

Proposed Code Modifications

This document created by the Florida Department of Business and Professional Regulation - 850-487-1824

WITHOUT COMMENTS

TAC: Code Administration

Total Mods for Code Administration in Approved as Submitted: 7

Total Mods for report: 8

Sub Code: Building

CA6467						1
Date Submitted	11/10/2015	Section 201		Proponent	Joe Bigelow	
	2	Affects HVHZ	No	Attachments	Yes	
TAC Recommendati	on Approved as Submi	tted				
Commission Action	Pending Review					
Comments						
General Comments	No	Al	ternate Language	No		
Related Modification	ons					
Summary of Modifi	ication					
()()) FS - Implement FS which	requires the Comn	nission to include Decla	aratory Statements in	the updated edition of t	the
FBC Rationale						
553.73 (7) (d)) FS - Implement FS which	requires the Comn	nission to include Decla	aratory Statements in	the updated edition of t	the FBC
- See Attache Fiscal Impact State	ed DS2015-085					
•	al entity relative to enforce	ement of code				
No imp	act - Clarify code and Imple of the FBC		quires the Commission	to include Declarator	y Statements in the upo	dated
	ilding and property owners	relative to cost o	f compliance with cod	e		
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Requirements						
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Strengthens	or improves the code, and	• •	•			latad
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No imp	criminate against materials act - Clarify code and Imple of the FBC	••			•	dated
-	grade the effectiveness of t		viron the Commission t	o includo Doclaratory	Statements in the under	atod
edition	es enforcement and Implen of the FBC				Statements in the upoa	
Is the proposed code	modification part of a prio	r code version? N	lo			

[RB] REGISTERED DESIGN PROFESSIONAL. An individual who is registered or licensed to practice their respective design profession as defined by the statutory requirements of the professional registration laws of the state or *jurisdiction* in which the project is to be constructed. This includes any registered design professional so long as they are practicing within the scope of their license, which includes those licensed under Chapter 471 and 481, Florida Statutes.

Page: 1

STATE OF FLORIDA BUILDING COMMISSION

In the Matter of

AMERICAN SOCIETY OF INTERIOR DESIGNERS

DS 2015-085

Petitioner.

CA6467 Rationale

DECLARATORY STATEMENT

The foregoing proceeding came before the Florida Building Commission (Commission) by a Petition from Martin R. Dix, Esquire, for the American Society of Interior Designers (ASID) and Lucille McKey (Petitioners), which was received July 9, 2015. Based on the statements in the petition submitted by the Petitioner, the Commission states the following:

Findings of Fact

1. The petition is filed pursuant to, and must conform to the requirements of Rule 28-

105.002, Florida Administrative Code.

Petitioner's representative in this matter is Martin R. Dix, Esquire of Akerman LLP,
106 East College Avenue, Suite 1200, Tallahassee, Florida 32301.

3. Petitioner ASID is a professional organization which represents and advocates for interior designers registered pursuant to Section 481.213(1), Florida Statutes (2014). Petitioner Lucille McKey is an interior designer registered pursuant to Section 481.213(1), Fla. Stat.

4. Petitioner seeks clarification regarding the applicability of Sections 107.1 and 202 of the Florida Building Code, Building, 5th Edition (2014) as to whether registered interior designers are included in the definition of "registered design professionals" and may sign and seal interior design plans for building permits for interior construction.

DS 2015-085 Page **2** of **5**

CA6467 Rationale

5. Specifically, the Petitioner requests answers to the following questions:

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 and reports?

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?

Conclusions of Law

6. The Commission has the specific statutory authority pursuant to Section 553.775(3)(a),

Florida Statutes (2014) to interpret the provisions of the Florida Building Code by entering a

declaratory statement.

7. Section 553.73(2) of the Florida Statutes (2015) states:

The Florida Building Code shall contain provisions or requirements for public and private buildings, structures, and facilities relative to structural, mechanical, electrical, plumbing, energy, and gas systems, existing buildings, historical buildings, manufactured buildings, elevators, coastal construction, lodging facilities, food sales and food service facilities, health care facilities, including assisted living facilities, adult day care facilities, hospice residential and inpatient facilities and units, and facilities for the control of radiation hazards, public or private educational facilities, swimming pools, and correctional facilities and enforcement of and compliance with such provisions or requirements. Further, the Florida Building Code must provide for uniform implementation of ss. 515.25, 515.27, and 515.29 by including standards and criteria for residential swimming pool barriers, pool covers, latching devices, door and window exit alarms, and other equipment required therein, which are consistent with the intent of s. 515.23. Technical provisions to be contained within the Florida Building Code are restricted to requirements related to the types of materials used and construction methods and standards employed in order to meet criteria specified in the Florida Building Code. Provisions relating to the personnel, supervision or training of personnel, or any other professional

DS 2015-085 Page **3** of **5**

CA6467 Rationale

qualification requirements relating to contractors or their workforce may not be included within the Florida Building Code, and subsections (4), (6), (7), (8), and (9) are not to be construed to allow the inclusion of such provisions within the Florida Building Code by amendment. This restriction applies to both initial development and amendment of the Florida Building Code.

8. Section 202, Definitions, Florida Building Code, Residential, 5th Edition (2014)

states:

[A] REGISTERED DESIGN PROFESSIONAL. An individual who is registered or licensed to practice their respective design profession as defined by the statutory requirements of the professional registration laws of the state or *jurisdiction* in which the project is to be constructed.

9. Section 107.1, Submittal Documents, Florida Building Code, Building, 5th Edition

(2014) states:

General.

Submittal documents consisting of *construction documents*, statement of *special inspections*, geotechnical report and other data shall be submitted in two or more sets with each *permit* application. The *construction documents* shall be prepared by a *registered design professional* where required by Chapter 471, *Florida Statutes* or Chapter 481, *Florida Statutes*. Where special conditions exist, the *building official* is authorized to require additional *construction documents* to be prepared by a *registered design professional*.

10. In response to Petitioner's question A, the term "registered design professional," as

defined in the 5th Edition (2014) Florida Building Code, Building includes any registered design

professional so long as they are practicing within the scope of their license, which includes those

licensed under Chapters 471 and 481, Florida Statutes.

11. In response to Petitioner's question B, the term "registered design professional," as

defined in the 5th Edition (2014) Florida Building Code, Building includes any registered design

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CA6467 Rationale

professional so long as they are practicing within the scope of their license, which includes those licensed under Chapters 471 and 481, Florida Statutes.

DONE AND ORDERED this _____ day of _____, 2015 in Jacksonville,

Duval County, State of Florida.

RICHARD S. BROWDY Chairman, Florida Building Commission

NOTICE OF RIGHT TO APPEAL

Petitioner and all other interested parties are hereby advised of their right to seek judicial review of this Order in accordance with Section 120.68(2)(a), Florida Statutes (2014), and Florida Rules of Appellate Procedure 9.110(a) and 9.030(b)(1)(C). To initiate an appeal, a Notice of Appeal must be filed with Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1000 and with the appropriate District Court of Appeal not later than thirty (30) days after this Order is filed with the Clerk of the Department of Business and Professional Regulation. A Notice of Appeal filed with the District Court of Appeal shall be accompanied by the filing fee specified by Section 35.22(3), Florida Statutes (2014).

DS 2015-085 Page **5** of **5**

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing order has been filed

with the undersigned and furnished by U. S. Mail to the persons listed below this _____ day of

, 2015.

Agency Clerk's Office Department of Business and Professional Regulation & Florida Building Commission 1940 North Monroe Street Tallahassee, Florida 32399-1000

Via U.S. Mail

American Society of Interior Designers Att: Jim Brewer 718 7th Street Northwest 4th Floor Washington, DC 20001

Lucille McKey 4615 Ponce de Leon Boulevard Coral Gables, Florida 33146

Martin R. Dix, Esquire Akerman LLP 106 East College Avenue Suite 1200 Tallahassee, Florida 32301

Via Inter-Office or Email Delivery

Mo Madani, Planning Manager Codes and Standards Section Department of Business and Professional Regulation 1940 North Monroe Street Tallahassee, Florida 32399 Mo.Madani@myfloridalicense.com

Marjorie Holladay Joint Administrative Procedures Committee Pepper Building, Room 680 Tallahassee, Florida 32399-1300

CA6787					2
Date Submitted	12/23/2015	Section 202	Proponent	David Roberts	
Chapter	2	Affects HVHZ No	Attachments	No	
TAC Recommend	lation Approved as Subn	nitted			
Commission Acti	ion Pending Review				
Comments					
General Commen	nts No	Alternate La	anguage No		

Alternate Language

Related Modifications

Summary of Modification

The proposed code modification would add a definition for Interior Designer in the definition section that would be consistent with the proposed definitions for Architect, Engineer, and Landscape Architect.

Rationale

The proposed code modification would add a definition for Interior Designer in the definition section that would be consistent with the proposed definitions for Architect, Engineer, and Landscape Architect. This would provide consistency with the definitions of these other registered design professionals that are licensed in Florida.

Fiscal Impact Statement

Impact to local entity relative to enforcement of code

The proposed modification will have no fiscal impact.

Impact to building and property owners relative to cost of compliance with code The proposed modification will have no fiscal impact.

Impact to industry relative to the cost of compliance with code

The proposed modification will have no fiscal impact.

Impact to small business relative to the cost of compliance with code

The proposed modification will have no fiscal impact.

Requirements

Has a reasonable and substantial connection with the health, safety, and welfare of the general public

The proposed definition will clarify that an interior designer is a registered interior designer licensed by the state of Florida to conduct commercial design services as specified by Chapter 481, Florida Statutes.

Strengthens or improves the code, and provides equivalent or better products, methods, or systems of construction The proposed definition will strengthen the code because it will clarify that an interior designer is a registered interior designer licensed by the state of Florida to conduct commercial design services as specified by Chapter 481, Florida Statutes.

Does not discriminate against materials, products, methods, or systems of construction of demonstrated capabilities The proposed definition does not discriminate because it will clarify that an interior designer is a registered interior designer licensed by the state of Florida to conduct commercial design services as specified by Chapter 481, Florida Statutes.

Does not degrade the effectiveness of the code

The proposed definition will not degrade the effectiveness of the code because it will clarify that an interior designer is a registered interior designer licensed by the state of Florida to conduct commercial design services as specified by Chapter 481, Florida Statutes.

Is the proposed code modification part of a prior code version? No

INTERIOR DESIGNER. A Florida-registered interior designer.

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CA6460

CA6469		·····		3
Date Submitted	11/10/2015	Section 202	Proponent	Joe Bigelow
Chapter	2	Affects HVHZ No	Attachments	Yes
TAC Recommend Commission Acti				
<u>Comments</u>				
General Commen	nts No	Alternate Language	No	
Related Modifica	ations			
Summary of Mo	dification			
553.73(7)((d) FS Implement FS which	ch requires the Commission to include De	claratory Statements in the	updated edition of the FBC
Rationale				
. , .	(d) FS Implement FS whic ned DS2015-085	ch requires the Commission to include De	claratory Statements in the	updated edition of the FBC -
Fiscal Impact St				
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•	•	Implement FS which requires the Commis	sion to include Declaratory	Statements in the updated
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Impact to	industry relative to the c	ost of compliance with code		
	impact - Clarify code and ion of the FBC	Implement FS which requires the Commis	ssion to include Declaratory	Statements in the updated
Impact to	small business relative	to the cost of compliance with code		
No i	mpact - Clarify code and	Implement FS which requires the Commis	sion to include Declaratory	
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Requirements				
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		, and provides equivalent or better prod	ucts, methods, or systems	of construction
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editi	ion of the FBC	nplement FS which requires the Commiss	ion to include Declaratory S	tatements in the updated
is the proposed co	de modification part of a	prior code version? No		

CA6469 Text Modification

REGISTERED DESIGN PROFESSIONAL. An individual who is registered or licensed to practice their respective design profession as defined by the statutory requirements of

the professional registration laws of the state or jurisdiction in which the project is to be constructed. <u>This includes</u> any registered design professional so long as they are practicing within the scope of their license, which includes those licensed under Chapter 471 and 481, Florida Statutes.

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Date Submitted	11/10/2015	Section 202	2	Proponent	Joe Bigelow	
Chapter	2	Affects HVHZ		Attachments	Yes	
TAC Recomment Commission Act		as Submitted Review				
<u>Comments</u>						
General Commer	nts No		Alternate Language	No		
Related Modific	ations					
Summary of Ma	dification					
Summary of Mo		which requires the Comm	vission to include Declara	tony Statements in the	undated edition of th	FRC
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Rationale						
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	hed DS2015-085					
Fiscal Impact S		a anforcoment of cod-				
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No i	•	he cost of compliance w and Implement FS which	ith code requires the Commissior	to include Declarator	y Statements in the up	odated
Impact to	o small business rela	tive to the cost of compl	iance with code			
		•	requires the Commission	to include Declarator	y	
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Has a reas No i editi Strengthe No i editi Does not No i	ion of the FBC ens or improves the c impact - Clarify code a ion of the FBC discriminate against	and Implement FS which materials, products, me	alent or better products	to include Declaratory	y Statements in the up trated capabilities	

[A] REGISTERED DESIGN PROFESSIONAL. An individual who is registered or licensed to practice their respective design profession as defined by the statutory requirements of the professional registration laws of the state or jurisdiction in which the project is to be constructed.

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STATE OF FLORIDA BUILDING COMMISSION

In the Matter of

AMERICAN SOCIETY OF INTERIOR DESIGNERS

DS 2015-085

Petitioner.

CA6470 Rationale

DECLARATORY STATEMENT

The foregoing proceeding came before the Florida Building Commission (Commission) by a Petition from Martin R. Dix, Esquire, for the American Society of Interior Designers (ASID) and Lucille McKey (Petitioners), which was received July 9, 2015. Based on the statements in the petition submitted by the Petitioner, the Commission states the following:

Findings of Fact

1. The petition is filed pursuant to, and must conform to the requirements of Rule 28-

105.002, Florida Administrative Code.

Petitioner's representative in this matter is Martin R. Dix, Esquire of Akerman LLP,
106 East College Avenue, Suite 1200, Tallahassee, Florida 32301.

3. Petitioner ASID is a professional organization which represents and advocates for interior designers registered pursuant to Section 481.213(1), Florida Statutes (2014). Petitioner Lucille McKey is an interior designer registered pursuant to Section 481.213(1), Fla. Stat.

4. Petitioner seeks clarification regarding the applicability of Sections 107.1 and 202 of the Florida Building Code, Building, 5th Edition (2014) as to whether registered interior designers are included in the definition of "registered design professionals" and may sign and seal interior design plans for building permits for interior construction.

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CA6470 Rationale

5. Specifically, the Petitioner requests answers to the following questions:

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 and reports?

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?

Conclusions of Law

6. The Commission has the specific statutory authority pursuant to Section 553.775(3)(a),

Florida Statutes (2014) to interpret the provisions of the Florida Building Code by entering a

declaratory statement.

7. Section 553.73(2) of the Florida Statutes (2015) states:

The Florida Building Code shall contain provisions or requirements for public and private buildings, structures, and facilities relative to structural, mechanical, electrical, plumbing, energy, and gas systems, existing buildings, historical buildings, manufactured buildings, elevators, coastal construction, lodging facilities, food sales and food service facilities, health care facilities, including assisted living facilities, adult day care facilities, hospice residential and inpatient facilities and units, and facilities for the control of radiation hazards, public or private educational facilities, swimming pools, and correctional facilities and enforcement of and compliance with such provisions or requirements. Further, the Florida Building Code must provide for uniform implementation of ss. 515.25, 515.27, and 515.29 by including standards and criteria for residential swimming pool barriers, pool covers, latching devices, door and window exit alarms, and other equipment required therein, which are consistent with the intent of s. 515.23. Technical provisions to be contained within the Florida Building Code are restricted to requirements related to the types of materials used and construction methods and standards employed in order to meet criteria specified in the Florida Building Code. Provisions relating to the personnel, supervision or training of personnel, or any other professional

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CA6470 Rationale

qualification requirements relating to contractors or their workforce may not be included within the Florida Building Code, and subsections (4), (6), (7), (8), and (9) are not to be construed to allow the inclusion of such provisions within the Florida Building Code by amendment. This restriction applies to both initial development and amendment of the Florida Building Code.

8. Section 202, Definitions, Florida Building Code, Residential, 5th Edition (2014)

states:

[A] REGISTERED DESIGN PROFESSIONAL. An individual who is registered or licensed to practice their respective design profession as defined by the statutory requirements of the professional registration laws of the state or *jurisdiction* in which the project is to be constructed.

9. Section 107.1, Submittal Documents, Florida Building Code, Building, 5th Edition

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General.

Submittal documents consisting of *construction documents*, statement of *special inspections*, geotechnical report and other data shall be submitted in two or more sets with each *permit* application. The *construction documents* shall be prepared by a *registered design professional* where required by Chapter 471, *Florida Statutes* or Chapter 481, *Florida Statutes*. Where special conditions exist, the *building official* is authorized to require additional *construction documents* to be prepared by a *registered design professional*.

10. In response to Petitioner's question A, the term "registered design professional," as

defined in the 5th Edition (2014) Florida Building Code, Building includes any registered design

professional so long as they are practicing within the scope of their license, which includes those

licensed under Chapters 471 and 481, Florida Statutes.

11. In response to Petitioner's question B, the term "registered design professional," as

defined in the 5th Edition (2014) Florida Building Code, Building includes any registered design

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CA6470 Rationale

professional so long as they are practicing within the scope of their license, which includes those licensed under Chapters 471 and 481, Florida Statutes.

DONE AND ORDERED this _____ day of _____, 2015 in Jacksonville,

Duval County, State of Florida.

RICHARD S. BROWDY Chairman, Florida Building Commission

NOTICE OF RIGHT TO APPEAL

Petitioner and all other interested parties are hereby advised of their right to seek judicial review of this Order in accordance with Section 120.68(2)(a), Florida Statutes (2014), and Florida Rules of Appellate Procedure 9.110(a) and 9.030(b)(1)(C). To initiate an appeal, a Notice of Appeal must be filed with Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1000 and with the appropriate District Court of Appeal not later than thirty (30) days after this Order is filed with the Clerk of the Department of Business and Professional Regulation. A Notice of Appeal filed with the District Court of Appeal shall be accompanied by the filing fee specified by Section 35.22(3), Florida Statutes (2014).

DS 2015-085 Page **5** of **5**

CA6470 Rationale

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing order has been filed

with the undersigned and furnished by U. S. Mail to the persons listed below this _____ day of

, 2015.

Agency Clerk's Office Department of Business and Professional Regulation & Florida Building Commission 1940 North Monroe Street Tallahassee, Florida 32399-1000

Via U.S. Mail

American Society of Interior Designers Att: Jim Brewer 718 7th Street Northwest 4th Floor Washington, DC 20001

Lucille McKey 4615 Ponce de Leon Boulevard Coral Gables, Florida 33146

Martin R. Dix, Esquire Akerman LLP 106 East College Avenue Suite 1200 Tallahassee, Florida 32301

Via Inter-Office or Email Delivery

Mo Madani, Planning Manager Codes and Standards Section Department of Business and Professional Regulation 1940 North Monroe Street Tallahassee, Florida 32399 Mo.Madani@myfloridalicense.com

Marjorie Holladay Joint Administrative Procedures Committee Pepper Building, Room 680 Tallahassee, Florida 32399-1300

				1			5
Date Submitted 1	1/13/2015	Section 202		Proponent	Joe Bigelov	v	
Chapter 2		Affects HVHZ	No	Attachments		Yes	
TAC Recommendation	n Approved as Su Pending Review						
Comments General Comments	Na		lternete Lenguege	Na			
Related Modification	No		Iternate Language	No			
Summary of Modifie	cation						
553.73(7) (d) f Florida Buildin		ch requires the Comr	nission to include Decla	aratory Statements in	the updated ec	lition of the	
Rationale							
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CA6473 Text Modification_

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DS 2015-085

Petitioner.

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declaratory statement.

7. Section 553.73(2) of the Florida Statutes (2015) states:

The Florida Building Code shall contain provisions or requirements for public and private buildings, structures, and facilities relative to structural, mechanical, electrical, plumbing, energy, and gas systems, existing buildings, historical buildings, manufactured buildings, elevators, coastal construction, lodging facilities, food sales and food service facilities, health care facilities, including assisted living facilities, adult day care facilities, hospice residential and inpatient facilities and units, and facilities for the control of radiation hazards, public or private educational facilities, swimming pools, and correctional facilities and enforcement of and compliance with such provisions or requirements. Further, the Florida Building Code must provide for uniform implementation of ss. 515.25, 515.27, and 515.29 by including standards and criteria for residential swimming pool barriers, pool covers, latching devices, door and window exit alarms, and other equipment required therein, which are consistent with the intent of s. 515.23. Technical provisions to be contained within the Florida Building Code are restricted to requirements related to the types of materials used and construction methods and standards employed in order to meet criteria specified in the Florida Building Code. Provisions relating to the personnel, supervision or training of personnel, or any other professional

DS 2015-085 Page **3** of **5**

CA6473 Rationale

qualification requirements relating to contractors or their workforce may not be included within the Florida Building Code, and subsections (4), (6), (7), (8), and (9) are not to be construed to allow the inclusion of such provisions within the Florida Building Code by amendment. This restriction applies to both initial development and amendment of the Florida Building Code.

8. Section 202, Definitions, Florida Building Code, Residential, 5th Edition (2014)

states:

[A] REGISTERED DESIGN PROFESSIONAL. An individual who is registered or licensed to practice their respective design profession as defined by the statutory requirements of the professional registration laws of the state or *jurisdiction* in which the project is to be constructed.

9. Section 107.1, Submittal Documents, Florida Building Code, Building, 5th Edition

(2014) states:

General.

Submittal documents consisting of *construction documents*, statement of *special inspections*, geotechnical report and other data shall be submitted in two or more sets with each *permit* application. The *construction documents* shall be prepared by a *registered design professional* where required by Chapter 471, *Florida Statutes* or Chapter 481, *Florida Statutes*. Where special conditions exist, the *building official* is authorized to require additional *construction documents* to be prepared by a *registered design professional*.

10. In response to Petitioner's question A, the term "registered design professional," as

defined in the 5th Edition (2014) Florida Building Code, Building includes any registered design

professional so long as they are practicing within the scope of their license, which includes those

licensed under Chapters 471 and 481, Florida Statutes.

11. In response to Petitioner's question B, the term "registered design professional," as

defined in the 5th Edition (2014) Florida Building Code, Building includes any registered design

2017 Triennial

DS 2015-085 Page **4** of **5**

CA6473 Rationale

professional so long as they are practicing within the scope of their license, which includes those licensed under Chapters 471 and 481, Florida Statutes.

DONE AND ORDERED this _____ day of _____, 2015 in Jacksonville,

Duval County, State of Florida.

RICHARD S. BROWDY Chairman, Florida Building Commission

NOTICE OF RIGHT TO APPEAL

Petitioner and all other interested parties are hereby advised of their right to seek judicial review of this Order in accordance with Section 120.68(2)(a), Florida Statutes (2014), and Florida Rules of Appellate Procedure 9.110(a) and 9.030(b)(1)(C). To initiate an appeal, a Notice of Appeal must be filed with Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1000 and with the appropriate District Court of Appeal not later than thirty (30) days after this Order is filed with the Clerk of the Department of Business and Professional Regulation. A Notice of Appeal filed with the District Court of Appeal shall be accompanied by the filing fee specified by Section 35.22(3), Florida Statutes (2014).

DS 2015-085 Page **5** of **5**

CA6473 Rationale

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing order has been filed

with the undersigned and furnished by U. S. Mail to the persons listed below this _____ day of

, 2015.

Agency Clerk's Office Department of Business and Professional Regulation & Florida Building Commission 1940 North Monroe Street Tallahassee, Florida 32399-1000

Via U.S. Mail

American Society of Interior Designers Att: Jim Brewer 718 7th Street Northwest 4th Floor Washington, DC 20001

Lucille McKey 4615 Ponce de Leon Boulevard Coral Gables, Florida 33146

Martin R. Dix, Esquire Akerman LLP 106 East College Avenue Suite 1200 Tallahassee, Florida 32301

Via Inter-Office or Email Delivery

Mo Madani, Planning Manager Codes and Standards Section Department of Business and Professional Regulation 1940 North Monroe Street Tallahassee, Florida 32399 Mo.Madani@myfloridalicense.com

Marjorie Holladay Joint Administrative Procedures Committee Pepper Building, Room 680 Tallahassee, Florida 32399-1300

CA6468 6 **Date Submitted** 11/10/2015 Section 201 Joe Bigelow Proponent Chapter 2 Affects HVHZ No Attachments Yes Approved as Submitted **TAC Recommendation Commission Action** Pending Review Comments General Comments Alternate Language No No **Related Modifications** Summary of Modification 553.73(7)(d) FS Implement FS which requires the Commission to include Declaratory Statements in the updated edition of the FBC Rationale 553.73(7)(d) FS Implement FS which requires the Commission to include Declaratory Statements in the updated edition of the FBC see attached DS2015-085 **Fiscal Impact Statement** Impact to local entity relative to enforcement of code No impact - Clarify code and Implement FS which requires the Commission to include Declaratory Statements in the updated edition of the FBC Impact to building and property owners relative to cost of compliance with code No impact - Clarify code and Implement FS which requires the Commission to include Declaratory Statements in the updated edition of the FBC Impact to industry relative to the cost of compliance with code No impact - Clarify code and Implement FS which requires the Commission to include Declaratory Statements in the updated edition of the FBC Impact to small business relative to the cost of compliance with code 55No impact - Clarify code and Implement FS which requires the Commission to include Declaratory Statements in the updated edition of the FBC Requirements Has a reasonable and substantial connection with the health, safety, and welfare of the general public No impact - Clarify code and Implement FS which requires the Commission to include Declaratory Statements in the updated edition of the FBC Strengthens or improves the code, and provides equivalent or better products, methods, or systems of construction No impact - Clarify code and Implement FS which requires the Commission to include Declaratory Statements in the updated edition of the FBC Does not discriminate against materials, products, methods, or systems of construction of demonstrated capabilities No impact - Clarify code and Implement FS which requires the Commission to include Declaratory Statements in the updated edition of the FBC Does not degrade the effectiveness of the code Improves enforcement and Implement FS which requires the Commission to include Declaratory Statements in the updated edition of the FBC Is the proposed code modification part of a prior code version? No

[RB] REGISTERED DESIGN PROFESSIONAL. An individual who is registered or licensed to practice their respective design profession as defined by the statutory requirements of the professional registration laws of the state or *jurisdiction* in which the project is to be constructed.

This includes any registered design professional so long as they are practicing within the scope of their license, which includes those licensed under Chapter 471 and 481, Florida Statutes.

Page: 1

STATE OF FLORIDA BUILDING COMMISSION

In the Matter of

AMERICAN SOCIETY OF INTERIOR DESIGNERS

DS 2015-085

Petitioner.

DECLARATORY STATEMENT

The foregoing proceeding came before the Florida Building Commission (Commission) by a Petition from Martin R. Dix, Esquire, for the American Society of Interior Designers (ASID) and Lucille McKey (Petitioners), which was received July 9, 2015. Based on the statements in the petition submitted by the Petitioner, the Commission states the following:

Findings of Fact

1. The petition is filed pursuant to, and must conform to the requirements of Rule 28-

105.002, Florida Administrative Code.

Petitioner's representative in this matter is Martin R. Dix, Esquire of Akerman LLP,
106 East College Avenue, Suite 1200, Tallahassee, Florida 32301.

3. Petitioner ASID is a professional organization which represents and advocates for interior designers registered pursuant to Section 481.213(1), Florida Statutes (2014). Petitioner Lucille McKey is an interior designer registered pursuant to Section 481.213(1), Fla. Stat.

4. Petitioner seeks clarification regarding the applicability of Sections 107.1 and 202 of the Florida Building Code, Building, 5th Edition (2014) as to whether registered interior designers are included in the definition of "registered design professionals" and may sign and seal interior design plans for building permits for interior construction.

DS 2015-085 Page **2** of **5**

CA6468 Impact Statement

5. Specifically, the Petitioner requests answers to the following questions:

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 and reports?

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?

Conclusions of Law

6. The Commission has the specific statutory authority pursuant to Section 553.775(3)(a),

Florida Statutes (2014) to interpret the provisions of the Florida Building Code by entering a

declaratory statement.

7. Section 553.73(2) of the Florida Statutes (2015) states:

The Florida Building Code shall contain provisions or requirements for public and private buildings, structures, and facilities relative to structural, mechanical, electrical, plumbing, energy, and gas systems, existing buildings, historical buildings, manufactured buildings, elevators, coastal construction, lodging facilities, food sales and food service facilities, health care facilities, including assisted living facilities, adult day care facilities, hospice residential and inpatient facilities and units, and facilities for the control of radiation hazards, public or private educational facilities, swimming pools, and correctional facilities and enforcement of and compliance with such provisions or requirements. Further, the Florida Building Code must provide for uniform implementation of ss. 515.25, 515.27, and 515.29 by including standards and criteria for residential swimming pool barriers, pool covers, latching devices, door and window exit alarms, and other equipment required therein, which are consistent with the intent of s. 515.23. Technical provisions to be contained within the Florida Building Code are restricted to requirements related to the types of materials used and construction methods and standards employed in order to meet criteria specified in the Florida Building Code. Provisions relating to the personnel, supervision or training of personnel, or any other professional

DS 2015-085 Page **3** of **5**

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professional so long as they are practicing within the scope of their license, which includes those

licensed under Chapters 471 and 481, Florida Statutes.

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DS 2015-085 Page **4** of **5**

CA6468 Impact Statement

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DONE AND ORDERED this _____ day of _____, 2015 in Jacksonville,

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RICHARD S. BROWDY Chairman, Florida Building Commission

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DS 2015-085 Page **5** of **5**

CA6468 Impact Statement

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, 2015.

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Via U.S. Mail

American Society of Interior Designers Att: Jim Brewer 718 7th Street Northwest 4th Floor Washington, DC 20001

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Mo Madani, Planning Manager Codes and Standards Section Department of Business and Professional Regulation 1940 North Monroe Street Tallahassee, Florida 32399 Mo.Madani@myfloridalicense.com

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STATE OF FLORIDA BUILDING COMMISSION

In the Matter of

AMERICAN SOCIETY OF INTERIOR DESIGNERS

DS 2015-085

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DS 2015-085 Page **2** of **5**

CA6468 Rationale

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DS 2015-085 Page **3** of **5**

CA6468 Rationale

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DS 2015-085 Page **4** of **5**

CA6468 Rationale

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DONE AND ORDERED this _____ day of _____, 2015 in Jacksonville,

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RICHARD S. BROWDY Chairman, Florida Building Commission

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Mo Madani, Planning Manager Codes and Standards Section Department of Business and Professional Regulation 1940 North Monroe Street Tallahassee, Florida 32399 Mo.Madani@myfloridalicense.com

Marjorie Holladay Joint Administrative Procedures Committee Pepper Building, Room 680 Tallahassee, Florida 32399-1300

Section 202 Affects HVHZ No	Proponent	David Roberts	
Affects HVHZ No	A 44 B		
	Attachments	No No	
oved as Submitted			
ding Review			
	proved as Submitted nding Review		

Related Modifications

Summary of Modification

The proposed code modification would add a definition for Interior Designer in the definition section that would be consistent with the proposed definitions for Architect, Engineer, and Landscape Architect.

Rationale

The proposed code modification would add a definition for Interior Designer in the definition section that would be consistent with the proposed definitions for Architect, Engineer, and Landscape Architect. This would provide consistency with the definitions of these other registered design professionals that are licensed in Florida.

Fiscal Impact Statement

Impact to local entity relative to enforcement of code

The proposed modification will have no fiscal impact.

Impact to building and property owners relative to cost of compliance with code The proposed modification will have no fiscal impact.

Impact to industry relative to the cost of compliance with code

The proposed modification will have no fiscal impact.

Impact to small business relative to the cost of compliance with code

The proposed modification will have no fiscal impact.

Requirements

Has a reasonable and substantial connection with the health, safety, and welfare of the general public

The proposed definition will clarify that an interior designer is a registered interior designer licensed by the state of Florida to conduct commercial design services as specified by Chapter 481, Florida Statutes.

Strengthens or improves the code, and provides equivalent or better products, methods, or systems of construction The proposed definition will strengthen the code because it will clarify that an interior designer is a registered interior designer licensed by the state of Florida to conduct commercial design services as specified by Chapter 481, Florida Statutes.

Does not discriminate against materials, products, methods, or systems of construction of demonstrated capabilities The proposed definition does not discriminate because it will clarify that an interior designer is a registered interior designer licensed by the state of Florida to conduct commercial design services as specified by Chapter 481, Florida Statutes.

Does not degrade the effectiveness of the code

The proposed definition will not degrade the effectiveness of the code because it will clarify that an interior designer is a registered interior designer licensed by the state of Florida to conduct commercial design services as specified by Chapter 481, Florida Statutes.

Is the proposed code modification part of a prior code version? No

CA6788 Text Modification

INTERIOR DESIGNER. A Florida-registered interior designer.

TAC: Code Administration

Total Mods for Code Administration in No Affirmative Recommendation with a Second: 1

Total Mods for report: 8

Sub Code: Building

CA7002 8 **Date Submitted** 12/31/2015 Randall Shackelford Section 104.11 Proponent Chapter 1 Affects HVHZ Yes Attachments No **TAC Recommendation** No Affirmative Recommendation with a Second Pending Review **Commission Action** Comments General Comments Alternate Language No No **Related Modifications**

Summary of Modification

Add section on approval of alternate materials to specify that use of the Florida Product Approval system is permitted to be used as a method of approving products.

Rationale

The Florida Product Approval system is used by many manufacturers and code officials to verify that products comply with the Code. However, that system is not referenced in the Code anywhere. This proposal is intended to codify the use of the Florida Product Approval system, and also to specify what standards are to be used for Evaluation Reports written for the Product Approval System.

Fiscal Impact Statement

Impact to local entity relative to enforcement of code

Local enforcement entities will be able to be confident in the Florida Product Approval system.

Impact to building and property owners relative to cost of compliance with code

No cost. This mainly just codifies the system already most commonly used to approve products, but leaves open other options. Building and property owners will be able to be confident in the Florida Product Approval system.

Impact to industry relative to the cost of compliance with code

No cost. This mainly just codifies the system already most commonly used to approve products, but leaves open other options. Industry will be able to be confident in the Florida Product Approval system.

Impact to small business relative to the cost of compliance with code

No cost. This mainly just codifies the system already most commonly used to approve products, but leaves open other options. Small businesses will be able to be confident in the Florida Product Approval system. Manufacturers will have a level playing field.

Requirements

Has a reasonable and substantial connection with the health, safety, and welfare of the general public

Products evaluated by the Florida Product Approval System are critical to the wind resistance of structures. This proposal ensures that products will perform as indicated by the approvals, and levels the playing field for manufacturers.

Strengthens or improves the code, and provides equivalent or better products, methods, or systems of construction Improves the code by ensuring that Product Approvals are based on standards in the Code or on consensus-developed Acceptance Criteria or Evaluation Criteria.

Does not discriminate against materials, products, methods, or systems of construction of demonstrated capabilities Does not discriminate. Will level playing field for manufacturers.

Does not degrade the effectiveness of the code

Does not degrade effectiveness of code.

Is the proposed code modification part of a prior code version? No

104.11.1 Research reports.

CA7002 Text Modification

Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from *approved* sources.

104.11.2 Florida Product Approval.

The Florida Product Approval system shall be permitted to be used as a method for approval of materials and systems that are within the scope of that system. Evaluation reports for Florida Product Approval shall be based on standards referenced in this Code, where applicable. In addition, evaluation reports shall be based on applicable Acceptance Criteria, Evaluation Criteria, or Approval Checklists from Approved Evaluation Entities when they exist.

104.11.2 104.11.3 Tests.

Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the *building official* shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the *building official* shall approve the testing procedures. Tests shall be performed by an *approved agency*. Reports of such tests shall be retained by the *building official* for the period required for retention of public records.