

Notice of Proposed Rule

DEPARTMENT OF FINANCIAL SERVICES**Division of State Fire Marshal**

RULE NO: RULE TITLE

[69A-42.003](#): Definitions[69A-42.004](#): Discretionary Powers of the Authority Having Jurisdiction[69A-42.0041](#): Fire Separation Requirements[69A-42.005](#): Standards of the National Fire Protection Association Adopted

PURPOSE AND EFFECT: The purpose of the rule and the amendments is to maintain the separation distances that existed in prior editions of the National Fire Protection Standards.

SUMMARY: The rule maintains the separation distances between and among mobile homes at 10 feet side to side, 8 feet end to side and 6 feet end to end horizontally.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: [633.01\(1\)](#), [633.022\(1\)\(b\)](#) FS.LAW IMPLEMENTED: [633.01\(4\)](#), [633.022\(1\)\(b\)](#), [633.022\(2\)\(b\)](#) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: Friday, August 14, 2009, 11:00 a.m.

PLACE: The Conference Room at the Atrium Building, 325 John Knox Road, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Belinda Chukes, Bureau of Fire Prevention, Division of State Fire Marshal, Department of Financial Services, Tallahassee, Florida 32399-0329, phone (850)413-3171. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jim Goodloe, Chief, Bureau of Fire Prevention, Division of State Fire Marshal, Department of Financial Services, Tallahassee, Florida 32399-0329, phone (850)413-3620

THE FULL TEXT OF THE PROPOSED RULE IS:

69A-42.003 Definitions.

As used in this rule chapter, unless the context clearly requires otherwise.

(1) through (2) No change.

(3) "Mobile Home" shall have the same meaning as "Manufactured Home" set forth in NFPA 501A, adopted by reference in Rule 69A-3.012, F.A.C.

(3) through (4) renumbered (4) through (5) No change.

Rulemaking Specific Authority [633.01\(1\)](#), [633.022\(1\)\(b\)](#) FS. Law Implemented ~~[633.01\(1\)](#)~~, [633.022\(1\)\(b\)](#), [633.022\(2\)\(b\)](#) FS. History— New 5-1-84, Formerly 4A-42.03, Amended 8-1-90, 9-6-01, Formerly 4A-42.003, Amended _____.

69A-42.004 Discretionary Powers of the Authority Having Jurisdiction.

The authority having jurisdiction may modify these rules under the following conditions:

(1) Any modification ~~to this rule chapter must be in strict conformance with this section. No currently placed mobile home shall be displaced unless it is clearly evident in the opinion of the authority having jurisdiction that there is a threat of imminent danger to the health, safety or welfare of the general public. of these rules shall be allowed only in existing buildings and to the extent that, in the opinion of the authority having jurisdiction, it is clearly evident that a reasonable degree of safety to life and property from the hazards of fire, explosion, and panic is provided and maintained under the modification.~~

(2) through (3) No change.

Rulemaking ~~Specific~~ Authority 633.01(1), 633.022(1)(b) FS. Law Implemented ~~633.01~~, 633.01(4), 633.022(1)(b), 633.022(2)(b) FS. History–New 5-1-84, Formerly 4A-42.04, Repromulgated 8-1-90, Formerly 4A-42.00, Amended _____.

69A-42.0041 Fire Separation Requirements.

No portion of a mobile home, excluding the tongue, shall be located closer than 10 ft. (3m) side to side, 8 ft. (2.4m) end to side, or 6 ft. (1.8m) end to end horizontally from any other mobile home or community building unless the exposed composite walls and roof of either structure are without opening and constructed of materials that will provide a one-hour fire resistance rating or the structures are separated by a one-hour fire-rated barrier.

Rulemaking Authority 633.01(1), 633.022(1) FS. Law Implemented 633.01(4), 633.022(1)(b), 633.022(2)(b) FS. History–New _____.

69A-42.005 Standards of the National Fire Protection Association Adopted.

(1) ~~The standards of the National Fire Protection Association standards 501A, “Standard for Fire Safety Criteria for Manufactured Home Installations, Sites, and Communities” NFPA 501A, the edition as adopted in Rule 69A-3.012, F.A.C., and 1194, “Standard for Fire Safety Criteria for Recreational Vehicle Parks and Campgrounds,” NFPA 1194 the edition as adopted in Rule Chapter 69A-3, F.A.C., shall be the governing standards, except as modified in this Rule Chapter “Uniform Fire Safety Standards for Mobile Home Parks and Recreational Vehicle Parks”.~~

(2) No change.

Rulemaking ~~Specific~~ Authority 633.01(1), 633.022(1)(b) FS. Law Implemented 633.022(1)(b), 633.022(2)(b), ~~633.01(1)~~ FS. History– New 5-1-84, Formerly 4A-42.05, Amended 8-1-90, 9-6-01, Formerly 4A-42.005, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jim Goodloe, Chief, Bureau of Fire Prevention

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Alex Sink, Chief Financial Officer

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 1, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 10, 2009