



**FLORIDA ROOFING & SHEET METAL CONTRACTORS ASSOCIATION, INC.**

SELF INSURERS FUND  
FRSA CREDIT UNION  
FRSA EDUCATIONAL FOUNDATION  
FLORIDA ROOFING MAGAZINE  
FRSA SERVICES CORP.

September 13, 2019

Mr. James R. Schock  
Florida Building Commission Chairman  
c/o Growth Management Services  
Building Service Division  
4040 Lewis Speedway  
St. Augustine, FL 32084

Dear Mr. Schock:

Florida Roofing & Sheet Metal Contractors Association (FRSA) supports the efforts of the members and staff of the Florida Building Commission in developing and implementing our code adoption process in rule 61G20-2.002, FAC, resulting from the 2017 legislative changes. Having participated fully in the entire new process, here are FRSA's thoughts and observations:

1. We believe the modifications had ample review and discussion through a number of TAC meetings and through substantial information provided in writing and by testimony. The process is well-suited for a fair and thorough review and hearing that concludes (does not begin) within a 2-day Florida Building Commission meeting.
2. It appears to FRSA that Commissioners and TAC members were and are aware of the different criteria for review and approval. It may be that some proponents of modifications were not aware of this, even though the Commission staff held several informational webinar/conference calls to explain the process and to demonstrate how to use the Commission's website. Each session had ample opportunity for questions. To repeat the code adoption process at the request of any interest group that did not follow the law and the rule would be unfair to all those who took the process seriously by preparing and advocating before the Commission.
3. FRSA is among those interest groups that put forth modifications, and, like many, FRSA did not get all it sought. We do not attribute our lack of success to flaws in the system such as a lack of fair and effective process for handling the review of the code updates for the next edition of the Florida Building Code or any disconnect in the TACs on understanding what they can act upon to place on the consent agenda.

4. It is FRSA's interpretation that the provision in HB 447 that "[a]llows the Florida Building Commission to adopt provisions to the Building Code every 3 years without individually determining that each provision is needed to accommodate the specific needs of the state" and its delayed effective date of July 1, 2020 is intended to apply the change to the next (not current) code cycle and therefore does not warrant any change or additional meetings or additional opportunities to revisit previously filed modifications for this current code cycle.

5. It is FRSA's position that any administrative rule is subject to Florida law and if a rule provision is in conflict with Florida law, Florida law controls whether or not the rule is immediately changed. Further, the change in Florida law in question does not take effect until July 1, 2020 which means that any potential conflict in the administrative rule does not exist until July 1, 2020. Accordingly, there is no pressing need, and it would be inappropriate, for the Florida Building Commission to "update the administrative rule immediately."

6. The change in section 6 of HB 447 represents a removal of verbiage inserted some years ago in a failed effort to prevent Florida's adoption of code provisions that varied from what is in the International Building Code (IBC). It appears the hoped-for result would be that Floridians would be unable to make the case that Florida is different from other states. The roofing industry in particular knows that, given the climate, coastline, and storm susceptibility in Florida, a great number of Florida provisions in the Florida Building Code are there to meet specific needs for design and construction in Florida. The Florida Building Commission and its TACs do a very good job in adopting modifications and provisions that meet the needs of Florida with or without the change made in HB 447.

7. The concept of "specific needs of Florida" is somewhat abused in the sense that Florida law requires that the Florida Building Commission adopt the Florida Building Code for appropriate construction standards for Florida. As such, whether it says it in so many words, the obligation is to meet the specific needs of Florida. The change in HB 447 does not relieve the Florida Building Commission of its underlying obligation. It simply removes a superficial step in favor of meeting the specific needs of Florida by the specified standards spelled out in section 553.73, Florida Statutes, through expertise brought to the existing code adoption process.

8. The changes in HB 447 say the Commission may approve updates "without individually determining that each provision is needed to accommodate the specific needs of the state" and that the Commission "may also adopt as a technical amendment to the Florida Building Code any portion of the codes identified in paragraph (a), but only as needed to accommodate the specific needs of this state." (Paragraph (a) applies to most of the specifications also spelled out in Rule 61G20-2.002, F.A.C.) Because these changes remove a requirement and simultaneously allow the same action that was previously imposed by the requirement, it is difficult to see why it would be necessary to immediately change any rule or procedure of the Commission and there is especially no reason to re-do work that was known and scheduled before passage of

HB 447. Had the Legislature wanted to restructure the code adoption process for development of the 7<sup>th</sup> Edition of the Florida Building Code, it would not have included a delayed effective date to take effect at the end of the code adoption process.

Sincerely,



Lisa Pate  
FRSA Executive Director

cc: Mr. Thomas Campbell