

**Florida Building Commission
December 13, 2016
Legal Report**

**THE TRADEWINDS ISLAND GRAND
5500 GULF BOULEVARD
SAINT PETERSBURG BEACH, FLORIDA**

ACCESSIBILITY TECHNICAL ADVISORY COMMITTEE (TAC)

DS 2016-076 by Kathleen Ann Wilks

To correct the erroneous assertion set forth in the Florida Building Codes 101.2, 201, 202.3.3 and other codes relating to Barrier removal, removing that it is the responsibility of the Department of Justice to enforce rather than local government entities. The US Justice Department enforces the Americans with Disabilities Act. The EXCEPTIONS to the ADA Standards for Accessible Design in the State of Florida are enforced per ss553.513 titled ENFORCEMENT.

Answer: Petition has no particular facts and circumstances and calls for a statement of general applicability; therefore answering this petition for declaratory statement would be legally improper.

STRUCTURAL TECHNICAL ADVISORY COMMITTEE (TAC)

DS 2016-083 by Paul A. Zilio, PE of Bliss & NyiTray, Inc.

Question: Is the live load 40psf for the hotel upper level corridor that serves only private rooms but also serves as exit access from each room to the exit (stairways)?

Answer: Yes. As per Table 1607.1 (Item 25) of the 5th Edition (2014) Florida Building Code, Building, the live load for the corridor in question is 40psf.

**FIRE TECHNICAL ADVISORY COMMITTEE (TAC) CONCURRENT WITH THE
SPECIAL OCCUPANCY TECHNICAL ADVISORY COMMITTEE (TAC)**

DS 2016-080 by Tom Files of Feasterco Construction, Inc.

Question: Can an NFPA 13R system be used in a transient lodging facility with interior corridors that meets all applicable criteria of Chapter 5 of the F.B.C. 2014 addition allowing it to be protected under 903.3.1.2 NFPA 13R?

Answer: “Yes”, as per Section 903.3.1.2 of the 5th Edition (2014) Florida Building Code (FBC), Building, an automatic sprinkler system in accordance with NFPA 13R is permitted to be used in the transient lodging facility in question for the purpose of demonstrating compliance with Section 461.1 of the 5th Edition (2014) FBC, Building.

FIRE TECHNICAL ADVISORY COMMITTEE (TAC)

. DS 2016-082 by Chris Glover of Palmwood Construction; James Friedrichs of Hernando County Building Division; and Douglas Buck of the Florida Home Builders Association

Question: With the understanding the project will be protected by a fire sprinkler system per Florida Building Code-Building, 5th Edition (2014), §903.2.8.1, do the provisions of Chapter 419 Florida Statute which classifies the project as a single-family noncommercial unit supersede or prevail over the provisions of the Florida Building Code, 5th Edition (2014) permitting construction under the Florida Building Code-Residential because Florida Statute already defines the facility as a single-family non-commercial unit?

Answer: Considering the facts that the project in question is a community residential home “R-4 occupancy” with six or fewer residents licensed under 419 Florida Statutes and that the said project will be protected by a fire sprinkler system as per Section 903.2.8.1 of the 5th Edition (2014) Florida Building Code, Building, the answer is that the project in question may be permitted for construction under the 5th Edition (2014) Florida Building Code, Residential.

. DS 2016-081 by Alan Gremillion of GL Homes, Inc., and Douglas Buck of the Florida Home Builders Association

Question 1: Does the definition of Fire Separation Distance Item 4 apply to an attached single-family dwelling separated by a property line?

Answer: No. Item 4 of the definition of “Fires Separation Distance” of Section R202 of the 5th Edition (2014) Florida Building Code, Residential is more applicable to zero lot line development.

Question 2: Does Exception 7 to FBC-R, 5th Edition (2014), Section R302.1 Exterior Walls apply to an attached single-family dwelling separated by a property line?

Answer: No. Section R302.1 (Exception 7) of the 5th Edition (2014) Florida Building Code, Residential is more applicable to zero lot line development.

Question 3: If the answers to Questions 1 and 2 are no, do the fire separation provisions of Table R302.1(1) prevail?

Answer: Yes. The fire separation provisions of Table R302.1(1) of the 5th Edition (2014) Florida Building Code, Residential do apply to the project in question.

Question 4: Does the definition of the term “townhouse” of Ch. 481.203(7), F.S, prevail over the definition of the term “townhouse” of the FBC-R, 5th Edition (2014)?

Answer: Answer is not possible as the Commission has no authority to interpret Section 481.203(7), Florida Statute.

Question 5: May an attached single-family dwelling consisting of two dwelling units separated by a property line be designed and constructed in accordance with the FBCR, 5th Edition (2014), provisions for “townhouses”? (FBC-R, 5th Ed, §R302.2)

Answer: No. Based on the definition of the term “Townhouse” [see Section R202 Definition of the 5th Edition (2014) Florida Building Code (FBC), Residential], the project in question cannot be classified as townhouses and therefore it cannot be designed and constructed in accordance with Section R302.2 of the 5th Edition (2014) FBC, Residential.

DS 2016-078 by Joseph Hauf of Conquest Firespray, LLC

Part One

Question: Is it the requirement of the Code that symmetry testing is required by Section 703.2.1 for this vertical riser application, as referenced by the above Code Paths, whether the vertical riser application is satisfied by built assemblies or listed products?

Answer: The product in question “*a vertical riser duct is specified for fire resistive protection*” is a proposed alternative to the prescribed shaft enclosure as specified in Sections 707.3.1 and 713.4 of the Florida Building Code “FBC”, Building. As per Sections 104.11 and 703.3 of the Florida Building Code, Building, an alternative method of construction to that prescribed in the FBC is subject to review and approval by the local building official, when such alternative is substantiated to be equivalent of that prescribed in the FBC in quality, strength, effectiveness, durability and safety. **Where this alternate is approved by the local building official, offsets are required to be tested from both sides.**

Part 2

Question: Is it the requirement of the Code that symmetry testing is required by Section 703.2.1 for this application, as referenced by the above Code Paths, whether the elevator shaft pressurization application is satisfied by built assemblies or listed products?

Answer: The product in question “*a duct is specified for fire resistive protection*” is a proposed alternative to the prescribed elevator shaft pressurization application as specified in Sections 713.14 and 909.21.3 of the Florida Building Code “FBC”, Building. As per Sections 104.11 and 703.3 of the Florida Building Code, Building, an alternative method of construction to that prescribed in the FBC is subject to review and approval by the local building official, when such alternative is substantiated to be equivalent of that prescribed in the FBC in quality, strength, effectiveness, durability and safety. **Where this alternate is approved by the local building official, offsets are required to be tested from both sides.**

Part 3

Question: Is it the requirement of the Code that symmetry testing is required by Section 703.2.1 for this application, as referenced by the above Code Paths, whether the smokeproof enclosure ventilation application is satisfied by built assemblies or listed products?

Answer: The product in question “*a duct is specified for fire resistive protection*” is a proposed alternative to the prescribed smoke proof enclosure ventilation application as specified in Sections 909.20.2, 707.3.2, 707.3.3, 707.3.4, 1009.2.2, 1009.3.1.2, 1022.1, 1022.2, 1022.6, and 1023.3 of the Florida Building Code “FBC”, Building. As per Sections 104.11 and 703.3 of the Florida Building Code, Building, an alternative method of construction to that prescribed in the FBC is subject to review and approval by the local building official, when such alternative is substantiated to be equivalent of that prescribed in the FBC in quality, strength, effectiveness, durability and safety. **Where this alternate is approved by the local building official, offsets are required to be tested from both sides.**

Part 4

Question: Is it the requirement of the Code that symmetry testing is required by Section 703.2.1 for this application, as referenced by the above Code Paths, whether the stairwell pressurization application is satisfied by built assemblies or listed products?

Answer: The product in question “*a duct is specified for fire resistive protection*” is a proposed alternative to the prescribed stairwell pressurization application as specified in Section 909.20.6.1 of the Florida Building Code “FBC”, Building. As per Sections 104.11 and 703.3 of the Florida Building Code, Building, an alternative method of construction to that prescribed in the FBC is subject to review and approval by the local building official, when such alternative is substantiated to be equivalent of that prescribed in the FBC in quality, strength, effectiveness, durability and safety. **Where this alternate is approved by the local building official, offsets are required to be tested from both sides.**