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THE FLORIDA LEGISLATURE  
**JOINT ADMINISTRATIVE  
PROCEDURES COMMITTEE**

August 21, 2009

Ms. Paula P. Ford  
Agency Clerk  
Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

**Re: Florida Building Commission Rule 9B-72.090**

Dear Ms. Ford:

After reviewing the proposed amendments to Rule 9B-72.090, F.A.C., I offer the following comments and questions for your consideration and written response:

**SERC** The Notice of Proposed Rulemaking indicates that a Statement of Estimated Regulatory Costs (SERC) was prepared. Section 120.54(3)(a)4., Florida Statutes, requires that a copy of the SERC be included with the rule materials submitted to this Committee for review. However, it does not appear that I received a copy of the SERC. Please provide me with a copy at your earliest convenience.

**9B-72.090** (2)(e) This paragraph establishes a fee "for editorial revisions of an existing product approval that does [sic] not result in material change to the performance of a product or product design specification or both." However, the law implemented provides, in part, "State and local approvals will be valid until the requirements of the code on which the approval is based change, the product changes in a manner affecting its performance as required by the code, or the approval is revoked." Sec. 553.842(1)(f), Fla. Stat.

First, please review the grammar in this paragraph. It appears that the antecedent for the relative pronoun "that" is the plural noun "revisions." Thus, the verb for "that" should also be the plural "do" instead of "does." Next, please explain how the process established in this rule paragraph works. What is it that is being revised? Who makes these revisions, and why are they made? Finally, why is there a fee charged if there has been no change to the relevant code requirements,

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no revocation of the approval, and no change to the product “in a manner affecting its performance”?

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