

Florida Building Commission

Legal Report
AUGUST 18, 2015

Plaza Historic Beach Resort and Spa
600 North Atlantic Boulevard
DAYTONA, FLORIDA

MECHANICAL , FIRE TAC, and FIRE CODE ADVISORY COUNCIL (FM)

The Mechanical TAC, Fire TAC and Fire Code Advisory Council took up this request for declaratory statement resulting in different recommendations with regard to answers to question 2 as noted in red.

Mechanical TAC

DS 2015-075 by Sheila Oliver of the Town of Pembroke Park

Question #1: Section 606.1 is requiring the smoke detectors to be placed in the return air of an a/c unit over 2000 cfm and/or in the exhaust duct of a fan system. Section 606.3 is requiring me to utilize NFPA 72 for installation which requires it in the supply side. Therefore, does 606.1 supersede 606.3?

Answer: Yes, with regard to placement of smoke detectors and as per Section 102.4.1 of the 5th Edition (2014) FBC, Building, Section 606.1 supercedes the provisions of section 606.3 of the 5th Edition (2014) FBC, Mechanical.

Question #2: If the answer is yes, then since the Florida Fire Prevention Code also calls for it to be installed in the supply air (NFPA 72 and NFPA 90A) whose code takes jurisdiction, fire or mechanical?

Answer: As per the definition of the term “conflict” “see note above”, the project in question must meet both codes. *(Option 1)*

Question #3: Since the original intent of the installation of these smoke duct detectors was to protect the building occupants if the fire and or smoke was to occur in the unit, is this no longer the purpose?

Answer: Not possible. Addressing “intent” is outside the scope of the Dec. request.

Question #4: By installing the smoke duct detectors in the exhaust duct of a fan system, is it now the intent to stop the products of combustion from exiting to the outside?

Answer: Not possible. Addressing “intent” is outside the scope of the Dec. request.

Question #5: By not installing the smoke detectors in a supply fan system, is it the intent to keep these fans operating, even if the fan is bringing in smoke from an adjacent area or from the fan itself?

Answer: Not possible. Addressing “intent” is outside the scope of the Dec. request.

Fire TAC

DS 2015-075 by Sheila Oliver of the Town of Pembroke Park

Question #1: Section 606.1 is requiring the smoke detectors to be placed in the return air of an a/c unit over 2000 cfm and/or in the exhaust duct of a fan system. Section 606.3 is requiring me to utilize NFPA 72 for installation which requires it in the supply side. Therefore, does 606.1 supersede 606.3?

Answer: Yes, with regard to placement of smoke detectors and as per Section 102.4.1 of the 5th Edition (2014) FBC, Building, Section 606.1 supercedes the provisions of section 606.3 of the 5th Edition (2014) FBC, Mechanical.

Question #2: If the answer is yes, then since the Florida Fire Prevention Code also calls for it to be installed in the supply air (NFPA 72 and NFPA 90A) whose code takes jurisdiction, fire or mechanical?

Answer: Placement of smoke detectors in either the return or the supply air system will provide an equal degree of life safety. (See Section 553.73 (1)(d), Florida Statutes) (*Option 4*)

Question #3: Since the original intent of the installation of these smoke duct detectors was to protect the building occupants if the fire and or smoke was to occur in the unit, is this no longer the purpose?

Answer: Not possible. Addressing “intent” is outside the scope of the Dec. request.

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Fire Code Advisory Council

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Answer As per the definition of the term “conflict” “see note above”, the project in question must meet both codes..(Option 1)

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Answer: Not possible. Addressing “intent” is outside the scope of the Dec. request.

ENERGY TECHNICAL ADVISORY COMMITTEE

**DS 2015-079 by George Stefanovici, PE of Carastro & Associates, Inc.
(Withdrawn)**

BUILDING CODE ADMINISTRATION AND SWIMMING POOL TECHNICAL ADVISORY COMMITTEE (TAC)

The Code Admin TAC and Swimming Pool TAC took up this request for declaratory statement

DS 2015-080 by Jennifer Hatfield of Wilson & Associates, LLC

Question: Is a permit required to resurface a public swimming pool or spa?

Answer: Yes, resurfacing a public swimming pool requires a permit, per Section 105.1 of the 5th Edition (2014) Florida Building Code, Building.

STRUCTURAL AND FIRE TECHNICAL ADVISORY COMMITTEE (TAC)

The Structural TAC and Fire TAC took up this request for declaratory statement resulting in different recommendations with regard to answers to question 1,2 and 3 as noted in **red**.

Structural TAC

DS2015-81 by Clifford A. Schulman, Esq. of Weiss Serota Helfman Cole Bierman, P.L.

Question (1) Is the building, including the System, regulated by the FBC?

Answer: (d)Yes, as per section 102.2. and 1601.1 of the Florida Building Code 5th Edition (2014), Building the project in question falls within the scope of the Florida Building Code

Question (2) If yes, is the System governed by Chapter 30 ALI Standards?;

Answer: No, the project in question falls outside the scope of ALI standards

Question (3) If not, does the FBC require that the entire System (including the lifting structure itself) be certified by an OSHA approved NRTL?

Answer: Since the system is anchored and attached to the structural elements of the building, the design and development of the system will fall within the technical scope of the FBC requiring that the building/structure be designed and constructed in accordance with the applicable material and design standard of the FBC and that the lifting structure be designed, tested and evaluated in accordance with the procedure developed by a registered design professional and tested by an approved agency as approved by the local authority having jurisdiction.

Fire TAC

DS2015-81 by Clifford A. Schulman, Esq. of Weiss Serota Helfman Cole Bierman, P.L.

Question 1: Is the building, including the system, regulated by the FBC?

Answer: Yes

Question 2: If yes, is the System governed by Chapter 30 ALI Standards?

Answer: No

Question 3: If not, does the FBC require that the entire System (including the lifting structure itself) be certified by an OSHA approved NRTL?

Answer: No

STRUCTURAL TECHNICAL ADVISORY COMMITTEE (TAC)

DS2015-084 by John Farinelli of JC Code & Construction Consultants, Inc.

Question #1: When stucco applications are installed per ASTM C 926 as permitted under the Exception to Section R703.6.4, is compliance with Section 703.6.5 also required?

Answer: No, If ASTM C 926 is used as an alternate method chosen by the designer/contractor then compliance with 703.6.5 is not required.

BUILDING CODE ADMINISTRATION TECHNICAL ADVISORY COMMITTEE (TAC)

DS 2015-085 by Martin R. Dix of Akerman LLP.

Question A: Does the Florida Building Code's definition for "registered design professionals" include Florida registered interior designers who may sign and seal interior design plans, drawings, specifications or reports?

Answer: Yes, the term "registered design professional," as defined in the 5th Edition (2014) Florida Building Code, Building includes **any** registered design professionals **practicing within the scope of their license**, which includes those licensed under Chapters 471 and 481, Florida Statutes."

Question B: Does the Florida Building Code's definition for "registered design professionals" include Florida registered interior designers who may sign and seal interior design plans, drawings, specifications or reports which may, in some instances, be submitted for the issuance of building permits for interior construction?

Answer: Yes, the term "registered design professional," as defined in the 5th Edition (2014) Florida Building Code, Building, includes **any** registered designer professional **practicing within the scope of their license**, which includes those licensed under Chapters 471 and 481, Florida Statutes."

ENERGY TECHNICAL ADVISORY COMMITTEE

DS 2015-086 by Fred Dudley, Esq. of Dudley, Sellers, & Hearly, LP

- There was a motion to recommend approval of the Petitioner's recommended determination "that all replacement fenestration in existing buildings must comply with U-factor and SHGC requirements consistent with R402.3.6 of the 5th Edition (2014) FBC, Energy Conservation." The motion was made by Jay Geyselaers and seconded by Ron Bailey. After further discussion, the motion was voted on by roll call. The vote was 2 to 6 in favor. The motion did not pass.
- In order to come up with a proposed answer to the Petitioner's question, there was a motion to delay the rest of the Energy TAC meeting until a later meeting. As there was limited time left on the conference call/webinar time for adequate discussion by all parties involved and the public. This motion was made by Bob Cochell and seconded by David Wojcieszak. April Hammonds explained relevant information on a continuation of the meeting. The motion passed unanimously.
- The continuation of the meeting was to be held on **Thursday, August 13th, 2015 at 9:00 am.** However, the petitioner requested that the matter be continued until the October meeting (TAC/Commission)