

NOTICE OF PROPOSED RULEMAKING

DEPARTMENT OF COMMUNITY AFFAIRS

Florida Building Commission

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Manufactured Buildings 9B-1

RULE TITLES: RULE NOS.:

Definitions. 9B-1.002

Administration and Department Responsibilities. 9B-1.003

Adoption of Model Codes. 9B-1.004

Certification of Third Party Agencies. 9B-1.006

Manufacturer Certification. 9B-1.007

Design Plan and Systems Approval. 9B-1.009

Manufacturers Quality Assurance Manual Control Procedures. 9B-1.010

Department Insignia. 9B-1.016

Insignia Application and Issuance. 9B-1.017

Schedule of Fees. 9B-1.020

Change in Manufacturer's Status. 9B-1.0211

Manufacturer's Obligations Upon Sale of Building. 9B-1.0221

Factory-built Schools, Inspections and Work Progress Reports. 9B-1.028

Factory-built Schools, Insignia and Data Plate. 9B-1.030

PURPOSE, EFFECT AND SUMMARY: To clarify Rule Chapter 9B-1, Fla. Admin. Code, as it relates to Manufactured Buildings Program Procedures; Definitions, Fees; Inspections and

Insignias.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 320.01(2)(a), 553.37, 553.37(1),(2), 553.38, 553.38(1), 553.381, 553.415 FS.

LAW IMPLEMENTED: 553.36, 553.37(1), (2)-(5), (7), (8), 553.37, 553.38, 553.38(1), 553.415 FS.

A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW: TIME AND DATE:

PLACE:

Any person requiring special accommodations at the hearing because of a disability of physical impairment should contact Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850) 487-1824 at least seven days prior to the date of the hearing using the Florida Dual Party Relay System which can be reached at 1-800-955-8770 (Voice) or 1-800-955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Michael D. Ashworth, Manufactured Buildings Program Manager, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, 850-922-6075, e-mail address: michael.ashworth@dca.state.fl.us.

THE FULL TEXT OF THE PROPOSED RULES IS:

9B-1.002 Definitions.

For the purpose of this chapter, the following words, unless the context does not permit, shall have the meanings indicated:

(1) ~~Agency (Third Party Agency)~~ Third Party Agency - An individual or entity, which may be a private sector entity, a state department with building construction responsibilities or a local government determined by the Department to be qualified pursuant to this chapter to review plans for or inspect the construction of manufactured building units, systems, or the component parts thereof together with the plans, specifications, and quality control procedures to ensure that such units, systems, or component parts are in full compliance with the codes and standards herein adopted and to assign and attach the insignia of the Department to such units complying with those standards.

(2) No Change.

(3) Building Code Information System (BCIS) at www.floridabuilding.org -- the official website of the Florida Building Commission and the Florida Building Codes & Standards Office.

(3) through (23) renumbered; (4) through (24) no change.

(25) Storage Shed - A closed construction building that is not designed for human habitation, without regard to whether the storage unit is used for residential or commercial purposes. This term does not include a building used to house communications equipment.

(25) and (26) Renumbered; (27) and (28) No change.

Specific Authority 553.37(1), 553.415 FS. Law Implemented 553.36, 553.415 FS. History -- New 1-17-72, Amended 2-23-75, 12-8-75, 3-1-80, 9-29-82, Formerly 9B-1.02, Amended 1-1-87,

3-1-92, 3-1-95, 9-13-01, 7-16-03,_____.

9B-1.003 Administration and Department Responsibilities.

(1) Forms - The following forms are hereby adopted by reference for use in administering this part.

FMBP 1-00 Manufacturer Application for State Approval - 1 page

FMBP 2-00 Agency Application for State Approval - 1 page

FMBP PS-1-00 Application for School Boards

FMBP 4-00 Agency Renewal Form (online-2 pages)

Form: Insignia Disposition Report.

(2) through (4) No change.

Specific Authority 553.37(1), (2) FS. Law Implemented 553.37(1), (2), 553.381 FS. History -- New 1-17-72, Amended 2-23-75, 3-1-80, 11-1-84, Formerly 9B-1.03, Amended 1-1-87, 1-1-89, 3-1-92, 3-1-95, 9-7-00, 9-13-01, 7-16-03.

9B-1.004 Adoption of Model Codes.

(1) No change.

(2) No change.

(3) Building Official - For purpose of this chapter, where reference is made in any of the above mentioned codes in Rule 9B-1.004, F.A.C., to the building official, the plumbing or mechanical inspector, to the administrative authority or enforcement official, or to any such authoritative person, it shall mean the Manufactured Buildings Program ~~Administrator~~ Manager.

(4) A copy of the above referenced Florida Building Code has been filed with the Secretary of State. The Florida Building Code is also available for reference and inspection at the

Department of Community Affairs, Building Codes & Standards Office or online at www.floridabuilding.org ~~Manufactured Buildings Program~~.

(5) through (7) No change.

Specific Authority 320.01(2)(a), 553.37(1), 553.38(1), 553.415, 553.73(2) FS. Law Implemented 553.37(8), 553.38(1), 553.415 FS. History -- New 1-17-72, Amended 6-19-74, 2-23-75, 12-21-76, 3-20-79, 3-1-80, 6-24-80, 9-29-82, 1-29-84, 11-1-84, Formerly 9B-1.04, Amended 1-1-87, 1-1-89, 1-1-90, 3-1-92, 3-1-95, 9-13-01, 7-16-03,_____.

9B-1.006 Certification of Third Party Agencies.

(1) through (4)(c) No change.

(d) The agency shall ~~triennially~~ ~~biennially~~ evaluate manufacturer's quality assurance (control) program to coincide with the change in the Florida Building Code. The Agency shall post the Quality Control (QC) Manual on the BCIS and maintain copies on file, available for monitoring.

(5) and (6) No change.

Specific Authority 553.37(1), 553.38(1) FS. Law Implemented 553.37(8) FS. History -- New 1-17-72, Amended 2-23-75, 12-8-75, 11-14-76, 3-23-77, 3-1-80, 9-29-82, 4-21-83, 11-1-84, Formerly 9B-1.06, Amended 1-1-87, 3-1-92, 3-1-95, 9-13-01, 7-16-03,_____.

9B-1.007 Manufacturer Certification.

(1) No change.

(2) Initial Certification Requirements - A manufacturer must submit to the Third Party Agency for validation to the ~~Department~~ ~~department~~ the following for certification:

(a) No change.

(b) Identification of principals which shall at a minimum include the positions ~~names~~ of partners if the manufacturer is a partnership or its officers, directors, controlling owners and registered agent if the manufacturer is a corporation.

(c) No change.

(d) A Quality Assurance Program Manual which also may be called Quality Control Manual (QC Manual) ~~in triplicate~~.

(3) No change.

(4) No change.

Specific Authority 553.37(1), 553.38(1), 553.381 FS. Law Implemented 553.37(8), 553.38(1) FS. History -- New 1-17-72, Amended 2-23-75, 11-14-76, 3-1-80, 11-4-84, Formerly 9B-1.07, Amended 1-1-87, 1-1-89, 3-1-95, 9-7-00, 9-13-01, 7-16-03,_____.

9B-1.009 Design Plan and Systems Approval.

(1) through (2)(a) No change.

~~(b) If the residential manufactured building is transportable in one or more sections and is eight body feet or more in width or forty body feet or more in length, or, when erected on site, is three hundred twenty or more square feet, and which is built on a permanent chassis, the manufacturer shall certify that the manufactured building has been excluded from regulation by the United States Department of Housing and Urban Development.~~

(3) No change.

(4) A licensed modular plan reviewer shall review each set of documents so submitted, including the plans, specifications and design calculations, for compliance with the appropriate code and this part and shall utilize a checklist. The plans review and the checklist utilized

therewith shall at a minimum contain the following elements and comply with Rule Chapter 9B-72 F.A.C.:

(a) through (6) No change.

(7) Manufacture's Modular Data Plate. The manufacturer shall install on all manufactured (modular) buildings industrialized and components prior to leaving the manufacturing plant a data plate which shall be permanently mounted on or about the electrical panel and which shall contain, but not be limited to, the following design information when applicable.

(a) through (g) No change.

~~(h) Florida Insignia Number;~~

(h) through (p) renumbered; (i) through (q) no change.

Specific Authority 553.37(1) FS. Law Implemented 553.38(1) FS. History -- New 1-17-72, Amended 2-23-75, 3-1-80, 9-29-82, 1-29-84, 11-1-84, Formerly 9B-1.09, Amended 1-1-87, 3-1-92, 3-1-95, 9-13-01, 7-16-03,_____.

9B-1.0095 Component System.

(1) through (3)(c) No change.

(d) All components shall comply with the applicable building codes and Rule Chapter 9B-72

F.A.C.

Specific Authority 553.37, 553.38 FS. Law Implemented 553.37, 553.38 FS. History -- New 9-13-01, Amended 7-16-03,_____.

9B-1.010 Manufacturer's Quality Assurance Manual Control Procedures.

The manufacturer's Quality Control Manual shall at a minimum contain the following information.

(1) Organizational Element:

(a) No change.

(b) An organizational chart showing responsible management and supervisory positions by title ~~and name~~. A job description for each of the positions shall be provided.

(c) Brief qualifications resume of all personnel in management and supervisory positions including the Quality Control Manager ~~showing education and experience~~.

(d) through (5) No change.

Specific Authority 553.37(1) FS. Law Implemented 553.37(1), (8) FS. History -- New 1-17-72, Amended 2-23-75, 3-1-80, 9-29-82, Formerly 9B-1.10, Amended 1-1-89, 3-1-92, 3-1-95, 9-7-00, 9-13-01,_____.

9B-1.016 Department Insignia.

(1) through (6) No change.

(7) Insignias shall be mailed to the manufacturer's inspection agency for release to the Manufacturer's Quality Assurance person when the inspection agency is satisfied that the building or component meets the Florida Building Code. ~~The Department shall reissue insignias if it is notified by the Third Party Agency that the insignias have not been received within fifteen days from the date of mailing.~~

(8) The agency or manufacturer's Quality Assurance person shall affix insignias to buildings only after inspection and determination that the building or component is in compliance with the building codes.

(9) and (10) No change.

(11) Affixing insignia to a building or components which has code deficiencies or do not

conform to the approved plan, shall be grounds for decertification of the manufacturer or agency or both. In such case, the insignia shall be removed by the agency, manufacturer's Quality Assurance person or the Department.

Specific Authority 553.37(1) FS. Law Implemented 553.37(1)-(5), 553.38 FS. History -- New 1-17-72, Amended 9-17-73, 2-23-75, 3-1-80, 6-24-80, 9-29-82, 11-1-84, Formerly 9B-1.16, Amended 1-1-87, 3-1-92, 3-1-95, 9-13-01, 7-16-03, _____.

9B-1.017 Insignia Application and Issuance.

(1) No change.

(2) Insignias shall be issued to the manufacture's Third Party Agency and shall not be affixed to a building until the inspection agency has completed the inspections required in the Florida Building Code, Rule 9B-1.008, F.A.C., found the building to be in compliance with the requirements of this chapter and entered the Inspection Report on the BCIS. If an insignia is for a modified building, after the modifications are completed and the building inspected, the original insignia shall be removed and returned to the Department by the inspection agency or Quality Assurance person and the new insignia affixed.

Specific Authority 553.37(1) FS. Law Implemented 553.37, 553.38 FS. History -- New 1-17-72, Amended 9-27-73, 2-23-75, Formerly 9B-1.17, Amended 1-1-87, 3-1-92, 3-1-95, 7-16-03, .

9B-1.020 Schedule of Fees.

The Department shall charge the following fees for the indicated items:

(1) Manufacturer's initial application fee is \$300 plus \$300 for the triennial certification.

The triennial renewal fee is \$300. Each additional plant will be assessed an initial application

fee of \$100 plus \$150 triennial certification. The triennial renewal fee is \$150. Third Party Agency's initial application fee is \$600 plus \$900 for the triennial certification. The triennial renewal fee is \$900.

Insignia fees:

- ~~—(a) Factory built schools fee is \$20 per building.~~
- ~~—(b) Components (Panels) fee is \$3 per panel. The insignia will be affixed to each panel prior to leaving the factory.~~
- ~~—(c) Storage sheds (less than 720 square feet in area) fee is \$7.~~
- ~~—(d) Manufactured buildings fee is \$55 per module, including storage sheds over 720 square feet.~~

~~Manufacturer's certification application fee is \$300. Once a manufacturer has had at least one manufacturing facility certified, the manufacturer shall pay an application fee of \$100 for each additional manufacturing facility to be certified.~~

(2) Third Party Agency's initial application fee is \$600 plus \$900 for the triennial certification. The triennial renewal fee is \$900. ~~Third Party Agency certification application fee is \$600.~~

(3) Insignia fees:

- (a) Factory-built schools fee is \$20 \$15 per building;
- (b) Components (Panels) fee is \$3 per panel. The insignia will be affixed to each panel prior to leaving the factory;
- (c) Storage sheds (less than 720 square feet in area) is \$7 \$5;
- (d) Manufactured buildings fee is \$55 \$50 per module, including storage sheds over 720 feet.

~~Manufacturers will be assessed a \$300.00 fee for certification and upon renewal for the initial manufacturing facility and a \$150.00 fee for certification and renewal each manufacturing facility thereafter.~~

~~(4) All fees are non-refundable, unless otherwise approved by the Department.~~

~~Inspections/Plans Review Agency will be assessed a \$900 fee for certification and upon renewal.~~

~~(5) Field technical service \$40.00 per man hour, plus expenses payable when service is rendered.~~

~~(6) Insignia Fees:~~

~~(a) Factory built school used in the public school system insignia fee is \$30.00 for each building.~~

~~(b) Panelized Construction for Modular Residential or Commercial Buildings erected at installation site. The insignia fee shall be determined in the following manner: Three dollars (\$3.00) per 100 square feet of floor area or major fraction thereof, based upon the plan with the largest floor area for each of the following sub-systems:~~

~~1. Foundation;~~

~~2. Floor;~~

~~3. Interior Walls;~~

~~4. Exterior Walls;~~

~~5. Ceiling and/or Roof;~~

~~The insignia shall be affixed to each panel prior to the panel leaving the manufacturing facility.~~

~~(c) Manufactured buildings that are less than 720 square feet in area as installed, and are not approved for use for human habitation such as storage sheds and lawn storage buildings: \$10.00~~

~~per building.~~

~~(d) Manufactured buildings and components not otherwise provided above: \$60.00 per module.~~

~~(7) All fees are non-refundable.~~

Specific Authority 553.37(1) FS. Law Implemented 553.37(7) FS. History -- New 1-17-72, Amended 2-1-72, 2-23-75, 12-8-75, 3-20-79, 3-1-80, 9-29-82, 11-1-84, Formerly 9B-1.20, Amended 1-1-87, 1-1-89, 1-1-90, 3-1-92, 3-1-95, 9-13-01,_____.

9B-1.0211 Change in Manufacturer's Status.

(1) Change of Ownership - When the ownership of a manufacturer changes, the new owner shall take the following steps:

(a) and (b) No change.

(c) Submit an organizational chart of the management identified by title ~~and name~~ of officers.

(d) through (3)(b) No change.

(c) The new agency shall review and approve the existing or an updated Quality Control Manual of the manufacturer and post on the BCIS ~~submit to the department~~.

(4) Termination of state certificate - When a manufacturer or an agency decides to discontinue doing business, the department shall be informed in writing at least thirty (30) days in advance and such discontinuance shall act as a resignation of the certification. Any subsequent resumption of business activities by a manufacturer or agency will require a new application.

Specific Authority 553.37(1) FS. Law Implemented 553.37(1), (4) FS. History -- New 9-13-01, Amended 7-16-03,_____.

9B-1.0221 Manufacturer's Obligations Upon Sale of Building.

The manufacturer shall provide a TRANSPORTATION AND INSTALLATION BOOKLET with each new building and component package. ~~This requirement shall not apply to manufactured buildings which are being modified and not otherwise manufactured.~~ It shall include:

- (1) Precautions and instructions for transportation of buildings and modules; and
- (2) No change.

Specific Authority 553.38 FS. Law Implemented 553.38 FS. History -- New 9-13-01, Amended

9B-1.028 Factory-built Schools, Inspections and Work Progress Reports.

- (1) All site installation and annual inspections are the responsibility of the School Board.

The DCA insignia attests only to compliance of the building with the Florida Building Code and not any site plans or site related issues. Recurring Inspections. Factory-built schools shall be inspected once each year to determine continued compliance with the applicable standards. Noncompliance shall result in the building being found unsatisfactory. Unsatisfactory findings shall be reported to the Department and identified on the Building Code Information System.

- (2) No change.

Specific Authority 553.415 FS. Law Implemented 553.415 FS. History -- New 9-13-01, Amended 7-16-03,_____.

9B-1.030 Factory-built Schools, Insignia and Data Plate.

- (1) ~~Generally.~~ Each factory-built school building utilized for educational purposes shall bear

the “SREF/school” insignia of the Department and a data plate. ~~Application for insignia shall be made by the educational entity utilizing the factory built school or another in privity with the education entity acting on behalf of and in the name of the educational entity on the form designated in Rule 9B-1.003, F.A.C. Insignia shall be issued to the educational entity in whose name application for the insignia is made.~~ The data plate shall be fabricated by the manufacturer of new buildings and the owner of existing buildings of durable material with the required information inscribed thereon. The insignia and data plate shall be permanently mounted on or about the electrical panel prior to leaving the factory. ~~Insignia shall be mounted on the building for which the insignia has been issued by the inspector having completed the inspection of the building as installed.~~ Insignia and data plates are non-transferable. The data plate shall provide the following information:

(a) through (g) No change.

~~(h) Florida insignia number;~~

(i) through (t) renumbered; (h) through (u) no change.

Specific Authority 553.415 FS. Law Implemented 553.415 FS. History -- New 9-13-01,
Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULES: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850) 487-1824.

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Janice Browning, Director, Division of Housing and Community Development, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD:

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 10, 2005.