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Florida Building Codes

USER: Joe Bigelow, Department of Business & Professional Regulation, DBPR Personnel

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OFFICE OF THE SECRETARY

Petition # 178

Submitted By David Porter
 Date Submitted 01/10/2020
 Comment When people fall from elevated surfaces, they don't just gently plop in a completely slow-mo, vertical fashion where a 2' wide surface will stop and catch them. They flail in panic-mode. The proposed 2' wide lower planter will simply serve as a bouncing point for someone to hit during a fall and to then continue their fall to the much lower ground surface below. There are available, see-through railing systems that can be used to provide fall protection and visibility to the back yard and they should be considered for the best safety considerations.

Submitted By Brian Gomer
 Date Submitted 01/10/2020
 Comment I am in agreement with the petitioner in this matter and I encourage the commission to support the petitioners position. This matter will greatly affect how property owners can use and develop their property in Cape Coral.

Submitted By Bob Knight
 Date Submitted 01/10/2020
 Comment The petitioner is stating that the planter as shown is NOT a walking surface. The diagram shows the vertical would be 30" or less from the deck to the planter. They also show they are willing to go horizontally 2' to 3' with the non-walking surface planter. Again, this is not a walking surface and would not be part of the code for a walking surface for the next vertical distance down to the grade. Based on this, I am in agreement and support the petitioner's position.

Submitted By Courtney Neuhausel
 Date Submitted 01/10/2020
 Comment I agree with this petition

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Submitted By Mark Steinberg
 Date Submitted 01/10/2020
 Comment I am in favor of the petitioners request. The system of employing a "step down tiered" planter has been done this way for many years. This system adds safety and value to the home and to the community. I would like to see the statistics of how many people in the past were injured by this design.

Submitted By Sandra Kyser
 Date Submitted 01/10/2020
 Comment I AGREE with the petitioners (CCCIA) in regard to this interpretation.

Submitted By Jonathan Peer
 Date Submitted 01/10/2020
 Comment I believe there are two issues here. One is the definition given by the 2017 Florida Building Code for "grade." It is quite clear that "GRADE. The finished ground level adjoining the building at all exterior walls." So unless this definition is modified, that is what we have to work with regarding this issue. Second issue is concerning the idea of "fall protection." The underlying idea appears to be the protection from a fall. The concept of an interim surface to fall to above grade doesn't see to satisfy the intent of this section of the code. You may as well say, it's Ok to fall 30 inches but anything over that is a code violation. The intent of the Code is "to provide a reasonable level of safety." Not adding a 2x2" piece of aluminum frame to a pool cage because someone thinks that it will block their view is difficult to comprehend. A miniscule block to the view of a dock does not override the potential for someone being injured or worse. This is basically what the Code is all about. One person's whim should not override another person's assurance to a reasonable level of safety. You may as well say that you won't wear a seat belt because it wrinkles your clothes. Society has to have some limits on behavior in order to function. That's what the Building Code does in Florida. So, unless this code is modified, I don't see how this petition can be approved.

Submitted By Jonathan Peer
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Submitted By	jim aubuchon
Date Submitted	01/10/2020
Comment	I am in support of this petition. I believe it serves the purpose of the code.

Submitted By	Paul Beattie
Date Submitted	01/10/2020
Comment	Need to approve. Makes total sense to allow this

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Submitted By	Paula Gomer
Date Submitted	01/10/2020
Comment	Agree with Petitioner. The building official's interpretation will negatively impact property owners in Cape Coral.

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Submitted By	Patterson Keithon
Date Submitted	01/10/2020
Comment	As a Building Code

enforcement official, I insist on this aspect of the FBC 2017 remain intact. We must persist in our duty to protect the public from shoddy, unsafe construction practices. This regulation protects our stakeholders against unnecessary accidents that would come about as a result of naked disregard for public safety, as well as those that would result from cutting corners in a quest to save a dollar or two. Here is an excellent place to do the public a solid, rather than attempting to litigate away avoidable deaths and injuries, and be proactive by keeping this element of the code.

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Submitted By Ernest Bartlett
 Date Submitted 01/10/2020
 Comment The guard rail requirements should not be removed. It is there to prevent a child, adult or elderly person from falling off a raised deck and getting hurt or killed. Without any railing It would only be a matter of time before someone fell off the raised deck and ended up paralyzed. The contractor, homeowner, and the City would be sued, just because the safety railing

interfered with a view. It would be in the best interest of the community to have an alternative railing system such as safety glass.

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Submitted By	Michael Savage
Date Submitted	01/12/2020
Comment	I agree with the local Building Officials interpretation of the section, if we as Building Officials don't enforce the codes as written then public safety suffers. The code is the worst that a structure can be built to, regardless of a unique representation of a definition.

Submitted By David Gydosh
 Date Submitted 01/13/2020
 Comment I agree and fully support this petition.

Submitted By Ves Swift
 Date Submitted 01/13/2020
 Comment It appears the interpretation by the Builders is they shall have no limitation on height to grade if a planter that projects 24" out horizontally is within 30" from top of walking surface . Some of the pictures provided used as examples are nine ft to "GRADE" based on counting risers next to pool. This would mean if this passes no guard rail would be required for a 9 ft drop, as long as you have a planter on the open side of surface? So placing a planter would allow one to fall 30" then and additional 6 ft or so? When people fall they do not fall only 24" away from a standing position. This is why tempered glass is required 5 feet from tubs ,showers, and pools etc. The Builders have not stated when there would be a limitation ? So we could build a three story house and add a planter on the open side of the walking surface and this would satisfy the code ? I think not! The code is already clear 30" to grade or floor below , guards are required . The builders need to come up with more creative ways to work with a code that has been in place for 30 years or more. Just remember the code is here to protect you and your family. Do you want your child to be the one when we say" I told you so" ?

Submitted By Karl Joerg Aschenbrenner
 Date Submitted 01/13/2020
 Comment I am in strong support of the petition. The planters were a great solution for years and still are. They serve the current code and leaves the homeowners an option for an unobstructed view without any negative impact.

Submitted By Johnson Bill
 Date Submitted 01/14/2020
 Comment As the Petitioner, this comment is to identify 2017 Florida Building Code, Residential Volume Sec 312.1.1 as a residential sub-code.

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Submitted By Henry Gerrero
 Date Submitted 01/15/2020
 Comment Subject: Guard requirements in section 312.1.1 The existing description reads quite clear in that fall protection is required for heights 30 inches from grade. it is also clear that the builders, specifically, want the code changed. They are trying to manipulate the code with deck planter and planter 30 inches below the deck and any height above grade as SAFE. See the photos provided by the petitioner. they are also claiming it will increase home values. If this passes they will be able to satisfy their clients but leaving little or no protection on any height above grade. This effectively provides no regard for the safety of the innocent public. When tragedies happen, and they will, the lives of those individuals and their family's will be for ever changed! When the question of why this happened them, it won't be to the homeowner or the builder it will be to us. As inspectors and building code administrator it is our job to protect the general public not special interests. Evidence of the group is clear by those asking for this to be approved. Henry Gerrero Lic Insp BN 6969 Lic CBC CBC 058826

Submitted By Edward Ramos
 Date Submitted 01/15/2020
 Comment With the recent addition of 1' of freeboard, fall protection around elevated pool decks has become a more prevalent issue. The building industry has routinely used the various methods allowed by code to achieve the proper fall protection needed around elevated pool decks. The method in question is using planters and adjustments to grade as a means of achieving the necessary elevations allowed by FBC to eliminate the need for guards. This planter option is both functional with a high level of safety, the industry's main goal, at the same time giving the homeowner an affordable and aesthetically pleasing view with no obstructions on their waterfront properties. This method has routinely been an accepted option for many years by prior building officials and their interpretation of the code. The code calls for guards where the difference in elevation between the walking surface and a floor or grade below is more than 30 inches vertically and with 24 inches horizontally from the open side. The difference in elevation shown on the drawings is 30 inches so we are not more than 30 inches

below the walking surface. The planter is shown as 24 inches in width, so it is within the parameters specified by the code. In cases where the top of the planter exceeds 30 inches from the grade below it is exempt as the top of the planter is not a walking surface so the distance from the top of the planter to grade is not subject to Section R312.1, thus allowing a taller planter. This method is intended for RESIDENTIAL elevated pool decks and related walkways only.

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