

<b>FILED</b>	
Department of Business and Professional Regulation	
Deputy Agency Clerk	
CLERK	Brandon Nichols
Date	6/13/2014
File #	

**Petition for Declaratory Statement before the Florida Building Commission**

**Company:** Marion County, Florida Building Department

**Address:** 2710 E. Silver Springs Blvd,  
Ocala, Fl. 34470

**Name:** Sprague Owings

**Title:** Senior Plans Examiner

**Phone:** (352) 438-2451

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**DS 2014-075**

**Background:**

We have a situation in regard to the use of mini-split air conditioning units to be installed in Category II & III sunroom. The HVAC contractor has submitted application to install a mini-split in a Category III sunroom and is justifying not having to reclassify the room as habitable room (category IV or V) by producing paperwork that the unit has a dehumidification mode and the owner has signed an affidavit that they will only use the unit in dehumidification mode. We feel that this is a conversion to habitable space and would have to comply with the Energy Conservation Code, NEC 210-52 & 70 and the floor would have to be raised to meet the minimum clearance from grade.

We submitted this question to the BOAF and got a response on 27 Jan 2014, Informal Interpretation # 7296, stating that the introduction of air conditioning did turn these rooms into habitable space (cat. IV & V rooms).

FBC-R 301.2.1.1.2

Category I, II & III last sentence "The space is defined as non-habitable and unconditioned."

Category IV & V, last sentence: "This space is defined as habitable and conditioned."

UL (or other recognized test labs) lists these mini-split unit as A/C heat pumps. The same can be said for window units.

FBC Chapter 2 "Habitable Space" A space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, screen rooms, sunrooms Category I, II and II as defined in the AAMA/NPEA/NSA 2100, storage or utility space and similar areas are not considered habitable space.

Questions:

- 1) Does the use of a mini-split or other equipment that is listed as an A/C unit or heat pump that has a dehumidification mode & promised to only be run in the dehumidification mode exempt the reclassification of a Category I, II or III sunroom to IV or V?
- 2) Does a dehumidification mode and signed affidavit to only run the unit in dehumidification mode circumvent the listing & labeling intent and circumvent all other applicable code requirements?

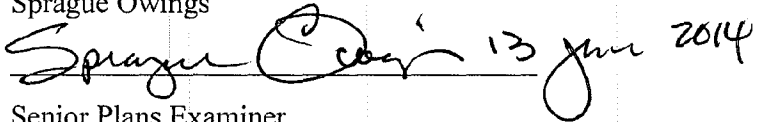
Summary:

It is our belief that that the answer to the questions is that the use of a piece of equipment intended and listed for air conditioning changes the classification from non-habitable to habitable in all these conditions and then requires compliance with the Energy Conservation Code and other applicable codes for habitable rooms. We believe that this use of mini-split unit or window units is an attempt to circumvent the intent of the code.

Respectfully submitted this 13<sup>th</sup> day of June 2014

County of Marion, Florida

Sprague Owings

A handwritten signature in black ink that reads "Sprague Owings" followed by "13 June 2014". The signature is written in a cursive style.

Senior Plans Examiner

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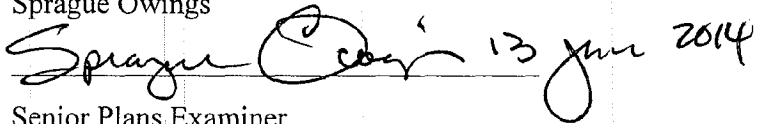
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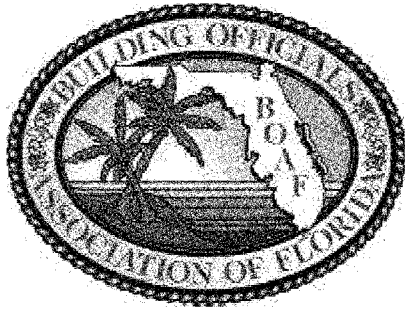
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Senior Plans Examiner



**Informal Interpretation  
Report Number 7296**



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**Date:** Mon Jan 27 2014

**Report:** 7296

**Code:** Residential      **Code Year:** 2010

**Section:** 301.2.1.1.2

**Question:**

Is it the intent of the code to classify a sunroom as category IV or V if a mini split unit is installed but only to dehumidify the room?

**Comment:**

It seems we have several A/C contractors insisting that so long as the unit has a dehumidification setting, this will not trigger going from class III to IV or V.

**Answer:**

Yes

**Commentary:**

A mini split system that could provide cooling added to the sunroom would place the room in category IV or V, depending on thermal isolation or lack thereof from the primary structure. All applicable code requirements would apply. To be exempt, the unit must be controlled by a humidistat only.

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**Notice:**

*The Building Officials Association of Florida, in cooperation with the Florida Building Commission, the Florida Department of Community Affairs, ICC, and industry and professional experts offer this interpretation of the Florida Building Code in the interest of consistency in their application statewide. This interpretation is informal, non-binding and subject to acceptance and approval by the local building official.*