



March 27, 2013

Mr. Robert Lorenzo
Department of Business and Professional Regulation
Manufactured (Modular) Building Program
1940 North Monroe Street
Tallahassee, Florida 32399

Re: Petition for Declaratory Statement DS 2013-013

Dear Robert:

As you know I represent the Florida Portable Building Manufacturers Association. The Association opposes the staff recommendation associated with the request for declaratory statement above. For over 12 years staff for the Manufacturing Buildings Program and third party agencies representing the department and its predecessor agency have consistently interpreted the 20% inspection requirement for sheds in a manner which allowed completed units to be inspected. This interpretation is consistent with the nature of these simple buildings and the inspection agency's delegated authority to determine the manner and frequency of inspections for compliance with the Florida Building Code.

If staff to the Department wishes to change the longstanding interpretation and implementation of the inspection provision it must engage the rulemaking process under the APA. In that way, the stakeholders who will be impacted by the changed interpretation will have the opportunity to participate in the rulemaking process. A changed interpretation based on the staff recommendation will result in increased man hours by the third party agencies, increased costs and disruption in the manufacturing process.

This result cannot be accomplished by the expedient of one staff member requesting a declaratory statement, followed by another member making the pre-determined recommendation to a technical advisory committee, followed by a building commission "interpretation". A change in interpretation can only be accomplished through rulemaking.

I would request that this letter be furnished to members of the technical advisory committees who will consider this matter. I further request that the petition for

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declaratory statement be withdrawn and the Department seek any changes it wishes to make through the rulemaking process.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Kevin X. Crowley', with a long horizontal flourish extending to the right.

Kevin X. Crowley

KXC:ml

cc: Mr. Jim Richmond
Ms. April Hammonds
Mr. Mo Madani