

# 6th Edition (2017) Update to the Florida Building Code Proposed Code Modifications

## Triennial



## Code Administration

### Proposed Code Modifications

#### Including Comments

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

**Sub Code: Building**

Total Mods for Code Administration: 11

Date Submitted 11/24/2015  
Chapter 1

Section 1.1  
Affects HVHZ Yes

Proponent James Schock  
Attachments Yes

TAC Recommendation Pending Review  
Commission Action Pending Review

#### Related Modifications

Revise preface. I used chapter 1 section 1.1 to be allowed in the system

#### Summary of Modification

Revise Preface Removes the language related to not using snow and earthquake provisions. I have been advised that under certain situation in high rise building may need to be considered.

#### Rationale

I have been advised that in high rise construction in North Florida that earthquake loads may govern the design. General use of the code dictates that only applicable section of the code be considered in design and occupancy this would be no different.

#### Fiscal Impact Statement

**Impact to local entity relative to enforcement of code**  
None

**Impact to building and property owners relative to cost of compliance with code**  
Minimal because this change will only effect a small number of properties

**Impact to industry relative to the cost of compliance with code**  
Minimal because this change will only effect a small number of properties

#### Requirements

**Has a reasonable and substantial connection with the health, safety, and welfare of the general public**  
Prevents the under design of high rise structures

**Strengthens or improves the code, and provides equivalent or better products, methods, or systems of construction**  
Strengthens the code for specific design and locations of structures in florida

**Does not discriminate against materials, products, methods, or systems of construction of demonstrated capabilities**  
No

**Does not degrade the effectiveness of the code**  
No

**Is the proposed code modification part of a prior code version?**  
YES

**The provisions contained in the proposed amendment are addressed in the applicable international code?**  
NO

**The amendment demonstrates by evidence or data that the geographical jurisdiction of Florida exhibits a need to strengthen the foundation code beyond the needs or regional variation addressed by the foundation code and why the proposed amendment applies to the state?**  
NO

**The proposed amendment was submitted or attempted to be included in the foundation codes to avoid resubmission to the Florida Building Code amendment process?**  
NO

## 1st Comment Period History

01/13/2016 - 02/25/2016

Proponent	Submitted	Attachments
Jerry Peck	1/28/2016	No

#### Comment:

The Florida Building Code should not exclude any code section which is in the base code, even if some may think that a code section is not applicable in Florida, such as snow load.

References to snow load in the Florida Building Code do not need to be removed, it snow loading is not applicable to a given project, snow loading is not applied to that project.

If something is in the code but is not applicable to any given project, then that code section is, like many other code sections most of the time, not applicable to the project in question and that code section is simply not applied to the project in question.

<b>Proponent</b>	Randall Shackelford	<b>Submitted</b>	2/25/2016	<b>Attachments</b>	No
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**Comment:**

I support this change. There is no need to tell designers not to use snow or seismic loads. They can tell by looking at the map. The code is designed such that earthquake loads are to be used no matter where a building is built. Just different levels of loads based on where you are building. Even in Seismic Design Category A, as Florida is, there may be some requirements and they should be considered.

CA6462-G2

Please see attached text

The *Florida Building Code* is based on national model building codes and national consensus standards which are amended where necessary for Florida's specific needs. ~~However, code requirements that address snow loads and earthquake protection are pervasive; they are left in place but should not be utilized or enforced because Florida has no snow load or earthquake threat.~~ The code incorporates all building construction-related regulations for public and private buildings in the State of Florida other than those specifically exempted by Section 553.73, *Florida Statutes*. It has been harmonized with the *Florida Fire Prevention Code*, which is developed and maintained by the Department of Financial Services, Office of the State Fire Marshal, to establish unified and consistent standards.

<b>Date Submitted</b>	10/22/2015	<b>Section</b>	101.2	<b>Proponent</b>	Joe Bigelow
<b>Chapter</b>	1	<b>Affects HVHZ</b>	No	<b>Attachments</b>	No
<b>TAC Recommendation</b>	Pending Review				
<b>Commission Action</b>	Pending Review				

**Related Modifications****Summary of Modification**

The intent of the mod is to clarify that snow load or earthquake load do not apply to Florida.

**Rationale**

Exception 2 was added to clarify that snow load and earthquake load do not apply to Florida.

**Fiscal Impact Statement****Impact to local entity relative to enforcement of code**

No impact. The proposed language is merely a clarification.

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

No impact. The proposed language is merely a clarification.

**Impact to industry relative to the cost of compliance with code**

No impact. The proposed language is merely a clarification.

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

No impact. The proposed language is merely a clarification.

**Strengthens or improves the code, and provides equivalent or better products, methods, or systems of construction**

No impact. The proposed language is merely a clarification.

**Does not discriminate against materials, products, methods, or systems of construction of demonstrated capabilities**

No impact. The proposed language is merely a clarification.

**Does not degrade the effectiveness of the code**

No impact. The proposed language is merely a clarification.

Is the proposed code modification part of a prior code version?

YES

The provisions contained in the proposed amendment are addressed in the applicable international code?

NO

The amendment demonstrates by evidence or data that the geographical jurisdiction of Florida exhibits a need to strengthen the foundation code beyond the needs or regional variation addressed by the foundation code and why the proposed amendment applies to the state?

NO

The proposed amendment was submitted or attempted to be included in the foundation codes to avoid resubmission to the Florida Building Code amendment process?

NO

## 1st Comment Period History

01/13/2016 - 02/25/2016

<b>Proponent</b>	Jerry Peck	<b>Submitted</b>	1/28/2016	<b>Attachments</b>	No
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### Comment:

The Florida Building Code should not exclude any code section which is in the base code, even if some may think that a code section is not applicable in Florida, such as snow load.

References to snow load in the Florida Building Code do not need to be removed, it snow loading is not applicable to a given project, snow loading is not applied to that project.

If something is in the code but is not applicable to any given project, then that code section is, like many other code sections most of the time, not applicable to the project in question and that code section is simply not applied to the project in question.

There is no reason to specifically limit the Florida Building Code from being applicable - if a code section is applicable, that code section is applied; if a code section is not applicable, that code section is not applied.

Non-applicable code sections (not applicable to any given project) are found throughout the code, there is no justification to remove something which does not require removal.

## 1st Comment Period History

01/13/2016 - 02/25/2016

<b>Proponent</b>	Randall Shackelford	<b>Submitted</b>	2/25/2016	<b>Attachments</b>	No
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### Comment:

I am opposed to this modification, and favor S6462, which does the opposite.

The code is designed so that just as different areas have different wind loads, different areas have different seismic loads. But seismic loading still has to be considered. Designers can look at the map and determine that snow load design is not required for Florida.



Exceptions:

1. Detached one- and two-family dwellings and multiple single-family *dwellings* (town houses) not more

than three stories above *grade plane* in height with a

separate *means of egress* and their accessory structures

shall comply with the ~~International Residential Code~~ *Florida Building Code,*

*Residential.*

2. Code Requirements that address snow loads and earthquake protection are pervasive; they are left in place but shall not be utilized or enforced because Florida has no snow load or earthquake threat.

<b>Date Submitted</b>	12/31/2015	<b>Section</b>	104.11	<b>Proponent</b>	Randall Shackelford
<b>Chapter</b>	1	<b>Affects HVHZ</b>	Yes	<b>Attachments</b>	No
<b>TAC Recommendation</b>	Pending Review				
<b>Commission Action</b>	Pending Review				

**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.

**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.**

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.

<b>Date Submitted</b>	11/22/2015	<b>Section</b>	110.9	<b>Proponent</b>	Mo Madani
<b>Chapter</b>	1	<b>Affects HVHZ</b>	No	<b>Attachments</b>	Yes
<b>TAC Recommendation</b>	Pending Review				
<b>Commission Action</b>	Pending Review				

**Related Modifications**

6491, 6492, 6493, 6494, 6496

**Summary of Modification**

The proposed code change requires as part of the close out inspection ensuring that the existing swimming pool bonding system is complete and terminated properly.

**Rationale**

The proposed code change provides for provisions necessary to prevent electrocution in swimming pools. Also, see uploaded files.

**Fiscal Impact Statement****Impact to local entity relative to enforcement of code**

Further enforcement/inspections would be necessary by the enforcement agencies to implement this provision.

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

The proposed code change has the potential of adding cost to construction and at the same time reducing electrocution in swimming pools.

**Impact to industry relative to the cost of compliance with code**

The proposed code change has the potential of adding cost to construction and at the same time reducing electrocution in swimming pools.

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

The proposed code change has the potential of reducing electrocution in swimming pools

**Strengthens or improves the code, and provides equivalent or better products, methods, or systems of construction**

The proposed code change improves the code by providing provisions for reducing electrocution in swimming pools.

**Does not discriminate against materials, products, methods, or systems of construction of demonstrated capabilities**

The proposed code change does not discriminate against materials or products.

**Does not degrade the effectiveness of the code**

The proposed code change improves the code by providing provisions for reducing electrocution in swimming pools.

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

**Alternate Language****1st Comment Period History**

01/13/2016 - 02/25/2016

6498-A3

**Proponent** Bryan Holland **Submitted** 2/22/2016 **Attachments** Yes

**Rationale**

I believe this clarifies the intent of the proposed modification to ensure the electrical safety requirements are installed or reconnected when an existing swimming pool is repaired or altered.

**Fiscal Impact Statement****Impact to local entity relative to enforcement of code**

The proposed modification may require an additional inspection to be added to permits for swimming pool repair and alterations.

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

The proposed modification could increase the cost of compliance with the code while providing an additional level of safety following repairs and alterations to swimming pools.

**Impact to industry relative to the cost of compliance with code**

The proposed modification could increase the cost of compliance with the code while providing an additional level of safety following repairs and alterations to swimming pools.

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

Yes. The proposed modification increases the health, safety, and welfare of the general public.

**Strengthens or improves the code, and provides equivalent or better products, methods, or systems of construction**

Yes. The proposed modification strengthens and improves the code.

**Does not discriminate against materials, products, methods, or systems of construction of demonstrated capabilities**

No.

**Does not degrade the effectiveness of the code**

No.

## 1st Comment Period History

01/13/2016 - 02/25/2016

Proponent	Submitted	Attachments
Thomas Lasprogato	2/3/2016	No

**Comment:**

Neutral

## 1st Comment Period History

01/13/2016 - 02/25/2016

Proponent	Submitted	Attachments
Jennifer Hatfield	2/25/2016	No

**Comment:**

On behalf of the Association of Pool & Spa Professionals' Technical Committee, which includes E.P. Hamilton III, Ph.D., who sits on Panel 17 of the National Electrical Code, the following is submitted:

1. In this proposal there is no specific text to review, so this proposal cannot be implemented or even properly addressed. There are no criteria as to nature of the inspection and/or tests, protocols, pass/fail criteria, enforcement and qualification strategies that are essential for effective implementation. The Committee needs to be aware that implementation of such a program can result in potentially significant costs for existing pools if demolition has to be done to allow the inspector access to pool and deck steel and other covered and inaccessible objects required to be inspected.
2. This proposal, if properly implemented, actually has the real potential of reducing risks. Pool shock incidents are associated with improper, poor defective, damaged or nonexistent bonding.
3. New Jersey has a bonding test program for non-residential pools. Effective implementation of such a program cannot be accomplished by a simple code proposal; a complete and comprehensive program must be developed.

*Section 110 – Inspections*

Section 110.9 Add to read as follows:

Section 110.9 Existing Swimming Pools – Electrical

Move the proposed modification from "110.9" to "110.3 Required Inspections, Electrical" and add the following:

4. Existing Swimming Pools. To be made after all repairs or alterations are complete, all required electrical equipment, GFCI protection, and equipotential bonding are in place.

**FLORIDA BUILDING COMMISSION**  
**SWIMMING POOL ELECTRICAL SAFETY PROJECT**  
**CONCURRENT MEETING OF THE SWIMMING POOL TAC AND ELECTRICAL TAC**  
**OCTOBER 14, 2015 MEETING SUMMARY REPORT**

**WEDNESDAY, OCTOBER 14, 2015**

**MEETING SUMMARY AND OVERVIEW**

On Wednesday, October 14, 2015 the Swimming Pool TAC and Electrical TAC met concurrently in Daytona Beach to develop recommendations regarding swimming pool safety issues focused on the prevention of electrocution in swimming pools. At the initial scoping meeting held on September 28, 2015 the TACs agreed that the project scope was to focus on evaluation of whether to recommend a code amendment requiring low voltage lighting in residential pools for new construction (Phase I). In addition, it was agreed that additional electrical pool safety relevant topical issues including bonding, grounding, retrofitting of existing pools, and education would be considered as a second phase of the project (Phase II). At the October 14, 2015 meeting the TACs proposed and acceptability ranked options for low voltage lighting in residential pools for new construction. In addition, the TACs evaluated proposed options to address the other key topical issues, and ultimately developed a consensus package of recommendations for consideration by the Florida Building Commission. The TACs voted unanimously to recommend the Commission approve the consensus package of recommendations from the TACs. The TACs' specific recommendations are as follow:

**Grounding**

The Electrical TAC and the Swimming Pool TAC voted unanimously to recommend that the Commission charge staff to work with the TAC chairs and in consultation with stakeholders to formulate a code amendment requiring that all electrical circuits feeding equipment that could potentially energize a pool have GFCI protection for new residential and commercial swimming pools (the goal is to fill in any gaps in the current Code).

**Education**

The Electrical TAC and the Swimming Pool TAC voted unanimously to recommend that the Commission support a comprehensive educational effort to ensure there is a consistent message to enhance pool electrical safety issues for existing and new pools by working with existing resources including educational providers and associations. The effort should include defining the problems, identifying solutions and communicating a consistent message to stakeholders (contractors, consumers, home inspectors, pool maintenance providers, etc.) through training courses, flyers, brochures, websites, etc. Key issues for education messaging include lighting, bonding, grounding, GFCI, maintenance of existing pools, and monitoring devices to detect stray currents in the pool water, etc.

**Existing Swimming Pools**

The Electrical TAC voted 6-2 in favor (75%), to recommend the Commission charge staff to work with the TAC chair and in consultation with stakeholders to formulate a code amendment requiring



existing commercial and residential swimming pools to have GFCI protection for replacement pool pump motors, if not already in place; to provide GFCI protection for the replacement of 120 volt pool lights when they are replaced; and, as part of the close out inspection ensuring that the existing bonding system is complete and terminated properly.

*Note: The Swimming Pool TAC vote 5-3 (63%) in favor of the option.*

#### **PROJECT OVERVIEW**

The 2015 Florida Legislature identified the need to evaluate the electrical aspects of swimming pool safety focusing on minimizing electrocution risks linked to swimming pools. In response, the Florida Building Commission approved a research project (technical enrichment) for a *Swimming Pool Electrocution Prevention Study*. In order to implement the project the Commission convened a process to develop recommendations for pool safety focused on the prevention of electrocution in swimming pools. The Commission determined that the project would be evaluated and recommendations developed by convening concurrent meetings of the Commission's Swimming Pool Technical Advisory Committee and Electrical Technical Advisory Committee (TAC). The objective of the project is to evaluate key topical issues, and as appropriate develop code amendment proposals designed to minimize electrocution risks linked to swimming pools.

In response to the Commission's direction the Swimming Pool TAC and Electrical TAC agreed that the initial Phase I scope of the project is to determine whether to recommend a proposed code amendment that would require low voltage lighting in residential swimming pools for new construction. Once the Swimming Pool TAC and the Electrical TAC conclude their evaluation of low voltage lighting they will evaluate additional project relevant topics in Phase II of the project: specifically bonding, grounding, retrofitting of existing pools, and education.

## AGENDA ITEM OUTCOMES

### OPENING AND MEETING ATTENDANCE

The meeting was opened at 10:00 AM once a quorum was established for the Swimming Pool and Electrical TACs respectively, and the following members participated:

**Swimming Pool TAC:** James Batts (chair), Jordan Clarkson, Bill Dumbaugh, Kevin Flanagan, John O'Conner, Mark Pabst, Gordon Shepardson, Bob Vincent, and John Wahler. (9 of 11)

#### *Absent Members:*

Tom Allen, and Corky Williams.

**Electrical TAC:** Kevin Flanagan (chair), Neal Burdick, Ken Castronovo, Leonard Devine, Jr. (*Alternate: Nelson Montgomery*), Shane Gerwig, David Rice (*Alternate: Steve Mitchell*), Joe Territo, Clarence Tibbs, and Dwight Wilkes. (9 of 11)

#### *Absent Members:*

Oriol Haage, and Roy Van Wyk.

### DBPR Staff Present

Norman Bellamy, Chris Burgwald, Jim Hammers, April Hammonds, Mo Madani, and Jim Richmond.

### Commissioners Present

Fred Schilling, Jim Schock, and Jeff Stone.

### Meeting Facilitation and Reporting

The TAC Chairs meeting was facilitated by Jeff Blair from the FCRC Consensus center at Florida State University. Information at: <http://consensus.fsu.edu/>



CONSENSUS CENTER

### Background and Supporting Documents

The agenda and relevant background and supporting documents are linked to each agenda item. The Agenda URLs for the October 14, 2015 TAC meetings are as follows:

[http://www.floridabuilding.org/fbc/commission/FBC\\_1015/Swimming\\_Pool\\_TAC/Swimming\\_Pool\\_TAC\\_Agenda\\_101415.htm](http://www.floridabuilding.org/fbc/commission/FBC_1015/Swimming_Pool_TAC/Swimming_Pool_TAC_Agenda_101415.htm)

[http://www.floridabuilding.org/fbc/commission/FBC\\_1015/Electrical\\_TAC/Electrical\\_Agenda\\_TAC\\_101415.htm](http://www.floridabuilding.org/fbc/commission/FBC_1015/Electrical_TAC/Electrical_Agenda_TAC_101415.htm)

**AGENDA REVIEW**

The Swimming Pool TAC voted unanimously, 8 - 0 in favor, to approve the agenda for the October 24, 2015 meeting as posted/presented.

The Electrical TAC voted unanimously, 9 - 0 in favor, to approve the agenda for the October 14, 2015 meeting as posted/presented.

Following are the key agenda items approved for consideration:

- To Approve Regular Procedural Topics (Agenda and Meeting Summary Report)
- To Discuss and Approve Phase I Recommendations (Low Voltage Lighting in Residential Pools for New Construction)
- To Discuss Phase II Topics (Bonding, Grounding, Retrofitting of Existing Pools, and Education)
- To Adopt Consensus Recommendations for Submittal to the Commission
- To Consider Public Comment
- To Identify Needed Next Steps: Information, Assignments, and Agenda Items for Next Meeting

The complete Agenda is included as "*Attachment 1*" of this report.

(See *Attachment 1—Agenda*)

**APPROVAL OF SEPTEMBER 28, 2015 MEETING SUMMARY REPORT**

The Swimming Pool TAC voted unanimously, 8 - 0 in favor, to approve the Meeting Summary Report for the September 28, 2015 meeting as posted/presented.

**APPROVAL SEPTEMBER 28, 2015 MEETING SUMMARY REPORT**

The Electrical TAC voted unanimously, 9 - 0 in favor, to approve the Meeting Summary Report for the September 28, 2015 meeting as posted/presented.

**IDENTIFICATION, DISCUSSION, AND ACCEPTABILITY RANKING OF PHASE I OPTIONS  
Requirement for Low Voltage Lighting in Residential Pools for New Construction**

At the September 28, 2015 meeting the Swimming Pool TAC and the Electrical TAC voted to approve in concept a code amendment proposal requiring low voltage lighting in residential pools for new construction, with the understanding that relevant safety data and other documentation would be evaluated prior to a final vote on any recommendation submitted to the Florida Building Commission.

At the October 14, 2015 meeting the TACs were asked to offer options regarding possible requirement for low voltage lighting in residential pools for new construction. In addition, the public was invited to comment on the options and/or suggest additional options prior to the TACs ranking them for acceptability. Jeff explained that members would be asked to rank each proposed option in turn utilizing a four-point acceptability ranking scale where 4 = acceptable, 3 = minor reservations, 2 = major reservations, and 1 = unacceptable. Following discussion and refinement of options, members may be asked to do additional rankings of proposed options if requested by a TAC member. Members should be prepared to offer specific refinements to address their reservations.



Once ranked, options with a 75% or greater number of 4's and 3's in proportion to 2's and 1's shall be considered consensus recommendations. The *TACs'* consensus recommendations will be submitted to the Commission for consideration.

Following the opportunity provided for questions and answers, public comment, and discussion, the *TACs* ranked a series of options regarding low voltage lighting in residential pools for new construction.

The complete Options Acceptability Ranking Results are included as "*Attachment 2*" of this report.

(See *Attachment 2—Ranking Results*)

## **DISCUSSION AND EVALUATION OF PHASE II TOPICS IN TURN**

### **Identification of Issues and Options, and Acceptability Ranking of Options in Turn**

Jeff explained that the *TACs* would address each of the four key issues in turn by topic, and that members would be invited to propose and comment on options before the *TAC* members ranked them. In addition, the public was invited to comment on the options and/or suggest additional options prior to the *TACs* ranking them for acceptability. The Phase II topics are Bonding, Grounding, Retrofitting of Existing Swimming Pools, and Education of Contractors and Consumers. Jeff explained that *TAC* members would be asked to rank each proposed option in turn utilizing a four-point acceptability ranking scale where 4 = acceptable, 3 = minor reservations, 2 = major reservations, and 1 = unacceptable. Following discussion and refinement of options, members may be asked to do additional rankings of proposed options if requested by a *TAC* member. Members should be prepared to offer specific refinements to address their reservations. Once ranked, options with a 75% or greater number of 4's and 3's in proportion to 2's and 1's shall be considered consensus recommendations. The *TACs'* consensus recommendations will be submitted to the Commission for consideration.

Following the opportunity provided for questions and answers, public comment, and discussion, the *TACs* ranked the proposed options for acceptability. All of the options proposed are included in the ranking results. Following are the option(s) ranked that achieved a consensus level of support ( $\geq 75\%$  in favor):

#### **Grounding**

The Electrical *TAC* and the Swimming Pool *TAC* voted unanimously to recommend that the Commission charge staff to work with the *TAC* chairs and in consultation with stakeholders to formulate a code amendment requiring that all electrical circuits feeding equipment that could potentially energize a pool have GFCI protection for new residential and commercial swimming pools (the goal is to fill in any gaps in the current Code).

#### **Education**

The Electrical *TAC* and the Swimming Pool *TAC* voted unanimously to recommend that the Commission support a comprehensive educational effort to ensure there is a consistent message to enhance pool electrical safety issues for existing and new pools by working with existing resources including educational providers and associations. The effort should include defining the problems, identifying solutions and communicating a consistent message to stakeholders (contractors, consumers, home inspectors, pool maintenance providers, etc.) through training courses, flyers,

brochures, websites, etc. Key issues for education messaging include lighting, bonding, grounding, GFCI, maintenance of existing pools, and monitoring devices to detect stray currents in the pool water, etc.

### **Existing Swimming Pools**

The Electrical TAC voted 6-2 in favor (75%), to recommend the Commission charge staff to work with the TAC chair and in consultation with stakeholders to formulate a code amendment requiring existing commercial and residential swimming pools to have GFCI protection for replacement pool pump motors, if not already in place; to provide GFCI protection for the replacement of 120 volt pool lights when they are replaced; and, as part of the close out inspection ensuring that the existing bonding system is complete and terminated properly.

*Note: The Swimming Pool TAC vote 5-3 (63%) in favor of the option.*

The complete Options Acceptability Ranking Results are included as “Attachment 2” of this report.

*(See Attachment 2—Ranking Results)*

### **TAC ACTIONS**

Following the opportunity provided for questions and answers, public comment and discussion, the TACs took the following actions:

**MOTION**—The Swimming Pool TAC voted unanimously, 8 - 0 in favor, to recommend the Commission approve the TACs’ package of consensus recommendations.

**MOTION**—The Electrical Pool TAC voted unanimously, 8 - 0 in favor, to recommend the Commission approve the TACs’ package of consensus recommendation.

### **NEXT STEPS**

Following are the next steps for the Swimming Pool Electrical Safety Project:

- The Commission will evaluate the TACs’ (Swimming Pool TAC and Electrical TAC) consensus package of recommendations at the October 15, 2015 meeting.
- The Commission will take the lead with ensuring Code amendments are proposed consistent with any recommendations approved by the Commission regarding swimming pool electrical safety requirements.

### **ADJOURNMENT**

After a determination that a quorum was still present the Swimming Pool TAC voted unanimously, 8 – 0 in favor, to adjourn the meeting at 3:30 PM on Wednesday, October 14, 2015.

After a determination that a quorum was still present the Electrical TAC voted unanimously, 8 – 0 in favor, to adjourn the meeting at 3:30 PM on Wednesday, October 14, 2015.

## ATTACHMENT 1 OCTOBER 14, 2015 MEETING AGENDAS

FLORIDA BUILDING COMMISSION  
SWIMMING POOL TECHNICAL ADVISORY COMMITTEE (TAC)  
CONCURRENTLY WITH THE ELECTRICAL TAC  
OCTOBER 14, 2015—MEETING II  
PLAZA HISTORIC BEACH RESORT AND SPA  
600 NORTH ATLANTIC BOULEVARD—DAYTONA BEACH, FLORIDA 33706

### MEETING OBJECTIVES

- To Approve Regular Procedural Topics (Agenda and Meeting Summary Report)
- To Discuss and Approve Phase I Recommendations (Low Voltage Lighting in Residential Pools for New Construction)
- To Discuss Phase II Topics (Bonding, Grounding, Retrofitting of Existing Pools, and Education)
- To Adopt Consensus Recommendations for Submittal to the Commission
- To Consider Public Comment
- ✓ To Identify Needed Next Steps: Information, Assignments, and Agenda Items for Next Meeting

### MEETING AGENDA—WEDNESDAY, OCTOBER 14, 2015

*All Agenda Times—including Adjournment—are Approximate and Subject to Change*

<b>10:00 AM</b>	<b>A.)</b>	<b>WELCOME AND INTRODUCTIONS</b>
	<b>B.)</b>	<b>AGENDA REVIEW AND APPROVAL (October 14, 2015)</b>
	<b>C.)</b>	<b>REVIEW AND APPROVAL OF FACILITATOR'S SUMMARY REPORT (September 28, 2015)</b>
	<b>D.)</b>	<b>IDENTIFICATION, DISCUSSION, AND ACCEPTABILITY RANKING OF PHASE I OPTIONS</b> Requirement for Low Voltage Lighting in Residential Pools for New Construction <ul style="list-style-type: none"> <li>• Identification, Discussion and Acceptability Ranking of Options In Turn</li> </ul>
	<b>E.)</b>	<b>ADOPTION OF PHASE I CONSENSUS RECOMMENDATIONS FOR SUBMITTAL TO THE COMMISSION</b>
<b>12:00 PM</b>		<b>LUNCH</b>
<b>1:00 PM</b>	<b>F.</b>	<b>DISCUSSION AND EVALUATION OF PHASE II TOPICS IN TURN</b> Identification of Issues and Options, and Acceptability Ranking of Options in Turn <ul style="list-style-type: none"> <li>• Bonding</li> <li>• Grounding</li> <li>• Retrofitting of Existing Swimming Pools</li> <li>• Education of Contractors and Consumers</li> </ul>
<b>3:00 PM</b>		<b>BREAK</b>
<b>3:15 PM</b>	<b>F.</b>	<b>DISCUSSION AND EVALUATION OF PHASE II TOPICS IN TURN CONTINUED</b>
	<b>G.)</b>	<b>ADOPTION OF ANY PHASE II CONSENSUS RECOMMENDATIONS FOR SUBMITTAL TO THE COMMISSION</b>
	<b>H.)</b>	<b>GENERAL PUBLIC COMMENT</b>
	<b>I.)</b>	<b>NEXT STEPS: AGENDA ITEMS, NEEDED INFORMATION, ASSIGNMENTS, DATE AND LOCATION IF NEEDED</b>
<b>~5:00 PM</b>	<b>J.)</b>	<b>ADJOURN</b>



**FLORIDA BUILDING COMMISSION  
ELECTRICAL TECHNICAL ADVISORY COMMITTEE (TAC)  
CONCURRENTLY WITH THE SWIMMING POOL TAC  
OCTOBER 14, 2015—MEETING II  
PLAZA HISTORIC BEACH RESORT AND SPA  
600 NORTH ATLANTIC BOULEVARD—DAYTONA BEACH, FLORIDA 33706**

**MEETING OBJECTIVES**

- To Approve Regular Procedural Topics (Agenda and Meeting Summary Report)
- To Discuss and Approve Phase I Recommendations (Low Voltage Lighting in Residential Pools for New Construction)
- To Discuss Phase II Topics (Bonding, Grounding, Retrofitting of Existing Pools, and Education)
- To Adopt Consensus Recommendations for Submittal to the Commission
- To Consider Public Comment
- ✓ To Identify Needed Next Steps: Information, Assignments, and Agenda Items for Next Meeting

**MEETING AGENDA—WEDNESDAY, OCTOBER 14, 2015**

*All Agenda Times—including Adjournment—are Approximate and Subject to Change*

<b>10:00 AM</b>	<b>A.)</b>	<b>WELCOME AND INTRODUCTIONS</b>
	<b>B.)</b>	<b>AGENDA REVIEW AND APPROVAL (October 14, 2015)</b>
	<b>C.)</b>	<b>REVIEW AND APPROVAL OF FACILITATOR'S SUMMARY REPORT (September 28, 2015)</b>
	<b>D.)</b>	<b>IDENTIFICATION, DISCUSSION, AND ACCEPTABILITY RANKING OF PHASE I OPTIONS</b> Requirement for Low Voltage Lighting in Residential Pools for New Construction <ul style="list-style-type: none"> <li>• Identification, Discussion and Acceptability Ranking of Options In Turn</li> </ul>
	<b>E.)</b>	<b>ADOPTION OF PHASE I CONSENSUS RECOMMENDATIONS FOR SUBMITTAL TO THE COMMISSION</b>
<b>12:00 PM</b>		<b>LUNCH</b>
<b>1:00 PM</b>	<b>F.</b>	<b>DISCUSSION AND EVALUATION OF PHASE II TOPICS IN TURN</b> Identification of Issues and Options, and Acceptability Ranking of Options in Turn <ul style="list-style-type: none"> <li>• Bonding</li> <li>• Grounding</li> <li>• Retrofitting of Existing Swimming Pools</li> <li>• Education of Contractors and Consumers</li> </ul>
<b>3:00 PM</b>		<b>BREAK</b>
<b>3:15 PM</b>	<b>F.</b>	<b>DISCUSSION AND EVALUATION OF PHASE II TOPICS IN TURN CONTINUED</b>
	<b>G.)</b>	<b>ADOPTION OF ANY PHASE II CONSENSUS RECOMMENDATIONS FOR SUBMITTAL TO THE COMMISSION</b>
	<b>H.)</b>	<b>GENERAL PUBLIC COMMENT</b>
	<b>I.)</b>	<b>NEXT STEPS: AGENDA ITEMS, NEEDED INFORMATION, ASSIGNMENTS, DATE AND LOCATION IF NEEDED</b>
<b>~5:00 PM</b>	<b>J.)</b>	<b>ADJOURN</b>

## ATTACHMENT 2

### OPTIONS ACCEPTABILITY RANKING RESULTS

#### I. PHASE I RECOMMENDATIONS

#### LOW VOLTAGE LIGHTING IN RESIDENTIAL SWIMMING POOLS FOR NEW CONSTRUCTION

Low Voltage October 14, 2015	4=acceptable	3= minor reservations	2=major reservations	1= not acceptable
<b>Option A: Require low voltage lighting in residential pools for new construction (Miami-Dade requirements).</b>				
Swimming Pool TAC (6-3) 67%	5	1	1	2
Electrical TAC (5-4) 56%	4	1	1	3
<b>Option B: Maintain NEC requirements for new residential pools</b>				
Swimming Pool TAC (7-2) 78%	6	1	1	1
Swimming Pool TAC (6-3) 67%	5	1	1	2
Revised Ranking Electrical TAC (5-4) 56%	4	1	3	1
<b>Option C: Require low voltage lighting in residential pools for new construction (Miami-Dade requirements) for energy conservation purposes.</b>				
Swimming Pool TAC (7-2) 78%	5	2	1	1
Swimming Pool TAC (4-5) 44%	2	2	2	3
Revised Ranking Electrical TAC (6-3) 67%	2	4	0	3
Revised Ranking Electrical TAC (5-4) 56%	3	2	1	3
<b>Option D: Require LED pool lights with plastic niches or without niches in new construction.</b>				
Swimming Pool TAC (3-6) 33%	2	1	3	3
Electrical TAC (2-7) 22%	1	1	4	3



<i>Option E: All residential pools shall meet the requirements of code and shall be require a monitoring device to detect stray currents in the water.</i>				
<i>Swimming Pool TAC</i> (2-7) 22%	0	2	5	2
<i>Electrical TAC</i> (3-6) 33%	1	2	6	0

## II. PHASE II RECOMMENDATIONS

### 1. BONDING

No specific options were evaluated for bonding.

### 2. GROUNDING

Grounding October 14, 2015	4=acceptable	3= minor reservations	2=major reservations	1= not acceptable
<i>Option A: Require that all electrical circuits feeding equipment that could potentially energize a pool have GFCI protection for new residential and commercial swimming pools (the goal is to fill in any gaps in the current Code).</i>				
<i>Swimming Pool TAC</i> (9-0) 100%	4	5	0	0
<i>Electrical TAC</i> (9-0) 100%	5	4	0	0

### 3. RETROFITTING OF EXISTING POOLS

Retrofitting October 14, 2015	4=acceptable	3= minor reservations	2=major reservations	1= not acceptable
<i>Option A: Require existing commercial and residential swimming pools to have GFCI protection for replacement pool pump motors, if not already in place; to provide GFCI protection for the replacement of 120 volt pool lights when they are replaced; and, as part of the close out inspection ensuring that the existing bonding system is complete and terminated properly.</i>				
<i>Swimming Pool TAC</i> (5-3) 63%	2	3	3	0
<i>Electrical TAC</i> (6-2) 75%	4	2	2	0

#### 4. EDUCATION INITIATIVES FOR CONTRACTORS AND CONSUMERS

Education October 14, 2015	4=acceptable	3= minor reservations	2=major reservations	1= not acceptable
<p><i>Option A:</i> Initiate a comprehensive educational effort to ensure there is a consistent message to enhance pool electrical safety issues for existing and new pools by working with existing resources including educational providers and associations. The effort should include defining the problems, identifying solutions and communicating a consistent message to stakeholders (contractors, consumers, home inspectors, pool maintenance providers, etc.) through training courses, flyers, brochures, websites, etc. Key issues for education messaging include lighting, bonding, grounding, GFCI, maintenance of existing pools, and monitoring devices to detect stray currents in the pool water, etc.</p>				
<i>Swimming Pool TAC</i> (9-0) 100%	9	0	0	0
<i>Electrical TAC</i> (9-0) 100%	8	0	0	0

**FLORIDA BUILDING COMMISSION**  
**SWIMMING POOL ELECTRICAL SAFETY PROJECT**  
**CONCURRENT MEETING OF THE SWIMMING POOL TAC AND ELECTRICAL TAC**  
**OCTOBER 14, 2015**  
**RECOMMENDATIONS TO THE FLORIDA BUILDING COMMISSION**

**MONDAY, OCTOBER 14, 2015**

**MEETING SUMMARY AND OVERVIEW**

On Wednesday, October 14, 2015 the Swimming Pool TAC and Electrical TAC met concurrently in Daytona Beach to develop recommendations regarding pool safety issues focused on the prevention of electrocution in swimming pools. At the initial scoping meeting held on September 28, 2015 the TACs agreed that the project scope was to focus on evaluation of whether to recommend a code amendment requiring low voltage lighting in residential pools for new construction (Phase I). In addition, it was agreed that additional electrical pool safety relevant topical issues including bonding, grounding, retrofitting of existing pools, and education would be considered as a second phase of the project (Phase II). At the October 14, 2015 meeting the TACs proposed and acceptability ranked options for low voltage lighting in residential pools for new construction. In addition, the TACs evaluated proposed options to address the other key topical issues, and ultimately developed a consensus package of recommendations for consideration by the Florida Building Commission. The TACs specific recommendations are as follow:

**Grounding**

The Electrical TAC and the Swimming Pool TAC voted unanimously to recommend that the Commission charge staff to work with the TAC chairs and in consultation with stakeholders to formulate a code amendment requiring that all electrical circuits feeding equipment that could potentially energize a pool have GFCI protection for new residential and commercial swimming pools (the goal is to fill in any gaps in the current Code).

**Education**

The Electrical TAC and the Swimming Pool TAC voted unanimously to recommend that the Commission support a comprehensive educational effort to ensure there is a consistent message to enhance pool electrical safety issues for existing and new pools by working with existing resources including educational providers and associations. The effort should include defining the problems, identifying solutions and communicating a consistent message to stakeholders (contractors, consumers, home inspectors, pool maintenance providers, etc.) through training courses, flyers, brochures, websites, etc. Key issues for education messaging include lighting, bonding, grounding, GFCI, maintenance of existing pools, and monitoring devices to detect stray currents in the pool water, etc.

**Existing Swimming Pools**

The Electrical TAC voted 6-2 in favor (75%), to recommend the Commission charge staff to work with the TAC chair and in consultation with stakeholders to formulate a code amendment requiring existing commercial and residential swimming pools to have GFCI protection for replacement pool pump motors, if not already in place; to provide GFCI protection for the replacement of 120 volt pool lights when they are replaced; and, as part of the close out inspection ensuring that the existing bonding system is complete and terminated properly.

**TAC ACTIONS**

*MOTION*—The Swimming Pool TAC voted unanimously, 8 - 0 in favor, to recommend the Commission approve the 2 consensus recommendations from the TAC (grounding and education).

*MOTION*—The Electrical Pool TAC voted unanimously, 8 - 0 in favor, to recommend the Commission approve the 3 consensus recommendations from the TAC (grounding, education, and existing swimming pools).

<b>Date Submitted</b>	11/10/2015	<b>Section</b>	201	<b>Proponent</b>	Joe Bigelow
<b>Chapter</b>	2	<b>Affects HVHZ</b>	No	<b>Attachments</b>	Yes
<b>TAC Recommendation</b>	Pending Review				
<b>Commission Action</b>	Pending Review				

**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

**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.



**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.
2. 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.

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



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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Page 4 of 5

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

<b>Date Submitted</b>	12/23/2015	<b>Section</b>	202	<b>Proponent</b>	David Roberts
<b>Chapter</b>	2	<b>Affects HVHZ</b>	No	<b>Attachments</b>	No
<b>TAC Recommendation</b>	Pending Review				
<b>Commission Action</b>	Pending 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.

**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.



<b>Date Submitted</b>	11/10/2015	<b>Section</b>	202	<b>Proponent</b>	Joe Bigelow
<b>Chapter</b>	2	<b>Affects HVHZ</b>	No	<b>Attachments</b>	Yes
<b>TAC Recommendation</b>	Pending Review				
<b>Commission Action</b>	Pending Review				

**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

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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

**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.





<b>Date Submitted</b>	11/10/2015	<b>Section</b>	202	<b>Proponent</b>	Joe Bigelow
<b>Chapter</b>	2	<b>Affects HVHZ</b>	No	<b>Attachments</b>	Yes
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<b>Commission Action</b>	Pending Review				

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**Rationale**

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**STATE OF FLORIDA  
BUILDING COMMISSION**

In the Matter of

AMERICAN SOCIETY OF INTERIOR DESIGNERS

DS 2015-085

Petitioner.

\_\_\_\_\_ /

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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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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.

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

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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

DS 2015-085

Page 4 of 5

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DONE AND ORDERED this \_\_\_\_ day of \_\_\_\_\_, 2015 in Jacksonville,  
Duval County, State of Florida.

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RICHARD S. BROWDY  
Chairman, Florida Building Commission

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Department of Business and Professional Regulation  
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1940 North Monroe Street  
Tallahassee, Florida 32399-1000

Via U.S. Mail

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718 7th Street Northwest  
4th Floor  
Washington, DC 20001

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

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





<b>Date Submitted</b>	11/13/2015	<b>Section</b>	202	<b>Proponent</b>	Joe Bigelow
<b>Chapter</b>	2	<b>Affects HVHZ</b>	No	<b>Attachments</b>	Yes
<b>TAC Recommendation</b>	Pending Review				
<b>Commission Action</b>	Pending Review				

**Related Modifications****Summary of Modification**

553.73(7) (d) F.S. Implement FS which requires the Commission to include Declaratory Statements in the updated edition of the Florida Building Code.

**Rationale**

553.73(7) (d) F.S. Implement FS which requires the Commission to include Declaratory Statements in the updated edition of the Florida Building Code. - 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

**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 Florida Building Code.

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

**[A] REGISTERED DESIGN PROFESSIONAL.** An individual who is registered or licensed to practice professional architecture or engineering 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.

**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.
2. 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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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?

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### **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.

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DS 2015-085

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DONE AND ORDERED this \_\_\_\_ day of \_\_\_\_\_, 2015 in Jacksonville,  
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Chairman, Florida Building Commission

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DS 2015-085

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



Date Submitted 11/10/2015  
Chapter 2

Section 201  
Affects HVHZ No

Proponent Joe Bigelow

Attachments Yes

TAC Recommendation Pending Review  
Commission Action Pending Review

#### 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

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**STATE OF FLORIDA  
BUILDING COMMISSION**

In the Matter of

AMERICAN SOCIETY OF INTERIOR DESIGNERS

DS 2015-085

Petitioner.

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DS 2015-085

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**STATE OF FLORIDA  
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In the Matter of

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DS 2015-085

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<b>Date Submitted</b>	12/23/2015	<b>Section</b>	202	<b>Proponent</b>	David Roberts
<b>Chapter</b>	2	<b>Affects HVHZ</b>	No	<b>Attachments</b>	No
<b>TAC Recommendation</b>	Pending Review				
<b>Commission Action</b>	Pending 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.

**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.