

**SP6252**

<b>Date Submitted</b> 4/29/2013	<b>Section</b> 428.3	<b>Proponent</b> David Eastman
<b>Chapter</b> 4	<b>Affects HVHZ</b> No	<b>Attachments</b> No
<b>TAC Recommendation</b>	No Affirmative Recommendation with a Second	
<b>Commission Action</b>	Pending Review	

**Related Modifications****Summary of Modification**

This modification clarifies the inspection requirements for inspection agencies that inspect manufactured building construction.

**Rationale**

The inspection agency has always been required to inspect the first building built in the manufacturer's facility after the manufacturer becomes certified. The 2007 Building Code included the language "or selection of the agency, whichever occurs last" after the language "observe the manufacture of the first building built subsequent to the plan approval." The deletion of that language in amendments adopted in 2010 coupled with the interpretation of the "plan approval" as the filing of the plans with the Department for tracking, could be and has been deemed to require observation of the manufacture of every building built in the manufacturer's facility, from start to finish including all subsystems.

The certification of the manufacturer is the point at which the inspection agency begins evaluation of the implementation of the quality control program to assure that the manufacturing process is achieving compliance with the design plans for the homes built in the manufacturer's facility. The inspection agency continually evaluates and determines whether the manufacturer's capability in implementing the quality control program to ensure construction in accordance with the design plans achieves compliance with the Florida Building Code requirements.

This amendment clarifies that it is the initial certification of the manufacturer that triggers the obligation to observe the manufacture of the first building from start to finish, including all subsystems of that building. Thereafter, the inspection agency has discretion to reduce or increase the inspections in accordance with the compliance achieved by the manufacturer.

This was the original intent of the statute and rule as it has been applied by the Department.

**Fiscal Impact Statement****Impact to local entity relative to enforcement of code**

Local entities will not be affected by this code change.

**Impact to building and property owners relative to cost of compliance with code**

The cost of compliance is reduced. The proposal restores what is a consistent inspection process for manufactured buildings that has been in use for over a decade.

**Impact to industry relative to the cost of compliance with code**

This code change will not have a cost of compliance to the industry.

**Requirements****Has a reasonable and substantial connection with the health, safety, and welfare of the general public**

The current approach to inspections based upon the quality control program in manufacturing facilities has reduced complaints about construction and increased reliability of the product.

**Strengthens or improves the code, and provides equivalent or better products, methods, or systems of construction**

This code change makes the inspection process clear and concise. It maintains the number and type of inspections currently being done. It does not increase inspections, unless necessary. The interpretation increases inspections unnecessarily.

**Does not discriminate against materials, products, methods, or systems of construction of demonstrated capabilities**

It does not.

**Does not degrade the effectiveness of the code**

It does not.

Is the proposed code modification part of a prior code version? No

- (a.) Conflicts within the updated code;
- (b.) Conflicts between the updated code and the Florida Fire Prevention Code adopted pursuant to chapter 633;
- (c.) Unintended results from the integration of previously adopted Florida-specific amendments with the model code;
- (d.) Equivalency of standards;
- (e.) Changes to or inconsistencies with federal or state law;
- (f.) Adoption of an updated edition of the National Electrical Code if the commission finds that delay of implementing the updated edition causes undue hardship to stakeholders or otherwise threatens the public health, safety, and welfare.

## 428.3.2.1

With regard to manufactured buildings, the agency's licensed representative shall observe the manufacture of the first building built after certification of the manufacturer pursuant to section 61-41.007, 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 the 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 m<sup>2</sup>) 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 the prescribed percentages of installed subsystems are inspected.

428.3.2.2 With regard to components, the agency's licensed representative shall observe the manufacture of the first unit assembled after certification of the manufacturer pursuant to section 61-41.007-subsequent to the plan approval, from start to finish, inspecting all subsystems thereof. Continual observation and inspection shall continue until the agency determines the implementation of the manufacturer's quality control program, in conjunction with application of the approved plans and specifications and the manufacturer's capabilities, result in a component that meets or exceeds the codes and standards adopted herein. Thereafter, the agency shall inspect not less than 20 percent of the manufactured building components and 75 percent, of the subsystems, in the inspected component.

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PLEASE REPLY TO: TALLAHASSEE

July 24, 2013

Mr. Mo Madani  
Building Codes and Standards Office  
Florida Building Commission  
1940 North Monroe Street  
Tallahassee, FL 32303

RE: FBC Modification SP6252  
Amendment to Florida Building Code 428.3

Dear Mr. Madani:

I represent the Florida Manufactured Housing Association, Inc. (FMHA) and a number of independent manufacturers of modular buildings, who are the parties proposing the above reference modification to the Florida Building Code. This letter serves as a formal request to the Florida Building Commission to remove the above referenced proposed from the consent agenda and to schedule it for consideration before the Florida Building Commission at its meeting on August 22-23, 2013.

Please advise me upon the scheduling of this matter.

Sincerely,



David D. Eastman  
Counsel to FMHA

Enclosure: Special Occupancy TAC  
Report on Proposed Code Modifications  
FBC Modification No. SP6252