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FBC Education Administrator Report

June 9, 2014

A. Provided administrative support for FBC Education POC for April 10, 2014 meeting

B. Drafted minutes for FBC Education POC April 10, 2014 meeting

C. Prepared agenda for FBC Education POC meeting on June 12, 2014 meeting

D. Inquiries from the public March 29, 2014 to June 7, 2014 as follows:

12 inquiries: 8 telephone; 4 e-mail

Category of inquirers:

3 Consumer 5 Contractor 2 Provider 2 Building department personnel

Types of Inquiries:

1 Building code courses	1 Course accreditation
1 Courses for certification (inspector)	1 Posting CE course
1 Accessibility waiver process	1 Product approval rule history
4 Modular home requirements	1 Engineering
1 Notice to cure	

E. Changes to section 553.841, Florida Statutes, passed the 2014 Legislature in HB 7147. Governor Scott has until June 20, 2014 to approve or veto this legislation. The changes in the bill are as follows:

553.841 Building code compliance and mitigation program.—

(1) The Legislature finds that knowledge and understanding by persons licensed or employed in the design and construction industries of the importance and need for complying with the Florida Building Code and related laws is vital to the public health, safety, and welfare of this state, especially for protecting consumers and mitigating damage caused by hurricanes to residents and visitors to the state. The Legislature further finds that the Florida Building Code can be effective only if all participants in the design and construction industries maintain a thorough knowledge of the code, code compliance and enforcement, duties related to consumers, and changes that additions thereto which improve construction standards, project completion, and compliance of design and construction to protect against consumer harm, storm damage, and other damage. Consequently, the Legislature finds that there is a need for a program to provide ongoing education and outreach activities concerning compliance with the Florida Building Code, the Florida Fire Prevention Code, construction plan and permitting requirements, construction liens, and hurricane mitigation.

(2) The Department of Business and Professional Regulation shall administer a program, designated as the Florida Building Code Compliance and Mitigation Program, to develop, coordinate, and maintain education and outreach to persons required to comply with the Florida Building Code and related provisions as specified in subsection (1) and ensure consistent education, training, and communication of the code's requirements, including, but not limited to, methods for design and construction compliance and mitigation of storm-related damage. The program shall also operate a clearinghouse through which design, construction, and building code enforcement licensees, suppliers, and consumers in this state may find others in order to exchange information relating to mitigation and facilitate repairs in the aftermath of a natural disaster.

F. Changes to rule 61G20-6.002, Florida Administrative Code, attached.

RULEMAKING AUTHORITY: 944.09 FS.
 LAW IMPLEMENTED: 20.315, 944.09 FS.
 IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Paul Vazquez, 501 South Calhoun Street, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-210.101 Routine Mail.

(1) No change.

(2) Inmates will be permitted to receive only the following types of materials through routine mail:

(a) through (b) No change.

(c) Photographs. Photographs will be counted toward the 15 page additional materials limitation. Nude photographs or photographs that reveal genitalia, buttocks, or the female breast will not be permitted. Polaroid photographs and commercial photographs will not be permitted. Commercial photographs are those produced in bulk that are not actual photographs, but are computer or printer copies usually produced for sale or purchase. Photographs will not exceed 8" x 10".

(d) through (e) No change.

(3) through (22) No change.

Rulemaking Authority 944.09 FS. Law Implemented 20.315, 944.09 FS. History--New 10-8-76, Amended 10-11-77, 4-19-79, 11-19-81, 3-12-84, 10-15-84, Formerly 33-3.04, Amended 7-8-86, 9-4-88, 3-9-89, 9-1-93, 9-30-96, 5-25-97, 6-1-97, 10-7-97, 5-10-98, Formerly 33-3.004, Amended 12-20-99, Formerly 33-602.401, Amended 12-4-02, 8-5-03, 10-27-03, 9-20-04, 3-23-08, 7-2-09, 5-9-10, 12-5-12, 4-1-13,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

James Upchurch, Assistant Secretary of Institutions

NAME OF AGENCY HEAD WHO APPROVED THE

PROPOSED RULE: Michael D. Crews, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: May 8, 2014

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAR: April 25, 2014

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Building Commission

RULE NO.: RULE TITLE:

61G20-6.002 Commission Approval and Accreditation of Advanced Building Code Training Courses

PURPOSE AND EFFECT: To clarify the application deadline for revised accredited advanced courses, when course providers can select the self-affirm option upon revising a

previously approved accredited course, and accreditation of advanced courses for future editions of the Florida Building Code upon approval for adoption by the Florida Building Commission. The rule also includes adding the code edition to the title of advanced courses.

SUMMARY: Statute permits the Commission to develop criteria for the accreditation of courses related to the Florida Building Code by accreditors approved by the commission. The rule is amended to establish the deadlines for the revision of accredited courses, clarify when the self-affirmation option can be used, allow courses on future editions of the code to be accredited upon Commission approval of the Florida Building Code for adoption, and require the code edition be included in the title of an advanced course.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Commission conducted an analysis of the proposed rule's potential economic impact and determined that it did not exceed any of the criteria established in Section 120.541(2)(a), F.S.

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

RULEMAKING AUTHORITY: 553.841(7) FS.

LAW IMPLEMENTED: 553.841 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ila Jones, Administrator, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)717-1822

THE FULL TEXT OF THE PROPOSED RULE IS:

61G20-6.002 Commission Approval and Accreditation of Advanced Building Code Training Courses.

(1) Approval of Course Accreditors. The Commission shall approve persons to serve as accreditors of advanced training courses. Persons desiring to be accreditors shall apply

using the Register Accreditor function and associated online screens, Form FBC-ED-001, effective September 10, 2010, adopted and incorporated herein by reference and available from the Building Code Information System at www.floridabuilding.org/ce/ce_tporgapp_dtl1.aspx.

Applications shall be accompanied by an application fee of \$100.00. Applications shall be approved by the Commission if the applicant has demonstrated five years of Florida Building Code expertise in the field for which approval is sought, or equivalent as specified below, or possesses an active license issued pursuant to Section 471.015, 481.213, or 481.311; Chapter 489, Part I or II, F.S.; or a standard certificate issued pursuant to Section 468.609, F.S. Accreditors approved by the Commission under prior versions of this rule are authorized to continue accreditation of building code courses. Equivalent expertise or proficiency under this provision shall include:

- (a) through (d) No change.
- (2) No change.
- (3) Training Provider Registration and Requirements.

(a) Training providers approved by the Department of Business and Professional Regulation who desire Commission approval and accreditation for advanced building code courses shall register with the Building Code Information System using the Register Training Provider function and associated online screens, Form FBC-ED-002, effective September 10, 2010, adopted and incorporated herein by reference and available from the Building Code Information System at www.floridabuilding.org/ce/ce_tporgapp_dtl1.aspx, and pay a registration fee of \$25.00.

(b) Registered training providers shall submit materials and information pertaining to courses for which Commission accreditation and approval is sought utilizing the Submit a Course Application function and associated online screens, Form FBCED 2003-03, "Application for Course Accreditation," effective ~~October 2012~~, adopted and incorporated herein by reference and available from the Building Code Information System at [https://flrules.org/gateway/reference.asp?No=Ref-~~http://www.floridabuilding.org/ce/ce_default.aspx~~](https://flrules.org/gateway/reference.asp?No=Ref-http://www.floridabuilding.org/ce/ce_default.aspx) or [https://flrules.org/gateway/reference.asp?No=Ref-~~https://www.flrules.org/gateway/reference.asp?NO=Ref-02166~~](https://flrules.org/gateway/reference.asp?No=Ref-https://www.flrules.org/gateway/reference.asp?NO=Ref-02166).

- (c) through (d) No change.

(e) The Building Code Information System shall assign an accreditation number to the application upon submittal. The application shall be accredited completely and placed in the "Pending FBC Action" file on the Building Code Information System at http://www.floridabuilding.org/ce/ce_tporgapp_dtl1.aspx no later than 23 ~~calendar~~ days prior to the next scheduled meeting of the Florida Building Commission. The Commission or its designee shall finalize the accreditation process utilizing the Building Code Information System at

www.floridabuilding.org and notify the provider and accreditor within 3 business days of the Florida Building Commission's action on the applications. If a provider has not taken any action on a submitted but incomplete application in 180 days, the Commission may withdraw the application.

(f) On or before the effective date of changes to the Florida Building Code, Florida Statutes or rule relating to the Florida Building Code, providers shall update existing accredited courses affected by the code, law or rule changes pursuant to subsection (3)(g) and submit for accreditation on the Building Code Information System at http://www.floridabuilding.org/ce/ce_default.aspx. If the course is not updated, the course expires and cannot be updated. The code version, law or rule that initiated the update and reaccreditation process must be noted on the application. Accreditation of revisions to approved accredited courses shall be accomplished in the same manner as described in paragraphs (a) through (f) hereof, except only the revision submitted shall be subject to review. These courses shall be approved by the administrator of the education program subject to ratification by the Florida Building Commission.

(g) The following timelines apply for any course for which revision is required:

1. For a new edition of the Florida Building Code, a course must be revised pursuant to the provisions of subsection (4).

2. For any amendment to Florida Building Code pursuant to Section 553.73, F.S., a course must be revised by the effective date of any change.

3. For any change in Florida law, a course must be revised within six months of the effective date of the law.

4. For any change in Florida administrative rule, a course must be revised within six months of the effective date of the rule.

~~(h)(g)~~ If an approved accredited course ~~is not affected by the code change or~~ requires only one change ~~revision~~ to correct or update a reference, table, diagram, or quoted provision of code, law, or administrative rule, the training provider may self-affirm by completing ~~shall complete~~ Form FBC-ED-002, (adopted above in subparagraph (3)(a)) ~~effective September 10, 2010, adopted herein by reference and available from the Building Code Information System at http://www.floridabuilding.org/ce/ce_tporgapp_dtl1.aspx~~. The same change may be made in more than one place in the course. The code version, law or administrative rule must be noted on the application. ~~If a correction or update is required,~~ The training provider must list the exact correction or update, the specific location of the correction or update, and reason for the change in the course and affirm this is the only correction or update to the course. The correction or update to the course shall be

approved by the administrator of the education program subject to ratification by the Florida Building Commission.

(i) If an approved accredited course is not affected by the code, law, or administrative rule change, and no change is required, but a licensure or other board requires an updated version of the course, the training provider may self-affirm by completing Form FBC-ED-002 (adopted above in subparagraph (3)(a)). The code version must be noted on the application. The course shall be approved by the administrator of the education program subject to ratification by the Florida Building Commission.

(j) If an approved accredited course is submitted as self-affirming no change or self-affirming one change, but the Florida Building Commission determines more than one change is required, the course must be reviewed by an approved accreditor in the same manner as described in paragraph (f) hereof.

~~(k)(h)~~ A change to the delivery format of an approved accredited course must be submitted for accreditation.

(4) Course Content and Accreditor Review. Accreditors shall review courses submitted by registered providers to determine if the course accurately presents the technical and administrative responsibilities reflected in the law, administrative rule, current edition of the Florida Building Code, or future editions approved for adoption by the Florida Building Commission of the Code if the accreditor is reviewing a course revised to comply with an updated edition of the Florida Building Code in accordance with paragraph (3)(f) of this rule or Florida Statutes or rules related to the Florida Building Code. If a course is impacted by any subsequent changes to the updates approved for adoption by the Florida Building Commission, the provider is responsible for revising the course to comply with the Florida Building Code in accordance with paragraphs (3)(f) through (j). Accreditors shall not mutually accredit each others' courses. The accreditor shall determine if the course meets the following minimum criteria:

(a) Course title and number. The code edition, law or administrative rule the word "advanced," and, if appropriate, the term "internet" shall be in the title;

(b) through (g) No change.

(h) Code edition, law or administrative rule to which the course relates;

(i) through (m) No change.

(5) through (7) No change.

Rulemaking Authority 553.841(7) ~~553.841(2)~~ FS. Law Implemented 553.841 FS. History--New 6-8-05, Amended 4-30-07, 6-12-08, 3-4-09, 11-2-09, 1-9-11, Formerly 9B-70.002, Amended 2-5-13,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Florida Building Commission

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Building Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 17, 2014

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 10, 2013

DEPARTMENT OF JUVENILE JUSTICE

Detention Services

RULE NOS.:	RULE TITLES:
63G-1.011	Definitions
63G-1.013	Calculating Estimated Funding
63G-1.016	Monthly Reporting
63G-1.017	Monthly/Annual Reconciliation and Dispute Resolution

PURPOSE AND EFFECT: Amendments are necessary to comply with a recent appellate decision invalidating portions of the department's rules implementing detention cost sharing. The amendments provide a definition for "final court disposition," and create a methodology for estimating and reconciling each paying county's actual costs that will effectively reduce the counties' responsibility for secure detention costs.

SUMMARY: The amendments eliminate the current "commitment status" dividing line between state and county responsibility for secure detention costs, replacing it with one that reduces the counties' share, and increases state responsibility. Most notably, the state will assume responsibility for detention stays associated with technical violations of probation, and for those following the dismissal of all open charges. A new methodology for estimating and reconciling costs is adopted, which will utilize a uniform per diem, and thus ensure that the counties do not pay a higher rate than the state.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The SERC Checklist, and current information available to the department, indicates that the statutory threshold for ratification will not be exceeded.

Section III Notice of Changes, Corrections and Withdrawals

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NOS.:	RULE TITLES:
40D-1.102	Definitions
40D-1.603	Permit Application Procedures
	NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 39, No. 248, December 26, 2013 issue of the Florida Administrative Register.

These changes are in response to written comments received from the Joint Administrative Procedures Committee dated May 2, 2014. The changes are as follows:

Rule 40D-1.102(19), F.A.C., is hereby revised as follows:

~~(19) "Water Regulatory District" means the Southwest Florida Water Management District (Regulatory) created October 30, 1968, pursuant to authority of Chapter 373, F.S.~~

Rule 40D-1.603(14)(b), F.A.C., is hereby revised as follows:

~~(b) Duplication costs equal to those allowable for producing copies of public records pursuant to Section 119.07, F.S., and actual postage costs shall be assessed against the subscription fee until the pre paid fee is exhausted. Persons who have pre paid the subscription fee will be notified when their subscription fee balance has been exhausted, and no further notices will be sent until additional subscription fees are paid pursuant to this subsection. Persons having pre paid subscription fees remaining at the expiration or cancellation of a subscription term may request that the fees be refunded or applied toward another subscription or subscription term.~~

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION**

Florida Building Commission

RULE NO.:	RULE TITLE:
61G20-6.002	Commission Approval and Accreditation of Advanced Building Code Training Courses
	NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 40, No. 95, May 15, 2014 issue of the Florida Administrative Register.

Paragraph 61G20-6.002(3)(b) should have read:

(3)(b) Registered training providers shall submit materials and information pertaining to courses for which Commission accreditation and approval is sought utilizing the Submit a Course Application function and associated online screens, Form FBCED 2003-03, "Application for Course Accreditation," effective ~~October 2012~~, adopted and incorporated herein by reference and available from the Building Code Information System at ~~http://~~ http://www.floridabuilding.org/cc/e_e_default.aspx or <https://flrules.org/gateway/Reference.asp?No=Ref-02166>.

Section IV Emergency Rules

NONE

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION**

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001 Safety Standards

NOTICE IS HEREBY GIVEN that on May 12, 2014, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Pelican Sound Golf. Petitioner seeks an emergency variance of the requirements of ASME A17.1b, Section 2.20.4, 2.18.5.1 and 8.11.2.1.3(cc)(1) & (3) as adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires steel ropes of a minimum diameter of 9.5 mm which poses a significant economic/financial hardship. Any interested person may file comments within 5 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW2014-129).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.