

**Petition for Declaratory Statement
Before The Florida Building Commission**

FILED	
Department of Business and Professional Regulation Deputy Agency Clerk	
CLERK	Brandon Nichols
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File #	

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DS 2013-013

Statute(s), Agency Rule(s), Agency Order(s) and/or Code Section(s) on which Declaratory Statement is sought:

Florida Building Code, Building
Chapter 4, Section 428,(3): 428.3.2.1

This petition for declaratory statement specifically requests clarification of the inspection process for storage sheds that are not designed for human habitation and have a floor area of 720 square feet (67 m²). There is some confusion as to whether a storage shed as described above can be inspected after completion of the build.

The Petitioner is the authority having jurisdiction over manufactured buildings. The Department has delegated its inspection authority to particular third-party inspectors who agree to inspect manufactured buildings in accordance with the Code. The Department monitors the performance of manufacturers and third-party agencies utilizing the services of an independent contractor who performs spot checks of plans and site visits.

The Department has a monitoring report submitted by our monitor stating that inspection records show the inspector has been inspecting finished buildings in the yard for shipping. Below is the code reference regarding inspections of the storage sheds as previously described. The Department has a substantial interest in this matter as it must appropriately instruct the third-party agencies and the monitor regarding storage sheds.

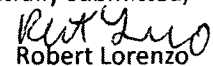
The Third Party Agency has provided information stating that of the 437 storage sheds which have received Insignias, 89 were inspected. Inspecting 89 of the 437 sheds will provide an inspection rate of 20.36%. Of the 89 inspections, 60 were performed in the yard, providing a 13.7 % inspection rate of sheds inspected in the yard. That would leave 29 sheds inspected in the plant, which would amount to 6.66 % inspected in the plant.

428.3.2.1

With regard to manufactured buildings, observe the manufacture of the first building built subsequent to the plan approval from start to finish, inspecting all subsystems (electrical, plumbing, structural, mechanical or thermal) thereof. Continual observation and inspection of the manufacturing process shall continue until the agency determines the implementation of the manufacturer's quality control program capabilities, in conjunction with application of the approved plans and specifications, result in a building that meets or exceeds the standards adopted herein. Thereafter, the agency shall inspect each module produced during at least one point of the manufacturing process and shall inspect a minimum of 75 percent of the subsystems (electrical, plumbing, structural, mechanical or thermal) or 20 percent of storage sheds that are not designed for human habitation and have a floor area of 720 square feet (67 m²) or less manufactured pursuant to the approved plan. Where a production line does not provide the subsystem percentages of inspections prescribed, in a single inspection, additional inspections shall be performed until prescribed percentages of installed subsystems are inspected.

Question: Can storage sheds that are not designed for human habitation and have a floor area of 720 square feet (67 m²) and built by an approved manufacturer in the Manufactured Building Program be inspected as finished buildings in the yard for shipping?

Respectfully submitted,


Robert Lorenzo

February 26, 2013