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THE FLORIDA LEGISLATURE
**JOINT ADMINISTRATIVE
PROCEDURES COMMITTEE**

December 14, 2012

Ms. R. Kathleen Brown-Blake
Assistant General Counsel
Department of Business and Professional Regulation
Office of the General Counsel
1940 North Monroe Street, Suite 42
Tallahassee, Florida 32399-2202

**Re: DBPR: Florida Building Commission
Rule 61G20-1.002, F.A.C.**

Dear Ms. Brown-Blake:

I have reviewed proposed rule 61G20-1.002, "Alternative Design Method for Screen Enclosures," which was advertised in the Florida Administrative Register on December 4, 2012. I have the following comments.

**Rulemaking Authority
and Law Implemented:**

This rule cites "2012-13, Laws of Florida" as rulemaking authority and as the law implemented. The rule should more specifically cite Chapter 2012-13, Section 19, Laws of Florida.

In addition, it appears the rule should cite sections 553.76 and 553.77, Florida Statutes.

61G20-1.002(1):

This subsection states in part, "The use of framing materials other than aluminum is allowed in accordance with section 104.11 of the Florida Building Code, Building [sic]." The word "Building" following "Florida Building Code" should be deleted.

Section 104.11 of the Florida Building Code is part of the rule because it is determinative of how framing materials other than aluminum is allowed. Therefore the rule text should specifically state that section 104.11 of the Florida Building Code is incorporated by reference in the rule and state how it may be obtained. *See* Fla. Admin. Code R. 1-1.013(2)(b) and (c). Also, this material may only be incorporated by reference as it exists on the date the rule is adopted. *See* § 120.54(1)(i)1., Fla. Stat.; Fla. Admin Code. R. 1-1.013(2)(a). Please include the effective date of this section of the Florida Building Code in the rule text. A copy of the incorporated materials should be provided to the committee for review at least 21 days prior to adoption of the rule. *See* § 120.54(3)(a)4., Fla. Stat.

61G20-1.002(1)(a): This paragraph requires screen enclosure frames to be designed “in accordance with the wind load provisions of the Florida Building Code, Section 1609.1.1.” *See* comments to 61G20-1.002(1) regarding section 104.11 of the Florida Building Code.

61G20-1.002(1)(b): This paragraph states, “Designs that consider these screen alternates shall comply with Florida Building Code, Building, Section 2002.4 and Table 2002.4 using the 110 mph column as modified by Table 2002.4A with all screen panels in place.” *See* comments to 61G20-1.002(1) regarding section 104.11 of the Florida Building Code.

61G20-1.002(1)(c): This paragraph states, “Designs using strength design or load and resistance factor design in accordance with the Florida Building Code, Building Section 1605.2, or allowable stress design methods of the Florida Building Code, Building, Section 1605.5.3.1 shall be permitted.” *See* comments to 61G20-1.002(1) regarding section 104.11 of the Florida Building Code.

61G20-1.002(3): This subsection states, “Where screen enclosures designed in accordance with the screen removal alternates of this rule serve as the barrier required by the Florida Building Code at Sections 424.2.17 and R4101.17.1, the required minimum height of the barrier shall be maintained when screen panels are retracted, removed, moved to the open position, or cut.” *See* comments to 61G20-1.002(1) regarding section 104.11 of the Florida Building Code.

Ms. R. Kathleen Brown-Blake

December 14, 2012

Page 3

As a reminder, chapter 2012-13, section 19, Laws of Florida, states in subsection (3) that “The Florida Building Commission shall file the rule for adoption by January 2, 2013, unless the commission files a letter on or before that date with the Joint Administrative Procedures Committee explaining the reasons for not completing rulemaking.” The committee did not receive this rule packet until December 13, 2012, making the earliest possible date the rule could be filed for adoption January 3, 2012. *See* § 120.54(3)(a)4., Fla. Stat. However, as mentioned above, certain portions of the Florida Building Code need to be incorporated by reference and provided to the committee at least 21 days before the rule is adopted. Further, a notice of change should be published providing the date of the incorporated materials. Please provide these materials and publish the notice of change as soon as possible, and comply with subsection (3) of chapter 2012-13, section 19, Laws of Florida.

As always, please let me know if you have any questions. Otherwise, I look forward to your response.

Sincerely,

A handwritten signature in blue ink that reads "Marjorie C. Holladay". The signature is written in a cursive, flowing style.

Marjorie C. Holladay
Senior Attorney