

Office of Fiscal Accountability and Regulatory Reform

Rulemaking Notification Form

To: Patricia Nelson, Deputy Director, OFARR

Submitted by: R. Kathleen Brown-Blake, Rules Attorney
Department of Business and Professional Regulation
850.717.1244

Re: Rulemaking Notification for Rule 61G20-3.015, FAC

Date: [Insert date request submitted]

Proposed Rulemaking Activity (please attach a copy of each notice):

Rule Number	Rule Title	Rulemaking Category*	Rulemaking Action **	Identified in Regulatory Plan (Y/N)***
61G20-3.015	Equivalence of Standards	3	A	N

***If not identified in Regulatory Plan, please be sure to include a justification for why rulemaking is necessary at this time in your explanation below.

Detailed Explanation

For each rule, explain in detail either how it alleviates unnecessary, disproportionate, or adverse affects to business or, alternatively, why it is necessary (including an explanation of why the rulemaking is necessary when not identified in the Regulatory Plan). You should address all relevant considerations, including: restriction on entry into a profession; affect on availability of services to public; affect on job retention; restriction on employment seekers; imposition of burdensome costs; cost-effectiveness vs. economic impact of rule.

Rule Number	Explanation
61G20-3.015	This rule amendment is needed to help certain hurricane shutters /impact protective devices manufacturers to self-affirm their existing statewide approvals as meeting the updated 2010 edition of the Florida Building Code "the Code", pursuant to section 553.842, Florida Statutes. The 2010 Code went into effect on March 15, 2012. The new code does not incorporate the ASTM E 1996-05; a testing standard which certain impact protective devices had tested to for compliance under the existing 2007 Code. By clarifying that the edition of ASTM E 1996-05 is equivalent to the testing standards editions that are incorporated in the 2010 Code (ASTM E 1996-02 and ASTM E 1996-06, with the exclusion of mullions) qualified

***Rulemaking Categories (include all that apply):**

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|--|---|
| 1. Rule Requires Ratification by Legislature | 2. Rule to be Withdrawn or Repealed |
| 3. Rule Alleviates Unnecessary, Disproportionate, or Adverse Affects to Businesses | 4. Rule May or May Not be Beneficial to Business, but Mandatory by Statute or Necessary to Protect the Public |
| 5. Rule Is Necessary to Implement a Federal Program | |

****Rulemaking Action:**

- | | |
|---|-----------------------------------|
| A. Notice of Rule Development | B. Notice of Proposed Rule |
| C. Notice of Change | D. Notice of Emergency Rule |
| E. Continue Rulemaking after a Rejection of Lower Cost Regulatory Alternative | F. Notice of Intent to Adopt Rule |
| G. Other (explain) | |

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Rulemaking Authorization Request Form

	<p>hurricane shutters manufacturers will be able to self-affirm their existing approval as meeting the new edition of the code and therefore, they will be able to sell the affected products in their existing inventories without the need for additional product evaluation/revision. The hurricane shutters manufacturers have requested this rule amendment and have asked that it be accomplished by March 15, 2012, when the new edition of the Florida Building Code takes effect. Without this amendment, certain hurricane shutters manufacturers will incur additional costs of approximately \$1000 for the evaluation/revision of each affected product. This amendment will prevent certain hurricane shutters manufacturers from having to incur these additional costs for evaluating affected products. The Florida Building Commission's Product Approval POC (Program Oversight Committee) met on January 5, 2012, and determined that the standards were equivalent (except with regard to mullions).</p> <p>This amendment was requested by window and door manufacturers. The proposed changes do not create a restriction on entry into a profession; affect job retention; restrict employment seekers, or impose any costs to the people of Florida. This will, however, provide a cost savings to those manufacturers and contractors who have the affected windows and doors in their inventory by permitting them to use the windows and doors and still meet Code requirements.</p>
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Special Considerations (e.g., legislative ratification required): None.

NOTICE OF PROPOSED RULE DEVELOPMENT

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Professions

RULE NO.: RULE TITLE:

61G20-3.015 Equivalence of Standards

PURPOSE AND EFFECT: To review standards for equivalence to those referenced in the Florida Building Code and, if appropriate, authorize the use of analysis performed in accordance with the alternative standards for Florida Product Approval.

SUBJECT AREA TO BE ADDRESSED: Standards for the approval of products by the Florida Building Commission.

RULEMAKING AUTHORITY: 553.77(1)(i), 553.842(1) FS.

LAW IMPLEMENTED: 553.842(1), (2) FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: May 18, 2012, 10:00 a.m., or as soon thereafter as the matter is brought before the Commission in accordance with its agenda.

Place: Workshop to be conducted using communication media technology, specifically conference call
Telephone Number: 888-808-6959
Code: 2059360213

Public point of access: Room 250L, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399.

Any person requiring special accommodation at the workshop because of a disability or physical impairment should contact Mo Madani, Planning Manager, Department of Business and Professional Regulation, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824, at least seven days before the date of the workshop. If you are hearing or speech impaired, please contact the Department of Business and Professional Regulation using the Florida Dual Party Relay System which can be reached at 1-800-955-8770 (Voice) or 1-800-955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Mo Madani, Planning Manager, Department of Business and Professional Regulation, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824.

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE
FROM THE CONTACT PERSON LISTED ABOVE.**