

Ken Lawson, Secretary

Rick Scott, Governor

Staff Analysis for Declaratory Statement Request DS 2013-089

November 19, 2013

Issue: DS-2013-089. The Petitioner, Timothy Krebs, seeks a Declaratory Statement on Florida Building Code-Building 101.2, Exceptions 1 & 2, Florida Building Code- Residential R101.2 and Florida Building Code- Existing Building, Administration.

Petitioner in DS 2013-089 seeks clarification of the following question:

Is the applicant for a single family residence remodeling/addition complying with FBC-Residential required to demonstrate compliance with the FBC-Existing Buildings?

Situation:

Timothy Krebs, representing Architect T.A Krebs, LLC, seeks clarification of code requirements regarding applicability of the *2010 FBC-Existing Building* to residential remodeling / addition projects. The petitioner has also included a copy of an opinion on this issue from the International Code Council dated October 15, 2013.

Applicable Codes:

2010 Florida Building Code, Residential
2010 Florida Building Code, Existing Building

Relevant Code Sections

2010 Florida Building Code, Residential

SECTION R101 GENERAL

R101.1 Title. These provisions shall be known as the *Florida Building Code, Residential* and shall be cited as such and will be referred to herein as “this code.”

R101.2 Scope. The provisions of the *Florida Building Code, Residential* shall apply to the construction, *alteration*, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one and two-family dwellings and townhouses not more than three stories above *grade plane* in height with a separate means of egress and their *accessory structures*.

Exceptions:

1. Live/work units complying with the requirements of Section 438 of the *Florida Building Code, Building* shall be permitted to be built as one- and two-family *dwelling*s or townhouses. Fire suppression required by Section 438.5 of the *Florida Building Code, Building* when constructed under the *Florida Building Code, Residential* shall conform to Section 903.3.1.3 of the *Florida Building Code, Building*.

2. Existing buildings undergoing repair, alteration or additions, and change of occupancy shall comply with the *Florida Building Code, Existing Building*.

R101.2.1 The provisions of Chapter 1, *Florida Building Code, Building*, shall govern the administration and enforcement of the *Florida Building Code, Residential*.

R101.3 Intent. Reserved.

Staff Analysis:

Section **R101.2 Scope, Exception 2** specifically indicates that Existing buildings undergoing repair, alteration or additions, and change of occupancy shall comply with the *Florida Building Code, Existing Building*. The language of Section R101.2 Exception 2 of the *2010 Florida Building Code, Residential* is a Florida-specific modification to the 2009 International Residential Code, which serves as the foundation code for the *2010 Florida Building Code, Residential*. As such, the opinion from ICC attached to this Declaratory Statement has no bearing on projects that must comply with the Florida Building Codes.

Based on the above facts and circumstances, staff provides the following recommendation as an answer to the proponent's question:

Question:

To the question : Is the applicant for a single family residence remodeling/addition complying with FBC-Residential required to demonstrate compliance with the FBC-Existing Buildings?

The answer is: Yes. According to Section R101.2 Exception 2 of the *2010 Florida Building Code, Residential*, Existing buildings undergoing repair, alteration or additions, and change of occupancy shall comply with the *Florida Building Code, Existing Building*.