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<b>FILED</b>	
Department of Business and Professional Regulation Deputy Agency Clerk	
CLERK	Brandon Nichols
Date	<b>3/7/2016</b>
File #	

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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**DS 2015-150**

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 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) 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.

**APPLIANCE.** A device or apparatus that is manufactured and designed to utilize energy and for which this code provides specific requirements.

**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*.

#### **SECTION 616 (IFGC) ENGINE AND GAS TURBINE-POWERED EQUIPMENT**

**616.1 Powered equipment.** Permanently installed *equipment* powered by internal combustion engines and turbines shall be installed in accordance with the manufacturer's installation instructions and NFPA 37. Stationary engine generator assemblies shall meet the requirements of UL 2200.

#### **SECTION 916 POOL AND SPA HEATERS**

##### **916.1 General.**

Pool and spa heaters shall be installed in accordance with the manufacturer's installation instructions. Oil-fired pool and spa heaters shall be tested in accordance with UL 726. Electric pool and spa heaters shall be tested in accordance with UL 1261.

#### **SECTION 406 MOTOR-VEHICLE-RELATED OCCUPANCIES**

##### **406.7 Motor fuel-dispensing facilities.**

Motor fuel-dispensing facilities shall comply with the *Florida Fire Prevention Code* and Sections 406.7.1 and 406.7.2.

### **CHAPTER 16 STRUCTURAL DESIGN**

#### **SECTION 1601 GENERAL**

##### **1601.1 Scope.**

The provisions of this chapter shall govern the structural design of buildings, structures and portions thereof regulated by this code.

**Exception:** Buildings and structures located within the high-velocity hurricane zone shall comply with the provisions of Section 1605, 1607, 1611, Sections 1616 through 1626, and, as applicable in flood hazard areas, Section 1612.

## **5. Questions:**

- a. *Does section 301.15 apply to equipment other than air conditioning equipment in residential applications?*
- b. *Does FMC Section 301.15 applies to refrigeration units, fuel dispensers, above ground fuel tanks and/or standby electrical generators?*

### ***Additional information:***

*For question # a:*

*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 pool and or spa heaters. These pool and or spa heaters will be installed outdoors, and are exposed to the wind. The mentioned equipment has service panels, cabinets or parts that could potentially, loosen up and become projectiles during a storm.*

*For question # b:*

*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 cooler/freezer condensers will be located at the exterior of the building. Several gasoline and diesel dispensers will be installed outside for public use. The store will be also provided with a standby electrical generator powered by internal combustion engine with an above ground fuel tank.*

*It is our opinion that FMC Section 301.15 applies to refrigeration units, fuel dispensers, above ground fuel tanks and/or standby electrical generators. The equipment and/or appliance mentioned 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. Most of the mentioned equipment has lightweight service panels or cabinets made of screwed or bolted together panels or parts that can, potentially, loosen up and become projectiles during a storm.*

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

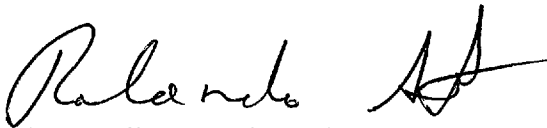
BORA, supervises the Inspectors and Plans Examiners and Chiefs that enforce the Florida Building Code throughout Broward County, see below. Without clarity on this issue; there may be inconsistent, or contradictory enforcement the Florida Building Code throughout Broward County, or for that matter the 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.

7. Rolando Soto,   
Chief Code Compliance Officer, Mechanical, Broward County Board of Rules and Appeals.
8. 03/07/2015

