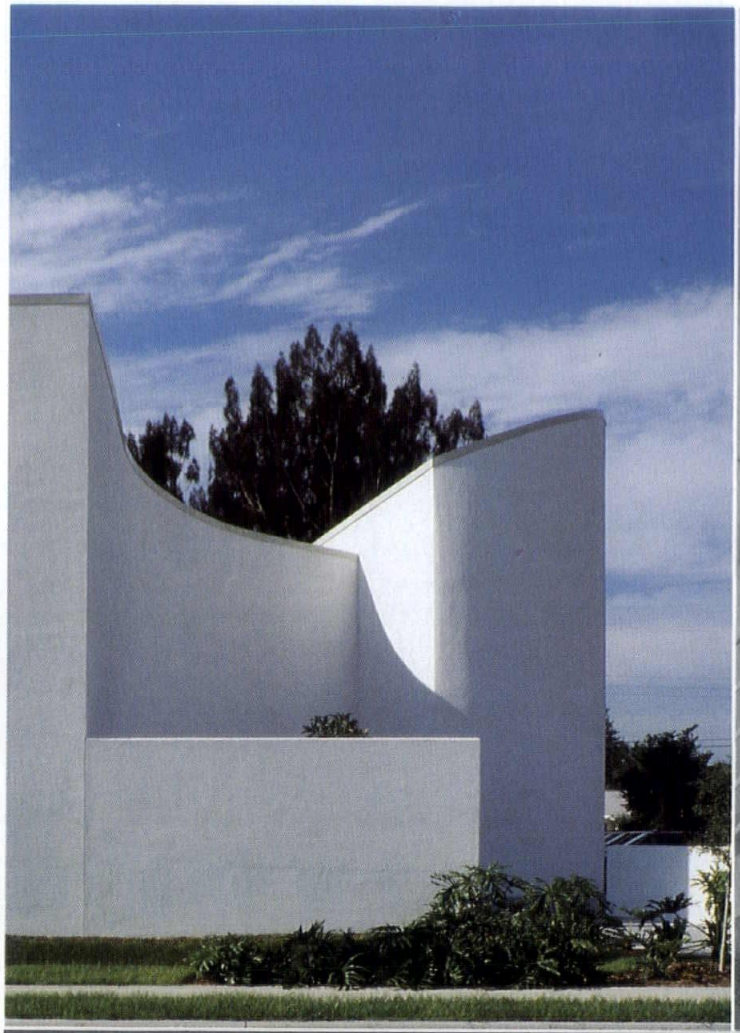
Several architects who've seen the building have made the comment to Carl Abbott that he certainly knows Ronchamp. He does know Ronchamp after many visits to Corbu's chapel and, he confides, he knows Mykonos, as well.

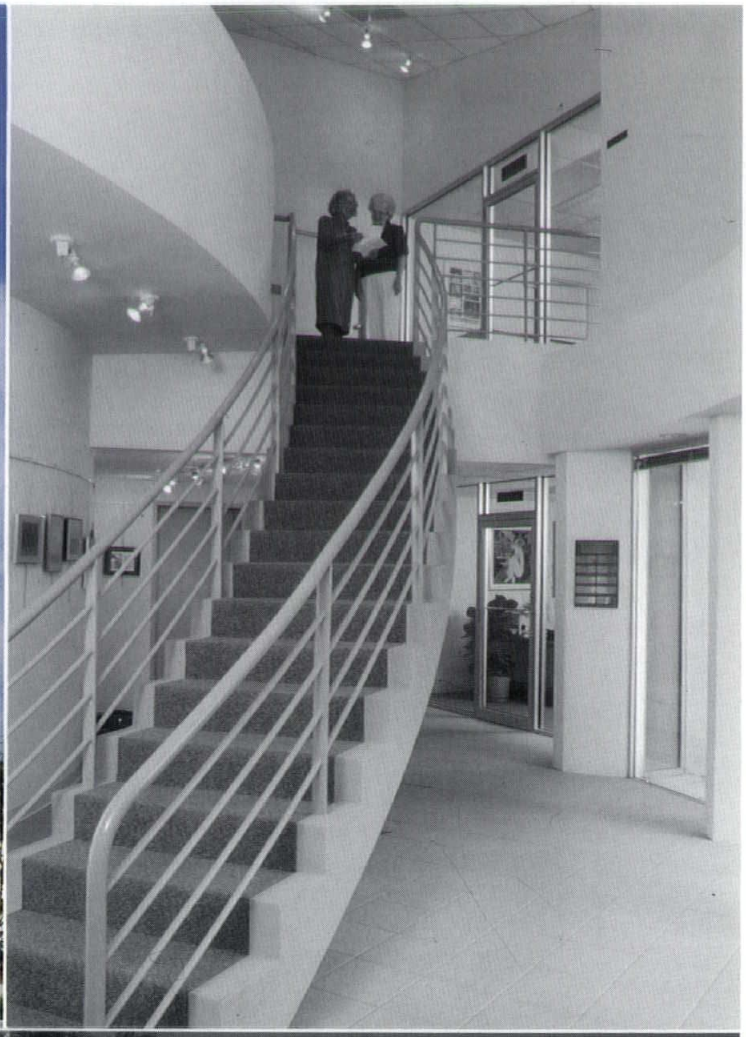
As at Ronchamp, light is a major element and, here, glass walls, skylights and clerestories create rays of light which give warmth and clarity to the space.





All photos by Peter Vanderwarker.






WOMEN'S RESOURCE CENTER
OF SARASOTA
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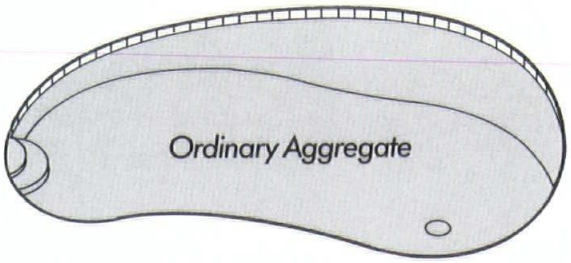

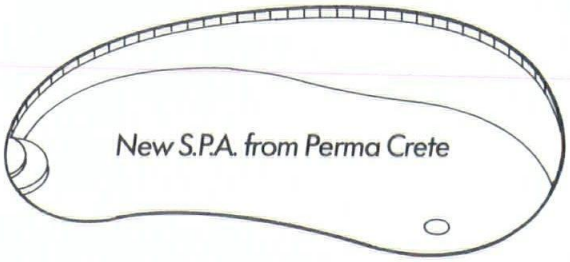

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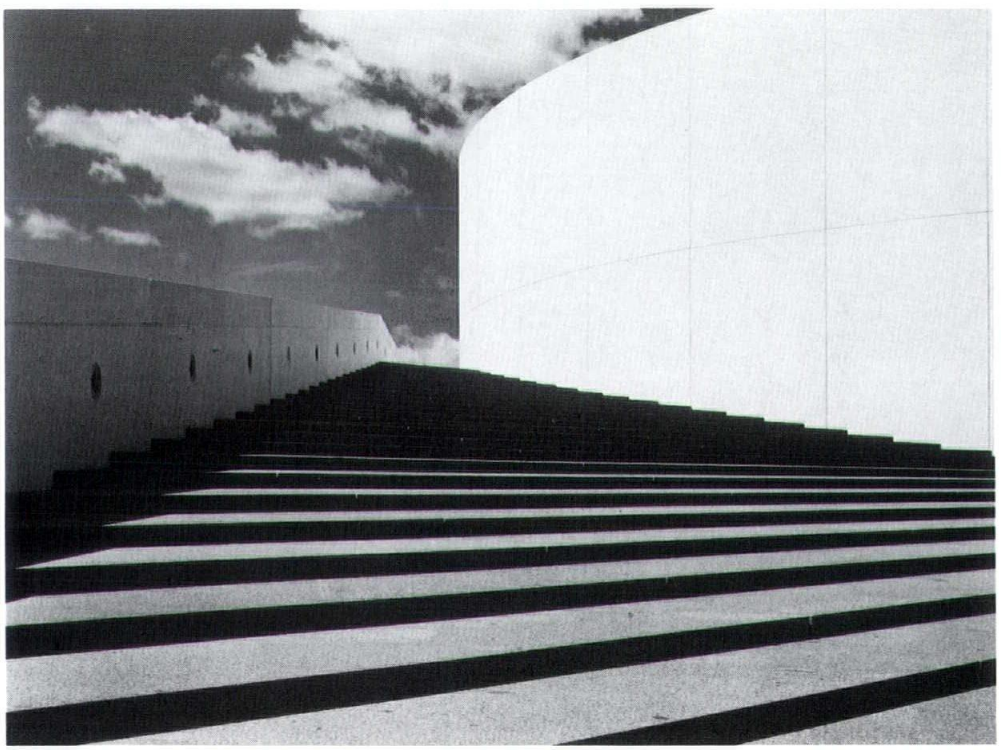

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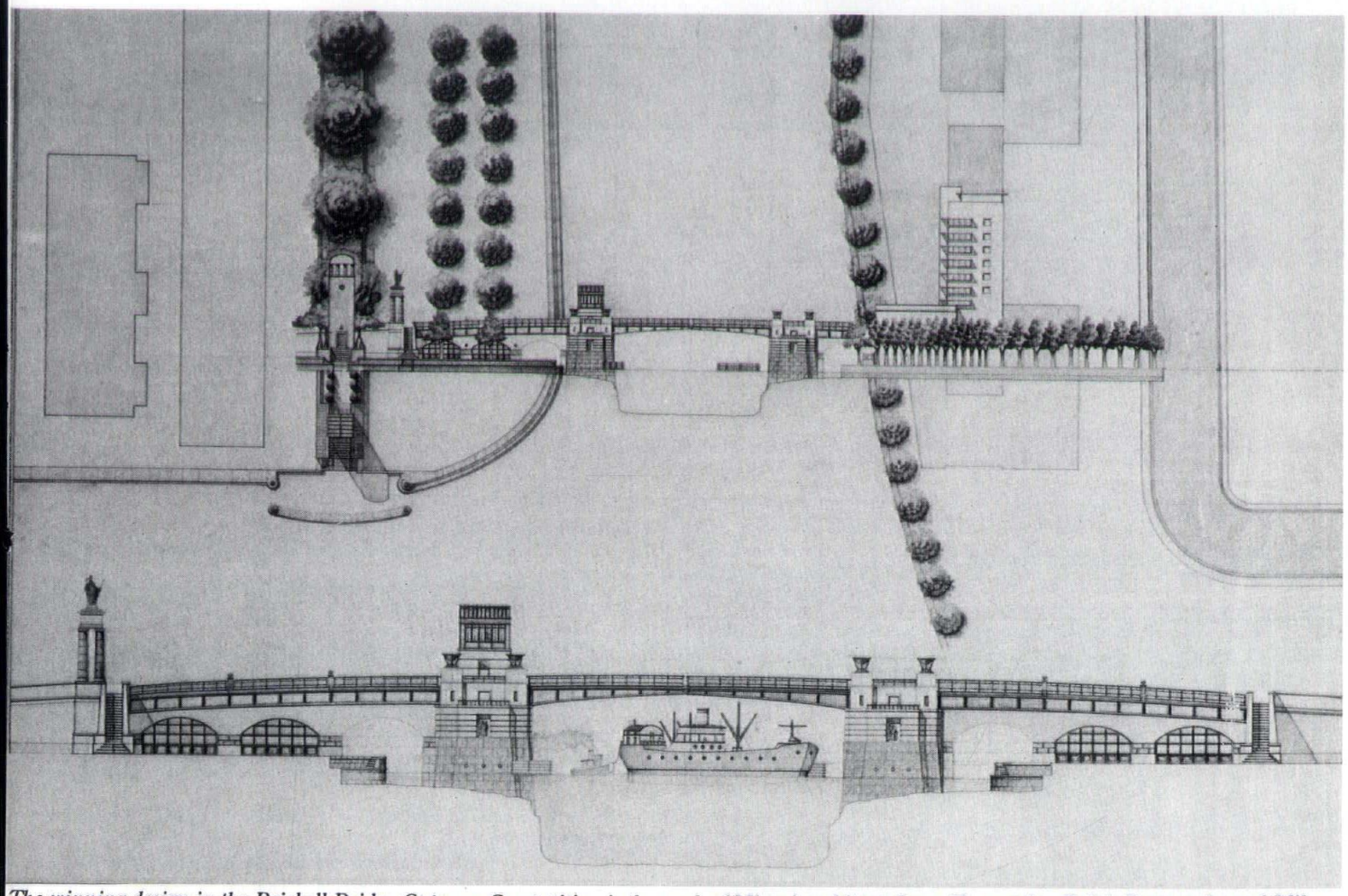
The Gateway To Downtown Miami



The winning design in the Brickell Bridge Gateway Competition is the work of Miami architects Jorge Hernandez, Ralph Portuondo and Mike Sardinas.

The Brickell Bridge Gateway Competition, sponsored by the New World Center Foundation of the Downtown Development Authority of Miami, drew 68 entries from all over the world. After two years of planning and funding spurred by Miami architect Charles Harrison Pawley, the Brickell Bridge Gateway Committee raised $38,000 to fund the competition, part of which was a grant from the Florida Foundation for Architecture.

The Florida Department of Transportation expects the new bridge across the Miami River to cost $14 million, ten percent of which was allocated for architectural embellishments. Jurors for the competition were Miami architect Elizabeth Plater-Zyberk, architect Hugh Hardy of New York, Rodolfo Machado of Boston, Charles Harrison Pawley of Miami, FDOT engineers Jose Abreu and Tony Garcia, William Lam, a lighting expert from Boston and Miami developer Philip Blumberg. The jury narrowed the field to five finalists, each of whom received $5,000. The top ranking design is to be implemented by the Florida Department of Transportation.

The winning entry is the work of Jorge Hernandez, a professor at the University of Miami School of Architecture, Ralph Portuondo of Portuondo Perotti Architects and Mike Sardinas, a graduate student in urban design.

The winning team termed their design "concrete classicism," a reference to the Mediterranean Revival architectural style prevalent in Miami in the 1920s.

Set into large niches in the bridge abutments would be sculptures of four Miami pioneers – Henry Flagler, Julia Tuttle, William Brickell and Marjory Stoneman Douglas. The bridge would have metal railings painted pale green. At the Brickell Avenue end would be a statue of a Tequesta Indian on top of four columns, each of which is inscribed in a different language.

Architect Jorge Hernandez says that his team thought of the bridge as an opportunity to commemorate Miami's history.

The winning architects will now begin discussions with the FDOT about the incorporation of their ideas into the $1.2 million allocation for architectural embellishment to a bridge that has already been designed by the State's engineering consultants. The bridge should be complete by 1994.

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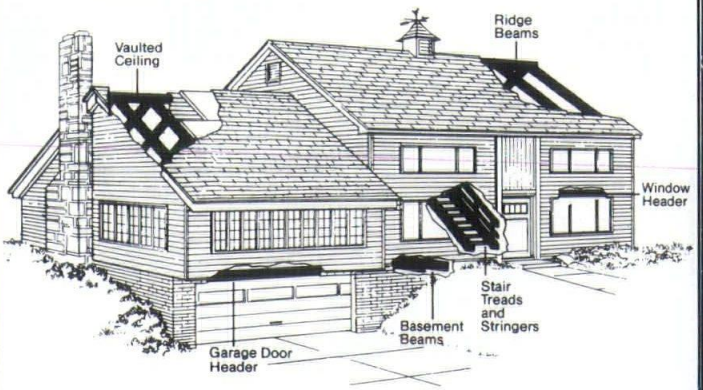

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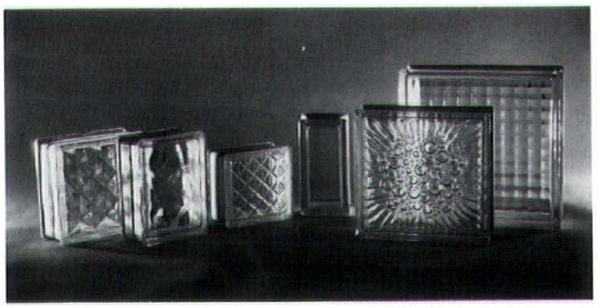

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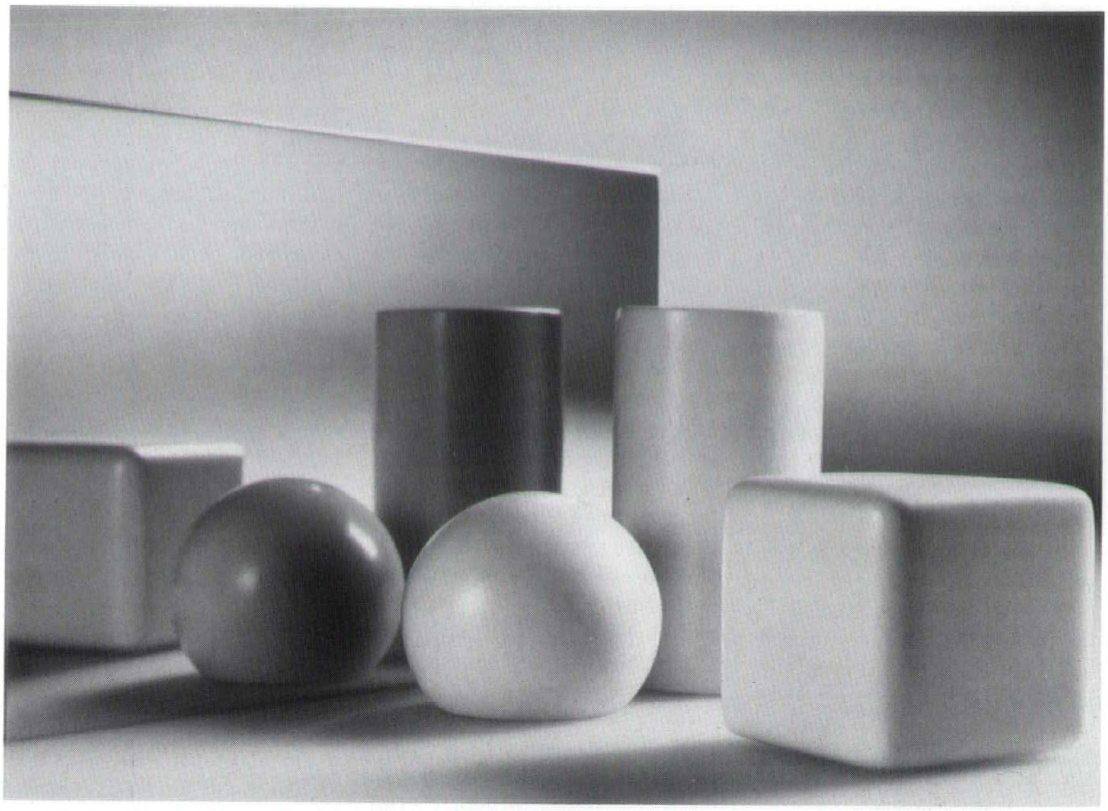

Clark Metals new mirror-polished stainless steel sheet is being specified in a variety of shapes for use in elevators, column covers and other architectural applications.

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Guide to CAD Management Systems

Bara Tek, Inc. has announced the release of its publication entitled *A Guide to CAD Management Systems.* The guide includes information on evaluating the differences between the components of CAD and document management systems as well as key features to look for depending on the end users' needs.

The guide also includes a section on performing the financial analysis required to determine if a CAD Management System is justified. Once the financial analysis has been completed, the reader has the tools to derive productivity gains and the benefits the system offers.

"With the proliferation of CAD, drawing and file management systems, we felt the market could use a simple 'How To Guide.' By analyzing their needs with a base understanding of the availability of CAD Management Systems, the customer will ultimately be the winner because they can compare their needs to the functionality of the different products" stated Bara Tek President, Philip Haag.

Although the Guide is being published by Bara Tek, Inc., the developers of CADMANDU, company officials stated that it is an objective guide, which does not promote or recommend any specific product.

Bara Tek is a manufacturer of engineering management and shop floor data distribution applications for the UNIX and DOS platforms. The company has strategic alliances with and provides applications for IBM, AutoCAD, SUN, DEC, Hewlett Packard, Mitsubishi, SCI, Intergraph, and ADAM, which are all CAD/CAM industry leaders.

For more information about the company's products contact Bara Tek, Inc. at (303) 730-2220, (800) 223-6638 or fax (303) 730-0792. The company's address is 4 West Dry Creek Circle, Littleton, Colorado 80120.

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For additional information about TEXIMA Magnetic Latch, contact Texim International at 1-800-942-4249.

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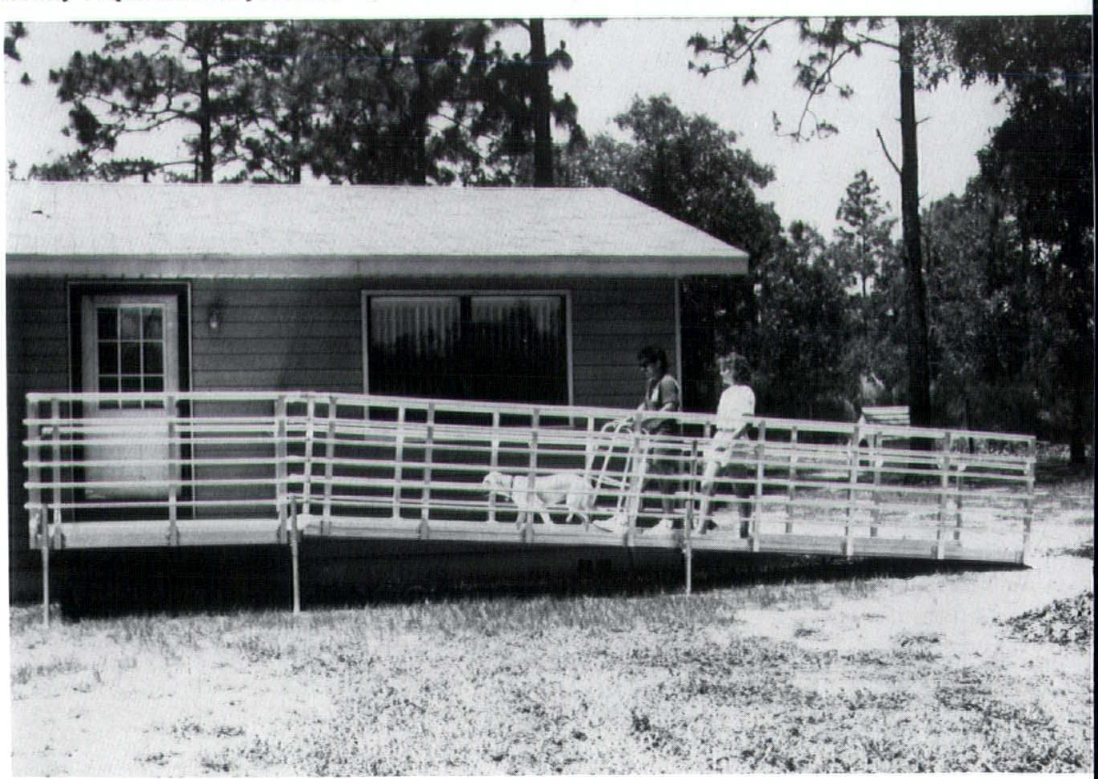
Call for Entries

Architectural firms, interior architects and designers, and restaurateurs are invited to submit entries for a new book, *Restaurant Design 3,* by Judi Radice. The book will be a full color, oversize 224-page presentation of both conceptual approach and accomplished work in restaurant design today, demonstrated through a mixture of design sketches with project photography. Fifty projects will be selected for inclusion in the book. Entries must be submitted by June 1, 1992.

Radice has been developing reference books for designers and architects since 1984, with a total of nine published books including *Restaurant Design 3, Shopping Bag Design 2* and *Menu Design 4.*

For entry forms and further information, call Judi Radice at (415) 673-1930, or write to Restaurant Design 3, P.O. Box 26710, San Francisco, CA 94126.



VIEWPOINT

Architecture's New Market Niche – Energy Efficient Design

by Larry Peterson

The Architect's Opportunity

Floridians spend $20 billion a year on energy. In 1991 Governor Lawton Chiles signed an executive order mandating all state agencies to reduce their energy use by 30% in three years. This is a realistic and easily achievable goal and all agencies are making progress. If the whole state will match the Governor's goal of a 30% reduction in energy use in state buildings, Florida taxpayers will save $10 billion in utility and fuel expenses.

This may not be good news to Florida's utilities industry; but it is good news to architects. These savings are a fund to be utilized for retrofitting existing buildings and facilities for energy efficiency; and for insuring that all new buildings are designed to be energy efficient.

Architects can take advantage of this market opportunity by developing in-house expertise in energy efficient design. This expertise must include state-of-the-art knowledge in exemplary building envelope design, siting and landscape design for gain avoidance, interior space planning for high quality environment with minimal energy use, furniture and equipment selections that minimize plug loads and consultation with the client/user groups in energy efficient operations and occupant behavior.

Sophisticated clients are already demanding these services from architects. They are realizing that the life-cycle costs, which include operating and maintaining their buildings and facilities, are related to the original designs they approve. As clients become aware and are educated to the economic and environmental benefits of energy efficient design, architects must be capable of delivering these services, and be able to integrate the activities of other professions towards the client's goal.

The State Leads the Way

Governor Lawton Chiles realizes that the best leadership is by example. He has confidence that the goals he has set for the state agencies will be achieved; and he believes the private sector will follow the state's lead in saving energy and money for all Floridians. His administration is committed to establishing an energy efficient business sector to keep dollars in Florida and not send them overseas or out-of-state to petroleum suppliers.

Developing an energy efficient business sector and achieving the Governor's goals of reduced energy use in state buildings is the first step toward reducing energy use in all buildings in Florida. Accomplishing this goal will require a professional workforce trained and familiar with the basic principles and concepts of energy efficiency and their economic ramifications.

The Florida Energy Office is establishing a $30 million revolving loan fund to assist state and local government in quickly initiating energy efficiency projects. This small fund can point the way to larger savings which can be realized through energy efficient design. In utilizing these loans, governmental agencies will also agree to initiate other projects, at least equal to the initial FEO loan, that are independently financed through shared savings and performance contracting. Financing design and construction costs with saved utility expenses opens a new market for architectural design services.

The Challenge and the Opportunity

Architects were involved in energy conservation efforts during the1970's, following the OPEC actions of 1972-73 as petroleum prices rose dramatically. Since that time, oil prices have been held artificially low and energy costs have receded in importance as attention has shifted to other more pressing sectors of the economy. As a result, professional interest and capacity in energy efficient design has declined. Within the last fifteen years, architects have had little opportunity to gain experience working on building projects that emphasize energy efficiency.

After the 1970's oil shortage, including energy efficiency in the design of new buildings did not become standard practice in architecture and was not required by most clients. Paying large utility bills as a consequence of inefficient building design was not considered as part of the construction budget. The concept of life-cycle cost accounting did not factor in rising utilities expenses or increasing electrical loads. Consequently, there are many buildings in Florida that are very energy inefficient.

Retrofitting these existing buildings to achieve energy savings represents a tremendous business opportunity with immediate benefits to clients as utilities cost savings; and it will improve environmental quality with benefits to all Floridians. Many retrofit projects will require design services, not just re-engineering, for energy efficiency. Renovations that employ solid energy efficient design concepts may be a very cost-effective and maintenance-free investment which will pay for itself many times during the life cycle of the building.

In addition to retrofitting existing buildings, all new building and development should be planned and designed to be energy efficient. Through the adoption of new energy codes and growth management guidelines the state will try to insure that past practices are not perpetuated; and that new "best practices" are encouraged. Architects are not the only professionals affected by these new rules; but they could be the leaders.

The Design Imperative

All architects and architectural firms need to include energy efficient design and planning in their package of client services. The upside risks are minimal, the downside risks are great if architects are not in the marketplace. The payback for a firm's investment in developing energy efficiency expertise may be great, the potential of the new market is enormous.

Architects do not have to perform these new design miracles with existing fee structures. Firms can develop fee structures that enable them to share in the dollars saved from utility expenses due to their innovative energy efficient designs. Sharing savings is the basis of performance contracting that is already being practiced by engineering and energy service companies. It is reasonable that architects should share in this business practice for their architectural design services that save energy costs.

The current economic climate in Florida, especially in the public sector, has brought the costs of energy once again to the forefront. Both the public and private sectors are examining ways to cut expenses and stretch revenues to meet operating goals. Managing the costs of energy resources represents immediate potential savings in energy and dollars; and will result in long-term savings for our environment as well.

The basic design decision of any building can limit the potential for maximizing energy savings. Most buildings can be made more or less energy efficient by technical means – higher quality insulation; solar glazing, efficient lighting. These are technical components that

Cont. on pg. 28

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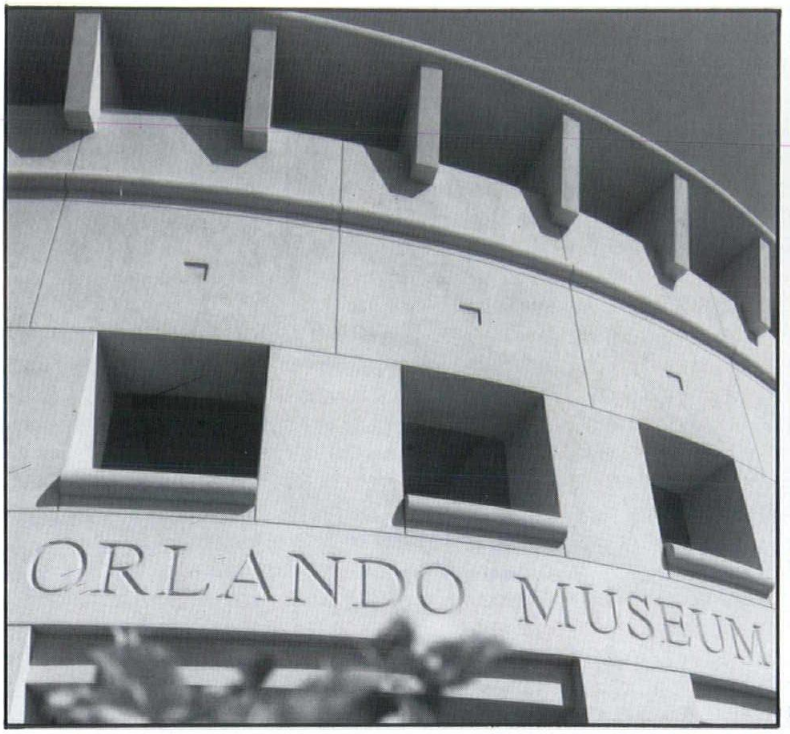

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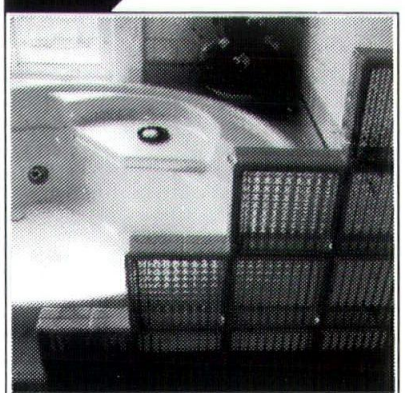

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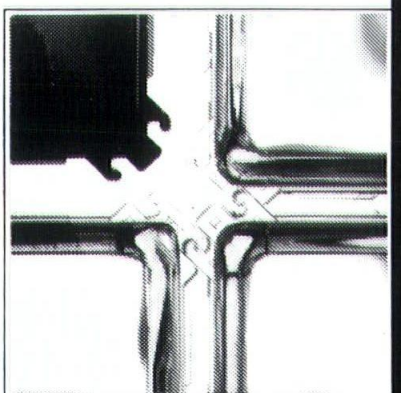

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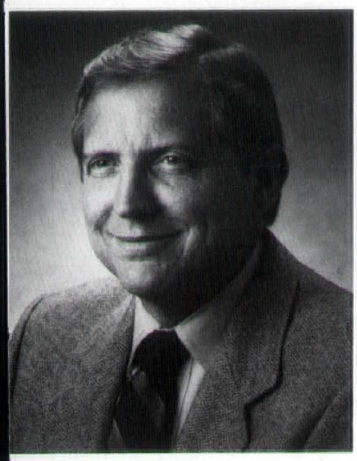
FROM THE PUBLISHER

Warranty Requirement Repealed: Here's What Happened ...

by George A. Allen, Hon. AIA Executive Vice President



"All ... design professionals, architects and engineers, shall grant to the developer and to the purchaser of each unit implied warranties of fitness as to the work performed or materials supplied by them...."

It was at the end of the 1991 Legislative Session when we discovered to our horror that this language had been inserted into a 54-page rewrite of the Florida Condominium Act. Because the bill was already on the Governor's desk it was too late for us to do anything except to grab the sponsor of the legislation and extract a promise that he would help us remove it in the 1992 Session.

What followed that action was an intense effort by the FA/AIA to communicate to members that we had a serious problem and to begin to line up legislators to correct it. And, on the last day of the 1992 Session, the language was removed from the Condo Act, and, sent to the Governor for his approval.

It all sounds very simple, doesn't it? Mistake made, mistake corrected ... let's forget it. I think that would be an even bigger mistake.

For years, I have heard complaints from members that the public simply doesn't understand what architects do. The warranty issue is a good example of how dangerous that lack of understanding can be. It's also an example of how some people can take advantage of a public misconception and turn it into a benefit for themselves.

In this case, the whole issue started with a Condominium Study Commission involving the leaders of the condominium associations and people who work this them, namely their attorneys. Condominium owners have complained long and hard about the shoddy construction of their units, and, I would speculate the study commission was searching for a solution and someone (probably an attorney) suggested that the designers be included in the loop of having to warrant the work along with the contractors and subcontractors.

"Well, why not?" I can hear them say. "Architects and engineers draw the plans and tell the constructors what materials they should use to build the condo, and they come out to make sure it's built correctly. They are part of the process and cause the whole thing to happen, so they should guarantee their work.

If you didn't know any better you would probably think the warranty idea made sense. And, so did a lot of legislators and committee staff people with whom we met to convince that the legislature had made a mistake. It wasn't easy, and frankly our effort would not have succeeded without strong support from members writing to their senators and representatives.

And, the letters alone would not have been enough without the strategic decisions and pinpoint accuracy of our Legislative Consultant Mike Huey talking to the right legislators at the right time. Huey had one shot at convincing a Senate Committee that the warranty requirement was wrong. They gave him about three minutes. The condo attorney spoke last and longer. We lost the vote and had to determine what we could do to keep the issue alive.

The House had already agreed to repeal the requirement in committee. Our problem was that the Senate sponsor was not on our side on this issue. Huey recommended that we let the Senate pass the Senate bill with out our repealer. Then we would convince the House to take up the Senate bill to go back to the Senate where it would have to be voted on again, but as a total bill and not just our issue.

It was a risky strategy. What if the House decided not to add our language and just passed the Senate bill? That would be it. No more shots for us if that happened. And, it almost did because one of the legislators who carries the trial lawyers' banner caught onto our plan and moved to reconsider We won that vote when the House voted 70 to 36 not to reconsider, left our language in the bill and sent it back to the Senate.

We felt a littler easier when that happened. It was doubtful that the Senate would send a bill back to the House on the last day of the session because of our issue. The condo interests wanted the bill to pass and if it went back to the House, it might well die on the calendar. Nevertheless, the Senate sponsor still attempted to remove the repealer, much to our surprise. But, here again, all of our letters and all of the preparation work that Huey and his staff did in informing key senators of the facts in the case were brought to bear. A lengthy debate took place and when the votes were counted, the Senate voted 23 to 17 to have the repealer language remain in the bill.

It was nice to win, but I don't think we should be patting ourselves on the back. The place to stop these kinds of issues is at the source. And, the source in this case was the Condominium Commission where a misconception about the role of the architect resulted in a problem. Why were there no architects involved with the Condominium Study Commission? Why weren't we, the AIA, informed about the study? So we dodged a bullet, but if four Senators had voted the other way we would have had a more serious problem. We must communicate better with other groups and with each other if we ever hope to overcome misconceptions and misinterpretations. Dodging bullets is too dangerous.

Cont. from pg. 9

ments to real property. Only one state had a limitations period extended as long as 12 years while 20 had a 10-year and 10 had 6-year statutes.

Today, Florida's statute of repose is one of the longest at 15 years. Two states have a 12-year statute while 24 states have a 10-year statute of repose, two have an 8-year statute, one has a 7-year, 10 have 6-year statutes and one maintains a 5-year statutory limit.

Conclusion

Florida's statute of repose is too long. The legislature is well-advised to reduce the 15-year statute to ten years. Design professionals obligated by their professionalism to remain accountable to the public for professional design services continue to find themselves investigating and defending claims that are not likely to result in a positive benefit for the claimant, are costly to defend, serve only to boost insurance premiums and are problematic for both the plaintiff to prove and the designer to defend.

Missing and memoriless witnesses and documents long-since destroyed hinder both a plaintiff as well as the defending designer. Forced to settle or face high costs of defense, designers are effectively made liable for defects or deficiencies they did not cause.

Designers remain potentially liable for an unreasonably long period after the building is occupied. Reducing the statutory repose period to ten years places the real burden on owners who benefit from the improvement and rightfully have the obligation to insure and maintain the property for the protection of those who use it.

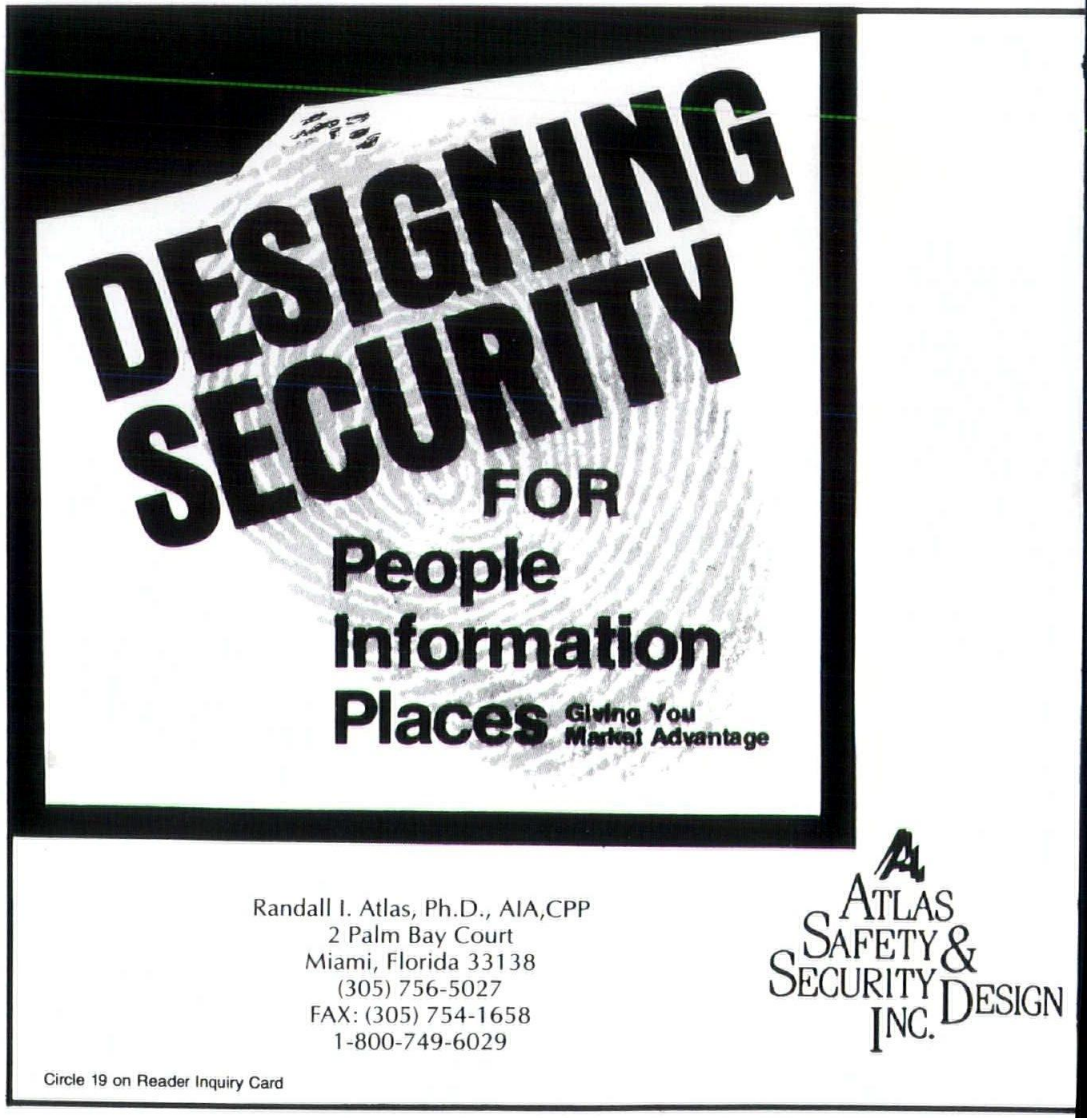
Claramargaret H. Groover is an attorney practicing with the firm of Fisher, Rushmer, Werrenrath, Keiner, Wack & Dickson, P.A. in Orlando.

Cont. from pg. 25

enable the architect to accomplish maximum energy efficiency within the basic design of the building. They are not a substitute for excellent designs based on best practices of energy efficiency.

The design of a building is the result of many forces and factors in any design and development process. The energy crisis of the 1970's has come around again. This is the 1990's energy crisis with an economic crisis as a companion. Architectural firms have an opportunity to expand their design services for clients by emphasizing energy efficiency. Architects and architectural firms market their architectural design services, not their buildings; and the new opportunity niche market in Florida is energy efficiency.

Professor Larry Peterson has worked in the area of energy and architecture since 1968. He is presently on leave from the School of Architecture at FAMU working as policy advisor in the Florida Energy Office. He is assisting the director and senior staff in implementing the Governor's Executive Order to reduce energy use 30% in all state agencies in three years, and create an energy efficient business sector for Florida. Comments may be addressed to Peterson at (904) 488-6764.



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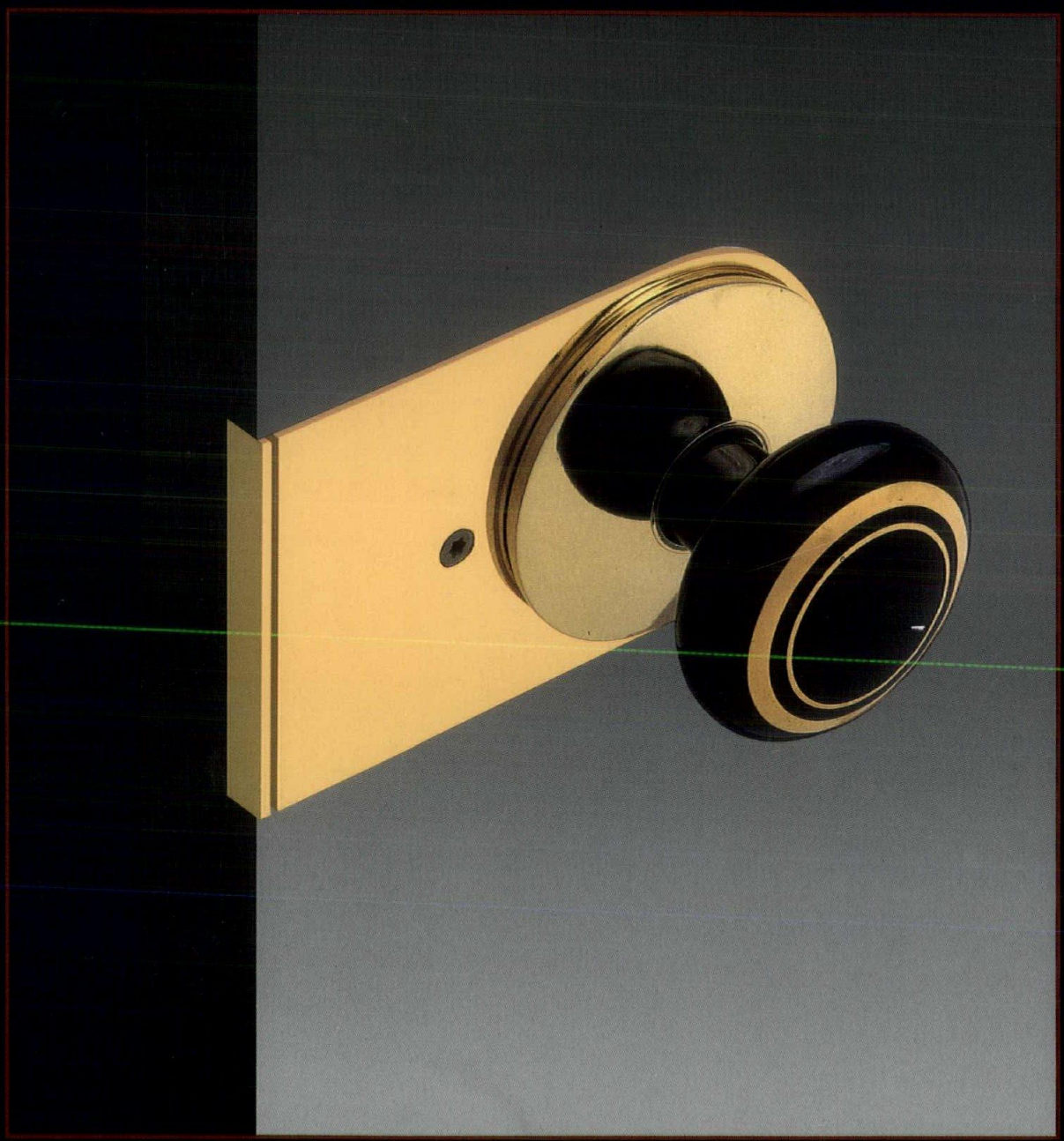

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