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THE FLORIDA LEGISLATURE  
**JOINT ADMINISTRATIVE  
PROCEDURES COMMITTEE**

November 9, 2010

Mr. James L. Richmond  
Attorney for the Florida Building Commission  
Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

**Re: Florida Building Commission Rule Chapter 9N-3**

Dear Jim:

I would like to thank you for your letter dated October 22, 2010, in which you responded to the questions and comments I raised about the above-referenced rules. As we discussed on November 8, 2010, I still have some concerns about 9N-3.007(1)(d)3. and 9N-3.007(1)(d)4.d. and the process for determining whether there is good cause for review by the full Commission rather than the Program Oversight Committee (POC).

The proposed rule tracks the new statutory language enacted in Chapter 2010-176, Laws of Florida. However, it would appear necessary for the rule to more explicitly establish the process that the Commission and POC will follow. In short, the rule needs to establish who is responsible for determining whether good cause has been demonstrated. In other words, if a member of the public, a POC member, or a Commission member believes that the issue should be considered by the full Commission, the rule should inform that person where he or she needs to raise the issue and who will make the final decision.

Because the process remains unclear, please be advised that the Committee is considering an objection to the proposed rule. See sec. 120.54(3)(e)6., Fla. Stat.

Mr. James L. Richmond

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If you have any questions or need me to elaborate further, please let me know. Otherwise, I look forward to your response.

Sincerely,

A handwritten signature in black ink, appearing to read "B. T. Moore", with a long horizontal flourish extending to the right.

Brian T. Moore  
Chief Attorney

cc: Ms. Paula Ford  
Agency Clerk

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