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Department of Business and Professional Regulation	
Deputy Agency Clerk	
CLERK	Brandon Nichols
Date	12/11/2015
File #	

To: Mr. Mo Madani.

Office of Codes and Standards, Department of Business and Professional Regulation
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1. Petition for Declaratory Statement Before the Florida Building Commission.
2. Petitioner: Broward County Board of Rules and Appeals, (BORA). Rolando Soto, Chief Code Compliance Officer, Mechanical; et al.

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3. Petitioner's attorney: Charles M. Kramer.

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4. The declaratory statement is sought on the following codes sections:

Florida Building Code 5th Edition (2014) Mechanical. CHAPTER 2 DEFINITIONS.

EQUIPMENT. All piping, ducts, vents, control devices and other components of systems other than appliances which are permanently installed and integrated to provide control of environmental conditions for buildings. This definition shall also include other systems specifically regulated in this code.

Florida Building Code 5th Edition (2014) Mechanical. CHAPTER 3 GENERAL REGULATIONS.

301.15 Wind resistance.

Mechanical *equipment*, appliances and supports that are exposed to wind shall be designed and installed to resist the wind pressures determined in accordance with the *Florida Building Code, Building*.

Florida Building Code 5th Edition (2014) Residential, CHAPTER 13 GENERAL MECHANICAL SYSTEM REQUIREMENTS.

M1301.1 Scope.

The provisions of this chapter shall govern the installation of mechanical systems not specifically covered in other chapters applicable to mechanical systems. Installations of mechanical *appliances, equipment* and systems not addressed by this code shall comply with the applicable provisions of the *Florida Building Code, Mechanical* and the *Florida Building Code, Fuel Gas*.

DS 2015-150

Questions:

1. Does section 301.15 apply to equipment other than air conditioning equipment in residential applications?
2. Does section 301.15 apply to refrigeration units, fuel dispensers, or generators?
3. Does section 301.15 apply to process water pumps and valves, above ground fuel tanks?

Additional information:

For question # 1:

A residential development is being built in one of our municipalities. It will include single family homes and townhomes (classified R-3). Some of the residences may include emergency electrical generators. These generators will be installed outdoors, and are exposed to the wind. The mentioned equipment has lightweight service panels or cabinets made of screwed or bolted together panels or parts that could potentially, loosen up and become projectiles during a storm.

*The 2010 FBC Residential had section **M1307.2.1 Wind resistance**. Mechanical equipment, appliances and supports that are exposed to wind shall be designed and installed to resist the wind pressures on the equipment and the supports as determined in accordance with the Florida Building Code, Building.*

This section is not present in the 5th Edition FBC Residential. However "M1301.1 Scope" in the 5th Edition FBC Residential directs the reader to the FMC (see above).

For question # 2:

A gas station and convenience store is being built in one of our municipalities. The store will have coolers and freezers for storage and display of consumer products, the condensers will be located in the exterior of the building. Several gasoline and diesel dispensers will be installed outside for public use. The store will also be provided with an emergency electrical generator with an above ground fuel tank.

The equipment mentioned in question # 2 (with the exception of the above ground fuel tank, please see question #3) is often exposed to the wind. Frequently but not uniformly, some type of attachment detail and/or

calculations are required by the A.H.J. All of the mentioned equipment has lightweight service panels or cabinets made of screwed or bolted together panels or parts that could potentially, loosen up and become projectiles during a storm.

For question # 3:

A high-rise mixed use building has applied for permits in one of our municipalities. The HVAC system includes, hydronic water pumps, valves and piping. The equipment mentioned in question # 3 is exposed to the wind. The mechanical equipment mentioned in question # 3 is usually compact and without lightweight panels.


5. A description of how the statutes, rules, or orders may substantially affect the petitioner in the petitioner's particular set of circumstances.

BORA, supervises the Inspectors and Plans Examiners and Chiefs that enforce the Florida Building Code throughout Broward County, see below. Without clarity on this issue; there may be inconsistent, or contradictory enforcement the Florida Building Code throughout Broward County, or for that matter the rest of the state. This can be dangerous to our residents and is unfair to contractors.

The Broward County **Sec. 9.02. - Building code and Board of Rules and Appeals.** Purpose.

- (1) It shall be the function of the Broward County Board of Rules and Appeals to exercise the powers, duties, responsibilities, and obligations as set forth and established in Chapter 71-575, Laws of Florida, Special Acts of 1971, as amended by Chapter 72-482 and 72-485, Laws of Florida, Special Acts of 1972; Chapter 73-427, Laws of Florida, Special Acts of 1973; Chapters 74-435, 74-437, and 74-448, Laws of Florida, Special Acts of 1974; and Chapter 98-287, as amended by Chapter 2000-141, Laws of Florida, or any successor building code to the Florida Building Code applicable to the County, as amended.
- (3) The Board of Rules and Appeals shall conduct a program to monitor and oversee the inspection practices and procedures employed by the various governmental authorities charged with the responsibility of enforcing the Building Code.

As Chief Code Compliance Officer, Mechanical, at BORA; I have been asked by the Chairman of BORA Mechanical Committee to request this Declaratory Statement from the Florida Building Commission.

6. Rolando Soto, 
Chief Code Compliance Officer, Mechanical, Broward County Board of Rules and Appeals.
7. 12/11/2015



A handwritten signature in black ink, appearing to read "Ruth Boselli".