



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
Chapter	2	Affects HVHZ	No
TAC Recommendation	Approved as Submitted		
Commission Action	Pending Review		
Proponent	Joe Bigelow		
Attachments	Yes		

Comments

General Comments	No	Alternate Language	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**
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

DS 2015-085

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).

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

Date Submitted	12/23/2015	Section	202	Proponent	David Roberts
Chapter	2	Affects HVHZ	No	Attachments	No
TAC Recommendation	Approved as Submitted				
Commission Action	Pending Review				

Comments**General Comments**

No

Alternate Language

No

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.

Sub Code: Energy Conservation

CA6469

3

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

Comments

General Comments	No	Alternate Language	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

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

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.

Sub Code: Fuel Gas

CA6470

4

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

Comments

General Comments	No	Alternate Language	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 - See attached DS2015-085

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

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

[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.

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

DS 2015-085

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).

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

Sub Code: Plumbing

CA6473

5

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

Comments

General Comments	No	Alternate Language	No
-------------------------	----	---------------------------	----

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

Impact to small business 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.

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

DS 2015-085

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

CA6468

6

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

Comments

General Comments	No	Alternate Language	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.

**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

DS 2015-085

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

**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

DS 2015-085

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

Date Submitted 12/23/2015	Section 202	Proponent David Roberts
Chapter 2	Affects HVHZ No	Attachments No
TAC Recommendation Approved as Submitted		
Commission Action Pending Review		

Comments

General Comments No	Alternate Language No
----------------------------	------------------------------

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.

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	Section	104.11
Chapter	1	Affects HVHZ	Yes
TAC Recommendation		No Affirmative Recommendation with a Second	
Commission Action		Pending Review	
Proponent	Randall Shackelford		
Attachments	No		

Comments

General Comments	No	Alternate Language	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.

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.