

Notice of Emergency Rule

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Building Commission

RULE NO.: RULE TITLE:

61G20ER23-1 Effective Date for Building Sewer and Drain Rehabilitation Requirements.

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: The Commission finds that the request to delay the implementation of section 718, Florida Building Code, Plumbing, 8th Edition (2023), itself holds the proof of a danger to the health, safety, and welfare of the public. The Commission finds that there is an economic impact to homeowners, who may experience increased costs and decreased access to services without this emergency rule, as demonstrated in testimony presented to the Commission on December 28, 2023. As explained in the request, the adoption of the provisions at issue would unnecessarily limit the materials and methods that may be used for the rehabilitation of building sewer and drains to proprietary ones owned by one entity. The Commission finds that there is a need to allow for the utilization of other means of rehabilitating building sewer and drains.

The Commission has identified that there is a demonstrated need for more time to study this issue and correct it, and that there is insufficient time to do so through the standard rulemaking process because the 8th Edition of the Florida Building Code will go into effect on December 31, 2023.

REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES:

The Commission provided substantial notice to the public regarding the emergency rulemaking. The Commission noticed its December 28th meeting on December 26th, 2023, in the Florida Administrative Register. The December 28th notice included in its description of the meeting that the Commission would consider “whether to engage in emergency rulemaking to delay the implementation of provisions pertaining to the rehabilitation of building sewer piping and sewer service lateral piping in the forthcoming Florida Building Code, Plumbing, 8th Edition (2023).” The Commission also listed the request to delay the provisions on its meeting agenda, which was posted to the Commission’s website. The online agenda also included a link to these documents. During the December 28, 2023 meeting, the Commission accepted further testimony and public comment regarding the proposed emergency rule. The rule's limited scope and the exigent circumstances presented to the Commission mitigate any perceived shortcomings related to notice. The emergency rule is a minimal procedural administrative change that does not prohibit anyone from voluntarily utilizing the new standards. The emergency rule only has a permissive effect that permits additional activities under the 8th Edition of the Florida Building Code. It is necessary to address this issue as an emergency rule because of the implementation timeline of the 8th edition of the Florida Building Code. The Code becomes effective on December 31, 2023, which would not allow the Commission to address the issue through traditional rulemaking.

SUMMARY OF THE RULE: The emergency rule delays the effective date for building sewer and drain rehabilitation requirements.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Mo Madani, Building Codes and Standards Office, Department of Business and Professional Regulation, 2601 Blair Stone Road, Tallahassee, Florida 32399-0772, or call (850)487-1825.

THE FULL TEXT OF THE EMERGENCY RULE IS:

61G20ER23-1 Effective Date for Building Sewer and Drain Rehabilitation Requirements.
Notwithstanding the Florida Building Code, the provisions of section 718, Florida Building Code, Plumbing, 8th Edition (2023), are not in effect during the period of time that this emergency rule is in effect.
Rulemaking Authority 553.73, 553.76 FS. Law Implemented 553.73, 553.76 FS. History—New 12-31-23.

THIS RULE SHALL TAKE EFFECT IMMEDIATELY UPON FILING WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: December 31, 2023

EXPIRATION DATE: March 30, 2024