

July 29, 2015

RE: DS 2015-086

FBC Energy TAC Members,

THERE ARE NO BUILDINGS EXEMPT FROM THE FLORIDA BUILDING CODE. That is, if you accept the premise that a section exempting a building is a general requirement.

Should the exemption of a building from the requirements of the Florida Building Code be viewed as a "general requirement" and superseded by more specific requirements it would represent a quantum shift in the manner in which the building code has been interpreted up to now. Certainly, there would be no buildings exempt from the requirements of the Florida Building Code, Energy Conservation volume.

This is because, if, as suggested, Sections R and C 101.4.8 are general requirements, then Sections R and C 101.4.8.1 through 101.4.8.4 must also be superseded by the "specific" requirement of R and C 101.4.7. This conclusion is necessary because the exemption of Section 101.4.8 includes those buildings specified in Sections 101.4.8.1 through 101.4.8.4.

Unfortunately, if it is determined that a Code section exempting a building is viewed as a general requirement and must be superseded by a specific requirement, a larger problem is created. Specifically, the danger of following this logic would result in many other buildings, which are now exempted under various provision of the Code, in having that exemption overridden by related Code sections deemed to establish specific code requirements. Based on such an application, no buildings could be considered exempt from building code provisions.

It cannot be the intent of the Florida Building Code that the other sections of the Code which establish exempted buildings must be overridden by specific requirements any more than Section 101.4.8 through 101.4.8.4 should be superseded.

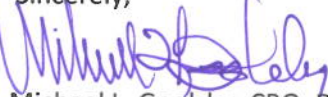
Is there really a conflict in the Code? It seems this is not the case, insofar as all buildings and structures not otherwise exempted, are required to comply with all applicable sections of the Code. This is true whether the exemption is partial like Sections R and C 101.4.8 (the exemption is only from the FBC, Energy Conservation Code) or complete as in other sections.

Since the implementation of the Florida Building Code, the Code has contained building exemptions. To suggest these buildings still must comply with the sections of the building code applicable to nonexempt buildings because they are deemed to be more specific has never been considered the intent of the Code.

Clearly, the manner in which the Florida Building Code has been interpreted since March 2002 is that a section exempting a building is the specific section and other requirements are general as they pertain to an exempt building and cannot be applied.

Should it be determined some interpretive action is needed, it must not be predicated on the theory that a section exempting a building is a general requirement which must be superseded by a section considered specific.

Sincerely,



Michael L. Goolsby, CBO, Director

Board and Code Administration Division

Miami-Dade County Regulatory and Economic Resources Department