



BROWARD COUNTY BOARD OF RULES AND APPEALS

ONE NORTH UNIVERSITY DRIVE
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PLANTATION, FLORIDA 33324

PHONE: 954-765-4500

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www.broward.org/codeappeal

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James DiPietro

—ESTABLISHED 1971—

December 19, 2016

Via Email and USPS

Mr. Mo Madani
Manager Building Code
Department of Business & Professional Regulation
3601 Blair Stone
Tallahassee, FL 32399

Dear Mr. Madani

The Broward County Board of Rules and Appeals would like to offer a comment on the proposed 6th Edition (2017) of the Florida Building Code (FBC) to recommend the substitution of the National Electric Code (NEC) 2017 edition as the base code instead of the currently scheduled NEC 2014.

Florida State Law specifies that the most current versions of the National Electric Code and the International Code Council shall be selected for the Florida Building Code. Section 553.73 (7) (a) reads in part as follows:

“(7) (a) The Commission, by rule adopted pursuant to ss.120.536, shall update the Florida Building Code every 3 years. When updating the Florida Building Code, the commission shall select the most current version or the International Building Code, the International Fuel Gas Code, the International Mechanical Code, the International Plumbing Code, and the International Residential Code, all of which are adopted by the International Code Council, and the National Electrical Code, which is adopted by the National Fire Protection Association to form the foundation codes of the updated Florida Building Code...”

As of today the most current published version of the NEC is the 2017 edition. Since it is now available it should be substituted in the draft of the FBC 6th Edition.

Please note that every addition of the NEC builds upon improvements from the previous code cycle, each progressively improves the safety and the use of technology from the last publication. Updating the Florida Building Code 6th Edition to the NEC 2017 will include the technology that is most currently available including four new sections that codify emerging technology as follows:

- *Article 706 Provides codes for Energy Storage for interactive systems which are provided by an alternative energy source.*
- *Article 710 provides codes that are for standalone Energy Storage systems which are provided by an alternative energy source.*
- *Article 691 provides codes for large scale Photovoltaic Systems that are not under utility control.*
- *Article 712 provides for the use of Direct Current Micro Grid Technology from alternate energy sources.*

Please find enclosed a copy of an original letter of request to the Florida Building Commission dated April 8th 2016. We have also included our analysis of which sections of the draft 6th edition will need to be amended as a result of the change from NEC 14 to NEC 17, in order to assist the technical advisory committee in its work. We are in the process of obtaining copies of the NEC 17 Code for the Committee members' use, and I will keep you advised.

Thank you for your time and consideration of this matter.

A handwritten signature in black ink, appearing to read "James DiPietro".

James DiPietro
Administrative Director

ATT.: Chapter 553.73 (7) (a)
Letter dated 4/8/2016
Code Sections to impacted by switching to NEC 17 from NEC 14

(5) Notwithstanding subsection (4), counties and municipalities may adopt by ordinance an administrative or technical amendment to the Florida Building Code relating to flood resistance in order to implement the National Flood Insurance Program or incentives. Specifically, an administrative amendment may assign the duty to enforce all or portions of flood-related code provisions to the appropriate agencies of the local government and adopt procedures for variances and exceptions from flood-related code provisions other than provisions for structures seaward of the coastal construction control line consistent with the requirements in 44 C.F.R. s. 60.6. A technical amendment is authorized to the extent it is more stringent than the code. A technical amendment is not subject to the requirements of subsection (4) and may not be rendered void when the code is updated if the amendment is adopted for the purpose of participating in the Community Rating System promulgated pursuant to 42 U.S.C. s. 4022, the amendment had already been adopted by local ordinance prior to July 1, 2010, or the amendment requires a design flood elevation above the base flood elevation. Any amendment adopted pursuant to this subsection shall be transmitted to the commission within 30 days after being adopted.

(6) The initial adoption of, and any subsequent update or amendment to, the Florida Building Code by the commission is deemed adopted for use statewide without adoptions by local government. For a building permit for which an application is submitted prior to the effective date of the Florida Building Code, the state minimum building code in effect in the permitting jurisdiction on the date of the application governs the permitted work for the life of the permit and any extension granted to the permit.

(7)(a) The commission, by rule adopted pursuant to ss. 120.536(1) and 120.51, shall update the Florida Building Code every 3 years. When updating the Florida Building Code, the commission shall select the most current version of the International Building Code, the International Fuel Gas Code, the International Mechanical Code, the International Plumbing Code, and the International Residential Code, all of which are adopted by the International Code Council, and the National Electrical Code, which is adopted by the National Fire Protection Association, to form the foundation codes of the updated Florida Building Code, if the version has been adopted by the applicable model code entity. The commission shall select the most current version of the International Energy Conservation Code (IECC) as a foundation code; however, the IECC shall be modified by the commission to maintain the efficiencies of the Florida Energy Efficiency Code for Building Construction adopted and amended pursuant to s. 353.901.

(b) Codes regarding noise contour lines shall be reviewed annually, and the most current federal guidelines shall be adopted.

(c) The commission may modify any portion of the foundation codes only as needed to accommodate the specific needs of this state. Standards or criteria referenced by the codes shall be incorporated by reference. If a referenced standard or criterion requires amplification or modification to be appropriate for use in this state, only the amplification or modification shall be set forth in the Florida Building Code. The commission may approve technical amendments to the updated Florida Building Code after the amendments have been subject to the conditions set forth in paragraphs (3)(a)-(d). Amendments to the foundation codes which are adopted in accordance with this subsection shall be clearly marked in printed versions of the Florida Building Code so that the fact that the provisions are Florida-specific amendments to the foundation codes is readily apparent.

(d) The commission shall further consider the commission's own interpretations, declaratory statements, appellate decisions, and approved statewide and local technical amendments and shall incorporate such interpretations, statements, decisions, and amendments into the updated Florida Building Code only to the extent that they are needed to modify the foundation codes to accommodate the specific needs of the state. A change made by an institute or standards organization to any standard or criterion that is adopted by reference in the Florida Building Code does not become effective statewide until it has been adopted by the commission. Furthermore, the edition of the Florida Building Code which is in effect on the date of application for any permit authorized by the code governs the permitted work for the life of the permit and any extension granted to the permit.

(e) A rule updating the Florida Building Code in accordance with this subsection shall take effect no sooner than 6 months after publication of the updated code. Any amendment to the Florida Building Code which is adopted upon a



BROWARD COUNTY BOARD OF RULES AND APPEALS

April 8, 2016

VIA EMAIL & USPS

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- Architect

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Charles M. Kramer, Esq.

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James DiPietro

—ESTABLISHED 1971—

Richard S. Browdy
Chair, Florida Building Commission
President, Browdy & Browdy Inc.
6944 Saint Augustine Road, Suite D
Jacksonville, FL 32217

RE: NFPA 70, National Electric Code (NEC) Editions 2017, 2020 and 2023. Effective dates with respect to the Florida Building Code 6th (2017), 7th (2020), and 8th (2023) Editions

Dear Mr. Browdy:

It is respectfully recommended by the Broward County Board of Rules and Appeals that the Florida Building Commission directs the commission staff as a matter of policy of the automatic updates of the future editions of the Florida Building Code (FBC) to include the latest edition of the NFPA 70, National Electric Code (NEC) as follows:

<u>Base Code Title</u>	<u>Release or Effective Date</u>
NFPA 70 2017 Edition	August /September 2016
NFPA 70 2020 Edition	August /September 2019
NFPA 70 2023 Edition	August /September 2022
FBC 6 th Edition (2017)	December 31, 2017
FBC 7 th Edition (2020)	December 31, 2020
FBC 8 th Edition (2023)	December 31, 2023

There are many reasons for this recommendation, here are a few of them. Every three year code cycle electrical code professionals, receive complaints about the NFPA being out of date. Under State Law the NFPA 70 National Electrical Code is a base code to the part of the Florida Building Code with the intent to adopt the most current version. By planning ahead to utilize the most current version of the NFPA 70 National Electric Code there is plenty of time to make any needed code adjustment before the entire Florida Building Code is finalized. Having the latest edition of both base codes (NEC & ICC) will place us more in tune with many other states and will enhance our reputation with the professional community.

Thank you for your time and consideration of this important matter. We respectfully ask that our request be forwarded to each member of the Florida Building Commission.

Sincerely,

Jeffrey Lucas, FM, CFI, CFEI
Chair, Broward County Board of Rules and Appeals

Cc: Ron Burr, Immediate Past Chair, BC Board of Rules and Appeals
David Rice, Chair, BORA Electrical Committee
Jim DiPietro, Administrative Director, Board of Rules and Appeals
Jim Richmond, Executive Director, Florida Building Commission

CHAPTER 35 REFERENCED STANDARDS

NFPA

National Fire
Protection
Association
1
Batterymarch
Park
Quincy, MA
02169-7471

Standard reference number	Title	Referenced in code section number
70— 14.17	National Electrical Code	

APPENDIX G FLOOD-RESISTANT CONSTRUCTION

SECTION G1101 REFERENCED STANDARDS

ASCE 24—13	Flood Resistant Design and Construction	G103.1, G401.3, G401.4, G701.1, G801.1, G801.5, G801.6, G801.7, G901.1, G1001.4
HUD 24 CFR Part 3280 (2008)	Manufactured Home Construction and Safety Standards	G201
IBC—15	<i>International Building Code</i>	G102.2, G1001.1, G1001.3
IRC—15	<i>International Residential Code</i>	G501.2, G501.4, G501.5
NFPA 70— 44 17	<i>National Electrical Code</i>	G501.4, G1001.6

Florida Supplement to the 2015 IBC

Chapters 1-35

ICC EDIT VERSION

PREFACE

Scope

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.~~ (CA6462 AS) 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.

The base codes for the Sixth edition (2017) of the *Florida Building Code* include: the International Building Code®, 2015 edition; the International Plumbing Code®, 2015 edition; the International Mechanical Code®, 2015 edition; the International Fuel Gas Code®, 2015 edition; the International Residential Code®, 2015 edition; the International Existing Building Code®, 2015 edition; the International Energy Conservation Code, 2015; the National Electrical Code, 2014 2017 edition; substantive criteria from the American Society of Heating, Refrigerating and Air-conditioning Engineers' (ASHRAE) Standard 90.1-2013. State and local codes adopted and incorporated into the code include the *Florida Building Code, Accessibility*, and special hurricane protection standards for the High-Velocity Hurricane Zone.

The code is composed of nine main volumes: the *Florida Building Code, Building*, which also includes state regulations for licensed facilities; the *Florida Building Code, Plumbing*; the *Florida Building Code, Mechanical*; the *Florida Building Code, Fuel Gas*; the *Florida Building Code, Existing Building*; the *Florida Building Code, Residential*; the *Florida Building Code, Energy Conservation*; the *Florida Building Code, Accessibility* and the *Florida Building Code, Test Protocols for High-Velocity Hurricane Zones*. Chapter 27 of the *Florida Building Code, Building*, adopts the *National Electrical Code*, NFPA 70, by reference.

Under certain strictly defined conditions, local governments may amend requirements to be more stringent than the code. All local amendments to the *Florida Building Code* must be adopted by local ordinance and reported to the Florida Building Commission then posted on www.floridabuilding.org in Legislative format for a month before being enforced. Local amendments to the *Florida Building Code* and the *Florida Fire Prevention Code* may be obtained from the Florida Building Commission web site, or from the Florida Department of Business and Professional Regulation or the Florida Department of Financial Services, Office of the State Fire Marshal, respectively.

2015 International Residential Code

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Chapter Selector ↓

PREFACE

Development

The first edition of the *International Residential Code* (2000) was the culmination of an effort initiated in 1996 by a development committee appointed by ICC and consisting of representatives from the three statutory members of the International Code Council at the time, including: Building Officials and Code Administrators International, Inc. (BOCA), International Conference of Building Officials (ICBO) and Southern Building Code Congress International (SBCCI), and representatives from the National Association of Home Builders (NAHB). The intent was to draft a stand-alone residential code consistent with and inclusive of the scope of the existing model codes. Technical content of the 1998 *International One- and Two-Family Dwelling Code* and the latest model codes promulgated by BOCA, ICBO, SBCCI and ICC was used as the basis for the development, followed by public hearings in 1998 and 1999 to consider proposed changes. This 2015 edition represents the code as originally issued, with changes reflected in the 2009 through 2012 editions, and further changes developed through the ICC Code Development Process through 2013. Residential electrical provisions are based on the [2014 2017 National Electrical Code® \(NFPA 70\)](#). A new edition such as this is promulgated every three years.

Part VIII—Electrical

CHAPTER 34 GENERAL REQUIREMENTS

This Electrical Part (Chapters 34 through 43) is produced and copyrighted by the National Fire Protection Association (NFPA) and is based on the [2014 2017 National Electrical Code](#)® (NEC®) (NFPA 70®-2014 2017), copyright 2013, National Fire Protection Association, all rights reserved. Use of the Electrical Part is pursuant to license with the NFPA.

The title *National Electrical Code*®, the acronym NEC® and the document number NFPA 70® are registered trademarks of the National Fire Protection Association, Quincy, Massachusetts. The section numbers appearing in parentheses or brackets after IRC text are the section numbers of the corresponding text in the *National Electrical Code* (NFPA 70).

IMPORTANT NOTICE AND DISCLAIMER CONCERNING THE NEC AND THIS ELECTRICAL PART.

This Electrical Part is a compilation of provisions extracted from the [2014 2017 edition of the NEC](#). The NEC, like all NFPA codes and standards, is developed through a consensus standards development process approved by the American National Standards Institute. This process brings together volunteers representing varied viewpoints and interests to achieve consensus on fire and other safety issues. While the NFPA administers the process and establishes rules to promote fairness in the development of consensus, it does not independently test, evaluate or verify the accuracy of any information or the soundness of any judgments contained in its codes and standards.

CHAPTER 44 REFERENCED STANDARDS

NFPA

National Fire Protection Association
1 Batterymarch Park Quincy, MA 02269

Standard reference number	Title	Referenced in code section number
70— 14 17	National Electrical Code	E3401.1, E3401.2, E4301.1, Table E4303.2, E4304.3, E4304.4, R324.3

Florida Supplement to the 2015 IRC

ICC EDIT VERSION

PREFACE

Scope

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CHAPTER 15 REFERENCED STANDARDS

NFPA

National Fire Protection Association
1 Batterymarch Park
Quincy, MA 02169-7471

Standard reference number	Title	Referenced in code section number
70—14.17	National Electrical Code	301.7, 306.3.1, 306.4.1, 511.1.1, 513.11, 513.12.2, 602.2.1.1, 927.2, 1104.2.2, 1106.3, 1106.4

**Florida Supplement to the 2015 IMC
ICC EDIT VERSION**

PREFACE

Scope

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**Florida Supplement to the 2015 IEBC
ICC EDIT VERSION**

PREFACE

Scope

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Existing Building Code

2015 ICC Performance Code for Buildings and Facilities

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CHAPTER 16 REFERENCED STANDARDS

NFPA

National Fire Protection Agency
1 Batterymarch Park
Quincy, MA 02269-9101

Standard reference number	Title	Referenced in code section number
NFPA 13R—13	Standard for the Installation of Sprinkler Systems in Residential Occupancies up to and Including Four Stories in Height	804.2.5
NFPA 70— 14, 17	National Electrical Code	107.3, 301.2, 607.1.1, 607.1.2, 607.1.3, 607.1.4, 607.1.5, 808.1, 808.3.4, 808.3.7, 1008.1, 1008.2, 1008.3, 1008.4
NFPA 72—13	National Fire Alarm and Signaling Code	804.2.5, 804.4
NFPA 99—15	Health Care Facilities Code	607.1.4
NFPA 101—15	Life Safety Code	805.2

COMMERCIAL ENERGY

2015 International Energy Conservation Code

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CHAPTER 6 REFERENCED STANDARDS

NFPA

American Architectural Manufacturers Association
1827 Walden Office Square
Suite 550
Schaumburg, IL 60173-4268

Commented [SR1]: Wrong agency name in the base code

Standard reference number	Title	Referenced in code section number
70— 44 17	National Electrical Code	C501.4

RESIDENTIAL ENERGY

2015 International Energy Conservation Code

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CHAPTER 6 REFERENCED STANDARDS

NFPA

National Fire Protection Association
1 Batterymarch Park
Quincy, MA 02169-7471

Standard reference number	Title	Referenced in code section number
70— 44 17	National Electrical Code	R501.4

**Florida Supplement to the 2015 IECC
ICC EDIT VERSION**

PREFACE

Scope

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