

Florida Building Commission
August 8, 2017
EMBASSY SUITES
950 S. OCEAN DRIVE
DEERFIELD BEACH, FLORIDA 33441

Legal Report

**PRODUCT APPROVAL PROGRAM OVERSIGHT COMMITTEE (POC) CONCURRENT
WITH THE STRUCTURAL TECHNICAL ADVISORY COMMITTEE (TAC)**

DS 2017-030 by Angelo Rivera of Faour Glass technologies

Question: For future testing to be compliant with TAS 201 and sections 1609.1.2, 1625.2.5 and 1626.2.5.2 of the 5th Edition (2014) Florida Building Code, Building, are large missile impacts required at the structural silicone joint?

Answer: Yes, as per Sections 1626.2.5 of the 5th Edition (2014) Florida Building Code, Building, large missile impacts are required on the structural silicone joint.

PLUMBING TECHNICAL ADVISORY COMMITTEE (TAC)

DS 2017-033 by Tatiana Gust of Elite Consulting SWFL.

Question 1: Are bathroom facilities located within a private membership clubhouse considered to be open to the public? Specifically, the verbiage qualifying the applicability of section 403.1.3 applies to the facility that we have described?

Answer: Yes, as per Section 403.3 and Section 202 definition of the term “Public or Public Utilization” of the 5th Edition (2014) Florida Building Code, Plumbing, bathroom facilities located within the building in question are considered to be open to the public.

Question 2: For the project in question, once the minimum number of required plumbing fixture is provided in accordance with section 403.1 and section 403.1.3 of the 2014 Florida Plumbing Code based in the occupant load for the building, does the ratio established by potty parity have to be maintained for the additional fixtures provided in excess of the minimum requirements?

Answer: No, since the minimum number of required plumbing fixtures is provided in accordance with Section 403.1 and Section 403.1.3 of the 5th Edition (2014) Florida Building Code, Plumbing, the ratio established by potty parity is not required to be maintained for the additional fixtures.

ENERGY TECHNICAL ADVISORY COMMITTEE (TAC)

DS 2017-045 by Andrew C. Ask of Andrew C. Ask, P.E., Consulting Engineer.

Question: Do the listed terms have a meaning that is generally-accepted and well-known within and by the construction industry, clear and unambiguous enough so that buildings can be designed, constructed, and tested so as to comply with the Sections R303.4, R101.4, and R402.4.1.2, and can such compliance be accurately reported to and evaluated by building officials?

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

BUILDING CODE ADMINISTRATION TECHNICAL ADVISORY COMMITTEE (TAC)

DS 2017-046 by Neil W. Hedrick of DALK Land LP.

Question 1) Contrary to FBC 106.4 and the actual permit conditions, the fill, which was authorized in the building permit, was not used as permitted, but instead, all of it was used in a manner that was explicitly not allowed. The Owner made a very major deviation in construction from the approved construction documents. The Owner should have sought a revision to his permit for the actual fill placement was the fill legally placed according to the Florida Building Code?

Question 2) FBC Section R232 specifically does not allow the FBC to supersede the local floodplain management ordinance. Did the building inspector, in approving the fill placement in areas and uses not permitted by the building permit and not allowed by the local flood plain management ordinance, exceed his authority under the Florida Building Code?

Question 3) After notification and referral by FLDEP to the Monroe County Building Department, that the fill had been placed pursuant to a building permit and may have been contaminated and may have exceeded the limits of FS Chapter 62-777, the building inspector made a visual inspection of the fill but made no further investigations into the allegations. Did the building inspector exceed his authority under the Florida Building Code by approving the fill?

Question 4) Is the approved inspection of Feb 27, 2015 of the fill still considered valid?

Question 5) Between October 7, 2014 and July 22, 2015 there was no net progress on construction of the SFR. Did the permit expire 180 days after October 7, 2014?

Question 6) There are no Local Amendments by Monroe County, on file with the Florida Building Commission, to the Administrative Sections of the 2007 Florida Building Code,. Does Monroe County have the authority to deviate from the published Florida Building Code?

ANSWER:

Because the petition is requesting an answer based on past conduct/decision that Monroe County already addressed, answering this petition for declaratory statements would be legally improper.