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THE FLORIDA LEGISLATURE
**JOINT ADMINISTRATIVE
PROCEDURES COMMITTEE**

December 12, 2014

Ms. Brittany B. Griffith
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 61G20-1.001, F.A.C.**

Dear Ms. Griffith:

I have conducted a preliminary review of the above-referenced proposed rule, which was advertised in the Florida Administrative Register on December 4, 2014. I have the following comments.

**Summary of the Statement of
Estimated Regulatory Costs:**

This summary states that, "The rules [sic] are not likely to directly or indirectly have an adverse impact on business competitiveness, including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets, productivity, or innovation in excess of \$1 million in the aggregate within 5 years after the implementation of the rules [sic]." This appears to contradict item B. on page one of the SERC. Please publish a notice of correction correctly summarizing the SERC.

**Effective Date
of the Rule:**

Section 553.73(7)(e), Florida Statutes, provides that a rule updating the Florida Building Code "shall take effect no sooner than 6 months after publication of the updated code," unless the code is amended upon a finding by the commission that the amendment is necessary to protect the public from immediate threat of harm. If the effective date of proposed

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rule is later than 20 days after being filed for adoption, Department of State rule 1-1.010(8)(a) requires the effective date to be included in the rule notice following the text. There is no proposed effective date following the rule text of this proposed rule. As the effective date is statutorily required to be at least 6 months after publication of the code, please publish a notice of correction indicating the proposed effective date of this rule.

61G20-1.001(1):

The rule text contains a blank for the date that the Florida Building Code, 5th Edition (2014), was updated by the commission. I understand that the date the code was updated by the commission is November 13, 2014, the date that the proposed rule was approved by the agency head. If the Florida Building Code is updated after November 13, 2014, please publish a notice of change including the date the commission updated the code. Any such notice of change should also include a summary of the changes made to the code. If the code is updated, a copy should be provided to the committee at least 21 days prior to adoption of the rule. *See* § 120.54(3)(a)4., Fla. Stat.

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

Sincerely,



Marjorie C. Holladay
Chief Attorney