

STATE OF FLORIDA  
**DEPARTMENT OF COMMUNITY AFFAIRS**

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

**JEB BUSH**  
Governor

**STEVEN M. SEIBERT**  
Secretary

**BOARD MEETING  
OF THE  
FLORIDA BUILDING COMMISSION**

**PLENARY SESSION  
August 28, 2001**

**PENDING APPROVAL**

The meeting of the Florida Building Commission was called to order by Chairman Raul Rodriguez at 8:30 a.m., on Tuesday, August 28, 2001, at the Rosen Plaza Hotel, Orlando, Florida.

**Commission Members Present:**

Raul Rodriguez, Chairman

Dan Shaw

Sam Walthour

Craig Parrino

Francisco Quintana

George Wiggins

John Calpini

Leonard Lipka

Christ Sanidas

Karl Thorne

Richard Browdy

Stephen Corn

Jim Mehlretter

Bob Leonard

Ed Carson

Suzanne Marshall

Stephen Bassett

Dr. Diana Richardson

**Commission Members Absent:**

Peggy Harris

Michael McCombs

Nick D'Andrea

Medard Kopczynski

**Others Present:**

Ila Jones, Program Administrator

Kathy Butler, Legal Advisor

Jim Richmond, Legal Advisor

Rick Dixon, Executive Director

Jeff Blair, FCRC

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## **WELCOME, INTRODUCTIONS**

Chairman Rodriguez called the meeting to order welcoming the Commissioners and gallery to the meeting. He expressed last month's meeting as a milestone for the Commission and stated that the meeting was a testament to the consensus building of the Commission and its process. He then briefly discussed the outline and objectives of the meeting.

## **AGENDA REVIEW AND APPROVAL**

Mr. Blair conducted a facilitated review of the meeting's agenda. (Please see *Facilitator's Report* Attachment.)

Commissioner Lipka motioned approval of the agenda. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous. Motion carried.

## **REVIEW AND APPROVAL OF JULY 9 - 11, 2001 MEETING MINUTES**

Commissioner Wiggins motioned approval of July's meeting minutes. Commissioner Lipka seconded the motion. Vote to approve the motion was unanimous. Motion carried.

## **REVIEW AND APPROVAL OF COMMISSION'S UPDATED WORKPLAN**

Mr. Blair conducted a facilitated review and discussion of the updated workplan. (See *Facilitator's Report* Attachment.)

Commissioner Lipka motioned approval of the updated workplan as amended. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Mr. Blair then reviewed the 2002 proposed Commission meeting schedule.

Commissioner Lipka motioned to approve the proposed 2002 Commission meeting dates with his concern regarding July 2002 noted. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Chairman Rodriguez directed the Commission again to Mr. Blair to explain the Rule Adoption Hearing process. Mr. Blair then delivered a detailed explanation of the process.

**RULE ADOPTION HEARING ON BUILDING CODE TRAINING PROGRAM RULE**

Chairman Rodriguez opened for consideration of public comment on the Building Code Training Program Rule. No one approached for public comment.

Commissioner Wiggins motioned to recess the hearing. Commissioner Corn seconded the motion. Vote to approve the motion was unanimous. Motion carried.

**RULE ADOPTION HEARING ON CODE REFINEMENTS (Amendment to FBC Adopted by Reference in 9B-3.047)**

Chairman Rodriguez opened for consideration of public comment on Code Refinements.

**Chris Petrakis, Mitech Holdings**

Mr. Petrakis expressed concern regarding ambiguity in the Florida Building Code in two areas. He submitted his comments in writing to the Commission. (See *Chris Petrakis Public Comment Attachment*.)

**Rick Watson, Associated Builders and Contractors**

Mr. Watson put before the Commission a request regarding modifications in Section 104.5.4 and 104.6.2. He submitted his request in writing to the Commission. (See *Rick Watson Public Comment Attachment*.)

Mr. Richmond interjected comment regarding a scrivener's error in the notice in the *Florida Administrative Weekly*. He stated that a prior draft version of that notice was sent over which referred to adoption of the product approval document by reference in addition to adoption of code refinements, noticed under 9B-72. Mr. Richmond explained that those changes would be corrected through a technical change which is already underway.

**Joe Belcher, JDB Code Services**

Mr. Belcher offered comment regarding four minor changes to the Florida Building Code. He stated that three of those changes pertained to resolving the conflicts between the building and the fire code, and the fourth involving Table 1604.6 - Minimum Roof Live Load. Mr. Belcher provided a written copy of his comments to the Commission. (See *Joe Belcher Public Comment Attachment*.)

Pete Billings, Building Code Consultant

Mr. Billings addressed two issues in his comments. He stated that the first issue is the Product Approval System adoption. He continued that he is primarily mentioning the topic to open it for discussion at a later time. Mr. Billings explained that the item he was referring to was 9B-3.047, item 2. He stated that another issue is regarding an item being deleted which is the Epcot Code. Mr. Billings wanted to ensure that it would not effect the ability for Reedy Creek Improvement District to utilize their Epcot Code.

Mr. Richmond responded that it would not.

Mr. Dixon added that in addition to the proposed modifications submitted in writing prior to the hearing, there were a couple of additional proposals submitted to the Commission without formal presentation. He stated that one of the submittals was from Mr. Kevin Crowley, representing shed manufacturers. He continued that the industry association had a comment with regard to a percentage of the manufactured sheds which must be inspected. Mr. Dixon explained that under the current rule, which will be referenced in the Code, 50% of the sheds must be inspected. He furthered that the industry proposed that 20% of sheds must be inspected.

Mr. Dixon continued that the second submittal, from Lee Petche, Assistant Building Official, Winter Park, Florida, is from Section 424.217.1.9 section B. He stated that the comments were available in writing. (See *Lee Petche Public Comment*.)

Pepe Menendez, Florida Department of Health, Bureau of Water Programs

Mr. Menendez offered comment regarding concerns with Section 424.1, Public Swimming Pools and Bathing Places. (See *Pepe Menendez Public Comment Attachment*.)

Jon Bednerik, Florida Pool & Spa, Executive Director

Mr. Bednerik noted modifications, clarifications, mis-citations, and concerns with the following sections of the Code: Section 424.6.6.3 and the subsections that follow, Section 424.2.6, Section 424.2.17.1.9, Section 424.2.17.1.9, Exemptions, subsection A, and expressed concerns with the requirement that alarms on doors and windows be hardwired or plug-in type. (See *Jon Bednerik Public Comment Attachment*.)

Commissioner Lipka motioned to recess the hearing. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous. Motion carried.

**RULE ADOPTION HEARING ON RULES OF PROCEDURE RULE (9B-3)**

Chairman Rodriguez opened for consideration of public comment on the Rules of Procedure Rule.

Frank O'Neal

Mr. O'Neal addressed Section 9B-3.050, subsections (3) and (4). He expressed concern with the July initiation date for consideration of updating the FBC to new editions of model codes. A January start date would keep the FBC more current with model codes and standards.

Commissioner Lipka motioned to recess the hearing. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous. Motion carried.

**RULE ADOPTION HEARING ON PRODUCT APPROVAL SYSTEM (Adopted by Reference in 9B-3.1)**

Chairman Rodriguez opened for Public Comment on the Product Approval System Rule Adoption Hearing.

Ralph Hughes, F.E.C.D. Corporation

Mr. Hughes offered public comment and submitted written recommendations to the Commission. (See *Ralph Hughes Public Comment Attachment*.)

Peter Billings, Building Code Consultant

Mr. Billings offered comment representing the Window and Door

Manufacturer's Association, WDMA. (See *Peter Billings Public Comment Attachment.*)

Dave Conover, CEO, National Evaluation Service

Mr. Conover expressed appreciation for the time and effort that has been spent on the Product Approval Rule. He then offered public comment and submitted his comments in writing to the Commission. (See *Dave Conover Public Comment Attachment.*)

Franklin Frail, St. Petersburg College

Mr. Frail offered comment and submitted a written copy to the Commission members. (See *Suggested Revisions to Rule 9B-72, Franklin G. Frail, St. Petersburg College Attachment.*)

John Gronewold, NSF International

Mr. Gronewold expressed concerns regarding product approval and submitted his comments in writing to the Commission members. (See *John Gronewold Public Comment Attachment.*)

Valerie Rogers, Weather Shield Manufacturers

Ms. Rogers expressed the need for clarification of the term "product" as it is defined. She presented her suggestions in writing to the Commission. (See *Valerie Rogers Public Comment Attachment.*)

Dick Wilhelm, Solutions Incorporated

Mr. Wilhelm offered comment suggesting a definition of the term "product." He submitted a written copy to the Commission. (See *Dick Wilhelm Letter to Chairman Rodriguez Attachment.*)

Charlie Everly, Code Consultant

Mr. Everly expressed concern for the definition of a "product." (See *Charlie Everly Public Comment Attachment.*)

Paul Martin, Assistant Attorney General

Mr. Martin offered comment on behalf of the Board of Professional

Engineers addressing proposed product approval rules. (See *Paul Martin Public Comment Attachment.*)

Joe Hetzel, Technical Director, Door & Access Systems  
Manufacturer's Association

Mr. Hetzel familiarized the Commission with his organization by offering a brief summary and history. He submitted his comments in writing to the Commission. (See *Joe Hetzel Public Comment Attachment.*)

Michelle Stropoli, Architectural Manufacturer's Association of Florida

Ms. Stropoli read a letter from Dennis Braddy addressing AMAF's concerns regarding the Product Approval System. (See *AMAF Letter Dated August 21, 2001 from Dennis Braddy Attachment*)

Lorraine Ross, Florida Building Code Alliance

Ms. Ross overviewed recommendations from the Florida Building Code Alliance. She submitted the recommendations to the Commission members in writing. (See *Florida Building Code Alliance August 27, 2001 Letter to Ila Jones Attachment.*)

Kari Hebrank, Florida Building Materials Association

Ms. Hebrank submitted a request on behalf of FBMA that the Commission delay adoption of Rule 9B-72 to allow additional workshops on the proposal. She submitted her request and concerns in writing to the Commission. (See *Kari Hebrank Public Comment Attachment.*)

John Wiggins, Underwriter's Laboratory

Mr. Wiggins addressed the Commission with no prepared comments, however, briefly expressed concerns. He stated that he agreed with Pete Billings' comments on the definition of "product," but offered suggestions to improve that definition by explaining that the word "individual" may not be adequate because there are over a thousand individual designs. Mr. Wiggins continued by stating that cost is also a factor because the costs are ambiguous in terms of exactly what has to be paid per product or product category. He suggested that a re-evaluation, clarification and specificity should be administered to product approval costs.

Commissioner Wiggins motioned to recess the Rule Adoption Hearing on Product Approval System. Commissioner Calpini seconded the motion. Vote to approve the motion was unanimous. Motion carried.

**BREAK**

Chairman Rodriguez called for a five-minute break at 10:35 am.

**CONTINUATION OF RULE ADOPTION HEARING ON PRODUCT APPROVAL**

Chairman Rodriguez requested a motion to reopen the Rule Adoption Hearing on Product Approval.

**COMMISSION DISCUSSION ON PUBLIC HEARING COMMENTS**

(Chairman Rodriguez requested motions to reopen and close each Rule Adoption Hearing. Motions were seconded and all votes for each motion were unanimous. Motions carried.)

**DECLARATORY STATEMENT**  
**(DCA01-DEC-101 on Residential Swimming Pool Act)**

Larry Brown, Electrical Contractor, Chairman of the Central Florida Drowning Prevention Task Force

Mr. Brown offered comment on Declaratory Statement DCA01-Dec-101. (See Declaratory Statement: Case # DCA01-DEC-101 Attachment.) He stated that the Declaratory Statement carries a lot of weight. He continued that his company has installed over 2,500 of the alarms and suggested that if the alarms could not be deactivated, the life expectancy of the alarm following inspection would be approximately 24 hours. He furthered that he agreed with the statement that a code should be provided in order to disarm the alarm in order to increase usage of the alarms. Mr. Wiggins urged the Commission to re-evaluate the statement so that the alarms would be used in the state of Florida.

Jim Richmond opened discussion regarding a Declaratory Statement which had been submitted to each Commission member. He stated that there must be a differentiation between the Declaratory Statement, which asks the Commission to interpret the provisions of Chapter 515, and the Commission's authority, which was granted in the last section, to adopt standards to implement the provisions of 515. He furthered that the hardwiring issue is a separate issue and stated that the definition of exit alarm is concisely and clearly set in Chapter 515 and is provided on the second page of the Declaratory Statement.



Commissioner Wiggins asked if the Commission has the jurisdiction to make Declaratory Statements on issues not yet in the Code.

Mr. Richmond replied that the Commission does have that jurisdiction and was granted the authority, together with the authority to adopt provisions into the Code, to interpret the sections of Chapter 515.

Commissioner Wiggins motioned for approval of the Declaratory Statement. Commissioner Lipka seconded the motion.

Commissioner Bassett asked if there was a penalty to homeowners who disable the alarm system once it has been installed.

Mr. Richmond stated that the penalty could be through liability but stated that he was not aware of any enforcement mechanism in place once the certificate of completion has been issued.

Commissioner Lipka added that the penalty could be quite severe if there was an accident and a child died including legal action by the parents or possibly arrest.

Commissioner Shaw asked how a battery operated system comply with the term "continuous." He asked if they would be considered continuous even if the battery went dead soon after the alarm sounded.

Mr. Richmond responded by stating that the petitioner raised the issue of continuously which means one that must continue for a long duration, which is not really relevant to the Declaratory Statement under discussion.

Commissioner Corn asked if the Declaratory Statement was the document written from staff turning down the petitioner's request. He then offered an example of holding a party with 30 guests and has one of the alarms installed, and asked if he then would have to keep his patio doors closed because the alarm would sound every time they open. Commissioner Corn expressed strong disagreement with the statement if that was indeed the case stating that it wouldn't make sense at all. Commissioner Corn stated that he would have to vote against approval of the statement.

Commissioner Bassett offered agreement with Mr. Richmond but suggested that an Ad Hoc should be appointed to investigate the issue further. He stated that if it remains the way it is, the alarm systems would simply be deactivated.

Commissioner Wiggins stated that he had misread the Declaratory Statement. He stated that he thought it stated that the alarm could be

disarmed. He referenced page four of the statement and pointed out that the word "be" was missing.

Mr. Richmond stated that the word precludes is the key word but stated that he would clarify that statement.

Mo Madani approached for clarification stating that essentially the homeowner is being given four options. He continued that one of those options is using an alarm and the other three options are passive such as latching the door or covering the pool.

Chairman Rodriguez offered additional clarification that clearly the alarm option is the least desirable option, even from the sponsor of the bill. He then stated that he would agree to appoint an Ad Hoc Committee in order to make a recommendation to the Legislature.

Commissioner Shaw stated that it is important that the Commission has been entrusted with interpretation of the law as it was intended. He urged the Commission members to be careful of changing legislation.

Commissioner Lipka reminded the Commission that there are other options besides the alarm.

Mr. Richmond stated that regardless of Senator Wasserman-Schultz's comments at the last meeting, the legislative intent has been translated into the definition of alarm.

Chairman Rodriguez called for a vote on the motion. Vote to approve the motion resulted in 1 opposed. (Commissioner Corn) Motion Carried.

### **CONSIDERATION OF ACCESSIBILITY WAIVER APPLICATIONS**

Bunny Armstrong opened for introductions of the Council. Each member of the Council introduced themselves to the Commission.

Ms. Armstrong then began with the waiver applications.

#### ***Item #1, Day School at Weston***

Ms. Armstrong stated that the Council voted unanimously to recommend granting the waiver.

Commissioner Browdy motioned to approve the Council's recommendation. Commissioner Shaw seconded the motion. Vote to approve was unanimous. Motion carried.

***Item #6, Performing Arts Center of Greater Miami***

Ms. Armstrong stated that the Council recommended to grant the waiver.

Commissioner Browdy motioned to approve the Council's recommendation. Commissioner Shaw seconded the motion.

Commissioner Richardson requested discussion.

(Mr. Matthews approached the microphone for discussion.)

Commissioner Richardson disclosed that she had worked on this particular waiver for a couple of years. She asked Mr. Matthews if anything had changed with regard to the waiver application since it had been presented three and a half years ago.

Mr. Matthews stated that no changes in relation to the design of the seating or accessibility routes. He continued that the design had been refined but it was essentially the same.

Commissioner Richardson asked if in the orchestra area the seating is in the rear of that area.

Mr. Matthews responded that in the concert hall as well as in the ballet opera house there is wheelchair seating in the front, in the center, and in the rear of both houses.

Commissioner Richardson clarified that she was referring to the chorus area.

Mr. Matthews stated that the wheelchair seating is in the rear in the chorus area.

Commissioner Richardson asked if the chorus is always seated or if they stood up.

Mr. Matthews stated that it would vary from venue to venue.

Commissioner Richardson continued that if the chorus stands, the persons in the rear would not be able to see to the stage. She then asked if there was any way of getting some accessible seats in the front row.

Mr. Matthews stated that there was not a way without adding another lift, which complicates a number of other things. He continued by stating that

they had evaluated the option of the chorus standing and that individuals in the rear in wheelchairs would have a line of sight to the conductor.

Commissioner Richardson asked about the set-up of the chorus in relation to where the accessible seating would be.

Mr. Matthews stated that they could take another look at that set-up.

Commissioner Richardson asked if they were using limited use/limited application elevators.

Mr. Matthews stated that there are lulas in lieu of lifts.

Commissioner Richardson asked about the keys and access to them.

Mr. Matthews replied that the lulas would be in place so that they could be independently used.

Commissioner Richardson asked about the noise from the lulas.

Mr. Matthews stated that there may be some noise but it should be outside the sound and light block.

Commissioner Richardson stated that she was satisfied with the exception of the chorus and asked Mr. Matthews if they would revisit the chorus area.

Mr. Matthews stated that they could take another look at the chorus area at a later date.

Chairman Rodriguez disclosed that his firm was the associate architect on the project, then called for a vote on the motion to approve the Council's recommendation. Vote to approve was unanimous. Motion carried.

***Item #2, One and 101 North Clematis***

Ms. Armstrong stated that the Council recommended to dismiss the waiver request.

David Ramba, Lewis, Harmon & Walker

Mr. Ramba offered comments representing the applicant. He stated that he understood that federal law does not require van accessibility in parking garages. He continued that there is an additional requirement in the

Florida code that is not in the federal code.

Kathy Butler interjected that she had spoken to the DOJ technical assistance line and the person she was speaking with stated that all persons with disabilities should have the same parking opportunities and if accessible spaces are in the garage, then van accessible spaces should be in the garage.

Johnny Long suggested that the Council defer the request to legal for a review.

Commissioner Shaw asked if it would be possible to look at the issue as a Florida issue and discuss it based on Florida law.

Commissioner Bassett motioned to grant the variance to the extent that the Commission has jurisdiction to do so and allow the applicant to face any violations that may be in place. Commissioner Wiggins seconded the motion.

Neil Melick expressed serious concerns of whether the building would be in compliance because of the question of whether ADA or the Florida rule would be in effect. Mr. Melick recommended that this application be deferred until a legal interpretation could be received from the Department of Justice.

Pam Darwin offered comment stating that legal advisors would advise calling the DOJ's Civil Rights Division because a judgement cannot be made on Florida because it does not supercede ADA.

Chairman Rodriguez called for a Council recommendation on the waiver application.

Mr. Melick motioned that Council's recommendation be to defer the applicant to legal. Ms. Darwin seconded the motion. Council's vote to approve the motion was unanimous. Motion carried.

Chairman Rodriguez directed the Commission to Ms. Butler to advise the Commission regarding the issue.

Ms. Butler recommended that the Commission follow the Council's recommendation and obtain a legal opinion from the Department of Justice. She continued that the law does prohibit the Commission from granting any waiver that may be in violation federal law.

Commissioner Leonard stated that the application is being submitted

after the building has been built and suggested that getting a legal opinion would not improve the accessibility of the building immediately. He continued that he would like to hear the applicant agree to install the few van accessible spaces on the street because there is no accessibility to the building at this time.

Ms. Butler offered clarification that accessible spaces are provided in the building but the 98" clearance for the taller vans is not provided.

Mr. Ramba responded that the parking garage is 84" throughout and admitted that there was a mistake made when the building was built. He explained that the parking garage is surrounded by residential apartments, the second floor has a Merrill Lynch office, and the first floor is retail parking spaces. He continued that the parking garage was built in conjunction with another facility across Lantana Street, referencing a diagram which was submitted to each Commissioner, which has no parking (See *Site Plan - One and 101 North Clematis* Attachment.) He appealed to the Commission that suggestions would be appreciated in remedying the situation and stated that the waiver is only from additional language that is in the Florida law.

Commissioner Bassett stated that it wouldn't be physically possible to raise the roof on the levels of the garage and suggested that the issue be dealt with in such a way that the applicant would not have to appear again before the Commission on this issue.

Chairman Rodriguez concurred and stated that the possible solution is two parking spaces on the street for raised vans.

Commissioner Leonard asked why the applicant doesn't put the two street spaces in place immediately.

Mr. Ramba responded that the two spaces are proposed and that the spaces must be purchased from the City of Palm Beach.

Chairman Rodriguez suggested that an amendment be made to the motion that the waiver be granted subject to obtaining those two spaces.

Commissioner Leonard suggested that the company had made a \$13,000,000 mistake and that a \$50,000 showing of good will prior to going to the Department of Justice makes good sense. He stated that lack of good faith had been displayed by the company not even attempting to remedy the situation before now.

Ms. Armstrong expressed concern that waivers had been granted that hedged on violating federal law and offered the opinion that the Commission

does not have the authority to grant a waiver from Florida specific if it is in violation of federal law.

Chairman Rodriguez concurred but stated that there has been a motion made and it must be voted.

Commissioner Lipka suggested that the mistake was made and the price to resolve it must be paid.

Commissioner Wiggins asked if the motion needed to be amended to state that the two van accessible spaces be provided as proposed.

Commissioner Bassett restated the motion stating that the Commission approves, to the extent of their authority, the variance to the Florida portion of the Accessibility Code provided that the van accessible spaces proposed are provided on the outside of the building.

Mr. Long stated that the particular two spaces must be covered. He continued that Florida specific law does not require that the van spaces be covered, however, stated that federal law requires a cover for the spaces.

Chairman Rodriguez called for a vote on the motion. Vote resulted in 10 in favor and 8 opposed. Motion carried.

Commissioner Bassett recommended that the company find a way to provide a cover for the parking spaces.

***Item #3, Tiki Island Adventure Golf***

Ms. Armstrong reviewed the applicant's request for waiver and stated that the Council deferred recommendation.

Chairman Rodriguez requested that the Council vote on a recommendation.

**Allen Thomas, Owner, Tiki Island Adventure Golf**

Mr. Thomas apologized for his presentation and stated that they would be willing to make the course 50% accessible. He explained that they had contemplated it before and should have implemented it at that time. He furthered that estimates from the construction manager and designs had been submitted to each Commission member.

Mr. Long expressed appreciation for their reconsideration. He stated that another applicant in the same business was attempting to provide 100% which is what the law requires as well.

Commissioner Richardson pointed out that the proposed rule required access to all holes on a miniature golf course except 50% of elevated holes, meaning all unelevated holes must be accessible.

Ms. Butler interjected that at the ADA conference, the access board architect who made the presentation on recreational facilities' proposed guidelines also distributed an Access Board Ad Hoc summary of a study from the public comments received on the proposed guidelines. She stated that the summary stated that the final rule will be that 50% of all holes must be accessible but they must be consecutive.

Mr. Long stated that the Council hadn't seen any of the new designs.

Mr. Thomas stated that an overhead schematic design is available if the Council would prefer to view it.

Chairman Rodriguez asked if the Council would like to defer until the new plan has been reviewed.

Mr. Long stated that he needed some evidence that they were going to comply to the 50% accessible rule. He added that the changes in legislation being proposed would not be in effect for the next two and a half years.

Craig Mottershead

Mr. Mottershead demonstrated via overhead projector the new 50% accessible holes design.

Ms. Armstrong asked for a motion from the Council.

Mr. Long motioned that the waiver application be deferred until the applicant could come back with a new design allowing persons with disabilities to play on a comparable course. Mr. Harding seconded the motion. Vote to approve the motion was unanimous.

Mr. Harding offered comment suggesting that the Council was looking for the full experience for disabled persons playing the course, not a limited experience.



Commissioner Bassett motioned approval of the Council's recommendation. Commissioner Calpini seconded the motion. Vote to approve the motion resulted in 1 opposed. (Commissioner Leonard) Motion carried.

Commissioner Richardson requested clarification regarding the bridges going to the Tiki Island suggesting that they should also be accessible.

Mr. Thomas explained that they would be accessible.

***Item #5, Cost of Wisconsin Miniature Golf Course***

Ms. Armstrong reviewed the request for waiver and stated that the Council recommended deferring to the Commission.

Dave Peterson, Cost of Wisconsin Construction Firm

Mr. Peterson offered clarification stating that they took the recommendation from the Council that all 36 holes be accessible, however, their design department ran into difficulty due to the elevation of some of the holes. He stated that the 18 accessible holes are consecutive and everyone plays the same holes with the exception of the elevated holes. Providing accessibility to the elevated holes would require another half-acre of property.

Ms. Armstrong called for a motion for recommendation from the Council.

Mr. Long stated that everybody has been overwhelmed with theaters at some time, now it will be miniature golf courses. He continued by stating that if the waiver was granted for the course to be 50% accessible, then no one will ever attempt to make a miniature golf course 100% accessible. He then motioned to grant the applicant additional time to confer with his design team to look at what it would take to accomplish 100% accessibility. Mr. Harding seconded the motion.

Ms. Armstrong stated that the applicant had provided 50% accessibility.

Mr. Melick concurred that the applicant has provided plans and comply with proposed DOJ guidelines. He then stated that he would be against the motion.

Ms. Armstrong called for a vote on the motion. Vote to approve was 3 in favor and 3 opposed. Motion failed.

Mr. Melick motioned to grant the waiver. Ms. Darwin seconded the motion. Vote to approve the motion resulted in 3 favoring and 3 opposing. Motion failed. The Council did not have a recommendation for the Commission.

Commissioner Browdy motioned approval of the waiver as long as 50% of the holes are continuously accessible. Commissioner Corn seconded the motion.

Commissioner Sanidas stated that plans were not submitted when the applicant was turned down by the building department. He suggested that the plans should have been properly submitted to the department for review and action.

Ms. Butler requested clarification from the applicant regarding the submitted plans.

Mr. Peterson stated that plans were submitted with the application but not to the building department.

Commissioner Browdy interjected that there is no requirement under Florida law that the building official review the application for a waiver prior to the Commission making determination.

Chairman Rodriguez called for a vote to approve the motion. Vote resulted in 14 favoring and 3 opposing. Motion carried.

Mr. Long asked the applicant what the cost would be for a person in a wheelchair who could not access the elevated holes to play, if there would be a discount for disabled persons who cannot play the entire course. He strongly stated that disabled persons must pay the same price to play 50% of the holes as a person playing 100% of the holes.

#### Item #4, Master's Title

Ms. Armstrong stated that the applicant had withdrawn their application until the October meeting.

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

**(Appointment / Reappointment of TAC Members)**

Chairman Rodriguez stated that last month he requested that TAC chairs make recommendations on current membership in terms of reappointment and/or replacement of members based on participation. He asked each of the chairs to report in writing so that next month the decisions can be made.

Commissioner Browdy asked about the Education Committee since it is no longer a TAC.

Chairman Rodriguez stated that Education should also make recommendations.

**RULES OF PROCEDURE AD HOC REPORT AND RECOMMENDATIONS**

Commissioner Browdy reviewed the Committee's report and recommendations. (See *Rules of Procedure Ad Hoc Committee Report Attachment*.)

Commissioner Browdy motioned approval of the report and recommendations. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous. Motioned carried.

**EDUCATION AD HOC REPORT AND RECOMMENDATIONS**

Commissioner Browdy reviewed the Committee's report and recommendations. (See *Education Ad Hoc Committee Report Attachment*.)

Commissioner Wiggins motioned approval of the report. Commissioner Lipka seconded the motion. Vote to approve the motion was unanimous. Motion carried.

**MANUFACTURED / PROTOTYPE BUILDING AD HOC REPORT AND RECOMMENDATIONS**

Commissioner Parrino reviewed the Committee's report and recommendations. (See *Manufactured/Prototype Building Ad Hoc Report Attachment*.)

Commissioner Wiggins motioned approval of the report and recommendations. Commissioner Thorne seconded the motion. Vote to

approve the motion was unanimous. Motion carried.

### **PLUMBING TAC REPORT AND RECOMMENDATIONS**

Commissioner Shaw reviewed the Plumbing TAC and Swimming Pool subcommittee report and recommendations. (See *Plumbing TAC / Swimming Pool Subcommittee Report* Attachment.)

Commissioner Wiggins motioned approval of the Plumbing TAC report and recommendations. Commissioner Lipka seconded the motion. Vote to approve the motion was unanimous. Motion carried.

### **REHAB CODE AD HOC COMMITTEE REPORT AND RECOMMENDATIONS**

Mr. Blair reviewed the Rehab Code Ad Hoc Committee's report and recommendations in the absence of Commissioner Andrea. (See *Rehabilitation Code Ad Hoc Committee Report* Attachment.)

Commissioner Wiggins motioned approval of the report and recommendations. Commissioner Lipka seconded the motion. Vote to approve the motion was unanimous. Motion carried.

### **ELEVATOR EMERGENCY AD HOC COMMITTEE REPORT AND RECOMMENDATIONS**

Commissioner Calpini reviewed the Committee's report and recommendations. (See *Elevator Emergency Access Ad Hoc Committee Report, August 27, 2001* Attachment.)

Commissioner Wiggins motioned to approve the Committee's report and recommendations. Commissioner Walthour seconded the motion. Vote to approve the motion was unanimous. Motion carried.

### **ACCESSIBILITY TAC REPORT AND RECOMMENDATIONS**

Commissioner Richardson reviewed the Accessibility TAC's report and recommendations. (See *Accessibility TAC Report* Attachment.)

Commissioner Lipka motioned approval of the Committee's report and recommendations. The motion was seconded.

Commissioner Browdy asked about the recommendation of the review committee with regard to adoptions requiring rule changes and asked at what point would the TAC transmit those to the Commission to initiate the required rule changes.

Commissioner Richardson when they would be needed.

Ms. Butler interjected that an additional concern is that any changes to the Accessibility Code would have to go before the Joint Administrative Procedures Committee in terms of technical rulemaking and regular rulemaking. She continued that they would also have to go before the Department of Justice Certification section to ensure that Code certification is retained.

Commissioner Richardson stated that more time would be needed to address some of the issues.

Commissioner Browdy suggested that some timing be developed so they can be moved from the discussion format and action can be taken on them.

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

**LEGAL STAFF REPORTS / DISCUSSION / RECOMMENDATIONS / APPROVAL**  
**(Special Inspector Rule Appeal)**

Ms. Butler explained the Commission is in the process of repealing the special threshold inspector certification and program requirements from the Commission's rule because of the law that was passed that moved those responsibilities to the Boards of Professional Engineering and Architects.

**CONTINUATION OF COMMISSION DISCUSSION**

Chairman Rodriguez directed the Commission back to Rule Adoption. He reminded the Commission that there had been no public comment on Building Code Training Program Rule Adoption and opened for comment from the Commissioners.

Commissioner Bassett motioned to proceed with rule adoption. The motion was seconded. Vote to approve the motion was unanimous.

Chairman Rodriguez directed the Commission to Rules of Procedure Rule Adoption. Mr. Dixon then reminded the Commission that there is a settlement agreement to the Florida Home Builders Association (FHBA) Rule Challenge, which governs much of the Code adoption and amendment process in the future. He stated that there are also requirements written in the statute requiring 45 days public notice before the TACs or Commission can consider proposed modifications and amendments to the Code. Mr. Dixon continued that there is also a six month delay time written into law between the point at which a model code organization adopts a new edition of the Code and the time at which the Commission can adopt an update to the model Code. He furthered that in the proposed rule, there was also integrated in a definitive start and end point for the Code revision cycle. Mr. Dixon stated that currently the rule requires starting July 1 and ending by July 30 the following year. He told the Commission that there have been discussions with the Florida Home Builders Association and that there will be more discussions. He stated that the intent in settling their grievance was that the public have copies of the proposed changes and time to review them before any action was taken by the TACs or the Commission, and that there be a time delay between when new editions of model codes become available and go into effect in the state of Florida. Mr. Dixon furthered that the FHBA concurred that the July start point and June end point may be arbitrary and in staff's review may unnecessarily delay adoption or updating to new standards or new editions of the model codes by six months unnecessarily. He explained a proposal that would allow the process to begin earlier than July of each year, and also require a minimum three month time period from the point of adoption of any update of the Florida Building Code and the time at which it would go into effect in order to provide time for training and education, or for transition. He stated that if the date is moved back to January as a start point rather than July, together with a three month training time, could put the Code changes in effect by October of the year in which the Code change process began. He continued that there is potential that in some updates the changes will be substantial and more than three months would be needed, in which case the Code would go into effect a year after initiation of consideration of changes. Mr. Dixon suggested deleting the starting and ending times in 9B 3.050 Section 4 and leaving it to be governed by the settlement agreement while providing the opportunity to negotiate with the FHBA to modify the settlement agreement and agree on a start time that would keep the Florida Building Code more in sequence with the changes to the national standards and the model codes.

Commissioner Wiggins motioned to approve staff recommendations for changes in time sequence for Code adoption. Commissioner Corn seconded the motion.

Commissioner Browdy asked if the Commission would receive that language incorporated into the Rules of Procedure Rule.

Mr. Dixon replied that they would be integrated into an update or a change to the Rule of Procedure after the settlement agreement has been worked out.

Commissioner Browdy clarified that it would mean that the timing issue so that the cycle for reviewing proposed amendments and updates would be consistent with the timing of the actual adoption of the new model codes.

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

Commissioner Thorne motioned to proceed with rule adoption with a notice of proposed change. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Chairman Rodriguez offered comment regarding product approval rule adoption stating that based on the quality and quantity of comments, he has decided to appoint an Ad Hoc Committee to bring the issues back to the Commission. He stated that over the time that the Commissioners have served, a tremendous amount of respect had been established for the public speakers. He urged the speakers to work together on the Code with the Commission. Chairman Rodriguez strongly expressed the need for the speakers to communicate to each other and develop some consensus.

Chairman Rodriguez then directed the Commission to the Code Refinement Rule Adoption.

Mr. Blair opened for Commission discussion regarding the Rule Adoption Hearing on Code Refinements public comments.

Mr. Dixon announced that each of the proposed written comments would be reviewed. (See *Tracking Chart, Proposed Written Comments on the 2001 Florida Building Code, August 28, 2001, Letter to Florida Building Commission from Kevin X. Crowley, and Proposed Modification to the Florida Building Code from Joe D. Belcher Attachments.*)

Mr. Madani specified the documents from which the changes and comments would be reviewed and explained how to track the comments and the specific changes identified. Mr. Madani and Mr. Blair then conducted a facilitated review and discussion of each proposed change. (See also

*Comments on the Limited Proposed Changes to the Florida Building Code, August 28, 2001, and Proposed Changes to the Florida Building Code, Building, August 3, 2001 Attachments.)*

**Chapter 4, Special Occupancy**

- FBC-B4.1** Staff recommended no action.
- FBC-B4.2 (#1)** Staff recommended no action.
- FBC-B4.2 (#2)** No action.
- FBC-B4.3 (#1)** Required action.

Commissioner Shaw motioned for approval. Commissioner Lipka seconded the motion. Vote to approve the motion was unanimous. Motion carried.

- FBC-B4.3 (#2)** Required action.

Commissioner Shaw motioned approval. Commissioner Calpini seconded the motion.

Commissioner Lipka asked whether the Legislature included that language or if it is going against the Legislature language.

Mr. Dixon responded that the Legislature granted the Commission the authority to interpret the requirements of 515 as well as integrating them into the Code.

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

- FBC-B4.3 (#4)** Required action.

Commissioner Bassett motioned approval. The motion was seconded. Vote to approve the motion was unanimous. Motion carried.

- FBC-B4.3 (#5)** Required action.

Commissioner Bassett motioned approval. The motion was seconded. Vote to approve was unanimous. Motion carried.

- FBC-B4.4** Required action.

Commissioner Bassett motioned approval. Commissioner Shaw



seconded the motion. Vote to approve the motion was unanimous. Motion carried.

**FBC-B4.5 (#1)** Required action.

Commissioner Bassett moved approval. Motion was seconded. Vote to approve the motion was unanimous. Motion carried.

**FBC-B4.5 (#2)** Required action.

Commissioner Bassett moved approval. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous.

**FBC-B4.6** Required action.

Commissioner Bassett motioned approval. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous. Motion carried.

**FBC-B4.7** No action.

**FBC-B4.8** Required action. Motion failed - result - no action.  
"screen protected"

Commissioner Bassett moved approval.

Commissioner Shaw requested clarification that a window with less than 48" but is screen protected need not be alarmed.

Mr. Madani offered clarification that the proposed change is just to place a comma in the statement. He then directed the Commission to Section 424.17.1.9 for discussion on the alarm issue.

Commissioner Bassett offered clarification that the public comment earlier stated that the window is required to be 48" high and have a screened enclosure. He continued that the comma breaks up the statement so either a screen on the window or the sill is 48" high.

Chairman Rodriguez stated the Senator who sponsored the legislation may not agree with the change.

Mr. Blair stated that the change may be inconsistent with legislative intent which should be referred to legal.

Commissioner Shaw asked if the motion to use a comma after "screened" indicating that if a window was screened and the sill was less than 48", it would be considered protected, and any window with a sill of 48" or higher, would not need to be protected.

Chairman Rodriguez stated that the motion could be made but it may be in disagreement with the maker of the legislation.

Commissioner Shaw reiterated his opinion.

Commissioner Bassett offered "a window with a 48-inch threshold on both sides" would eliminate the pass-through concept but would allow another window that was 48" high so a child couldn't climb through it.

Mr. Dixon offered clarification regarding two requirements in the way the statement should be written. He stated that the first requirement was that the window had to have a minimum of 48" from floor level of the pool access to the bottom of the window sill, and it had to be either screened or protected. He continued that a screen was sufficient without bars but both 48" height and screen protected had to be required.

Commissioner Corn suggested "screened or protected windows."

Mr. Dixon stated that they would also have to be 48" above the floor level.

Commissioner Corn stated that he understood that "screened or protected windows are excluded, and windows which have a sill height of 48" or more are excluded.

Mr. Madani interjected that the goal is to have a window that a child cannot climb.

Commissioner Bassett asked if the comment period will be over after these discussions.

Chairman Rodriguez stated that there would be no more comment period following this one.

Commissioner Leonard stated that he is hearing two items being argued. He continued that the exception is for a screened window with a sill height of 48" or more, or a protected window that has a sill height of 48" or more. He then asked if a window has a sill height of 20" and is screened, is

that an exception.

Commissioner Sanidas pointed out that only a 40" barrier around the pool.

Chairman Rodriguez reminded the Commission that the Senator was concerned about babies climbing on sofas. He stated that she wanted the 48" barrier next to the pool, and openings from the house to the pool that are 48" are not as secure because of furniture, or counters. Chairman Rodriguez furthered that the Commission should be aware that this issue could come back if it is changed.

Commissioner Corn motioned a change to read "screened or protected windows." He then suggested adding a section d to read "windows having a bottom sill height of 48" or more as measured from the interior finished floor at the pool access level." Commissioner Browdy seconded the motion.

Commissioner Leonard stated that it could be stated "screened or protected windows, or windows having a bottom sill height..." He continued that Senator Washerman-Schultz did not agree with that and suggested that the Commission would be haunted until it read to her liking.

Mr. Richmond interjected that the Senator was present at the last meeting, but that the Commission has to look to the manner in which the law that was passed reads, and it states that "all windows and doors providing direct access to the pool are subject to some requirement for protection." He continued that the Commission does have authority to provide standards for those requirements.

Commissioner Shaw expressed confidence that the Senator agreed that a screened window is the same as a screened portion of the enclosure. He continued that a screened window is a protected opening and that pass-throughs are not screened even though they are in excess of 48". He suggested that the screened window was a compromise.

Commissioner Wiggins expressed agreement with the intent of Commissioner Shaw but stated that if the change is made the Commission would be revisiting it next month when the Senator sees the changes.

Mr. Blair stepped out of his role as facilitator for a moment and stated an opinion that his impression was that the intent was that a window must be 48" or higher and screened.

Chairman Rodriguez called for a vote on the motion. Vote to approve the motion resulted in 7 supporting and 9 opposing. Motion failed.

**FBC-B4.8** No action.  
“hard-wired alarms”

Commissioner Browdy recalled that the Senator recognized the fact that it is possible to plug in some type of alarms that are available in a secondary market. He stated that the requirement for hard-wiring would be extraordinarily expensive and cumbersome. He then suggested that the hard-wire issue be qualified so that it would be possible to plug in an alarm to a 110-volt outlet. He suggested that the words “hard-wire” be deleted, or that the requirement only be if the system is available to be plugged in conventionally.

**FBC-B4.8** No action.  
“inlets” to “outlets”

Commissioner Shaw offered clarification regarding the term stating that the industry agreed that “suction outlet” would be understood by everyone.

Commissioner Bassett motioned to grant staff authorization to remove programmatic and administrative requirements from state agencies from Chapter 4 as deemed necessary. Commissioner Wiggins seconded the motion.

Commissioner Corn suggested that when staff does make the changes that they at least email the Commissioners for awareness.

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

**FBC-B11.1** Required action.

Commissioner Bassett motioned approval of figures to be consistent with DOJ-approved 1997 code. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous. Motion carried.

**FBC-B15.1** Required action.

Commissioner Bassett motioned approval. Commissioner Wiggins seconded the motion.

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

**FBC-B16.1** No action.  
**FBC-B17.1** No action.  
**FBC-B17.2 (#1)** Required action.

Commissioner Bassett motioned approval of proper designation. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous. Motion carried.

**FBC-B17.2 (#2)** Required action.

Commissioner Bassett motioned approval to proper designation. Commissioner Walthour seconded the motion. Vote to approve was unanimous. Motion carried.

**FBC-B17.2 (#3)** No action.  
**FBC-B31.1 (B4.3#3)** Required action.

Commissioner Bassett motioned approval. Commissioner Corn seconded the motion. Vote to approve the motion was unanimous. Motion carried.

**FBC-B31.2 (#1)** Required action.

Commissioner Bassett motioned approval. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous.

**FBC-B31.2 (#2)** Required action.

Commissioner Bassett motioned approval. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous.

**FBC-B31.3** Required action.

Mr. Richmond stated that this item falls within the four criteria and is a conflict in law. He continued that it sets the Building Code up to be in conflict with federal law and several local ordinances that have been adopted. He stated that parts 59 and 60 authorizing federal legislation direct local governments to adopt local flood plain ordinances and would threaten to preclude that local action.

Commissioner Bassett motioned approval. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous. Motion carried.

**FBC-B34.1** Required action.

Commissioner Bassett motioned approval. Commissioner Wiggins seconded the motion. Vote to approve was unanimous. Motion carried.

**FBC-B17.2 (#4)** Required action.

Commissioner Bassett motioned approval. Commissioner Walthour seconded the motion. Vote to approve the motion was unanimous. Motion carried.

**FBC-B17.2 (#5)** Required action.

Commissioner Bassett motioned approval. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Chairman Rodriguez directed the Commission to the written public comments submitted but not on the tracking chart.

**Kevin Crowley Letter** No action.

**Joe Belcher Recommendations** Required action.

**Section 1003.2.7** Commissioner Wiggins motioned approval. Commissioner Calpini seconded the motion. Vote to approve the motion was unanimous. Motion carried.

**Section 1203.2.6** Commissioner Bassett motioned approval. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous. Motion carried.

**Table 1604.6** Commissioner Wiggins motioned approval. Commissioner Calpini seconded the motion. Vote to approve the motion was unanimous.

**Table 1004** Commissioner Wiggins motioned approval. Commissioner Bassett seconded the motion. Vote to approve the motion was unanimous. Motion carried.

***Rick Watson Proposed Changes*** Required action.

Commissioner Bassett motioned approval. Commissioner Lipka seconded the motion.

Commissioner Wiggins expressed concern that removing those words could be a tremendous change which could make it possible a major construction project to be started by anyone anywhere. He recommended that the electrical, plumbing, or services that may be needed for emergency repair be allowed before the permit is secured.

Commissioner Sanidas agreed stating that the change is wrong and if there is an emergency a call can be made to notify the building department which has worked for many years.

Commissioner Lipka stated that emergency doesn't really comply in this case.

Commissioner Browdy stated there are concerns that a foundation permit can be unreasonably held by a building official. He continued that if certain criteria are met, then the building official will issue a permit, and if the official doesn't issue the permit, then he is not consenting.

Commissioner Shaw offered comment that it is the essence of a fast-start permit, such as roughing-in plumbing prior to the permit being issued.

Commissioner Wiggins stated that the proposed changes go beyond the intent, which was to allow the issuance of a foundation permit. He continued that what would be allowed with this wording is massive changes from what was proposed. He furthered that it also makes the next section meaningless because work can begin without a permit.

Mr. Dixon interjected that relaxation of the requirements for work beginning before the "building permit" is issued was added to the law at the request of the Commission. He stated that the way the law had been before, work could not begin until all the plans had been reviewed and approved. He furthered that the issue discussed by the Commission last year was getting at least part of the building started before the complete set of plans has been reviewed, approved, and the overall permit issued.

Commissioner Corn stated that there was a law change that passed by the representatives that calls for the change that was written on page two of Section 104.5.4 and 104.6.2. He expressed concern in putting "upon

approval of the building official," it leaves it to the discretion of the building official which means it may be issued or it may not. He continued that this has been done in Broward County for many years and has been successful in saving time and money. Commissioner Corn furthered that it ultimately helps the consumers.

Commissioner Leonard offered comment stating that laws are all different from county to county, but most are allowing work to begin once the permit has been applied for.

Commissioner Bassett spoke in favor of the motion stating that the foundation permit comes first and this shouldn't pose a problem.

Chairman Rodriguez called for a vote to approve the motion. Vote resulted in 12 favoring and 4 opposing. Motion carried.

Mr. Dixon raised the issue of correcting the 9B 3.047 rule notice that references adoption of product approval as a reference document from the Building Code Rule. He recommended that the Product Approval Rule be adopted as a separate rule not as part of, or by referencing 3.047.

Commissioner Bassett motioned approval of the recommendation. Commissioner Lipka seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Mr. Blair called for a motion to proceed with rule adoption and notice of proposed changes on the comments considered.

Commissioner Bassett motioned approval to proceed with rule adoption and notice of proposed changes. Commissioner Lipka seconded the motion.

Commissioner Shaw asked if all of the proposed changes had been considered. He continued that he had issues from several different agencies which had not been considered.

Mr. Dixon responded that if all the issues were not considered, they should be identified.

Commissioner Shaw itemized the proposed changes he thought to be left out. He specifically noted Engineering Design, the change to the reference in Section 424.2.6 of the ANSI NSPI #5 changing the effective date to 1995 and not 1994.



Commissioner Browdy concurred that the wrong edition was being referenced. He stated that they wanted to go from the 1994 edition to the 1995 edition.

Commissioner Bassett motioned approval. The motion was seconded.

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

Mr. Blair called for a motion to proceed with rule adoption and notice of proposed changes.

Commissioner Lipka motioned approval. Commissioner Parrino seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Mr. Dixon notified the Commission that there is a document out that was developed based on preliminary information. He stated that it refers to the U-factor on windows and stated that staff had looked into the issue and the document contains old information. He continued that the concern is that it may raise controversy when the builders are confronted with what it takes to comply with the Florida Energy Code that goes into effect in 2001. He furthered that there will be a correction developed by the Florida Solar Energy Center in document form which will be distributed.

#### **REVIEW COMMITTEE ASSIGNMENTS AND ISSUES FOR OCTOBER'S COMMISSION MEETING**

Mr. Blair conducted a facilitated review of Committee assignments and issues for the October Commission meeting. (See *Facilitator's Report Attachment*.)

#### **SUMMARY AND REVIEW OF MEETING WORK PRODUCTS**

Chairman Rodriguez briefly reviewed the meeting work products. He stated that the Commission had conducted a Rule Development Workshop on Monday on Prototype Buildings Program. He continued that the Commission had held an Education Rule Adoption Hearing, a Code Refinement Rule Adoption Hearing, a Rules of Procedure Rule Adoption Hearing, a Product Approval System Rule Adoption Hearing. He stated that one Declaratory Statement had been considered as well as consideration of Accessibility Waiver Applications. He furthered that the updated Commission workplan had been reviewed and approved; that one chair's

discussion issue had been held; that the Rules of Procedure Ad Hoc Report had been considered along with consideration of the Education Ad Hoc Report, the Manufactured Prototype Buildings Ad Hoc Report, the Plumbing TAC Swimming Pool Subcommittee Report, the Rehab Code Ad Hoc Report, the Elevator Emergency Access Ad Hoc Report, and the Accessibility TAC Report and Recommendations. Chairman Rodriguez stated that the Commission had considered a Legal Staff Report.

**ADJOURN PLENARY**

Chairman Rodriguez adjourned the meeting at 2:37 pm.