

**STATE OF FLORIDA
BUILDING COMMISSION**

IN RE:

FLORIDA HOMEBUILDERS
ASSOCIATION, BUILDERS
ASSOCIATION OF SOUTH FLORIDA,
THE RELATED GROUP, ZOM
FLORIDA, INC., FLORIDA EAST
COAST REALTY, RUDG, LLC,
NEWGARD DEVELOPMENT GROUP,
FLORIDA EAST COAST INDUSTRIES,
VERZASCA GROUP, LLC, and ALLEN
MORRIS COMPANY.

CASE No. _____

**PETITIONERS' NOTICE OF FILING STATEMENTS OF
INTEREST AND SUPPORT FOR THE PETITION FOR
EMERGENCY RULEMAKING AND PETITION FOR
RULEMAKING BY THE FLORIDA BUILDING COMMISSION**

The Petitioners, Florida Homebuilders Association, et al., respectfully submit to the Florida Building Commission materials in support of the relief set forth in the Petition for Emergency Rulemaking and the Petition for Rulemaking by the Florida Building Commission. The attached materials are:

Exhibit A – Statement of Interest and Support by Associated Builders and Contractors Florida East Coast Chapter, Inc.

Exhibit B – Statement of Interest and Support by Central Concrete Supermix, Inc.

Exhibit C – Statement of Interest and Support by John Moriarty & Associates of Florida, Inc.

Exhibit D – Statement of Interest and Support by Moss and Associates

Exhibit E – Statement of Interest and Support by Power Design, Inc.

Exhibit F – Statement of Interest and Support by Suffolk Construction Company, Inc.

Respectfully submitted,

GREENBERG TRAUERIG, PA

Attorneys for Petitioners, Florida Homebuilders Association, Builders Association of South Florida, The Related Group, ZOM Florida, Inc., Florida East Coast Realty, RUDG, LLC, Newgard Development Group, Florida East Coast Industries, Verzasca Group, LLC, and Allen Morris Company

333 S.E. 2nd Avenue, Suite 4400
Miami, Florida 33131
Telephone: (305) 579-0826
Facsimile: (305) 961-5826

By: _____


ROBERT S. FINE

Florida Bar No. 0155586

Email: FineR@gtlaw.com

CARLTON FIELDS JORDAN BURT PA

Attorneys for Petitioners, Florida Homebuilders Association, Builders Association of South Florida, The Related Group, ZOM Florida, Inc., Florida East Coast Realty, RUDG, LLC, Newgard Development Group, Florida East Coast Industries, Verzasca Group, LLC, and Allen Morris Company

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the foregoing by

REGISTERED EMAIL upon:

Drew Winters, Exec. Interim Director
Florida Building Commission
Department of Business and
Professional Regulation
1940 N. Monroe Street
Tallahassee, Florida 32399
Drew.Winters@dbpr.state.fl.us

April Hammonds, Esq.
Counsel, Florida Building Commission
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Mo Madani
Staff to Florida Building Commission
Department of Business and
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1940 N. Monroe Street
Tallahassee, Florida 32399
mo.madani@dbpr.state.fl.us

Agency Clerk's Office
Florida Department of Business and
Professional Regulation
1940 North Monroe Street
Suite 92
Tallahassee, Florida 32399-2202
AGCfiling@dbpr.state.fl.us

This 11th day of June, 2015,

By: 
Robert S. Fine

EXHIBIT A



Associated Builders and Contractors
Florida East Coast Chapter, Inc.
3730 Coconut Creek Parkway, Suite 200
Coconut Creek, Florida 33066
Phone 954.984.0075 Fax 954.984.4905
www.ABCEastFlorida.com

Florida East Coast Chapter

Chairman
Jesus Vazquez
Facchina Construction of Florida, L.L.C.

Chairman Elect
Chris Kennedy
Suffolk Construction Co., Inc.

Immediate Past Chairman
George L. Cuesta
Cuesta Construction

Secretary/Treasurer
Antonio Obregon
Fomrite Construction, LLC

Russell P. Nash
William R. Nash, Inc.

Directors
David Altman
CEMEX

Carlos Ardavin Jr.
Cambridge Construction Corporation

Brett Atkinson
Moss & Associates

John Bennett
Coastal Construction Group

Bill Bower
Southeast Mechanical Contractors

Carl DeNunzio
American Cutting & Drilling Co., Inc.

Tim Dombleser
The Everglades Group, LLC

Charles Ermer
Right Way Plumbing Co.

Alberto Fernandez
ANF Group, Inc.

Clay Fischer
Woodland Construction Co., Inc.

Nick Krarup
Balfour Beatty Construction

Randall Lebolo
Lebolo Construction Management, Inc.

Roy F. MacRobert
Supermix Concrete and Superblock

Howard Newman
Bateman, Gordon & Sands, Inc.

Bernard Paul-Hus
Hypower, Inc.

Kerri Smith
Baker Concrete Construction

Brian A. Wolf, Esq.
Smith, Currie & Hancock LLP

Miami-Dade Council Chairman
Francisco Anderson Ex-Officio
Capform Reinforced Concrete Structures

Space Coast Council Chairman
Michael H. Williams Sr. - Ex Officio
M H Williams Construction Group, Inc.

President & CEO
Peter M. Dyga, CAE
ABC Florida East Coast Chapter

June 9, 2015

Florida Building Commission
Department of Business and Professional Regulation
1940 North Monroe Street
Tallahassee, FL 32399

Statement of Interest and Support

Dear Members of the Florida Building Commission,

Associated Builders and Contractors Florida East Coast Chapter is the largest commercial construction association in Florida. We represent more than 500 member companies between Monroe and Brevard Counties, many of whom will be detrimentally impacted by the proposed and pending "Second Elevator Provision".

While our association is focused predominantly on the commercial aspect of the industry, many of our members who build multi-use and high-rise condominiums will be impacted by this proposed rule if the projects that are scheduled to apply for building permits between June 30, 2015 and September 30, 2015 are cancelled or significantly delayed.

We understand and appreciate the critical role of the Florida Building Commission on our industry and in taking steps to ensure the life, safety and health not just of those who work on these jobs sites but also those who live, work, and utilize the completed projects.

For the reasons stated above, Associated Builders and Contractors Florida East Coast Chapter respectfully requests that the Florida Building Commission grant the Petitions for Emergency and Regular Rulemaking to extend the effective date of Section 403.6.1 of the Florida Building Code, first for 90 days, and then to July 1, 2016.

Respectfully Submitted,


Carol Bowen, JB
Vice-President of Government Affairs

EXHIBIT B

Statement of Interest and Support by Central Concrete Supermix, Inc.

Florida Building Commission
Department of Business and Professional Regulation
1940 North Monroe Street
Tallahassee, FL 32399

Dear Members of the Florida Building Commission,

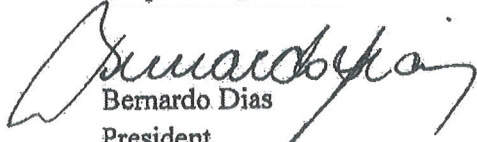
Central Concrete Supermix, Inc., is a Ready-Mix concrete and masonry block manufacturer and supplier, supplying contractors engaged in construction of all types of high rise buildings in the State of Florida that are over 120 feet in height. Central Concrete Supermix, Inc., has offices in 17 locations and has been, and plans to be, performing projects from Homestead to Ft Pierce, and in cities in between throughout South Florida, over the next three years and beyond. Central Concrete Supermix, Inc., currently employs over 310, which employees have annualized incomes ranging from \$35,000 and up.

The impact on Central Concrete Supermix, Inc., if the high rise building projects that are scheduled to apply for building permits between June 30, 2015 and September 30, 2015 are cancelled or significantly delayed would be a substantial loss of jobs and revenue.

The impact on Central Concrete Supermix, Inc., if Section 403.6.1 ("The Second Elevator Provision") goes into effect and 45% of the high-rise projects for the next 3 years are cancelled is going to be a substantial loss of revenue necessitating a substantial work force reduction.

For the reasons stated above, Central Concrete Supermix, Inc., respectfully requests that the Florida Building Commission grant the Petitions for Emergency and Regular Rulemaking to extend the effective date of Section 403.6.1 of the Florida Building Code, first for 90 days, and then to July 1, 2016.

Respectfully Submitted,



Bernardo Dias

President

Central Concrete Supermix, Inc.
4300 SW 74th Avenue, Miami FL 33155

EXHIBIT C

MORIARTY

Statement of Interest and Support by John Moriarty & Assoc. of Fl. Inc.

Florida Building Commission
Department of Business and Professional Regulation
1940 North Monroe Street
Tallahassee, FL 32399

Dear Members of the Florida Building Commission,

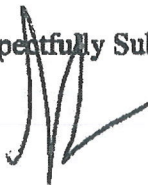
John Moriarty & Associates of Florida (Moriarty) is a General Contractor of commercial and residential buildings in the State of Florida that are over 120 feet in height. Moriarty has an office in Hollywood and has been and plans to be performing projects in the Broward, Miami-Dade and Palm Beach county areas over the next three years and beyond. Moriarty currently employs approximately 3000 employees and subcontractors with salaries ranging from \$35,000 to \$225,000 annually.

The impact on Moriarty if the projects that are scheduled to apply for building permits between June 30, 2015 and September 30, 2015 are cancelled or significantly delayed would be devastating to a lot of employees and subcontractors that are employed or hired through Moriarty.

The impact on Moriarty if Section 403.6.1 ("The Second Elevator Provision") goes into effect and 45% of the high-rise projects for the next 3 years are cancelled is anywhere from \$500M to \$1.5B in revenue.

For the reasons stated above, Moriarty respectfully requests that the Florida Building Commission grant the Petitions for Emergency and Regular Rulemaking to extend the effective date of Section 403.6.1 of the Florida Building Code, first for 90 days, and then to July 1, 2016.

Respectfully Submitted,



John Leete
Executive Vice President
John Moriarty & Associates of Fl., Inc.
1942 Tyler Street
Hollywood, Florida 33020

MIA 184604535v2

PRECONSTRUCTION CONSULTING | GENERAL CONSTRUCTION | CONSTRUCTION MANAGEMENT
John Moriarty & Associates of Florida, Inc. | 1942 Tyler Street, | Hollywood, Florida 33020

Phone: 954.920.8550 | Fax: 954.920.8586

EXHIBIT D



Statement of Interest and Support by Moss and Associates

Florida Building Commission
Department of Business and Professional Regulation
1940 North Monroe Street
Tallahassee, FL 32399

Dear Members of the Florida Building Commission,

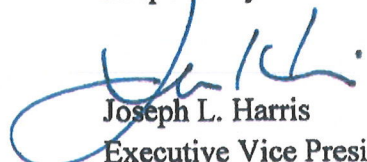
Moss and Associates is a Construction Manager of commercial buildings in the State of Florida that are over 120 feet in height. Moss and Associates has offices in Ft. Lauderdale, Miami, Tampa and Orlando and has been and plans to be performing projects in the N/A areas over the next three years and beyond. Moss and Associates currently employs 597, with salaries ranging from \$45,000 to \$200,000 annually.

The impact on Moss and Associates if the projects that are scheduled to apply for building permits between June 30, 2015 and September 30, 2015 are cancelled or significantly delayed would be approximately \$800M in revenue.

The impact on Moss and Associates if Section 403.6.1 ("The Second Elevator Provision") goes into effect and 45% of the high-rise projects for the next 3 years are cancelled is approximately \$450M in revenue.

For the reasons stated above, Moss and Associates respectfully requests that the Florida Building Commission grant the Petitions for Emergency and Regular Rulemaking to extend the effective date of Section 403.6.1 of the Florida Building Code, first for 90 days, and then to July 1, 2016.

Respectfully Submitted,



Joseph L. Harris
Executive Vice President
Moss and Associates
2101 N. Andrews Ave.
Ft. Lauderdale, FL 33311

EXHIBIT E

11600 Ninth Street North
St. Petersburg, FL 33716
727.210.0492
powerdesigninc.us



June 5, 2015

VIA: FEDEX

Florida Building Commission
Department of Business and Professional Regulation
1940 North Monroe Street
Tallahassee, FL 32399

RE: Statement of Interest and Support by Power Design, Inc.

Dear Members of the Florida Building Commission,

Power Design, Inc. is an electrical subcontractor of multi-family residential buildings in the State of Florida that are over 120 feet in height. Power Design, Inc. is headquartered in St. Petersburg, FL and has been and plans to be performing projects in the South Florida, Tampa Bay, greater Orlando, and Jacksonville areas over the next three years and beyond. Power Design, Inc. currently employs almost 800 employees nationally, with 550 in Florida including 125 electricians, with salaries ranging from \$40,000 to \$200,000.

The impact on Power Design, Inc. if the projects that are scheduled to apply for building permits between June 30, 2015 and September 30, 2015 are cancelled or significantly delayed would be a substantial economic impact, which could lead to massive losses due to reduced revenue and lower productivity.

The impact on Power Design, Inc. if Section 403.6.1 ("The Second Elevator Provision") goes into effect and 45% of the high-rise projects for the next 3 years are cancelled is a possible decimation of the South Florida marketplace and numerous layoffs as currently forecasted projects are scuttled and development shifts to other parts of the country.

For the reasons stated above, Power Design, Inc. respectfully requests that the Florida Building Commission grant the Petitions for Emergency and Regular Rulemaking to extend the effective date of Section 403.6.1 of the Florida Building Code, first for 90 days, and then to July 1, 2016.

Respectfully Submitted,



Bill Jordan

Legal Counsel for
Power Design, Inc.

11600 Ninth Street North
St. Petersburg, FL 33716

Direct: (727) 497-3530

Cell: (813) 892-5582

Fax: (727) 497-1320

bjordan@powerdesigninc.us

EXHIBIT F

Statement of Interest and Support by Suffolk Construction

Florida Building Commission
Department of Business and Professional Regulation
1940 North Monroe Street
Tallahassee, FL 32399

Dear Members of the Florida Building Commission,

Suffolk Construction would like to express our interest and support for the Petition for Emergency Rulemaking and Petition for Rulemaking by the Florida Building Commission, presented by the Florida Homebuilders Association, Builders Association of South Florida, the Related Group of Florida, ZOM Florida, Inc., Florida East Coast Realty, RUDG, LLC, Newgard Development Group, Florida East Coast Industries, Verzasca Group, LLC, and Allen Morris Company.

It is our firm belief that the effective date of Section 403.6.1 ("The Second Elevator Provision") be delayed, first for 90 days, and then to July 1, 2016, so that development projects that are in progress, but which will not yet be ready to apply for a permit before June 30, 2015, will not be subject to significant backtracking in the design and development process in order to accommodate a second fire service access elevator, and to allow for all impacted parties to have the necessary time to collaborate on revisions to this rule which has a significant impact on the State of Florida's economy.

Suffolk Construction supported the legislative amendments that were developed in conjunction with the Florida Homebuilders Association, the Florida Fire Chiefs Association, and the Florida Fire Marshals and Inspectors Association, containing language adopted by both the House and Senate in an anticipated Building Code amendment bill; language which would have provided, among other things, for a one-year delay of the effective date of Section 403.6.1.

If Section 403.6.1 goes into effect, the economic impact on Suffolk Construction, its employees, and other parties similarly situated would be significant. Therefore, for the reasons stated above, Suffolk Construction respectfully requests that the Florida Building Commission grant the petitions for Emergency and Regular Rulemaking to extend the effective date of Section 403.6.1 of the Florida Building Code, first for 90 days, and then to July 1, 2016.

Respectfully Submitted,



Jeffrey A. Gouveia, Jr.
President and General Manager
Suffolk Construction Company, Inc. – Southeast Region
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2 South Biscayne Boulevard, Suite 2700
Miami, Florida 33131-1804
Telephone: 305-374-1107
Facsimile: 305-374-1138
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