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Department of Business and Professional Regulation	
Deputy Agency Clerk	
CLERK	Brandon Nichols
Date	<b>4/9/2013</b>
File #	

*Amended*

**REQUEST FOR DECLARATORY STATEMENT  
BEFORE THE FLORIDA BUILDING COMMISSION**

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**Applicant:** Dream Custom Homes, Inc.  
14109 Angle Rd.  
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**DS 2013-036**

I am applying for the Declaratory Statement on behalf of Dream Custom Homes, Inc., a member of the Florida Home Builders Association, as the Director of Technical Services of said Association. Dream Custom Homes is a custom home builder that offers wood burning fireplaces as an option to their customers. It is customary for the fireplace offered to be a factory-built fireplace from number of different manufactures as opposed to a site built masonry fireplace.

Code Sections on which the request is being made:

**Florida Building Code – Mechanical Section 903 Factory-Built Fireplaces  
Florida Building Code- Energy Conservation Section 402.4.3 Fireplaces**

**Background:** Compliance with FBC-EC will create a violation of the UL127 listing as prescribed in FBC-M Section 903. According to information provided by Underwriters Laboratories the installation of "gaskets" on factory built fireplaces that are listed in UL127 (Factory Built Fireplaces) with negate the approval shown by the listing.

Discussions with the International Code Council and an interpretations issued by same indicates the intention of section 402.4.3 of the 2009 IECC which made the requirement for "gasketed" fireplace doors was intended to be applied to site built masonry fireplaces only. With the development of the 2012 IECC the Code Committee agreed adding gaskets to "Factory Built Fireplaces" created a safety hazard and changed the code to require tight fitting doors.

**Referenced code sections:**

**2010 FBC-M**

**903.1 General.**

Factory-built fireplaces shall be *listed and labeled* and shall be installed in accordance with the conditions of the listing. Factory-built fireplaces shall be tested in accordance with UL 127. (According to UL this matter of fire safety.)

**2010 FBC-EC**

**402.4.3 Fireplaces.**

New wood-burning fireplaces shall have gasketed doors and outdoor combustion air.

2012 IECC.

(Gaskets are required to reduce leakage at times the fireplace is not being used, an energy saving feature.)

**2012 IECC**

**R402.4 Fireplaces.**

New wood-burning fireplaces shall have tight-fitting flue dampers and outdoor combustion air.

**Note:** all questions are related to "Factory-built" wood burning fireplaces and not intended to address site built masonry fireplaces.

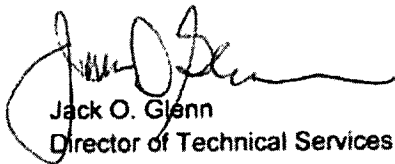
**Question:**

If the installation of gaskets as required in the FBC-EC has the effect of invalidating the listing of the factory-built fireplaces should the requirement of FBC-M for tight fitting doors be the correct action during inspection?

If the answer is **YES**, then should the requirement for gasketed doors be removed from the code?

If the answer is **NO**, how can factory-built fireplaces with gasketed doors be installed when they violate the UL127 listing?

Respectfully submitted



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