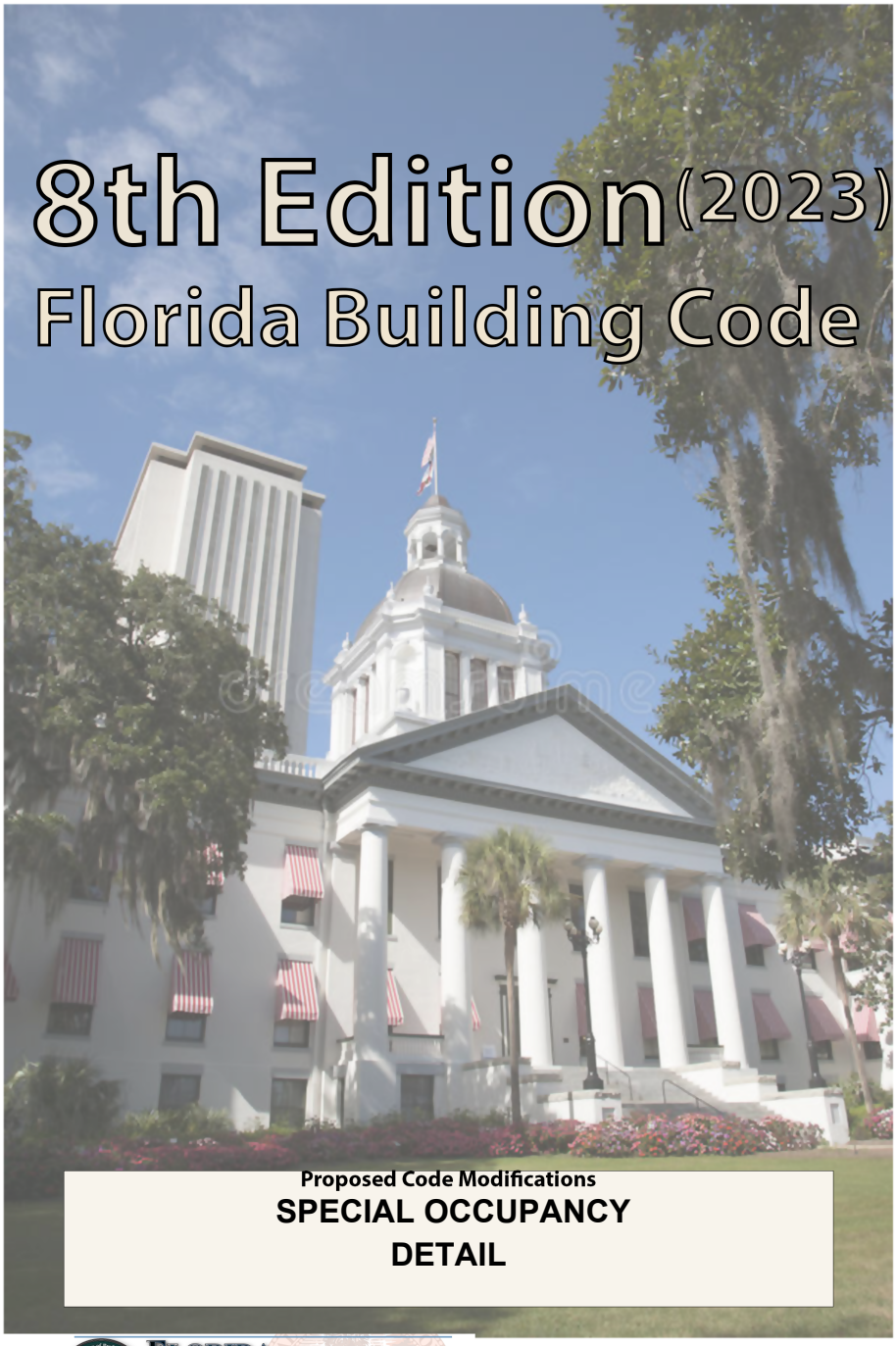


FLORIDA BUILDING COMMISSION
"Stronger Codes Through Science and Consensus"

dbpr Department of Business & Professional Regulation

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

850-487-1824

TAC: Special Occupancy

Total Mods for **Special Occupancy** in **Pending Review : 75**

Total Mods for report: **75**

Sub Code: Building

SP9986 1

Date Submitted	01/31/2022	**Section**	105.14	**Proponent**	Seijas Vince
Chapter	1	**Affects HVHZ**	No	**Attachments**	**Yes**
TAC Recommendation	Pending Review				
Commission Action	Pending Review				

Comments

General Comments Yes **Alternate Language No**

Related Modifications

107.6 as it also relates to Permit by Affidavit

Summary of Modification

The following code modification is presented to provide clarification regarding jurisdiction over the enforcement of the flood provisions of the Florida Building Code and a community's Floodplain management ordinance.

Rationale

In accordance with the guidance of F.S. 553.73 (7)(a) and (d), Declaratory Statement DS2021-050, and the November 2, 2020 Memorandum from the Florida Department of Emergency Management and FEMA Region IV, the following code modification is presented to provide clarification regarding jurisdiction over the enforcement of the flood provisions of the Florida Building Code and a community's Floodplain management ordinance.

Fiscal Impact Statement

Impact to local entity relative to enforcement of code

No financial Impact is expected, it will however preserve the relationship between FEMA and a local community in the enforcement of 44 CFR, insuring compliance with the NFIP, FEMA, HUD, and Federal Funding as required of F.S. 553.73(7)(a).

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

It will preserve the relationship between FEMA and a local community in the enforcement of 44 CFR, insuring compliance with the NFIP, FEMA, HUD, and Federal Funding as required of F.S. 553.73(7)(a).

Impact to industry relative to the cost of compliance with code

No financial impact is expected with this code modification which is being presented to clarify jurisdiction over the enforcement and regulation of the flood provisions in the FBC and Local Floodplain Management Ordinance.

Impact to small business relative to the cost of compliance with code

Requirements

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

It will preserve the relationship between FEMA and a local community in the enforcement of 44 CFR, insuring compliance with the NFIP, FEMA, HUD, and Federal Funding as required of F.S. 553.73(7)(a).

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

The following code modification is presented to provide clarification regarding jurisdiction over the enforcement of the flood provisions of the Florida Building Code and a community's Floodplain management ordinance.

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

The proposed modification does not discriminate against materials, products, methods, or systems of construction.

Does not degrade the effectiveness of the code

The proposed modification does not degrade the effectiveness of the code, it does buttress the Authority Having Jurisdiction's regulatory authority over the floodplain management provisions of the FBC.

1st Comment Period History

P9986-G1

Proponent	Rebecca Quinn obo FL Div Emerg Mgnt	Submitted	4/15/2022 4:12:55 PM	Attachments	No

Comment:

On behalf of Conn Cole, FDEM State Floodplain Manager, I request that Mod# CA9986 and Mod# CA9987 be heard after Mod# CA10348. The three proposals address the same issue.

105.14 Permit issued on basis of an affidavit or Alternative Plan Review. Whenever a permit is issued in reliance upon an affidavit or the fee simple owner opts to invoke *the Alternative Plan Review* provisions under the of *Florida Statute* 553.791, or whenever the work to be covered by a permit involves installation under conditions which, in the opinion of the building official, are hazardous or complex, the building official shall require that the architect or engineer who signed the affidavit or prepared the drawings or computations shall supervise such work. In addition, they shall be responsible for conformity to the permit, provide copies of inspection reports as inspections are performed, and upon completion make and file with the building official written affidavit that the work has been done in conformity to the reviewed plans and with the structural provisions of the technical codes. In the event such architect or engineer is not available, the owner shall employ in his stead a competent person or agency whose qualifications are reviewed by the building official. The building official shall ensure that any person conducting plans review is qualified as a plans examiner under Part XII of Chapter 468, *Florida Statutes,* and that any person conducting inspections is qualified as a building inspector under Part XII of Chapter 468,and Chapter 553.791 *FloridaStatutes.*

Exception: Permit issued on basis of an affidavit or Alternative Plan Review shall not extend to the flood load and flood resistance requirements of the *Florida Building Code*.

SP9986Text Modification

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STATE OF FLORIDA

DIVISION OF EMERGENCY MANAGEMENT

Ron DeSantis
Governor

Jared Moskowitz
Director

November 2, 2020

MEMORANDUM

TO: Florida Floodplain Administrators and Building Officials

FROM: Conn H. Cole, Interim State Floodplain Manager Conn H. Cole Digitally signed by Conn H. Cole DN: cn=Conn H. Cole, o=Florida Department of Emergency Management, ou=State Floodplain Management Office, email=Conn.Cole@em.myflorida.com, c=US Date: 2020.11.02 14:56:03 -05'00'

CONCURRENCE: Jason O. Hunter, Chief, FEMA Region IV Floodplain Management & Insurance Branch Jason O. Hunter

RE: Florida Building Code and Permits Issued on the Basis of Affidavits
NFIP Communities Must Review For Floodplain Compliance

Over the past year the State Floodplain Management Office (SFMO) has received inquiries regarding changes enacted in the 2019 legislative session that affect the use and acceptance of private providers for building permits and inspections. The Florida Building Code (FBC) includes provisions for issuing permits based on affidavits signed by qualified architects or engineers, in the Building volume, sections 105.14 and 107.6. These sections are shown in the attachment.

This memorandum provides guidance to clarify the exception to Sections 105.14 and 107.6.1. FEMA Region IV concurs with this guidance. **In effect, the sections require local officials to review applications for compliance with the flood load and flood-resistant construction requirements of the FBC when buildings are proposed to be located in special flood hazard areas, and to inspect those aspects when permits are issued.**

The National Flood Insurance Program (NFIP) requires communities that participate in the program to agree to adopt and enforce regulations that meet or exceed the minimum requirement of the NFIP (44 Code of Federal Regulations Parts 59 and 60). FEMA deems the flood provisions of the FBC to meet or exceed the minimum NFIP requirements for buildings and structures.

The NFIP regulations require communities to review proposed construction or development in special flood hazard areas. Specifically, the NFIP regulations in Section 60.3 states: "Minimum standards for communities are as follows: (a) . . . the community shall: . . . (1) Require permits for all proposed construction or development . . . ; (2) Review proposed development to . . . ; (3) Review all applications to . . . ; (4) Review subdivision proposals and other new development . . ." https://www.govinfo.gov/app/details/CFR-2011-title44-vol1/CFR-2011-title44-vol1-part60

DIVISION HEADQUARTERS
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100

Telephone: 850-815-4000
www.FloridaDisaster.org

STATE LOGISTICS RESPONSE CENTER
2702 Directors Row
Orlando, FL 32809-5631

SP9986Text Modification

In 2011-12, the SFMO worked with FEMA, the Florida Building Commission, the Building Officials Association of Florida, and the Florida Floodplain Managers Association to incorporate in the FBC the necessary requirements for buildings in flood hazard areas. As part of that effort, the SFMO examined the matter of permits issued based on affidavits. Prior to the inclusion of Section 107.6.1 and the exception to Section 105.14, many communities individually adopted local administrative amendments with the same limitation.

During the code development cycle for the 5th Edition FBC, FDEM submitted a proposal to incorporate Section 107.6.1 into the FBC (the exception to Section 105.14 was added by amendment to a proposal by others). FDEM's rationale statement is shown below and repeated here for clarify:

> Both of these proposed new sections flow from consistency with the NFIP. They were developed by DEM as part of the Model Floodplain Management Ordinance and Code Amendments, reviewed by BOAF, and scrutinized by FEMA. Because FEMA deemed both of these are necessary, it is more efficient for the FBC to include them in Chapter 1, rather than expect every local government to adopt them as local administrative code amendments.
>
> Despite the submission of an affidavit authorized by B107.6, the building official must review plans for compliance with the flood provisions and issue permits and perform inspections to ensure compliance with the flood provisions. Under the NFIP, the community is responsible for ensuring compliance.
>
> *The original proposal (SP5255) included both Section 107.6.1 and Section 117; the exception to Section 105.14 was added to proposal CA5082) by amendments for consistency.

Please contact us at (850) 815-4556 or floods@em.myflorida.com if you have questions about the flood provisions in the FBC or FBC-coordinated floodplain management regulations.

CC: Steve Martin, Roy McClure, Virgilio Chris Perez

Attachment: FBC, Building, Sections 105.14 and 107.6.1 and Proposal for the 5th Ed. FBC, submitted 7/22/2012

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ATTACHMENT

FBC, Building Sections 105.14 and 107.6.1

105.14 Permit issued on basis of an affidavit. Whenever a permit is issued in reliance upon an affidavit or whenever the work to be covered by a permit involves installation under conditions which, in the opinion of the building official, are hazardous or complex, the building official shall require that the architect or engineer who signed the affidavit or prepared the drawings or computations shall supervise such work. In addition, they shall be responsible for conformity to the permit, provide copies of inspection reports as inspections are performed, and upon completion make and file with the building official written affidavit that the work has been done in conformity to the reviewed plans and with the structural provisions of the technical codes. In the event such architect or engineer is not available, the owner shall employ in his stead a competent person or agency whose qualifications are reviewed by the building official. The building official shall ensure that any person conducting plans review is qualified as a plans examiner under Part XII of Chapter 468, *Florida Statutes,* and that any person conducting inspections is qualified as a building inspector under Part XII of Chapter 468, *Florida Statutes.*

Exception: Permit issued on basis of an affidavit shall not extend to the flood load and flood resistance requirements of the *Florida Building Code*.

107.6.1 [Affidavits] Building permits issued on the basis of an affidavit. Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Parts 59 and 60), the authority granted to the building official to issue permits, to rely on inspections, and to accept plans and construction documents on the basis of affidavits and plans submitted pursuant to Sections 105.14 and 107.6, shall not extend to the flood load and flood-resistance construction requirements of the *Florida Building Code.*

Mod SP 5255 (approved as submitted)

Mod CA 5082 (submitted by Joe Bigelow to add new Sec. 105.14; FDEM proposed amendment to recapture NFIP; approved as amended.

SP5255 Page 6 of 427 2

Date Submitted	7/22/2012	**Section**	107.6 and 117 (new)	**Proponent**	Rebecca Quinn obo DEM
Chapter	1	**Affects HVHZ**	No	**Attachments**	No
TAC Recommendation	Pending Review				
Commission Action	Pending Review				

Related Modifications

Summary of Modification

Two administrative amendments that FEMA has deemed necessary to ensure that enforcement of the flood provisions of the FBC remain consistent with the NFIP.

Rationale

Both of these proposed new sections flow from consistency with the NFIP. They were developed by DEM as part of the Model Floodplain Management Ordinance and Code Amendments, reviewed by BOAF, and scrutinized by FEMA. Because FEMA has deemed both of these are necessary, it is more efficient for the FBC to include them in Chapter 1, rather than expect every local government to adopt them as local administrative code amendments.

Despite the submission of an affidavit authorized by §107.6, the building official must review plans for compliance with the flood provisions and issue permits and perform inspections to ensure compliance with the flood provisions. Under the NFIP, the community is responsible for ensuring compliance.

For consistency with the NFIP, section 553.73(5), F.S., authorizes adoption of procedures for variances, the specific procedures are in the FPM ordinance. Variances are official permission to undertake an activity that is otherwise prohibited or not approvable under the regulations or building code. As specified in section 553.73(5), F.S., the authority to grant variances to the flood provisions does not extend to any requirement in Section 3109, which applies seaward of the Coastal Construction Control Line.

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Select Year: 2021 Go

The 2021 Florida Statutes

Title XXXIII
REGULATION OF TRADE, COMMERCE, INVESTMENTS, AND SOLICITATIONS

Chapter 553
BUILDING CONSTRUCTION STANDARDS

View Entire Chapter

553.73 Florida Building Code.—

(1)(a) The commission shall adopt, by rule pursuant to ss. 120.536(1) and 120.54, the Florida Building Code which shall contain or incorporate by reference all laws and rules which pertain to and govern the design, construction, erection, alteration, modification, repair, and demolition of public and private buildings, structures, and facilities and enforcement of such laws and rules, except as otherwise provided in this section.

(b) The technical portions of the Florida Accessibility Code for Building Construction shall be contained in their entirety in the Florida Building Code. The civil rights portions and the technical portions of the accessibility laws of this state shall remain as currently provided by law. Any revision or amendments to the Florida Accessibility Code for Building Construction pursuant to part II shall be considered adopted by the commission as part of the Florida Building Code. Neither the commission nor any local government shall revise or amend any standard of the Florida Accessibility Code for Building Construction except as provided for in part II.

(c) The Florida Fire Prevention Code and the Life Safety Code shall be referenced in the Florida Building Code, but shall be adopted, modified, revised, or amended, interpreted, and maintained by the Department of Financial Services by rule adopted pursuant to ss. 120.536(1) and 120.54. The Florida Building Commission may not adopt a fire prevention or lifesafety code, and nothing in the Florida Building Code shall affect the statutory powers, duties, and responsibilities of any fire official or the Department of Financial Services.

(d) Conflicting requirements between the Florida Building Code and the Florida Fire Prevention Code and Life Safety Code of the state established pursuant to ss. 633.206 and 633.208 shall be resolved by agreement between the commission and the State Fire Marshal in favor of the requirement that offers the greatest degree of lifesafety or alternatives that would provide an equivalent degree of lifesafety and an equivalent method of construction. If the commission and State Fire Marshal are unable to agree on a resolution, the question shall be referred to a mediator, mutually agreeable to both parties, to resolve the conflict in favor of the provision that offers the greatest lifesafety, or alternatives that would provide an equivalent degree of lifesafety and an equivalent method of construction.

(e) Subject to the provisions of this act, responsibility for enforcement, interpretation, and regulation of the Florida Building Code shall be vested in a specified local board or agency, and the words “local government” and “local governing body” as used in this part shall be construed to refer exclusively to such local board or agency.

(2) 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

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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.

(3) The commission shall use the International Codes published by the International Code Council, the National Electric Code (NFPA 70), or other nationally adopted model codes and standards for updates to the Florida Building Code. The commission may approve technical amendments to the code as provided in subsections (8) and (9), subject to all of the following conditions:

(a) The proposed amendment must have been published on the commission's website for a minimum of 45 days and all the associated documentation must have been made available to any interested party before consideration by a technical advisory committee.

(b) In order for a technical advisory committee to make a favorable recommendation to the commission, the proposal must receive a two-thirds vote of the members present at the meeting. At least half of the regular members must be present in order to conduct a meeting.

(c) After the technical advisory committee has considered and recommended approval of any proposed amendment, the proposal must be published on the commission's website for at least 45 days before consideration by the commission.

(d) A proposal may be modified by the commission based on public testimony and evidence from a public hearing held in accordance with chapter 120.

The commission shall incorporate within the Florida Building Code provisions that address regional and local concerns and variations. The commission shall make every effort to minimize conflicts between the Florida Building Code, the Florida Fire Prevention Code, and the Life Safety Code.

(4)(a) All entities authorized to enforce the Florida Building Code under s. 553.80 shall comply with applicable standards for issuance of mandatory certificates of occupancy, minimum types of inspections, and procedures for plans review and inspections as established by the commission by rule. Local governments may adopt amendments to the administrative provisions of the Florida Building Code, subject to the limitations in this subsection. Local amendments must be more stringent than the minimum standards described in this section and must be transmitted to the commission within 30 days after enactment. The local government shall make such amendments available to the general public in a usable format. The State Fire Marshal is responsible for establishing the standards and procedures required in this subsection for governmental entities with respect to applying the Florida Fire Prevention Code and the Life Safety Code.

(b) Local governments may, subject to the limitations in this section and not more than once every 6 months, adopt amendments to the technical provisions of the Florida Building Code that apply solely within the jurisdiction of such government and that provide for more stringent requirements than those specified in the Florida Building Code. A local government may adopt technical amendments that address local needs if:

1. The local governing body determines, following a public hearing which has been advertised in a newspaper of general circulation at least 10 days before the hearing, that there is a need to strengthen the requirements of the Florida Building Code. The determination must be based upon a review of local conditions by the local governing body, which review demonstrates by evidence or data that the geographical jurisdiction governed by the local governing body exhibits a local need to strengthen the Florida Building Code beyond the needs or regional variation addressed by the Florida Building Code, that the local need is addressed by the proposed local amendment, and that the amendment is no more stringent than necessary to address the local need.

2. Such additional requirements are not discriminatory against materials, products, or construction techniques of demonstrated capabilities.

3. Such additional requirements may not introduce a new subject not addressed in the Florida Building Code.

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(c) The enforcing agency shall make readily available, in a usable format, all amendments adopted under this section.

(d) Any amendment to the Florida Building Code shall be transmitted within 30 days after adoption by the local government to the commission. The commission shall maintain copies of all such amendments in a format that is usable and obtainable by the public. Local technical amendments are not effective until 30 days after the amendment has been received and published by the commission.

(e) An amendment to the Florida Building Code adopted by a local government under this subsection is effective only until the adoption of the new edition of the Florida Building Code by the commission every third year. At such time, the commission shall review such amendment for consistency with the criteria in paragraph (9)(a) and adopt such amendment as part of the Florida Building Code or rescind the amendment. The commission shall immediately notify the respective local government of the rescission of any amendment. After receiving such notice, the respective local government may readopt the rescinded amendment under the provisions of this subsection.

(f) Each county and municipality desiring to make local technical amendments to the Florida Building Code shall establish by interlocal agreement a countywide compliance review board to review any amendment to the Florida Building Code that is adopted by a local government within the county under this subsection and that is challenged by a substantially affected party for purposes of determining the amendment's compliance with this subsection. If challenged, the local technical amendments are not effective until the time for filing an appeal under paragraph (g) has expired or, if there is an appeal, until the commission issues its final order determining if the adopted amendment is in compliance with this subsection.

(g) If the compliance review board determines such amendment is not in compliance with this subsection, the compliance review board shall notify such local government of the noncompliance and that the amendment is invalid and unenforceable until the local government corrects the amendment to bring it into compliance. The local government may appeal the decision of the compliance review board to the commission. If the compliance review board determines that such amendment is in compliance with this subsection, any substantially affected party may appeal such determination to the commission. Any such appeal must be filed with the commission within 14 days after the board's written determination. The commission shall promptly refer the appeal to the Division of Administrative Hearings by electronic means through the division's website for the assignment of an administrative law judge. The administrative law judge shall conduct the required hearing within 30 days after being assigned to the appeal, and shall enter a recommended order within 30 days after the conclusion of such hearing. The commission shall enter a final order within 30 days after an order is rendered. Chapter 120 and the uniform rules of procedure shall apply to such proceedings. The local government adopting the amendment that is subject to challenge has the burden of proving that the amendment complies with this subsection in proceedings before the compliance review board and the commission, as applicable. Actions of the commission are subject to judicial review under s. 120.68. The compliance review board shall determine whether its decisions apply to a respective local jurisdiction or apply countywide.

(h) An amendment adopted under this subsection must include a fiscal impact statement that documents the costs and benefits of the proposed amendment. Criteria for the fiscal impact statement shall include the impact to local government relative to enforcement and the impact to property and building owners and industry relative to the cost of compliance. The fiscal impact statement may not be used as a basis for challenging the amendment for compliance.

(i) In addition to paragraphs (f) and (g), the commission may review any amendments adopted under this subsection and make nonbinding recommendations related to compliance of such amendments with this subsection.

(j) Any amendment adopted by a local enforcing agency under this subsection may not apply to state or school district owned buildings, manufactured buildings or factory-built school buildings approved by the commission, or prototype buildings approved under s. 553.77(3). The respective responsible entities shall consider the physical performance parameters substantiating such amendments when designing, specifying, and constructing such exempt buildings.

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(k) A technical amendment to the Florida Building Code related to water conservation practices or design criteria adopted by a local government under this subsection is not void when the code is updated if the technical amendment is necessary to protect or provide for more efficient use of water resources as provided in s. 373.621. However, any such technical amendment carried forward into the next edition of the code under this paragraph is subject to review or modification as provided in this part.

(l) If a local government adopts a regulation, law, ordinance, policy, amendment, or land use or zoning provision without using the process established in this subsection, and a substantially affected person considers such regulation, law, ordinance, policy, amendment, or land use or zoning provision to be a technical amendment to the Florida Building Code, then the substantially affected person may submit a petition to the commission for a nonbinding advisory opinion. If a substantially affected person submits a request in accordance with this paragraph, the commission shall issue a nonbinding advisory opinion stating whether or not the commission interprets the regulation, law, ordinance, policy, amendment, or land use or zoning provision as a technical amendment to the Florida Building Code. As used in this paragraph, the term "local government" means a county, municipality, special district, or political subdivision of the state.

1. Requests to review a local government regulation, law, ordinance, policy, amendment, or land use or zoning provision may be initiated by any substantially affected person. A substantially affected person includes an owner or builder subject to the regulation, law, ordinance, policy, amendment, or land use or zoning provision, or an association of owners or builders having members who are subject to the regulation, law, ordinance, policy, amendment, or land use or zoning provision.

2. In order to initiate a review, a substantially affected person must file a petition with the commission. The commission shall adopt a form for the petition and directions for filing, which shall be published on the Building Code Information System. The form shall, at a minimum, require the following:

a. The name of the local government that enacted the regulation, law, ordinance, policy, amendment, or land use or zoning provision.

b. The name and address of the local government's general counsel or administrator.

c. The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any; and an explanation of how the petitioner's substantial interests are being affected by the regulation, law, ordinance, policy, amendment, or land use or zoning provision.

d. A statement explaining why the regulation, law, ordinance, policy, amendment, or land use or zoning provision is a technical amendment to the Florida Building Code, and which provisions of the Florida Building Code, if any, are being amended by the regulation, law, ordinance, policy, amendment, or land use or zoning provision.

3. The petitioner shall serve the petition on the local government's general counsel or administrator by certified mail, return receipt requested, and send a copy of the petition to the commission, in accordance with the commission's published directions. The local government shall respond to the petition in accordance with the form by certified mail, return receipt requested, and send a copy of its response to the commission, within 14 days after receipt of the petition, including Saturdays, Sundays, and legal holidays.

4. Upon receipt of a petition that meets the requirements of this paragraph, the commission shall publish the petition, including any response submitted by the local government, on the Building Code Information System in a manner that allows interested persons to address the issues by posting comments.

5. Before issuing an advisory opinion, the commission shall consider the petition, the response, and any comments posted on the Building Code Information System. The commission may also provide the petition, the response, and any comments posted on the Building Code Information System to a technical advisory committee, and may consider any recommendation provided by the technical advisory committee. The commission shall issue an advisory opinion stating whether the regulation, law, ordinance, policy, amendment, or land use or zoning provision is a technical amendment to the Florida Building Code within 30 days after the filing of the petition, including Saturdays, Sundays, and legal holidays. The commission shall publish its advisory opinion on the Building Code Information System and in the Florida Administrative Register. The commission's advisory opinion is nonbinding and is not a declaratory statement under s. 120.565.

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(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 under this subsection shall be transmitted to the commission within 30 days after being adopted. A municipality, county, or special district may not use preliminary maps issued by the Federal Emergency Management Agency for any law, ordinance, rule, or other measure that has the effect of imposing land use changes or permits.

(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 shall adopt an updated Florida Building Code every 3 years through review of the most current updates of the International Building Code, the International Fuel Gas Code, the International Existing Building Code, the International Mechanical Code, the International Plumbing Code, and the International Residential Code, all of which are copyrighted and published by the International Code Council, and the National Electrical Code, which is copyrighted and published by the National Fire Protection Association. At a minimum, the commission shall adopt any updates to such codes or any other code necessary to maintain eligibility for federal funding and discounts from the National Flood Insurance Program, the Federal Emergency Management Agency, and the United States Department of Housing and Urban Development. The commission shall also review and adopt updates based on the International Energy Conservation Code (IECC); however, the commission shall maintain the efficiencies of the Florida Energy Efficiency Code for Building Construction adopted and amended pursuant to s. 553.901. Every 3 years, the commission may approve updates to the Florida Building Code without a finding that the updates are needed in order to accommodate the specific needs of this state. The commission shall adopt updated codes by rule.

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

(c) The commission may also adopt as a technical amendment to the Florida Building Code any portion of the codes identified in paragraph (a), but only as needed to accommodate the specific needs of this state. Standards or criteria adopted from these codes shall be incorporated by reference to the specific provisions adopted. 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 that 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 amendments 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 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

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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 finding by the commission that the amendment is necessary to protect the public from immediate threat of harm takes effect immediately.

(f) Provisions of the Florida Building Code, including those contained in referenced standards and criteria, relating to wind resistance or the prevention of water intrusion may not be modified to diminish those construction requirements; however, the commission may, subject to conditions in this subsection, modify the provisions to enhance those construction requirements.

(8) Notwithstanding subsection (3) or subsection (7), the commission may address issues identified in this subsection by amending the code under the rule adoption procedures in chapter 120. Updates to the Florida Building Code, including provisions contained in referenced standards and criteria which relate to wind resistance or the prevention of water intrusion, may not be amended under this subsection to diminish those standards; however, the commission may amend the Florida Building Code to enhance such standards. Following the approval of any amendments to the Florida Building Code by the commission and publication of the amendments on the commission's website, authorities having jurisdiction to enforce the Florida Building Code may enforce the amendments.

(a) The commission may approve amendments that are needed to address:

1. Conflicts within the updated code;
2. Conflicts between the updated code and the Florida Fire Prevention Code adopted under chapter 633;
3. Unintended results from the integration of previously adopted amendments with the model code;
4. Equivalency of standards;
5. Changes to or inconsistencies with federal or state law; or
6. Adoption of an updated edition of the National Electrical Code if the commission finds that delay of implementing the updated edition causes undue hardship to stakeholders or otherwise threatens the public health, safety, and welfare.

(b) The commission may issue errata to the code pursuant to the rule adoption procedures in chapter 120 to list demonstrated errors in provisions contained within the Florida Building Code. The determination of such errors and the issuance of errata to the code must be approved by a 75-percent supermajority vote of the commission. For purposes of this paragraph, "errata to the code" means a list of errors on current and previous editions of the Florida Building Code.

(9)(a) The commission may approve technical amendments to the Florida Building Code once each year for statewide or regional application upon a finding that the amendment:

1. Is needed in order to accommodate the specific needs of this state.
2. Has a reasonable and substantial connection with the health, safety, and welfare of the general public.
3. Strengthens or improves the Florida Building Code, or in the case of innovation or new technology, will provide equivalent or better products or methods or systems of construction.
4. Does not discriminate against materials, products, methods, or systems of construction of demonstrated capabilities.
5. Does not degrade the effectiveness of the Florida Building Code.

The Florida Building Commission may approve technical amendments to the code once each year to incorporate into the Florida Building Code its own interpretations of the code which are embodied in its opinions, final orders, declaratory statements, and interpretations of hearing officer panels under s. 553.775(3)(c), but only to the extent that the incorporation of interpretations is needed to modify the code to accommodate the specific needs of this state. Amendments approved under this paragraph shall be adopted by rule after the amendments have been subjected to subsection (3).

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(b) A proposed amendment must include a fiscal impact statement that documents the costs and benefits of the proposed amendment. Criteria for the fiscal impact statement shall be established by rule by the commission and shall include the impact to local government relative to enforcement, the impact to property and building owners, and the impact to industry, relative to the cost of compliance. The amendment must demonstrate by evidence or data that the state's geographical jurisdiction exhibits a need to strengthen the code beyond the needs or regional variations addressed by the code and why the proposed amendment applies to this state.

(c) The commission may not approve any proposed amendment that does not accurately and completely address all requirements for amendment which are set forth in this section. The commission shall require all proposed amendments and information submitted with proposed amendments to be reviewed by commission staff prior to consideration by any technical advisory committee. These reviews shall be for sufficiency only and are not intended to be qualitative in nature. Staff members shall reject any proposed amendment that fails to include a fiscal impact statement. Proposed amendments rejected by members of the staff may not be considered by the commission or any technical advisory committee.

(d) Provisions of the Florida Building Code, including those contained in referenced standards and criteria, relating to wind resistance or the prevention of water intrusion may not be amended pursuant to this subsection to diminish those construction requirements; however, the commission may, subject to conditions in this subsection, amend the provisions to enhance those construction requirements.

(10) The following buildings, structures, and facilities are exempt from the Florida Building Code as provided by law, and any further exemptions shall be as determined by the Legislature and provided by law:

(a) Buildings and structures specifically regulated and preempted by the Federal Government.

(b) Railroads and ancillary facilities associated with the railroad.

(c) Nonresidential farm buildings on farms.

(d) Temporary buildings or sheds used exclusively for construction purposes.

(e) Mobile or modular structures used as temporary offices, except that the provisions of part II relating to accessibility by persons with disabilities apply to such mobile or modular structures.

(f) Those structures or facilities of electric utilities, as defined in s. 366.02, which are directly involved in the generation, transmission, or distribution of electricity.

(g) Temporary sets, assemblies, or structures used in commercial motion picture or television production, or any sound-recording equipment used in such production, on or off the premises.

(h) Storage sheds that are not designed for human habitation and that have a floor area of 720 square feet or less are not required to comply with the mandatory wind-borne-debris-impact standards of the Florida Building Code. In addition, such buildings that are 400 square feet or less and that are intended for use in conjunction with one- and two-family residences are not subject to the door height and width requirements of the Florida Building Code.

(i) Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other nonwood features.

(j) Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.

(k) A building or structure having less than 1,000 square feet which is constructed and owned by a natural person for hunting and which is repaired or reconstructed to the same dimension and condition as existed on January 1, 2011, if the building or structure:

1. Is not rented or leased or used as a principal residence;

2. Is not located within the 100-year floodplain according to the Federal Emergency Management Agency's current Flood Insurance Rate Map; and

3. Is not connected to an offsite electric power or water supply.

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With the exception of paragraphs (a), (b), (c), and (f), in order to preserve the health, safety, and welfare of the public, the Florida Building Commission may, by rule adopted pursuant to chapter 120, provide for exceptions to the broad categories of buildings exempted in this section, including exceptions for application of specific sections of the code or standards adopted therein. The Department of Agriculture and Consumer Services shall have exclusive authority to adopt by rule, pursuant to chapter 120, exceptions to nonresidential farm buildings exempted in paragraph (c) when reasonably necessary to preserve public health, safety, and welfare. The exceptions must be based upon specific criteria, such as under-roof floor area, aggregate electrical service capacity, HVAC system capacity, or other building requirements. Further, the commission may recommend to the Legislature additional categories of buildings, structures, or facilities which should be exempted from the Florida Building Code, to be provided by law. The Florida Building Code does not apply to temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.

(11)(a) In the event of a conflict between the Florida Building Code and the Florida Fire Prevention Code and the Life Safety Code as applied to a specific project, the conflict shall be resolved by agreement between the local building code enforcement official and the local fire code enforcement official in favor of the requirement of the code which offers the greatest degree of lifesafety or alternatives which would provide an equivalent degree of lifesafety and an equivalent method of construction. Local boards created to address issues arising under the Florida Building Code or the Florida Fire Prevention Code may combine the appeals boards to create a single, local board having jurisdiction over matters arising under either code or both codes. The combined local appeals board may grant alternatives or modifications through procedures outlined in NFPA 1, Section 1.4, but may not waive the requirements of the Florida Fire Prevention Code. To meet the quorum requirement for convening the combined local appeals board, at least one member of the board who is a fire protection contractor, a fire protection design professional, a fire department operations professional, or a fire code enforcement professional must be present.

(b) Any decision made by the local fire official regarding application, interpretation, or enforcement of the Florida Fire Prevention Code or by the local building official regarding application, interpretation, or enforcement of the Florida Building Code, or the appropriate application of either code or both codes in the case of a conflict between the codes, may be appealed to a local administrative board designated by the municipality, county, or special district having firesafety responsibilities. If the decision of the local fire official and the local building official is to apply the provisions of either the Florida Building Code or the Florida Fire Prevention Code and the Life Safety Code, the board may not alter the decision unless the board determines that the application of such code is not reasonable. If the decision of the local fire official and the local building official is to adopt an alternative to the codes, the local administrative board shall give due regard to the decision rendered by the local officials and may modify that decision if the administrative board adopts a better alternative, taking into consideration all relevant circumstances. In any case in which the local administrative board adopts alternatives to the decision rendered by the local fire official and the local building official, such alternatives shall provide an equivalent degree of lifesafety and an equivalent method of construction as the decision rendered by the local officials.

(c) If the local building official and the local fire official are unable to agree on a resolution of the conflict between the Florida Building Code and the Florida Fire Prevention Code and the Life Safety Code, the local administrative board shall resolve the conflict in favor of the code which offers the greatest degree of lifesafety or alternatives which would provide an equivalent degree of lifesafety and an equivalent method of construction.

(d) All decisions of the local administrative board or, if none exists, the local building official and the local fire official in regard to the application, enforcement, or interpretation of the Florida Fire Prevention Code, or conflicts between the Florida Fire Prevention Code and the Florida Building Code, are subject to review by a joint committee composed of members of the Florida Building Commission and the Fire Code Advisory Council. If the joint committee is unable to resolve conflicts between the codes as applied to a specific project, the matter shall be resolved pursuant to paragraph (1)(d). Decisions of the local administrative board related solely to the Florida Building Code are subject to review as set forth in s. 553.775.

(e) The local administrative board shall, to the greatest extent possible, be composed of members with expertise in building construction and firesafety standards.

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(f) All decisions of the local building official and local fire official and all decisions of the administrative board shall be in writing and shall be binding upon a person but do not limit the authority of the State Fire Marshal or the Florida Building Commission pursuant to paragraph (1)(d) and ss. 633.104 and 633.228. Decisions of general application shall be indexed by building and fire code sections and shall be available for inspection during normal business hours.

(12) Except within coastal building zones as defined in s. 161.54, specification standards developed by nationally recognized code promulgation organizations to determine compliance with engineering criteria of the Florida Building Code for wind load design shall not apply to one or two family dwellings which are two stories or less in height unless approved by the commission for use or unless expressly made subject to said standards and criteria by local ordinance adopted in accordance with the provisions of subsection (4).

(13) The Florida Building Code does not apply to, and no code enforcement action shall be brought with respect to, zoning requirements, land use requirements, and owner specifications or programmatic requirements which do not pertain to and govern the design, construction, erection, alteration, modification, repair, or demolition of public or private buildings, structures, or facilities or to programmatic requirements that do not pertain to enforcement of the Florida Building Code. Additionally, a local code enforcement agency may not administer or enforce the Florida Building Code to prevent the siting of any publicly owned facility, including, but not limited to, correctional facilities, juvenile justice facilities, or state universities, community colleges, or public education facilities, as provided by law.

(14) The general provisions of the Florida Building Code for buildings and other structures shall not apply to commercial wireless communication towers when such general provisions are inconsistent with the provisions of the code controlling radio and television towers. This subsection is intended to be remedial in nature and to clarify existing law.

(15) An agency or local government may not require that existing mechanical equipment located on or above the surface of a roof be installed in compliance with the requirements of the Florida Building Code except during reroofing when the equipment is being replaced or moved and is not in compliance with the provisions of the Florida Building Code relating to roof-mounted mechanical units.

(16) The Florida Building Code must require that the illumination in classroom units be designed to provide and maintain an average of 40 foot-candles of light at each desktop. Public educational facilities must consider using light-emitting diode lighting before considering other lighting sources.

(17) A provision of the International Residential Code relating to mandated fire sprinklers may not be incorporated into the Florida Building Code as adopted by the Florida Building Commission and may not be adopted as a local amendment to the Florida Building Code. This subsection does not prohibit the application of cost-saving incentives for residential fire sprinklers that are authorized in the International Residential Code upon a mutual agreement between the builder and the code official. This subsection does not apply to a local government that has a lawfully adopted ordinance relating to fire sprinklers which has been in effect since January 1, 2010.

(18) In a single-family dwelling, makeup air is not required for range hood exhaust systems capable of exhausting:

(a) Four hundred cubic feet per minute or less; or

(b) More than 400 cubic feet per minute but no more than 800 cubic feet per minute if there are no gravity vent appliances within the conditioned living space of the structure.

(19) The Florida Building Code shall require two fire service access elevators in all buildings with a height greater than 120 feet measured from the elevation of street-level access to the level of the highest occupiable floor. All remaining elevators, if any, shall be provided with Phase I and II emergency operations. Where a fire service access elevator is required, a 1-hour fire-rated fire service access elevator lobby with direct access from the fire service access elevator is not required if the fire service access elevator opens into an exit access corridor that is no less than 6 feet wide for its entire length and is at least 150 square feet with the exception of door openings, and has a minimum 1-hour fire rating with three-quarter hour fire and smoke rated openings; and during a fire event the fire service access elevator is pressurized and floor-to-floor smoke control is provided. However, where transient residential occupancies occur at floor levels more than 420 feet above the level of fire service

access, a 1-hour fire-rated service access elevator lobby with direct access from the fire service access elevator is required. Standpipes in high-rise buildings of Florida Building Code—Building Occupancy Group R1 or R2 must be located in stairwells and are subject only to the requirements of the Florida Fire Prevention Code and NFPA 14, Standard for the Installation of Standpipes and Hose Systems, adopted by the State Fire Marshal.

(20) The Florida Building Commission may not:

(a) Adopt the 2016 version of the American Society of Heating, Refrigerating and Air-Conditioning Engineers Standard 9.4.1.1(g).

(b) Adopt any provision that requires a door located in the opening between a garage and a single-family residence to be equipped with a self-closing device.

History.—s. 4, ch. 74-167; s. 3, ch. 75-85; s. 1, ch. 77-365; s. 225, ch. 79-400; s. 1, ch. 80-106; s. 6, ch. 82-197; s. 2, ch. 84-273; s. 1, ch. 85-97; s. 33, ch. 86-191; s. 1, ch. 87-287; s. 1, ch. 88-142; s. 1, ch. 89-369; s. 2, ch. 91-172; s. 41, ch. 91-220; s. 49, ch. 95-144; s. 1, ch. 97-177; ss. 39, 40, 65, ch. 98-287; s. 61, ch. 98-419; ss. 73, 74, 75, ch. 2000-141; s. 62, ch. 2000-154; ss. 25, 34, 35, 36, ch. 2001-186; ss. 2, 3, 4, 5, ch. 2001-372; s. 86, ch. 2002-1; ss. 1, 14, ch. 2002-293; s. 66, ch. 2003-1; s. 663, ch. 2003-261; s. 7, ch. 2005-147; s. 1, ch. 2005-191; s. 4, ch. 2006-65; s. 7, ch. 2007-1; s. 4, ch. 2007-187; s. 140, ch. 2008-4; s. 10, ch. 2008-191; s. 108, ch. 2008-227; s. 1, ch. 2010-99; s. 32, ch. 2010-176; s. 14, ch. 2011-208; s. 30, ch. 2011-222; s. 14, ch. 2012-13; s. 148, ch. 2013-183; s. 14, ch. 2013-193; s. 18, ch. 2014-154; s. 17, ch. 2016-129; s. 11, ch. 2017-149; s. 6, ch. 2019-75; s. 2, ch. 2021-201.

[1] **Note.**—The amendment by s. 2, ch. 2021-201, changed the reference from "subparagraphs 7. and 9." to "paragraphs (f) and (g)" to conform to the redesignation of subunits in subsection (4) by that law. Subparagraph (b)7. was redesignated as paragraph (f), and subparagraph (b)9. was redesignated as paragraph (h).

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FILED
Department of Business and Professional Regulatio
Senior Deputy Agency Clerk
CLERK Brandon Nichols
Date 11/9/2021
File # 2021-08370

STATE OF FLORIDA
BUILDING COMMISSION

In the Matter of

CLASSIC FLORIDA DREAM HOMES, LLC

DS 2021-050

Petitioner.
_____/

DECLARATORY STATEMENT

The following proceeding came before the Florida Building Commission (Commission) by a Petition from Thomas E. Smith, for Classic Florida Dream Homes, LLC (Petitioner) that was received September 2, 2021. Based on the statements in the petition, the material subsequently submitted and the subsequent request by the Petitioner, the Commission states the following:

Findings of Fact

1. The petition is filed pursuant to, and must conform with the requirements of rule 28-105.002, Florida Administrative Code.

2. Petitioner's representative in this matter is Thomas E. Smith, 424 Harbor Drive North, Indian Rocks Beach, FL 33785.

3. Petitioner is a contractor planning the construction of a two-story, single family home located in a flood zone with an "AE" designation under the National Flood Insurance Program. Petitioner states that it wishes to have the option to utilize the services of private providers for plans review and/or building inspections on the project.

4. Petitioner seeks clarification of section 107.6.1, Florida Building Code, Building, 7th Edition (2020), as it pertains to building permits issued on the basis of affidavit, and the services provided by private providers pursuant to section 553.791, Florida Statutes (2021).

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5. Specifically, the Petitioner requests an answer to the following question based upon the project described within the petition for declaratory statement:

> Per the 2020 Florida Building Code, does section 107.6.1 Building Permits issued on the basis of an affidavit apply to Private Providers per F.S. 553.791?

Conclusions of Law

6. The Commission has the specific statutory authority pursuant to section 553.775(3)(a), Florida Statutes (2021) to interpret the provisions of the Florida Building Code by issuing a declaratory statement.

7. Section 105.14, Florida Building Code, Building, 7th Edition (2020), states:

> **Permit issued on basis of an affidavit.**
> Whenever a permit is issued in reliance upon an affidavit or whenever the work to be covered by a permit involves installation under conditions which, in the opinion of the building official, are hazardous or complex, the building official shall require that the architect or engineer who signed the affidavit or prepared the drawings or computations shall supervise such work. In addition, they shall be responsible for conformity to the permit, provide copies of inspection reports as inspections are performed, and upon completion make and file with the building official written affidavit that the work has been done in conformity to the reviewed plans and with the structural provisions of the technical codes. In the event such architect or engineer is not available, the owner shall employ in his stead a competent person or agency whose qualifications are reviewed by the building official. The building official shall ensure that any person conducting plans review is qualified as a plans examiner under Part XII of Chapter 468, Florida Statutes, and that any person conducting inspections is qualified as a building inspector under Part XII of Chapter 468, Florida Statutes.
>
> **Exception:** Permit issued on basis of an affidavit shall not extend to the flood load and flood resistance requirements of the Florida Building Code.

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8. Section 107.6, Florida Building Code, Building, 7th Edition (2020), states:

> **Affidavits.**
> The building official may accept a sworn affidavit from a registered architect or engineer stating that the plans submitted conform to the technical codes. For buildings and structures, the affidavit shall state that the plans conform to the laws as to egress, type of construction and general arrangement and, if accompanied by drawings, show the structural design and that the plans and design conform to the requirements of the technical codes as to strength, stresses, strains, loads and stability. The building official may without any examination or inspection accept such affidavit, provided the architect or engineer who made such affidavit agrees to submit to the building official copies of inspection reports as inspections are performed and upon completion of the structure, electrical, gas, mechanical or plumbing systems a certification that the structure, electrical, gas, mechanical or plumbing system has been erected in accordance with the requirements of the technical codes. Where the building official relies upon such affidavit, the architect or engineer shall assume full responsibility for compliance with all provisions of the technical codes and other pertinent laws or ordinances. The building official shall ensure that any person conducting plans review is qualified as a plans examiner under Part XII of Chapter 468, Florida Statutes, and that any person conducting inspections is qualified as a building inspector under Part XII of Chapter 468, Florida Statutes.

9. Section 107.6.1, Florida Building Code, Building, 7th Edition (2020), states:

> **Building permits issued on the basis of an affidavit.**
> Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Parts 59 and 60), the authority granted to the *building official* to issue permits, to rely on inspections, and to accept plans and construction documents on the basis of affidavits and plans submitted pursuant to Sections 105.14 and 107.6, shall not extend to the flood load and flood-resistance construction requirements of the Florida Building Code.

10. In response to Petitioner's question, the answer is no. Section 107.6.1, Florida Building Code, Building, 7th Edition (2020), is limited in scope to affidavits issued pursuant to sections 105.14 and 107.6, Florida Building Code, Building, 7th Edition (2020), and therefore section 107.6.1 does not apply to services performed by private providers as authorized by

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section 553.791, Florida Statutes (2021). This does not absolve the community from complying with any requirements under the National Flood Insurance Program.

DONE AND ORDERED this 20th day of OCTOBER, 2021, in St. Augustine, St. Johns County, State of Florida.

JAMES R. SCHOCK
Chairman, Florida Building Commission

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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 (2021), 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 the Agency Clerk, Department of Business and Professional Regulation, 2601 Blair Stone Road, Tallahassee, Florida 32399-2203 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 (2021).

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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 9th day of November, 2021.

Brandon M. Nichols

Agency Clerk's Office
Department of Business and Professional Regulation
& Florida Building Commission
2601 Blair Stone Road
Tallahassee, Florida 32399-2203

Via U.S. Mail

Classic Florida Dream Homes, LLC
Attn: Thomas E. Smith
424 Harbor Drive North
Indian Rocks Beach, FL 33785

Via Inter-Office or Email Delivery

Mo Madani, Planning Manager
Codes and Standards Section
Department of Business and Professional Regulation
2601 Blair Stone Road
Tallahassee, Florida 32399
Mo.Madani@myfloridalicense.com

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

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SP9986Rationale

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STATE OF FLORIDA

DIVISION OF EMERGENCY MANAGEMENT

Ron DeSantis
Governor

Jared Moskowitz
Director

November 2, 2020

MEMORANDUM

TO: Florida Floodplain Administrators and Building Officials

FROM: Conn H. Cole, Interim State Floodplain Manager Conn H. Cole Digitally signed by Conn H. Cole DN: cn=Conn H. Cole, o=Florida Department of Emergency Management, ou=State Floodplain Management Office, email=Conn.Cole@em.myflorida.com, c=US Date: 2020.11.02 14:56:03 -05'00'

CONCURRENCE: Jason O. Hunter, Chief, FEMA Region IV Floodplain Management & Insurance Branch Jason O. Hunter

RE: Florida Building Code and Permits Issued on the Basis of Affidavits
NFIP Communities Must Review For Floodplain Compliance

Over the past year the State Floodplain Management Office (SFMO) has received inquiries regarding changes enacted in the 2019 legislative session that affect the use and acceptance of private providers for building permits and inspections. The Florida Building Code (FBC) includes provisions for issuing permits based on affidavits signed by qualified architects or engineers, in the Building volume, sections 105.14 and 107.6. These sections are shown in the attachment.

This memorandum provides guidance to clarify the exception to Sections 105.14 and 107.6.1. FEMA Region IV concurs with this guidance. **In effect, the sections require local officials to review applications for compliance with the flood load and flood-resistant construction requirements of the FBC when buildings are proposed to be located in special flood hazard areas, and to inspect those aspects when permits are issued.**

The National Flood Insurance Program (NFIP) requires communities that participate in the program to agree to adopt and enforce regulations that meet or exceed the minimum requirement of the NFIP (44 Code of Federal Regulations Parts 59 and 60). FEMA deems the flood provisions of the FBC to meet or exceed the minimum NFIP requirements for buildings and structures.

The NFIP regulations require communities to review proposed construction or development in special flood hazard areas. Specifically, the NFIP regulations in Section 60.3 states: "Minimum standards for communities are as follows: (a) . . . the community shall: . . . (1) Require permits for all proposed construction or development . . . ; (2) Review proposed development to . . . ; (3) Review all applications to . . . ; (4) Review subdivision proposals and other new development . . ." https://www.govinfo.gov/app/details/CFR-2011-title44-vol1/CFR-2011-title44-vol1-part60

DIVISION HEADQUARTERS
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100

Telephone: 850-815-4000
www.FloridaDisaster.org

STATE LOGISTICS RESPONSE CENTER
2702 Directors Row
Orlando, FL 32809-5631

SP9986Rationale

In 2011-12, the SFMO worked with FEMA, the Florida Building Commission, the Building Officials Association of Florida, and the Florida Floodplain Managers Association to incorporate in the FBC the necessary requirements for buildings in flood hazard areas. As part of that effort, the SFMO examined the matter of permits issued based on affidavits. Prior to the inclusion of Section 107.6.1 and the exception to Section 105.14, many communities individually adopted local administrative amendments with the same limitation.

During the code development cycle for the 5th Edition FBC, FDEM submitted a proposal to incorporate Section 107.6.1 into the FBC (the exception to Section 105.14 was added by amendment to a proposal by others). FDEM's rationale statement is shown below and repeated here for clarify:

> Both of these proposed new sections flow from consistency with the NFIP. They were developed by DEM as part of the Model Floodplain Management Ordinance and Code Amendments, reviewed by BOAF, and scrutinized by FEMA. Because FEMA deemed both of these are necessary, it is more efficient for the FBC to include them in Chapter 1, rather than expect every local government to adopt them as local administrative code amendments.
>
> Despite the submission of an affidavit authorized by B107.6, the building official must review plans for compliance with the flood provisions and issue permits and perform inspections to ensure compliance with the flood provisions. Under the NFIP, the community is responsible for ensuring compliance.
>
> *The original proposal (SP5255) included both Section 107.6.1 and Section 117; the exception to Section 105.14 was added to proposal CA5082) by amendments for consistency.

Please contact us at (850) 815-4556 or floods@em.myflorida.com if you have questions about the flood provisions in the FBC or FBC-coordinated floodplain management regulations.

CC: Steve Martin, Roy McClure, Virgilio Chris Perez

Attachment: FBC, Building, Sections 105.14 and 107.6.1 and Proposal for the 5th Ed. FBC, submitted 7/22/2012

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Mod_9986_Rationale_Code Mod Support-FDEM statement with FEMA Region IV.pdf

ATTACHMENT

FBC, Building Sections 105.14 and 107.6.1

105.14 Permit issued on basis of an affidavit. Whenever a permit is issued in reliance upon an affidavit or whenever the work to be covered by a permit involves installation under conditions which, in the opinion of the building official, are hazardous or complex, the building official shall require that the architect or engineer who signed the affidavit or prepared the drawings or computations shall supervise such work. In addition, they shall be responsible for conformity to the permit, provide copies of inspection reports as inspections are performed, and upon completion make and file with the building official written affidavit that the work has been done in conformity to the reviewed plans and with the structural provisions of the technical codes. In the event such architect or engineer is not available, the owner shall employ in his stead a competent person or agency whose qualifications are reviewed by the building official. The building official shall ensure that any person conducting plans review is qualified as a plans examiner under Part XII of Chapter 468, *Florida Statutes,* and that any person conducting inspections is qualified as a building inspector under Part XII of Chapter 468, *Florida Statutes.*

Exception: Permit issued on basis of an affidavit shall not extend to the flood load and flood resistance requirements of the *Florida Building Code*.

107.6.1 [Affidavits] Building permits issued on the basis of an affidavit. Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Parts 59 and 60), the authority granted to the building official to issue permits, to rely on inspections, and to accept plans and construction documents on the basis of affidavits and plans submitted pursuant to Sections 105.14 and 107.6, shall not extend to the flood load and flood-resistance construction requirements of the *Florida Building Code.*

Mod SP 5255 (approved as submitted)

Mod CA 5082 (submitted by Joe Bigelow to add new Sec. 105.14; FDEM proposed amendment to recapture NFIP; approved as amended.

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Date Submitted	7/22/2012	**Section**	107.6 and 117 (new)	**Proponent**	Rebecca Quinn obo DEM
Chapter	1	**Affects HVHZ**	No	**Attachments**	No
TAC Recommendation	Pending Review				
Commission Action	Pending Review				

Related Modifications

Summary of Modification

Two administrative amendments that FEMA has deemed necessary to ensure that enforcement of the flood provisions of the FBC remain consistent with the NFIP.

Rationale

Both of these proposed new sections flow from consistency with the NFIP. They were developed by DEM as part of the Model Floodplain Management Ordinance and Code Amendments, reviewed by BOAF, and scrutinized by FEMA. Because FEMA has deemed both of these are necessary, it is more efficient for the FBC to include them in Chapter 1, rather than expect every local government to adopt them as local administrative code amendments.

Despite the submission of an affidavit authorized by §107.6, the building official must review plans for compliance with the flood provisions and issue permits and perform inspections to ensure compliance with the flood provisions. Under the NFIP, the community is responsible for ensuring compliance.

For consistency with the NFIP, section 553.73(5), F.S., authorizes adoption of procedures for variances; the specific procedures are in the FPM ordinance. Variances are official permission to undertake an activity that is otherwise prohibited or not approvable under the regulations or building code. As specified in section 553.73(5), F.S., the authority to grant variances to the flood provisions does not extend to any requirement in Section 3109, which applies seaward of the Coastal Construction Control Line.

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The 2021 Florida Statutes

Title XXXIII
REGULATION OF TRADE, COMMERCE, INVESTMENTS, AND SOLICITATIONS

Chapter 553
BUILDING CONSTRUCTION STANDARDS

View Entire Chapter

553.73 Florida Building Code.—

(1)(a) The commission shall adopt, by rule pursuant to ss. 120.536(1) and 120.54, the Florida Building Code which shall contain or incorporate by reference all laws and rules which pertain to and govern the design, construction, erection, alteration, modification, repair, and demolition of public and private buildings, structures, and facilities and enforcement of such laws and rules, except as otherwise provided in this section.

(b) The technical portions of the Florida Accessibility Code for Building Construction shall be contained in their entirety in the Florida Building Code. The civil rights portions and the technical portions of the accessibility laws of this state shall remain as currently provided by law. Any revision or amendments to the Florida Accessibility Code for Building Construction pursuant to part II shall be considered adopted by the commission as part of the Florida Building Code. Neither the commission nor any local government shall revise or amend any standard of the Florida Accessibility Code for Building Construction except as provided for in part II.

(c) The Florida Fire Prevention Code and the Life Safety Code shall be referenced in the Florida Building Code, but shall be adopted, modified, revised, or amended, interpreted, and maintained by the Department of Financial Services by rule adopted pursuant to ss. 120.536(1) and 120.54. The Florida Building Commission may not adopt a fire prevention or lifesafety code, and nothing in the Florida Building Code shall affect the statutory powers, duties, and responsibilities of any fire official or the Department of Financial Services.

(d) Conflicting requirements between the Florida Building Code and the Florida Fire Prevention Code and Life Safety Code of the state established pursuant to ss. 633.206 and 633.208 shall be resolved by agreement between the commission and the State Fire Marshal in favor of the requirement that offers the greatest degree of lifesafety or alternatives that would provide an equivalent degree of lifesafety and an equivalent method of construction. If the commission and State Fire Marshal are unable to agree on a resolution, the question shall be referred to a mediator, mutually agreeable to both parties, to resolve the conflict in favor of the provision that offers the greatest lifesafety, or alternatives that would provide an equivalent degree of lifesafety and an equivalent method of construction.

(e) Subject to the provisions of this act, responsibility for enforcement, interpretation, and regulation of the Florida Building Code shall be vested in a specified local board or agency, and the words “local government” and “local governing body” as used in this part shall be construed to refer exclusively to such local board or agency.

(2) 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

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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.

(3) The commission shall use the International Codes published by the International Code Council, the National Electric Code (NFPA 70), or other nationally adopted model codes and standards for updates to the Florida Building Code. The commission may approve technical amendments to the code as provided in subsections (8) and (9), subject to all of the following conditions:

(a) The proposed amendment must have been published on the commission's website for a minimum of 45 days and all the associated documentation must have been made available to any interested party before consideration by a technical advisory committee.

(b) In order for a technical advisory committee to make a favorable recommendation to the commission, the proposal must receive a two-thirds vote of the members present at the meeting. At least half of the regular members must be present in order to conduct a meeting.

(c) After the technical advisory committee has considered and recommended approval of any proposed amendment, the proposal must be published on the commission's website for at least 45 days before consideration by the commission.

(d) A proposal may be modified by the commission based on public testimony and evidence from a public hearing held in accordance with chapter 120.

The commission shall incorporate within the Florida Building Code provisions that address regional and local concerns and variations. The commission shall make every effort to minimize conflicts between the Florida Building Code, the Florida Fire Prevention Code, and the Life Safety Code.

(4)(a) All entities authorized to enforce the Florida Building Code under s. 553.80 shall comply with applicable standards for issuance of mandatory certificates of occupancy, minimum types of inspections, and procedures for plans review and inspections as established by the commission by rule. Local governments may adopt amendments to the administrative provisions of the Florida Building Code, subject to the limitations in this subsection. Local amendments must be more stringent than the minimum standards described in this section and must be transmitted to the commission within 30 days after enactment. The local government shall make such amendments available to the general public in a usable format. The State Fire Marshal is responsible for establishing the standards and procedures required in this subsection for governmental entities with respect to applying the Florida Fire Prevention Code and the Life Safety Code.

(b) Local governments may, subject to the limitations in this section and not more than once every 6 months, adopt amendments to the technical provisions of the Florida Building Code that apply solely within the jurisdiction of such government and that provide for more stringent requirements than those specified in the Florida Building Code. A local government may adopt technical amendments that address local needs if:

1. The local governing body determines, following a public hearing which has been advertised in a newspaper of general circulation at least 10 days before the hearing, that there is a need to strengthen the requirements of the Florida Building Code. The determination must be based upon a review of local conditions by the local governing body, which review demonstrates by evidence or data that the geographical jurisdiction governed by the local governing body exhibits a local need to strengthen the Florida Building Code beyond the needs or regional variation addressed by the Florida Building Code, that the local need is addressed by the proposed local amendment, and that the amendment is no more stringent than necessary to address the local need.

2. Such additional requirements are not discriminatory against materials, products, or construction techniques of demonstrated capabilities.

3. Such additional requirements may not introduce a new subject not addressed in the Florida Building Code.

(c) The enforcing agency shall make readily available, in a usable format, all amendments adopted under this section.

(d) Any amendment to the Florida Building Code shall be transmitted within 30 days after adoption by the local government to the commission. The commission shall maintain copies of all such amendments in a format that is usable and obtainable by the public. Local technical amendments are not effective until 30 days after the amendment has been received and published by the commission.

(e) An amendment to the Florida Building Code adopted by a local government under this subsection is effective only until the adoption of the new edition of the Florida Building Code by the commission every third year. At such time, the commission shall review such amendment for consistency with the criteria in paragraph (9)(a) and adopt such amendment as part of the Florida Building Code or rescind the amendment. The commission shall immediately notify the respective local government of the rescission of any amendment. After receiving such notice, the respective local government may readopt the rescinded amendment under the provisions of this subsection.

(f) Each county and municipality desiring to make local technical amendments to the Florida Building Code shall establish by interlocal agreement a countywide compliance review board to review any amendment to the Florida Building Code that is adopted by a local government within the county under this subsection and that is challenged by a substantially affected party for purposes of determining the amendment's compliance with this subsection. If challenged, the local technical amendments are not effective until the time for filing an appeal under paragraph (g) has expired or, if there is an appeal, until the commission issues its final order determining if the adopted amendment is in compliance with this subsection.

(g) If the compliance review board determines such amendment is not in compliance with this subsection, the compliance review board shall notify such local government of the noncompliance and that the amendment is invalid and unenforceable until the local government corrects the amendment to bring it into compliance. The local government may appeal the decision of the compliance review board to the commission. If the compliance review board determines that such amendment is in compliance with this subsection, any substantially affected party may appeal such determination to the commission. Any such appeal must be filed with the commission within 14 days after the board's written determination. The commission shall promptly refer the appeal to the Division of Administrative Hearings by electronic means through the division's website for the assignment of an administrative law judge. The administrative law judge shall conduct the required hearing within 30 days after being assigned to the appeal, and shall enter a recommended order within 30 days after the conclusion of such hearing. The commission shall enter a final order within 30 days after an order is rendered. Chapter 120 and the uniform rules of procedure shall apply to such proceedings. The local government adopting the amendment that is subject to challenge has the burden of proving that the amendment complies with this subsection in proceedings before the compliance review board and the commission, as applicable. Actions of the commission are subject to judicial review under s. 120.68. The compliance review board shall determine whether its decisions apply to a respective local jurisdiction or apply countywide.

(h) An amendment adopted under this subsection must include a fiscal impact statement that documents the costs and benefits of the proposed amendment. Criteria for the fiscal impact statement shall include the impact to local government relative to enforcement and the impact to property and building owners and industry relative to the cost of compliance. The fiscal impact statement may not be used as a basis for challenging the amendment for compliance.

(i) In addition to paragraphs (f) and (g), the commission may review any amendments adopted under this subsection and make nonbinding recommendations related to compliance of such amendments with this subsection.

(j) Any amendment adopted by a local enforcing agency under this subsection may not apply to state or school district owned buildings, manufactured buildings or factory-built school buildings approved by the commission, or prototype buildings approved under s. 553.77(3). The respective responsible entities shall consider the physical performance parameters substantiating such amendments when designing, specifying, and constructing such exempt buildings.

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(k) A technical amendment to the Florida Building Code related to water conservation practices or design criteria adopted by a local government under this subsection is not void when the code is updated if the technical amendment is necessary to protect or provide for more efficient use of water resources as provided in s. 373.621. However, any such technical amendment carried forward into the next edition of the code under this paragraph is subject to review or modification as provided in this part.

(l) If a local government adopts a regulation, law, ordinance, policy, amendment, or land use or zoning provision without using the process established in this subsection, and a substantially affected person considers such regulation, law, ordinance, policy, amendment, or land use or zoning provision to be a technical amendment to the Florida Building Code, then the substantially affected person may submit a petition to the commission for a nonbinding advisory opinion. If a substantially affected person submits a request in accordance with this paragraph, the commission shall issue a nonbinding advisory opinion stating whether or not the commission interprets the regulation, law, ordinance, policy, amendment, or land use or zoning provision as a technical amendment to the Florida Building Code. As used in this paragraph, the term "local government" means a county, municipality, special district, or political subdivision of the state.

1. Requests to review a local government regulation, law, ordinance, policy, amendment, or land use or zoning provision may be initiated by any substantially affected person. A substantially affected person includes an owner or builder subject to the regulation, law, ordinance, policy, amendment, or land use or zoning provision, or an association of owners or builders having members who are subject to the regulation, law, ordinance, policy, amendment, or land use or zoning provision.

2. In order to initiate a review, a substantially affected person must file a petition with the commission. The commission shall adopt a form for the petition and directions for filing, which shall be published on the Building Code Information System. The form shall, at a minimum, require the following:

a. The name of the local government that enacted the regulation, law, ordinance, policy, amendment, or land use or zoning provision.

b. The name and address of the local government's general counsel or administrator.

c. The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any; and an explanation of how the petitioner's substantial interests are being affected by the regulation, law, ordinance, policy, amendment, or land use or zoning provision.

d. A statement explaining why the regulation, law, ordinance, policy, amendment, or land use or zoning provision is a technical amendment to the Florida Building Code, and which provisions of the Florida Building Code, if any, are being amended by the regulation, law, ordinance, policy, amendment, or land use or zoning provision.

3. The petitioner shall serve the petition on the local government's general counsel or administrator by certified mail, return receipt requested, and send a copy of the petition to the commission, in accordance with the commission's published directions. The local government shall respond to the petition in accordance with the form by certified mail, return receipt requested, and send a copy of its response to the commission, within 14 days after receipt of the petition, including Saturdays, Sundays, and legal holidays.

4. Upon receipt of a petition that meets the requirements of this paragraph, the commission shall publish the petition, including any response submitted by the local government, on the Building Code Information System in a manner that allows interested persons to address the issues by posting comments.

5. Before issuing an advisory opinion, the commission shall consider the petition, the response, and any comments posted on the Building Code Information System. The commission may also provide the petition, the response, and any comments posted on the Building Code Information System to a technical advisory committee, and may consider any recommendation provided by the technical advisory committee. The commission shall issue an advisory opinion stating whether the regulation, law, ordinance, policy, amendment, or land use or zoning provision is a technical amendment to the Florida Building Code within 30 days after the filing of the petition, including Saturdays, Sundays, and legal holidays. The commission shall publish its advisory opinion on the Building Code Information System and in the Florida Administrative Register. The commission's advisory opinion is nonbinding and is not a declaratory statement under s. 120.565.

(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 under this subsection shall be transmitted to the commission within 30 days after being adopted. A municipality, county, or special district may not use preliminary maps issued by the Federal Emergency Management Agency for any law, ordinance, rule, or other measure that has the effect of imposing land use changes or permits.

(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 shall adopt an updated Florida Building Code every 3 years through review of the most current updates of the International Building Code, the International Fuel Gas Code, the International Existing Building Code, the International Mechanical Code, the International Plumbing Code, and the International Residential Code, all of which are copyrighted and published by the International Code Council, and the National Electrical Code, which is copyrighted and published by the National Fire Protection Association. At a minimum, the commission shall adopt any updates to such codes or any other code necessary to maintain eligibility for federal funding and discounts from the National Flood Insurance Program, the Federal Emergency Management Agency, and the United States Department of Housing and Urban Development. The commission shall also review and adopt updates based on the International Energy Conservation Code (IECC); however, the commission shall maintain the efficiencies of the Florida Energy Efficiency Code for Building Construction adopted and amended pursuant to s. 553.901. Every 3 years, the commission may approve updates to the Florida Building Code without a finding that the updates are needed in order to accommodate the specific needs of this state. The commission shall adopt updated codes by rule.

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

(c) The commission may also adopt as a technical amendment to the Florida Building Code any portion of the codes identified in paragraph (a), but only as needed to accommodate the specific needs of this state. Standards or criteria adopted from these codes shall be incorporated by reference to the specific provisions adopted. 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 that 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 amendments 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 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

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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 finding by the commission that the amendment is necessary to protect the public from immediate threat of harm takes effect immediately.

(f) Provisions of the Florida Building Code, including those contained in referenced standards and criteria, relating to wind resistance or the prevention of water intrusion may not be modified to diminish those construction requirements; however, the commission may, subject to conditions in this subsection, modify the provisions to enhance those construction requirements.

(8) Notwithstanding subsection (3) or subsection (7), the commission may address issues identified in this subsection by amending the code under the rule adoption procedures in chapter 120. Updates to the Florida Building Code, including provisions contained in referenced standards and criteria which relate to wind resistance or the prevention of water intrusion, may not be amended under this subsection to diminish those standards; however, the commission may amend the Florida Building Code to enhance such standards. Following the approval of any amendments to the Florida Building Code by the commission and publication of the amendments on the commission's website, authorities having jurisdiction to enforce the Florida Building Code may enforce the amendments.

(a) The commission may approve amendments that are needed to address:

1. Conflicts within the updated code;
2. Conflicts between the updated code and the Florida Fire Prevention Code adopted under chapter 633;
3. Unintended results from the integration of previously adopted amendments with the model code;
4. Equivalency of standards;
5. Changes to or inconsistencies with federal or state law; or
6. Adoption of an updated edition of the National Electrical Code if the commission finds that delay of implementing the updated edition causes undue hardship to stakeholders or otherwise threatens the public health, safety, and welfare.

(b) The commission may issue errata to the code pursuant to the rule adoption procedures in chapter 120 to list demonstrated errors in provisions contained within the Florida Building Code. The determination of such errors and the issuance of errata to the code must be approved by a 75-percent supermajority vote of the commission. For purposes of this paragraph, "errata to the code" means a list of errors on current and previous editions of the Florida Building Code.

(9)(a) The commission may approve technical amendments to the Florida Building Code once each year for statewide or regional application upon a finding that the amendment:

1. Is needed in order to accommodate the specific needs of this state.
2. Has a reasonable and substantial connection with the health, safety, and welfare of the general public.
3. Strengthens or improves the Florida Building Code, or in the case of innovation or new technology, will provide equivalent or better products or methods or systems of construction.
4. Does not discriminate against materials, products, methods, or systems of construction of demonstrated capabilities.
5. Does not degrade the effectiveness of the Florida Building Code.

The Florida Building Commission may approve technical amendments to the code once each year to incorporate into the Florida Building Code its own interpretations of the code which are embodied in its opinions, final orders, declaratory statements, and interpretations of hearing officer panels under s. 553.775(3)(c), but only to the extent that the incorporation of interpretations is needed to modify the code to accommodate the specific needs of this state. Amendments approved under this paragraph shall be adopted by rule after the amendments have been subjected to subsection (3).

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(b) A proposed amendment must include a fiscal impact statement that documents the costs and benefits of the proposed amendment. Criteria for the fiscal impact statement shall be established by rule by the commission and shall include the impact to local government relative to enforcement, the impact to property and building owners, and the impact to industry, relative to the cost of compliance. The amendment must demonstrate by evidence or data that the state's geographical jurisdiction exhibits a need to strengthen the code beyond the needs or regional variations addressed by the code and why the proposed amendment applies to this state.

(c) The commission may not approve any proposed amendment that does not accurately and completely address all requirements for amendment which are set forth in this section. The commission shall require all proposed amendments and information submitted with proposed amendments to be reviewed by commission staff prior to consideration by any technical advisory committee. These reviews shall be for sufficiency only and are not intended to be qualitative in nature. Staff members shall reject any proposed amendment that fails to include a fiscal impact statement. Proposed amendments rejected by members of the staff may not be considered by the commission or any technical advisory committee.

(d) Provisions of the Florida Building Code, including those contained in referenced standards and criteria, relating to wind resistance or the prevention of water intrusion may not be amended pursuant to this subsection to diminish those construction requirements; however, the commission may, subject to conditions in this subsection, amend the provisions to enhance those construction requirements.

(10) The following buildings, structures, and facilities are exempt from the Florida Building Code as provided by law, and any further exemptions shall be as determined by the Legislature and provided by law:

(a) Buildings and structures specifically regulated and preempted by the Federal Government.

(b) Railroads and ancillary facilities associated with the railroad.

(c) Nonresidential farm buildings on farms.

(d) Temporary buildings or sheds used exclusively for construction purposes.

(e) Mobile or modular structures used as temporary offices, except that the provisions of part II relating to accessibility by persons with disabilities apply to such mobile or modular structures.

(f) Those structures or facilities of electric utilities, as defined in s. 366.02, which are directly involved in the generation, transmission, or distribution of electricity.

(g) Temporary sets, assemblies, or structures used in commercial motion picture or television production, or any sound-recording equipment used in such production, on or off the premises.

(h) Storage sheds that are not designed for human habitation and that have a floor area of 720 square feet or less are not required to comply with the mandatory wind-borne-debris-impact standards of the Florida Building Code. In addition, such buildings that are 400 square feet or less and that are intended for use in conjunction with one- and two-family residences are not subject to the door height and width requirements of the Florida Building Code.

(i) Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other nonwood features.

(j) Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.

(k) A building or structure having less than 1,000 square feet which is constructed and owned by a natural person for hunting and which is repaired or reconstructed to the same dimension and condition as existed on January 1, 2011, if the building or structure:

1. Is not rented or leased or used as a principal residence;

2. Is not located within the 100-year floodplain according to the Federal Emergency Management Agency's current Flood Insurance Rate Map; and

3. Is not connected to an offsite electric power or water supply.

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With the exception of paragraphs (a), (b), (c), and (f), in order to preserve the health, safety, and welfare of the public, the Florida Building Commission may, by rule adopted pursuant to chapter 120, provide for exceptions to the broad categories of buildings exempted in this section, including exceptions for application of specific sections of the code or standards adopted therein. The Department of Agriculture and Consumer Services shall have exclusive authority to adopt by rule, pursuant to chapter 120, exceptions to nonresidential farm buildings exempted in paragraph (c) when reasonably necessary to preserve public health, safety, and welfare. The exceptions must be based upon specific criteria, such as under-roof floor area, aggregate electrical service capacity, HVAC system capacity, or other building requirements. Further, the commission may recommend to the Legislature additional categories of buildings, structures, or facilities which should be exempted from the Florida Building Code, to be provided by law. The Florida Building Code does not apply to temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.

(11)(a) In the event of a conflict between the Florida Building Code and the Florida Fire Prevention Code and the Life Safety Code as applied to a specific project, the conflict shall be resolved by agreement between the local building code enforcement official and the local fire code enforcement official in favor of the requirement of the code which offers the greatest degree of lifesafety or alternatives which would provide an equivalent degree of lifesafety and an equivalent method of construction. Local boards created to address issues arising under the Florida Building Code or the Florida Fire Prevention Code may combine the appeals boards to create a single, local board having jurisdiction over matters arising under either code or both codes. The combined local appeals board may grant alternatives or modifications through procedures outlined in NFPA 1, Section 1.4, but may not waive the requirements of the Florida Fire Prevention Code. To meet the quorum requirement for convening the combined local appeals board, at least one member of the board who is a fire protection contractor, a fire protection design professional, a fire department operations professional, or a fire code enforcement professional must be present.

(b) Any decision made by the local fire official regarding application, interpretation, or enforcement of the Florida Fire Prevention Code or by the local building official regarding application, interpretation, or enforcement of the Florida Building Code, or the appropriate application of either code or both codes in the case of a conflict between the codes, may be appealed to a local administrative board designated by the municipality, county, or special district having firesafety responsibilities. If the decision of the local fire official and the local building official is to apply the provisions of either the Florida Building Code or the Florida Fire Prevention Code and the Life Safety Code, the board may not alter the decision unless the board determines that the application of such code is not reasonable. If the decision of the local fire official and the local building official is to adopt an alternative to the codes, the local administrative board shall give due regard to the decision rendered by the local officials and may modify that decision if the administrative board adopts a better alternative, taking into consideration all relevant circumstances. In any case in which the local administrative board adopts alternatives to the decision rendered by the local fire official and the local building official, such alternatives shall provide an equivalent degree of lifesafety and an equivalent method of construction as the decision rendered by the local officials.

(c) If the local building official and the local fire official are unable to agree on a resolution of the conflict between the Florida Building Code and the Florida Fire Prevention Code and the Life Safety Code, the local administrative board shall resolve the conflict in favor of the code which offers the greatest degree of lifesafety or alternatives which would provide an equivalent degree of lifesafety and an equivalent method of construction.

(d) All decisions of the local administrative board or, if none exists, the local building official and the local fire official in regard to the application, enforcement, or interpretation of the Florida Fire Prevention Code, or conflicts between the Florida Fire Prevention Code and the Florida Building Code, are subject to review by a joint committee composed of members of the Florida Building Commission and the Fire Code Advisory Council. If the joint committee is unable to resolve conflicts between the codes as applied to a specific project, the matter shall be resolved pursuant to paragraph (1)(d). Decisions of the local administrative board related solely to the Florida Building Code are subject to review as set forth in s. 553.775.

(e) The local administrative board shall, to the greatest extent possible, be composed of members with expertise in building construction and firesafety standards.

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(f) All decisions of the local building official and local fire official and all decisions of the administrative board shall be in writing and shall be binding upon a person but do not limit the authority of the State Fire Marshal or the Florida Building Commission pursuant to paragraph (1)(d) and ss. 633.104 and 633.228. Decisions of general application shall be indexed by building and fire code sections and shall be available for inspection during normal business hours.

(12) Except within coastal building zones as defined in s. 161.54, specification standards developed by nationally recognized code promulgation organizations to determine compliance with engineering criteria of the Florida Building Code for wind load design shall not apply to one or two family dwellings which are two stories or less in height unless approved by the commission for use or unless expressly made subject to said standards and criteria by local ordinance adopted in accordance with the provisions of subsection (4).

(13) The Florida Building Code does not apply to, and no code enforcement action shall be brought with respect to, zoning requirements, land use requirements, and owner specifications or programmatic requirements which do not pertain to and govern the design, construction, erection, alteration, modification, repair, or demolition of public or private buildings, structures, or facilities or to programmatic requirements that do not pertain to enforcement of the Florida Building Code. Additionally, a local code enforcement agency may not administer or enforce the Florida Building Code to prevent the siting of any publicly owned facility, including, but not limited to, correctional facilities, juvenile justice facilities, or state universities, community colleges, or public education facilities, as provided by law.

(14) The general provisions of the Florida Building Code for buildings and other structures shall not apply to commercial wireless communication towers when such general provisions are inconsistent with the provisions of the code controlling radio and television towers. This subsection is intended to be remedial in nature and to clarify existing law.

(15) An agency or local government may not require that existing mechanical equipment located on or above the surface of a roof be installed in compliance with the requirements of the Florida Building Code except during reroofing when the equipment is being replaced or moved and is not in compliance with the provisions of the Florida Building Code relating to roof-mounted mechanical units.

(16) The Florida Building Code must require that the illumination in classroom units be designed to provide and maintain an average of 40 foot-candles of light at each desktop. Public educational facilities must consider using light-emitting diode lighting before considering other lighting sources.

(17) A provision of the International Residential Code relating to mandated fire sprinklers may not be incorporated into the Florida Building Code as adopted by the Florida Building Commission and may not be adopted as a local amendment to the Florida Building Code. This subsection does not prohibit the application of cost-saving incentives for residential fire sprinklers that are authorized in the International Residential Code upon a mutual agreement between the builder and the code official. This subsection does not apply to a local government that has a lawfully adopted ordinance relating to fire sprinklers which has been in effect since January 1, 2010.

(18) In a single-family dwelling, makeup air is not required for range hood exhaust systems capable of exhausting:

(a) Four hundred cubic feet per minute or less; or

(b) More than 400 cubic feet per minute but no more than 800 cubic feet per minute if there are no gravity vent appliances within the conditioned living space of the structure.

(19) The Florida Building Code shall require two fire service access elevators in all buildings with a height greater than 120 feet measured from the elevation of street-level access to the level of the highest occupiable floor. All remaining elevators, if any, shall be provided with Phase I and II emergency operations. Where a fire service access elevator is required, a 1-hour fire-rated fire service access elevator lobby with direct access from the fire service access elevator is not required if the fire service access elevator opens into an exit access corridor that is no less than 6 feet wide for its entire length and is at least 150 square feet with the exception of door openings, and has a minimum 1-hour fire rating with three-quarter hour fire and smoke rated openings; and during a fire event the fire service access elevator is pressurized and floor-to-floor smoke control is provided. However, where transient residential occupancies occur at floor levels more than 420 feet above the level of fire service

access, a 1-hour fire-rated service access elevator lobby with direct access from the fire service access elevator is required. Standpipes in high-rise buildings of Florida Building Code—Building Occupancy Group R1 or R2 must be located in stairwells and are subject only to the requirements of the Florida Fire Prevention Code and NFPA 14, Standard for the Installation of Standpipes and Hose Systems, adopted by the State Fire Marshal.

(20) The Florida Building Commission may not:

(a) Adopt the 2016 version of the American Society of Heating, Refrigerating and Air-Conditioning Engineers Standard 9.4.1.1(g).

(b) Adopt any provision that requires a door located in the opening between a garage and a single-family residence to be equipped with a self-closing device.

History.—s. 4, ch. 74-167; s. 3, ch. 75-85; s. 1, ch. 77-365; s. 225, ch. 79-400; s. 1, ch. 80-106; s. 6, ch. 82-197; s. 2, ch. 84-273; s. 1, ch. 85-97; s. 33, ch. 86-191; s. 1, ch. 87-287; s. 1, ch. 88-142; s. 1, ch. 89-369; s. 2, ch. 91-172; s. 41, ch. 91-220; s. 49, ch. 95-144; s. 1, ch. 97-177; ss. 39, 40, 65, ch. 98-287; s. 61, ch. 98-419; ss. 73, 74, 75, ch. 2000-141; s. 62, ch. 2000-154; ss. 25, 34, 35, 36, ch. 2001-186; ss. 2, 3, 4, 5, ch. 2001-372; s. 86, ch. 2002-1; ss. 1, 14, ch. 2002-293; s. 66, ch. 2003-1; s. 663, ch. 2003-261; s. 7, ch. 2005-147; s. 1, ch. 2005-191; s. 4, ch. 2006-65; s. 7, ch. 2007-1; s. 4, ch. 2007-187; s. 140, ch. 2008-4; s. 10, ch. 2008-191; s. 108, ch. 2008-227; s. 1, ch. 2010-99; s. 32, ch. 2010-176; s. 14, ch. 2011-208; s. 30, ch. 2011-222; s. 14, ch. 2012-13; s. 148, ch. 2013-183; s. 14, ch. 2013-193; s. 18, ch. 2014-154; s. 17, ch. 2016-129; s. 11, ch. 2017-149; s. 6, ch. 2019-75; s. 2, ch. 2021-201.

[1] **Note.**—The amendment by s. 2, ch. 2021-201, changed the reference from "subparagraphs 7. and 9." to "paragraphs (f) and (g)" to conform to the redesignation of subunits in subsection (4) by that law. Subparagraph (b)7. was redesignated as paragraph (f), and subparagraph (b)9. was redesignated as paragraph (h).

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SP9986Rationale

FILED
Department of Business and Professional Regulatio
Senior Deputy Agency Clerk
CLERK Brandon Nichols
Date 11/9/2021
File # 2021-08370

STATE OF FLORIDA
BUILDING COMMISSION

In the Matter of

CLASSIC FLORIDA DREAM HOMES, LLC

DS 2021-050

Petitioner.
_____/

DECLARATORY STATEMENT

The following proceeding came before the Florida Building Commission (Commission) by a Petition from Thomas E. Smith, for Classic Florida Dream Homes, LLC (Petitioner) that was received September 2, 2021. Based on the statements in the petition, the material subsequently submitted and the subsequent request by the Petitioner, the Commission states the following:

Findings of Fact

1. The petition is filed pursuant to, and must conform with the requirements of rule 28-105.002, Florida Administrative Code.

2. Petitioner's representative in this matter is Thomas E. Smith, 424 Harbor Drive North, Indian Rocks Beach, FL 33785.

3. Petitioner is a contractor planning the construction of a two-story, single family home located in a flood zone with an "AE" designation under the National Flood Insurance Program. Petitioner states that it wishes to have the option to utilize the services of private providers for plans review and/or building inspections on the project.

4. Petitioner seeks clarification of section 107.6.1, Florida Building Code, Building, 7th Edition (2020), as it pertains to building permits issued on the basis of affidavit, and the services provided by private providers pursuant to section 553.791, Florida Statutes (2021).

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5. Specifically, the Petitioner requests an answer to the following question based upon the project described within the petition for declaratory statement:

> Per the 2020 Florida Building Code, does section 107.6.1 Building Permits issued on the basis of an affidavit apply to Private Providers per F.S. 553.791?

Conclusions of Law

6. The Commission has the specific statutory authority pursuant to section 553.775(3)(a), Florida Statutes (2021) to interpret the provisions of the Florida Building Code by issuing a declaratory statement.

7. Section 105.14, Florida Building Code, Building, 7th Edition (2020), states:

> **Permit issued on basis of an affidavit.**
> Whenever a permit is issued in reliance upon an affidavit or whenever the work to be covered by a permit involves installation under conditions which, in the opinion of the building official, are hazardous or complex, the building official shall require that the architect or engineer who signed the affidavit or prepared the drawings or computations shall supervise such work. In addition, they shall be responsible for conformity to the permit, provide copies of inspection reports as inspections are performed, and upon completion make and file with the building official written affidavit that the work has been done in conformity to the reviewed plans and with the structural provisions of the technical codes. In the event such architect or engineer is not available, the owner shall employ in his stead a competent person or agency whose qualifications are reviewed by the building official. The building official shall ensure that any person conducting plans review is qualified as a plans examiner under Part XII of Chapter 468, Florida Statutes, and that any person conducting inspections is qualified as a building inspector under Part XII of Chapter 468, Florida Statutes.
>
> **Exception:** Permit issued on basis of an affidavit shall not extend to the flood load and flood resistance requirements of the Florida Building Code.

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8. Section 107.6, Florida Building Code, Building, 7th Edition (2020), states:

> **Affidavits.**
> The building official may accept a sworn affidavit from a registered architect or engineer stating that the plans submitted conform to the technical codes. For buildings and structures, the affidavit shall state that the plans conform to the laws as to egress, type of construction and general arrangement and, if accompanied by drawings, show the structural design and that the plans and design conform to the requirements of the technical codes as to strength, stresses, strains, loads and stability. The building official may without any examination or inspection accept such affidavit, provided the architect or engineer who made such affidavit agrees to submit to the building official copies of inspection reports as inspections are performed and upon completion of the structure, electrical, gas, mechanical or plumbing systems a certification that the structure, electrical, gas, mechanical or plumbing system has been erected in accordance with the requirements of the technical codes. Where the building official relies upon such affidavit, the architect or engineer shall assume full responsibility for compliance with all provisions of the technical codes and other pertinent laws or ordinances. The building official shall ensure that any person conducting plans review is qualified as a plans examiner under Part XII of Chapter 468, Florida Statutes, and that any person conducting inspections is qualified as a building inspector under Part XII of Chapter 468, Florida Statutes.

9. Section 107.6.1, Florida Building Code, Building, 7th Edition (2020), states:

> **Building permits issued on the basis of an affidavit.**
> Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Parts 59 and 60), the authority granted to the *building official* to issue permits, to rely on inspections, and to accept plans and construction documents on the basis of affidavits and plans submitted pursuant to Sections 105.14 and 107.6, shall not extend to the flood load and flood-resistance construction requirements of the Florida Building Code.

10. In response to Petitioner's question, the answer is no. Section 107.6.1, Florida Building Code, Building, 7th Edition (2020), is limited in scope to affidavits issued pursuant to sections 105.14 and 107.6, Florida Building Code, Building, 7th Edition (2020), and therefore section 107.6.1 does not apply to services performed by private providers as authorized by

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section 553.791, Florida Statutes (2021). This does not absolve the community from complying with any requirements under the National Flood Insurance Program.

DONE AND ORDERED this 20th day of OCTOBER, 2021, in St. Augustine, St. Johns County, State of Florida.

JAMES R. SCHOCK
Chairman, Florida Building Commission

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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 (2021), 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 the Agency Clerk, Department of Business and Professional Regulation, 2601 Blair Stone Road, Tallahassee, Florida 32399-2203 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 (2021).

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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 9th day of November, 2021.

Brandon M. Nichols

Agency Clerk's Office
Department of Business and Professional Regulation
& Florida Building Commission
2601 Blair Stone Road
Tallahassee, Florida 32399-2203

Via U.S. Mail

Classic Florida Dream Homes, LLC
Attn: Thomas E. Smith
424 Harbor Drive North
Indian Rocks Beach, FL 33785

Via Inter-Office or Email Delivery

Mo Madani, Planning Manager
Codes and Standards Section
Department of Business and Professional Regulation
2601 Blair Stone Road
Tallahassee, Florida 32399
Mo.Madani@myfloridalicense.com

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

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SP9986Requirements

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STATE OF FLORIDA

DIVISION OF EMERGENCY MANAGEMENT

Ron DeSantis
Governor

Jared Moskowitz
Director

November 2, 2020

MEMORANDUM

TO: Florida Floodplain Administrators and Building Officials

FROM: Conn H. Cole, Interim State Floodplain Manager Conn H. Cole Digitally signed by Conn H. Cole DN: cn=Conn H. Cole, o=Florida Department of Emergency Management, ou=State Floodplain Management Office, email=Conn.Cole@em.myflorida.com, c=US Date: 2020.11.02 14:56:03 -05'00'

CONCURRENCE: Jason O. Hunter, Chief, FEMA Region IV Floodplain Management & Insurance Branch Jason O. Hunter

RE: Florida Building Code and Permits Issued on the Basis of Affidavits
NFIP Communities Must Review For Floodplain Compliance

Over the past year the State Floodplain Management Office (SFMO) has received inquiries regarding changes enacted in the 2019 legislative session that affect the use and acceptance of private providers for building permits and inspections. The Florida Building Code (FBC) includes provisions for issuing permits based on affidavits signed by qualified architects or engineers, in the Building volume, sections 105.14 and 107.6. These sections are shown in the attachment.

This memorandum provides guidance to clarify the exception to Sections 105.14 and 107.6.1. FEMA Region IV concurs with this guidance. **In effect, the sections require local officials to review applications for compliance with the flood load and flood-resistant construction requirements of the FBC when buildings are proposed to be located in special flood hazard areas, and to inspect those aspects when permits are issued.**

The National Flood Insurance Program (NFIP) requires communities that participate in the program to agree to adopt and enforce regulations that meet or exceed the minimum requirement of the NFIP (44 Code of Federal Regulations Parts 59 and 60). FEMA deems the flood provisions of the FBC to meet or exceed the minimum NFIP requirements for buildings and structures.

The NFIP regulations require communities to review proposed construction or development in special flood hazard areas. Specifically, the NFIP regulations in Section 60.3 states: "Minimum standards for communities are as follows: (a) . . . the community shall: . . . (1) Require permits for all proposed construction or development . . . ; (2) Review proposed development to . . . ; (3) Review all applications to . . . ; (4) Review subdivision proposals and other new development . . ." https://www.govinfo.gov/app/details/CFR-2011-title44-vol1/CFR-2011-title44-vol1-part60

DIVISION HEADQUARTERS
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100

Telephone: 850-815-4000
www.FloridaDisaster.org

STATE LOGISTICS RESPONSE CENTER
2702 Directors Row
Orlando, FL 32809-5631

In 2011-12, the SFMO worked with FEMA, the Florida Building Commission, the Building Officials Association of Florida, and the Florida Floodplain Managers Association to incorporate in the FBC the necessary requirements for buildings in flood hazard areas. As part of that effort, the SFMO examined the matter of permits issued based on affidavits. Prior to the inclusion of Section 107.6.1 and the exception to Section 105.14, many communities individually adopted local administrative amendments with the same limitation.

During the code development cycle for the 5th Edition FBC, FDEM submitted a proposal to incorporate Section 107.6.1 into the FBC (the exception to Section 105.14 was added by amendment to a proposal by others). FDEM's rationale statement is shown below and repeated here for clarify:

> Both of these proposed new sections flow from consistency with the NFIP. They were developed by DEM as part of the Model Floodplain Management Ordinance and Code Amendments, reviewed by BOAF, and scrutinized by FEMA. Because FEMA deemed both of these are necessary, it is more efficient for the FBC to include them in Chapter 1, rather than expect every local government to adopt them as local administrative code amendments.
>
> Despite the submission of an affidavit authorized by B107.6, the building official must review plans for compliance with the flood provisions and issue permits and perform inspections to ensure compliance with the flood provisions. Under the NFIP, the community is responsible for ensuring compliance.
>
> *The original proposal (SP5255) included both Section 107.6.1 and Section 117; the exception to Section 105.14 was added to proposal CA5082) by amendments for consistency.

Please contact us at (850) 815-4556 or floods@em.myflorida.com if you have questions about the flood provisions in the FBC or FBC-coordinated floodplain management regulations.

CC: Steve Martin, Roy McClure, Virgilio Chris Perez

Attachment: FBC, Building, Sections 105.14 and 107.6.1 and Proposal for the 5th Ed. FBC, submitted 7/22/2012

ATTACHMENT

FBC, Building Sections 105.14 and 107.6.1

105.14 Permit issued on basis of an affidavit. Whenever a permit is issued in reliance upon an affidavit or whenever the work to be covered by a permit involves installation under conditions which, in the opinion of the building official, are hazardous or complex, the building official shall require that the architect or engineer who signed the affidavit or prepared the drawings or computations shall supervise such work. In addition, they shall be responsible for conformity to the permit, provide copies of inspection reports as inspections are performed, and upon completion make and file with the building official written affidavit that the work has been done in conformity to the reviewed plans and with the structural provisions of the technical codes. In the event such architect or engineer is not available, the owner shall employ in his stead a competent person or agency whose qualifications are reviewed by the building official. The building official shall ensure that any person conducting plans review is qualified as a plans examiner under Part XII of Chapter 468, *Florida Statutes,* and that any person conducting inspections is qualified as a building inspector under Part XII of Chapter 468, *Florida Statutes.*

Exception: Permit issued on basis of an affidavit shall not extend to the flood load and flood resistance requirements of the *Florida Building Code*.

107.6.1 [Affidavits] Building permits issued on the basis of an affidavit. Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Parts 59 and 60), the authority granted to the building official to issue permits, to rely on inspections, and to accept plans and construction documents on the basis of affidavits and plans submitted pursuant to Sections 105.14 and 107.6, shall not extend to the flood load and flood-resistance construction requirements of the *Florida Building Code.*

Mod SP 5255 (approved as submitted)

Mod CA 5082 (submitted by Joe Bigelow to add new Sec. 105.14; FDEM proposed amendment to recapture NFIP; approved as amended.

SP5255 Page 6 of 427 2

Date Submitted	7/22/2012	**Section**	107.6 and 117 (new)	**Proponent**	Rebecca Quinn obo DEM
Chapter	1	**Affects HVHZ**	No	**Attachments**	No
TAC Recommendation	Pending Review				
Commission Action	Pending Review				

Related Modifications

Summary of Modification

Two administrative amendments that FEMA has deemed necessary to ensure that enforcement of the flood provisions of the FBC remain consistent with the NFIP.

Rationale

Both of these proposed new sections flow from consistency with the NFIP. They were developed by DEM as part of the Model Floodplain Management Ordinance and Code Amendments, reviewed by BOAF, and scrutinized by FEMA. Because FEMA has deemed both of these are necessary, it is more efficient for the FBC to include them in Chapter 1, rather than expect every local government to adopt them as local administrative code amendments.

Despite the submission of an affidavit authorized by §107.6, the building official must review plans for compliance with the flood provisions and issue permits and perform inspections to ensure compliance with the flood provisions. Under the NFIP, the community is responsible for ensuring compliance.

For consistency with the NFIP, section 553.73(5), F.S., authorizes adoption of procedures for variances, the specific procedures are in the FPM ordinance. Variances are official permission to undertake an activity that is otherwise prohibited or not approvable under the regulations or building code. As specified in section 553.73(5), F.S., the authority to grant variances to the flood provisions does not extend to any requirement in Section 3109, which applies seaward of the Coastal Construction Control Line.

SP9986Requirements

Select Year: 2021 Go

The 2021 Florida Statutes

Title XXXIII
REGULATION OF TRADE, COMMERCE, INVESTMENTS, AND SOLICITATIONS

Chapter 553
BUILDING CONSTRUCTION STANDARDS

View Entire Chapter

553.73 Florida Building Code.—

(1)(a) The commission shall adopt, by rule pursuant to ss. 120.536(1) and 120.54, the Florida Building Code which shall contain or incorporate by reference all laws and rules which pertain to and govern the design, construction, erection, alteration, modification, repair, and demolition of public and private buildings, structures, and facilities and enforcement of such laws and rules, except as otherwise provided in this section.

(b) The technical portions of the Florida Accessibility Code for Building Construction shall be contained in their entirety in the Florida Building Code. The civil rights portions and the technical portions of the accessibility laws of this state shall remain as currently provided by law. Any revision or amendments to the Florida Accessibility Code for Building Construction pursuant to part II shall be considered adopted by the commission as part of the Florida Building Code. Neither the commission nor any local government shall revise or amend any standard of the Florida Accessibility Code for Building Construction except as provided for in part II.

(c) The Florida Fire Prevention Code and the Life Safety Code shall be referenced in the Florida Building Code, but shall be adopted, modified, revised, or amended, interpreted, and maintained by the Department of Financial Services by rule adopted pursuant to ss. 120.536(1) and 120.54. The Florida Building Commission may not adopt a fire prevention or lifesafety code, and nothing in the Florida Building Code shall affect the statutory powers, duties, and responsibilities of any fire official or the Department of Financial Services.

(d) Conflicting requirements between the Florida Building Code and the Florida Fire Prevention Code and Life Safety Code of the state established pursuant to ss. 633.206 and 633.208 shall be resolved by agreement between the commission and the State Fire Marshal in favor of the requirement that offers the greatest degree of lifesafety or alternatives that would provide an equivalent degree of lifesafety and an equivalent method of construction. If the commission and State Fire Marshal are unable to agree on a resolution, the question shall be referred to a mediator, mutually agreeable to both parties, to resolve the conflict in favor of the provision that offers the greatest lifesafety, or alternatives that would provide an equivalent degree of lifesafety and an equivalent method of construction.

(e) Subject to the provisions of this act, responsibility for enforcement, interpretation, and regulation of the Florida Building Code shall be vested in a specified local board or agency, and the words “local government” and “local governing body” as used in this part shall be construed to refer exclusively to such local board or agency.

(2) 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

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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.

(3) The commission shall use the International Codes published by the International Code Council, the National Electric Code (NFPA 70), or other nationally adopted model codes and standards for updates to the Florida Building Code. The commission may approve technical amendments to the code as provided in subsections (8) and (9), subject to all of the following conditions:

(a) The proposed amendment must have been published on the commission's website for a minimum of 45 days and all the associated documentation must have been made available to any interested party before consideration by a technical advisory committee.

(b) In order for a technical advisory committee to make a favorable recommendation to the commission, the proposal must receive a two-thirds vote of the members present at the meeting. At least half of the regular members must be present in order to conduct a meeting.

(c) After the technical advisory committee has considered and recommended approval of any proposed amendment, the proposal must be published on the commission's website for at least 45 days before consideration by the commission.

(d) A proposal may be modified by the commission based on public testimony and evidence from a public hearing held in accordance with chapter 120.

The commission shall incorporate within the Florida Building Code provisions that address regional and local concerns and variations. The commission shall make every effort to minimize conflicts between the Florida Building Code, the Florida Fire Prevention Code, and the Life Safety Code.

(4)(a) All entities authorized to enforce the Florida Building Code under s. 553.80 shall comply with applicable standards for issuance of mandatory certificates of occupancy, minimum types of inspections, and procedures for plans review and inspections as established by the commission by rule. Local governments may adopt amendments to the administrative provisions of the Florida Building Code, subject to the limitations in this subsection. Local amendments must be more stringent than the minimum standards described in this section and must be transmitted to the commission within 30 days after enactment. The local government shall make such amendments available to the general public in a usable format. The State Fire Marshal is responsible for establishing the standards and procedures required in this subsection for governmental entities with respect to applying the Florida Fire Prevention Code and the Life Safety Code.

(b) Local governments may, subject to the limitations in this section and not more than once every 6 months, adopt amendments to the technical provisions of the Florida Building Code that apply solely within the jurisdiction of such government and that provide for more stringent requirements than those specified in the Florida Building Code. A local government may adopt technical amendments that address local needs if:

1. The local governing body determines, following a public hearing which has been advertised in a newspaper of general circulation at least 10 days before the hearing, that there is a need to strengthen the requirements of the Florida Building Code. The determination must be based upon a review of local conditions by the local governing body, which review demonstrates by evidence or data that the geographical jurisdiction governed by the local governing body exhibits a local need to strengthen the Florida Building Code beyond the needs or regional variation addressed by the Florida Building Code, that the local need is addressed by the proposed local amendment, and that the amendment is no more stringent than necessary to address the local need.

2. Such additional requirements are not discriminatory against materials, products, or construction techniques of demonstrated capabilities.

3. Such additional requirements may not introduce a new subject not addressed in the Florida Building Code.

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(c) The enforcing agency shall make readily available, in a usable format, all amendments adopted under this section.

(d) Any amendment to the Florida Building Code shall be transmitted within 30 days after adoption by the local government to the commission. The commission shall maintain copies of all such amendments in a format that is usable and obtainable by the public. Local technical amendments are not effective until 30 days after the amendment has been received and published by the commission.

(e) An amendment to the Florida Building Code adopted by a local government under this subsection is effective only until the adoption of the new edition of the Florida Building Code by the commission every third year. At such time, the commission shall review such amendment for consistency with the criteria in paragraph (9)(a) and adopt such amendment as part of the Florida Building Code or rescind the amendment. The commission shall immediately notify the respective local government of the rescission of any amendment. After receiving such notice, the respective local government may readopt the rescinded amendment under the provisions of this subsection.

(f) Each county and municipality desiring to make local technical amendments to the Florida Building Code shall establish by interlocal agreement a countywide compliance review board to review any amendment to the Florida Building Code that is adopted by a local government within the county under this subsection and that is challenged by a substantially affected party for purposes of determining the amendment's compliance with this subsection. If challenged, the local technical amendments are not effective until the time for filing an appeal under paragraph (g) has expired or, if there is an appeal, until the commission issues its final order determining if the adopted amendment is in compliance with this subsection.

(g) If the compliance review board determines such amendment is not in compliance with this subsection, the compliance review board shall notify such local government of the noncompliance and that the amendment is invalid and unenforceable until the local government corrects the amendment to bring it into compliance. The local government may appeal the decision of the compliance review board to the commission. If the compliance review board determines that such amendment is in compliance with this subsection, any substantially affected party may appeal such determination to the commission. Any such appeal must be filed with the commission within 14 days after the board's written determination. The commission shall promptly refer the appeal to the Division of Administrative Hearings by electronic means through the division's website for the assignment of an administrative law judge. The administrative law judge shall conduct the required hearing within 30 days after being assigned to the appeal, and shall enter a recommended order within 30 days after the conclusion of such hearing. The commission shall enter a final order within 30 days after an order is rendered. Chapter 120 and the uniform rules of procedure shall apply to such proceedings. The local government adopting the amendment that is subject to challenge has the burden of proving that the amendment complies with this subsection in proceedings before the compliance review board and the commission, as applicable. Actions of the commission are subject to judicial review under s. 120.68. The compliance review board shall determine whether its decisions apply to a respective local jurisdiction or apply countywide.

(h) An amendment adopted under this subsection must include a fiscal impact statement that documents the costs and benefits of the proposed amendment. Criteria for the fiscal impact statement shall include the impact to local government relative to enforcement and the impact to property and building owners and industry relative to the cost of compliance. The fiscal impact statement may not be used as a basis for challenging the amendment for compliance.

(i) In addition to paragraphs (f) and (g), the commission may review any amendments adopted under this subsection and make nonbinding recommendations related to compliance of such amendments with this subsection.

(j) Any amendment adopted by a local enforcing agency under this subsection may not apply to state or school district owned buildings, manufactured buildings or factory-built school buildings approved by the commission, or prototype buildings approved under s. 553.77(3). The respective responsible entities shall consider the physical performance parameters substantiating such amendments when designing, specifying, and constructing such exempt buildings.

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(k) A technical amendment to the Florida Building Code related to water conservation practices or design criteria adopted by a local government under this subsection is not void when the code is updated if the technical amendment is necessary to protect or provide for more efficient use of water resources as provided in s. 373.621. However, any such technical amendment carried forward into the next edition of the code under this paragraph is subject to review or modification as provided in this part.

(l) If a local government adopts a regulation, law, ordinance, policy, amendment, or land use or zoning provision without using the process established in this subsection, and a substantially affected person considers such regulation, law, ordinance, policy, amendment, or land use or zoning provision to be a technical amendment to the Florida Building Code, then the substantially affected person may submit a petition to the commission for a nonbinding advisory opinion. If a substantially affected person submits a request in accordance with this paragraph, the commission shall issue a nonbinding advisory opinion stating whether or not the commission interprets the regulation, law, ordinance, policy, amendment, or land use or zoning provision as a technical amendment to the Florida Building Code. As used in this paragraph, the term "local government" means a county, municipality, special district, or political subdivision of the state.

1. Requests to review a local government regulation, law, ordinance, policy, amendment, or land use or zoning provision may be initiated by any substantially affected person. A substantially affected person includes an owner or builder subject to the regulation, law, ordinance, policy, amendment, or land use or zoning provision, or an association of owners or builders having members who are subject to the regulation, law, ordinance, policy, amendment, or land use or zoning provision.

2. In order to initiate a review, a substantially affected person must file a petition with the commission. The commission shall adopt a form for the petition and directions for filing, which shall be published on the Building Code Information System. The form shall, at a minimum, require the following:

a. The name of the local government that enacted the regulation, law, ordinance, policy, amendment, or land use or zoning provision.

b. The name and address of the local government's general counsel or administrator.

c. The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any; and an explanation of how the petitioner's substantial interests are being affected by the regulation, law, ordinance, policy, amendment, or land use or zoning provision.

d. A statement explaining why the regulation, law, ordinance, policy, amendment, or land use or zoning provision is a technical amendment to the Florida Building Code, and which provisions of the Florida Building Code, if any, are being amended by the regulation, law, ordinance, policy, amendment, or land use or zoning provision.

3. The petitioner shall serve the petition on the local government's general counsel or administrator by certified mail, return receipt requested, and send a copy of the petition to the commission, in accordance with the commission's published directions. The local government shall respond to the petition in accordance with the form by certified mail, return receipt requested, and send a copy of its response to the commission, within 14 days after receipt of the petition, including Saturdays, Sundays, and legal holidays.

4. Upon receipt of a petition that meets the requirements of this paragraph, the commission shall publish the petition, including any response submitted by the local government, on the Building Code Information System in a manner that allows interested persons to address the issues by posting comments.

5. Before issuing an advisory opinion, the commission shall consider the petition, the response, and any comments posted on the Building Code Information System. The commission may also provide the petition, the response, and any comments posted on the Building Code Information System to a technical advisory committee, and may consider any recommendation provided by the technical advisory committee. The commission shall issue an advisory opinion stating whether the regulation, law, ordinance, policy, amendment, or land use or zoning provision is a technical amendment to the Florida Building Code within 30 days after the filing of the petition, including Saturdays, Sundays, and legal holidays. The commission shall publish its advisory opinion on the Building Code Information System and in the Florida Administrative Register. The commission's advisory opinion is nonbinding and is not a declaratory statement under s. 120.565.

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(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 under this subsection shall be transmitted to the commission within 30 days after being adopted. A municipality, county, or special district may not use preliminary maps issued by the Federal Emergency Management Agency for any law, ordinance, rule, or other measure that has the effect of imposing land use changes or permits.

(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 shall adopt an updated Florida Building Code every 3 years through review of the most current updates of the International Building Code, the International Fuel Gas Code, the International Existing Building Code, the International Mechanical Code, the International Plumbing Code, and the International Residential Code, all of which are copyrighted and published by the International Code Council, and the National Electrical Code, which is copyrighted and published by the National Fire Protection Association. At a minimum, the commission shall adopt any updates to such codes or any other code necessary to maintain eligibility for federal funding and discounts from the National Flood Insurance Program, the Federal Emergency Management Agency, and the United States Department of Housing and Urban Development. The commission shall also review and adopt updates based on the International Energy Conservation Code (IECC); however, the commission shall maintain the efficiencies of the Florida Energy Efficiency Code for Building Construction adopted and amended pursuant to s. 553.901. Every 3 years, the commission may approve updates to the Florida Building Code without a finding that the updates are needed in order to accommodate the specific needs of this state. The commission shall adopt updated codes by rule.

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

(c) The commission may also adopt as a technical amendment to the Florida Building Code any portion of the codes identified in paragraph (a), but only as needed to accommodate the specific needs of this state. Standards or criteria adopted from these codes shall be incorporated by reference to the specific provisions adopted. 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 that 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 amendments 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 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

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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 finding by the commission that the amendment is necessary to protect the public from immediate threat of harm takes effect immediately.

(f) Provisions of the Florida Building Code, including those contained in referenced standards and criteria, relating to wind resistance or the prevention of water intrusion may not be modified to diminish those construction requirements; however, the commission may, subject to conditions in this subsection, modify the provisions to enhance those construction requirements.

(8) Notwithstanding subsection (3) or subsection (7), the commission may address issues identified in this subsection by amending the code under the rule adoption procedures in chapter 120. Updates to the Florida Building Code, including provisions contained in referenced standards and criteria which relate to wind resistance or the prevention of water intrusion, may not be amended under this subsection to diminish those standards; however, the commission may amend the Florida Building Code to enhance such standards. Following the approval of any amendments to the Florida Building Code by the commission and publication of the amendments on the commission's website, authorities having jurisdiction to enforce the Florida Building Code may enforce the amendments.

(a) The commission may approve amendments that are needed to address:

1. Conflicts within the updated code;
2. Conflicts between the updated code and the Florida Fire Prevention Code adopted under chapter 633;
3. Unintended results from the integration of previously adopted amendments with the model code;
4. Equivalency of standards;
5. Changes to or inconsistencies with federal or state law; or
6. Adoption of an updated edition of the National Electrical Code if the commission finds that delay of implementing the updated edition causes undue hardship to stakeholders or otherwise threatens the public health, safety, and welfare.

(b) The commission may issue errata to the code pursuant to the rule adoption procedures in chapter 120 to list demonstrated errors in provisions contained within the Florida Building Code. The determination of such errors and the issuance of errata to the code must be approved by a 75-percent supermajority vote of the commission. For purposes of this paragraph, "errata to the code" means a list of errors on current and previous editions of the Florida Building Code.

(9)(a) The commission may approve technical amendments to the Florida Building Code once each year for statewide or regional application upon a finding that the amendment:

1. Is needed in order to accommodate the specific needs of this state.
2. Has a reasonable and substantial connection with the health, safety, and welfare of the general public.
3. Strengthens or improves the Florida Building Code, or in the case of innovation or new technology, will provide equivalent or better products or methods or systems of construction.
4. Does not discriminate against materials, products, methods, or systems of construction of demonstrated capabilities.
5. Does not degrade the effectiveness of the Florida Building Code.

The Florida Building Commission may approve technical amendments to the code once each year to incorporate into the Florida Building Code its own interpretations of the code which are embodied in its opinions, final orders, declaratory statements, and interpretations of hearing officer panels under s. 553.775(3)(c), but only to the extent that the incorporation of interpretations is needed to modify the code to accommodate the specific needs of this state. Amendments approved under this paragraph shall be adopted by rule after the amendments have been subjected to subsection (3).

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(b) A proposed amendment must include a fiscal impact statement that documents the costs and benefits of the proposed amendment. Criteria for the fiscal impact statement shall be established by rule by the commission and shall include the impact to local government relative to enforcement, the impact to property and building owners, and the impact to industry, relative to the cost of compliance. The amendment must demonstrate by evidence or data that the state's geographical jurisdiction exhibits a need to strengthen the code beyond the needs or regional variations addressed by the code and why the proposed amendment applies to this state.

(c) The commission may not approve any proposed amendment that does not accurately and completely address all requirements for amendment which are set forth in this section. The commission shall require all proposed amendments and information submitted with proposed amendments to be reviewed by commission staff prior to consideration by any technical advisory committee. These reviews shall be for sufficiency only and are not intended to be qualitative in nature. Staff members shall reject any proposed amendment that fails to include a fiscal impact statement. Proposed amendments rejected by members of the staff may not be considered by the commission or any technical advisory committee.

(d) Provisions of the Florida Building Code, including those contained in referenced standards and criteria, relating to wind resistance or the prevention of water intrusion may not be amended pursuant to this subsection to diminish those construction requirements; however, the commission may, subject to conditions in this subsection, amend the provisions to enhance those construction requirements.

(10) The following buildings, structures, and facilities are exempt from the Florida Building Code as provided by law, and any further exemptions shall be as determined by the Legislature and provided by law:

(a) Buildings and structures specifically regulated and preempted by the Federal Government.

(b) Railroads and ancillary facilities associated with the railroad.

(c) Nonresidential farm buildings on farms.

(d) Temporary buildings or sheds used exclusively for construction purposes.

(e) Mobile or modular structures used as temporary offices, except that the provisions of part II relating to accessibility by persons with disabilities apply to such mobile or modular structures.

(f) Those structures or facilities of electric utilities, as defined in s. 366.02, which are directly involved in the generation, transmission, or distribution of electricity.

(g) Temporary sets, assemblies, or structures used in commercial motion picture or television production, or any sound-recording equipment used in such production, on or off the premises.

(h) Storage sheds that are not designed for human habitation and that have a floor area of 720 square feet or less are not required to comply with the mandatory wind-borne-debris-impact standards of the Florida Building Code. In addition, such buildings that are 400 square feet or less and that are intended for use in conjunction with one- and two-family residences are not subject to the door height and width requirements of the Florida Building Code.

(i) Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other nonwood features.

(j) Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.

(k) A building or structure having less than 1,000 square feet which is constructed and owned by a natural person for hunting and which is repaired or reconstructed to the same dimension and condition as existed on January 1, 2011, if the building or structure:

1. Is not rented or leased or used as a principal residence;

2. Is not located within the 100-year floodplain according to the Federal Emergency Management Agency's current Flood Insurance Rate Map; and

3. Is not connected to an offsite electric power or water supply.

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With the exception of paragraphs (a), (b), (c), and (f), in order to preserve the health, safety, and welfare of the public, the Florida Building Commission may, by rule adopted pursuant to chapter 120, provide for exceptions to the broad categories of buildings exempted in this section, including exceptions for application of specific sections of the code or standards adopted therein. The Department of Agriculture and Consumer Services shall have exclusive authority to adopt by rule, pursuant to chapter 120, exceptions to nonresidential farm buildings exempted in paragraph (c) when reasonably necessary to preserve public health, safety, and welfare. The exceptions must be based upon specific criteria, such as under-roof floor area, aggregate electrical service capacity, HVAC system capacity, or other building requirements. Further, the commission may recommend to the Legislature additional categories of buildings, structures, or facilities which should be exempted from the Florida Building Code, to be provided by law. The Florida Building Code does not apply to temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.

(11)(a) In the event of a conflict between the Florida Building Code and the Florida Fire Prevention Code and the Life Safety Code as applied to a specific project, the conflict shall be resolved by agreement between the local building code enforcement official and the local fire code enforcement official in favor of the requirement of the code which offers the greatest degree of lifesafety or alternatives which would provide an equivalent degree of lifesafety and an equivalent method of construction. Local boards created to address issues arising under the Florida Building Code or the Florida Fire Prevention Code may combine the appeals boards to create a single, local board having jurisdiction over matters arising under either code or both codes. The combined local appeals board may grant alternatives or modifications through procedures outlined in NFPA 1, Section 1.4, but may not waive the requirements of the Florida Fire Prevention Code. To meet the quorum requirement for convening the combined local appeals board, at least one member of the board who is a fire protection contractor, a fire protection design professional, a fire department operations professional, or a fire code enforcement professional must be present.

(b) Any decision made by the local fire official regarding application, interpretation, or enforcement of the Florida Fire Prevention Code or by the local building official regarding application, interpretation, or enforcement of the Florida Building Code, or the appropriate application of either code or both codes in the case of a conflict between the codes, may be appealed to a local administrative board designated by the municipality, county, or special district having firesafety responsibilities. If the decision of the local fire official and the local building official is to apply the provisions of either the Florida Building Code or the Florida Fire Prevention Code and the Life Safety Code, the board may not alter the decision unless the board determines that the application of such code is not reasonable. If the decision of the local fire official and the local building official is to adopt an alternative to the codes, the local administrative board shall give due regard to the decision rendered by the local officials and may modify that decision if the administrative board adopts a better alternative, taking into consideration all relevant circumstances. In any case in which the local administrative board adopts alternatives to the decision rendered by the local fire official and the local building official, such alternatives shall provide an equivalent degree of lifesafety and an equivalent method of construction as the decision rendered by the local officials.

(c) If the local building official and the local fire official are unable to agree on a resolution of the conflict between the Florida Building Code and the Florida Fire Prevention Code and the Life Safety Code, the local administrative board shall resolve the conflict in favor of the code which offers the greatest degree of lifesafety or alternatives which would provide an equivalent degree of lifesafety and an equivalent method of construction.

(d) All decisions of the local administrative board or, if none exists, the local building official and the local fire official in regard to the application, enforcement, or interpretation of the Florida Fire Prevention Code, or conflicts between the Florida Fire Prevention Code and the Florida Building Code, are subject to review by a joint committee composed of members of the Florida Building Commission and the Fire Code Advisory Council. If the joint committee is unable to resolve conflicts between the codes as applied to a specific project, the matter shall be resolved pursuant to paragraph (1)(d). Decisions of the local administrative board related solely to the Florida Building Code are subject to review as set forth in s. 553.775.

(e) The local administrative board shall, to the greatest extent possible, be composed of members with expertise in building construction and firesafety standards.

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(f) All decisions of the local building official and local fire official and all decisions of the administrative board shall be in writing and shall be binding upon a person but do not limit the authority of the State Fire Marshal or the Florida Building Commission pursuant to paragraph (1)(d) and ss. 633.104 and 633.228. Decisions of general application shall be indexed by building and fire code sections and shall be available for inspection during normal business hours.

(12) Except within coastal building zones as defined in s. 161.54, specification standards developed by nationally recognized code promulgation organizations to determine compliance with engineering criteria of the Florida Building Code for wind load design shall not apply to one or two family dwellings which are two stories or less in height unless approved by the commission for use or unless expressly made subject to said standards and criteria by local ordinance adopted in accordance with the provisions of subsection (4).

(13) The Florida Building Code does not apply to, and no code enforcement action shall be brought with respect to, zoning requirements, land use requirements, and owner specifications or programmatic requirements which do not pertain to and govern the design, construction, erection, alteration, modification, repair, or demolition of public or private buildings, structures, or facilities or to programmatic requirements that do not pertain to enforcement of the Florida Building Code. Additionally, a local code enforcement agency may not administer or enforce the Florida Building Code to prevent the siting of any publicly owned facility, including, but not limited to, correctional facilities, juvenile justice facilities, or state universities, community colleges, or public education facilities, as provided by law.

(14) The general provisions of the Florida Building Code for buildings and other structures shall not apply to commercial wireless communication towers when such general provisions are inconsistent with the provisions of the code controlling radio and television towers. This subsection is intended to be remedial in nature and to clarify existing law.

(15) An agency or local government may not require that existing mechanical equipment located on or above the surface of a roof be installed in compliance with the requirements of the Florida Building Code except during reroofing when the equipment is being replaced or moved and is not in compliance with the provisions of the Florida Building Code relating to roof-mounted mechanical units.

(16) The Florida Building Code must require that the illumination in classroom units be designed to provide and maintain an average of 40 foot-candles of light at each desktop. Public educational facilities must consider using light-emitting diode lighting before considering other lighting sources.

(17) A provision of the International Residential Code relating to mandated fire sprinklers may not be incorporated into the Florida Building Code as adopted by the Florida Building Commission and may not be adopted as a local amendment to the Florida Building Code. This subsection does not prohibit the application of cost-saving incentives for residential fire sprinklers that are authorized in the International Residential Code upon a mutual agreement between the builder and the code official. This subsection does not apply to a local government that has a lawfully adopted ordinance relating to fire sprinklers which has been in effect since January 1, 2010.

(18) In a single-family dwelling, makeup air is not required for range hood exhaust systems capable of exhausting:

(a) Four hundred cubic feet per minute or less; or

(b) More than 400 cubic feet per minute but no more than 800 cubic feet per minute if there are no gravity vent appliances within the conditioned living space of the structure.

(19) The Florida Building Code shall require two fire service access elevators in all buildings with a height greater than 120 feet measured from the elevation of street-level access to the level of the highest occupiable floor. All remaining elevators, if any, shall be provided with Phase I and II emergency operations. Where a fire service access elevator is required, a 1-hour fire-rated fire service access elevator lobby with direct access from the fire service access elevator is not required if the fire service access elevator opens into an exit access corridor that is no less than 6 feet wide for its entire length and is at least 150 square feet with the exception of door openings, and has a minimum 1-hour fire rating with three-quarter hour fire and smoke rated openings; and during a fire event the fire service access elevator is pressurized and floor-to-floor smoke control is provided. However, where transient residential occupancies occur at floor levels more than 420 feet above the level of fire service

access, a 1-hour fire-rated service access elevator lobby with direct access from the fire service access elevator is required. Standpipes in high-rise buildings of Florida Building Code—Building Occupancy Group R1 or R2 must be located in stairwells and are subject only to the requirements of the Florida Fire Prevention Code and NFPA 14, Standard for the Installation of Standpipes and Hose Systems, adopted by the State Fire Marshal.

(20) The Florida Building Commission may not:

(a) Adopt the 2016 version of the American Society of Heating, Refrigerating and Air-Conditioning Engineers Standard 9.4.1.1(g).

(b) Adopt any provision that requires a door located in the opening between a garage and a single-family residence to be equipped with a self-closing device.

History.—s. 4, ch. 74-167; s. 3, ch. 75-85; s. 1, ch. 77-365; s. 225, ch. 79-400; s. 1, ch. 80-106; s. 6, ch. 82-197; s. 2, ch. 84-273; s. 1, ch. 85-97; s. 33, ch. 86-191; s. 1, ch. 87-287; s. 1, ch. 88-142; s. 1, ch. 89-369; s. 2, ch. 91-172; s. 41, ch. 91-220; s. 49, ch. 95-144; s. 1, ch. 97-177; ss. 39, 40, 65, ch. 98-287; s. 61, ch. 98-419; ss. 73, 74, 75, ch. 2000-141; s. 62, ch. 2000-154; ss. 25, 34, 35, 36, ch. 2001-186; ss. 2, 3, 4, 5, ch. 2001-372; s. 86, ch. 2002-1; ss. 1, 14, ch. 2002-293; s. 66, ch. 2003-1; s. 663, ch. 2003-261; s. 7, ch. 2005-147; s. 1, ch. 2005-191; s. 4, ch. 2006-65; s. 7, ch. 2007-1; s. 4, ch. 2007-187; s. 140, ch. 2008-4; s. 10, ch. 2008-191; s. 108, ch. 2008-227; s. 1, ch. 2010-99; s. 32, ch. 2010-176; s. 14, ch. 2011-208; s. 30, ch. 2011-222; s. 14, ch. 2012-13; s. 148, ch. 2013-183; s. 14, ch. 2013-193; s. 18, ch. 2014-154; s. 17, ch. 2016-129; s. 11, ch. 2017-149; s. 6, ch. 2019-75; s. 2, ch. 2021-201.

[1] **Note.**—The amendment by s. 2, ch. 2021-201, changed the reference from "subparagraphs 7. and 9." to "paragraphs (f) and (g)" to conform to the redesignation of subunits in subsection (4) by that law. Subparagraph (b)7. was redesignated as paragraph (f), and subparagraph (b)9. was redesignated as paragraph (h).

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FILED
Department of Business and Professional Regulatio
Senior Deputy Agency Clerk
CLERK Brandon Nichols
Date 11/9/2021
File # 2021-08370

STATE OF FLORIDA
BUILDING COMMISSION

In the Matter of

CLASSIC FLORIDA DREAM HOMES, LLC

DS 2021-050

Petitioner.
_____/

DECLARATORY STATEMENT

The following proceeding came before the Florida Building Commission (Commission) by a Petition from Thomas E. Smith, for Classic Florida Dream Homes, LLC (Petitioner) that was received September 2, 2021. Based on the statements in the petition, the material subsequently submitted and the subsequent request by the Petitioner, the Commission states the following:

Findings of Fact

1. The petition is filed pursuant to, and must conform with the requirements of rule 28-105.002, Florida Administrative Code.

2. Petitioner's representative in this matter is Thomas E. Smith, 424 Harbor Drive North, Indian Rocks Beach, FL 33785.

3. Petitioner is a contractor planning the construction of a two-story, single family home located in a flood zone with an "AE" designation under the National Flood Insurance Program. Petitioner states that it wishes to have the option to utilize the services of private providers for plans review and/or building inspections on the project.

4. Petitioner seeks clarification of section 107.6.1, Florida Building Code, Building, 7th Edition (2020), as it pertains to building permits issued on the basis of affidavit, and the services provided by private providers pursuant to section 553.791, Florida Statutes (2021).

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5. Specifically, the Petitioner requests an answer to the following question based upon the project described within the petition for declaratory statement:

> Per the 2020 Florida Building Code, does section 107.6.1 Building Permits issued on the basis of an affidavit apply to Private Providers per F.S. 553.791?

Conclusions of Law

6. The Commission has the specific statutory authority pursuant to section 553.775(3)(a), Florida Statutes (2021) to interpret the provisions of the Florida Building Code by issuing a declaratory statement.

7. Section 105.14, Florida Building Code, Building, 7th Edition (2020), states:

> **Permit issued on basis of an affidavit.**
> Whenever a permit is issued in reliance upon an affidavit or whenever the work to be covered by a permit involves installation under conditions which, in the opinion of the building official, are hazardous or complex, the building official shall require that the architect or engineer who signed the affidavit or prepared the drawings or computations shall supervise such work. In addition, they shall be responsible for conformity to the permit, provide copies of inspection reports as inspections are performed, and upon completion make and file with the building official written affidavit that the work has been done in conformity to the reviewed plans and with the structural provisions of the technical codes. In the event such architect or engineer is not available, the owner shall employ in his stead a competent person or agency whose qualifications are reviewed by the building official. The building official shall ensure that any person conducting plans review is qualified as a plans examiner under Part XII of Chapter 468, Florida Statutes, and that any person conducting inspections is qualified as a building inspector under Part XII of Chapter 468, Florida Statutes.
>
> **Exception:** Permit issued on basis of an affidavit shall not extend to the flood load and flood resistance requirements of the Florida Building Code.

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8. Section 107.6, Florida Building Code, Building, 7th Edition (2020), states:

> **Affidavits.**
> The building official may accept a sworn affidavit from a registered architect or engineer stating that the plans submitted conform to the technical codes. For buildings and structures, the affidavit shall state that the plans conform to the laws as to egress, type of construction and general arrangement and, if accompanied by drawings, show the structural design and that the plans and design conform to the requirements of the technical codes as to strength, stresses, strains, loads and stability. The building official may without any examination or inspection accept such affidavit, provided the architect or engineer who made such affidavit agrees to submit to the building official copies of inspection reports as inspections are performed and upon completion of the structure, electrical, gas, mechanical or plumbing systems a certification that the structure, electrical, gas, mechanical or plumbing system has been erected in accordance with the requirements of the technical codes. Where the building official relies upon such affidavit, the architect or engineer shall assume full responsibility for compliance with all provisions of the technical codes and other pertinent laws or ordinances. The building official shall ensure that any person conducting plans review is qualified as a plans examiner under Part XII of Chapter 468, Florida Statutes, and that any person conducting inspections is qualified as a building inspector under Part XII of Chapter 468, Florida Statutes.

9. Section 107.6.1, Florida Building Code, Building, 7th Edition (2020), states:

> **Building permits issued on the basis of an affidavit.**
> Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Parts 59 and 60), the authority granted to the *building official* to issue permits, to rely on inspections, and to accept plans and construction documents on the basis of affidavits and plans submitted pursuant to Sections 105.14 and 107.6, shall not extend to the flood load and flood-resistance construction requirements of the Florida Building Code.

10. In response to Petitioner's question, the answer is no. Section 107.6.1, Florida Building Code, Building, 7th Edition (2020), is limited in scope to affidavits issued pursuant to sections 105.14 and 107.6, Florida Building Code, Building, 7th Edition (2020), and therefore section 107.6.1 does not apply to services performed by private providers as authorized by

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section 553.791, Florida Statutes (2021). This does not absolve the community from complying with any requirements under the National Flood Insurance Program.

DONE AND ORDERED this 20th day of OCTOBER, 2021, in St. Augustine, St. Johns County, State of Florida.

JAMES R. SCHOCK
Chairman, Florida Building Commission

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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 (2021), 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 the Agency Clerk, Department of Business and Professional Regulation, 2601 Blair Stone Road, Tallahassee, Florida 32399-2203 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 (2021).

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SP9986Requirements

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 9th day of November, 2021.

Brandon M. Nichols

Agency Clerk's Office
Department of Business and Professional Regulation
& Florida Building Commission
2601 Blair Stone Road
Tallahassee, Florida 32399-2203

Via U.S. Mail

Classic Florida Dream Homes, LLC
Attn: Thomas E. Smith
424 Harbor Drive North
Indian Rocks Beach, FL 33785

Via Inter-Office or Email Delivery

Mo Madani, Planning Manager
Codes and Standards Section
Department of Business and Professional Regulation
2601 Blair Stone Road
Tallahassee, Florida 32399
Mo.Madani@myfloridalicense.com

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

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TAC: Special Occupancy

Total Mods for **Special Occupancy** in **Pending Review : 75**

Total Mods for report: 75

Sub Code: Building

2

SP9987

Date Submitted	01/31/2022	**Section**	107.6	**Proponent**	Seijas Vince
Chapter	1	**Affects HVHZ**	No	**Attachments**	**Yes**
TAC Recommendation	Pending Review				
Commission Action	Pending Review				

Comments

General Comments Yes **Alternate Language No**

Related Modifications

105.14 as it also relates to Permit by Affidavit

Summary of Modification

The following code modification is presented to provide clarification regarding jurisdiction over the enforcement of the flood provisions of the Florida Building Code and a community's Floodplain management ordinance.

Rationale

In accordance with the guidance of F.S. 553.73 (7)(a) and (d), Declaratory Statement DS2021-050, and the November 2, 2020 Memorandum from the Florida Department of Emergency Management and FEMA Region IV, the following code modification is presented to provide clarification regarding jurisdiction over the enforcement of the flood provisions of the Florida Building Code and a community's Floodplain management ordinance.

Fiscal Impact Statement

Impact to local entity relative to enforcement of code

No financial Impact is expected, it will however preserve the relationship between FEMA and a local community in the enforcement of 44 CFR, insuring compliance with the NFIP, FEMA, HUD, and Federal Funding as required of F.S. 553.73(7)(a).

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

It will preserve the relationship between FEMA and a local community in the enforcement of 44 CFR, insuring compliance with the NFIP, FEMA, HUD, and Federal Funding as required of F.S. 553.73(7)(a).

Impact to industry relative to the cost of compliance with code

No financial impact is expected with this code modification which is being presented to clarify jurisdiction over the enforcement and regulation of the flood provisions in the FBC and Local Floodplain Management Ordinance.

Impact to small business relative to the cost of compliance with code

Requirements

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

It will preserve the relationship between FEMA and a local community in the enforcement of 44 CFR, insuring compliance with the NFIP, FEMA, HUD, and Federal Funding as required of F.S. 553.73(7)(a).

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

The following code modification is presented to provide clarification regarding jurisdiction over the enforcement of the flood provisions of the Florida Building Code and a community’s Floodplain management ordinance.

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

The proposed modification does not discriminate against materials, products, methods, or systems of construction.

Does not degrade the effectiveness of the code

The proposed modification does not degrade the effectiveness of the code, it does buttress the Authority Having Jurisdiction's regulatory authority over the floodplain management provisions of the FBC.

1st Comment Period History

P9987-G1

Proponent	Rebecca Quinn obo FL Div Emerg Mgnt	Submitted	4/15/2022 4:13:28 PM	Attachments	No

Comment:

On behalf of Conn Cole, FDEM State Floodplain Manager, I request that Mod# CA9986 and Mod# CA9987 be heard after Mod# CA10348. The three proposals address the same issue.

107.6 Affidavits and Alternative Plan Review. The building official may accept a sworn affidavit from a registered architect or engineer stating that the plans submitted conform to the technical codes. A fee owner of a Building or structure can also choose to follow the procedure provided in F.S. 553.791 for Alternative Plan Review. For buildings and structures, the affidavit shall state that the plans conform to the laws as to egress, type of construction and general arrangement and, if accompanied by drawings, show the structural design and that the plans and design conform to the requirements of the technical codes as to strength, stresses, strains, loads and stability. The building official may without any examination or inspection accept such affidavit, provided the architect or engineer who made such affidavit agrees to submit to the building official copies of inspection reports as inspections are performed and upon completion of the structure, electrical, gas, mechanical or plumbing systems a certification that the structure, electrical, gas, mechanical or plumbing system has been erected in accordance with the requirements of the technical codes. Where the building official relies upon such affidavit, the architect or engineer shall assume full responsibility for compliance with all provisions of the technical codes and other pertinent laws or ordinances. The building official shall ensure that any person conducting plans review is qualified as a plans examiner under Part XII of Chapter 468, *Florida Statutes*, and that any person conducting inspections is qualified as a building inspector under Part XII of Chapter 468, and Chapter 553.791 *Florida Statutes*.

SP9987Text Modification

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STATE OF FLORIDA

DIVISION OF EMERGENCY MANAGEMENT

Ron DeSantis
Governor

Jared Moskowitz
Director

November 2, 2020

MEMORANDUM

TO: Florida Floodplain Administrators and Building Officials

FROM: Conn H. Cole, Interim State Floodplain Manager Conn H. Cole Digitally signed by Conn H. Cole DN: cn=Conn H. Cole, o=Florida Department of Emergency Management, ou=State Floodplain Management Office, email=Conn.Cole@em.myflorida.com, c=US Date: 2020.11.02 14:56:03 -05'00'

CONCURRENCE: Jason O. Hunter, Chief, FEMA Region IV Floodplain Management & Insurance Branch Jason O. Hunter

RE: Florida Building Code and Permits Issued on the Basis of Affidavits
NFIP Communities Must Review For Floodplain Compliance

Over the past year the State Floodplain Management Office (SFMO) has received inquiries regarding changes enacted in the 2019 legislative session that affect the use and acceptance of private providers for building permits and inspections. The Florida Building Code (FBC) includes provisions for issuing permits based on affidavits signed by qualified architects or engineers, in the Building volume, sections 105.14 and 107.6. These sections are shown in the attachment.

This memorandum provides guidance to clarify the exception to Sections 105.14 and 107.6.1. FEMA Region IV concurs with this guidance. **In effect, the sections require local officials to review applications for compliance with the flood load and flood-resistant construction requirements of the FBC when buildings are proposed to be located in special flood hazard areas, and to inspect those aspects when permits are issued.**

The National Flood Insurance Program (NFIP) requires communities that participate in the program to agree to adopt and enforce regulations that meet or exceed the minimum requirement of the NFIP (44 Code of Federal Regulations Parts 59 and 60). FEMA deems the flood provisions of the FBC to meet or exceed the minimum NFIP requirements for buildings and structures.

The NFIP regulations require communities to review proposed construction or development in special flood hazard areas. Specifically, the NFIP regulations in Section 60.3 states: "Minimum standards for communities are as follows: (a) . . . the community shall: . . . (1) Require permits for all proposed construction or development . . . ; (2) Review proposed development to . . . ; (3) Review all applications to . . . ; (4) Review subdivision proposals and other new development . . ." https://www.govinfo.gov/app/details/CFR-2011-title44-vol1/CFR-2011-title44-vol1-part60

DIVISION HEADQUARTERS
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100

Telephone: 850-815-4000
www.FloridaDisaster.org

STATE LOGISTICS RESPONSE CENTER
2702 Directors Row
Orlando, FL 32809-5631

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In 2011-12, the SFMO worked with FEMA, the Florida Building Commission, the Building Officials Association of Florida, and the Florida Floodplain Managers Association to incorporate in the FBC the necessary requirements for buildings in flood hazard areas. As part of that effort, the SFMO examined the matter of permits issued based on affidavits. Prior to the inclusion of Section 107.6.1 and the exception to Section 105.14, many communities individually adopted local administrative amendments with the same limitation.

During the code development cycle for the 5th Edition FBC, FDEM submitted a proposal to incorporate Section 107.6.1 into the FBC (the exception to Section 105.14 was added by amendment to a proposal by others). FDEM's rationale statement is shown below and repeated here for clarify:

> Both of these proposed new sections flow from consistency with the NFIP. They were developed by DEM as part of the Model Floodplain Management Ordinance and Code Amendments, reviewed by BOAF, and scrutinized by FEMA. Because FEMA deemed both of these are necessary, it is more efficient for the FBC to include them in Chapter 1, rather than expect every local government to adopt them as local administrative code amendments.
>
> Despite the submission of an affidavit authorized by B107.6, the building official must review plans for compliance with the flood provisions and issue permits and perform inspections to ensure compliance with the flood provisions. Under the NFIP, the community is responsible for ensuring compliance.
>
> *The original proposal (SP5255) included both Section 107.6.1 and Section 117; the exception to Section 105.14 was added to proposal CA5082) by amendments for consistency.

Please contact us at (850) 815-4556 or floods@em.myflorida.com if you have questions about the flood provisions in the FBC or FBC-coordinated floodplain management regulations.

CC: Steve Martin, Roy McClure, Virgilio Chris Perez

Attachment: FBC, Building, Sections 105.14 and 107.6.1 and Proposal for the 5th Ed. FBC, submitted 7/22/2012

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ATTACHMENT

FBC, Building Sections 105.14 and 107.6.1

105.14 Permit issued on basis of an affidavit. Whenever a permit is issued in reliance upon an affidavit or whenever the work to be covered by a permit involves installation under conditions which, in the opinion of the building official, are hazardous or complex, the building official shall require that the architect or engineer who signed the affidavit or prepared the drawings or computations shall supervise such work. In addition, they shall be responsible for conformity to the permit, provide copies of inspection reports as inspections are performed, and upon completion make and file with the building official written affidavit that the work has been done in conformity to the reviewed plans and with the structural provisions of the technical codes. In the event such architect or engineer is not available, the owner shall employ in his stead a competent person or agency whose qualifications are reviewed by the building official. The building official shall ensure that any person conducting plans review is qualified as a plans examiner under Part XII of Chapter 468, *Florida Statutes,* and that any person conducting inspections is qualified as a building inspector under Part XII of Chapter 468, *Florida Statutes.*

Exception: Permit issued on basis of an affidavit shall not extend to the flood load and flood resistance requirements of the *Florida Building Code*.

107.6.1 [Affidavits] Building permits issued on the basis of an affidavit. Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Parts 59 and 60), the authority granted to the building official to issue permits, to rely on inspections, and to accept plans and construction documents on the basis of affidavits and plans submitted pursuant to Sections 105.14 and 107.6, shall not extend to the flood load and flood-resistance construction requirements of the *Florida Building Code.*

Mod SP 5255 (approved as submitted)

Mod CA 5082 (submitted by Joe Bigelow to add new Sec. 105.14; FDEM proposed amendment to recapture NFIP; approved as amended.

SP5255 Page 6 of 427 2

Date Submitted	7/22/2012	**Section**	107.6 and 117 (new)	**Proponent**	Rebecca Quinn obo DEM
Chapter	1	**Affects HVHZ**	No	**Attachments**	No
TAC Recommendation	Pending Review				
Commission Action	Pending Review				

Related Modifications

Summary of Modification

Two administrative amendments that FEMA has deemed necessary to ensure that enforcement of the flood provisions of the FBC remain consistent with the NFIP.

Rationale

Both of these proposed new sections flow from consistency with the NFIP. They were developed by DEM as part of the Model Floodplain Management Ordinance and Code Amendments, reviewed by BOAF, and scrutinized by FEMA. Because FEMA has deemed both of these are necessary, it is more efficient for the FBC to include them in Chapter 1, rather than expect every local government to adopt them as local administrative code amendments.

Despite the submission of an affidavit authorized by 8107.6, the building official must review plans for compliance with the flood provisions and issue permits and perform inspections to ensure compliance with the flood provisions. Under the NFIP, the community is responsible for ensuring compliance.

For consistency with the NFIP, section 553.73(5), F.S., authorizes adoption of procedures for variances, the specific procedures are in the FPM ordinance. Variances are official permission to undertake an activity that is otherwise prohibited or not approvable under the regulations or building code. As specified in section 553.73(5), F.S., the authority to grant variances to the flood provisions does not extend to any requirement in Section 3109, which applies seaward of the Coastal Construction Control Line.

SP9987Text Modification

Select Year: 2021 Go

The 2021 Florida Statutes

Title XXXIII
REGULATION OF TRADE, COMMERCE, INVESTMENTS, AND SOLICITATIONS

Chapter 553
BUILDING CONSTRUCTION STANDARDS

View Entire Chapter

553.73 Florida Building Code.—

(1)(a) The commission shall adopt, by rule pursuant to ss. 120.536(1) and 120.54, the Florida Building Code which shall contain or incorporate by reference all laws and rules which pertain to and govern the design, construction, erection, alteration, modification, repair, and demolition of public and private buildings, structures, and facilities and enforcement of such laws and rules, except as otherwise provided in this section.

(b) The technical portions of the Florida Accessibility Code for Building Construction shall be contained in their entirety in the Florida Building Code. The civil rights portions and the technical portions of the accessibility laws of this state shall remain as currently provided by law. Any revision or amendments to the Florida Accessibility Code for Building Construction pursuant to part II shall be considered adopted by the commission as part of the Florida Building Code. Neither the commission nor any local government shall revise or amend any standard of the Florida Accessibility Code for Building Construction except as provided for in part II.

(c) The Florida Fire Prevention Code and the Life Safety Code shall be referenced in the Florida Building Code, but shall be adopted, modified, revised, or amended, interpreted, and maintained by the Department of Financial Services by rule adopted pursuant to ss. 120.536(1) and 120.54. The Florida Building Commission may not adopt a fire prevention or lifesafety code, and nothing in the Florida Building Code shall affect the statutory powers, duties, and responsibilities of any fire official or the Department of Financial Services.

(d) Conflicting requirements between the Florida Building Code and the Florida Fire Prevention Code and Life Safety Code of the state established pursuant to ss. 633.206 and 633.208 shall be resolved by agreement between the commission and the State Fire Marshal in favor of the requirement that offers the greatest degree of lifesafety or alternatives that would provide an equivalent degree of lifesafety and an equivalent method of construction. If the commission and State Fire Marshal are unable to agree on a resolution, the question shall be referred to a mediator, mutually agreeable to both parties, to resolve the conflict in favor of the provision that offers the greatest lifesafety, or alternatives that would provide an equivalent degree of lifesafety and an equivalent method of construction.

(e) Subject to the provisions of this act, responsibility for enforcement, interpretation, and regulation of the Florida Building Code shall be vested in a specified local board or agency, and the words “local government” and “local governing body” as used in this part shall be construed to refer exclusively to such local board or agency.

(2) 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

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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.

(3) The commission shall use the International Codes published by the International Code Council, the National Electric Code (NFPA 70), or other nationally adopted model codes and standards for updates to the Florida Building Code. The commission may approve technical amendments to the code as provided in subsections (8) and (9), subject to all of the following conditions:

(a) The proposed amendment must have been published on the commission's website for a minimum of 45 days and all the associated documentation must have been made available to any interested party before consideration by a technical advisory committee.

(b) In order for a technical advisory committee to make a favorable recommendation to the commission, the proposal must receive a two-thirds vote of the members present at the meeting. At least half of the regular members must be present in order to conduct a meeting.

(c) After the technical advisory committee has considered and recommended approval of any proposed amendment, the proposal must be published on the commission's website for at least 45 days before consideration by the commission.

(d) A proposal may be modified by the commission based on public testimony and evidence from a public hearing held in accordance with chapter 120.

The commission shall incorporate within the Florida Building Code provisions that address regional and local concerns and variations. The commission shall make every effort to minimize conflicts between the Florida Building Code, the Florida Fire Prevention Code, and the Life Safety Code.

(4)(a) All entities authorized to enforce the Florida Building Code under s. 553.80 shall comply with applicable standards for issuance of mandatory certificates of occupancy, minimum types of inspections, and procedures for plans review and inspections as established by the commission by rule. Local governments may adopt amendments to the administrative provisions of the Florida Building Code, subject to the limitations in this subsection. Local amendments must be more stringent than the minimum standards described in this section and must be transmitted to the commission within 30 days after enactment. The local government shall make such amendments available to the general public in a usable format. The State Fire Marshal is responsible for establishing the standards and procedures required in this subsection for governmental entities with respect to applying the Florida Fire Prevention Code and the Life Safety Code.

(b) Local governments may, subject to the limitations in this section and not more than once every 6 months, adopt amendments to the technical provisions of the Florida Building Code that apply solely within the jurisdiction of such government and that provide for more stringent requirements than those specified in the Florida Building Code. A local government may adopt technical amendments that address local needs if:

1. The local governing body determines, following a public hearing which has been advertised in a newspaper of general circulation at least 10 days before the hearing, that there is a need to strengthen the requirements of the Florida Building Code. The determination must be based upon a review of local conditions by the local governing body, which review demonstrates by evidence or data that the geographical jurisdiction governed by the local governing body exhibits a local need to strengthen the Florida Building Code beyond the needs or regional variation addressed by the Florida Building Code, that the local need is addressed by the proposed local amendment, and that the amendment is no more stringent than necessary to address the local need.

2. Such additional requirements are not discriminatory against materials, products, or construction techniques of demonstrated capabilities.

3. Such additional requirements may not introduce a new subject not addressed in the Florida Building Code.

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(c) The enforcing agency shall make readily available, in a usable format, all amendments adopted under this section.

(d) Any amendment to the Florida Building Code shall be transmitted within 30 days after adoption by the local government to the commission. The commission shall maintain copies of all such amendments in a format that is usable and obtainable by the public. Local technical amendments are not effective until 30 days after the amendment has been received and published by the commission.

(e) An amendment to the Florida Building Code adopted by a local government under this subsection is effective only until the adoption of the new edition of the Florida Building Code by the commission every third year. At such time, the commission shall review such amendment for consistency with the criteria in paragraph (9)(a) and adopt such amendment as part of the Florida Building Code or rescind the amendment. The commission shall immediately notify the respective local government of the rescission of any amendment. After receiving such notice, the respective local government may readopt the rescinded amendment under the provisions of this subsection.

(f) Each county and municipality desiring to make local technical amendments to the Florida Building Code shall establish by interlocal agreement a countywide compliance review board to review any amendment to the Florida Building Code that is adopted by a local government within the county under this subsection and that is challenged by a substantially affected party for purposes of determining the amendment's compliance with this subsection. If challenged, the local technical amendments are not effective until the time for filing an appeal under paragraph (g) has expired or, if there is an appeal, until the commission issues its final order determining if the adopted amendment is in compliance with this subsection.

(g) If the compliance review board determines such amendment is not in compliance with this subsection, the compliance review board shall notify such local government of the noncompliance and that the amendment is invalid and unenforceable until the local government corrects the amendment to bring it into compliance. The local government may appeal the decision of the compliance review board to the commission. If the compliance review board determines that such amendment is in compliance with this subsection, any substantially affected party may appeal such determination to the commission. Any such appeal must be filed with the commission within 14 days after the board's written determination. The commission shall promptly refer the appeal to the Division of Administrative Hearings by electronic means through the division's website for the assignment of an administrative law judge. The administrative law judge shall conduct the required hearing within 30 days after being assigned to the appeal, and shall enter a recommended order within 30 days after the conclusion of such hearing. The commission shall enter a final order within 30 days after an order is rendered. Chapter 120 and the uniform rules of procedure shall apply to such proceedings. The local government adopting the amendment that is subject to challenge has the burden of proving that the amendment complies with this subsection in proceedings before the compliance review board and the commission, as applicable. Actions of the commission are subject to judicial review under s. 120.68. The compliance review board shall determine whether its decisions apply to a respective local jurisdiction or apply countywide.

(h) An amendment adopted under this subsection must include a fiscal impact statement that documents the costs and benefits of the proposed amendment. Criteria for the fiscal impact statement shall include the impact to local government relative to enforcement and the impact to property and building owners and industry relative to the cost of compliance. The fiscal impact statement may not be used as a basis for challenging the amendment for compliance.

(i) In addition to paragraphs (f) and (g), the commission may review any amendments adopted under this subsection and make nonbinding recommendations related to compliance of such amendments with this subsection.

(j) Any amendment adopted by a local enforcing agency under this subsection may not apply to state or school district owned buildings, manufactured buildings or factory-built school buildings approved by the commission, or prototype buildings approved under s. 553.77(3). The respective responsible entities shall consider the physical performance parameters substantiating such amendments when designing, specifying, and constructing such exempt buildings.

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(k) A technical amendment to the Florida Building Code related to water conservation practices or design criteria adopted by a local government under this subsection is not void when the code is updated if the technical amendment is necessary to protect or provide for more efficient use of water resources as provided in s. 373.621. However, any such technical amendment carried forward into the next edition of the code under this paragraph is subject to review or modification as provided in this part.

(l) If a local government adopts a regulation, law, ordinance, policy, amendment, or land use or zoning provision without using the process established in this subsection, and a substantially affected person considers such regulation, law, ordinance, policy, amendment, or land use or zoning provision to be a technical amendment to the Florida Building Code, then the substantially affected person may submit a petition to the commission for a nonbinding advisory opinion. If a substantially affected person submits a request in accordance with this paragraph, the commission shall issue a nonbinding advisory opinion stating whether or not the commission interprets the regulation, law, ordinance, policy, amendment, or land use or zoning provision as a technical amendment to the Florida Building Code. As used in this paragraph, the term "local government" means a county, municipality, special district, or political subdivision of the state.

1. Requests to review a local government regulation, law, ordinance, policy, amendment, or land use or zoning provision may be initiated by any substantially affected person. A substantially affected person includes an owner or builder subject to the regulation, law, ordinance, policy, amendment, or land use or zoning provision, or an association of owners or builders having members who are subject to the regulation, law, ordinance, policy, amendment, or land use or zoning provision.

2. In order to initiate a review, a substantially affected person must file a petition with the commission. The commission shall adopt a form for the petition and directions for filing, which shall be published on the Building Code Information System. The form shall, at a minimum, require the following:

a. The name of the local government that enacted the regulation, law, ordinance, policy, amendment, or land use or zoning provision.

b. The name and address of the local government's general counsel or administrator.

c. The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any; and an explanation of how the petitioner's substantial interests are being affected by the regulation, law, ordinance, policy, amendment, or land use or zoning provision.

d. A statement explaining why the regulation, law, ordinance, policy, amendment, or land use or zoning provision is a technical amendment to the Florida Building Code, and which provisions of the Florida Building Code, if any, are being amended by the regulation, law, ordinance, policy, amendment, or land use or zoning provision.

3. The petitioner shall serve the petition on the local government's general counsel or administrator by certified mail, return receipt requested, and send a copy of the petition to the commission, in accordance with the commission's published directions. The local government shall respond to the petition in accordance with the form by certified mail, return receipt requested, and send a copy of its response to the commission, within 14 days after receipt of the petition, including Saturdays, Sundays, and legal holidays.

4. Upon receipt of a petition that meets the requirements of this paragraph, the commission shall publish the petition, including any response submitted by the local government, on the Building Code Information System in a manner that allows interested persons to address the issues by posting comments.

5. Before issuing an advisory opinion, the commission shall consider the petition, the response, and any comments posted on the Building Code Information System. The commission may also provide the petition, the response, and any comments posted on the Building Code Information System to a technical advisory committee, and may consider any recommendation provided by the technical advisory committee. The commission shall issue an advisory opinion stating whether the regulation, law, ordinance, policy, amendment, or land use or zoning provision is a technical amendment to the Florida Building Code within 30 days after the filing of the petition, including Saturdays, Sundays, and legal holidays. The commission shall publish its advisory opinion on the Building Code Information System and in the Florida Administrative Register. The commission's advisory opinion is nonbinding and is not a declaratory statement under s. 120.565.

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(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 under this subsection shall be transmitted to the commission within 30 days after being adopted. A municipality, county, or special district may not use preliminary maps issued by the Federal Emergency Management Agency for any law, ordinance, rule, or other measure that has the effect of imposing land use changes or permits.

(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 shall adopt an updated Florida Building Code every 3 years through review of the most current updates of the International Building Code, the International Fuel Gas Code, the International Existing Building Code, the International Mechanical Code, the International Plumbing Code, and the International Residential Code, all of which are copyrighted and published by the International Code Council, and the National Electrical Code, which is copyrighted and published by the National Fire Protection Association. At a minimum, the commission shall adopt any updates to such codes or any other code necessary to maintain eligibility for federal funding and discounts from the National Flood Insurance Program, the Federal Emergency Management Agency, and the United States Department of Housing and Urban Development. The commission shall also review and adopt updates based on the International Energy Conservation Code (IECC); however, the commission shall maintain the efficiencies of the Florida Energy Efficiency Code for Building Construction adopted and amended pursuant to s. 553.901. Every 3 years, the commission may approve updates to the Florida Building Code without a finding that the updates are needed in order to accommodate the specific needs of this state. The commission shall adopt updated codes by rule.

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

(c) The commission may also adopt as a technical amendment to the Florida Building Code any portion of the codes identified in paragraph (a), but only as needed to accommodate the specific needs of this state. Standards or criteria adopted from these codes shall be incorporated by reference to the specific provisions adopted. 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 that 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 amendments 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 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

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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 finding by the commission that the amendment is necessary to protect the public from immediate threat of harm takes effect immediately.

(f) Provisions of the Florida Building Code, including those contained in referenced standards and criteria, relating to wind resistance or the prevention of water intrusion may not be modified to diminish those construction requirements; however, the commission may, subject to conditions in this subsection, modify the provisions to enhance those construction requirements.

(8) Notwithstanding subsection (3) or subsection (7), the commission may address issues identified in this subsection by amending the code under the rule adoption procedures in chapter 120. Updates to the Florida Building Code, including provisions contained in referenced standards and criteria which relate to wind resistance or the prevention of water intrusion, may not be amended under this subsection to diminish those standards; however, the commission may amend the Florida Building Code to enhance such standards. Following the approval of any amendments to the Florida Building Code by the commission and publication of the amendments on the commission's website, authorities having jurisdiction to enforce the Florida Building Code may enforce the amendments.

(a) The commission may approve amendments that are needed to address:

1. Conflicts within the updated code;
2. Conflicts between the updated code and the Florida Fire Prevention Code adopted under chapter 633;
3. Unintended results from the integration of previously adopted amendments with the model code;
4. Equivalency of standards;
5. Changes to or inconsistencies with federal or state law; or
6. Adoption of an updated edition of the National Electrical Code if the commission finds that delay of implementing the updated edition causes undue hardship to stakeholders or otherwise threatens the public health, safety, and welfare.

(b) The commission may issue errata to the code pursuant to the rule adoption procedures in chapter 120 to list demonstrated errors in provisions contained within the Florida Building Code. The determination of such errors and the issuance of errata to the code must be approved by a 75-percent supermajority vote of the commission. For purposes of this paragraph, "errata to the code" means a list of errors on current and previous editions of the Florida Building Code.

(9)(a) The commission may approve technical amendments to the Florida Building Code once each year for statewide or regional application upon a finding that the amendment:

1. Is needed in order to accommodate the specific needs of this state.
2. Has a reasonable and substantial connection with the health, safety, and welfare of the general public.
3. Strengthens or improves the Florida Building Code, or in the case of innovation or new technology, will provide equivalent or better products or methods or systems of construction.
4. Does not discriminate against materials, products, methods, or systems of construction of demonstrated capabilities.
5. Does not degrade the effectiveness of the Florida Building Code.

The Florida Building Commission may approve technical amendments to the code once each year to incorporate into the Florida Building Code its own interpretations of the code which are embodied in its opinions, final orders, declaratory statements, and interpretations of hearing officer panels under s. 553.775(3)(c), but only to the extent that the incorporation of interpretations is needed to modify the code to accommodate the specific needs of this state. Amendments approved under this paragraph shall be adopted by rule after the amendments have been subjected to subsection (3).

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(b) A proposed amendment must include a fiscal impact statement that documents the costs and benefits of the proposed amendment. Criteria for the fiscal impact statement shall be established by rule by the commission and shall include the impact to local government relative to enforcement, the impact to property and building owners, and the impact to industry, relative to the cost of compliance. The amendment must demonstrate by evidence or data that the state's geographical jurisdiction exhibits a need to strengthen the code beyond the needs or regional variations addressed by the code and why the proposed amendment applies to this state.

(c) The commission may not approve any proposed amendment that does not accurately and completely address all requirements for amendment which are set forth in this section. The commission shall require all proposed amendments and information submitted with proposed amendments to be reviewed by commission staff prior to consideration by any technical advisory committee. These reviews shall be for sufficiency only and are not intended to be qualitative in nature. Staff members shall reject any proposed amendment that fails to include a fiscal impact statement. Proposed amendments rejected by members of the staff may not be considered by the commission or any technical advisory committee.

(d) Provisions of the Florida Building Code, including those contained in referenced standards and criteria, relating to wind resistance or the prevention of water intrusion may not be amended pursuant to this subsection to diminish those construction requirements; however, the commission may, subject to conditions in this subsection, amend the provisions to enhance those construction requirements.

(10) The following buildings, structures, and facilities are exempt from the Florida Building Code as provided by law, and any further exemptions shall be as determined by the Legislature and provided by law:

(a) Buildings and structures specifically regulated and preempted by the Federal Government.

(b) Railroads and ancillary facilities associated with the railroad.

(c) Nonresidential farm buildings on farms.

(d) Temporary buildings or sheds used exclusively for construction purposes.

(e) Mobile or modular structures used as temporary offices, except that the provisions of part II relating to accessibility by persons with disabilities apply to such mobile or modular structures.

(f) Those structures or facilities of electric utilities, as defined in s. 366.02, which are directly involved in the generation, transmission, or distribution of electricity.

(g) Temporary sets, assemblies, or structures used in commercial motion picture or television production, or any sound-recording equipment used in such production, on or off the premises.

(h) Storage sheds that are not designed for human habitation and that have a floor area of 720 square feet or less are not required to comply with the mandatory wind-borne-debris-impact standards of the Florida Building Code. In addition, such buildings that are 400 square feet or less and that are intended for use in conjunction with one- and two-family residences are not subject to the door height and width requirements of the Florida Building Code.

(i) Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other nonwood features.

(j) Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.

(k) A building or structure having less than 1,000 square feet which is constructed and owned by a natural person for hunting and which is repaired or reconstructed to the same dimension and condition as existed on January 1, 2011, if the building or structure:

1. Is not rented or leased or used as a principal residence;

2. Is not located within the 100-year floodplain according to the Federal Emergency Management Agency's current Flood Insurance Rate Map; and

3. Is not connected to an offsite electric power or water supply.

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With the exception of paragraphs (a), (b), (c), and (f), in order to preserve the health, safety, and welfare of the public, the Florida Building Commission may, by rule adopted pursuant to chapter 120, provide for exceptions to the broad categories of buildings exempted in this section, including exceptions for application of specific sections of the code or standards adopted therein. The Department of Agriculture and Consumer Services shall have exclusive authority to adopt by rule, pursuant to chapter 120, exceptions to nonresidential farm buildings exempted in paragraph (c) when reasonably necessary to preserve public health, safety, and welfare. The exceptions must be based upon specific criteria, such as under-roof floor area, aggregate electrical service capacity, HVAC system capacity, or other building requirements. Further, the commission may recommend to the Legislature additional categories of buildings, structures, or facilities which should be exempted from the Florida Building Code, to be provided by law. The Florida Building Code does not apply to temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.

(11)(a) In the event of a conflict between the Florida Building Code and the Florida Fire Prevention Code and the Life Safety Code as applied to a specific project, the conflict shall be resolved by agreement between the local building code enforcement official and the local fire code enforcement official in favor of the requirement of the code which offers the greatest degree of lifesafety or alternatives which would provide an equivalent degree of lifesafety and an equivalent method of construction. Local boards created to address issues arising under the Florida Building Code or the Florida Fire Prevention Code may combine the appeals boards to create a single, local board having jurisdiction over matters arising under either code or both codes. The combined local appeals board may grant alternatives or modifications through procedures outlined in NFPA 1, Section 1.4, but may not waive the requirements of the Florida Fire Prevention Code. To meet the quorum requirement for convening the combined local appeals board, at least one member of the board who is a fire protection contractor, a fire protection design professional, a fire department operations professional, or a fire code enforcement professional must be present.

(b) Any decision made by the local fire official regarding application, interpretation, or enforcement of the Florida Fire Prevention Code or by the local building official regarding application, interpretation, or enforcement of the Florida Building Code, or the appropriate application of either code or both codes in the case of a conflict between the codes, may be appealed to a local administrative board designated by the municipality, county, or special district having firesafety responsibilities. If the decision of the local fire official and the local building official is to apply the provisions of either the Florida Building Code or the Florida Fire Prevention Code and the Life Safety Code, the board may not alter the decision unless the board determines that the application of such code is not reasonable. If the decision of the local fire official and the local building official is to adopt an alternative to the codes, the local administrative board shall give due regard to the decision rendered by the local officials and may modify that decision if the administrative board adopts a better alternative, taking into consideration all relevant circumstances. In any case in which the local administrative board adopts alternatives to the decision rendered by the local fire official and the local building official, such alternatives shall provide an equivalent degree of lifesafety and an equivalent method of construction as the decision rendered by the local officials.

(c) If the local building official and the local fire official are unable to agree on a resolution of the conflict between the Florida Building Code and the Florida Fire Prevention Code and the Life Safety Code, the local administrative board shall resolve the conflict in favor of the code which offers the greatest degree of lifesafety or alternatives which would provide an equivalent degree of lifesafety and an equivalent method of construction.

(d) All decisions of the local administrative board or, if none exists, the local building official and the local fire official in regard to the application, enforcement, or interpretation of the Florida Fire Prevention Code, or conflicts between the Florida Fire Prevention Code and the Florida Building Code, are subject to review by a joint committee composed of members of the Florida Building Commission and the Fire Code Advisory Council. If the joint committee is unable to resolve conflicts between the codes as applied to a specific project, the matter shall be resolved pursuant to paragraph (1)(d). Decisions of the local administrative board related solely to the Florida Building Code are subject to review as set forth in s. 553.775.

(e) The local administrative board shall, to the greatest extent possible, be composed of members with expertise in building construction and firesafety standards.

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(f) All decisions of the local building official and local fire official and all decisions of the administrative board shall be in writing and shall be binding upon a person but do not limit the authority of the State Fire Marshal or the Florida Building Commission pursuant to paragraph (1)(d) and ss. 633.104 and 633.228. Decisions of general application shall be indexed by building and fire code sections and shall be available for inspection during normal business hours.

(12) Except within coastal building zones as defined in s. 161.54, specification standards developed by nationally recognized code promulgation organizations to determine compliance with engineering criteria of the Florida Building Code for wind load design shall not apply to one or two family dwellings which are two stories or less in height unless approved by the commission for use or unless expressly made subject to said standards and criteria by local ordinance adopted in accordance with the provisions of subsection (4).

(13) The Florida Building Code does not apply to, and no code enforcement action shall be brought with respect to, zoning requirements, land use requirements, and owner specifications or programmatic requirements which do not pertain to and govern the design, construction, erection, alteration, modification, repair, or demolition of public or private buildings, structures, or facilities or to programmatic requirements that do not pertain to enforcement of the Florida Building Code. Additionally, a local code enforcement agency may not administer or enforce the Florida Building Code to prevent the siting of any publicly owned facility, including, but not limited to, correctional facilities, juvenile justice facilities, or state universities, community colleges, or public education facilities, as provided by law.

(14) The general provisions of the Florida Building Code for buildings and other structures shall not apply to commercial wireless communication towers when such general provisions are inconsistent with the provisions of the code controlling radio and television towers. This subsection is intended to be remedial in nature and to clarify existing law.

(15) An agency or local government may not require that existing mechanical equipment located on or above the surface of a roof be installed in compliance with the requirements of the Florida Building Code except during reroofing when the equipment is being replaced or moved and is not in compliance with the provisions of the Florida Building Code relating to roof-mounted mechanical units.

(16) The Florida Building Code must require that the illumination in classroom units be designed to provide and maintain an average of 40 foot-candles of light at each desktop. Public educational facilities must consider using light-emitting diode lighting before considering other lighting sources.

(17) A provision of the International Residential Code relating to mandated fire sprinklers may not be incorporated into the Florida Building Code as adopted by the Florida Building Commission and may not be adopted as a local amendment to the Florida Building Code. This subsection does not prohibit the application of cost-saving incentives for residential fire sprinklers that are authorized in the International Residential Code upon a mutual agreement between the builder and the code official. This subsection does not apply to a local government that has a lawfully adopted ordinance relating to fire sprinklers which has been in effect since January 1, 2010.

(18) In a single-family dwelling, makeup air is not required for range hood exhaust systems capable of exhausting:

(a) Four hundred cubic feet per minute or less; or

(b) More than 400 cubic feet per minute but no more than 800 cubic feet per minute if there are no gravity vent appliances within the conditioned living space of the structure.

(19) The Florida Building Code shall require two fire service access elevators in all buildings with a height greater than 120 feet measured from the elevation of street-level access to the level of the highest occupiable floor. All remaining elevators, if any, shall be provided with Phase I and II emergency operations. Where a fire service access elevator is required, a 1-hour fire-rated fire service access elevator lobby with direct access from the fire service access elevator is not required if the fire service access elevator opens into an exit access corridor that is no less than 6 feet wide for its entire length and is at least 150 square feet with the exception of door openings, and has a minimum 1-hour fire rating with three-quarter hour fire and smoke rated openings; and during a fire event the fire service access elevator is pressurized and floor-to-floor smoke control is provided. However, where transient residential occupancies occur at floor levels more than 420 feet above the level of fire service

access, a 1-hour fire-rated service access elevator lobby with direct access from the fire service access elevator is required. Standpipes in high-rise buildings of Florida Building Code—Building Occupancy Group R1 or R2 must be located in stairwells and are subject only to the requirements of the Florida Fire Prevention Code and NFPA 14, Standard for the Installation of Standpipes and Hose Systems, adopted by the State Fire Marshal.

(20) The Florida Building Commission may not:

(a) Adopt the 2016 version of the American Society of Heating, Refrigerating and Air-Conditioning Engineers Standard 9.4.1.1(g).

(b) Adopt any provision that requires a door located in the opening between a garage and a single-family residence to be equipped with a self-closing device.

History.—s. 4, ch. 74-167; s. 3, ch. 75-85; s. 1, ch. 77-365; s. 225, ch. 79-400; s. 1, ch. 80-106; s. 6, ch. 82-197; s. 2, ch. 84-273; s. 1, ch. 85-97; s. 33, ch. 86-191; s. 1, ch. 87-287; s. 1, ch. 88-142; s. 1, ch. 89-369; s. 2, ch. 91-172; s. 41, ch. 91-220; s. 49, ch. 95-144; s. 1, ch. 97-177; ss. 39, 40, 65, ch. 98-287; s. 61, ch. 98-419; ss. 73, 74, 75, ch. 2000-141; s. 62, ch. 2000-154; ss. 25, 34, 35, 36, ch. 2001-186; ss. 2, 3, 4, 5, ch. 2001-372; s. 86, ch. 2002-1; ss. 1, 14, ch. 2002-293; s. 66, ch. 2003-1; s. 663, ch. 2003-261; s. 7, ch. 2005-147; s. 1, ch. 2005-191; s. 4, ch. 2006-65; s. 7, ch. 2007-1; s. 4, ch. 2007-187; s. 140, ch. 2008-4; s. 10, ch. 2008-191; s. 108, ch. 2008-227; s. 1, ch. 2010-99; s. 32, ch. 2010-176; s. 14, ch. 2011-208; s. 30, ch. 2011-222; s. 14, ch. 2012-13; s. 148, ch. 2013-183; s. 14, ch. 2013-193; s. 18, ch. 2014-154; s. 17, ch. 2016-129; s. 11, ch. 2017-149; s. 6, ch. 2019-75; s. 2, ch. 2021-201.

[1] **Note.**—The amendment by s. 2, ch. 2021-201, changed the reference from "subparagraphs 7. and 9." to "paragraphs (f) and (g)" to conform to the redesignation of subunits in subsection (4) by that law. Subparagraph (b)7. was redesignated as paragraph (f), and subparagraph (b)9. was redesignated as paragraph (h).

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FILED
Department of Business and Professional Regulatio
Senior Deputy Agency Clerk
CLERK Brandon Nichols
Date 11/9/2021
File # 2021-08370

STATE OF FLORIDA
BUILDING COMMISSION

In the Matter of

CLASSIC FLORIDA DREAM HOMES, LLC

DS 2021-050

Petitioner.
_____/

DECLARATORY STATEMENT

The following proceeding came before the Florida Building Commission (Commission) by a Petition from Thomas E. Smith, for Classic Florida Dream Homes, LLC (Petitioner) that was received September 2, 2021. Based on the statements in the petition, the material subsequently submitted and the subsequent request by the Petitioner, the Commission states the following:

Findings of Fact

1. The petition is filed pursuant to, and must conform with the requirements of rule 28-105.002, Florida Administrative Code.

2. Petitioner's representative in this matter is Thomas E. Smith, 424 Harbor Drive North, Indian Rocks Beach, FL 33785.

3. Petitioner is a contractor planning the construction of a two-story, single family home located in a flood zone with an "AE" designation under the National Flood Insurance Program. Petitioner states that it wishes to have the option to utilize the services of private providers for plans review and/or building inspections on the project.

4. Petitioner seeks clarification of section 107.6.1, Florida Building Code, Building, 7th Edition (2020), as it pertains to building permits issued on the basis of affidavit, and the services provided by private providers pursuant to section 553.791, Florida Statutes (2021).

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5. Specifically, the Petitioner requests an answer to the following question based upon the project described within the petition for declaratory statement:

> Per the 2020 Florida Building Code, does section 107.6.1 Building Permits issued on the basis of an affidavit apply to Private Providers per F.S. 553.791?

Conclusions of Law

6. The Commission has the specific statutory authority pursuant to section 553.775(3)(a), Florida Statutes (2021) to interpret the provisions of the Florida Building Code by issuing a declaratory statement.

7. Section 105.14, Florida Building Code, Building, 7th Edition (2020), states:

> **Permit issued on basis of an affidavit.**
> Whenever a permit is issued in reliance upon an affidavit or whenever the work to be covered by a permit involves installation under conditions which, in the opinion of the building official, are hazardous or complex, the building official shall require that the architect or engineer who signed the affidavit or prepared the drawings or computations shall supervise such work. In addition, they shall be responsible for conformity to the permit, provide copies of inspection reports as inspections are performed, and upon completion make and file with the building official written affidavit that the work has been done in conformity to the reviewed plans and with the structural provisions of the technical codes. In the event such architect or engineer is not available, the owner shall employ in his stead a competent person or agency whose qualifications are reviewed by the building official. The building official shall ensure that any person conducting plans review is qualified as a plans examiner under Part XII of Chapter 468, Florida Statutes, and that any person conducting inspections is qualified as a building inspector under Part XII of Chapter 468, Florida Statutes.
>
> **Exception:** Permit issued on basis of an affidavit shall not extend to the flood load and flood resistance requirements of the Florida Building Code.

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8. Section 107.6, Florida Building Code, Building, 7th Edition (2020), states:

> **Affidavits.**
> The building official may accept a sworn affidavit from a registered architect or engineer stating that the plans submitted conform to the technical codes. For buildings and structures, the affidavit shall state that the plans conform to the laws as to egress, type of construction and general arrangement and, if accompanied by drawings, show the structural design and that the plans and design conform to the requirements of the technical codes as to strength, stresses, strains, loads and stability. The building official may without any examination or inspection accept such affidavit, provided the architect or engineer who made such affidavit agrees to submit to the building official copies of inspection reports as inspections are performed and upon completion of the structure, electrical, gas, mechanical or plumbing systems a certification that the structure, electrical, gas, mechanical or plumbing system has been erected in accordance with the requirements of the technical codes. Where the building official relies upon such affidavit, the architect or engineer shall assume full responsibility for compliance with all provisions of the technical codes and other pertinent laws or ordinances. The building official shall ensure that any person conducting plans review is qualified as a plans examiner under Part XII of Chapter 468, Florida Statutes, and that any person conducting inspections is qualified as a building inspector under Part XII of Chapter 468, Florida Statutes.

9. Section 107.6.1, Florida Building Code, Building, 7th Edition (2020), states:

> **Building permits issued on the basis of an affidavit.**
> Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Parts 59 and 60), the authority granted to the *building official* to issue permits, to rely on inspections, and to accept plans and construction documents on the basis of affidavits and plans submitted pursuant to Sections 105.14 and 107.6, shall not extend to the flood load and flood-resistance construction requirements of the Florida Building Code.

10. In response to Petitioner's question, the answer is no. Section 107.6.1, Florida Building Code, Building, 7th Edition (2020), is limited in scope to affidavits issued pursuant to sections 105.14 and 107.6, Florida Building Code, Building, 7th Edition (2020), and therefore section 107.6.1 does not apply to services performed by private providers as authorized by

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section 553.791, Florida Statutes (2021). This does not absolve the community from complying with any requirements under the National Flood Insurance Program.

DONE AND ORDERED this 20th day of OCTOBER, 2021, in St. Augustine, St. Johns County, State of Florida.

JAMES R. SCHOCK
Chairman, Florida Building Commission

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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 (2021), 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 the Agency Clerk, Department of Business and Professional Regulation, 2601 Blair Stone Road, Tallahassee, Florida 32399-2203 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 (2021).

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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 9th day of November, 2021.

Brandon M. Nichols

Agency Clerk's Office
Department of Business and Professional Regulation
& Florida Building Commission
2601 Blair Stone Road
Tallahassee, Florida 32399-2203

Via U.S. Mail

Classic Florida Dream Homes, LLC
Attn: Thomas E. Smith
424 Harbor Drive North
Indian Rocks Beach, FL 33785

Via Inter-Office or Email Delivery

Mo Madani, Planning Manager
Codes and Standards Section
Department of Business and Professional Regulation
2601 Blair Stone Road
Tallahassee, Florida 32399
Mo.Madani@myfloridalicense.com

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

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SP9987Rationale

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STATE OF FLORIDA

DIVISION OF EMERGENCY MANAGEMENT

Ron DeSantis
Governor

Jared Moskowitz
Director

November 2, 2020

MEMORANDUM

TO: Florida Floodplain Administrators and Building Officials

FROM: Conn H. Cole, Interim State Floodplain Manager Conn H. Cole Digitally signed by Conn H. Cole DN: cn=Conn H. Cole, o=Florida Department of Emergency Management, ou=State Floodplain Management Office, email=Conn.Cole@em.myflorida.com, c=US Date: 2020.11.02 14:56:03 -05'00'

CONCURRENCE: Jason O. Hunter, Chief, FEMA Region IV Floodplain Management & Insurance Branch Jason O. Hunter

RE: Florida Building Code and Permits Issued on the Basis of Affidavits
NFIP Communities Must Review For Floodplain Compliance

Over the past year the State Floodplain Management Office (SFMO) has received inquiries regarding changes enacted in the 2019 legislative session that affect the use and acceptance of private providers for building permits and inspections. The Florida Building Code (FBC) includes provisions for issuing permits based on affidavits signed by qualified architects or engineers, in the Building volume, sections 105.14 and 107.6. These sections are shown in the attachment.

This memorandum provides guidance to clarify the exception to Sections 105.14 and 107.6.1. FEMA Region IV concurs with this guidance. **In effect, the sections require local officials to review applications for compliance with the flood load and flood-resistant construction requirements of the FBC when buildings are proposed to be located in special flood hazard areas, and to inspect those aspects when permits are issued.**

The National Flood Insurance Program (NFIP) requires communities that participate in the program to agree to adopt and enforce regulations that meet or exceed the minimum requirement of the NFIP (44 Code of Federal Regulations Parts 59 and 60). FEMA deems the flood provisions of the FBC to meet or exceed the minimum NFIP requirements for buildings and structures.

The NFIP regulations require communities to review proposed construction or development in special flood hazard areas. Specifically, the NFIP regulations in Section 60.3 states: "Minimum standards for communities are as follows: (a) . . . the community shall: . . . (1) Require permits for all proposed construction or development . . . ; (2) Review proposed development to . . . ; (3) Review all applications to . . . ; (4) Review subdivision proposals and other new development . . ." https://www.govinfo.gov/app/details/CFR-2011-title44-vol1/CFR-2011-title44-vol1-part60

DIVISION HEADQUARTERS
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100

Telephone: 850-815-4000
www.FloridaDisaster.org

STATE LOGISTICS RESPONSE CENTER
2702 Directors Row
Orlando, FL 32809-5631

SP9987Rationale

In 2011-12, the SFMO worked with FEMA, the Florida Building Commission, the Building Officials Association of Florida, and the Florida Floodplain Managers Association to incorporate in the FBC the necessary requirements for buildings in flood hazard areas. As part of that effort, the SFMO examined the matter of permits issued based on affidavits. Prior to the inclusion of Section 107.6.1 and the exception to Section 105.14, many communities individually adopted local administrative amendments with the same limitation.

During the code development cycle for the 5th Edition FBC, FDEM submitted a proposal to incorporate Section 107.6.1 into the FBC (the exception to Section 105.14 was added by amendment to a proposal by others). FDEM's rationale statement is shown below and repeated here for clarify:

> Both of these proposed new sections flow from consistency with the NFIP. They were developed by DEM as part of the Model Floodplain Management Ordinance and Code Amendments, reviewed by BOAF, and scrutinized by FEMA. Because FEMA deemed both of these are necessary, it is more efficient for the FBC to include them in Chapter 1, rather than expect every local government to adopt them as local administrative code amendments.
>
> Despite the submission of an affidavit authorized by B107.6, the building official must review plans for compliance with the flood provisions and issue permits and perform inspections to ensure compliance with the flood provisions. Under the NFIP, the community is responsible for ensuring compliance.
>
> *The original proposal (SP5255) included both Section 107.6.1 and Section 117; the exception to Section 105.14 was added to proposal CA5082) by amendments for consistency.

Please contact us at (850) 815-4556 or floods@em.myflorida.com if you have questions about the flood provisions in the FBC or FBC-coordinated floodplain management regulations.

CC: Steve Martin, Roy McClure, Virgilio Chris Perez

Attachment: FBC, Building, Sections 105.14 and 107.6.1 and Proposal for the 5th Ed. FBC, submitted 7/22/2012

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ATTACHMENT

FBC, Building Sections 105.14 and 107.6.1

105.14 Permit issued on basis of an affidavit. Whenever a permit is issued in reliance upon an affidavit or whenever the work to be covered by a permit involves installation under conditions which, in the opinion of the building official, are hazardous or complex, the building official shall require that the architect or engineer who signed the affidavit or prepared the drawings or computations shall supervise such work. In addition, they shall be responsible for conformity to the permit, provide copies of inspection reports as inspections are performed, and upon completion make and file with the building official written affidavit that the work has been done in conformity to the reviewed plans and with the structural provisions of the technical codes. In the event such architect or engineer is not available, the owner shall employ in his stead a competent person or agency whose qualifications are reviewed by the building official. The building official shall ensure that any person conducting plans review is qualified as a plans examiner under Part XII of Chapter 468, *Florida Statutes,* and that any person conducting inspections is qualified as a building inspector under Part XII of Chapter 468, *Florida Statutes.*

Exception: Permit issued on basis of an affidavit shall not extend to the flood load and flood resistance requirements of the *Florida Building Code*.

107.6.1 [Affidavits] Building permits issued on the basis of an affidavit. Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Parts 59 and 60), the authority granted to the building official to issue permits, to rely on inspections, and to accept plans and construction documents on the basis of affidavits and plans submitted pursuant to Sections 105.14 and 107.6, shall not extend to the flood load and flood-resistance construction requirements of the *Florida Building Code.*

Mod SP 5255 (approved as submitted)

Mod CA 5082 (submitted by Joe Bigelow to add new Sec. 105.14; FDEM proposed amendment to recapture NFIP; approved as amended.

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Date Submitted	7/22/2012	**Section**	107.6 and 117 (new)	**Proponent**	Rebecca Quinn obo DEM
Chapter	1	**Affects HVHZ**	No	**Attachments**	No
TAC Recommendation	Pending Review				
Commission Action	Pending Review				

Related Modifications

Summary of Modification

Two administrative amendments that FEMA has deemed necessary to ensure that enforcement of the flood provisions of the FBC remain consistent with the NFIP.

Rationale

Both of these proposed new sections flow from consistency with the NFIP. They were developed by DEM as part of the Model Floodplain Management Ordinance and Code Amendments, reviewed by BOAF, and scrutinized by FEMA. Because FEMA has deemed both of these are necessary, it is more efficient for the FBC to include them in Chapter 1, rather than expect every local government to adopt them as local administrative code amendments.

Despite the submission of an affidavit authorized by §107.6, the building official must review plans for compliance with the flood provisions and issue permits and perform inspections to ensure compliance with the flood provisions. Under the NFIP, the community is responsible for ensuring compliance.

For consistency with the NFIP, section 553.73(5), F.S., authorizes adoption of procedures for variances, the specific procedures are in the FPM ordinance. Variances are official permission to undertake an activity that is otherwise prohibited or not approvable under the regulations or building code. As specified in section 553.73(5), F.S., the authority to grant variances to the flood provisions does not extend to any requirement in Section 3109, which applies seaward of the Coastal Construction Control Line.

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Select Year: 2021 Go

The 2021 Florida Statutes

Title XXXIII
REGULATION OF TRADE, COMMERCE, INVESTMENTS, AND SOLICITATIONS

Chapter 553
BUILDING CONSTRUCTION STANDARDS

View Entire Chapter

553.73 Florida Building Code.—

(1)(a) The commission shall adopt, by rule pursuant to ss. 120.536(1) and 120.54, the Florida Building Code which shall contain or incorporate by reference all laws and rules which pertain to and govern the design, construction, erection, alteration, modification, repair, and demolition of public and private buildings, structures, and facilities and enforcement of such laws and rules, except as otherwise provided in this section.

(b) The technical portions of the Florida Accessibility Code for Building Construction shall be contained in their entirety in the Florida Building Code. The civil rights portions and the technical portions of the accessibility laws of this state shall remain as currently provided by law. Any revision or amendments to the Florida Accessibility Code for Building Construction pursuant to part II shall be considered adopted by the commission as part of the Florida Building Code. Neither the commission nor any local government shall revise or amend any standard of the Florida Accessibility Code for Building Construction except as provided for in part II.

(c) The Florida Fire Prevention Code and the Life Safety Code shall be referenced in the Florida Building Code, but shall be adopted, modified, revised, or amended, interpreted, and maintained by the Department of Financial Services by rule adopted pursuant to ss. 120.536(1) and 120.54. The Florida Building Commission may not adopt a fire prevention or lifesafety code, and nothing in the Florida Building Code shall affect the statutory powers, duties, and responsibilities of any fire official or the Department of Financial Services.

(d) Conflicting requirements between the Florida Building Code and the Florida Fire Prevention Code and Life Safety Code of the state established pursuant to ss. 633.206 and 633.208 shall be resolved by agreement between the commission and the State Fire Marshal in favor of the requirement that offers the greatest degree of lifesafety or alternatives that would provide an equivalent degree of lifesafety and an equivalent method of construction. If the commission and State Fire Marshal are unable to agree on a resolution, the question shall be referred to a mediator, mutually agreeable to both parties, to resolve the conflict in favor of the provision that offers the greatest lifesafety, or alternatives that would provide an equivalent degree of lifesafety and an equivalent method of construction.

(e) Subject to the provisions of this act, responsibility for enforcement, interpretation, and regulation of the Florida Building Code shall be vested in a specified local board or agency, and the words “local government” and “local governing body” as used in this part shall be construed to refer exclusively to such local board or agency.

(2) 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

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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.

(3) The commission shall use the International Codes published by the International Code Council, the National Electric Code (NFPA 70), or other nationally adopted model codes and standards for updates to the Florida Building Code. The commission may approve technical amendments to the code as provided in subsections (8) and (9), subject to all of the following conditions:

(a) The proposed amendment must have been published on the commission's website for a minimum of 45 days and all the associated documentation must have been made available to any interested party before consideration by a technical advisory committee.

(b) In order for a technical advisory committee to make a favorable recommendation to the commission, the proposal must receive a two-thirds vote of the members present at the meeting. At least half of the regular members must be present in order to conduct a meeting.

(c) After the technical advisory committee has considered and recommended approval of any proposed amendment, the proposal must be published on the commission's website for at least 45 days before consideration by the commission.

(d) A proposal may be modified by the commission based on public testimony and evidence from a public hearing held in accordance with chapter 120.

The commission shall incorporate within the Florida Building Code provisions that address regional and local concerns and variations. The commission shall make every effort to minimize conflicts between the Florida Building Code, the Florida Fire Prevention Code, and the Life Safety Code.

(4)(a) All entities authorized to enforce the Florida Building Code under s. 553.80 shall comply with applicable standards for issuance of mandatory certificates of occupancy, minimum types of inspections, and procedures for plans review and inspections as established by the commission by rule. Local governments may adopt amendments to the administrative provisions of the Florida Building Code, subject to the limitations in this subsection. Local amendments must be more stringent than the minimum standards described in this section and must be transmitted to the commission within 30 days after enactment. The local government shall make such amendments available to the general public in a usable format. The State Fire Marshal is responsible for establishing the standards and procedures required in this subsection for governmental entities with respect to applying the Florida Fire Prevention Code and the Life Safety Code.

(b) Local governments may, subject to the limitations in this section and not more than once every 6 months, adopt amendments to the technical provisions of the Florida Building Code that apply solely within the jurisdiction of such government and that provide for more stringent requirements than those specified in the Florida Building Code. A local government may adopt technical amendments that address local needs if:

1. The local governing body determines, following a public hearing which has been advertised in a newspaper of general circulation at least 10 days before the hearing, that there is a need to strengthen the requirements of the Florida Building Code. The determination must be based upon a review of local conditions by the local governing body, which review demonstrates by evidence or data that the geographical jurisdiction governed by the local governing body exhibits a local need to strengthen the Florida Building Code beyond the needs or regional variation addressed by the Florida Building Code, that the local need is addressed by the proposed local amendment, and that the amendment is no more stringent than necessary to address the local need.

2. Such additional requirements are not discriminatory against materials, products, or construction techniques of demonstrated capabilities.

3. Such additional requirements may not introduce a new subject not addressed in the Florida Building Code.

(c) The enforcing agency shall make readily available, in a usable format, all amendments adopted under this section.

(d) Any amendment to the Florida Building Code shall be transmitted within 30 days after adoption by the local government to the commission. The commission shall maintain copies of all such amendments in a format that is usable and obtainable by the public. Local technical amendments are not effective until 30 days after the amendment has been received and published by the commission.

(e) An amendment to the Florida Building Code adopted by a local government under this subsection is effective only until the adoption of the new edition of the Florida Building Code by the commission every third year. At such time, the commission shall review such amendment for consistency with the criteria in paragraph (9)(a) and adopt such amendment as part of the Florida Building Code or rescind the amendment. The commission shall immediately notify the respective local government of the rescission of any amendment. After receiving such notice, the respective local government may readopt the rescinded amendment under the provisions of this subsection.

(f) Each county and municipality desiring to make local technical amendments to the Florida Building Code shall establish by interlocal agreement a countywide compliance review board to review any amendment to the Florida Building Code that is adopted by a local government within the county under this subsection and that is challenged by a substantially affected party for purposes of determining the amendment's compliance with this subsection. If challenged, the local technical amendments are not effective until the time for filing an appeal under paragraph (g) has expired or, if there is an appeal, until the commission issues its final order determining if the adopted amendment is in compliance with this subsection.

(g) If the compliance review board determines such amendment is not in compliance with this subsection, the compliance review board shall notify such local government of the noncompliance and that the amendment is invalid and unenforceable until the local government corrects the amendment to bring it into compliance. The local government may appeal the decision of the compliance review board to the commission. If the compliance review board determines that such amendment is in compliance with this subsection, any substantially affected party may appeal such determination to the commission. Any such appeal must be filed with the commission within 14 days after the board's written determination. The commission shall promptly refer the appeal to the Division of Administrative Hearings by electronic means through the division's website for the assignment of an administrative law judge. The administrative law judge shall conduct the required hearing within 30 days after being assigned to the appeal, and shall enter a recommended order within 30 days after the conclusion of such hearing. The commission shall enter a final order within 30 days after an order is rendered. Chapter 120 and the uniform rules of procedure shall apply to such proceedings. The local government adopting the amendment that is subject to challenge has the burden of proving that the amendment complies with this subsection in proceedings before the compliance review board and the commission, as applicable. Actions of the commission are subject to judicial review under s. 120.68. The compliance review board shall determine whether its decisions apply to a respective local jurisdiction or apply countywide.

(h) An amendment adopted under this subsection must include a fiscal impact statement that documents the costs and benefits of the proposed amendment. Criteria for the fiscal impact statement shall include the impact to local government relative to enforcement and the impact to property and building owners and industry relative to the cost of compliance. The fiscal impact statement may not be used as a basis for challenging the amendment for compliance.

(i) In addition to paragraphs (f) and (g), the commission may review any amendments adopted under this subsection and make nonbinding recommendations related to compliance of such amendments with this subsection.

(j) Any amendment adopted by a local enforcing agency under this subsection may not apply to state or school district owned buildings, manufactured buildings or factory-built school buildings approved by the commission, or prototype buildings approved under s. 553.77(3). The respective responsible entities shall consider the physical performance parameters substantiating such amendments when designing, specifying, and constructing such exempt buildings.

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(k) A technical amendment to the Florida Building Code related to water conservation practices or design criteria adopted by a local government under this subsection is not void when the code is updated if the technical amendment is necessary to protect or provide for more efficient use of water resources as provided in s. 373.621. However, any such technical amendment carried forward into the next edition of the code under this paragraph is subject to review or modification as provided in this part.

(l) If a local government adopts a regulation, law, ordinance, policy, amendment, or land use or zoning provision without using the process established in this subsection, and a substantially affected person considers such regulation, law, ordinance, policy, amendment, or land use or zoning provision to be a technical amendment to the Florida Building Code, then the substantially affected person may submit a petition to the commission for a nonbinding advisory opinion. If a substantially affected person submits a request in accordance with this paragraph, the commission shall issue a nonbinding advisory opinion stating whether or not the commission interprets the regulation, law, ordinance, policy, amendment, or land use or zoning provision as a technical amendment to the Florida Building Code. As used in this paragraph, the term "local government" means a county, municipality, special district, or political subdivision of the state.

1. Requests to review a local government regulation, law, ordinance, policy, amendment, or land use or zoning provision may be initiated by any substantially affected person. A substantially affected person includes an owner or builder subject to the regulation, law, ordinance, policy, amendment, or land use or zoning provision, or an association of owners or builders having members who are subject to the regulation, law, ordinance, policy, amendment, or land use or zoning provision.

2. In order to initiate a review, a substantially affected person must file a petition with the commission. The commission shall adopt a form for the petition and directions for filing, which shall be published on the Building Code Information System. The form shall, at a minimum, require the following:

a. The name of the local government that enacted the regulation, law, ordinance, policy, amendment, or land use or zoning provision.

b. The name and address of the local government's general counsel or administrator.

c. The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any; and an explanation of how the petitioner's substantial interests are being affected by the regulation, law, ordinance, policy, amendment, or land use or zoning provision.

d. A statement explaining why the regulation, law, ordinance, policy, amendment, or land use or zoning provision is a technical amendment to the Florida Building Code, and which provisions of the Florida Building Code, if any, are being amended by the regulation, law, ordinance, policy, amendment, or land use or zoning provision.

3. The petitioner shall serve the petition on the local government's general counsel or administrator by certified mail, return receipt requested, and send a copy of the petition to the commission, in accordance with the commission's published directions. The local government shall respond to the petition in accordance with the form by certified mail, return receipt requested, and send a copy of its response to the commission, within 14 days after receipt of the petition, including Saturdays, Sundays, and legal holidays.

4. Upon receipt of a petition that meets the requirements of this paragraph, the commission shall publish the petition, including any response submitted by the local government, on the Building Code Information System in a manner that allows interested persons to address the issues by posting comments.

5. Before issuing an advisory opinion, the commission shall consider the petition, the response, and any comments posted on the Building Code Information System. The commission may also provide the petition, the response, and any comments posted on the Building Code Information System to a technical advisory committee, and may consider any recommendation provided by the technical advisory committee. The commission shall issue an advisory opinion stating whether the regulation, law, ordinance, policy, amendment, or land use or zoning provision is a technical amendment to the Florida Building Code within 30 days after the filing of the petition, including Saturdays, Sundays, and legal holidays. The commission shall publish its advisory opinion on the Building Code Information System and in the Florida Administrative Register. The commission's advisory opinion is nonbinding and is not a declaratory statement under s. 120.565.

(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 under this subsection shall be transmitted to the commission within 30 days after being adopted. A municipality, county, or special district may not use preliminary maps issued by the Federal Emergency Management Agency for any law, ordinance, rule, or other measure that has the effect of imposing land use changes or permits.

(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 shall adopt an updated Florida Building Code every 3 years through review of the most current updates of the International Building Code, the International Fuel Gas Code, the International Existing Building Code, the International Mechanical Code, the International Plumbing Code, and the International Residential Code, all of which are copyrighted and published by the International Code Council, and the National Electrical Code, which is copyrighted and published by the National Fire Protection Association. At a minimum, the commission shall adopt any updates to such codes or any other code necessary to maintain eligibility for federal funding and discounts from the National Flood Insurance Program, the Federal Emergency Management Agency, and the United States Department of Housing and Urban Development. The commission shall also review and adopt updates based on the International Energy Conservation Code (IECC); however, the commission shall maintain the efficiencies of the Florida Energy Efficiency Code for Building Construction adopted and amended pursuant to s. 553.901. Every 3 years, the commission may approve updates to the Florida Building Code without a finding that the updates are needed in order to accommodate the specific needs of this state. The commission shall adopt updated codes by rule.

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

(c) The commission may also adopt as a technical amendment to the Florida Building Code any portion of the codes identified in paragraph (a), but only as needed to accommodate the specific needs of this state. Standards or criteria adopted from these codes shall be incorporated by reference to the specific provisions adopted. 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 that 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 amendments 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 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

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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 finding by the commission that the amendment is necessary to protect the public from immediate threat of harm takes effect immediately.

(f) Provisions of the Florida Building Code, including those contained in referenced standards and criteria, relating to wind resistance or the prevention of water intrusion may not be modified to diminish those construction requirements; however, the commission may, subject to conditions in this subsection, modify the provisions to enhance those construction requirements.

(8) Notwithstanding subsection (3) or subsection (7), the commission may address issues identified in this subsection by amending the code under the rule adoption procedures in chapter 120. Updates to the Florida Building Code, including provisions contained in referenced standards and criteria which relate to wind resistance or the prevention of water intrusion, may not be amended under this subsection to diminish those standards; however, the commission may amend the Florida Building Code to enhance such standards. Following the approval of any amendments to the Florida Building Code by the commission and publication of the amendments on the commission's website, authorities having jurisdiction to enforce the Florida Building Code may enforce the amendments.

(a) The commission may approve amendments that are needed to address:

1. Conflicts within the updated code;
2. Conflicts between the updated code and the Florida Fire Prevention Code adopted under chapter 633;
3. Unintended results from the integration of previously adopted amendments with the model code;
4. Equivalency of standards;
5. Changes to or inconsistencies with federal or state law; or
6. Adoption of an updated edition of the National Electrical Code if the commission finds that delay of implementing the updated edition causes undue hardship to stakeholders or otherwise threatens the public health, safety, and welfare.

(b) The commission may issue errata to the code pursuant to the rule adoption procedures in chapter 120 to list demonstrated errors in provisions contained within the Florida Building Code. The determination of such errors and the issuance of errata to the code must be approved by a 75-percent supermajority vote of the commission. For purposes of this paragraph, "errata to the code" means a list of errors on current and previous editions of the Florida Building Code.

(9)(a) The commission may approve technical amendments to the Florida Building Code once each year for statewide or regional application upon a finding that the amendment:

1. Is needed in order to accommodate the specific needs of this state.
2. Has a reasonable and substantial connection with the health, safety, and welfare of the general public.
3. Strengthens or improves the Florida Building Code, or in the case of innovation or new technology, will provide equivalent or better products or methods or systems of construction.
4. Does not discriminate against materials, products, methods, or systems of construction of demonstrated capabilities.
5. Does not degrade the effectiveness of the Florida Building Code.

The Florida Building Commission may approve technical amendments to the code once each year to incorporate into the Florida Building Code its own interpretations of the code which are embodied in its opinions, final orders, declaratory statements, and interpretations of hearing officer panels under s. 553.775(3)(c), but only to the extent that the incorporation of interpretations is needed to modify the code to accommodate the specific needs of this state. Amendments approved under this paragraph shall be adopted by rule after the amendments have been subjected to subsection (3).

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(b) A proposed amendment must include a fiscal impact statement that documents the costs and benefits of the proposed amendment. Criteria for the fiscal impact statement shall be established by rule by the commission and shall include the impact to local government relative to enforcement, the impact to property and building owners, and the impact to industry, relative to the cost of compliance. The amendment must demonstrate by evidence or data that the state's geographical jurisdiction exhibits a need to strengthen the code beyond the needs or regional variations addressed by the code and why the proposed amendment applies to this state.

(c) The commission may not approve any proposed amendment that does not accurately and completely address all requirements for amendment which are set forth in this section. The commission shall require all proposed amendments and information submitted with proposed amendments to be reviewed by commission staff prior to consideration by any technical advisory committee. These reviews shall be for sufficiency only and are not intended to be qualitative in nature. Staff members shall reject any proposed amendment that fails to include a fiscal impact statement. Proposed amendments rejected by members of the staff may not be considered by the commission or any technical advisory committee.

(d) Provisions of the Florida Building Code, including those contained in referenced standards and criteria, relating to wind resistance or the prevention of water intrusion may not be amended pursuant to this subsection to diminish those construction requirements; however, the commission may, subject to conditions in this subsection, amend the provisions to enhance those construction requirements.

(10) The following buildings, structures, and facilities are exempt from the Florida Building Code as provided by law, and any further exemptions shall be as determined by the Legislature and provided by law:

(a) Buildings and structures specifically regulated and preempted by the Federal Government.

(b) Railroads and ancillary facilities associated with the railroad.

(c) Nonresidential farm buildings on farms.

(d) Temporary buildings or sheds used exclusively for construction purposes.

(e) Mobile or modular structures used as temporary offices, except that the provisions of part II relating to accessibility by persons with disabilities apply to such mobile or modular structures.

(f) Those structures or facilities of electric utilities, as defined in s. 366.02, which are directly involved in the generation, transmission, or distribution of electricity.

(g) Temporary sets, assemblies, or structures used in commercial motion picture or television production, or any sound-recording equipment used in such production, on or off the premises.

(h) Storage sheds that are not designed for human habitation and that have a floor area of 720 square feet or less are not required to comply with the mandatory wind-borne-debris-impact standards of the Florida Building Code. In addition, such buildings that are 400 square feet or less and that are intended for use in conjunction with one- and two-family residences are not subject to the door height and width requirements of the Florida Building Code.

(i) Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other nonwood features.

(j) Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.

(k) A building or structure having less than 1,000 square feet which is constructed and owned by a natural person for hunting and which is repaired or reconstructed to the same dimension and condition as existed on January 1, 2011, if the building or structure:

1. Is not rented or leased or used as a principal residence;

2. Is not located within the 100-year floodplain according to the Federal Emergency Management Agency's current Flood Insurance Rate Map; and

3. Is not connected to an offsite electric power or water supply.

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With the exception of paragraphs (a), (b), (c), and (f), in order to preserve the health, safety, and welfare of the public, the Florida Building Commission may, by rule adopted pursuant to chapter 120, provide for exceptions to the broad categories of buildings exempted in this section, including exceptions for application of specific sections of the code or standards adopted therein. The Department of Agriculture and Consumer Services shall have exclusive authority to adopt by rule, pursuant to chapter 120, exceptions to nonresidential farm buildings exempted in paragraph (c) when reasonably necessary to preserve public health, safety, and welfare. The exceptions must be based upon specific criteria, such as under-roof floor area, aggregate electrical service capacity, HVAC system capacity, or other building requirements. Further, the commission may recommend to the Legislature additional categories of buildings, structures, or facilities which should be exempted from the Florida Building Code, to be provided by law. The Florida Building Code does not apply to temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.

(11)(a) In the event of a conflict between the Florida Building Code and the Florida Fire Prevention Code and the Life Safety Code as applied to a specific project, the conflict shall be resolved by agreement between the local building code enforcement official and the local fire code enforcement official in favor of the requirement of the code which offers the greatest degree of lifesafety or alternatives which would provide an equivalent degree of lifesafety and an equivalent method of construction. Local boards created to address issues arising under the Florida Building Code or the Florida Fire Prevention Code may combine the appeals boards to create a single, local board having jurisdiction over matters arising under either code or both codes. The combined local appeals board may grant alternatives or modifications through procedures outlined in NFPA 1, Section 1.4, but may not waive the requirements of the Florida Fire Prevention Code. To meet the quorum requirement for convening the combined local appeals board, at least one member of the board who is a fire protection contractor, a fire protection design professional, a fire department operations professional, or a fire code enforcement professional must be present.

(b) Any decision made by the local fire official regarding application, interpretation, or enforcement of the Florida Fire Prevention Code or by the local building official regarding application, interpretation, or enforcement of the Florida Building Code, or the appropriate application of either code or both codes in the case of a conflict between the codes, may be appealed to a local administrative board designated by the municipality, county, or special district having firesafety responsibilities. If the decision of the local fire official and the local building official is to apply the provisions of either the Florida Building Code or the Florida Fire Prevention Code and the Life Safety Code, the board may not alter the decision unless the board determines that the application of such code is not reasonable. If the decision of the local fire official and the local building official is to adopt an alternative to the codes, the local administrative board shall give due regard to the decision rendered by the local officials and may modify that decision if the administrative board adopts a better alternative, taking into consideration all relevant circumstances. In any case in which the local administrative board adopts alternatives to the decision rendered by the local fire official and the local building official, such alternatives shall provide an equivalent degree of lifesafety and an equivalent method of construction as the decision rendered by the local officials.

(c) If the local building official and the local fire official are unable to agree on a resolution of the conflict between the Florida Building Code and the Florida Fire Prevention Code and the Life Safety Code, the local administrative board shall resolve the conflict in favor of the code which offers the greatest degree of lifesafety or alternatives which would provide an equivalent degree of lifesafety and an equivalent method of construction.

(d) All decisions of the local administrative board or, if none exists, the local building official and the local fire official in regard to the application, enforcement, or interpretation of the Florida Fire Prevention Code, or conflicts between the Florida Fire Prevention Code and the Florida Building Code, are subject to review by a joint committee composed of members of the Florida Building Commission and the Fire Code Advisory Council. If the joint committee is unable to resolve conflicts between the codes as applied to a specific project, the matter shall be resolved pursuant to paragraph (1)(d). Decisions of the local administrative board related solely to the Florida Building Code are subject to review as set forth in s. 553.775.

(e) The local administrative board shall, to the greatest extent possible, be composed of members with expertise in building construction and firesafety standards.

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(f) All decisions of the local building official and local fire official and all decisions of the administrative board shall be in writing and shall be binding upon a person but do not limit the authority of the State Fire Marshal or the Florida Building Commission pursuant to paragraph (1)(d) and ss. 633.104 and 633.228. Decisions of general application shall be indexed by building and fire code sections and shall be available for inspection during normal business hours.

(12) Except within coastal building zones as defined in s. 161.54, specification standards developed by nationally recognized code promulgation organizations to determine compliance with engineering criteria of the Florida Building Code for wind load design shall not apply to one or two family dwellings which are two stories or less in height unless approved by the commission for use or unless expressly made subject to said standards and criteria by local ordinance adopted in accordance with the provisions of subsection (4).

(13) The Florida Building Code does not apply to, and no code enforcement action shall be brought with respect to, zoning requirements, land use requirements, and owner specifications or programmatic requirements which do not pertain to and govern the design, construction, erection, alteration, modification, repair, or demolition of public or private buildings, structures, or facilities or to programmatic requirements that do not pertain to enforcement of the Florida Building Code. Additionally, a local code enforcement agency may not administer or enforce the Florida Building Code to prevent the siting of any publicly owned facility, including, but not limited to, correctional facilities, juvenile justice facilities, or state universities, community colleges, or public education facilities, as provided by law.

(14) The general provisions of the Florida Building Code for buildings and other structures shall not apply to commercial wireless communication towers when such general provisions are inconsistent with the provisions of the code controlling radio and television towers. This subsection is intended to be remedial in nature and to clarify existing law.

(15) An agency or local government may not require that existing mechanical equipment located on or above the surface of a roof be installed in compliance with the requirements of the Florida Building Code except during reroofing when the equipment is being replaced or moved and is not in compliance with the provisions of the Florida Building Code relating to roof-mounted mechanical units.

(16) The Florida Building Code must require that the illumination in classroom units be designed to provide and maintain an average of 40 foot-candles of light at each desktop. Public educational facilities must consider using light-emitting diode lighting before considering other lighting sources.

(17) A provision of the International Residential Code relating to mandated fire sprinklers may not be incorporated into the Florida Building Code as adopted by the Florida Building Commission and may not be adopted as a local amendment to the Florida Building Code. This subsection does not prohibit the application of cost-saving incentives for residential fire sprinklers that are authorized in the International Residential Code upon a mutual agreement between the builder and the code official. This subsection does not apply to a local government that has a lawfully adopted ordinance relating to fire sprinklers which has been in effect since January 1, 2010.

(18) In a single-family dwelling, makeup air is not required for range hood exhaust systems capable of exhausting:

(a) Four hundred cubic feet per minute or less; or

(b) More than 400 cubic feet per minute but no more than 800 cubic feet per minute if there are no gravity vent appliances within the conditioned living space of the structure.

(19) The Florida Building Code shall require two fire service access elevators in all buildings with a height greater than 120 feet measured from the elevation of street-level access to the level of the highest occupiable floor. All remaining elevators, if any, shall be provided with Phase I and II emergency operations. Where a fire service access elevator is required, a 1-hour fire-rated fire service access elevator lobby with direct access from the fire service access elevator is not required if the fire service access elevator opens into an exit access corridor that is no less than 6 feet wide for its entire length and is at least 150 square feet with the exception of door openings, and has a minimum 1-hour fire rating with three-quarter hour fire and smoke rated openings; and during a fire event the fire service access elevator is pressurized and floor-to-floor smoke control is provided. However, where transient residential occupancies occur at floor levels more than 420 feet above the level of fire service

access, a 1-hour fire-rated service access elevator lobby with direct access from the fire service access elevator is required. Standpipes in high-rise buildings of Florida Building Code—Building Occupancy Group R1 or R2 must be located in stairwells and are subject only to the requirements of the Florida Fire Prevention Code and NFPA 14, Standard for the Installation of Standpipes and Hose Systems, adopted by the State Fire Marshal.

(20) The Florida Building Commission may not:

(a) Adopt the 2016 version of the American Society of Heating, Refrigerating and Air-Conditioning Engineers Standard 9.4.1.1(g).

(b) Adopt any provision that requires a door located in the opening between a garage and a single-family residence to be equipped with a self-closing device.

History.—s. 4, ch. 74-167; s. 3, ch. 75-85; s. 1, ch. 77-365; s. 225, ch. 79-400; s. 1, ch. 80-106; s. 6, ch. 82-197; s. 2, ch. 84-273; s. 1, ch. 85-97; s. 33, ch. 86-191; s. 1, ch. 87-287; s. 1, ch. 88-142; s. 1, ch. 89-369; s. 2, ch. 91-172; s. 41, ch. 91-220; s. 49, ch. 95-144; s. 1, ch. 97-177; ss. 39, 40, 65, ch. 98-287; s. 61, ch. 98-419; ss. 73, 74, 75, ch. 2000-141; s. 62, ch. 2000-154; ss. 25, 34, 35, 36, ch. 2001-186; ss. 2, 3, 4, 5, ch. 2001-372; s. 86, ch. 2002-1; ss. 1, 14, ch. 2002-293; s. 66, ch. 2003-1; s. 663, ch. 2003-261; s. 7, ch. 2005-147; s. 1, ch. 2005-191; s. 4, ch. 2006-65; s. 7, ch. 2007-1; s. 4, ch. 2007-187; s. 140, ch. 2008-4; s. 10, ch. 2008-191; s. 108, ch. 2008-227; s. 1, ch. 2010-99; s. 32, ch. 2010-176; s. 14, ch. 2011-208; s. 30, ch. 2011-222; s. 14, ch. 2012-13; s. 148, ch. 2013-183; s. 14, ch. 2013-193; s. 18, ch. 2014-154; s. 17, ch. 2016-129; s. 11, ch. 2017-149; s. 6, ch. 2019-75; s. 2, ch. 2021-201.

[1] **Note.**—The amendment by s. 2, ch. 2021-201, changed the reference from "subparagraphs 7. and 9." to "paragraphs (f) and (g)" to conform to the redesignation of subunits in subsection (4) by that law. Subparagraph (b)7. was redesignated as paragraph (f), and subparagraph (b)9. was redesignated as paragraph (h).

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FILED
Department of Business and Professional Regulatio
Senior Deputy Agency Clerk
CLERK Brandon Nichols
Date 11/9/2021
File # 2021-08370

STATE OF FLORIDA
BUILDING COMMISSION

In the Matter of

CLASSIC FLORIDA DREAM HOMES, LLC

DS 2021-050

Petitioner.
_____/

DECLARATORY STATEMENT

The following proceeding came before the Florida Building Commission (Commission) by a Petition from Thomas E. Smith, for Classic Florida Dream Homes, LLC (Petitioner) that was received September 2, 2021. Based on the statements in the petition, the material subsequently submitted and the subsequent request by the Petitioner, the Commission states the following:

Findings of Fact

1. The petition is filed pursuant to, and must conform with the requirements of rule 28-105.002, Florida Administrative Code.

2. Petitioner's representative in this matter is Thomas E. Smith, 424 Harbor Drive North, Indian Rocks Beach, FL 33785.

3. Petitioner is a contractor planning the construction of a two-story, single family home located in a flood zone with an "AE" designation under the National Flood Insurance Program. Petitioner states that it wishes to have the option to utilize the services of private providers for plans review and/or building inspections on the project.

4. Petitioner seeks clarification of section 107.6.1, Florida Building Code, Building, 7th Edition (2020), as it pertains to building permits issued on the basis of affidavit, and the services provided by private providers pursuant to section 553.791, Florida Statutes (2021).

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5. Specifically, the Petitioner requests an answer to the following question based upon the project described within the petition for declaratory statement:

> Per the 2020 Florida Building Code, does section 107.6.1 Building Permits issued on the basis of an affidavit apply to Private Providers per F.S. 553.791?

Conclusions of Law

6. The Commission has the specific statutory authority pursuant to section 553.775(3)(a), Florida Statutes (2021) to interpret the provisions of the Florida Building Code by issuing a declaratory statement.

7. Section 105.14, Florida Building Code, Building, 7th Edition (2020), states:

> **Permit issued on basis of an affidavit.**
> Whenever a permit is issued in reliance upon an affidavit or whenever the work to be covered by a permit involves installation under conditions which, in the opinion of the building official, are hazardous or complex, the building official shall require that the architect or engineer who signed the affidavit or prepared the drawings or computations shall supervise such work. In addition, they shall be responsible for conformity to the permit, provide copies of inspection reports as inspections are performed, and upon completion make and file with the building official written affidavit that the work has been done in conformity to the reviewed plans and with the structural provisions of the technical codes. In the event such architect or engineer is not available, the owner shall employ in his stead a competent person or agency whose qualifications are reviewed by the building official. The building official shall ensure that any person conducting plans review is qualified as a plans examiner under Part XII of Chapter 468, Florida Statutes, and that any person conducting inspections is qualified as a building inspector under Part XII of Chapter 468, Florida Statutes.
>
> **Exception:** Permit issued on basis of an affidavit shall not extend to the flood load and flood resistance requirements of the Florida Building Code.

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8. Section 107.6, Florida Building Code, Building, 7th Edition (2020), states:

> **Affidavits.**
> The building official may accept a sworn affidavit from a registered architect or engineer stating that the plans submitted conform to the technical codes. For buildings and structures, the affidavit shall state that the plans conform to the laws as to egress, type of construction and general arrangement and, if accompanied by drawings, show the structural design and that the plans and design conform to the requirements of the technical codes as to strength, stresses, strains, loads and stability. The building official may without any examination or inspection accept such affidavit, provided the architect or engineer who made such affidavit agrees to submit to the building official copies of inspection reports as inspections are performed and upon completion of the structure, electrical, gas, mechanical or plumbing systems a certification that the structure, electrical, gas, mechanical or plumbing system has been erected in accordance with the requirements of the technical codes. Where the building official relies upon such affidavit, the architect or engineer shall assume full responsibility for compliance with all provisions of the technical codes and other pertinent laws or ordinances. The building official shall ensure that any person conducting plans review is qualified as a plans examiner under Part XII of Chapter 468, Florida Statutes, and that any person conducting inspections is qualified as a building inspector under Part XII of Chapter 468, Florida Statutes.

9. Section 107.6.1, Florida Building Code, Building, 7th Edition (2020), states:

> **Building permits issued on the basis of an affidavit.**
> Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Parts 59 and 60), the authority granted to the *building official* to issue permits, to rely on inspections, and to accept plans and construction documents on the basis of affidavits and plans submitted pursuant to Sections 105.14 and 107.6, shall not extend to the flood load and flood-resistance construction requirements of the Florida Building Code.

10. In response to Petitioner's question, the answer is no. Section 107.6.1, Florida Building Code, Building, 7th Edition (2020), is limited in scope to affidavits issued pursuant to sections 105.14 and 107.6, Florida Building Code, Building, 7th Edition (2020), and therefore section 107.6.1 does not apply to services performed by private providers as authorized by

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section 553.791, Florida Statutes (2021). This does not absolve the community from complying with any requirements under the National Flood Insurance Program.

DONE AND ORDERED this 20th day of OCTOBER, 2021, in St. Augustine, St. Johns County, State of Florida.

JAMES R. SCHOCK
Chairman, Florida Building Commission

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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 (2021), 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 the Agency Clerk, Department of Business and Professional Regulation, 2601 Blair Stone Road, Tallahassee, Florida 32399-2203 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 (2021).

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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 9th day of November, 2021.

Brandon M. Nichols

Agency Clerk's Office
Department of Business and Professional Regulation
& Florida Building Commission
2601 Blair Stone Road
Tallahassee, Florida 32399-2203

Via U.S. Mail

Classic Florida Dream Homes, LLC
Attn: Thomas E. Smith
424 Harbor Drive North
Indian Rocks Beach, FL 33785

Via Inter-Office or Email Delivery

Mo Madani, Planning Manager
Codes and Standards Section
Department of Business and Professional Regulation
2601 Blair Stone Road
Tallahassee, Florida 32399
Mo.Madani@myfloridalicense.com

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

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STATE OF FLORIDA

DIVISION OF EMERGENCY MANAGEMENT

Ron DeSantis
Governor

Jared Moskowitz
Director

November 2, 2020

MEMORANDUM

TO: Florida Floodplain Administrators and Building Officials

FROM: Conn H. Cole, Interim State Floodplain Manager Conn H. Cole Digitally signed by Conn H. Cole DN: cn=Conn H. Cole, o=Florida Department of Emergency Management, ou=State Floodplain Management Office, email=Conn.Cole@em.myflorida.com, c=US Date: 2020.11.02 14:56:03 -05'00'

CONCURRENCE: Jason O. Hunter, Chief, FEMA Region IV Floodplain Management & Insurance Branch Jason O. Hunter

RE: Florida Building Code and Permits Issued on the Basis of Affidavits
NFIP Communities Must Review For Floodplain Compliance

Over the past year the State Floodplain Management Office (SFMO) has received inquiries regarding changes enacted in the 2019 legislative session that affect the use and acceptance of private providers for building permits and inspections. The Florida Building Code (FBC) includes provisions for issuing permits based on affidavits signed by qualified architects or engineers, in the Building volume, sections 105.14 and 107.6. These sections are shown in the attachment.

This memorandum provides guidance to clarify the exception to Sections 105.14 and 107.6.1. FEMA Region IV concurs with this guidance. **In effect, the sections require local officials to review applications for compliance with the flood load and flood-resistant construction requirements of the FBC when buildings are proposed to be located in special flood hazard areas, and to inspect those aspects when permits are issued.**

The National Flood Insurance Program (NFIP) requires communities that participate in the program to agree to adopt and enforce regulations that meet or exceed the minimum requirement of the NFIP (44 Code of Federal Regulations Parts 59 and 60). FEMA deems the flood provisions of the FBC to meet or exceed the minimum NFIP requirements for buildings and structures.

The NFIP regulations require communities to review proposed construction or development in special flood hazard areas. Specifically, the NFIP regulations in Section 60.3 states: "Minimum standards for communities are as follows: (a) . . . the community shall: . . . (1) Require permits for all proposed construction or development . . . ; (2) Review proposed development to . . . ; (3) Review all applications to . . . ; (4) Review subdivision proposals and other new development . . ." https://www.govinfo.gov/app/details/CFR-2011-title44-vol1/CFR-2011-title44-vol1-part60

DIVISION HEADQUARTERS
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100

Telephone: 850-815-4000
www.FloridaDisaster.org

STATE LOGISTICS RESPONSE CENTER
2702 Directors Row
Orlando, FL 32809-5631

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In 2011-12, the SFMO worked with FEMA, the Florida Building Commission, the Building Officials Association of Florida, and the Florida Floodplain Managers Association to incorporate in the FBC the necessary requirements for buildings in flood hazard areas. As part of that effort, the SFMO examined the matter of permits issued based on affidavits. Prior to the inclusion of Section 107.6.1 and the exception to Section 105.14, many communities individually adopted local administrative amendments with the same limitation.

During the code development cycle for the 5th Edition FBC, FDEM submitted a proposal to incorporate Section 107.6.1 into the FBC (the exception to Section 105.14 was added by amendment to a proposal by others). FDEM's rationale statement is shown below and repeated here for clarify:

> Both of these proposed new sections flow from consistency with the NFIP. They were developed by DEM as part of the Model Floodplain Management Ordinance and Code Amendments, reviewed by BOAF, and scrutinized by FEMA. Because FEMA deemed both of these are necessary, it is more efficient for the FBC to include them in Chapter 1, rather than expect every local government to adopt them as local administrative code amendments.
>
> Despite the submission of an affidavit authorized by B107.6, the building official must review plans for compliance with the flood provisions and issue permits and perform inspections to ensure compliance with the flood provisions. Under the NFIP, the community is responsible for ensuring compliance.
>
> *The original proposal (SP5255) included both Section 107.6.1 and Section 117; the exception to Section 105.14 was added to proposal CA5082) by amendments for consistency.

Please contact us at (850) 815-4556 or floods@em.myflorida.com if you have questions about the flood provisions in the FBC or FBC-coordinated floodplain management regulations.

CC: Steve Martin, Roy McClure, Virgilio Chris Perez

Attachment: FBC, Building, Sections 105.14 and 107.6.1 and Proposal for the 5th Ed. FBC, submitted 7/22/2012

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ATTACHMENT

FBC, Building Sections 105.14 and 107.6.1

105.14 Permit issued on basis of an affidavit. Whenever a permit is issued in reliance upon an affidavit or whenever the work to be covered by a permit involves installation under conditions which, in the opinion of the building official, are hazardous or complex, the building official shall require that the architect or engineer who signed the affidavit or prepared the drawings or computations shall supervise such work. In addition, they shall be responsible for conformity to the permit, provide copies of inspection reports as inspections are performed, and upon completion make and file with the building official written affidavit that the work has been done in conformity to the reviewed plans and with the structural provisions of the technical codes. In the event such architect or engineer is not available, the owner shall employ in his stead a competent person or agency whose qualifications are reviewed by the building official. The building official shall ensure that any person conducting plans review is qualified as a plans examiner under Part XII of Chapter 468, *Florida Statutes,* and that any person conducting inspections is qualified as a building inspector under Part XII of Chapter 468, *Florida Statutes.*

Exception: Permit issued on basis of an affidavit shall not extend to the flood load and flood resistance requirements of the *Florida Building Code*.

107.6.1 [Affidavits] Building permits issued on the basis of an affidavit. Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Parts 59 and 60), the authority granted to the building official to issue permits, to rely on inspections, and to accept plans and construction documents on the basis of affidavits and plans submitted pursuant to Sections 105.14 and 107.6, shall not extend to the flood load and flood-resistance construction requirements of the *Florida Building Code.*

Mod SP 5255 (approved as submitted)

Mod CA 5082 (submitted by Joe Bigelow to add new Sec. 105.14; FDEM proposed amendment to recapture NFIP; approved as amended.

SP5255 Page 6 of 427 2

Date Submitted	7/22/2012	**Section**	107.6 and 117 (new)	**Proponent**	Rebecca Quinn obo DEM
Chapter	1	**Affects HVHZ**	No	**Attachments**	No
TAC Recommendation	Pending Review				
Commission Action	Pending Review				

Related Modifications

Summary of Modification

Two administrative amendments that FEMA has deemed necessary to ensure that enforcement of the flood provisions of the FBC remain consistent with the NFIP.

Rationale

Both of these proposed new sections flow from consistency with the NFIP. They were developed by DEM as part of the Model Floodplain Management Ordinance and Code Amendments, reviewed by BOAF, and scrutinized by FEMA. Because FEMA has deemed both of these are necessary, it is more efficient for the FBC to include them in Chapter 1, rather than expect every local government to adopt them as local administrative code amendments.

Despite the submission of an affidavit authorized by §107.6, the building official must review plans for compliance with the flood provisions and issue permits and perform inspections to ensure compliance with the flood provisions. Under the NFIP, the community is responsible for ensuring compliance.

For consistency with the NFIP, section 553.73(5), F.S., authorizes adoption of procedures for variances; the specific procedures are in the FPM ordinance. Variances are official permission to undertake an activity that is otherwise prohibited or not approvable under the regulations or building code. As specified in section 553.73(5), F.S., the authority to grant variances to the flood provisions does not extend to any requirement in Section 3109, which applies seaward of the Coastal Construction Control Line.

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Select Year: 2021 Go

The 2021 Florida Statutes

Title XXXIII
REGULATION OF TRADE, COMMERCE, INVESTMENTS, AND SOLICITATIONS

Chapter 553
BUILDING CONSTRUCTION STANDARDS

View Entire Chapter

553.73 Florida Building Code.—

(1)(a) The commission shall adopt, by rule pursuant to ss. 120.536(1) and 120.54, the Florida Building Code which shall contain or incorporate by reference all laws and rules which pertain to and govern the design, construction, erection, alteration, modification, repair, and demolition of public and private buildings, structures, and facilities and enforcement of such laws and rules, except as otherwise provided in this section.

(b) The technical portions of the Florida Accessibility Code for Building Construction shall be contained in their entirety in the Florida Building Code. The civil rights portions and the technical portions of the accessibility laws of this state shall remain as currently provided by law. Any revision or amendments to the Florida Accessibility Code for Building Construction pursuant to part II shall be considered adopted by the commission as part of the Florida Building Code. Neither the commission nor any local government shall revise or amend any standard of the Florida Accessibility Code for Building Construction except as provided for in part II.

(c) The Florida Fire Prevention Code and the Life Safety Code shall be referenced in the Florida Building Code, but shall be adopted, modified, revised, or amended, interpreted, and maintained by the Department of Financial Services by rule adopted pursuant to ss. 120.536(1) and 120.54. The Florida Building Commission may not adopt a fire prevention or lifesafety code, and nothing in the Florida Building Code shall affect the statutory powers, duties, and responsibilities of any fire official or the Department of Financial Services.

(d) Conflicting requirements between the Florida Building Code and the Florida Fire Prevention Code and Life Safety Code of the state established pursuant to ss. 633.206 and 633.208 shall be resolved by agreement between the commission and the State Fire Marshal in favor of the requirement that offers the greatest degree of lifesafety or alternatives that would provide an equivalent degree of lifesafety and an equivalent method of construction. If the commission and State Fire Marshal are unable to agree on a resolution, the question shall be referred to a mediator, mutually agreeable to both parties, to resolve the conflict in favor of the provision that offers the greatest lifesafety, or alternatives that would provide an equivalent degree of lifesafety and an equivalent method of construction.

(e) Subject to the provisions of this act, responsibility for enforcement, interpretation, and regulation of the Florida Building Code shall be vested in a specified local board or agency, and the words “local government” and “local governing body” as used in this part shall be construed to refer exclusively to such local board or agency.

(2) 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

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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.

(3) The commission shall use the International Codes published by the International Code Council, the National Electric Code (NFPA 70), or other nationally adopted model codes and standards for updates to the Florida Building Code. The commission may approve technical amendments to the code as provided in subsections (8) and (9), subject to all of the following conditions:

(a) The proposed amendment must have been published on the commission's website for a minimum of 45 days and all the associated documentation must have been made available to any interested party before consideration by a technical advisory committee.

(b) In order for a technical advisory committee to make a favorable recommendation to the commission, the proposal must receive a two-thirds vote of the members present at the meeting. At least half of the regular members must be present in order to conduct a meeting.

(c) After the technical advisory committee has considered and recommended approval of any proposed amendment, the proposal must be published on the commission's website for at least 45 days before consideration by the commission.

(d) A proposal may be modified by the commission based on public testimony and evidence from a public hearing held in accordance with chapter 120.

The commission shall incorporate within the Florida Building Code provisions that address regional and local concerns and variations. The commission shall make every effort to minimize conflicts between the Florida Building Code, the Florida Fire Prevention Code, and the Life Safety Code.

(4)(a) All entities authorized to enforce the Florida Building Code under s. 553.80 shall comply with applicable standards for issuance of mandatory certificates of occupancy, minimum types of inspections, and procedures for plans review and inspections as established by the commission by rule. Local governments may adopt amendments to the administrative provisions of the Florida Building Code, subject to the limitations in this subsection. Local amendments must be more stringent than the minimum standards described in this section and must be transmitted to the commission within 30 days after enactment. The local government shall make such amendments available to the general public in a usable format. The State Fire Marshal is responsible for establishing the standards and procedures required in this subsection for governmental entities with respect to applying the Florida Fire Prevention Code and the Life Safety Code.

(b) Local governments may, subject to the limitations in this section and not more than once every 6 months, adopt amendments to the technical provisions of the Florida Building Code that apply solely within the jurisdiction of such government and that provide for more stringent requirements than those specified in the Florida Building Code. A local government may adopt technical amendments that address local needs if:

1. The local governing body determines, following a public hearing which has been advertised in a newspaper of general circulation at least 10 days before the hearing, that there is a need to strengthen the requirements of the Florida Building Code. The determination must be based upon a review of local conditions by the local governing body, which review demonstrates by evidence or data that the geographical jurisdiction governed by the local governing body exhibits a local need to strengthen the Florida Building Code beyond the needs or regional variation addressed by the Florida Building Code, that the local need is addressed by the proposed local amendment, and that the amendment is no more stringent than necessary to address the local need.

2. Such additional requirements are not discriminatory against materials, products, or construction techniques of demonstrated capabilities.

3. Such additional requirements may not introduce a new subject not addressed in the Florida Building Code.

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(c) The enforcing agency shall make readily available, in a usable format, all amendments adopted under this section.

(d) Any amendment to the Florida Building Code shall be transmitted within 30 days after adoption by the local government to the commission. The commission shall maintain copies of all such amendments in a format that is usable and obtainable by the public. Local technical amendments are not effective until 30 days after the amendment has been received and published by the commission.

(e) An amendment to the Florida Building Code adopted by a local government under this subsection is effective only until the adoption of the new edition of the Florida Building Code by the commission every third year. At such time, the commission shall review such amendment for consistency with the criteria in paragraph (9)(a) and adopt such amendment as part of the Florida Building Code or rescind the amendment. The commission shall immediately notify the respective local government of the rescission of any amendment. After receiving such notice, the respective local government may readopt the rescinded amendment under the provisions of this subsection.

(f) Each county and municipality desiring to make local technical amendments to the Florida Building Code shall establish by interlocal agreement a countywide compliance review board to review any amendment to the Florida Building Code that is adopted by a local government within the county under this subsection and that is challenged by a substantially affected party for purposes of determining the amendment's compliance with this subsection. If challenged, the local technical amendments are not effective until the time for filing an appeal under paragraph (g) has expired or, if there is an appeal, until the commission issues its final order determining if the adopted amendment is in compliance with this subsection.

(g) If the compliance review board determines such amendment is not in compliance with this subsection, the compliance review board shall notify such local government of the noncompliance and that the amendment is invalid and unenforceable until the local government corrects the amendment to bring it into compliance. The local government may appeal the decision of the compliance review board to the commission. If the compliance review board determines that such amendment is in compliance with this subsection, any substantially affected party may appeal such determination to the commission. Any such appeal must be filed with the commission within 14 days after the board's written determination. The commission shall promptly refer the appeal to the Division of Administrative Hearings by electronic means through the division's website for the assignment of an administrative law judge. The administrative law judge shall conduct the required hearing within 30 days after being assigned to the appeal, and shall enter a recommended order within 30 days after the conclusion of such hearing. The commission shall enter a final order within 30 days after an order is rendered. Chapter 120 and the uniform rules of procedure shall apply to such proceedings. The local government adopting the amendment that is subject to challenge has the burden of proving that the amendment complies with this subsection in proceedings before the compliance review board and the commission, as applicable. Actions of the commission are subject to judicial review under s. 120.68. The compliance review board shall determine whether its decisions apply to a respective local jurisdiction or apply countywide.

(h) An amendment adopted under this subsection must include a fiscal impact statement that documents the costs and benefits of the proposed amendment. Criteria for the fiscal impact statement shall include the impact to local government relative to enforcement and the impact to property and building owners and industry relative to the cost of compliance. The fiscal impact statement may not be used as a basis for challenging the amendment for compliance.

(i) In addition to paragraphs (f) and (g), the commission may review any amendments adopted under this subsection and make nonbinding recommendations related to compliance of such amendments with this subsection.

(j) Any amendment adopted by a local enforcing agency under this subsection may not apply to state or school district owned buildings, manufactured buildings or factory-built school buildings approved by the commission, or prototype buildings approved under s. 553.77(3). The respective responsible entities shall consider the physical performance parameters substantiating such amendments when designing, specifying, and constructing such exempt buildings.

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(k) A technical amendment to the Florida Building Code related to water conservation practices or design criteria adopted by a local government under this subsection is not void when the code is updated if the technical amendment is necessary to protect or provide for more efficient use of water resources as provided in s. 373.621. However, any such technical amendment carried forward into the next edition of the code under this paragraph is subject to review or modification as provided in this part.

(l) If a local government adopts a regulation, law, ordinance, policy, amendment, or land use or zoning provision without using the process established in this subsection, and a substantially affected person considers such regulation, law, ordinance, policy, amendment, or land use or zoning provision to be a technical amendment to the Florida Building Code, then the substantially affected person may submit a petition to the commission for a nonbinding advisory opinion. If a substantially affected person submits a request in accordance with this paragraph, the commission shall issue a nonbinding advisory opinion stating whether or not the commission interprets the regulation, law, ordinance, policy, amendment, or land use or zoning provision as a technical amendment to the Florida Building Code. As used in this paragraph, the term "local government" means a county, municipality, special district, or political subdivision of the state.

1. Requests to review a local government regulation, law, ordinance, policy, amendment, or land use or zoning provision may be initiated by any substantially affected person. A substantially affected person includes an owner or builder subject to the regulation, law, ordinance, policy, amendment, or land use or zoning provision, or an association of owners or builders having members who are subject to the regulation, law, ordinance, policy, amendment, or land use or zoning provision.

2. In order to initiate a review, a substantially affected person must file a petition with the commission. The commission shall adopt a form for the petition and directions for filing, which shall be published on the Building Code Information System. The form shall, at a minimum, require the following:

a. The name of the local government that enacted the regulation, law, ordinance, policy, amendment, or land use or zoning provision.

b. The name and address of the local government's general counsel or administrator.

c. The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any; and an explanation of how the petitioner's substantial interests are being affected by the regulation, law, ordinance, policy, amendment, or land use or zoning provision.

d. A statement explaining why the regulation, law, ordinance, policy, amendment, or land use or zoning provision is a technical amendment to the Florida Building Code, and which provisions of the Florida Building Code, if any, are being amended by the regulation, law, ordinance, policy, amendment, or land use or zoning provision.

3. The petitioner shall serve the petition on the local government's general counsel or administrator by certified mail, return receipt requested, and send a copy of the petition to the commission, in accordance with the commission's published directions. The local government shall respond to the petition in accordance with the form by certified mail, return receipt requested, and send a copy of its response to the commission, within 14 days after receipt of the petition, including Saturdays, Sundays, and legal holidays.

4. Upon receipt of a petition that meets the requirements of this paragraph, the commission shall publish the petition, including any response submitted by the local government, on the Building Code Information System in a manner that allows interested persons to address the issues by posting comments.

5. Before issuing an advisory opinion, the commission shall consider the petition, the response, and any comments posted on the Building Code Information System. The commission may also provide the petition, the response, and any comments posted on the Building Code Information System to a technical advisory committee, and may consider any recommendation provided by the technical advisory committee. The commission shall issue an advisory opinion stating whether the regulation, law, ordinance, policy, amendment, or land use or zoning provision is a technical amendment to the Florida Building Code within 30 days after the filing of the petition, including Saturdays, Sundays, and legal holidays. The commission shall publish its advisory opinion on the Building Code Information System and in the Florida Administrative Register. The commission's advisory opinion is nonbinding and is not a declaratory statement under s. 120.565.

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(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 under this subsection shall be transmitted to the commission within 30 days after being adopted. A municipality, county, or special district may not use preliminary maps issued by the Federal Emergency Management Agency for any law, ordinance, rule, or other measure that has the effect of imposing land use changes or permits.

(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 shall adopt an updated Florida Building Code every 3 years through review of the most current updates of the International Building Code, the International Fuel Gas Code, the International Existing Building Code, the International Mechanical Code, the International Plumbing Code, and the International Residential Code, all of which are copyrighted and published by the International Code Council, and the National Electrical Code, which is copyrighted and published by the National Fire Protection Association. At a minimum, the commission shall adopt any updates to such codes or any other code necessary to maintain eligibility for federal funding and discounts from the National Flood Insurance Program, the Federal Emergency Management Agency, and the United States Department of Housing and Urban Development. The commission shall also review and adopt updates based on the International Energy Conservation Code (IECC); however, the commission shall maintain the efficiencies of the Florida Energy Efficiency Code for Building Construction adopted and amended pursuant to s. 553.901. Every 3 years, the commission may approve updates to the Florida Building Code without a finding that the updates are needed in order to accommodate the specific needs of this state. The commission shall adopt updated codes by rule.

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

(c) The commission may also adopt as a technical amendment to the Florida Building Code any portion of the codes identified in paragraph (a), but only as needed to accommodate the specific needs of this state. Standards or criteria adopted from these codes shall be incorporated by reference to the specific provisions adopted. 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 that 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 amendments 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 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

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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 finding by the commission that the amendment is necessary to protect the public from immediate threat of harm takes effect immediately.

(f) Provisions of the Florida Building Code, including those contained in referenced standards and criteria, relating to wind resistance or the prevention of water intrusion may not be modified to diminish those construction requirements; however, the commission may, subject to conditions in this subsection, modify the provisions to enhance those construction requirements.

(8) Notwithstanding subsection (3) or subsection (7), the commission may address issues identified in this subsection by amending the code under the rule adoption procedures in chapter 120. Updates to the Florida Building Code, including provisions contained in referenced standards and criteria which relate to wind resistance or the prevention of water intrusion, may not be amended under this subsection to diminish those standards; however, the commission may amend the Florida Building Code to enhance such standards. Following the approval of any amendments to the Florida Building Code by the commission and publication of the amendments on the commission's website, authorities having jurisdiction to enforce the Florida Building Code may enforce the amendments.

(a) The commission may approve amendments that are needed to address:

1. Conflicts within the updated code;
2. Conflicts between the updated code and the Florida Fire Prevention Code adopted under chapter 633;
3. Unintended results from the integration of previously adopted amendments with the model code;
4. Equivalency of standards;
5. Changes to or inconsistencies with federal or state law; or
6. Adoption of an updated edition of the National Electrical Code if the commission finds that delay of implementing the updated edition causes undue hardship to stakeholders or otherwise threatens the public health, safety, and welfare.

(b) The commission may issue errata to the code pursuant to the rule adoption procedures in chapter 120 to list demonstrated errors in provisions contained within the Florida Building Code. The determination of such errors and the issuance of errata to the code must be approved by a 75-percent supermajority vote of the commission. For purposes of this paragraph, "errata to the code" means a list of errors on current and previous editions of the Florida Building Code.

(9)(a) The commission may approve technical amendments to the Florida Building Code once each year for statewide or regional application upon a finding that the amendment:

1. Is needed in order to accommodate the specific needs of this state.
2. Has a reasonable and substantial connection with the health, safety, and welfare of the general public.
3. Strengthens or improves the Florida Building Code, or in the case of innovation or new technology, will provide equivalent or better products or methods or systems of construction.
4. Does not discriminate against materials, products, methods, or systems of construction of demonstrated capabilities.
5. Does not degrade the effectiveness of the Florida Building Code.

The Florida Building Commission may approve technical amendments to the code once each year to incorporate into the Florida Building Code its own interpretations of the code which are embodied in its opinions, final orders, declaratory statements, and interpretations of hearing officer panels under s. 553.775(3)(c), but only to the extent that the incorporation of interpretations is needed to modify the code to accommodate the specific needs of this state. Amendments approved under this paragraph shall be adopted by rule after the amendments have been subjected to subsection (3).

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(b) A proposed amendment must include a fiscal impact statement that documents the costs and benefits of the proposed amendment. Criteria for the fiscal impact statement shall be established by rule by the commission and shall include the impact to local government relative to enforcement, the impact to property and building owners, and the impact to industry, relative to the cost of compliance. The amendment must demonstrate by evidence or data that the state's geographical jurisdiction exhibits a need to strengthen the code beyond the needs or regional variations addressed by the code and why the proposed amendment applies to this state.

(c) The commission may not approve any proposed amendment that does not accurately and completely address all requirements for amendment which are set forth in this section. The commission shall require all proposed amendments and information submitted with proposed amendments to be reviewed by commission staff prior to consideration by any technical advisory committee. These reviews shall be for sufficiency only and are not intended to be qualitative in nature. Staff members shall reject any proposed amendment that fails to include a fiscal impact statement. Proposed amendments rejected by members of the staff may not be considered by the commission or any technical advisory committee.

(d) Provisions of the Florida Building Code, including those contained in referenced standards and criteria, relating to wind resistance or the prevention of water intrusion may not be amended pursuant to this subsection to diminish those construction requirements; however, the commission may, subject to conditions in this subsection, amend the provisions to enhance those construction requirements.

(10) The following buildings, structures, and facilities are exempt from the Florida Building Code as provided by law, and any further exemptions shall be as determined by the Legislature and provided by law:

(a) Buildings and structures specifically regulated and preempted by the Federal Government.

(b) Railroads and ancillary facilities associated with the railroad.

(c) Nonresidential farm buildings on farms.

(d) Temporary buildings or sheds used exclusively for construction purposes.

(e) Mobile or modular structures used as temporary offices, except that the provisions of part II relating to accessibility by persons with disabilities apply to such mobile or modular structures.

(f) Those structures or facilities of electric utilities, as defined in s. 366.02, which are directly involved in the generation, transmission, or distribution of electricity.

(g) Temporary sets, assemblies, or structures used in commercial motion picture or television production, or any sound-recording equipment used in such production, on or off the premises.

(h) Storage sheds that are not designed for human habitation and that have a floor area of 720 square feet or less are not required to comply with the mandatory wind-borne-debris-impact standards of the Florida Building Code. In addition, such buildings that are 400 square feet or less and that are intended for use in conjunction with one- and two-family residences are not subject to the door height and width requirements of the Florida Building Code.

(i) Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other nonwood features.

(j) Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.

(k) A building or structure having less than 1,000 square feet which is constructed and owned by a natural person for hunting and which is repaired or reconstructed to the same dimension and condition as existed on January 1, 2011, if the building or structure:

1. Is not rented or leased or used as a principal residence;

2. Is not located within the 100-year floodplain according to the Federal Emergency Management Agency's current Flood Insurance Rate Map; and

3. Is not connected to an offsite electric power or water supply.

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With the exception of paragraphs (a), (b), (c), and (f), in order to preserve the health, safety, and welfare of the public, the Florida Building Commission may, by rule adopted pursuant to chapter 120, provide for exceptions to the broad categories of buildings exempted in this section, including exceptions for application of specific sections of the code or standards adopted therein. The Department of Agriculture and Consumer Services shall have exclusive authority to adopt by rule, pursuant to chapter 120, exceptions to nonresidential farm buildings exempted in paragraph (c) when reasonably necessary to preserve public health, safety, and welfare. The exceptions must be based upon specific criteria, such as under-roof floor area, aggregate electrical service capacity, HVAC system capacity, or other building requirements. Further, the commission may recommend to the Legislature additional categories of buildings, structures, or facilities which should be exempted from the Florida Building Code, to be provided by law. The Florida Building Code does not apply to temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.

(11)(a) In the event of a conflict between the Florida Building Code and the Florida Fire Prevention Code and the Life Safety Code as applied to a specific project, the conflict shall be resolved by agreement between the local building code enforcement official and the local fire code enforcement official in favor of the requirement of the code which offers the greatest degree of lifesafety or alternatives which would provide an equivalent degree of lifesafety and an equivalent method of construction. Local boards created to address issues arising under the Florida Building Code or the Florida Fire Prevention Code may combine the appeals boards to create a single, local board having jurisdiction over matters arising under either code or both codes. The combined local appeals board may grant alternatives or modifications through procedures outlined in NFPA 1, Section 1.4, but may not waive the requirements of the Florida Fire Prevention Code. To meet the quorum requirement for convening the combined local appeals board, at least one member of the board who is a fire protection contractor, a fire protection design professional, a fire department operations professional, or a fire code enforcement professional must be present.

(b) Any decision made by the local fire official regarding application, interpretation, or enforcement of the Florida Fire Prevention Code or by the local building official regarding application, interpretation, or enforcement of the Florida Building Code, or the appropriate application of either code or both codes in the case of a conflict between the codes, may be appealed to a local administrative board designated by the municipality, county, or special district having firesafety responsibilities. If the decision of the local fire official and the local building official is to apply the provisions of either the Florida Building Code or the Florida Fire Prevention Code and the Life Safety Code, the board may not alter the decision unless the board determines that the application of such code is not reasonable. If the decision of the local fire official and the local building official is to adopt an alternative to the codes, the local administrative board shall give due regard to the decision rendered by the local officials and may modify that decision if the administrative board adopts a better alternative, taking into consideration all relevant circumstances. In any case in which the local administrative board adopts alternatives to the decision rendered by the local fire official and the local building official, such alternatives shall provide an equivalent degree of lifesafety and an equivalent method of construction as the decision rendered by the local officials.

(c) If the local building official and the local fire official are unable to agree on a resolution of the conflict between the Florida Building Code and the Florida Fire Prevention Code and the Life Safety Code, the local administrative board shall resolve the conflict in favor of the code which offers the greatest degree of lifesafety or alternatives which would provide an equivalent degree of lifesafety and an equivalent method of construction.

(d) All decisions of the local administrative board or, if none exists, the local building official and the local fire official in regard to the application, enforcement, or interpretation of the Florida Fire Prevention Code, or conflicts between the Florida Fire Prevention Code and the Florida Building Code, are subject to review by a joint committee composed of members of the Florida Building Commission and the Fire Code Advisory Council. If the joint committee is unable to resolve conflicts between the codes as applied to a specific project, the matter shall be resolved pursuant to paragraph (1)(d). Decisions of the local administrative board related solely to the Florida Building Code are subject to review as set forth in s. 553.775.

(e) The local administrative board shall, to the greatest extent possible, be composed of members with expertise in building construction and firesafety standards.

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(f) All decisions of the local building official and local fire official and all decisions of the administrative board shall be in writing and shall be binding upon a person but do not limit the authority of the State Fire Marshal or the Florida Building Commission pursuant to paragraph (1)(d) and ss. 633.104 and 633.228. Decisions of general application shall be indexed by building and fire code sections and shall be available for inspection during normal business hours.

(12) Except within coastal building zones as defined in s. 161.54, specification standards developed by nationally recognized code promulgation organizations to determine compliance with engineering criteria of the Florida Building Code for wind load design shall not apply to one or two family dwellings which are two stories or less in height unless approved by the commission for use or unless expressly made subject to said standards and criteria by local ordinance adopted in accordance with the provisions of subsection (4).

(13) The Florida Building Code does not apply to, and no code enforcement action shall be brought with respect to, zoning requirements, land use requirements, and owner specifications or programmatic requirements which do not pertain to and govern the design, construction, erection, alteration, modification, repair, or demolition of public or private buildings, structures, or facilities or to programmatic requirements that do not pertain to enforcement of the Florida Building Code. Additionally, a local code enforcement agency may not administer or enforce the Florida Building Code to prevent the siting of any publicly owned facility, including, but not limited to, correctional facilities, juvenile justice facilities, or state universities, community colleges, or public education facilities, as provided by law.

(14) The general provisions of the Florida Building Code for buildings and other structures shall not apply to commercial wireless communication towers when such general provisions are inconsistent with the provisions of the code controlling radio and television towers. This subsection is intended to be remedial in nature and to clarify existing law.

(15) An agency or local government may not require that existing mechanical equipment located on or above the surface of a roof be installed in compliance with the requirements of the Florida Building Code except during reroofing when the equipment is being replaced or moved and is not in compliance with the provisions of the Florida Building Code relating to roof-mounted mechanical units.

(16) The Florida Building Code must require that the illumination in classroom units be designed to provide and maintain an average of 40 foot-candles of light at each desktop. Public educational facilities must consider using light-emitting diode lighting before considering other lighting sources.

(17) A provision of the International Residential Code relating to mandated fire sprinklers may not be incorporated into the Florida Building Code as adopted by the Florida Building Commission and may not be adopted as a local amendment to the Florida Building Code. This subsection does not prohibit the application of cost-saving incentives for residential fire sprinklers that are authorized in the International Residential Code upon a mutual agreement between the builder and the code official. This subsection does not apply to a local government that has a lawfully adopted ordinance relating to fire sprinklers which has been in effect since January 1, 2010.

(18) In a single-family dwelling, makeup air is not required for range hood exhaust systems capable of exhausting:

(a) Four hundred cubic feet per minute or less; or

(b) More than 400 cubic feet per minute but no more than 800 cubic feet per minute if there are no gravity vent appliances within the conditioned living space of the structure.

(19) The Florida Building Code shall require two fire service access elevators in all buildings with a height greater than 120 feet measured from the elevation of street-level access to the level of the highest occupiable floor. All remaining elevators, if any, shall be provided with Phase I and II emergency operations. Where a fire service access elevator is required, a 1-hour fire-rated fire service access elevator lobby with direct access from the fire service access elevator is not required if the fire service access elevator opens into an exit access corridor that is no less than 6 feet wide for its entire length and is at least 150 square feet with the exception of door openings, and has a minimum 1-hour fire rating with three-quarter hour fire and smoke rated openings; and during a fire event the fire service access elevator is pressurized and floor-to-floor smoke control is provided. However, where transient residential occupancies occur at floor levels more than 420 feet above the level of fire service

access, a 1-hour fire-rated service access elevator lobby with direct access from the fire service access elevator is required. Standpipes in high-rise buildings of Florida Building Code—Building Occupancy Group R1 or R2 must be located in stairwells and are subject only to the requirements of the Florida Fire Prevention Code and NFPA 14, Standard for the Installation of Standpipes and Hose Systems, adopted by the State Fire Marshal.

(20) The Florida Building Commission may not:

(a) Adopt the 2016 version of the American Society of Heating, Refrigerating and Air-Conditioning Engineers Standard 9.4.1.1(g).

(b) Adopt any provision that requires a door located in the opening between a garage and a single-family residence to be equipped with a self-closing device.

History.—s. 4, ch. 74-167; s. 3, ch. 75-85; s. 1, ch. 77-365; s. 225, ch. 79-400; s. 1, ch. 80-106; s. 6, ch. 82-197; s. 2, ch. 84-273; s. 1, ch. 85-97; s. 33, ch. 86-191; s. 1, ch. 87-287; s. 1, ch. 88-142; s. 1, ch. 89-369; s. 2, ch. 91-172; s. 41, ch. 91-220; s. 49, ch. 95-144; s. 1, ch. 97-177; ss. 39, 40, 65, ch. 98-287; s. 61, ch. 98-419; ss. 73, 74, 75, ch. 2000-141; s. 62, ch. 2000-154; ss. 25, 34, 35, 36, ch. 2001-186; ss. 2, 3, 4, 5, ch. 2001-372; s. 86, ch. 2002-1; ss. 1, 14, ch. 2002-293; s. 66, ch. 2003-1; s. 663, ch. 2003-261; s. 7, ch. 2005-147; s. 1, ch. 2005-191; s. 4, ch. 2006-65; s. 7, ch. 2007-1; s. 4, ch. 2007-187; s. 140, ch. 2008-4; s. 10, ch. 2008-191; s. 108, ch. 2008-227; s. 1, ch. 2010-99; s. 32, ch. 2010-176; s. 14, ch. 2011-208; s. 30, ch. 2011-222; s. 14, ch. 2012-13; s. 148, ch. 2013-183; s. 14, ch. 2013-193; s. 18, ch. 2014-154; s. 17, ch. 2016-129; s. 11, ch. 2017-149; s. 6, ch. 2019-75; s. 2, ch. 2021-201.

[1] **Note.**—The amendment by s. 2, ch. 2021-201, changed the reference from "subparagraphs 7. and 9." to "paragraphs (f) and (g)" to conform to the redesignation of subunits in subsection (4) by that law. Subparagraph (b)7. was redesignated as paragraph (f), and subparagraph (b)9. was redesignated as paragraph (h).

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FILED
Department of Business and Professional Regulatio
Senior Deputy Agency Clerk
CLERK Brandon Nichols
Date 11/9/2021
File # 2021-08370

STATE OF FLORIDA
BUILDING COMMISSION

In the Matter of

CLASSIC FLORIDA DREAM HOMES, LLC

DS 2021-050

Petitioner.
_____/

DECLARATORY STATEMENT

The following proceeding came before the Florida Building Commission (Commission) by a Petition from Thomas E. Smith, for Classic Florida Dream Homes, LLC (Petitioner) that was received September 2, 2021. Based on the statements in the petition, the material subsequently submitted and the subsequent request by the Petitioner, the Commission states the following:

Findings of Fact

1. The petition is filed pursuant to, and must conform with the requirements of rule 28-105.002, Florida Administrative Code.

2. Petitioner's representative in this matter is Thomas E. Smith, 424 Harbor Drive North, Indian Rocks Beach, FL 33785.

3. Petitioner is a contractor planning the construction of a two-story, single family home located in a flood zone with an "AE" designation under the National Flood Insurance Program. Petitioner states that it wishes to have the option to utilize the services of private providers for plans review and/or building inspections on the project.

4. Petitioner seeks clarification of section 107.6.1, Florida Building Code, Building, 7th Edition (2020), as it pertains to building permits issued on the basis of affidavit, and the services provided by private providers pursuant to section 553.791, Florida Statutes (2021).

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5. Specifically, the Petitioner requests an answer to the following question based upon the project described within the petition for declaratory statement:

> Per the 2020 Florida Building Code, does section 107.6.1 Building Permits issued on the basis of an affidavit apply to Private Providers per F.S. 553.791?

Conclusions of Law

6. The Commission has the specific statutory authority pursuant to section 553.775(3)(a), Florida Statutes (2021) to interpret the provisions of the Florida Building Code by issuing a declaratory statement.

7. Section 105.14, Florida Building Code, Building, 7th Edition (2020), states:

> **Permit issued on basis of an affidavit.**
> Whenever a permit is issued in reliance upon an affidavit or whenever the work to be covered by a permit involves installation under conditions which, in the opinion of the building official, are hazardous or complex, the building official shall require that the architect or engineer who signed the affidavit or prepared the drawings or computations shall supervise such work. In addition, they shall be responsible for conformity to the permit, provide copies of inspection reports as inspections are performed, and upon completion make and file with the building official written affidavit that the work has been done in conformity to the reviewed plans and with the structural provisions of the technical codes. In the event such architect or engineer is not available, the owner shall employ in his stead a competent person or agency whose qualifications are reviewed by the building official. The building official shall ensure that any person conducting plans review is qualified as a plans examiner under Part XII of Chapter 468, Florida Statutes, and that any person conducting inspections is qualified as a building inspector under Part XII of Chapter 468, Florida Statutes.
>
> **Exception:** Permit issued on basis of an affidavit shall not extend to the flood load and flood resistance requirements of the Florida Building Code.

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8. Section 107.6, Florida Building Code, Building, 7th Edition (2020), states:

> **Affidavits.**
> The building official may accept a sworn affidavit from a registered architect or engineer stating that the plans submitted conform to the technical codes. For buildings and structures, the affidavit shall state that the plans conform to the laws as to egress, type of construction and general arrangement and, if accompanied by drawings, show the structural design and that the plans and design conform to the requirements of the technical codes as to strength, stresses, strains, loads and stability. The building official may without any examination or inspection accept such affidavit, provided the architect or engineer who made such affidavit agrees to submit to the building official copies of inspection reports as inspections are performed and upon completion of the structure, electrical, gas, mechanical or plumbing systems a certification that the structure, electrical, gas, mechanical or plumbing system has been erected in accordance with the requirements of the technical codes. Where the building official relies upon such affidavit, the architect or engineer shall assume full responsibility for compliance with all provisions of the technical codes and other pertinent laws or ordinances. The building official shall ensure that any person conducting plans review is qualified as a plans examiner under Part XII of Chapter 468, Florida Statutes, and that any person conducting inspections is qualified as a building inspector under Part XII of Chapter 468, Florida Statutes.

9. Section 107.6.1, Florida Building Code, Building, 7th Edition (2020), states:

> **Building permits issued on the basis of an affidavit.**
> Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Parts 59 and 60), the authority granted to the *building official* to issue permits, to rely on inspections, and to accept plans and construction documents on the basis of affidavits and plans submitted pursuant to Sections 105.14 and 107.6, shall not extend to the flood load and flood-resistance construction requirements of the Florida Building Code.

10. In response to Petitioner's question, the answer is no. Section 107.6.1, Florida Building Code, Building, 7th Edition (2020), is limited in scope to affidavits issued pursuant to sections 105.14 and 107.6, Florida Building Code, Building, 7th Edition (2020), and therefore section 107.6.1 does not apply to services performed by private providers as authorized by

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SP9987Requirements

section 553.791, Florida Statutes (2021). This does not absolve the community from complying with any requirements under the National Flood Insurance Program.

DONE AND ORDERED this 20th day of OCTOBER, 2021, in St. Augustine, St. Johns County, State of Florida.

JAMES R. SCHOCK
Chairman, Florida Building Commission

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SP9987Requirements

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 (2021), 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 the Agency Clerk, Department of Business and Professional Regulation, 2601 Blair Stone Road, Tallahassee, Florida 32399-2203 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 (2021).

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SP9987Requirements

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 9th day of November, 2021.

Brandon M. Nichols

Agency Clerk's Office
Department of Business and Professional Regulation
& Florida Building Commission
2601 Blair Stone Road
Tallahassee, Florida 32399-2203

Via U.S. Mail

Classic Florida Dream Homes, LLC
Attn: Thomas E. Smith
424 Harbor Drive North
Indian Rocks Beach, FL 33785

Via Inter-Office or Email Delivery

Mo Madani, Planning Manager
Codes and Standards Section
Department of Business and Professional Regulation
2601 Blair Stone Road
Tallahassee, Florida 32399
Mo.Madani@myfloridalicense.com

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

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SP9987Impact Statement

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STATE OF FLORIDA

DIVISION OF EMERGENCY MANAGEMENT

Ron DeSantis
Governor

Jared Moskowitz
Director

November 2, 2020

MEMORANDUM

TO: Florida Floodplain Administrators and Building Officials

FROM: Conn H. Cole, Interim State Floodplain Manager Conn H. Cole Digitally signed by Conn H. Cole DN: cn=Conn H. Cole, o=Florida Department of Emergency Management, ou=State Floodplain Management Office, email=Conn.Cole@em.myflorida.com, c=US Date: 2020.11.02 14:56:03 -05'00'

CONCURRENCE: Jason O. Hunter, Chief, FEMA Region IV Floodplain Management & Insurance Branch Jason O. Hunter

RE: Florida Building Code and Permits Issued on the Basis of Affidavits
NFIP Communities Must Review For Floodplain Compliance

Over the past year the State Floodplain Management Office (SFMO) has received inquiries regarding changes enacted in the 2019 legislative session that affect the use and acceptance of private providers for building permits and inspections. The Florida Building Code (FBC) includes provisions for issuing permits based on affidavits signed by qualified architects or engineers, in the Building volume, sections 105.14 and 107.6. These sections are shown in the attachment.

This memorandum provides guidance to clarify the exception to Sections 105.14 and 107.6.1. FEMA Region IV concurs with this guidance. **In effect, the sections require local officials to review applications for compliance with the flood load and flood-resistant construction requirements of the FBC when buildings are proposed to be located in special flood hazard areas, and to inspect those aspects when permits are issued.**

The National Flood Insurance Program (NFIP) requires communities that participate in the program to agree to adopt and enforce regulations that meet or exceed the minimum requirement of the NFIP (44 Code of Federal Regulations Parts 59 and 60). FEMA deems the flood provisions of the FBC to meet or exceed the minimum NFIP requirements for buildings and structures.

The NFIP regulations require communities to review proposed construction or development in special flood hazard areas. Specifically, the NFIP regulations in Section 60.3 states: "Minimum standards for communities are as follows: (a) . . . the community shall: . . . (1) Require permits for all proposed construction or development . . . ; (2) Review proposed development to . . . ; (3) Review all applications to . . . ; (4) Review subdivision proposals and other new development . . ." https://www.govinfo.gov/app/details/CFR-2011-title44-vol1/CFR-2011-title44-vol1-part60

DIVISION HEADQUARTERS
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100

Telephone: 850-815-4000
www.FloridaDisaster.org

STATE LOGISTICS RESPONSE CENTER
2702 Directors Row
Orlando, FL 32809-5631

In 2011-12, the SFMO worked with FEMA, the Florida Building Commission, the Building Officials Association of Florida, and the Florida Floodplain Managers Association to incorporate in the FBC the necessary requirements for buildings in flood hazard areas. As part of that effort, the SFMO examined the matter of permits issued based on affidavits. Prior to the inclusion of Section 107.6.1 and the exception to Section 105.14, many communities individually adopted local administrative amendments with the same limitation.

During the code development cycle for the 5th Edition FBC, FDEM submitted a proposal to incorporate Section 107.6.1 into the FBC (the exception to Section 105.14 was added by amendment to a proposal by others). FDEM's rationale statement is shown below and repeated here for clarify:

> Both of these proposed new sections flow from consistency with the NFIP. They were developed by DEM as part of the Model Floodplain Management Ordinance and Code Amendments, reviewed by BOAF, and scrutinized by FEMA. Because FEMA deemed both of these are necessary, it is more efficient for the FBC to include them in Chapter 1, rather than expect every local government to adopt them as local administrative code amendments.
>
> Despite the submission of an affidavit authorized by B107.6, the building official must review plans for compliance with the flood provisions and issue permits and perform inspections to ensure compliance with the flood provisions. Under the NFIP, the community is responsible for ensuring compliance.
>
> *The original proposal (SP5255) included both Section 107.6.1 and Section 117; the exception to Section 105.14 was added to proposal CA5082) by amendments for consistency.

Please contact us at (850) 815-4556 or floods@em.myflorida.com if you have questions about the flood provisions in the FBC or FBC-coordinated floodplain management regulations.

CC: Steve Martin, Roy McClure, Virgilio Chris Perez

Attachment: FBC, Building, Sections 105.14 and 107.6.1 and Proposal for the 5th Ed. FBC, submitted 7/22/2012

ATTACHMENT

FBC, Building Sections 105.14 and 107.6.1

105.14 Permit issued on basis of an affidavit. Whenever a permit is issued in reliance upon an affidavit or whenever the work to be covered by a permit involves installation under conditions which, in the opinion of the building official, are hazardous or complex, the building official shall require that the architect or engineer who signed the affidavit or prepared the drawings or computations shall supervise such work. In addition, they shall be responsible for conformity to the permit, provide copies of inspection reports as inspections are performed, and upon completion make and file with the building official written affidavit that the work has been done in conformity to the reviewed plans and with the structural provisions of the technical codes. In the event such architect or engineer is not available, the owner shall employ in his stead a competent person or agency whose qualifications are reviewed by the building official. The building official shall ensure that any person conducting plans review is qualified as a plans examiner under Part XII of Chapter 468, *Florida Statutes,* and that any person conducting inspections is qualified as a building inspector under Part XII of Chapter 468, *Florida Statutes.*

Exception: Permit issued on basis of an affidavit shall not extend to the flood load and flood resistance requirements of the *Florida Building Code*.

107.6.1 [Affidavits] Building permits issued on the basis of an affidavit. Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Parts 59 and 60), the authority granted to the building official to issue permits, to rely on inspections, and to accept plans and construction documents on the basis of affidavits and plans submitted pursuant to Sections 105.14 and 107.6, shall not extend to the flood load and flood-resistance construction requirements of the *Florida Building Code.*

Mod SP 5255 (approved as submitted)

Mod CA 5082 (submitted by Joe Bigelow to add new Sec. 105.14; FDEM proposed amendment to recapture NFIP; approved as amended.

SP5255 Page 6 of 427 2

Date Submitted	7/22/2012	**Section**	107.6 and 117 (new)	**Proponent**	Rebecca Quinn obo DEM
Chapter	1	**Affects HVHZ**	No	**Attachments**	No
TAC Recommendation	Pending Review				
Commission Action	Pending Review				

Related Modifications

Summary of Modification

Two administrative amendments that FEMA has deemed necessary to ensure that enforcement of the flood provisions of the FBC remain consistent with the NFIP.

Rationale

Both of these proposed new sections flow from consistency with the NFIP. They were developed by DEM as part of the Model Floodplain Management Ordinance and Code Amendments, reviewed by BOAF, and scrutinized by FEMA. Because FEMA has deemed both of these are necessary, it is more efficient for the FBC to include them in Chapter 1, rather than expect every local government to adopt them as local administrative code amendments.

Despite the submission of an affidavit authorized by 8107.6, the building official must review plans for compliance with the flood provisions and issue permits and perform inspections to ensure compliance with the flood provisions. Under the NFIP, the community is responsible for ensuring compliance.

For consistency with the NFIP, section 553.73(5), F.S., authorizes adoption of procedures for variances, the specific procedures are in the FPM ordinance. Variances are official permission to undertake an activity that is otherwise prohibited or not approvable under the regulations or building code. As specified in section 553.73(5), F.S., the authority to grant variances to the flood provisions does not extend to any requirement in Section 3109, which applies seaward of the Coastal Construction Control Line.

SP9987Impact Statement

Select Year: 2021 Go

The 2021 Florida Statutes

Title XXXIII
REGULATION OF TRADE, COMMERCE, INVESTMENTS, AND SOLICITATIONS

Chapter 553
BUILDING CONSTRUCTION STANDARDS

View Entire Chapter

553.73 Florida Building Code.—

(1)(a) The commission shall adopt, by rule pursuant to ss. 120.536(1) and 120.54, the Florida Building Code which shall contain or incorporate by reference all laws and rules which pertain to and govern the design, construction, erection, alteration, modification, repair, and demolition of public and private buildings, structures, and facilities and enforcement of such laws and rules, except as otherwise provided in this section.

(b) The technical portions of the Florida Accessibility Code for Building Construction shall be contained in their entirety in the Florida Building Code. The civil rights portions and the technical portions of the accessibility laws of this state shall remain as currently provided by law. Any revision or amendments to the Florida Accessibility Code for Building Construction pursuant to part II shall be considered adopted by the commission as part of the Florida Building Code. Neither the commission nor any local government shall revise or amend any standard of the Florida Accessibility Code for Building Construction except as provided for in part II.

(c) The Florida Fire Prevention Code and the Life Safety Code shall be referenced in the Florida Building Code, but shall be adopted, modified, revised, or amended, interpreted, and maintained by the Department of Financial Services by rule adopted pursuant to ss. 120.536(1) and 120.54. The Florida Building Commission may not adopt a fire prevention or lifesafety code, and nothing in the Florida Building Code shall affect the statutory powers, duties, and responsibilities of any fire official or the Department of Financial Services.

(d) Conflicting requirements between the Florida Building Code and the Florida Fire Prevention Code and Life Safety Code of the state established pursuant to ss. 633.206 and 633.208 shall be resolved by agreement between the commission and the State Fire Marshal in favor of the requirement that offers the greatest degree of lifesafety or alternatives that would provide an equivalent degree of lifesafety and an equivalent method of construction. If the commission and State Fire Marshal are unable to agree on a resolution, the question shall be referred to a mediator, mutually agreeable to both parties, to resolve the conflict in favor of the provision that offers the greatest lifesafety, or alternatives that would provide an equivalent degree of lifesafety and an equivalent method of construction.

(e) Subject to the provisions of this act, responsibility for enforcement, interpretation, and regulation of the Florida Building Code shall be vested in a specified local board or agency, and the words “local government” and “local governing body” as used in this part shall be construed to refer exclusively to such local board or agency.

(2) 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

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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.

(3) The commission shall use the International Codes published by the International Code Council, the National Electric Code (NFPA 70), or other nationally adopted model codes and standards for updates to the Florida Building Code. The commission may approve technical amendments to the code as provided in subsections (8) and (9), subject to all of the following conditions:

(a) The proposed amendment must have been published on the commission's website for a minimum of 45 days and all the associated documentation must have been made available to any interested party before consideration by a technical advisory committee.

(b) In order for a technical advisory committee to make a favorable recommendation to the commission, the proposal must receive a two-thirds vote of the members present at the meeting. At least half of the regular members must be present in order to conduct a meeting.

(c) After the technical advisory committee has considered and recommended approval of any proposed amendment, the proposal must be published on the commission's website for at least 45 days before consideration by the commission.

(d) A proposal may be modified by the commission based on public testimony and evidence from a public hearing held in accordance with chapter 120.

The commission shall incorporate within the Florida Building Code provisions that address regional and local concerns and variations. The commission shall make every effort to minimize conflicts between the Florida Building Code, the Florida Fire Prevention Code, and the Life Safety Code.

(4)(a) All entities authorized to enforce the Florida Building Code under s. 553.80 shall comply with applicable standards for issuance of mandatory certificates of occupancy, minimum types of inspections, and procedures for plans review and inspections as established by the commission by rule. Local governments may adopt amendments to the administrative provisions of the Florida Building Code, subject to the limitations in this subsection. Local amendments must be more stringent than the minimum standards described in this section and must be transmitted to the commission within 30 days after enactment. The local government shall make such amendments available to the general public in a usable format. The State Fire Marshal is responsible for establishing the standards and procedures required in this subsection for governmental entities with respect to applying the Florida Fire Prevention Code and the Life Safety Code.

(b) Local governments may, subject to the limitations in this section and not more than once every 6 months, adopt amendments to the technical provisions of the Florida Building Code that apply solely within the jurisdiction of such government and that provide for more stringent requirements than those specified in the Florida Building Code. A local government may adopt technical amendments that address local needs if:

1. The local governing body determines, following a public hearing which has been advertised in a newspaper of general circulation at least 10 days before the hearing, that there is a need to strengthen the requirements of the Florida Building Code. The determination must be based upon a review of local conditions by the local governing body, which review demonstrates by evidence or data that the geographical jurisdiction governed by the local governing body exhibits a local need to strengthen the Florida Building Code beyond the needs or regional variation addressed by the Florida Building Code, that the local need is addressed by the proposed local amendment, and that the amendment is no more stringent than necessary to address the local need.

2. Such additional requirements are not discriminatory against materials, products, or construction techniques of demonstrated capabilities.

3. Such additional requirements may not introduce a new subject not addressed in the Florida Building Code.

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(c) The enforcing agency shall make readily available, in a usable format, all amendments adopted under this section.

(d) Any amendment to the Florida Building Code shall be transmitted within 30 days after adoption by the local government to the commission. The commission shall maintain copies of all such amendments in a format that is usable and obtainable by the public. Local technical amendments are not effective until 30 days after the amendment has been received and published by the commission.

(e) An amendment to the Florida Building Code adopted by a local government under this subsection is effective only until the adoption of the new edition of the Florida Building Code by the commission every third year. At such time, the commission shall review such amendment for consistency with the criteria in paragraph (9)(a) and adopt such amendment as part of the Florida Building Code or rescind the amendment. The commission shall immediately notify the respective local government of the rescission of any amendment. After receiving such notice, the respective local government may readopt the rescinded amendment under the provisions of this subsection.

(f) Each county and municipality desiring to make local technical amendments to the Florida Building Code shall establish by interlocal agreement a countywide compliance review board to review any amendment to the Florida Building Code that is adopted by a local government within the county under this subsection and that is challenged by a substantially affected party for purposes of determining the amendment's compliance with this subsection. If challenged, the local technical amendments are not effective until the time for filing an appeal under paragraph (g) has expired or, if there is an appeal, until the commission issues its final order determining if the adopted amendment is in compliance with this subsection.

(g) If the compliance review board determines such amendment is not in compliance with this subsection, the compliance review board shall notify such local government of the noncompliance and that the amendment is invalid and unenforceable until the local government corrects the amendment to bring it into compliance. The local government may appeal the decision of the compliance review board to the commission. If the compliance review board determines that such amendment is in compliance with this subsection, any substantially affected party may appeal such determination to the commission. Any such appeal must be filed with the commission within 14 days after the board's written determination. The commission shall promptly refer the appeal to the Division of Administrative Hearings by electronic means through the division's website for the assignment of an administrative law judge. The administrative law judge shall conduct the required hearing within 30 days after being assigned to the appeal, and shall enter a recommended order within 30 days after the conclusion of such hearing. The commission shall enter a final order within 30 days after an order is rendered. Chapter 120 and the uniform rules of procedure shall apply to such proceedings. The local government adopting the amendment that is subject to challenge has the burden of proving that the amendment complies with this subsection in proceedings before the compliance review board and the commission, as applicable. Actions of the commission are subject to judicial review under s. 120.68. The compliance review board shall determine whether its decisions apply to a respective local jurisdiction or apply countywide.

(h) An amendment adopted under this subsection must include a fiscal impact statement that documents the costs and benefits of the proposed amendment. Criteria for the fiscal impact statement shall include the impact to local government relative to enforcement and the impact to property and building owners and industry relative to the cost of compliance. The fiscal impact statement may not be used as a basis for challenging the amendment for compliance.

(i) In addition to paragraphs (f) and (g), the commission may review any amendments adopted under this subsection and make nonbinding recommendations related to compliance of such amendments with this subsection.

(j) Any amendment adopted by a local enforcing agency under this subsection may not apply to state or school district owned buildings, manufactured buildings or factory-built school buildings approved by the commission, or prototype buildings approved under s. 553.77(3). The respective responsible entities shall consider the physical performance parameters substantiating such amendments when designing, specifying, and constructing such exempt buildings.

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(k) A technical amendment to the Florida Building Code related to water conservation practices or design criteria adopted by a local government under this subsection is not void when the code is updated if the technical amendment is necessary to protect or provide for more efficient use of water resources as provided in s. 373.621. However, any such technical amendment carried forward into the next edition of the code under this paragraph is subject to review or modification as provided in this part.

(l) If a local government adopts a regulation, law, ordinance, policy, amendment, or land use or zoning provision without using the process established in this subsection, and a substantially affected person considers such regulation, law, ordinance, policy, amendment, or land use or zoning provision to be a technical amendment to the Florida Building Code, then the substantially affected person may submit a petition to the commission for a nonbinding advisory opinion. If a substantially affected person submits a request in accordance with this paragraph, the commission shall issue a nonbinding advisory opinion stating whether or not the commission interprets the regulation, law, ordinance, policy, amendment, or land use or zoning provision as a technical amendment to the Florida Building Code. As used in this paragraph, the term "local government" means a county, municipality, special district, or political subdivision of the state.

1. Requests to review a local government regulation, law, ordinance, policy, amendment, or land use or zoning provision may be initiated by any substantially affected person. A substantially affected person includes an owner or builder subject to the regulation, law, ordinance, policy, amendment, or land use or zoning provision, or an association of owners or builders having members who are subject to the regulation, law, ordinance, policy, amendment, or land use or zoning provision.

2. In order to initiate a review, a substantially affected person must file a petition with the commission. The commission shall adopt a form for the petition and directions for filing, which shall be published on the Building Code Information System. The form shall, at a minimum, require the following:

a. The name of the local government that enacted the regulation, law, ordinance, policy, amendment, or land use or zoning provision.

b. The name and address of the local government's general counsel or administrator.

c. The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any; and an explanation of how the petitioner's substantial interests are being affected by the regulation, law, ordinance, policy, amendment, or land use or zoning provision.

d. A statement explaining why the regulation, law, ordinance, policy, amendment, or land use or zoning provision is a technical amendment to the Florida Building Code, and which provisions of the Florida Building Code, if any, are being amended by the regulation, law, ordinance, policy, amendment, or land use or zoning provision.

3. The petitioner shall serve the petition on the local government's general counsel or administrator by certified mail, return receipt requested, and send a copy of the petition to the commission, in accordance with the commission's published directions. The local government shall respond to the petition in accordance with the form by certified mail, return receipt requested, and send a copy of its response to the commission, within 14 days after receipt of the petition, including Saturdays, Sundays, and legal holidays.

4. Upon receipt of a petition that meets the requirements of this paragraph, the commission shall publish the petition, including any response submitted by the local government, on the Building Code Information System in a manner that allows interested persons to address the issues by posting comments.

5. Before issuing an advisory opinion, the commission shall consider the petition, the response, and any comments posted on the Building Code Information System. The commission may also provide the petition, the response, and any comments posted on the Building Code Information System to a technical advisory committee, and may consider any recommendation provided by the technical advisory committee. The commission shall issue an advisory opinion stating whether the regulation, law, ordinance, policy, amendment, or land use or zoning provision is a technical amendment to the Florida Building Code within 30 days after the filing of the petition, including Saturdays, Sundays, and legal holidays. The commission shall publish its advisory opinion on the Building Code Information System and in the Florida Administrative Register. The commission's advisory opinion is nonbinding and is not a declaratory statement under s. 120.565.

(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 under this subsection shall be transmitted to the commission within 30 days after being adopted. A municipality, county, or special district may not use preliminary maps issued by the Federal Emergency Management Agency for any law, ordinance, rule, or other measure that has the effect of imposing land use changes or permits.

(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 shall adopt an updated Florida Building Code every 3 years through review of the most current updates of the International Building Code, the International Fuel Gas Code, the International Existing Building Code, the International Mechanical Code, the International Plumbing Code, and the International Residential Code, all of which are copyrighted and published by the International Code Council, and the National Electrical Code, which is copyrighted and published by the National Fire Protection Association. At a minimum, the commission shall adopt any updates to such codes or any other code necessary to maintain eligibility for federal funding and discounts from the National Flood Insurance Program, the Federal Emergency Management Agency, and the United States Department of Housing and Urban Development. The commission shall also review and adopt updates based on the International Energy Conservation Code (IECC); however, the commission shall maintain the efficiencies of the Florida Energy Efficiency Code for Building Construction adopted and amended pursuant to s. 553.901. Every 3 years, the commission may approve updates to the Florida Building Code without a finding that the updates are needed in order to accommodate the specific needs of this state. The commission shall adopt updated codes by rule.

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

(c) The commission may also adopt as a technical amendment to the Florida Building Code any portion of the codes identified in paragraph (a), but only as needed to accommodate the specific needs of this state. Standards or criteria adopted from these codes shall be incorporated by reference to the specific provisions adopted. 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 that 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 amendments 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 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 finding by the commission that the amendment is necessary to protect the public from immediate threat of harm takes effect immediately.

(f) Provisions of the Florida Building Code, including those contained in referenced standards and criteria, relating to wind resistance or the prevention of water intrusion may not be modified to diminish those construction requirements; however, the commission may, subject to conditions in this subsection, modify the provisions to enhance those construction requirements.

(8) Notwithstanding subsection (3) or subsection (7), the commission may address issues identified in this subsection by amending the code under the rule adoption procedures in chapter 120. Updates to the Florida Building Code, including provisions contained in referenced standards and criteria which relate to wind resistance or the prevention of water intrusion, may not be amended under this subsection to diminish those standards; however, the commission may amend the Florida Building Code to enhance such standards. Following the approval of any amendments to the Florida Building Code by the commission and publication of the amendments on the commission's website, authorities having jurisdiction to enforce the Florida Building Code may enforce the amendments.

(a) The commission may approve amendments that are needed to address:

1. Conflicts within the updated code;
2. Conflicts between the updated code and the Florida Fire Prevention Code adopted under chapter 633;
3. Unintended results from the integration of previously adopted amendments with the model code;
4. Equivalency of standards;
5. Changes to or inconsistencies with federal or state law; or
6. Adoption of an updated edition of the National Electrical Code if the commission finds that delay of implementing the updated edition causes undue hardship to stakeholders or otherwise threatens the public health, safety, and welfare.

(b) The commission may issue errata to the code pursuant to the rule adoption procedures in chapter 120 to list demonstrated errors in provisions contained within the Florida Building Code. The determination of such errors and the issuance of errata to the code must be approved by a 75-percent supermajority vote of the commission. For purposes of this paragraph, "errata to the code" means a list of errors on current and previous editions of the Florida Building Code.

(9)(a) The commission may approve technical amendments to the Florida Building Code once each year for statewide or regional application upon a finding that the amendment:

1. Is needed in order to accommodate the specific needs of this state.
2. Has a reasonable and substantial connection with the health, safety, and welfare of the general public.
3. Strengthens or improves the Florida Building Code, or in the case of innovation or new technology, will provide equivalent or better products or methods or systems of construction.
4. Does not discriminate against materials, products, methods, or systems of construction of demonstrated capabilities.
5. Does not degrade the effectiveness of the Florida Building Code.

The Florida Building Commission may approve technical amendments to the code once each year to incorporate into the Florida Building Code its own interpretations of the code which are embodied in its opinions, final orders, declaratory statements, and interpretations of hearing officer panels under s. 553.775(3)(c), but only to the extent that the incorporation of interpretations is needed to modify the code to accommodate the specific needs of this state. Amendments approved under this paragraph shall be adopted by rule after the amendments have been subjected to subsection (3).

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(b) A proposed amendment must include a fiscal impact statement that documents the costs and benefits of the proposed amendment. Criteria for the fiscal impact statement shall be established by rule by the commission and shall include the impact to local government relative to enforcement, the impact to property and building owners, and the impact to industry, relative to the cost of compliance. The amendment must demonstrate by evidence or data that the state's geographical jurisdiction exhibits a need to strengthen the code beyond the needs or regional variations addressed by the code and why the proposed amendment applies to this state.

(c) The commission may not approve any proposed amendment that does not accurately and completely address all requirements for amendment which are set forth in this section. The commission shall require all proposed amendments and information submitted with proposed amendments to be reviewed by commission staff prior to consideration by any technical advisory committee. These reviews shall be for sufficiency only and are not intended to be qualitative in nature. Staff members shall reject any proposed amendment that fails to include a fiscal impact statement. Proposed amendments rejected by members of the staff may not be considered by the commission or any technical advisory committee.

(d) Provisions of the Florida Building Code, including those contained in referenced standards and criteria, relating to wind resistance or the prevention of water intrusion may not be amended pursuant to this subsection to diminish those construction requirements; however, the commission may, subject to conditions in this subsection, amend the provisions to enhance those construction requirements.

(10) The following buildings, structures, and facilities are exempt from the Florida Building Code as provided by law, and any further exemptions shall be as determined by the Legislature and provided by law:

(a) Buildings and structures specifically regulated and preempted by the Federal Government.

(b) Railroads and ancillary facilities associated with the railroad.

(c) Nonresidential farm buildings on farms.

(d) Temporary buildings or sheds used exclusively for construction purposes.

(e) Mobile or modular structures used as temporary offices, except that the provisions of part II relating to accessibility by persons with disabilities apply to such mobile or modular structures.

(f) Those structures or facilities of electric utilities, as defined in s. 366.02, which are directly involved in the generation, transmission, or distribution of electricity.

(g) Temporary sets, assemblies, or structures used in commercial motion picture or television production, or any sound-recording equipment used in such production, on or off the premises.

(h) Storage sheds that are not designed for human habitation and that have a floor area of 720 square feet or less are not required to comply with the mandatory wind-borne-debris-impact standards of the Florida Building Code. In addition, such buildings that are 400 square feet or less and that are intended for use in conjunction with one- and two-family residences are not subject to the door height and width requirements of the Florida Building Code.

(i) Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other nonwood features.

(j) Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.

(k) A building or structure having less than 1,000 square feet which is constructed and owned by a natural person for hunting and which is repaired or reconstructed to the same dimension and condition as existed on January 1, 2011, if the building or structure:

1. Is not rented or leased or used as a principal residence;

2. Is not located within the 100-year floodplain according to the Federal Emergency Management Agency's current Flood Insurance Rate Map; and

3. Is not connected to an offsite electric power or water supply.

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With the exception of paragraphs (a), (b), (c), and (f), in order to preserve the health, safety, and welfare of the public, the Florida Building Commission may, by rule adopted pursuant to chapter 120, provide for exceptions to the broad categories of buildings exempted in this section, including exceptions for application of specific sections of the code or standards adopted therein. The Department of Agriculture and Consumer Services shall have exclusive authority to adopt by rule, pursuant to chapter 120, exceptions to nonresidential farm buildings exempted in paragraph (c) when reasonably necessary to preserve public health, safety, and welfare. The exceptions must be based upon specific criteria, such as under-roof floor area, aggregate electrical service capacity, HVAC system capacity, or other building requirements. Further, the commission may recommend to the Legislature additional categories of buildings, structures, or facilities which should be exempted from the Florida Building Code, to be provided by law. The Florida Building Code does not apply to temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.

(11)(a) In the event of a conflict between the Florida Building Code and the Florida Fire Prevention Code and the Life Safety Code as applied to a specific project, the conflict shall be resolved by agreement between the local building code enforcement official and the local fire code enforcement official in favor of the requirement of the code which offers the greatest degree of lifesafety or alternatives which would provide an equivalent degree of lifesafety and an equivalent method of construction. Local boards created to address issues arising under the Florida Building Code or the Florida Fire Prevention Code may combine the appeals boards to create a single, local board having jurisdiction over matters arising under either code or both codes. The combined local appeals board may grant alternatives or modifications through procedures outlined in NFPA 1, Section 1.4, but may not waive the requirements of the Florida Fire Prevention Code. To meet the quorum requirement for convening the combined local appeals board, at least one member of the board who is a fire protection contractor, a fire protection design professional, a fire department operations professional, or a fire code enforcement professional must be present.

(b) Any decision made by the local fire official regarding application, interpretation, or enforcement of the Florida Fire Prevention Code or by the local building official regarding application, interpretation, or enforcement of the Florida Building Code, or the appropriate application of either code or both codes in the case of a conflict between the codes, may be appealed to a local administrative board designated by the municipality, county, or special district having firesafety responsibilities. If the decision of the local fire official and the local building official is to apply the provisions of either the Florida Building Code or the Florida Fire Prevention Code and the Life Safety Code, the board may not alter the decision unless the board determines that the application of such code is not reasonable. If the decision of the local fire official and the local building official is to adopt an alternative to the codes, the local administrative board shall give due regard to the decision rendered by the local officials and may modify that decision if the administrative board adopts a better alternative, taking into consideration all relevant circumstances. In any case in which the local administrative board adopts alternatives to the decision rendered by the local fire official and the local building official, such alternatives shall provide an equivalent degree of lifesafety and an equivalent method of construction as the decision rendered by the local officials.

(c) If the local building official and the local fire official are unable to agree on a resolution of the conflict between the Florida Building Code and the Florida Fire Prevention Code and the Life Safety Code, the local administrative board shall resolve the conflict in favor of the code which offers the greatest degree of lifesafety or alternatives which would provide an equivalent degree of lifesafety and an equivalent method of construction.

(d) All decisions of the local administrative board or, if none exists, the local building official and the local fire official in regard to the application, enforcement, or interpretation of the Florida Fire Prevention Code, or conflicts between the Florida Fire Prevention Code and the Florida Building Code, are subject to review by a joint committee composed of members of the Florida Building Commission and the Fire Code Advisory Council. If the joint committee is unable to resolve conflicts between the codes as applied to a specific project, the matter shall be resolved pursuant to paragraph (1)(d). Decisions of the local administrative board related solely to the Florida Building Code are subject to review as set forth in s. 553.775.

(e) The local administrative board shall, to the greatest extent possible, be composed of members with expertise in building construction and firesafety standards.

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(f) All decisions of the local building official and local fire official and all decisions of the administrative board shall be in writing and shall be binding upon a person but do not limit the authority of the State Fire Marshal or the Florida Building Commission pursuant to paragraph (1)(d) and ss. 633.104 and 633.228. Decisions of general application shall be indexed by building and fire code sections and shall be available for inspection during normal business hours.

(12) Except within coastal building zones as defined in s. 161.54, specification standards developed by nationally recognized code promulgation organizations to determine compliance with engineering criteria of the Florida Building Code for wind load design shall not apply to one or two family dwellings which are two stories or less in height unless approved by the commission for use or unless expressly made subject to said standards and criteria by local ordinance adopted in accordance with the provisions of subsection (4).

(13) The Florida Building Code does not apply to, and no code enforcement action shall be brought with respect to, zoning requirements, land use requirements, and owner specifications or programmatic requirements which do not pertain to and govern the design, construction, erection, alteration, modification, repair, or demolition of public or private buildings, structures, or facilities or to programmatic requirements that do not pertain to enforcement of the Florida Building Code. Additionally, a local code enforcement agency may not administer or enforce the Florida Building Code to prevent the siting of any publicly owned facility, including, but not limited to, correctional facilities, juvenile justice facilities, or state universities, community colleges, or public education facilities, as provided by law.

(14) The general provisions of the Florida Building Code for buildings and other structures shall not apply to commercial wireless communication towers when such general provisions are inconsistent with the provisions of the code controlling radio and television towers. This subsection is intended to be remedial in nature and to clarify existing law.

(15) An agency or local government may not require that existing mechanical equipment located on or above the surface of a roof be installed in compliance with the requirements of the Florida Building Code except during reroofing when the equipment is being replaced or moved and is not in compliance with the provisions of the Florida Building Code relating to roof-mounted mechanical units.

(16) The Florida Building Code must require that the illumination in classroom units be designed to provide and maintain an average of 40 foot-candles of light at each desktop. Public educational facilities must consider using light-emitting diode lighting before considering other lighting sources.

(17) A provision of the International Residential Code relating to mandated fire sprinklers may not be incorporated into the Florida Building Code as adopted by the Florida Building Commission and may not be adopted as a local amendment to the Florida Building Code. This subsection does not prohibit the application of cost-saving incentives for residential fire sprinklers that are authorized in the International Residential Code upon a mutual agreement between the builder and the code official. This subsection does not apply to a local government that has a lawfully adopted ordinance relating to fire sprinklers which has been in effect since January 1, 2010.

(18) In a single-family dwelling, makeup air is not required for range hood exhaust systems capable of exhausting:

(a) Four hundred cubic feet per minute or less; or

(b) More than 400 cubic feet per minute but no more than 800 cubic feet per minute if there are no gravity vent appliances within the conditioned living space of the structure.

(19) The Florida Building Code shall require two fire service access elevators in all buildings with a height greater than 120 feet measured from the elevation of street-level access to the level of the highest occupiable floor. All remaining elevators, if any, shall be provided with Phase I and II emergency operations. Where a fire service access elevator is required, a 1-hour fire-rated fire service access elevator lobby with direct access from the fire service access elevator is not required if the fire service access elevator opens into an exit access corridor that is no less than 6 feet wide for its entire length and is at least 150 square feet with the exception of door openings, and has a minimum 1-hour fire rating with three-quarter hour fire and smoke rated openings; and during a fire event the fire service access elevator is pressurized and floor-to-floor smoke control is provided. However, where transient residential occupancies occur at floor levels more than 420 feet above the level of fire service

access, a 1-hour fire-rated service access elevator lobby with direct access from the fire service access elevator is required. Standpipes in high-rise buildings of Florida Building Code—Building Occupancy Group R1 or R2 must be located in stairwells and are subject only to the requirements of the Florida Fire Prevention Code and NFPA 14, Standard for the Installation of Standpipes and Hose Systems, adopted by the State Fire Marshal.

(20) The Florida Building Commission may not:

(a) Adopt the 2016 version of the American Society of Heating, Refrigerating and Air-Conditioning Engineers Standard 9.4.1.1(g).

(b) Adopt any provision that requires a door located in the opening between a garage and a single-family residence to be equipped with a self-closing device.

History.—s. 4, ch. 74-167; s. 3, ch. 75-85; s. 1, ch. 77-365; s. 225, ch. 79-400; s. 1, ch. 80-106; s. 6, ch. 82-197; s. 2, ch. 84-273; s. 1, ch. 85-97; s. 33, ch. 86-191; s. 1, ch. 87-287; s. 1, ch. 88-142; s. 1, ch. 89-369; s. 2, ch. 91-172; s. 41, ch. 91-220; s. 49, ch. 95-144; s. 1, ch. 97-177; ss. 39, 40, 65, ch. 98-287; s. 61, ch. 98-419; ss. 73, 74, 75, ch. 2000-141; s. 62, ch. 2000-154; ss. 25, 34, 35, 36, ch. 2001-186; ss. 2, 3, 4, 5, ch. 2001-372; s. 86, ch. 2002-1; ss. 1, 14, ch. 2002-293; s. 66, ch. 2003-1; s. 663, ch. 2003-261; s. 7, ch. 2005-147; s. 1, ch. 2005-191; s. 4, ch. 2006-65; s. 7, ch. 2007-1; s. 4, ch. 2007-187; s. 140, ch. 2008-4; s. 10, ch. 2008-191; s. 108, ch. 2008-227; s. 1, ch. 2010-99; s. 32, ch. 2010-176; s. 14, ch. 2011-208; s. 30, ch. 2011-222; s. 14, ch. 2012-13; s. 148, ch. 2013-183; s. 14, ch. 2013-193; s. 18, ch. 2014-154; s. 17, ch. 2016-129; s. 11, ch. 2017-149; s. 6, ch. 2019-75; s. 2, ch. 2021-201.

[1] **Note.**—The amendment by s. 2, ch. 2021-201, changed the reference from "subparagraphs 7. and 9." to "paragraphs (f) and (g)" to conform to the redesignation of subunits in subsection (4) by that law. Subparagraph (b)7. was redesignated as paragraph (f), and subparagraph (b)9. was redesignated as paragraph (h).

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TAC: Special Occupancy

Total Mods for **Special Occupancy** in **Pending Review : 75**

Total Mods for report: 75

Sub Code: Building

3

SP10265

Date Submitted	02/12/2022	**Section**	110.3	**Proponent**	Conn Cole FDEM SFMO
Chapter	1	**Affects HVHZ**	No	**Attachments**	No
TAC Recommendation	Pending Review				
Commission Action	Pending Review				

Comments

General Comments Yes **Alternate Language No**

Related Modifications

Summary of Modification

Clarify the requirement to submit documentation of the elevation to which nonresidential buildings in flood hazard areas may be dry floodproofed.

Rationale

Based on FEMA 2024 IBC proposal S125-22. Subject to 553.73(7)(a) as flood requirement for inclusion in 9th Edition. When nonresidential buildings in floodplains are dry floodproofed, several aspects of design are critical, including the strength of walls & flood shields designed to be watertight (addressed in 1612.5 #1.3) and the required elevation of the dry floodproofing specified in ASCE 24 Chapter 6. The proposed change follows the pattern established for documentation of lowest floor elevations prior to final inspection. Because dry floodproofed buildings do not have elevated “lowest floors,” rather than survey floors, the change clarifies the elevation to which dry floodproofed buildings are protected is documented. Having this elevation documented helps local officials confirm compliance. NFIP regulations require communities to obtain the elevation to which structures are floodproofed [44 Code of Federal Regulations Sec. 60.3(b)(5)(ii)]. FEMA’s Mitigation Assessment Team reports prepared after some significant flood events document failures of dry floodproofing systems. Some failures are caused by floodwater rising higher than the protective measures, which indicates the value of documenting that construction does comply. Many communities require permittees to use FEMA Floodproofing Certificate for Non-Residential Structures. That form is to certify designs as part of the documentation submitted with permit applications, as well as for use to certify the “floodproofed elevation.” The form also is used when certification of as-built conditions is required, including the elevation to which the building is dry floodproofed. The NFIP requires as-built certification as part of qualifying for flood insurance policy coverage for dry floodproofed nonresidential buildings. Bibliography: FEMA Floodproofing Certificate for Non-Residential Structures: https://www.fema.gov/medialibrary/assets/documents/2748

Fiscal Impact Statement

Impact to local entity relative to enforcement of code

Facilitates enforcement by specifying the elevation pertinent when buildings are dry floodproofed.

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

No change; clarifies the elevation to which dry floodproofed buildings are protected is documented, rather than the “lowest floor” and cost to survey the elevation to which a building is dry floodproofed would be equal to the cost to survey a floor elevation relative to datum.

Impact to industry relative to the cost of compliance with code

No change because certification is still required.

Impact to small business relative to the cost of compliance with code

Requirements

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

Yes, because the survey confirms dry floodproofing constructed to elevation specified in the design.

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

Yes, because the survey confirms dry floodproofing constructed to elevation specified in the design.

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

No change in materials and methods.

Does not degrade the effectiveness of the code

Does not degrade because the survey confirms dry floodproofing constructed to elevation specified in the design.

1st Comment Period History

SP10265-G1

Proponent	Rebecca Quinn obo FL Div Emerg Mgnt	Submitted	4/15/2022 4:17:24 PM	Attachments	No

Comment:

I submit this comment on behalf of Conn Cole, FDEM State Floodplain Manager, to advise that this proposal was submitted by FEMA for the 2024 International Codes as S125-22 Part I and was Approved as Submitted at the Committee Action Hearing.

SP10265Text Modification

[A] 110.3 Required inspections.

Building

6. Final inspection. To be made after the building is completed and ready for occupancy.

6.1 In flood hazard areas, as part of the final inspection, a final certification of the lowest floor elevation or the elevation to which a building is dry floodproofed, as applicable, shall be submitted to the authority having jurisdiction.

1612.5 Flood hazard documentation. The following documentation shall be prepared and sealed by a registered design professional and submitted to the building official:

1. For construction in flood hazard areas other than coastal high hazard areas or coastal A zones:

   1.1. The elevation of the lowest floor, including the basement, as required by the lowest floor elevation inspection in Section 110.3, Building, 1.1 and for the final inspection in Section 110.3, Building, 5.1.

   1.2. For fully enclosed areas below the design flood elevation where provisions to allow for the automatic entry and exit of floodwaters do not meet the minimum requirements in Section 2.7.2.1 of ASCE 24, construction documents shall include a statement that the design will provide for equalization of hydrostatic flood forces in accordance with Section 2.7.2.2 of ASCE 24.

   1.3. For dry floodproofed nonresidential buildings, construction documents shall include a statement that the dry floodproofing is designed in accordance with ASCE 24 and shall include the flood emergency plan specified in Chapter 6 of ASCE 24.

   1.4. For dry floodproofed nonresidential buildings, the elevation to which the building is dry floodproofed as required for the final inspection in Section 110.3, Building, 6.1.

2. For construction in coastal high hazard areas and coastal A zones:

   2.1. The elevation of the bottom of the lowest horizontal structural member as required by the lowest floor elevation inspection in Section 110.3.3 and for the final inspection in Section 110.3.12.1.

   2.2. Construction documents shall include a statement that the building is designed in accordance with ASCE 24, including that the pile or column foundation and building or structure to be attached thereto is designed to be anchored to resist flotation, collapse and lateral movement due to the effects of wind and flood loads acting simultaneously on all building components, and other load requirements of Chapter 16.

   2.3. For breakaway walls designed to have a resistance of more than 20 psf (0.96 kN/m) determined using allowable stress design, construction documents shall include a statement that the breakaway wall is designed in accordance with ASCE 24.

   2.4 For breakaway walls where provisions to allow for the automatic entry and exit of floodwaters do not meet the minimum requirements in Section 2.7.2.1 of ASCE 24,

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construction documents shall include a statement that the design will provide for equalization of hydrostatic flood forces in accordance with Section 2.7.2.2 of ASCE 24.

TAC: Special Occupancy

Total Mods for **Special Occupancy** in **Pending Review : 75**

Total Mods for report: 75

Sub Code: Building

4

SP10348

Date Submitted	02/14/2022	**Section**	107.6	**Proponent**	Conn Cole FDEM SFMO
Chapter	1	**Affects HVHZ**	No	**Attachments**	**Yes**
TAC Recommendation	Pending Review				
Commission Action	Pending Review				

Comments

General Comments Yes **Alternate Language No**

Related Modifications

Summary of Modification

Clarify that local building officials must review for compliance with flood when affidavits are provided by private providers in accordance with sec. 553.791, FS, to satisfy FEMA expectation.

Rationale

The 2010 FBC retained flood provisions in the International Codes. The Federal Emergency Management Agency contributed to the Commission appointed workgroup that tailored the I-Code language for Florida that was adopted as part of the Commission's development of the 2010 FBC. FEMA determined that language now in the exception to Sec. 105.14 and in Sec. 107.6.1 was necessary to comply with the requirements for community participation in the National Flood Insurance Program (see 44 CFR 60.3). The requirement is for the COMMUNITY (i.e., local official) to review for compliance with flood provisions, which means the responsibility must not be "delegated" to someone not with the community or not under contract to the community. In response to several inquiries in 2020, FEMA Region IV and the Florida Division of Emergency Management issued a memo citing the NFIP regs and explaining the rationale for the requirement that the community review applications for buildings in flood hazard areas for compliance with the flood load and flood-resistant construction requirements of the FBC. In Florida, the responsibility for administration and enforcement of the FBC rests with the building official or a duly authorized representative [implied that authorization flows from the jurisdiction, e.g., contracted building department services to serve in the capacity as the community's building official). See attached memo. The Florida Building Commission rendered Dec Statement 2021-050 despite concerns of FDEM, concluding Sec. 107.6.1 "does not apply to services performed by private providers." The Commission also stated the decision "does not absolve the community from complying with any requirements under" the NFIP. The proposal closes that loophole and clarifies FEMA's expectations and the NFIP regulatory requirement that a community official must review and approve elements of design and construction required in flood hazard areas.

Fiscal Impact Statement

Impact to local entity relative to enforcement of code

Reduces confusion about the FEMA NFIP expectation that local officials review applications in SFHAs for compliance with the flood requirements.

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

None, because owners can still use affidavits and private providers.

Impact to industry relative to the cost of compliance with code

Helps licensed professionals who offer private provider services.

Impact to small business relative to the cost of compliance with code

Requirements

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

Yes, by reducing confusion about the FEMA NFIP expectation that local officials review applications in SFHAs for compliance with the flood requirements.

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

The change does not affect the technical requirements of the code.

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

The change does not affect the technical requirements of the code.

Does not degrade the effectiveness of the code

Reduces confusion about the FEMA NFIP expectation that local officials review applications in SFHAs for compliance with the flood requirements.

1st Comment Period History

P10348-G1

Proponent	Rebecca Quinn obo FL Div Emerg Mgnt	Submitted	4/15/2022 4:14:31 PM	Attachments	No

Comment:

On behalf of Conn Cole, FDEM State Floodplain Manager, I request that Mod# CA10348 be heard before Mod# CA9986 and Mod# CA9987. The three proposals address the same issue.

SP10348Text Modification

105.14 Permit issued on basis of an affidavit. Whenever a permit is issued in reliance upon an affidavit or whenever the work to be covered by a permit involves installation under conditions which, in the opinion of the building official, are hazardous or complex, the building official shall require that the architect or engineer who signed the affidavit or prepared the drawings or computations shall supervise such work. In addition, they shall be responsible for conformity to the permit, provide copies of inspection reports as inspections are performed, and upon completion make and file with the building official written affidavit that the work has been done in conformity to the reviewed plans and with the structural provisions of the technical codes. In the event such architect or engineer is not available, the owner shall employ in his stead a competent person or agency whose qualifications are reviewed by the building official. The building official shall ensure that any person conducting plans review is qualified as a plans examiner under Part XII of Chapter 468, *Florida Statutes,* and that any person conducting inspections is qualified as a building inspector under Part XII of Chapter 468, *Florida Statutes.*

Exception: Permit issued on basis of an affidavit shall not extend to the flood load and flood resistance requirements of the *Florida Building Code* and the building official shall review, approved, and inspect those requirements.

107.6 Affidavits. The building official may accept a sworn affidavit from a registered architect or engineer stating that the plans submitted conform to the technical codes. For buildings and structures, the affidavit shall state that the plans conform to the laws as to egress, type of construction and general arrangement and, if accompanied by drawings, show the structural design and that the plans and design conform to the requirements of the technical codes as to strength, stresses, strains, loads and stability. The building official may without any examination or inspection accept such affidavit, provided the architect or engineer who made such affidavit agrees to submit to the building official copies of inspection reports as inspections are performed and upon completion of the structure, electrical, gas, mechanical or plumbing systems a certification that the structure, electrical, gas, mechanical or plumbing system has been erected in accordance with the requirements of the technical codes. Where the building official relies upon such affidavit, the architect or engineer shall assume full responsibility for compliance with all provisions of the technical codes and other pertinent laws or ordinances. The building official shall ensure that any person conducting plans review is qualified as a plans examiner under Part XII of Chapter 468, *Florida Statutes*, and that any person conducting inspections is qualified as a building inspector under Part XII of Chapter 468, *Florida Statutes.*

107.6.1 Building permits issued on the basis of an affidavit. Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Parts 59 and 60), the authority granted to the *building official* to issue permits, to rely on inspections, and to accept plans and construction documents on the basis of affidavits and plans submitted pursuant to section 553.791, *Florida Statutes,* for plan review and inspection, and pursuant to Sections 105.14 and 107.6, shall not extend to the flood load and flood-resistance construction requirements of the *Florida Building Code* and the building official shall review, approved, and inspect those requirements.

107.6.2 Where an affidavit for a building or structure in a flood hazard area is provided by a Private Provider in accordance with section 553.791, *Florida Statutes,* for plan review and inspection, or is provided by an architect or engineer in accordance with Section 107.6, the building official shall review and approve the plans for compliance with the flood load and flood-resistant construction requirements of the Florida Building Code and shall inspect the building or structure for compliance with those requirements.

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SP10348Rationale

Mod_10348_Rationale_SFMO_FEMA RIV_Memo_on_Affidavits_11-02-20 signed.pdf

STATE OF FLORIDA

DIVISION OF EMERGENCY MANAGEMENT

Ron DeSantis
Governor

Jared Moskowitz
Director

November 2, 2020

MEMORANDUM

TO: Florida Floodplain Administrators and Building Officials

FROM: Conn H. Cole, Interim State Floodplain Manager Conn H. Cole Digitally signed by Conn H. Cole DN: cn=Conn H. Cole, o=Florida Department of Emergency Management, ou=State Floodplain Management Office, email=Conn.Cole@em.myflorida.com, c=US Date: 2020.11.02 14:36:03 -05'00'

CONCURRENCE: Jason O. Hunter, Chief, FEMA Region IV Floodplain Management & Insurance Branch Jason O. Hunter

RE: Florida Building Code and Permits Issued on the Basis of Affidavits
NFIP Communities Must Review For Floodplain Compliance

Over the past year the State Floodplain Management Office (SFMO) has received inquiries regarding changes enacted in the 2019 legislative session that affect the use and acceptance of private providers for building permits and inspections. The Florida Building Code (FBC) includes provisions for issuing permits based on affidavits signed by qualified architects or engineers, in the Building volume, sections 105.14 and 107.6. These sections are shown in the attachment.

This memorandum provides guidance to clarify the exception to Sections 105.14 and 107.6.1. FEMA Region IV concurs with this guidance. **In effect, the sections require local officials to review applications for compliance with the flood load and flood-resistant construction requirements of the FBC when buildings are proposed to be located in special flood hazard areas, and to inspect those aspects when permits are issued.**

The National Flood Insurance Program (NFIP) requires communities that participate in the program to agree to adopt and enforce regulations that meet or exceed the minimum requirement of the NFIP (44 Code of Federal Regulations Parts 59 and 60). FEMA deems the flood provisions of the FBC to meet or exceed the minimum NFIP requirements for buildings and structures.

The NFIP regulations require communities to review proposed construction or development in special flood hazard areas. Specifically, the NFIP regulations in Section 60.3 states: "Minimum standards for communities are as follows: (a) . . . the community shall: . . . (1) Require permits for all proposed construction or development . . . ; (2) Review proposed development to . . . ; (3) Review all applications to . . . ; (4) Review subdivision proposals and other new development . . ." https://www.govinfo.gov/app/details/CFR-2011-title44-vol1/CFR-2011-title44-vol1-part60

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Orlando, FL 32809-5631

In 2011-12, the SFMO worked with FEMA, the Florida Building Commission, the Building Officials Association of Florida, and the Florida Floodplain Managers Association to incorporate in the FBC the necessary requirements for buildings in flood hazard areas. As part of that effort, the SFMO examined the matter of permits issued based on affidavits. Prior to the inclusion of Section 107.6.1 and the exception to Section 105.14, many communities individually adopted local administrative amendments with the same limitation.

During the code development cycle for the 5th Edition FBC, FDEM submitted a proposal to incorporate Section 107.6.1 into the FBC (the exception to Section 105.14 was added by amendment to a proposal by others). FDEM's rationale statement is shown below and repeated here for clarify:

> Both of these proposed new sections flow from consistency with the NFIP. They were developed by DEM as part of the Model Floodplain Management Ordinance and Code Amendments, reviewed by BOAF, and scrutinized by FEMA. Because FEMA deemed both of these are necessary, it is more efficient for the FBC to include them in Chapter 1, rather than expect every local government to adopt them as local administrative code amendments.
>
> Despite the submission of an affidavit authorized by B107.6, the building official must review plans for compliance with the flood provisions and issue permits and perform inspections to ensure compliance with the flood provisions. Under the NFIP, the community is responsible for ensuring compliance.
>
> *The original proposal (SP5255) included both Section 107.6.1 and Section 117; the exception to Section 105.14 was added to proposal CA5082) by amendments for consistency.

Please contact us at (850) 815-4556 or floods@em.myflorida.com if you have questions about the flood provisions in the FBC or FBC-coordinated floodplain management regulations.

CC: Steve Martin, Roy McClure, Virgilio Chris Perez

Attachment: FBC, Building, Sections 105.14 and 107.6.1 and Proposal for the 5th Ed. FBC, submitted 7/22/2012

ATTACHMENT

FBC, Building Sections 105.14 and 107.6.1

105.14 Permit issued on basis of an affidavit. Whenever a permit is issued in reliance upon an affidavit or whenever the work to be covered by a permit involves installation under conditions which, in the opinion of the building official, are hazardous or complex, the building official shall require that the architect or engineer who signed the affidavit or prepared the drawings or computations shall supervise such work. In addition, they shall be responsible for conformity to the permit, provide copies of inspection reports as inspections are performed, and upon completion make and file with the building official written affidavit that the work has been done in conformity to the reviewed plans and with the structural provisions of the technical codes. In the event such architect or engineer is not available, the owner shall employ in his stead a competent person or agency whose qualifications are reviewed by the building official. The building official shall ensure that any person conducting plans review is qualified as a plans examiner under Part XII of Chapter 468, *Florida Statutes*, and that any person conducting inspections is qualified as a building inspector under Part XII of Chapter 468, *Florida Statutes*.

Exception: Permit issued on basis of an affidavit shall not extend to the flood load and flood resistance requirements of the *Florida Building Code*.

107.6.1 [Affidavits] Building permits issued on the basis of an affidavit. Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Parts 59 and 60), the authority granted to the building official to issue permits, to rely on inspections, and to accept plans and construction documents on the basis of affidavits and plans submitted pursuant to Sections 105.14 and 107.6, shall not extend to the flood load and flood-resistance construction requirements of the *Florida Building Code*.

Mod SP 5255 (approved as submitted)

Mod CA 5082 (submitted by Joe Bigelow to add new Sec. 105.14; FDEM proposed amendment to recapture NFIP; approved as amended.

SP5255

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Date Submitted	7/22/2012	**Section**	107.6 and 117 (new)	**Proponent**	Rebecca Quinn obo DEM
Chapter	1	**Affects HVHZ**	No	**Attachments**	No
TAC Recommendation	Pending Review				
Commission Action	Pending Review				

Related Modifications

Summary of Modification

Two administrative amendments that FEMA has deemed necessary to ensure that enforcement of the flood provisions of the FBC remain consistent with the NFIP.

Rationale

Both of these proposed new sections flow from consistency with the NFIP. They were developed by DEM as part of the Model Floodplain Management Ordinance and Code Amendments, reviewed by BOAF, and scrutinized by FEMA. Because FEMA has deemed both of these are necessary, it is more efficient for the FBC to include them in Chapter 1, rather than expect every local government to adopt them as local administrative code amendments.

Despite the submission of an affidavit authorized by B107.6, the building official must review plans for compliance with the flood provisions and issue permits and perform inspections to ensure compliance with the flood provisions. Under the NFIP, the community is responsible for ensuring compliance.

For consistency with the NFIP, section 553.73(5), F.S., authorizes adoption of procedures for variances; the specific procedures are in the FPM ordinance. Variances are official permission to undertake an activity that is otherwise prohibited or not approvable under the regulations or building code. As specified in section 553.73(5), F.S., the authority to grant variances to the flood provisions does not extend to any requirement in Section 3109, which applies seaward of the Coastal Construction Control Line.

TAC: Special Occupancy

Total Mods for **Special Occupancy** in **Pending Review : 75**

Total Mods for report: 75

Sub Code: Building

5

SP9928

Date Submitted	02/14/2022	**Section**	469	**Proponent**	James gregory
Chapter	4	**Affects HVHZ**	No	**Attachments**	No
TAC Recommendation	Pending Review				
Commission Action	Pending Review				

Comments

General Comments No **Alternate Language No**

Related Modifications

Summary of Modification

Clarifies the application code references for surgery suites.

Rationale

This section added so conflicts between these sections and the Guidelines do not take place and so that additional requirements from the Guidelines are not added to design of these facilities.

Fiscal Impact Statement

Impact to local entity relative to enforcement of code

There is no impact to local entity relative to enforcement of code.

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

There is no impact to building and property owners relative to cost of compliance with code.

Impact to industry relative to the cost of compliance with code

Reduces impact to industry relative to the cost of compliance with code

Impact to small business relative to the cost of compliance with code

Requirements

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

Does not adversely affect 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

Makes the code more clear for the user and the authority having jurisdiction.

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

Does not discriminate against materials, products, methods, or systems of construction.

Does not degrade the effectiveness of the code

Improves the effectiveness of the code by clarifying requirements.

SP9928Text Modification

469.2.1.3 The architectural, mechanical, and electrical design criteria and processes as specified in the physical plant standards in this section shall take precedence over those in the Guidelines with no additional requirements.

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TAC: Special Occupancy

Total Mods for **Special Occupancy** in **Pending Review : 75**

Total Mods for report: 75

Sub Code: Building

6

SP10102

Date Submitted	02/13/2022	**Section**	450	**Proponent**	James gregory
Chapter	4	**Affects HVHZ**	No	**Attachments**	**Yes**
TAC Recommendation	Pending Review				
Commission Action	Pending Review				

Comments

General Comments No **Alternate Language No**

Related Modifications

Summary of Modification

Updates a code reference.

Rationale

The first printing of the Guidelines has been depleted. The second printing of the Guidelines incorporates this Interim Amendment that modified the nursing home sleeping room requirements. The 7th edition of the code references the first printing that does not contain this amendment. This revision includes this amendment which is now available for all of the Guideline users. (See attachment for the Interim Amendment to the 2018 edition).

Fiscal Impact Statement

Impact to local entity relative to enforcement of code

There is no impact to local entity relative to enforcement of code

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

There is no impact to building and property owners relative to cost of compliance with code

Impact to industry relative to the cost of compliance with code

There is no impact to industry relative to the cost of compliance with code

Impact to small business relative to the cost of compliance with code

Requirements

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

Does not adversely affect 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

Makes the code more clear for the user and the authority having jurisdiction.

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

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

Does not degrade the effectiveness of the code

Improves the effectiveness of the code by clarifying requirements.

SP10102Text Modification

450.2.2 The Guidelines for Design and Construction of Residential Health, Care, and Support Facilities with INTERIM AMENDMENT, 2018 (The Guidelines), ~~including Chapter 3.2 Specific Requirements for Nursing Homes~~ as referenced in Chapter 35 of this code.

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August 28, 2020

Interim Amendment for the 2018 Residential *Guidelines*

Since publication of the 2018 edition of the *Guidelines for Design and Construction of Residential Health, Care, and Support Facilities*, the Facility Guidelines Institute (FGI) has received requests from several state authorities having jurisdiction (AHJs) asking for minimum square footages for resident rooms in nursing homes. In response to this request, the Residential Document Group (RDG) of the FGI Health Guidelines Revision Committee (HGRC) reconvened to address these concerns outside of the scheduled editorial cycles for the 2018 and 2022 editions of the *Guidelines*. The RDG proposed incorporating the text featured in this document for inclusion in the 2022 Residential *Guidelines* document, but—to address the enforcement issue in a more timely fashion—the group also requested it be published as an interim amendment, which is an official change, to the 2018 Residential *Guidelines*.

Background

Prior to the release of this interim amendment, the Residential *Guidelines* had been silent on square footage requirements for sizing resident rooms. This was an intentional choice out of concern that, if a minimum size was provided, it would be taken as an absolute. That minimum would then become the base size of the space in which a resident would live, regardless of whether the size fully met resident needs. Given that residents may live in long term-care settings for 15 years or more, this was deemed unacceptable.

The unfortunate side effect of that choice has been that states have had difficulty implementing the Residential *Guidelines*. Thus, the RDG reconsidered its position and agreed that basing a minimum resident room size on clearances would serve the needs of both states and nursing home residents.

Development of Minimum Square Footages

To establish the minimum size requirements included in the interim amendment, the RDG applied the following material from the 2018 Residential *Guidelines*:

- Clearance suggestions in appendix section A3.1-2.2.2.2 (Determining space needs)
- Furniture and equipment requirements in Section 3.1-2.2.2.2 (Resident Room—Space requirements)
- Design requirements in Section 2.2-3 (Design Criteria for Accommodations for Care of Persons of Size*)

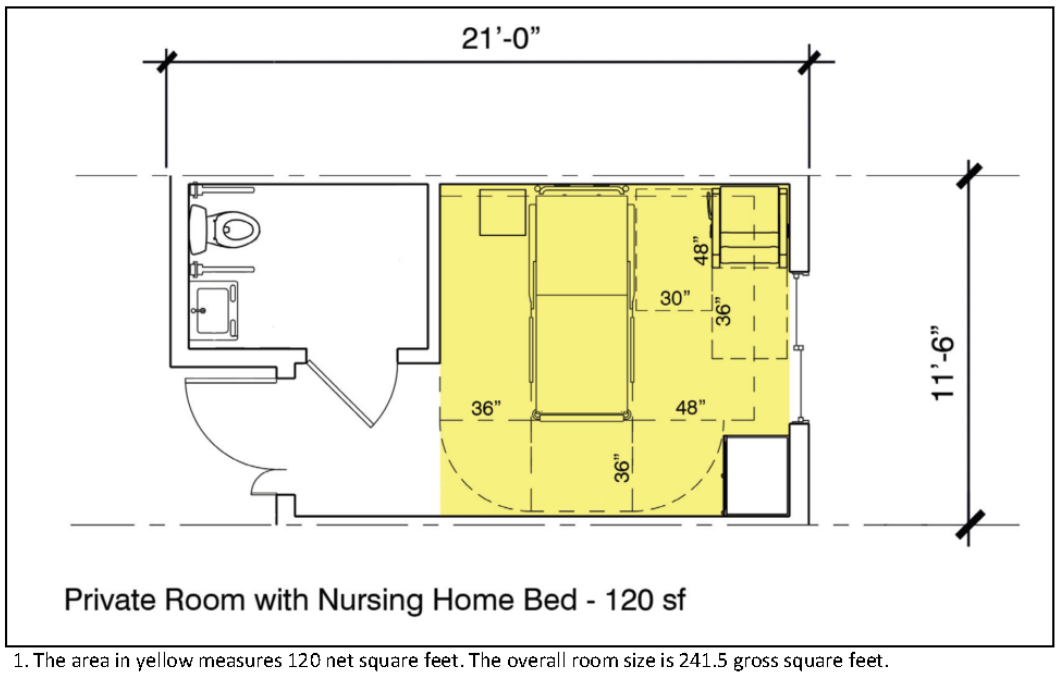
The group diagrammed private and shared room layouts driven by these clearances and furniture requirements to determine the minimum room size for each user group and variation—standard room with hospital or nursing home bed, room for an individual of size

*The term "person of size" has been replaced in the draft 2022 *Guidelines* with "individual of size." Its use here is intentional to be consistent with the 2018 *Guidelines* documents.

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with fixed lift, and room for an individual of size with movable lift. (As an example, see the diagram for a standard room below.)

New required clearances and minimum room size for a resident room



1. The area in yellow measures 120 net square feet. The overall room size is 241.5 gross square feet.
2. This graphic is for illustration purposes only and does not depict a recommended or required resident room layout.

Public comment on the interim amendment

The proposed revisions to the requirements for resident rooms in nursing homes in this interim amendment were subjected to a public comment period during October and November 2019, followed by additional review and final approval by the RDG and the HGRC Steering Committee. Upon their approval, the interim amendment was accepted as integral to the 2018 *Guidelines for Design and Construction of Residential Health, Care, and Support Facilities.*

Inclusion of the Interim Amendment in the Second Printing of the 2018 Residential *Guidelines*

FGI considers the second printing of the 2018 *Guidelines for Design and Construction of Residential Health, Care, and Support Facilitites* to be the official 2018 Residential *Guidelines* document, and the interim amendment became effective with its release in August 2020.

Specific alert language to make users aware of the incorporation of an interim amendment has been added to the title page of the document, with simplified alert language immediately

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preceding each affected section in the main text. The alerts are shown below exactly as they appear in the second printing.

Alert on the title page of the 2018 Residential *Guidelines*, second printing:

ALERT: This second printing of the 2018 *Guidelines for Design and Construction of Residential Health, Care, and Support Facilities* has been modified by the issuance of an official interim amendment. FGI considers this amended document to be the official edition of the 2018 Residential *Guidelines*. For states that have adopted the first printing of this document, a paper explaining the changes—with the affected sections shown as published in the first printing of the 2018 Residential *Guidelines*—can be accessed at www.fgiguidelines.org.

The following sections have been amended in this second printing:
Appendix section A2.2-3 (Design considerations for accommodations for care of persons of size: Design Elements)
Section 2.3-3.2.2.1 (Examination and Treatment Room Space Requirements: Design Elements)
Appendix section A2.3-3.2.2.2 (2) (Examination or treatment rooms for persons of size: Design Elements)
Section 3.1-2.2.2 (Resident Room: Specific Requirements for Nursing Homes)
Section 3.1-2.2.3 (Resident Room for Persons of Size: Specific Requirements for Nursing Homes)

Amended text is indicated by a dotted line to the left of the column.

Example of alert immediately preceding affected sections in the main text:

In this second printing of the 2018 *Guidelines for Design and Construction of Residential Health, Care, and Support Facilities*, Section 2.3-3.2.2.1 (Examination and Treatment Room Space Requirements: Design Elements) has been altered by the issuance of an official interim amendment (see page 1). FGI considers this amended document to be the official edition of the 2018 Residential *Guidelines*. For states that have adopted the first printing of this document, a paper explaining the changes—with the affected sections shown as published in the first printing of the 2018 Residential *Guidelines*—can be accessed at www.fgiguidelines.org.

Amended text is indicated by a dotted line to the left of the column.

Applying the Amended Text

FGI encourages all users of the 2018 Residential *Guidelines* to print this document and affix it to copies of the first printing. For users with digital licenses, the changes are shown in the page view content on MADCAD in the same way. The changes have been incorporated into the HTML version on MADCAD seamlessly, without identifying alerts.

Before beginning any residential project, FGI recommends verifying with the local AHJ which printing of the 2018 Residential *Guidelines* is being followed by the state.

The interim amendment text featured in the following table also appears in the draft of the 2022 Residential *Guidelines*. Although FGI considers it to be the official 2018 Residential *Guidelines* text, the RDG and HGRC believe it is appropriate to present these changes as new in the draft 2022 Residential *Guidelines* to give the public an additional opportunity to provide feedback.

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Public comments may be submitted via FGI's comment platform at www.fgiguidelines.net from July 1, 2020, through September 30, 2020.

The following table provides a cross-walk to illustrate the changes made to the 2018 Residential *Guidelines* by the interim amendment as compared to the original language in the first printing of the document. The left column shows the text in the first printing, and the right column shows the text in the second printing. (Sections beginning with "A"—shown in italic in this table—are appendix text, which is advisory only.)

2018 Residential *Guidelines*, first printing	2018 Residential *Guidelines*, second printing
A2.2-3-a Design considerations for accommodations for care of persons of size	***A2.2-3-a Design considerations for accommodations for care of persons of size***
a. Accommodations for persons of size and the equipment needed to care for them require more operational space and more storage than a traditional resident health, care, or support environment. Therefore, additional square footage may be required to accommodate these needs.	*a. Accommodations for persons of size and the equipment needed to care for them require more operational space and more storage than a traditional resident health, care, or support environment. Therefore, additional square footage may be required to accommodate these needs.*
Size increases will be determined by the space needs of expanded-capacity portable equipment (e.g., beds, wheelchairs, lifts) and fixed equipment (e.g., exam tables) designed for persons of size. Equipment used for persons of size is considerably larger than standard equipment. For example, a bed with a 1,000-pound capacity is 44 inches (101.6 centimeters) to 57 inches (144.78 centimeters) wide by 96 inches (243.84 centimeters) to 102 inches (259.08 centimeters) long.	*Size increases will be determined by the space needs of expanded-capacity portable equipment (e.g., beds, wheelchairs, lifts) and fixed equipment (e.g., exam tables) designed for persons of size. Equipment used for persons of size is considerably larger than standard equipment. For example, a bed with a 1,000-pound capacity is 44 inches (101.6 centimeters) to 57 inches (144.78 centimeters) wide by 96 inches (243.84 centimeters) to 102 inches (259.08 centimeters) long.*
~~*Resident rooms and exam rooms for persons of size should have a minimum clear floor area of 200 square feet (18.58 square meters); a minimum clear dimension of 17 feet (5.18 meters); and a minimum clearance of 7 feet (2.13 meters) on one side and 5 feet (1.52 meters) on the other side and at the foot of the treatment table or bed. Where a portable lift is used, a minimum of 35 square feet (3.25 square meters) of storage space should be provided. Equipment used for persons of size is considerably larger than standard equipment. A bed with a 1,000 pound capacity is 44 inches (101.6 centimeters) to 57 inches (144.78 centimeters) wide by 96 inches (243.84 centimeters) to 102 inches (259.08 centimeters) long.*~~	*See Section 2.3-3.2.2 (Examination and Treatment Room Space Requirements) and Section 3.1-2.2.3.2 (Resident Room for Persons of Size: Space requirements) for space requirements for resident rooms and exam rooms for persons of size.*
Toilet fixtures should be floor-mounted and designed to sustain a minimum concentrated load of 800 pounds (362.88 kilograms)—or as indicated for the care population being served—and mounted a minimum of 24 inches (60.96	*Toilet fixtures should be floor-mounted and designed to sustain a minimum concentrated load of 800 pounds (362.88 kilograms)—or as indicated for the care population being served—and mounted a minimum of 24 inches (60.96*

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centimeters) on center from the finished wall. A clear floor space of 5 feet (1.52 meters) should be provided on one side of the toilet for access and assistance. Sinks also need to be floor mounted, as people lean on a sink and its surrounds while using the bathroom. A clear floor area of 5 feet (1.52 meters) should be provided on either side of the sink and toilet to accommodate a caregiver who is assisting the resident. It is also good practice to provide a handrail designed to sustain a minimum concentrated load of 800 pounds (362.88 kilograms), or as indicated for the care population being served, adjacent to the sink to give the resident a means of support other than the sink and its surrounds.	*centimeters) on center from the finished wall. A clear floor space of 5 feet (1.52 meters) should be provided on one side of the toilet for access and assistance. Sinks also need to be floor-mounted, as people may lean on a sink and its surrounds while using the bathroom. A clear floor area of 5 feet (1.52 meters) should be provided on either side of the sink and toilet to accommodate a caregiver who is assisting the resident. It is also good practice to provide a handrail designed to sustain a minimum concentrated load of 800 pounds (362.88 kilograms), or as indicated for the care population being served, adjacent to the sink to give the resident a means of support other than the sink and its surrounds.*
If a resident is able to walk, he or she will likely need to use a handrail for support or balance. Such handrails should be designed to support and sustain a minimum concentrated load of 800 pounds (362.88 kilograms).	*If a resident is able to walk, he or she will likely need to use a handrail for support or balance. Such handrails should be designed to support and sustain a minimum concentrated load of 800 pounds (362.88 kilograms).*
2.3-3.2.2 Examination and Treatment Room Space Requirements	**2.3-3.2.2 Examination and Treatment Room Space Requirements**
2.3-3.2.2.1 Area	**2.3-3.2.2.1 Area**
(1) Each examination or treatment room shall have a minimum clear floor area of 120 square feet (11.15 square meters).	(1) Each examination or treatment room shall have a minimum clear floor area of 120 square feet (11.15 square meters).
(2) Where an examination or treatment room is used for a population that includes persons of size, a minimum clear floor area of ~~210 square feet (19.51 square meters)~~ shall be provided.	(2) Where an examination or treatment room is used for a population that includes persons of size, a minimum clear floor area of 219 square feet (20.35 square meters) shall be provided.
A2.3-3.2.2.2 (2) Examination or treatment rooms for persons of size… [not in first printing]	***A2.3-3.2.2.2 (2) Examination or treatment rooms for persons of size** should have a minimum clear dimension of 17 feet (5.18 meters) and a minimum clearance of 7 feet (2.13 meters) on one side and 5 feet 6 inches (1.68 meters) on the other side and 5 feet (1.52 meters) at the foot of the treatment table or bed. Where a portable lift is used, a minimum of 35 square feet (3.25 square meters) of storage space should be provided.*
***~~A3.1 2.2.2.2 Determining space needs.~~** ~~Resident rooms should be sized, arranged, and furnished to maximize safe patient mobility, mobilization, weight-bearing exercise, and ambulation potential while minimizing risk to caregivers. This should~~*	*A3.1-2.2.2.2 Detemining space needs [not in second printing]*

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~~*apply to all populations being cared for and served.*~~ ~~*Clearances should be provided and maintained to accommodate safe resident mobility and mobilization of residents. Designated clearances should not be obstructed by any object that does not qualify as movable according to Section 1.5-4.2 (Movable and Portable Equipment).*~~ ~~*a. To facilitate planning for minimum clearances around beds, bed type and size should be established as part of the functional program. As acceptable to AHJs, bed placement should be chosen by individual residents and their families to satisfy the needs and desires of the resident.*~~ ~~*b. Provision of bed clearances to support resident safety should include the following:*~~ ~~*— Standard resident room:*~~ ~~• *48 inches (121.92 centimeters) on the transfer side*~~ ~~• *36 inches (91.44 centimeters) on the non-transfer side of the bed*~~ ~~• *36 inches (91.44 centimeters) at the foot of the bed*~~ ~~*— Resident rooms for persons of size with an overhead lift:*~~ ~~• *72 inches (182.88 centimeters) from the bed by 120 inches long (304.8 centimeters) on the transfer side*~~ ~~• *36 inches (91.44 centimeters) on the non-transfer side of the bed*~~ ~~• *66 inches (167.64 centimeters) at the foot of the bed*~~ ~~*— Resident rooms for persons of size without an overhead lift to accommodate use of a mobile lift:*~~ ~~• *84 inches (213.36 centimeters) from the bed by 120 inches long (304.8 centimeters) on the transfer side*~~ ~~• *36 inches (91.44 centimeters) on the non-transfer side of the bed*~~ ~~• *66 inches (167.64 centimeters) at the foot of the bed*~~ ~~*Where lifts are used, additional clearance is needed to accommodate use of the lift and an expanded capacity wheelchair as well as space for staff to help a person of size transfer from bed to*~~	

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~~*wheelchair or gurney. Mobile lifts require more floor space than overhead lifts to accommodate the lift footprint.*~~ ~~*c. Sizing of resident rooms should accommodate clearances for resident chairs, recliners, wheelchairs, or other devices; these clearances may overlap with the bed clearances. The size of each room should allow unimpeded clearance on at least one side and at the front of any resident chair, etc., as follows:*~~ ~~*— 48 inches (121.92 centimeters) on the transfer side of the chair, etc. for both standard and person of size room types*~~ ~~*— 36 inches (91.44 centimeters) for the approach to the chair for a standard room*~~ ~~*— 66 inches (167.64 centimeters) for the approach to the chair for a room accommodating a person of size*~~	
3.1-2.2.2.2 Space requirements ~~(1) Space shall be provided to accommodate resident care and for maneuverability when resident-operated mobility devices are used.~~ ~~(2) Resident rooms shall be sized, arranged, and furnished to maximize safe resident mobility, mobilization, weight-bearing activity, and ambulation potential and to minimize risks to caregivers. This requirement shall apply to all resident rooms, regardless of resident weight or condition.~~	**3.1-2.2.2.2 Space requirements** *(1) Area. Single- and multiple-resident rooms shall be sized to accommodate the functional placement of required furnishings and equipment essential to resident comfort and safety. (a) Where a single-resident room is provided, it shall have the following: (i) Minimum clear floor area of 120 square feet (11.15 square meters), excluding closet or wardrobe, bathroom, and vestibule entry (ii) Minimum clear dimension of 11 feet (3.35 meters) (b) Where a multiple-resident room is provided, it shall have the following: (i) Minimum clear floor area of 108 square feet (10.03 square meters) per resident bed, excluding closet or wardrobe, bathroom(s), and vestibule entry (ii) Minimum clear dimension of 9 feet 6 inches (2.90 meters) ***A3.1-2.2.2.2 (1)*** *Space should be provided to accommodate the care population, resident care, and maneuverability when resident-operated mobility devices are used. Functional placement is based on considerations for safe resident mobility,*

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	mobilization, weight-bearing activity, and ambulation and for minimization of risks to caregivers. *(2) Clearances. Clearances shall be a consideration during design of resident rooms. ***A3.1-2.2.2.2 (2) Clearances.*** *To facilitate planning for minimum clearances around beds, bed type and maximum bed size should be established by the residential care organizations as part of the functional program. Whenever possible, bed placement should be chosen by individual residents and their representatives or persons of significance (e.g., family, spouse/partner, resident-appointed advocate) to satisfy the needs and desires of the resident.* *a. In resident rooms, the following minimum clearances should be used around the resident bed to support resident and staff safety:* *—48 inches (121.92 centimeters) on the transfer side* *—36 inches (91.44 centimeters) on the non-transfer side* *—36 inches (91.44 centimeters) at the foot in single-resident rooms* *—48 inches (121.92 centimeters) at the foot of each bed in multiple-resident rooms* *b. In resident rooms, a clear circulation pathway of 36 inches (91.44 centimeters) should be provided between fixed elements or equipment. This circulation pathway should be permitted to overlap other required clearances.* *c. Sizing of resident rooms should accommodate clearances for resident chairs, recliners, and other movable furnishings; these items and their clearances may overlap with the bed clearances. The size of each room should allow unimpeded clearance on at least one side and at the front of any resident chair, as follows:* *—48 inches (121.92 centimeters) on the transfer side* *—36 inches (91.44 centimeters) for the approach to the chair* *d. Arrangement of furniture that reduces these clearances should be permitted as long as access for other occupants is not reduced and there is at*

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	least one layout that meets the recommended clearances in appendix section A3.1-2.2.2.2 (2) (Clearances).
~~(3) Area and dimensions. The area and dimensions provided for each resident space shall be based on inclusion of the following:~~ ~~(a) Space to accommodate a maximum of two beds that allows staff members access to both sides and the foot of each bed~~ (b) A window ~~accessible from a wheelchair or other resident-operated mobility device~~ (c) A wardrobe or closet ~~accessible from a wheelchair or other resident-operated mobility device~~ ~~(d) The following furniture accessible from a wheelchair or other resident-operated mobility device:~~ (i) Bed ~~*(ii) Lounge chair~~ (iii) Dresser (iv) Nightstand	(3) Resident room accommodations. Accommodations provided for each resident room shall be accessible from a wheelchair or other resident-operated mobility device and include the following: (a) Window (b) Bed *(c) Resident chair or recliner (i) Location of the resident chair or recliner adjacent to the head of the bed shall be permitted. (ii) Use of a recliner in lieu of a bed shall be permitted based on resident preference. (d) Wardrobe(s) or closet(s). Where a movable wardrobe(s) is provided, it shall be permitted to be located adjacent to the head of the bed. (e) Dresser. The dresser shall be permitted to be located: (i) In or as part of a wardrobe or closet. (ii) On the wall adjacent to the head of the bed. (f) Nightstand. The nightstand shall be permitted to be located adjacent to the head of the bed.
A3.1-2.2.2.2 (3)(d)(ii) Resident seating. *The lounge chair provided in a resident room to give residents an alternative to bed-stay should be evaluated for provision of the following:* *—Comfort sufficient for long-term sitting* *—Cervical support and support for the resident's head (backrest)* *—Opportunity to recline the backrest to enable periodic redistribution of body weight during long periods of sitting (recliner)* *—Ease of entry and exit* *See appendix section A2.4-2.4.3.1 (Furniture selection recommendations) for additional information.*	***A3.1-2.2.2.2 (3)(c) Resident chair or recliner.*** *The lounge chair or recliner provided in a resident room to give residents an alternative to bed-stay should be evaluated for provision of the following:* *a. Comfort sufficient for long-term sitting* *b. Cervical support and support for the resident's head (backrest)* *c. Opportunity to recline the backrest to enable periodic redistribution of body weight during long periods of sitting (recliner)* *d. Ease of entry and exit* *See appendix section A2.4-2.4.3.1 (Furniture selection recommendations) for additional information.*

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*(e) Space for a side chair ***A3.1-2.2.2.2 (3)(e) Visitor seating.*** *Provision of a side chair for a visitor means residents do not have to remain in bed when they have a visitor.*	*(g) Space for a side chair ***A3.1-2.2.2.2 (3)(g) Visitor seating.*** *Provision of a side chair for a visitor means residents do not have to remain in bed when they have a visitor.*
(f) The room shall be configured so that each resident can view the television from a resident chair.	(h) The room shall be configured to provide each resident with a view of the television from a resident chair or recliner.
(g) Direct access from the room entry to the toilet room, closet or wardrobe, and window, without traveling through the living space of another resident	(i) Direct access shall be provided from the room entry to the bed, toilet room, closet or wardrobe, and window without traveling through the living space of another resident.
~~*(h) Clearance for staff members to use lifting equipment to access the bed, chairs, and toilet. See appendix section A3.1-2.2.2.2-b (Determining space needs) for recommendations.~~	
~~***A3.1-2.2.2.2 (3)(h)*** *Although use of portable lifting equipment requires more clearance for maneuvering than fixed lifting equipment, use of fixed equipment does not eliminate the need for portable equipment. Portable equipment will be required when a resident falls out of range of a fixed lift or requires a sit-to-stand lift.*~~ ~~*Using a portable lift without powered wheels to move a resident laterally requires more exertion by staff than using a fixed lift; in addition, the exertion required is increased where the floor is carpeted. However, carpet types differ in their resistance to wheeled devices, and carpet has significant advantages over hard-surface flooring in noise reduction and residential appearance, both of which are important in creating a comfortable, attractive living environment. See Section 2.4-2.3.2 (Flooring and Wall Bases) for requirements.*~~ ~~*Resident rooms and associated toilets may be equipped with a ceiling-mounted track to accommodate ceiling-mounted mobility and lifting devices. The track layout should be designed to aid in maintaining or improving resident mobility and ambulation, independent function, and strength and to help staff members transfer residents to or from bed/chair/toilet/bathing facilities/stretcher or reposition them in a bed or a chair.*~~ ~~*One objective in using ceiling systems would be to assist residents who have poor balance or are*~~	*A3.1-2.2.2.2 (3)(h) **Although use of portable lifting equipment…** [not in second printing]*

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~~*unable to bear all of their weight to stand and ambulate throughout the room. A second objective would be to maximize resident choice and control of bed location and room arrangement, key factors in creating "home" for the resident.*~~ ~~*One way to meet these objectives is to install permanent tracks the full length of two sides of the room with a perpendicular spur that extends into the toilet room over the toilet and into a shower, where provided. With this basic layout, when residents who require mobility or transfer assistance move into a room, a cross track and lift device can be installed for the duration of their stay. This approach would make all areas of the room accessible to the resident using the lifting device, thereby offering the resident a variety of room arrangements and substantially reducing the need for a portable lift.*~~ ~~(4) Every bed location shall have sufficient space to permit placement of a stretcher along one side for lateral transfer of the resident from the bed to the stretcher by at least two staff members without substantial rearrangement of furniture.~~ ~~(5) Clearances~~ ~~(a) In multiple-bed rooms, clearance shall allow for the movement of beds and equipment without disturbing residents.~~ ~~(b) Clear access to one side of the bed shall be provided along 75 percent of its length.~~ ~~(c) Mechanical and fixed equipment shall not obstruct access to any required element.~~ ~~(d) These guidelines shall allow arrangement of furniture that may reduce these access provisions, without impairing access provisions for other occupants.~~	
~~**3.1-2.2.3 Special Care Resident Rooms**~~ [Resident Room for Persons of Size was not in the first printing; Section 3.1-2.2.3 has been renumbered as Section 3.1-2.2.4 in the second printing.]	**3.1-2.2.3 Resident Room for Persons of Size** Where a resident room(s) designed to accommodate persons of size is provided, it shall meet the requirements in Section 3.1-2.2.2 (Resident Room) except as amended in this section. **3.1-2.2.3.1 General** *(1) The need for, number, and type of resident rooms accommodating persons of size shall be determined for the intended care population during the functional programming process.

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	A3.1-2.2.3.1 (1) Considerations for persons of size. *The projected need for accommodations for care of persons of size should be defined in the planning phase and include the following:* *—Projected weight capacities for persons of size in the population to be served* *—Projected number of resident rooms required to accommodate persons of size* *—Projected number of expanded-capacity lifts required to accommodate persons of size* (2) Where the facility provides resident rooms for persons of size, see sections 1.2-5.6 (Planning Considerations for Persons of Size) and 2.2-3 (Design Criteria for Accommodations for Care of Persons of Size) for further requirements. ***3.1-2.2.3.2 Space requirements** ***A3.1-2.2.3.2 Resident lifting equipment.*** *See Section 1.2-3.3 (Resident Mobility and Transfer Risk Assessment) for information on providing resident lifts to mitigate risks involved in resident handling and mobility tasks. Information and guidance for evaluating resident mobility and transfer risks can be found in "Patient Handling and Mobility Assessments," a white paper published by the Facility Guidelines Institute and available from www.fgiguidelines.org.* (1) Area (a) Where a single-resident room with a fixed overhead lift is provided, it shall have the following: (i) Minimum clear floor area of 200 square feet (18.58 square meters), excluding closet or wardrobe, bathroom, and vestibule entry (ii) Minimum clear dimension of 13 feet (3.96 meters) (b) Where a multiple-resident room with a fixed overhead lift is provided, it shall have the following: (i) Minimum clear floor area of 176 square feet (16.35 square meters) per resident

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	bed, excluding closet or wardrobe, bathroom(s), and vestibule entry (ii) Minimum clear dimension of 10 feet 9 inches (3.28 meters) for the clear floor area for each resident (c) Where a single-resident room for persons of size without an overhead lift is provided but mobile lifts will be used, the room shall have the following: (i) Minimum clear floor area of 219 square feet (20.35 square meters), excluding closet or wardrobe, bathroom, and vestibule entry (ii) Minimum clear dimension of 13 feet (3.96 meters) for the clear floor area for each resident (d) Where a multiple-resident room without an overhead lift is provided but mobile lifts will be used, the room shall have the following: (i) Minimum clear floor area of 192 square feet (17.84 square meters) of clear floor area per resident bed, excluding closet or wardrobe, bathroom(s), and vestibule entry (ii) Minimum clear dimension of 10 feet 9 inches (3.28 meters) for the clear floor area for each resident *(2) Clearances. Clearances shall be a consideration during design of resident rooms for persons of size. ***A3.1-2.2.3.2 (2) Clearances.*** *To facilitate planning for minimum clearances around beds, bed type and maximum bed size should be established by the residential care organization as part of the functional program. Whenever possible, bed placement should be chosen by individual residents and their representatives or persons of significance (e.g., family, spouse/partner, resident-appointed advocate) to satisfy the needs and desires of the resident.* *a. In resident rooms for persons of size with an overhead lift, the following minimum clearances should be used around the bed to support resident and staff safety:*

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	—66 inches (167.64 centimeters) from the bed by 126 inches long (320 centimeters) on the transfer side —66 inches (167.64 centimeters) on the non-transfer side —60 inches (152.4 centimeters) at the foot b. In resident rooms for persons of size without an overhead lift where mobile lifts will be used, the following minimum clearances should be used around the bed to support resident and staff safety: —84 inches (213.36 centimeters) from the bed by 126 inches long (320 centimeters) on the transfer side —66 inches (167.64 centimeters) on the non-transfer side —60 inches (152.4 centimeters) at the foot c. In resident rooms for persons of size, a clear circulation pathway of 60 inches (152.4 centimeters) should be provided between fixed elements or equipment. This circulation pathway should be permitted to overlap other required clearances. d. Sizing of resident rooms for persons of size where a mobile lift will be used, whether or not an overhead lift is present, should accommodate clearances for resident chairs, recliners, and other movable furnishings; these items and their clearances may overlap with the bed clearances. The size of each room for a person of size should allow unimpeded clearance on at least one side and at the front of any resident chair as follows: —48 inches (121.92 centimeters) on the transfer side —66 inches (167.64 centimeters) for the approach to the chair e. Mobile vs. fixed lift clearance considerations —Where lifts are used, additional clearance is needed to accommodate use of the lift, an expanded-capacity wheelchair, and space for staff to help a person of size transfer from bed to wheelchair or gurney. Mobile lifts require more floor space than overhead lifts to accommodate the lift footprint. Selection of lift equipment should be completed during the functional programming process to evaluate clearances required. —Use of portable lifting equipment requires more clearance for maneuvering than fixed lifting

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	equipment; however, the use of fixed equipment does not eliminate the need for portable equipment. Portable equipment could be needed when a resident is not in proximity to a fixed lift or requires a sit-to-stand lift. *—Using a portable lift without powered wheels to move a resident laterally requires more exertion by staff than using a fixed lift, and the exertion required is increased where the floor is carpeted. See Section 2.4-2.3.2 (Flooring and Wall Bases) for additional information.* *—Resident rooms and associated toilets may be equipped with a ceiling-mounted track to accommodate ceiling-mounted mobility and lifting devices. The track layout should be designed to aid in maintaining or improving resident mobility and ambulation, independent function, and strength and to assist staff members with transfer of residents to or from bed/chair/toilet/bathing facilities/stretcher or repositioning residents in a bed or chair.* *—One objective of using ceiling lift systems is to support residents who have poor balance or are unable to bear all of their weight to stand and ambulate throughout the room. A second objective is to maximize resident choice and control of bed location and room arrangement, key factors in creating "home" for the resident. These objectives can be met by installing permanent tracks the full length of two sides of the room with a perpendicular spur that extends into the toilet room over the toilet and into a shower (i.e., an "I" or "H" layout) to achieve maximum flexibility. This approach would make all areas of the room accessible to the resident using the lifting device, thereby offering the resident a variety of room arrangements and substantially reducing the need for a portable lift.*

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TAC: Special Occupancy

Total Mods for **Special Occupancy** in **Pending Review : 75**

Total Mods for report: 75

Sub Code: Building

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SP10177

Date Submitted	02/11/2022	**Section**	458.3.1	**Proponent**	Doug Bell
Chapter	4	**Affects HVHZ**	No	**Attachments**	No
TAC Recommendation	Pending Review				
Commission Action	Pending Review				

Comments

General Comments No **Alternate Language No**

Related Modifications

Summary of Modification

To allow virtual inspections within DBPR's manufactured buildings program.

Rationale

Section 553.79(6), F.S., allows virtual inspections to be performed at the discretion of a state or local enforcement agency. This modification would extend this discretion to third party agencies within DBPR's manufactured buildings program. Third party inspection agencies and manufacturers are currently required to submit their onsite inspection program/process to DBPR for approval as part of their quality assurance manual. Likewise, if this modification is approved, each manufacturer and third party inspection agency, within DBPR's manufactured buildings program, would have to submit their virtual inspection program/process to DBPR for approval as part of their quality assurance manual.

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

none.

Impact to industry relative to the cost of compliance with code

None. There is a potential decrease in costs because the cost of virtual inspections will likely be less than onsite inspections.

Impact to small business relative to the cost of compliance with code

Requirements

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

Yes. The modification incorporates an inspection type that has already been authorized by Florida Statute and will allow third party agencies and manufacturers to more efficiently inspect building construction within DBPR's manufactured buildings program.

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

The modification provides additional options for inspections.

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

The modification provides additional options for inspections, and it does not discriminate against any materials products, methods, or systems of construction.

Does not degrade the effectiveness of the code

Virtual inspections are already authorized by Florida Statute for construction throughout the state. Allowing virtual inspections within the manufactured buildings program will not degrade the effectiveness of the Florida Building Code.

SP10177Text Modification

Inspections shall be conducted ~~at the manufacturing facility~~ by an appropriately licensed representative of an agency selected by the manufacturer. The inspections shall ensure that the buildings are being manufactured in compliance with the applicable codes and the approved plans. Once an agency has inspected a manufactured building, the manufacturer shall not seek to have the building inspected by another agency, nor shall any agency inspect a building that has already been inspected by another agency unless the subsequent inspection is at the direction of the department or unless the building or modification thereto is being inspected for recertification by the department.

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TAC: Special Occupancy

Total Mods for **Special Occupancy** in **Pending Review : 75**

Total Mods for report: 75

Sub Code: Building

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SP10197

Date Submitted	02/11/2022	**Section**	453	**Proponent**	Don Whitehead
Chapter	4	**Affects HVHZ**	No	**Attachments**	No
TAC Recommendation	Pending Review				
Commission Action	Pending Review				

Comments

General Comments No **Alternate Language No**

Related Modifications

Summary of Modification

This modification will clarify the exterior envelope requirements.

Rationale

To clarify the exterior envelope requirements.

Fiscal Impact Statement

Impact to local entity relative to enforcement of code

Enforcement of the code will be easier with clearer requirements.

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

None

Impact to industry relative to the cost of compliance with code

None

Impact to small business relative to the cost of compliance with code

Requirements

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

This modification will clarify the requirements of the exterior building envelope that protects the safety of the general public that use the school for shelter during a hurricane or storm event.

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

This modification will strengthen and improve the code by providing clearer exterior building envelope requirements.

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

This modification does not discriminate against materials, products, methods, or systems of construction.

Does not degrade the effectiveness of the code

This modification does not degrade the effectiveness of the code.

SP10197Text Modification

453.25.4.3 Exterior envelope. The exterior envelope, louvers over air intakes and vents, and gooseneck-type intakes and vents of EHPAs shall be designed and installed to meet the wind load and missile impact criteria in accordance with ICC 500.

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TAC: Special Occupancy

Total Mods for **Special Occupancy** in **Pending Review : 75**

Total Mods for report: 75

Sub Code: Building

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SP10207

Date Submitted	02/11/2022	**Section**	468	**Proponent**	Don Whitehead
Chapter	4	**Affects HVHZ**	No	**Attachments**	No
TAC Recommendation	Pending Review				
Commission Action	Pending Review				

Comments

General Comments No **Alternate Language No**

Related Modifications

Summary of Modification

This modification adds an alternative to the hose bibb requirement.

Rationale

To provide an alternative to the hose bibb requirement.

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

Cost will be the same or lower by allowing an alternative to the hose bibb requirement.

Impact to industry relative to the cost of compliance with code

Cost will be the same or lower by allowing an alternative to the hose bibb requirement.

Impact to small business relative to the cost of compliance with code

Requirements

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

This modification will provide a healthy and safe alternative to the hose bibb requirement.

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

This modification improves the code by allowing an equivalent or better product.

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

This modification does not discriminate against materials, products, methods, or systems of construction.

Does not degrade the effectiveness of the code

This modification does not degrade the effectiveness of the code.

SP10207Text Modification

468.3.5.6 Floor drains and hose bibbs. All group toilet rooms shall be provided with at least one floor drain and one easily accessible hose bibb or wall hydrant. The floor shall be sloped down to the drain.

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TAC: Special Occupancy

Total Mods for **Special Occupancy** in **Pending Review : 75**

Total Mods for report: 75

Sub Code: Building

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SP10329

Date Submitted	02/13/2022	**Section**	449	**Proponent**	James gregory
Chapter	4	**Affects HVHZ**	No	**Attachments**	No
TAC Recommendation	Pending Review				
Commission Action	Pending Review				

Comments

General Comments No **Alternate Language No**

Related Modifications

Summary of Modification

Revises requirements for Class 1 mobile/transportable medical units.

Rationale

The requirements in the Guidelines for Class 1 mobile medical units are sufficient to provide for patient safety because Class 1 units are not permitted to provide invasive procedures or procedures that require specific air flow or pressure amounts. A new Formal Interpretation of the Guidelines reference: 2.8-8.2.1 and 2.8-8.2.1.2 published 1/25/22 revises this section to clarify the deletion of any reference to ASHRAE 170 for Class 1 units. Removes reference to Part 1 that has relevance to mobile/transportable units.

Fiscal Impact Statement

Impact to local entity relative to enforcement of code

There is no impact to local entity relative to enforcement of code.

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

There is no impact to building and property owners relative to cost of compliance with code

Impact to industry relative to the cost of compliance with code

Reduces impact to industry relative to the cost of compliance with code

Impact to small business relative to the cost of compliance with code

Requirements

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

Does not adversely affect 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

Makes the code more clear for the user and the authority having jurisdiction.

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

Does not discriminate against materials, products, methods, or systems of construction.

Does not degrade the effectiveness of the code

Improves the effectiveness of the code by clarifying requirements.

SP10329Text Modification

449.3.3.2 ~~The mobile facility~~ Mobile/transportable medical units shall comply with the applicable requirements of the Florida Building Code, Building~~.~~, except Class 1 units as described in the Guidelines. Mobile/transportable medical units shall comply with The Guidelines, ~~including Part 1 General and~~ Part 2, Chapter 2.8, Specific Requirements for Mobile/Transportable Medical Units~~.~~, except Class 1 units, as described in the Guidelines, shall not be required to comply with ASHRAE 170.

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TAC: Special Occupancy

Total Mods for **Special Occupancy** in **Pending Review : 75**

Total Mods for report: 75

Sub Code: Building

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SP10330

Date Submitted	02/13/2022	**Section**	449	**Proponent**	James gregory
Chapter	4	**Affects HVHZ**	No	**Attachments**	No
TAC Recommendation	Pending Review				
Commission Action	Pending Review				

Comments

General Comments No **Alternate Language No**

Related Modifications

Summary of Modification

Provides alternative method for hand washing for a Class 1 mobile/transportable unit.

Rationale

Class 1 mobile medical units do not provide surgical or medical services or any invasive procedures to patients involving physical contact with the clinicians that would require the mechanics of hand-washing for infection control. This revision has been accepted and added to the 2022 edition of the Guidelines section 2.8-3.1.2.2.

Fiscal Impact Statement

Impact to local entity relative to enforcement of code
There is no impact to local entity relative to enforcement of code
Impact to building and property owners relative to cost of compliance with code
There is no impact to building and property owners relative to cost of compliance with code
Impact to industry relative to the cost of compliance with code
Reduces impact to industry relative to the cost of compliance with code
Impact to small business relative to the cost of compliance with code

Requirements

Has a reasonable and substantial connection with the health, safety, and welfare of the general public
Does not adversely affect 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
Provides for equivalent or better method to assure patient safety.
Does not discriminate against materials, products, methods, or systems of construction of demonstrated capabilities
Does not discriminate against materials, products, methods, or systems of construction
Does not degrade the effectiveness of the code

Improves effectiveness of the code by allowing for equivalent method of compliance.

SP10330Text Modification

449.3.3.3 In lieu of a hand-washing station, a Class 1 mobile/transportable medical unit as described in the Guidelines, may utilize a hand sanitation dispenser for hand washing.

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TAC: Special Occupancy

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Total Mods for report: 75

Sub Code: Building

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SP10332

Date Submitted	02/13/2022	**Section**	449	**Proponent**	James gregory
Chapter	4	**Affects HVHZ**	No	**Attachments**	No
TAC Recommendation	Pending Review				
Commission Action	Pending Review				

Comments

General Comments No **Alternate Language No**

Related Modifications

Summary of Modification

Clarifies where sliding doors may be used in a hospital.

Rationale

Sliding Pocket and folding doors often jamb and will not provide egress from an occupied room in time of emergencies. This could be an issue for emergency egress not only in the patient use toilets or baths but in any room that is capable of being occupied.

Fiscal Impact Statement

Impact to local entity relative to enforcement of code

There is no impact to local entity relative to enforcement of code

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

There is no impact to building and property owners relative to cost of compliance with code

Impact to industry relative to the cost of compliance with code

There is no impact to industry relative to the cost of compliance with code

Impact to small business relative to the cost of compliance with code

Requirements

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

Improves 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

Strengthens or improves the code for safety and egress

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

Allows the use of many different door designs and configurations.

Does not degrade the effectiveness of the code

Improves the effectiveness of the code for public safety.

SP10332Text Modification

449.3.4.9 The use of pocket sliding or folding doors to ~~patient use toilet, baths, or shower rooms~~ any occupiable room shall not be permitted. A sliding door equipped with sliding door hardware located ~~on the patient room side of the wall~~ outside of the room and not equipped with a bottom door track shall be permitted.

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TAC: Special Occupancy

Total Mods for **Special Occupancy** in **Pending Review : 75**

Total Mods for report: 75

Sub Code: Building

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SP10333

Date Submitted	02/13/2022	**Section**	449	**Proponent**	James gregory
Chapter	4	**Affects HVHZ**	No	**Attachments**	No
TAC Recommendation	Pending Review				
Commission Action	Pending Review				

Comments

General Comments No **Alternate Language No**

Related Modifications

Summary of Modification

Clarifies where the private operating mode is required in hospitals.

Rationale

Some Authorities Having Jurisdiction will not permit a private operating mode fire alarm system to be installed in the hospital Emergency Departments because they assert the patients in the ER are outpatients, not inpatients. This revision makes it clear the requirement for private operating mode is for all patient areas in the hospital.

Fiscal Impact Statement

Impact to local entity relative to enforcement of code

There is no impact to local entity relative to enforcement of code

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

There is no impact to building and property owners relative to cost of compliance with code

Impact to industry relative to the cost of compliance with code

There is no impact to industry relative to the cost of compliance with code

Impact to small business relative to the cost of compliance with code

Requirements

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

Improves the the health, safety, and welfare of the patients in hospitals.

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

Makes the code more clear for the user and the authority having jurisdiction.

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

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

Does not degrade the effectiveness of the code

Improves the effectiveness of the code by clarifying requirements.

SP10333Text Modification

449.3.12.2 In all inpatient and outpatient care rooms, spaces and areas, including sleeping, treatment, diagnostic, and therapeutic, the private operating mode as permitted and described in NFPA 72, National Fire Alarm and Signaling Code, shall be required. Only the attendants and other personnel required to evacuate occupants from a zone, area, room, floor, or building shall be required to be notified. Audible and visual notification devices shall only be permitted to be located at the care providers' stations, the soiled workroom, soiled holding room, clean workroom, staff lounge, medication preparation room, and nurse or supervisor's office, and other staff rooms or areas as determined by the governing body of the facility.

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TAC: Special Occupancy

Total Mods for **Special Occupancy** in **Pending Review : 75**

Total Mods for report: 75

Sub Code: Building

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SP10335

Date Submitted	02/13/2022	**Section**	449	**Proponent**	James gregory
Chapter	4	**Affects HVHZ**	Yes	**Attachments**	**Yes**
TAC Recommendation	Pending Review				
Commission Action	Pending Review				

Comments

General Comments No **Alternate Language Yes**

Related Modifications

Summary of Modification

Clarifies the intent and application of the disaster preparedness construction standards for hospitals.

Rationale

This clarifies to the user these requirements are not only to protect people inside the building, but also to protect the building from damage so it can remain functional as a health care facility after the emergency event has ceased and not have a prolonged impact of the ability to provide safe and functional health care facilities throughout the state.

Fiscal Impact Statement

Impact to local entity relative to enforcement of code
There is no impact to local entity relative to enforcement of code
Impact to building and property owners relative to cost of compliance with code
There is no impact to building and property owners relative to cost of compliance with code
Impact to industry relative to the cost of compliance with code
There is no impact to industry relative to the cost of compliance with code
Impact to small business relative to the cost of compliance with code

Requirements

Has a reasonable and substantial connection with the health, safety, and welfare of the general public
Does not adversely affect 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
Makes the code more clear for the user and the authority having jurisdiction.
Does not discriminate against materials, products, methods, or systems of construction of demonstrated capabilities
Does not discriminate against materials, products, methods, or systems of construction
Does not degrade the effectiveness of the code

Improves the effectiveness of the code by clarifying requirements.

Alternate Language

1st Comment Period History

FP10335-A1

Proponent James gregory **Submitted** 4/13/2022 9:16:10 AM **Attachments** Yes

Rationale:

This comment and revised text deletes the word "substantial" from the proposed modification because the word "substantial" has a specific meaning in the FBC that was not intended to be applied to this section.

Fiscal Impact Statement

Impact to local entity relative to enforcement of code

There is no impact to local entity.

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

There is no impact to building and property owners.

Impact to industry relative to the cost of compliance with code

There is no impact to industry. Comment is for clarification only.

Impact to small business relative to the cost of compliance with code

Requirements

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

Comment is for clarification and improves he health, safety, and welfare of the general public.

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

Comment is for clarification and improves the codes for that reason.

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

Comment does not discriminate against materials, products, methods, or systems of construction

Does not degrade the effectiveness of the code

Comment is for clarification of intent and does not degrade the effectiveness of the code.

449.3. These minimum standards are intended to increase the ability of the facility to be structurally capable of serving as a shelter for patients, staff and the family of patients and staff, ~~and~~ equipped to be self-supporting during and immediately following a disaster, and to be protected from ~~substantial~~ damage so the facility can be reoccupied and used for its intended purpose immediately after any required building evacuation.

SP10335Text Modification

449.4.2 Disaster preparedness construction standards.
The following construction standards are in addition to the physical plant requirements described in Sections 449.2 through 449.3. These minimum standards are intended to increase the ability of the facility to be structurally capable of serving as a shelter for patients, staff and the family of patients and staff, ~~and~~ equipped to be self-supporting during and immediately following a disaster, and to be protected from substantial damage so the facility can be reoccupied and used for its intended purpose immediately after any required building evacuation.

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Mod_10335_TextOfModification.pdf

TAC: Special Occupancy

Total Mods for **Special Occupancy** in **Pending Review : 75**

Total Mods for report: 75

Sub Code: Building

15

SP10336

Date Submitted	02/13/2022	**Section**	449	**Proponent**	James gregory
Chapter	4	**Affects HVHZ**	No	**Attachments**	No
TAC Recommendation	Pending Review				
Commission Action	Pending Review				

Comments

General Comments No **Alternate Language No**

Related Modifications

Summary of Modification

Deletes unnecessary and misunderstood requirement.

Rationale

Emergency access routes are already required to the facility. This section is redundant and often not understood by the user.

Fiscal Impact Statement

Impact to local entity relative to enforcement of code

There is no impact to local entity relative to enforcement of code

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

There is no impact to building and property owners relative to cost of compliance with code

Impact to industry relative to the cost of compliance with code

There is no impact to industry relative to the cost of compliance with code

Impact to small business relative to the cost of compliance with code

Requirements

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

Does not adversely affect 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

Makes the code more clear for the user and the authority having jurisdiction.

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

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

Does not degrade the effectiveness of the code

Improves the effectiveness of the code by eliminating redundant requirements.

SP10336Text Modification

~~449.4.2.2.4 Where an off-site public access route is available to the new facility at or above the base flood elevation, a minimum of one on-site emergency access route shall be provided that is located at the same elevation as the public access route.~~

Mod_10336_TextOfModification.pdf Page: 1

TAC: Special Occupancy

Total Mods for **Special Occupancy** in **Pending Review : 75**

Total Mods for report: 75

Sub Code: Building

16

SP10338

Date Submitted	02/13/2022	**Section**	449	**Proponent**	James gregory
Chapter	4	**Affects HVHZ**	Yes	**Attachments**	**Yes**
TAC Recommendation	Pending Review				
Commission Action	Pending Review				

Comments

General Comments No **Alternate Language Yes**

Related Modifications

Summary of Modification

Revises the hurricane surge requirements for the location of a new hospital.

Rationale

As the events have shown over the past few years, flooding caused by more intense storm events has been increasing. Florida is very susceptible to this type of flooding from surge events and must take action now to protect the health care infrastructure from all storm and high water surge events for all categories of hurricanes including category 5.

Fiscal Impact Statement

Impact to local entity relative to enforcement of code
There is no impact to local entity relative to enforcement of code
Impact to building and property owners relative to cost of compliance with code
There is no impact to building and property owners relative to cost of compliance with code
Impact to industry relative to the cost of compliance with code
May require additional cost to build in a category 5 surge zone.
Impact to small business relative to the cost of compliance with code

Requirements

Has a reasonable and substantial connection with the health, safety, and welfare of the general public
Improves the 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
Strengthens or improves the code from high wind and flooding events.
Does not discriminate against materials, products, methods, or systems of construction of demonstrated capabilities
Does not discriminate against materials, products, methods, or systems of construction

Does not degrade the effectiveness of the code

Improves the effectiveness of the code for public safety.

Alternate Language

1st Comment Period History

RP10338-A1

Proponent scott waltz **Submitted** 4/15/2022 3:51:28 PM **Attachments** Yes

Rationale:

Strengthens the code by requiring elevation to above the 500 year flood elevation and removes language that can be misinterpreted to apply these requirements only to facilities located in the flood hazard area as defined by section 1612.

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

None

Impact to industry relative to the cost of compliance with code

May increase costs of construction of new facilities in areas prone to flooding

Impact to small business relative to the cost of compliance with code

Requirements

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

Yes.

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

It strengthens the code.

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

It does not.

Does not degrade the effectiveness of the code

It does not.

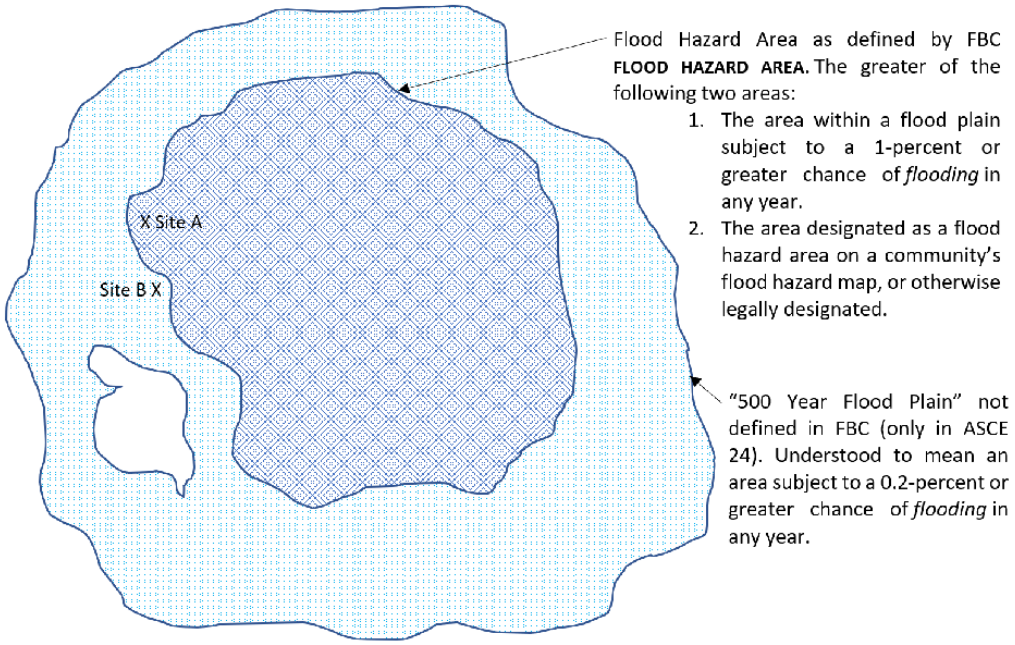
~~Except as permitted by Section 1612 of this code,~~ t<u>T</u>he lowest floor of all new facilities shall be elevated to <u>not lower than</u> the base flood elevation as defined in ~~Section 1612 of~~ this code, plus 2 feet, <u>the 500 year flood elevation as defined in ASCE 24,</u> or to the height of hurricane Category ~~3~~<u>5</u> (Saffir-Simpson scale) surge inundation elevation, as described by the Sea, Lake, and Overland Surge (SLOSH) from Hurricanes model developed by the Federal Emergency Management Agency (FEMA), United States Army Corps of Engineers (USACE), and the National Weather Service (NWS), whichever is higher.

SP10338Text Modification

449.4.2.2.1 Except as permitted by Section 1612 of this code, the lowest floor of all new facilities shall be elevated to the base flood elevation as defined in Section 1612 of this code, plus 2 feet, or to the height of hurricane Category ~~3~~ 5 (Saffir-Simpson scale) surge inundation elevation, as described by the Sea, Lake, and Overland Surge (SLOSH) from Hurricanes model developed by the Federal Emergency Management Agency (FEMA), United States Army Corps of Engineers (USACE), and the National Weather Service (NWS), whichever is higher.

Mod_10338_TextOfModification.pdf Page: 1

The current text's use of the base flood elevation as reference elevation for the +2 feet increase applies whether the site is a flood hazard area or not. At least that my understanding of the intent (although the "*Except as permitted by Section 1612 of this code*" language may nullify the requirement outside of flood hazard areas). Under this intent, both Site A and Site B in the diagram below require a floor elevation of 2 feet above the base flood elevation. The existing text does not address the 500 year flood elevation, so it may worth revising the text to capture that requirement as well for sites that are located outside of the 100 year flood plain, but in the 500 year flood plain.



If we use the reference to 1612 and Category 5 surge inundation elevation, we get the higher of the +2 above BFE and the 500 year flood elevation **only** for sites that located in a flood hazard area. Sites located in the 500 year flood plain but outside of the flood hazard area would not be subject to these requirements. It seems counter intuitive not to apply the requirements to the Site B facility as well.

Suggested modification:

~~Except as permitted by Section 1612 of this code,~~ ~~t~~The lowest floor of all new facilities shall be elevated to not lower than the base flood elevation as defined in ~~Section 1612 of~~ this code, plus 2 feet, the 500 year flood elevation as defined in ASCE 24, or to the height of hurricane Category ~~3~~5 (Saffir-Simpson scale) surge inundation elevation, as described by the Sea, Lake, and Overland Surge (SLOSH) from Hurricanes model developed by the Federal Emergency Management Agency (FEMA), United States Army Corps of Engineers (USACE), and the National Weather Service (NWS), whichever is higher.

Mod_10338_A1_Rationale_Exhibit 1.pdf Page: 1

TAC: Special Occupancy

Total Mods for **Special Occupancy** in **Pending Review : 75**

Total Mods for report: 75

Sub Code: Building

17

SP10339

Date Submitted	02/13/2022	**Section**	453.8.3.3	**Proponent**	Greg Johnson
Chapter	4	**Affects HVHZ**	No	**Attachments**	**Yes**
TAC Recommendation	Pending Review				
Commission Action	Pending Review				

Comments

General Comments Yes **Alternate Language No**

Related Modifications

Mass timber Type IV package of changes

Summary of Modification

Type IV heavy timber, which is not permitted concealed spaces, is differentiated from Type IV-A, Type IV-B, and Type IV-C which are permitted concealed (but protected) spaces.

Rationale

The package of mass timber modifications designate current Type IV buildings as Type IV-HT. This modification updates the designation within the section to maintain current requirements. Additionally, each of the new Type IV construction type are added and provided with a reference to the applicable section for the treatment of concealed spaces and structural protection. A code format edit is made substituting 'where' for 'when'

Fiscal Impact Statement

Impact to local entity relative to enforcement of code
None; typical plan review and inspection.
Impact to building and property owners relative to cost of compliance with code
None; an optional construction method is enabled.
Impact to industry relative to the cost of compliance with code
None; an optional construction method is enabled.
Impact to small business relative to the cost of compliance with code

Requirements

Has a reasonable and substantial connection with the health, safety, and welfare of the general public
Provides fire-resistive construction requirements.
Strengthens or improves the code, and provides equivalent or better products, methods, or systems of construction
Improves the code by supporting new methods of construction.

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

No materials are required or prohibited by this modification.

Does not degrade the effectiveness of the code

Improves the code by supporting new methods of construction.

1st Comment Period History

Proponent	Don Whitehead	Submitted	4/14/2022 5:01:54 PM	Attachments	Yes	

Comment:

See attached file

P10339-G1

SP10339Text Modification

453.8.3.3 Type IV.

~~When~~ Where Type IV-HT construction is used, wood shall be exposed and not covered by ceilings or other construction. Type IV-A construction shall comply with Section 602.4.1, Type IV-B construction shall comply with Section 602.4.2, and Type IV-C construction shall comply with Section 602.4.3.

Mod_10339_TextOfModification.pdf Page: 1

As staff to the State Board of Education, I would not be able to recommend acceptance of Modification SP10339. This code modification seeks to allow concealed fire protected heavy timber construction in School Board and Florida College facilities. Currently, the State Board of Education has not authorized concealed heavy timber construction in educational facilities. Also, the Florida Building Commission has not authorized concealed heavy timber construction, as specified in the International Building Code (IBC). This change proposes to eliminate a Florida-specific requirement that was adopted to promote the long term public health and safety of public schools and colleges in Florida. The IBC does not take into account the unique situations in Florida as shown by the following explanations:

The wind loads in Florida are substantially higher because of the hurricane wind forces that all buildings in Florida must resist in order to protect the occupants during a storm. These higher hurricane wind forces include design wind speeds in excess of 200 mph and missile impact speeds in excess of 100 mph. Using concealed heavy timber construction as the structure of a public educational facility would be very inefficient, because it would not only require thicker walls that would reduce the amount of valuable classroom space, but it would require more taxpayer dollars.

Buildings constructed in Florida are vulnerable to termite damage and other wood destroying organisms, such as powderpost beetles and carpenter bees. Because the destruction is hidden below the surface, pest control inspections can only minimize the danger, but not completely eliminate it. Because concrete block is extremely durable, fire and termite resistant, and has a life expectancy of around 100 years, it is a popular building material in Florida. Because wood deteriorates more quickly with the high humidity in Florida, its life expectancy is about 25 years.

As an example of the potential hazard, allow me to share one school district's experience. Marion County School District was conducting an asbestos abatement of Anthony Elementary Cafetorium. During the asbestos abatement of the 9x9 floor tiles, one of the workers fell through the floor exposing the serious structural damage of the original wood floor framing system, which had been destroyed by powderpost beetles. Wood destroying organisms can cause structural failure without warning, and endanger the life safety of the occupants.

As staff to the State Board of Education, I urge the committee to not approve this code modification as submitted

TAC: Special Occupancy

Total Mods for **Special Occupancy** in **Pending Review : 75**

Total Mods for report: 75

Sub Code: Building

18

SP10340

Date Submitted	02/13/2022	**Section**	453.8.3.4	**Proponent**	Greg Johnson
Chapter	4	**Affects HVHZ**	No	**Attachments**	**Yes**
TAC Recommendation	Pending Review				
Commission Action	Pending Review				

Comments

General Comments Yes **Alternate Language No**

Related Modifications

Summary of Modification

Fully sprinklered educational facility buildings are permitted to be of Type V-A construction

Rationale

See uploaded rationale

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

Lowers cost by providing an affordable construction alternative.

Impact to industry relative to the cost of compliance with code

Lowers cost by providing an affordable construction alternative.

Impact to small business relative to the cost of compliance with code

Requirements

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

This about equivalent fire-resistive construction.

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

Improves the code by providing an equivalent and affordable construction alternative.

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

Helps eliminate existing discrimination against wood systems of construction that have proven equivalencies through extensive fire-testing. Reduces anti-competitive provisions of the building code.

Does not degrade the effectiveness of the code

Improves the code by providing an equivalent and affordable construction alternative.

1st Comment Period History

Proponent	Don Whitehead	Submitted	4/14/2022 5:06:16 PM	Attachments	Yes	

Comment:

See attached file

SP10340Text Modification

453.8.3.4 Exceptions to types of construction:
1.Covered walkways open on all sides may be Type V construction.

2.Single story dugouts, press boxes, concession stands, related public toilet rooms, detached covered play areas, and nonflammable storage buildings that are detached from the main educational facility by at least 60 feet (1829 mm), may be Type V construction.

3. Buildings fully sprinklered in accordance with Section 903.3.1.1 may be of Type V-A construction.

Page: 1
Mod_10340_TextOfModification.pdf

SP10340-G1General Comment

As staff to the State Board of Education, I would not be able to recommend acceptance of Modification SP10340. This code modification seeks to allow fire protected light weight wood construction, in School Board and Florida College facilities. Currently, the State Board of Education has not authorized light weight wood construction in educational facilities, even if it is fire protected and fully sprinklered. This change proposes to eliminate a Florida-specific requirement that was adopted to promote the public health and safety of the public schools and colleges in Florida. Currently, all educational facilities that are larger than 1,000 square feet are required to be fully sprinklered, in accordance with the Florida Fire Prevention Code. Using the argument that fire protected light weight wood construction, provides a higher degree of safety than an unprotected structure using noncombustible materials, does not mean that it is safer.

The wind loads in Florida are substantially higher because of the hurricane wind forces that all buildings in Florida must resist in order to protect the occupants during a storm. These higher hurricane wind forces include design wind speeds in excess of 200 mph and missile impact speeds in excess of 100 mph. Using light weight wood construction as the structure of a public educational facility would be very inefficient, because it would not only require thicker walls that would reduce the amount of valuable classroom space, but it would require more taxpayer dollars.

Buildings constructed in Florida are vulnerable to termite damage and other wood destroying organisms, such as powderpost beetles and carpenter bees. Because the destruction is hidden below the surface, pest control inspections can only minimize the danger, but not completely eliminate it. Because concrete block is extremely durable, fire and termite resistant, and has a life expectancy of around 100 years, it is a popular building material in Florida. Because wood, including fire retardant treated wood deteriorates more quickly with the high humidity in Florida, its life expectancy is about 25 years.

As an example of the potential hazard, allow me to share one school district's experience. Marion County School District was conducting an asbestos abatement of Anthony Elementary Cafetorium. During the asbestos abatement of the 9x9 floor tiles, one of the workers fell through the floor exposing the serious structural damage of the original wood floor framing system, which had been destroyed by powderpost beetles. Wood destroying organisms can cause structural failure without warning, and endanger the life safety of the occupants.

As staff to the State Board of Education, I urge the committee to not approve this code modification as submitted

Mod_10340_G1_General_SP10340 Allow School Board and Florida College Buildings to use fire protected light weight wood construction.pdf

New Exception3 Sec 453.8.3.4 sprinklered Type V-A

Per IBC Table 602, (FL Building Code Table 705.5) Type V-A buildings have the same required fire-resistance rating as Type IIA buildings which are permitted for educational buildings regardless of whether they are sprinklered.

Similarly, except for exterior 2-hour bearing walls, Type V-A buildings have the same required fire-resistance rating regardless of whether they are sprinklered as Type III-A buildings.

The proposed exception, by permitting Type V-A construction only where a NFPA 13 compliant suppression system is also required, provides a higher degree of fire-safety for occupancies within the scope of Section 453.

Note there is no history of fire deaths or injuries in fully sprinklered educational occupancies and an excellent history of structural protection.

Note too that Type V construction is broadly permitted for all manner of occupancies across the Gulf Coast region, demonstrating exceptional, durable performance in climates equally hot and humid as that in Florida.

Finally, cement and steel manufacturing **each** account for more than 8 percent of annual greenhouse gas emissions, while wood building products store the carbon (wood is about 50 percent carbon by weight) that was taken up by the trees from which the products were manufactured.

When FL locks carbon up in wood building products, instead of contributing carbon to the atmosphere by requiring other, carbon intensive building materials that have no appreciable performance benefit, it is a small step toward protecting its coastlines, property, and people from the hazards of climate change.

It is time to build smarter.

TAC: Special Occupancy

Total Mods for **Special Occupancy** in **Pending Review : 75**

Total Mods for report: 75

Sub Code: Building

19

SP10342

Date Submitted	02/13/2022	**Section**	450	**Proponent**	James gregory
Chapter	4	**Affects HVHZ**	No	**Attachments**	No
TAC Recommendation	Pending Review				
Commission Action	Pending Review				

Comments

General Comments No **Alternate Language No**

Related Modifications

Summary of Modification

Revises language for clarification on consistency.

Rationale

Revises the language to be consistent with the FGI Guidelines so there is no confusion by the user.

Fiscal Impact Statement

Impact to local entity relative to enforcement of code

There is no impact to local entity relative to enforcement of code.

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

There is no impact to building and property owners relative to cost of compliance with code.

Impact to industry relative to the cost of compliance with code

There is no impact to industry relative to the cost of compliance with code.

Impact to small business relative to the cost of compliance with code

Requirements

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

Does not adversely affect 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

Makes the code more clear for the user and the authority having jurisdiction.

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

Does not discriminate against materials, products, methods, or systems of construction.

Does not degrade the effectiveness of the code

Improves the effectiveness of the code by clarifying requirements.

SP10342Text Modification

450.3.1.2 Skilled nursing units that are part of a hospital and licensed as a hospital bed but certified as a skilled nursing bed shall meet the requirements for an in-hospital skilled nursing patient care unit in the FGI Guidelines for Design and Construction of Hospitals as referenced in Chapter 35 of this code.

Mod_10342_TextOfModification.pdf Page: 1

TAC: Special Occupancy

Total Mods for **Special Occupancy** in **Pending Review : 75**

Total Mods for report: 75

Sub Code: Building

20

SP10343

Date Submitted	02/13/2022	**Section**	450	**Proponent**	James gregory
Chapter	4	**Affects HVHZ**	No	**Attachments**	No
TAC Recommendation	Pending Review				
Commission Action	Pending Review				

Comments

General Comments No **Alternate Language No**

Related Modifications

Summary of Modification

Corrects chapter reference.

Rationale

Corrects chapter reverence to the Guidelines.

Fiscal Impact Statement

Impact to local entity relative to enforcement of code

There is no impact to local entity relative to enforcement of code.

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

There is no impact to building and property owners relative to cost of compliance with code.

Impact to industry relative to the cost of compliance with code

There is no impact to industry relative to the cost of compliance with code.

Impact to small business relative to the cost of compliance with code

Requirements

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

Does not adversely affect 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

Makes the code more clear for the user and the authority having jurisdiction.

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

Does not discriminate against materials, products, methods, or systems of construction.

Does not degrade the effectiveness of the code

Improves the effectiveness of the code by clarifying requirements.

SP10343Text Modification

450.3.2 Resident rooms. In addition to the requirements of The Guidelines, Chapter 3.~~2~~1, each resident room shall meet the following minimum standards:

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Mod_10343_TextOfModification.pdf

TAC: Special Occupancy

Total Mods for **Special Occupancy** in **Pending Review : 75**

Total Mods for report: 75

Sub Code: Building

21

SP10344

Date Submitted	02/13/2022	**Section**	450	**Proponent**	James gregory
Chapter	4	**Affects HVHZ**	No	**Attachments**	No
TAC Recommendation	Pending Review				
Commission Action	Pending Review				

Comments

General Comments No **Alternate Language No**

Related Modifications

Summary of Modification

Clarifies how to separate resident sleeping areas.

Rationale

There has been some misunderstanding about the intent of this requirement . The intent is to provide acoustic and visual privacy and to not permit curtains or movable screens to separate these individual sleeping areas from each other. The allowance for full height rigid sliding or foldable partitions is to be able to open the room when it is shared by couples who would like to share one room with each other.

Fiscal Impact Statement

Impact to local entity relative to enforcement of code

There is no impact to local entity relative to enforcement of code.

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

There is no impact to building and property owners relative to cost of compliance with code.

Impact to industry relative to the cost of compliance with code

There is no impact to industry relative to the cost of compliance with code.

Impact to small business relative to the cost of compliance with code

Requirements

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

Does not adversely affect 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

Makes the code more clear for the user and the authority having jurisdiction.

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

Does not discriminate against materials, products, methods, or systems of construction.

Does not degrade the effectiveness of the code

Improves the effectiveness of the code by clarifying requirements.

SP10344Text Modification

450.3.2.1 In new construction and additions, the maximum room capacity of each resident room shall be two persons. In double occupancy resident rooms, sleeping areas shall be separated from each other by a full height wall or full height rigid sliding or foldable partition to increase acoustic and visual privacy. Each person lying in bed shall have direct visual access to an exterior window at all times. Either doors or cubicle curtains from the entry vestibule to these individual resident sleeping areas shall be provided.

Page: 1

Mod_10344_TextOfModification.pdf

TAC: Special Occupancy

Total Mods for **Special Occupancy** in **Pending Review : 75**

Total Mods for report: 75

Sub Code: Building

22

SP10345

Date Submitted	02/13/2022	**Section**	450	**Proponent**	James gregory
Chapter	4	**Affects HVHZ**	No	**Attachments**	No
TAC Recommendation	Pending Review				
Commission Action	Pending Review				

Comments

General Comments No **Alternate Language No**

Related Modifications

Summary of Modification

Revises section to coordinate with the FGI interim amendment.

Rationale

The inclusion of the FGI interim amendment makes these square footage requirements incorrect. The additional language defining clear floor area is necessary because the FGI Guidelines does not adequately reference these specific conditions.

Fiscal Impact Statement

Impact to local entity relative to enforcement of code

There is no impact to local entity relative to enforcement of code.

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

There is no impact to building and property owners relative to cost of compliance with code.

Impact to industry relative to the cost of compliance with code

There is no impact to industry relative to the cost of compliance with code.

Impact to small business relative to the cost of compliance with code

Requirements

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

Does not adversely affect 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

Makes the code more clear for the user and the authority having jurisdiction.

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

Does not discriminate against materials, products, methods, or systems of construction.

Does not degrade the effectiveness of the code

Improves the effectiveness of the code by clarifying requirements.

SP10345Text Modification

450.3.2.2 ~~Each resident room shall have a minimum of 100 square feet (9.29 m2) of clear floor area per bed in a double occupancy resident room and 120 square feet (11.15 m2) of clear floor area in a single occupancy resident room, exclusive of the space consumed by the toilet room, closet(s), wardrobe(s), lavatory(ies), alcove(s), and~~ The clear floor area excludes either the space for the room entrance door swing~~(s)~~ into the room or the space for ~~entrance~~ vestibule entry, whichever is greater. For the purpose of determining the minimum clear floor area, the ~~entrance~~ vestibule entry is defined as that floor area located between the room entrance door and the room floor area containing the resident bed(s).

Page: 1

Mod_10345_TextOfModification.pdf

TAC: Special Occupancy

Total Mods for **Special Occupancy** in **Pending Review : 75**

Total Mods for report: 75

Sub Code: Building

23

SP10346

Date Submitted	02/13/2022	**Section**	450	**Proponent**	James gregory
Chapter	4	**Affects HVHZ**	No	**Attachments**	No
TAC Recommendation	Pending Review				
Commission Action	Pending Review				

Comments

General Comments No **Alternate Language No**

Related Modifications

Summary of Modification

Deletes unnecessary and redundant language.

Rationale

Deletes redundant and unnecessary language.

Fiscal Impact Statement

Impact to local entity relative to enforcement of code

There is no impact to local entity relative to enforcement of code.

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

There is no impact to building and property owners relative to cost of compliance with code.

Impact to industry relative to the cost of compliance with code

There is no impact to industry relative to the cost of compliance with code.

Impact to small business relative to the cost of compliance with code

Requirements

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

Does not adversely affect 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

Makes the code more clear for the user and the authority having jurisdiction.

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

Does not discriminate against materials, products, methods, or systems of construction.

Does not degrade the effectiveness of the code

Improves the effectiveness of the code by clarifying requirements.

SP10346Text Modification

450.3.3 Resident support areas and services. See The Guidelines for requirements.
~~450.3.3.1 Staff work area(s) (nurse station). See The Guidelines for requirements.~~
~~450.3.3.2 Clean utility room. See The Guidelines for requirements.~~
~~450.3.3.3 Soiled utility or soiled holding room(s). See The Guidelines for requirements.~~
~~450.3.3.4 Medication storage and distribution. See The Guidelines for requirements.~~
~~450.3.3.5 A nourishment room. See The Guidelines for requirements.~~
~~450.3.3.6 Ice for residents' consumption. See The Guidelines for requirements. Where the icemaker unit is accessible to residents or the public, it shall be a self dispensing type~~.

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TAC: Special Occupancy

Total Mods for **Special Occupancy** in **Pending Review : 75**

Total Mods for report: 75

Sub Code: Building

24

SP10347

Date Submitted	02/13/2022	**Section**	450	**Proponent**	James gregory
Chapter	4	**Affects HVHZ**	No	**Attachments**	No
TAC Recommendation	Pending Review				
Commission Action	Pending Review				

Comments

General Comments No **Alternate Language No**

Related Modifications

Summary of Modification

Revises the use of sliding doors in a nursing home.

Rationale

Sliding Pocket and folding doors often jamb and will not provide egress from an occupied room in time of emergencies. This could be an issue for emergency egress not only in the patient use toilets or baths but in any room that is capable of being occupied. This revision clears up what kind of sliding door is permitted in a nursing home and describes the operation of such a door when it is located on the exit access corridor.

Fiscal Impact Statement

Impact to local entity relative to enforcement of code

There is no impact to local entity relative to enforcement of code.

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

There is no impact to building and property owners relative to cost of compliance with code.

Impact to industry relative to the cost of compliance with code

There is no impact to industry relative to the cost of compliance with code.

Impact to small business relative to the cost of compliance with code

Requirements

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

Does not adversely affect 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

Makes the code more clear for the user and the authority having jurisdiction.

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

Does not discriminate against materials, products, methods, or systems of construction. Allows various sliding doors in a nursing home.

Does not degrade the effectiveness of the code

Improves the effectiveness of the code by clarifying requirements.

SP10347Text Modification

450.3.5.3 The use of pocket sliding or folding doors to any occupiable room shall not be permitted A sliding door equipped with sliding hardware located ~~on the resident room side of the wall~~ outside of the room and without a bottom track shall be permitted ~~on an individual resident toilet or bathroom~~. If a sliding door is used on a resident toilet or bathroom, a D-shaped handle at least 4 inches (10.16 cm) long shall be provided to open the door. A sliding door used for access to any room located on the exit access corridor may be manual or power operated and shall be smoke resistive and have latching hardware or other mechanism that prevents the door from rebounding to a partially open position if the door is forcefully closed.

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Mod_10347_TextOfModification.pdf

TAC: Special Occupancy

Total Mods for **Special Occupancy** in **Pending Review : 75**

Total Mods for report: 75

Sub Code: Building

25

SP10354

Date Submitted	02/13/2022	**Section**	450	**Proponent**	James gregory
Chapter	4	**Affects HVHZ**	No	**Attachments**	No
TAC Recommendation	Pending Review				
Commission Action	Pending Review				

Comments

General Comments No **Alternate Language No**

Related Modifications

Summary of Modification

Modifies how other references are applied to nurse call requirements.

Rationale

This revision is necessary so that conflicting requirements between the FBC and other code references are not an issue in applying these requirements.

Fiscal Impact Statement

Impact to local entity relative to enforcement of code

There is no impact to local entity relative to enforcement of code.

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

There is no impact to building and property owners relative to cost of compliance with code.

Impact to industry relative to the cost of compliance with code

There is no impact to industry relative to the cost of compliance with code.

Impact to small business relative to the cost of compliance with code

Requirements

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

Does not adversely affect 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

Makes the code more clear for the user and the authority having jurisdiction.

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

Does not discriminate against materials, products, methods, or systems of construction.

Does not degrade the effectiveness of the code

Improves the effectiveness of the code by clarifying requirements.

SP10354Text Modification

450.3.17 Nurse call systems. Reference The Guidelines only for ~~other~~ requirements not specifically described in this section. Nurse call systems as described in NFPA 99 shall not apply.

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TAC: Special Occupancy

Total Mods for **Special Occupancy** in **Pending Review : 75**

Total Mods for report: 75

Sub Code: Building

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SP10355

Date Submitted	02/13/2022	**Section**	450	**Proponent**	James gregory
Chapter	4	**Affects HVHZ**	No	**Attachments**	No
TAC Recommendation	Pending Review				
Commission Action	Pending Review				

Comments

General Comments No **Alternate Language No**

Related Modifications

Summary of Modification

Revises the emergency call system requirements.

Rationale

This revision clarifies where an emergency call station must be installed, allows various types of nurse call systems and provides for the facility to add more call stations at their determination for the safety of their residents.

Fiscal Impact Statement

Impact to local entity relative to enforcement of code

There is no impact to local entity relative to enforcement of code.

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

There is no impact to building and property owners relative to cost of compliance with code.

Impact to industry relative to the cost of compliance with code

There is no impact to industry relative to the cost of compliance with code.

Impact to small business relative to the cost of compliance with code

Requirements

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

Does not adversely affect 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

Makes the code more clear for the user and the authority having jurisdiction.

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

Does not discriminate against materials, products, methods, or systems of construction.

Does not degrade the effectiveness of the code

Improves the effectiveness of the code by clarifying requirements.

SP10355Text Modification

450.3.17.4 Emergency call system. An emergency call~~ing~~ station of the pull cord-type shall be provided ~~and shall be conveniently located~~ for resident use at each exam room (if provided), resident toilet, bath or shower room. The cord shall hang to within 2 to 6 inches (5.08 – 15.24 cm) of the floor for use by a resident lying on the floor. A portable wireless device shall satisfy this requirement.

(1) One emergency call station shall be installed in each separated room or area. Additional emergency call stations shall be located as determined by the facility in its Functional Program.

(2) If the emergency calling station is located ~~but not~~ inside of the shower ~~unless the nurse call device is~~ it shall be listed for wet locations.

(3) The call signal shall be the highest priority and shall be cancelled only at the emergency call~~ing~~ station.

(4) The emergency call~~ing~~ station shall activate distinctive audible and visual signals immediately at the resident room door or wireless pager, and activate a visual and audible signal in the clean utility, soiled utility, nourishment station, medication prep or mobile nurse station receiver and the master station of the resident unit. If a mobile nurse station receiver is utilized to receive the resident call, it will be worn by all staff who are assigned to the resident unit and shall identify the specific resident and or room from which the call was placed.

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TAC: Special Occupancy

Total Mods for **Special Occupancy** in **Pending Review : 75**

Total Mods for report: 75

Sub Code: Building

27

SP10356

Date Submitted	02/13/2022	**Section**	449	**Proponent**	James gregory
Chapter	4	**Affects HVHZ**	No	**Attachments**	No
TAC Recommendation	Pending Review				
Commission Action	Pending Review				

Comments

General Comments No **Alternate Language No**

Related Modifications

Summary of Modification

Corrects the word hospital to nursing home.

Rationale

Corrects the word "hospital" to "nursing home" because this the nursing home section, not hospital.

Fiscal Impact Statement

Impact to local entity relative to enforcement of code

There is no impact to local entity relative to enforcement of code.

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

There is no impact to building and property owners relative to cost of compliance with code.

Impact to industry relative to the cost of compliance with code

There is no impact to industry relative to the cost of compliance with code.

Impact to small business relative to the cost of compliance with code

Requirements

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

Does not adversely affect 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

Makes the code more clear for the user and the authority having jurisdiction.

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

Does not discriminate against materials, products, methods, or systems of construction.

Does not degrade the effectiveness of the code

Improves the effectiveness of the code by correcting the sentence.

SP10356Text Modification

450.3.13 Fire pump.
450.3.13.1 Where required by another section of this code, a new fire pump, except for a replacement fire pump, that is electric motor-driven shall be connected to the Emergency Power Supply System (EPSS) of the ~~hospital~~ nursing home. A fire pump(s) that is not electric motor driven shall meet the requirements of NFPA 20, Standard for the Installation of Stationary Pumps for Fire Protection alternative power.

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TAC: Special Occupancy

Total Mods for **Special Occupancy** in **Pending Review : 75**

Total Mods for report: 75

Sub Code: Building

28

SP10359

Date Submitted	02/13/2022	**Section**	450	**Proponent**	James gregory
Chapter	4	**Affects HVHZ**	No	**Attachments**	No
TAC Recommendation	Pending Review				
Commission Action	Pending Review				

Comments

General Comments No **Alternate Language No**

Related Modifications

Summary of Modification

Revised to accurately designate the areas for testing of grounding systems.

Rationale

Nursing homes, unlike hospitals, do not generally have category 1 and 2 patient care areas. The resident sleeping room is designated as a category 3 space and therefore would not require this type of testing. This revision clearly states where this testing, sometimes referred to a "equipotential testing" is to be completed.

Fiscal Impact Statement

Impact to local entity relative to enforcement of code

There is no impact to local entity relative to enforcement of code.

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

There is no impact to building and property owners relative to cost of compliance with code.

Impact to industry relative to the cost of compliance with code

There is no impact to industry relative to the cost of compliance with code.

Impact to small business relative to the cost of compliance with code

Requirements

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

Does not adversely affect 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

Makes the code more clear for the user and the authority having jurisdiction

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

Does not discriminate against materials, products, methods, or systems of construction.

Does not degrade the effectiveness of the code

Improves the effectiveness of the code by clarifying requirements.

SP10359Text Modification

450.3.14.7 There shall be documentation for ~~equipotential~~ grounding system testing of voltage and impedance measurements only in areas defined as risk categories 1 or 2 in ~~patient~~ resident care areas.

Mod_10359_TextOfModification.pdf Page: 1

TAC: Special Occupancy

Total Mods for **Special Occupancy** in **Pending Review : 75**

Total Mods for report: 75

Sub Code: Building

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SP10360

Date Submitted	02/13/2022	**Section**	450	**Proponent**	James gregory
Chapter	4	**Affects HVHZ**	No	**Attachments**	No
TAC Recommendation	Pending Review				
Commission Action	Pending Review				

Comments

General Comments No **Alternate Language No**

Related Modifications

Summary of Modification

Corrects the reference to RP-28 lighting for Older Adults.

Rationale

This document is referenced in the Guidelines. This revision points the user to the specific table to lighting levels that are required by this code to be designed and constructed in a nursing home.

Fiscal Impact Statement

Impact to local entity relative to enforcement of code

There is no impact to local entity relative to enforcement of code.

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

There is no impact to building and property owners relative to cost of compliance with code.

Impact to industry relative to the cost of compliance with code

There is no impact to industry relative to the cost of compliance with code.

Impact to small business relative to the cost of compliance with code

Requirements

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

Does not adversely affect 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

Makes the code more clear for the user and the authority having jurisdiction

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

Does not discriminate against materials, products, methods, or systems of construction.

Does not degrade the effectiveness of the code

Improves the effectiveness of the code by clarifying requirements.

SP10360Text Modification

450.3.15.3 All indoor lighting in the resident use areas including corridors, shared spaces, treatment areas, sleeping areas, social/recreational areas and living areas shall be designed and constructed to meet Table A-1 ~~the recommendations~~ of ANSI/IES RP-28-~~07~~ Recommended Practice: Lighting and the Visual Environment for ~~Senior Living~~ Older Adults and the Visually Impaired as referenced in ~~Chapter 35 of this code~~ the Guidelines.

Mod_10360_TextOfModification.pdf Page: 1

TAC: Special Occupancy

Total Mods for **Special Occupancy** in **Pending Review : 75**

Total Mods for report: 75

Sub Code: Building

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SP10361

Date Submitted	02/13/2022	**Section**	450	**Proponent**	James gregory
Chapter	4	**Affects HVHZ**	No	**Attachments**	No
TAC Recommendation	Pending Review				
Commission Action	Pending Review				

Comments

General Comments No **Alternate Language No**

Related Modifications

Summary of Modification

Points to the correct section in the code for the installation of CO detectors.

Rationale

Nursing home designers are missing the fact that nursing homes, unlike other occupancies, have a special statutory language for the location of CO detectors in their facilities. This addition, like the one in hospitals, alerts the user to the proper section of the code.

Fiscal Impact Statement

Impact to local entity relative to enforcement of code

There is no impact to local entity relative to enforcement of code.

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

There is no impact to building and property owners relative to cost of compliance with code.

Impact to industry relative to the cost of compliance with code

There is no impact to industry relative to the cost of compliance with code.

Impact to small business relative to the cost of compliance with code

Requirements

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

Does not adversely affect 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

Makes the code more clear for the user and the authority having jurisdiction.

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

Does not discriminate against materials, products, methods, or systems of construction.

Does not degrade the effectiveness of the code

Improves the effectiveness of the code by clarifying requirements.

SP10361Text Modification

450.3.16.3 Carbon monoxide detector. See Section 915 of this code for requirements.

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TAC: Special Occupancy

Total Mods for **Special Occupancy** in **Pending Review : 75**

Total Mods for report: 75

Sub Code: Building

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SP10362

Date Submitted	02/13/2022	**Section**	450	**Proponent**	James gregory
Chapter	4	**Affects HVHZ**	Yes	**Attachments**	No
TAC Recommendation	Pending Review				
Commission Action	Pending Review				

Comments

General Comments No **Alternate Language No**

Related Modifications

Summary of Modification

Revises the surge zone criteria for nursing homes.

Rationale

As the events have shown over the past few years, flooding caused by more intense storm events has been increasing. Florida is very susceptible to this type of flooding from surge events and must take action now to protect the health care infrastructure from all storm and high water surge events for all categories of hurricanes including category 5.

Fiscal Impact Statement

Impact to local entity relative to enforcement of code

There is no impact to local entity relative to enforcement of code.

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

There is no impact to building and property owners relative to cost of compliance with code.

Impact to industry relative to the cost of compliance with code

May require additional cost to build in a category 5 surge zone.

Impact to small business relative to the cost of compliance with code

Requirements

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

improves 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

Strengthens or improves the code from high wind and flooding events.

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

Does not discriminate against materials, products, methods, or systems of construction.

Does not degrade the effectiveness of the code

Improves the effectiveness of the code by clarifying requirements.

SP10362Text Modification

450.4.2.2 Site standards.
450.4.2.2.1 Except as permitted by Section 1612 of this code, the lowest floor of all new facilities shall be elevated to the base flood elevation as defined in Section 1612 of this code, plus 2 feet (607 mm), or to the height of hurricane Category ~~3~~ 5 (Saffir-Simpson scale) surge inundation elevation, as described by the Sea, Lake, and Overland Surge (SLOSH)
from Hurricanes model developed by the Federal Emergency Management Agency (FEMA), United States Army Corps of Engineers (USACE), and the National Weather Service (NWS), whichever is higher.

Mod_10362_TextOfModification.pdf Page: 1

TAC: Special Occupancy

Total Mods for **Special Occupancy** in **Pending Review : 75**

Total Mods for report: 75

Sub Code: Building

32

SP10365

Date Submitted	02/13/2022	**Section**	451	**Proponent**	James gregory
Chapter	4	**Affects HVHZ**	No	**Attachments**	No
TAC Recommendation	Pending Review				
Commission Action	Pending Review				

Comments

General Comments No **Alternate Language No**

Related Modifications

Summary of Modification

Revises the size requirements for operating rooms in an ASC.

Rationale

This revision reflects the direction of the Guidelines from classifying operating rooms as Class A, B, or C base only on use of various anesthesia. The new operating room sizes have been carefully developed by the Guidelines committee to provide the safest patient environment with facility flexibility to determine what kind of anesthesia to use and the number of clinical personnel to require for any particular procedure. An operating room can range from a 255 SF to 400 SF and larger depending on how the room is to be used and what equipment is to be used in that room. Because Florida requires a piped medical gas system, each ASC must have at least one 270 SF operating room which is the minimum size for using general anestheia. In addition, the state agency desires to count the number of operating rooms, procedure rooms, inside any particular ASC. This revision matches what the agency's rule currently requires.

Fiscal Impact Statement

Impact to local entity relative to enforcement of code

There is no impact to local entity relative to enforcement of code.

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

There is no impact to building and property owners relative to cost of compliance with code.

Impact to industry relative to the cost of compliance with code

There is no impact to industry relative to the cost of compliance with code.

Impact to small business relative to the cost of compliance with code

Requirements

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

Does not adversely affect 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

Makes the code more clear for the user and the authority having jurisdiction.

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

Does not discriminate against materials, products, methods, or systems of construction.

Does not degrade the effectiveness of the code

Improves the effectiveness of the code by clarifying requirements.

451.3.2 Outpatient operating room.
All ambulatory surgical centers shall have at least one operating room that has a minimum clear floor area of 270 square feet (25.08 m2) as described in *The Guidelines*. ~~Only this size or larger operating room(s)~~ Every operating room that meets the requirements of an outpatient operating room, as described in the Guidelines, shall be ~~listed~~ counted as an operating room(s) for purposes of licensure.

451.3.2.1 If provided, ~~smaller operating rooms, and~~ all procedure, examination or treatment rooms shall meet the requirements for these rooms as described in The Guidelines. All procedure rooms shall be counted for purposes of licensure.

TAC: Special Occupancy

Total Mods for **Special Occupancy** in **Pending Review : 75**

Total Mods for report: 75

Sub Code: Building

33

SP10366

Date Submitted	02/13/2022	**Section**	451	**Proponent**	James gregory
Chapter	4	**Affects HVHZ**	No	**Attachments**	No
TAC Recommendation	Pending Review				
Commission Action	Pending Review				

Comments

General Comments No **Alternate Language No**

Related Modifications

Summary of Modification

Revises the use of audible alarms in the OR.

Rationale

This revision makes it a requirement to use only visible alarm devices in critical care patient areas. This done to protect the patients from sudden noise that could negatively impact the clinician preforming a surgical or medical task on the patient.

Fiscal Impact Statement

Impact to local entity relative to enforcement of code

There is no impact to local entity relative to enforcement of code.

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

There is no impact to building and property owners relative to cost of compliance with code.

Impact to industry relative to the cost of compliance with code

There is no impact to industry relative to the cost of compliance with code.

Impact to small business relative to the cost of compliance with code

Requirements

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

Does not adversely affect 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

Makes the code more clear for the user and the authority having jurisdiction.

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

Does not discriminate against materials, products, methods, or systems of construction.

Does not degrade the effectiveness of the code

Improves the effectiveness of the code by clarifying requirements.

SP10366Text Modification

451.3.2.2 In lieu of audible alarm signals, visible alarm-indicating appliances shall be ~~permitted to be~~ used in critical care areas, such as the operating room ~~suite~~ area and the phase I recovery ~~suite~~ area .

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TAC: Special Occupancy

Total Mods for **Special Occupancy** in **Pending Review : 75**

Total Mods for report: 75

Sub Code: Building

34

SP10367

Date Submitted	02/13/2022	**Section**	451	**Proponent**	James gregory
Chapter	4	**Affects HVHZ**	No	**Attachments**	No
TAC Recommendation	Pending Review				
Commission Action	Pending Review				

Comments

General Comments No **Alternate Language No**

Related Modifications

Summary of Modification

Revises the PACU requirements in outpatient surgical centers.

Rationale

The revision coordinates with the agency's licensing rules to count recovery "beds" or stations. It clarifies that a recovery position will be counted whether or not it is shared with the pre procedure station. Further, the new section does not make the Phase II recovery area a basic requirements because many ASC do not have the need for such a step down recovery area.

Fiscal Impact Statement

Impact to local entity relative to enforcement of code

There is no impact to local entity relative to enforcement of code.

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

There is no impact to building and property owners relative to cost of compliance with

Impact to industry relative to the cost of compliance with code

There is no impact to industry relative to the cost of compliance with code.

Impact to small business relative to the cost of compliance with code

Requirements

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

Does not adversely affect 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

Makes the code more clear for the user and the authority having jurisdiction.

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

Does not discriminate against materials, products, methods, or systems of construction.

Does not degrade the effectiveness of the code

Improves the effectiveness of the code by clarifying requirements.

SP10367Text Modification

451.3.3 ~~Recovery area~~ Pre- and pos-procedure patient care. Reference *The Guidelines* for other requirements not specifically described in this section.

451.3.3.1 ~~Only the phase I post-anesthesia recovery positions~~, All post-procedure patient care stations as described in *The Guidelines*, including Phase I Post-Anesthesia Recovery, whether or not combined with pre-procedure positions, and if provided, Phase II Recovery will be ~~listed~~ counted as recovery positions for purposes of licensure.

451.3.3.2 A Phase II Recover Room or Area is not required.

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TAC: Special Occupancy

Total Mods for **Special Occupancy** in **Pending Review : 75**

Total Mods for report: 75

Sub Code: Building

35

SP10368

Date Submitted	02/13/2022	**Section**	451	**Proponent**	James gregory
Chapter	4	**Affects HVHZ**	No	**Attachments**	No
TAC Recommendation	Pending Review				
Commission Action	Pending Review				

Comments

General Comments No **Alternate Language No**

Related Modifications

Summary of Modification

Revises the use of sliding pocket doors and an ASC.

Rationale

Sliding Pocket and folding doors often jamb and will not provide egress from an occupied room in time of emergencies. This could be an issue for emergency egress not only in the patient use toilets or baths but in any room that is capable of being occupied.

Fiscal Impact Statement

Impact to local entity relative to enforcement of code

There is no impact to local entity relative to enforcement of code.

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

There is no impact to building and property owners relative to cost of compliance with code.

Impact to industry relative to the cost of compliance with code

There is no impact to industry relative to the cost of compliance with code.

Impact to small business relative to the cost of compliance with code

Requirements

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

Improves 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

Makes the code more clear for the user and the authority having jurisdiction.

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

Allows the use of many different door designs and configurations.

Does not degrade the effectiveness of the code

Improves the effectiveness of the code for public safety

SP10368Text Modification

451.3.4.3 The use of ~~sliding~~ pocket sliding or folding doors to ~~patient use toilets~~ any occupiable room shall not be permitted. A sliding door equipped with sliding door hardware located outside of the room and not equipped with a bottom door track shall be permitted.

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TAC: Special Occupancy

Total Mods for **Special Occupancy** in **Pending Review : 75**

Total Mods for report: 75

Sub Code: Building

36

SP10369

Date Submitted	02/13/2022	**Section**	451	**Proponent**	James gregory
Chapter	4	**Affects HVHZ**	No	**Attachments**	**Yes**
TAC Recommendation	Pending Review				
Commission Action	Pending Review				

Comments

General Comments No **Alternate Language No**

Related Modifications

Summary of Modification

Adds section as an alternative method of compliance

Rationale

The intent of the new section is to provide alternative safe guards to patients who require assistance to evacuate a single story building during a fire emergency event. As explained in the ICC Handbook,The IFC and ICC developed section 903.2.2 to insure first responders could access the ASC during a fire event to assist in relocating patients who cannot relocate themselves and to provide a safe passage from the ASC to the exterior. This is especially relevant in a multi-story building and 903.2.2 section requires the floors of and below the ASC to be fully sprinklered. But in a single story building with direct exits and exit access to the exterior of the building, other methods can be employed to protect the fully sprinklered ASC from the other unsprinklered parts of the building. This can occur when an ASC locates into an existing single story business occupancy. By providing a Fire Barrier, that is defined in the FBC as the required barrier to separate sprinkler from nonsprinklered sections of a building, and by still requiring the ASC to be full sprinklered in a single story building, this alternate method is equivalent to or exceeds the active fire protection system required by section 903.2.2.

Fiscal Impact Statement

Impact to local entity relative to enforcement of code

There is no impact to local entity relative to enforcement of code.

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

There is no impact to building and property owners relative to cost of compliance with code.

Impact to industry relative to the cost of compliance with code

Reduces impact to industry relative to the cost of compliance with code

Impact to small business relative to the cost of compliance with code

Requirements

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

Does not adversely affect 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

Provides for equivalent or better method to assure patient safety.

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

Does not discriminate against materials, products, methods, or systems of construction.

Does not degrade the effectiveness of the code

Improves the effectiveness of the code by clarifying requirements.

SP10369Text Modification

451.3.4.7
Where a fully sprinklered ambulatory surgical center is to be located in a single story unsprinklered building that is required to be fully sprinklered in accordance with other sections of this code, a 2 hour rated fire barrier in accordance with Section 707 may be used to separate the sprinklered ambulatory surgical center from the remainder of the unsprinklered building in lieu of sprinklering the entire single story building when all of the following are met:
1. The ASC is fully sprinklered.
2. There are no utility penetrations through the Fire Barrier
3. The unsprinklered section of the building does not contain a hazardous occupancy.
4. All exits and exit access routes from the ASC either lead directly to the exterior of the building or are protected by the Fire Barrier from the other sections of the building.

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FBC 7th Edition:
[F] 903.2.2 Ambulatory care facilities. An automatic sprinkler system shall be installed throughout the entire floor containing an ambulatory care facility where either of the following conditions exist at any time:
1. Four or more care recipients are incapable of self preservation, whether rendered incapable by staff or staff has accepted responsibility for care recipients already incapable.
2. One or more care recipients that are incapable of self-preservation are located at other than the level of exit discharge serving such a facility.
In buildings where ambulatory care is provided on levels other than the level of exit discharge, an automatic sprinkler system shall be installed throughout the entire floor where such care is provided as well as all floors below, and all floors between the level of ambulatory care and the nearest level of exit discharge, including the level of exit discharge.

TAC: Special Occupancy

Total Mods for **Special Occupancy** in **Pending Review : 75**

Total Mods for report: 75

Sub Code: Building

37

SP10395

Date Submitted	02/14/2022	**Section**	451	**Proponent**	James gregory
Chapter	4	**Affects HVHZ**	No	**Attachments**	No
TAC Recommendation	Pending Review				
Commission Action	Pending Review				

Comments

General Comments No **Alternate Language No**

Related Modifications

Summary of Modification

Revises the requirement for a piped gas system

Rationale

Not all operating rooms in the ASC will require a piped oxygen and vacuum system. Some smaller operating rooms may use portable systems. This revision recognizes that and accommodates it in accordance with the FGI Guidelines.

Fiscal Impact Statement

Impact to local entity relative to enforcement of code

There is no impact to local entity relative to enforcement of code.

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

There is no impact to building and property owners relative to cost of compliance with code.

Impact to industry relative to the cost of compliance with code

There is no impact to industry relative to the cost of compliance with code.

Impact to small business relative to the cost of compliance with code

Requirements

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

Does not adversely affect 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

Makes the code more clear for the user and the authority having jurisdiction.

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

Does not discriminate against materials, products, methods, or systems of construction.

Does not degrade the effectiveness of the code

Improves the effectiveness of the code by clarifying requirements.

SP10395Text Modification

451.3.15 Medical gas. ~~There shall be a~~ A piped ~~medical gas~~ oxygen and vacuum system ~~installation~~ shall be provided in the ~~licensed~~ operating rooms, of the , if required by the Guidelines, that ~~shall~~ comply with the requirements of NFPA 99 Health Care Facilities Code for a Category 1 ~~p~~Piped ~~g~~Gas and ~~v~~Vacuum ~~s~~System.

-

Mod_10395_TextOfModification.pdf Page: 1

TAC: Special Occupancy

Total Mods for **Special Occupancy** in **Pending Review : 75**

Total Mods for report: 75

Sub Code: Building

38

SP10396

Date Submitted	02/14/2022	**Section**	451	**Proponent**	James gregory
Chapter	4	**Affects HVHZ**	No	**Attachments**	**Yes**
TAC Recommendation	Pending Review				
Commission Action	Pending Review				

Comments

General Comments No **Alternate Language Yes**

Related Modifications

Summary of Modification

Creates a new section for WAGD networks.

Rationale

The new section describes when a WAGD system must be installed in an operating room and provides the correct reference for that installation if necessary.

Fiscal Impact Statement

Impact to local entity relative to enforcement of code

There is no impact to local entity relative to enforcement of code.

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

There is no impact to building and property owners relative to cost of compliance with code.

Impact to industry relative to the cost of compliance with code

There is no impact to industry relative to the cost of compliance with code.

Impact to small business relative to the cost of compliance with code

Requirements

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

Does not adversely affect 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

Makes the code more clear for the user and the authority having jurisdiction.

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

Does not discriminate against materials, products, methods, or systems of construction.

Does not degrade the effectiveness of the code

Improves the effectiveness of the code by clarifying requirements.

Alternate Language

1st Comment Period History

Proponent James gregory **Submitted** 4/15/2022 5:54:21 AM **Attachments** Yes

P10396-A1

Rationale:

This revised language more accurately defines the conditions when a WAGD system is to be installed in an operating room. It also makes it more clear to the users, coordinates with the FGI Guidelines and uses the correct terminology.

Fiscal Impact Statement

Impact to local entity relative to enforcement of code

There is no impact on local entity relative to enforcement of code

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

There is no impact to building and property owners relative to cost of compliance with code.

Impact to industry relative to the cost of compliance with code

There is no impact to industry relative to the cost of compliance with code

Impact to small business relative to the cost of compliance with code

Requirements

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

Corrects terminology of the code for 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

Strengthens or improves the code by making it more understandable.

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

It does not discriminate against materials, products, methods, or systems of construction

Does not degrade the effectiveness of the code

Improves the effectiveness of the code.

451.3.16 As required by the Guidelines, ~~A~~ a waste anesthetic gas disposal (WAGD) ~~inlet~~ system, in accordance with NFPA 99, Health Care Facilities Code, shall be provided in operating rooms ~~270 SF or larger~~ where nitrous oxide and/or ~~halogenated anesthetic~~ inhalation anesthsia gas is intended to be administered.~~, as determined by the governing body of the facility, in accordance with NFPA 99 Health Care Facilities Code.~~

451.3.16 A waste anesthetic gas disposal (WAGD) inlet shall be provided in operating rooms 270 SF or larger where nitrous oxide or halogenated anesthetic gas is intended to be administered, as determined by the governing body of the facility, in accordance with NFPA 99 Health Care Facilities Code.

TAC: Special Occupancy

Total Mods for **Special Occupancy** in **Pending Review : 75**

Total Mods for report: 75

Sub Code: Building

39

SP10411

Date Submitted	02/14/2022	**Section**	469	**Proponent**	James gregory
Chapter	4	**Affects HVHZ**	No	**Attachments**	**Yes**
TAC Recommendation	Pending Review				
Commission Action	Pending Review				

Comments

General Comments No **Alternate Language No**

Related Modifications

Summary of Modification

Revises the sizes and design of operating rooms.

Rationale

Class A, B, and C operating room designations are no longer used by the Guidelines because they are out of date and do not sufficiently allow for the various kinds of procedures and anesthetics used in the outpatient operating room suite. These sizes were developed over a period of time using full scale mock ups in close consultation with clinicians and physicians who work in this environment. (See attached white paper)

Fiscal Impact Statement

Impact to local entity relative to enforcement of code

There is no impact to local entity relative to enforcement of code.

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

There is no impact to building and property owners relative to cost of compliance with code.

Impact to industry relative to the cost of compliance with code

Reduces impact to industry relative to the cost of compliance with code

Impact to small business relative to the cost of compliance with code

Requirements

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

Does not adversely affect 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

Makes the code more clear for the user and the authority having jurisdiction.

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

Does not discriminate against materials, products, methods, or systems of construction.

Does not degrade the effectiveness of the code

Improves the effectiveness of the code by clarifying requirements.

SP10411Text Modification

469.4.3 Operating room(s).

469.4.3.1 There shall be at a minimum one operating room in each office surgery suite. The size and location of the operating room(s) shall be dependent on the level of care provided and equipment utilized based on the functional program.

469.4.3.2 The size of the operating room(s) shall be ~~as defined by the American College of Surgeons Classes as adapted from the American College of Surgeons publication 04GR-0001: Guidelines for Optimal Ambulatory Surgical Care and Office-Based Surgery, which was developed by the Board of Governors Committee on Ambulatory Surgical Care and published in May 2000.~~ as follows:

469.4.3.2.1 An operating room shall have a minimum clear floor area of 255 square feet (23.69 square meters).

469.4.3.2.2 An operating room where anesthetics will be administered using an anesthesia machine and supply cart shall have a minimum clear floor area of 270 square feet (25.08 square meters).

469.4.3.2.3 An operating room where surgery that may require additional staff and equipment will be performed shall have a minimum clear floor area of 400 square feet (37.16 square meters).

~~469.4.3.2.1 Class A: To be used for Level I Office Surgery as defined Rule 64B8-9.009, Florida Administrative Code.~~

-

~~469.4.3.2.1.1 Class A operating rooms shall have a minimum clear floor area of 150 square feet (45.72 m2) with a minimum clear dimension of 12 feet (3.65 m).~~

-

~~469.4.3.2.1.2 There shall be a minimum clear distance of 3 feet 6 inches (1.07 m) at each side, the head, and the foot of the operating table.~~

-

~~469.4.3.2.2 Class B: To be used for Levels I, II and IIA Office Surgery as defined in Rule 64B8-9.009, Florida Administrative Code.~~

-

~~469.4.3.2.2.1 Class B operating rooms shall have a minimum clear dimension of 15 feet (4.57 m).~~

-

~~469.4.3.2.2.2 Room arrangement shall permit a minimum clear dimension floor area of 250 square feet (23.23 m2) with a minimum of 3 feet 6 inches (1.07 m) at each side, the head, and the foot of the operating table.~~

-

~~469.4.3.2.3 Class C: To be used for Levels I, II, IIA and III Office Surgery as defined in Rule 64B8-9.009, Florida Administrative Code.~~

-

~~469.4.3.2.3.1 Class C operating rooms shall have a minimum clear floor area of 400 square feet (37.16 m2) and a minimum clear dimension of 18 feet (5.49 m).~~

-

~~469.4.3.2.3.2 Room arrangement shall permit a minimum clear dimension of 4 feet (1.22 m) at each side, the head, and the foot of the operating table. 469.4.3.3 The Class B and C operating room(s) shall be located within the semirestricted area within the office surgery suite.~~

-

469.4.3.3 ~~The Class B and C operating room(s) shall be located within the semirestricted area within the office surgery suite.~~ See the Guidelines, Chapter 2.1, Common Elements of Outpatient Facilities, for design details regarding clearances and space requirements for operating rooms.

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SP10411Rationale

FACILITY GUIDELINES INSTITUTE

2014 FGI *Guidelines*
Update Series

FGI *Guidelines* Update #3 September 15, 2014

Operating Room Requirements for 2014 and Beyond

Byron Burlingame, MS, RN, CNOR

A comparison of the inpatient surgery section (2.2-3) and the ambulatory surgery center chapter (3.7) in the 2014 edition of the FGI *Guidelines for Design and Construction of Hospitals and Outpatient Facilities* to the same sections in the 2010 edition of the FGI *Guidelines for Design and Construction of Health Care Facilities* reveals a number of changes. Most of these modifications were made to bring the requirements for inpatient and outpatient surgery facilities into closer alignment, which means the language will largely be familiar. However, some intentional differences remain, the primary one being the size of operating rooms.

As surgical procedures previously performed primarily in an inpatient setting are increasingly taking place in outpatient facilities, the Health Guidelines Revision Committee (HGRC) members believe the physical environment for surgery should meet the same standards no matter where that surgery takes place. At the same time, they wanted to leave enough flexibility in the outpatient requirements to accommodate the space requirements of outpatient procedures that do not require a lot of equipment or staff but do require an aseptic field.

> *Guidelines* requirements are intended to be minimum standards, but these minimums must result in environments that support the safety of both patients and staff in all locations where surgery takes place.

In a review of the 2010 requirements, the HGRC Specialty Subgroup on Operating Rooms identified several important components of the ambulatory surgery text that needed improvement. To address this, the group started with a thorough comparison of inpatient and ambulatory surgery text in the 2010 edition. This effort revealed that some requirements in the ambulatory surgery chapter did not exist in the inpatient surgery section and vice versa. This article will highlight the key changes in the surgery sections that resulted from the group's work and the public review of their proposed changes.

New Definitions

In the glossary of the 2014 *Guidelines for Design and Construction of Hospitals and Outpatient Facilities*, new definitions have been provided for procedure room, invasive procedure, and the two areas that make up the surgical suite—semi-restricted and restricted. These definitions are the foundation for the changes made in the body of the document, especially the distinction between an operating room and a procedure room and the types of procedures performed in each.

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"Invasive procedure" is a broad term often used to describe procedures from a simple injection to a major surgical operation. For the purposes of the *Guidelines*, however, an ***invasive procedure*** is defined as a procedure that penetrates the protective surfaces of a patient's body (e.g., skin or mucous membranes), is performed in an aseptic surgical field, generally requires entry into a body cavity, and may involve insertion of an indwelling foreign body. Such procedures must be performed in an operating room suitable to the technical requirements of the procedure with consideration of infection prevention and anesthetic risks and goals. The intent is to provide a safe environment for procedures that carry a high risk of infection, either by exposure of a usually sterile body cavity to the external environment or by implantation of a foreign object(s) into a normally sterile site. Procedures performed through orifices normally colonized with bacteria and percutaneous procedures that do not involve an incision deeper than skin are not included in this definition.

A ***procedure room*** is defined as a room for the performance of procedures that do not require an aseptic field but may require use of sterile instruments or supplies. Procedure rooms are considered unrestricted areas. Local anesthesia and minimal and moderate sedation may be administered in a procedure room, but anesthetic agents used in procedure rooms must not require special ventilation or scavenging equipment.

An ***operating room*** (OR) is defined as a room in the surgical suite that meets the requirements of a restricted area and is designated and equipped for performing surgical operations or other invasive procedures that require an aseptic field. Any form of anesthesia may be administered in an OR as long as appropriate anesthesia gas administration devices and exhaust systems are provided. A ***hybrid operating room*** is an operating room that has permanently installed equipment to enable diagnostic imaging before, during, and after surgical procedures. (Use of portable imaging technology does not make an OR a hybrid operating room.)

A ***restricted area*** in a surgical suite is a designated space that can only be accessed through a semi-restricted area in order to achieve a high level of asepsis control. Traffic in the restricted area is limited to authorized personnel and patients, and personnel are required to wear surgical attire and cover head and facial hair. Masks are required where open sterile supplies or scrubbed persons may be located.

A ***semi-restricted area*** comprises the peripheral support areas surrounding the restricted area of a surgical suite. These support areas include facilities such as storage areas for clean and sterile supplies, sterile processing rooms, work areas for storage and processing of instruments, scrub sink areas, corridors leading to the restricted area, and pump rooms.

Related definitions clarified in the 2014 glossary include those for spaces in pre- and postoperative patient care areas. A ***patient care station*** is a designated space where a specific patient care function takes place; the term does not imply any structural requirement. The structural requirements, instead, are included in the definitions of bays and cubicles, which are types of patient care stations: A ***bay*** has one hard wall at the headwall and three soft walls (cubicle curtains or portable privacy screens), and a ***cubicle*** has at least one opening and no door

SP10411Rationale

and is enclosed on three sides with full- or partial-height partitions. A patient care station can also be a room.

Surgical Suite



Outpatient Surgery Facilities

In previous editions of the *Guidelines*, operating rooms in ambulatory surgery centers were classified according to the A – C levels based on anesthesia use from an American College of Surgeons document on office-based surgery, which has not been published for more than 10 years. Determining requirements such as size and location of an operating room according to the type and level of anesthesia administered is no longer practical. The minimum space in today's operating rooms must be sufficient to accommodate all equipment and personnel needed in the OR, not just the equipment and personnel associated with administration of anesthesia. For example, a hernia repair can be performed under local, regional, or general anesthesia and the size of the OR for the procedure should not be based on the type of anesthesia used but on the equipment and number of staff required.

In Chapter 3.7 (Outpatient Surgical Facilities) in the 2014 *Guidelines*, the decision to move away from levels of anesthesia as a determinant of room size resulted in a minimum size requirement for an outpatient operating room (formerly Class B and Class C) of 250 square feet. Recommendations for sizing ORs that may need to be larger are included in the appendix. The room previously known as a Class A operating room is now referred to as a procedure room and has a minimum clear floor area of 150 square feet.

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Inpatient Surgery Facilities

The inpatient surgical facility text provides requirements for general operating rooms, hybrid ORs, and ORs for surgical procedures using portable imaging equipment or that require additional personnel and/or large equipment. The minimum inpatient OR size remains 400 square feet to provide flexibility and accommodate the amount of equipment used in traditional inpatient procedures, which is typically far more than that used in surgeries performed in outpatient settings. The size specified for procedures requiring more staff and/or equipment remains a minimum of 600 square feet.

A size for the hybrid OR is suggested in the appendix rather than required in the main text because the size needed for the room will depend on the specific imaging equipment to be installed. However, a minimum room dimension of 24 feet is required, although 22 feet is permitted in renovation projects where structural limitations make this dimension impossible to meet. As with all spaces under design, the equipment manufacturer must be consulted to determine the size of the equipment to be installed and the clearances needed for its safe use.

Pre- and Postoperative Patient Care Areas

The sections on preoperative patient care areas and Phase I and Phase II recovery areas have been updated to clarify the requirements. One addition states that these are unrestricted areas, which means individuals in these areas may wear street clothes and do not need to cover their hair; as well, there are no strict ventilation requirements.

Determining Minimum OR Space Requirements

The minimum square footage for an outpatient operating room included in the 2014 FGI *Guidelines for Design and Construction of Hospitals and Outpatient Facilities* was determined by combining the square footage of the minimum amount of equipment required, the square footage for the minimum number of people required, and a space of approximately 4 feet (1.22 meters) for a minimum safe traffic pathway on all four sides of the sterile field. The sterile field includes the OR table width of 1.75 feet plus 2 feet on each side to accommodate personnel and outstretched patient armrests. The safe traffic pathway of 4 feet includes space for two people to meet and pass each other without touching either personnel wearing sterile attire standing at the sterile field or non-sterile surfaces (e.g., walls, people, or equipment). This distance permits two people, both of whom are within the sterile field, to pass each other without contaminating their sterile attire by touching unsterile surfaces. An open traffic pathway is required on all four sides to provide space for personnel to set up a sterile field prior to the procedure, assist with safe patient evacuation using a stretcher in case of an emergency, pass between the back table and the wall during the procedure, and pass at the head of the patient without interfering with the work of the anesthesia care provider.

When calculating the square footage needed to accommodate the minimum amount of required equipment, the assumption was made that all equipment would fit tightly together; however, this frequently is not possible due to equipment shape.

The minimum equipment for a surgical procedure includes an anesthesia machine, anesthesia supply cart, anesthesia professional chair, intravenous pole or table, case cart/equipment delivery system cart, prep stand, portable documentation station with chair, back instrument table, ring stand, two trash containers, soiled linen container, hazardous waste receptacle, mayo stand, kick bucket, surgical field suction attached to a wall, image viewers, and a sharps disposal receptacle. The required personnel include the surgeon, scrub nurse/technician, circulating nurse, and anesthesia care provider. A 9-square-foot rectangle is required to allow for clear door swing when a stretcher is in the room.

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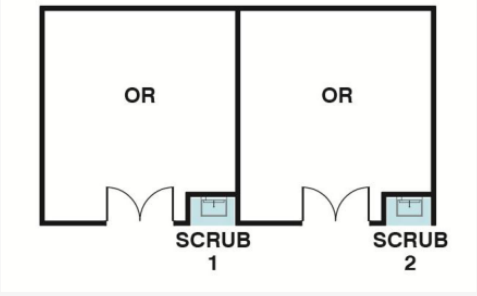
The number of Phase I (PACU or post-anesthetic care unit) patient care stations required in both inpatient and outpatient settings has been defined as 1.5 per OR. If that calculation yields a fraction, the number of patient care stations provided is to be rounded up to the next whole number. As explained in the definition of patient care areas, a patient care station can be a single-patient room or a bay or cubicle in a room with spaces for multiple patients.

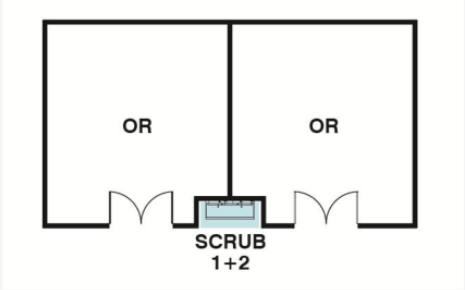
The location for hand-washing stations in preoperative and recovery areas with multiple patient care stations in the same room (i.e., not private patient care rooms) is now consistent in ambulatory and hospital surgery facilities. The formula is one hand-washing station for every four patient care stations. A requirement has been added that the hand-washing stations must be evenly distributed so the distance from the two patient care stations farthest from a hand-washing station is approximately equal.

Support Areas for Surgical Facilities

The location for scrub sinks and the number of sinks required has been clarified. At least one scrub position must be located next to the entrance of each operating room. A scrub station with two scrub positions may serve a pair of operating rooms as long as it is located next to the entrance to each OR. Scrub stations are not permitted to impede on the width of the corridor. Information about placing the scrub station in an alcove is provided in the appendix, including comments about avoiding splatter from the sinks.

Scrub Station Location Options





The following support area requirements have been removed from both the ambulatory and the hospital surgical facilities text:

- A "substerile" room between every two operating rooms. Details on this will be provided in a separate article on sterile processing rooms in this FGI Update series.
- The need for the door to the staff locker room to open directly into the semi-restricted area of the surgical suite has been removed. The current requirement only states that a locker room must be provided. This change allows for this facility to be shared with another department. The same is true for the lounge used by the perioperative team.

SP10411Rationale

Office-Based Surgery Facilities

In the 2010 edition of the *Guidelines*, Chapter 3.8 is titled "Specific Requirements for Office-Based Surgical Facilities," and many of the requirements are similar to those in Chapter 3.7. The committee considered removing this chapter based on the rationale that the office-based surgery setting is an ambulatory surgery setting, albeit a small one. The final decision, however, was to keep the chapter, retitling it "Specific Requirements for Office-Based Procedure and Operating Rooms" and cross-referencing as much as possible the requirements in Chapter 3.7 (Outpatient Surgical Facilities). The revised chapter now highlights those characteristics that are truly different for procedure and operating rooms in physicians' offices.

To summarize the end result of the changes from the 2010 to the 2014 edition, many of the requirements are the same for surgical facilities in hospitals and ambulatory settings with the exception of minimum room sizes. The Health Guidelines Revision Committee agreed that, based on the type of surgical procedures being performed in ambulatory settings today, it is important that most of the requirements for the physical environment be the same wherever patients are undergoing surgery.

About the Author
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TAC: Special Occupancy

Total Mods for **Special Occupancy** in **Pending Review : 75**

Total Mods for report: 75

Sub Code: Building

40

SP10413

Date Submitted	02/14/2022	**Section**	464	**Proponent**	James gregory
Chapter	4	**Affects HVHZ**	No	**Attachments**	No
TAC Recommendation	Pending Review				
Commission Action	Pending Review				

Comments

General Comments No **Alternate Language No**

Related Modifications

Summary of Modification

Revises the section on generator uses and connections in new ALFs.

Rationale

Revises this section to accurately implement the 59A36.025 rule for a "temporary" power source, adds lighting to the generator so there will be light inside the cooled ALF, and provides for air temperatures to be controlled in all resident areas of the building.

Fiscal Impact Statement

Impact to local entity relative to enforcement of code

There is no impact to local entity relative to enforcement of code.

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

There is no impact to building and property owners relative to cost of compliance with code.

Impact to industry relative to the cost of compliance with code

There may be some additional cost to industry relative to the cost of compliance with code but this is for new construction only and the cost would be minimal over all.

Impact to small business relative to the cost of compliance with code

Requirements

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

Improves 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

Strengthens or improves the code for safety and egress.

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

Does not discriminate against materials, products, methods, or systems of construction.

Does not degrade the effectiveness of the code

Improves the effectiveness of the code by clarifying requirements.

SP10413Text Modification

464.4.2.2 A new facility shall be equipped with either a permanent on-site alternate power source to operate at least the equipment necessary to maintain safe indoor air temperatures in all normally occupied resident areas including sleeping, dining, recreational, and social areas, life safety systems, lighting, and equipment for resident care needs, or there shall be a permanently installed predesigned electrical service entry for the electrical system that will allow a quick connection to a ~~temporary~~ relocatable alternate power source to operate at least the equipment necessary to maintain safe indoor air temperatures in all normally occupied resident areas including sleeping, dining, recreational, and social areas, life safety systems, lighting, and equipment for resident care needs. This quick connection shall be installed inside of a permanent metal enclosure rated for this purpose and may be located on the exterior of the building. The relocatable alternate power source shall be stored onsite of the facility and maintained in accordance with the manufacturer's instructions.
See Chapter 59A-36.025, Florida Administrative Code, "Emergency Environmental Control for Assisted Living Facilities" for additional requirements.

Page: 1

Mod_10413_TextOfModification.pdf

TAC: Special Occupancy

Total Mods for **Special Occupancy** in **Pending Review : 75**

Total Mods for report: 75

Sub Code: Building

41

SP10418

Date Submitted	02/14/2022	**Section**	453.8.3.2	**Proponent**	Greg Johnson
Chapter	4	**Affects HVHZ**	No	**Attachments**	**Yes**
TAC Recommendation	Pending Review				
Commission Action	Pending Review				

Comments

General Comments Yes **Alternate Language No**

Related Modifications

Summary of Modification

Changes the trigger for Type I construction to 5 stories rather than 3.

Rationale

See uploaded rationale

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

This will lower the cost of construction by permitting materials with equivalent performance, ensuring competition.

Impact to industry relative to the cost of compliance with code

This will lower the cost of construction by permitting materials with equivalent performance, ensuring competition.

Impact to small business relative to the cost of compliance with code

Requirements

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

This is about fire safe construction.

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

It improves the code by providing equivalent or better materials.

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

No material is required or prohibited by this modification.

Does not degrade the effectiveness of the code

It improves the code by providing equivalent or better materials.

1st Comment Period History

Proponent	Don Whitehead	Submitted	4/14/2022 5:08:06 PM	Attachments	Yes	

Comment:

See attached file

SP10418Text Modification

453.8.3.2 Type I.

Facilities ~~three~~ five stories or more shall be Type I construction.

Page: 1

Mod_10418_TextOfModification.pdf

As staff to the State Board of Education, I would not be able to recommend acceptance of Modification SP10418. This code modification seeks to allow three and four story Type II or IV heavy timber construction in School Board and Florida College facilities. Currently, the State Board of Education has not authorized three and four story Type II or IV heavy timber construction in educational facilities. This change proposes to eliminate a Florida-specific requirement that was adopted to promote the public health and safety of the public schools and colleges in Florida. Allowing three and four story Type II or IV heavy timber construction would actually reduce the amount of fire protection required for the exterior walls, floor construction and roof construction. And in Type IIB construction, the required fire protection for the exterior walls, floor construction and roof construction would be reduced to zero.

Reduction of fire protection in three and four story educational facilities would reduce the public health and safety of public schools and colleges in Florida. Section 553.79(9)(a) only allows the Florida Building Commission to approve modifications to the Florida Building Code that will strengthen or improve the code and not degrade the effectiveness of the code. Reduction of fire protection reduces the safety of educational facilities and therefore does not strengthen or improve the code, but rather degrades the effectiveness of the code.

As staff to the State Board of Education, I urge the committee to not approve this code modification as submitted

453.8.3.2 Type I.

Facilities ~~three~~ five stories or more shall be Type I construction.

Per the limits in Table 504.4, accepting this modification would permit a 4 story sprinklered educational building of either Type IIA or Type IV heavy timber or a 3 story non-sprinklered educational building of either Type IIA or Type IV.

Type IIA structural frame, exterior and interior walls, and roof and floor construction are required to be of not less than 1-hour fire-resistive construction. Type IV exterior walls are required to be 2-hour fire-resistive construction with a heavy timber or 1-hour structural frame and heavy timber floors and roof.

These are very modest allowable story increases from the prescriptive value in Section 453.8.3.2 based upon the proven fire-resistance of these types of construction and the presence of a fire-sprinkler system.

Educational occupancies in Type IIB buildings would be limited to 2 stories (non-sprinklered), (which is already permitted), and 3 stories (sprinklered).

Note that the amount of time that it takes for occupants to exit a building really does not have much relationship to the type of construction. Type of construction is about how long a given type is expected to maintain structural integrity in a fire event – a measure that begins mean something well after the building is evacuated.

Building occupants are generally expected to fully exit a building within 20 minutes of alarm.

Type of construction is far more relevant to fire-fighter operations which means these tabular provisions have had extensive debate and analysis through both the NFPA and ICC processes and are essentially settled values, having not changed for several cycles.

There is no fire or life safety reason or history of incidents to not permit these specific increases which remain within the limits set by the national model codes.

Note too that there is no history of occupant life loss or injury in fully sprinklered educational occupancies.

TAC: Special Occupancy

Total Mods for **Special Occupancy** in **Pending Review : 75**

Total Mods for report: 75

Sub Code: Building

42

SP10462

Date Submitted	02/15/2022	**Section**	453.8.3.1	**Proponent**	Greg Johnson
Chapter	4	**Affects HVHZ**	No	**Attachments**	**Yes**
TAC Recommendation	Pending Review				
Commission Action	Pending Review				

Comments

General Comments Yes **Alternate Language No**

Related Modifications

Summary of Modification

This adds Type III-A to permitted construction types for educational facilities. See uploaded rationale.

Rationale

Type III-A is more slightly fire-resistive, or better, than Type II-A and more fire-resistive than Type II-BB, which are both permitted construction types. See uploaded rationale.

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

Will reduce the cost of construction by providing more options.

Impact to industry relative to the cost of compliance with code

Will reduce the cost of construction by providing more options.

Impact to small business relative to the cost of compliance with code

Requirements

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

This is a fire-resistive construction issue.

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

Improves the code by providing equivalent or better construction methods/systems.

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

No material is prohibited by this modification. It removes a requirement that discriminates against a system of construction with demonstrated capabilities as evidenced by the national model building codes.

Does not degrade the effectiveness of the code

Improves the code by providing equivalent or better construction methods/systems.

1st Comment Period History

Proponent	Don Whitehead	Submitted	4/14/2022 5:09:08 PM	Attachments	Yes	

Comment:

See attached file

SP10462Text Modification

453.8.3.1 Noncombustible Type I, II, III-A, or IV.

The minimum construction type for one- and two-story public educational facilities shall be noncombustible Type I, II, III-A, or IV construction or better.

Page: 1

Mod_10462_TextOfModification.pdf

As staff to the State Board of Education, I would not be able to recommend acceptance of Modification SP10462. This code modification seeks to allow fire protected light weight wood construction, using fire retardant treated wood, in School Board and Florida College facilities. Currently, the State Board of Education has not authorized light weight wood construction in educational facilities, even if it is fire protected and uses retardant treated wood. This change proposes to eliminate a Florida-specific requirement that was adopted to promote the public health and safety of the public schools and colleges in Florida. Using the argument that the code allows a slightly taller wood building with a small percent more square feet per floor, if it is constructed with fire protected light weight wood construction using fire retardant treated wood, than an unprotected structure using noncombustible materials, does not mean that it is better. Also, fire-retardant treated wood is expressly prohibited from being used in the construction of educational facilities by Rule 6A2.0010, of the Florida Administrative Code.

The wind loads in Florida are substantially higher because of the hurricane wind forces that all buildings in Florida must resist in order to protect the occupants during a storm. These higher hurricane wind forces include design wind speeds in excess of 200 mph and missile impact speeds in excess of 100 mph. Using light weight wood construction as the structure of a public educational facility would be very inefficient, because it would not only require thicker walls that would reduce the amount of valuable classroom space, but it would require more taxpayer dollars.

Buildings constructed in Florida are vulnerable to termite damage and other wood destroying organisms, such as powderpost beetles and carpenter bees. Because the destruction is hidden below the surface, pest control inspections can only minimize the danger, but not completely eliminate it. Because concrete block is extremely durable, fire and termite resistant, and has a life expectancy of around 100 years, it is a popular building material in Florida. Because wood, including fire retardant treated wood deteriorates more quickly with the high humidity in Florida, its life expectancy is about 25 years.

As an example of the potential hazard, allow me to share one school district's experience. Marion County School District was conducting an asbestos abatement of Anthony Elementary Cafetorium. During the asbestos abatement of the 9x9 floor tiles, one of the workers fell through the floor exposing the serious structural damage of the original wood floor framing system, which had been destroyed by powderpost beetles. Wood destroying organisms can cause structural failure without warning, and endanger the life safety of the occupants.

As staff to the State Board of Education, I urge the committee to not approve this code modification as submitted

Mod_10462_G1_General_SP10462 Allow School Board and Florida College Buildings to use fire protected and fire retardant treated light wei

Sec 453.8.3.1 Type III-A added to permitted construction types for educational facilities.

Section 453.8.3.1 currently requires Type I, II or IV **or better construction**. Per IBC Table 601 (FL building code 705.5) *Fire-Resistance Rating Requirements for Building Elements (Hours)*, Type III-A is equivalent to Type II-A construction for all elements and better than Type II-A for exterior bearing walls.

Type III-A is also more fire resistant than the allowable Type II-B. Type III-A is therefore "***better construction***" and should be specifically accepted.

Note that the building code specifically recognizes these equivalencies in the height above grade and stories above grade tables where Type II-A and Type III-A are permitted the same heights and numbers of stories. Type II-B is permitted less height and fewer stories, establishing it as not '**better**' than Type III-A.

TABLE 601 (FL building code 705.5)
FIRE-RESISTANCE RATING REQUIREMENTS FOR BUILDING ELEMENTS (HOURS)

BUILDING ELEMENT	TYPE I		TYPE II		TYPE III		TYPE IV	TYPE V	
	A	B	A	B	A	B	HT	A	B
Primary structural frame[f] (see Section 202)	3[a]	2[a]	1	0	1	0	HT	1	0
Bearing walls Exterior[e, f] Interior	3 3[a]	2 2[a]	1 1	0 0	2 1	2 0	2 1/HT	1 1	0 0
Nonbearing walls and partitions Exterior	See Table 602								
Nonbearing walls and partitions Interior[d]	0	0	0	0	0	0	See Section 2304.11.2	0	0
Floor construction and associated secondary members (see Section 202)	2	2	1	0	1	0	HT	1	0
Roof construction and associated secondary members (see Section 202)	$1^1/_2$[b]	1[b,c]	1[b,c]	0[c]	1[b,c]	0	HT	1[b,c]	0

For SI: 1 foot = 304.8 mm.

a. Roof supports: Fire-resistance ratings of primary structural frame and bearing walls are permitted to be reduced by 1 hour where supporting a roof only.

b. Except in Group F-1, H, M and S-1 occupancies, fire protection of structural members shall not be required, including protection of roof framing and decking where every part of the roof construction is 20 feet or more above any floor immediately below. Fire-retardant-treated wood members shall be allowed to be used for such unprotected members.

c. In all occupancies, heavy timber complying with Section 2304.11 shall be allowed where a 1-hour or less fire-resistance rating is required.

d. Not less than the fire-resistance rating required by other sections of this code.

e. Not less than the fire-resistance rating based on fire separation distance (see Table 602).

f. Not less than the fire-resistance rating as referenced in Section 704.10.

TAC: Special Occupancy

Total Mods for **Special Occupancy** in **Pending Review : 75**

Total Mods for report: 75

Sub Code: Building

43

SP10478

Date Submitted	02/15/2022	**Section**	449.4.2.2	**Proponent**	scott waltz
Chapter	4	**Affects HVHZ**	No	**Attachments**	No
TAC Recommendation	Pending Review				
Commission Action	Pending Review				

Comments

General Comments No **Alternate Language No**

Related Modifications

None

Summary of Modification

The modification clarifies existing requirements and updates the flood resistance requirements for new hospital facilities and modifications to existing facilities. It also provides new exceptions for non-patient related spaces.

Rationale

The modification will add clarity to current requirements and provide necessary enhancements to strengthen the requirements for areas subject to storm inundation. The revised text also provides new exceptions for non-patient care related spaces where the facility design will allow for the continued operation of the facility by isolating effected areas and maintaining access to the facility and required egress.

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

None

Impact to industry relative to the cost of compliance with code

None

Impact to small business relative to the cost of compliance with code

Requirements

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

Yes.

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

Strengthens and provides clarity.

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

It does not

Does not degrade the effectiveness of the code

It does not.

449.4.2.2 Site standards.

449.4.2.2.1

~~Except as permitted by Section 1612 of this code, the lowest floor of all new facilities shall be elevated to the base flood elevation as defined in Section 1612 of this code, plus 2 feet, or to the height of hurricane Category 3 (Saffir-Simpson scale) surge inundation elevation, as described by the Sea, Lake, and Overland Surge (SLOSH) from Hurricanes model developed by the Federal Emergency Management Agency (FEMA), United States Army Corps of Engineers (USACE), and the National Weather Service (NWS), whichever is higher.~~

The lowest finished floor of all new facilities, substantial improvements to existing facilities and the remediation of substantially damaged facilities, and their support utilities shall be located not less than the highest of the following elevations:

Two feet above the base flood elevation as defined in this code.

The height of a hurricane Category 5 (Saffir-Simpson scale) surge inundation elevation, as described by the Sea, Lake, and Overland Surge (SLOSH) from Hurricanes model developed by the Federal Emergency Management Agency (FEMA), United States Army Corps of Engineers (USACE), and the National Weather Service (NWS)

The flood hazard area elevation established in accordance with Section 1612.3 of this code including flood hazard areas established by local ordinance.

Exceptions:

1. 1. Fuel supply storage tanks located below ground and/or sufficiently ballasted or anchored to resist displacement due to flood waters.

2. 2. Areas not intended for patient care or patient support are not subject to this requirement where the facility's design allows for the continued operation of the hospital following a flood event by isolating effected utilities and maintaining facility access and required life safety exiting.

449.4.2.2.2

~~For all existing facilities, the lowest floor elevations of all additions, and all patient support areas including food service, and all patient support utilities, including mechanical, and electrical (except fuel storage as noted in Section 449.4.2.9.3 of this code) for the additions shall be at or above the elevation of the existing building, if the existing building was designed and constructed to comply with either the site standards of Section 449.4 of this code or local flood-resistant requirements, in effect at the time of construction, whichever requires the higher elevation, unless otherwise permitted by Section 1612 of this code. If the existing building was constructed prior to the adoption of either the site standards of Section 449.4 of this code or local flood-resistant requirements, then the addition and all patient support areas and utilities for the addition as described in this section shall either be designed and constructed to meet the requirements of Section 449.4.2.2.1 of this code or be designed and constructed to meet the dry flood proofing requirements of Section 1612 of this code.~~

All other additions to an existing facility shall comply with Section 449.4.2.2.1 of this code or be designed and constructed to meet the dry flood proofing requirements of Section 1612 of this code.

Exceptions: Additions to an existing facility that was designed and constructed in accordance with site standards for a hospital in effect at the time of construction shall be located at or above the finish floor elevation of the existing facility

Mod_10478_TextOfModification.pdf Page: 1

TAC: Special Occupancy

Total Mods for **Special Occupancy** in **Pending Review : 75**

Total Mods for report: 75

Sub Code: Building

44

SP10481

Date Submitted	02/15/2022	**Section**	453.8.3	**Proponent**	Greg Johnson
Chapter	4	**Affects HVHZ**	No	**Attachments**	**Yes**
TAC Recommendation	Pending Review				
Commission Action	Pending Review				

Comments

General Comments Yes **Alternate Language No**

Related Modifications

Summary of Modification

FL public colleges permitted same type of construction rules as private colleges.

Rationale

To provide for equal treatment of public and private colleges under the law. See uploaded rationale.

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

Should greatly reduce the cost of construction of public colleges by providing proven alternative building methods.

Impact to industry relative to the cost of compliance with code

Should greatly reduce the cost of construction of public colleges by providing proven alternative building methods.

Impact to small business relative to the cost of compliance with code

Requirements

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

It regards permitted construction types.

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

It improves the code by permitting public colleges to use the same construction regulations as private colleges.

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

It removes discrimination against certain materials that is based solely upon who owns the building.

Does not degrade the effectiveness of the code

It improves the code by permitting public colleges to use the same construction regulations as private colleges.

1st Comment Period History

P10481-G1

Proponent Don Whitehead Submitted 4/14/2022 5:10:24 PM Attachments Yes

Comment:

See attached file

SP10481Text Modification

453.8.3 Construction type.
School board ~~and Florida college~~ buildings including auxiliary, ancillary and vocational facilities shall comply with the following:

Mod_10481_TextOfModification.pdf Page: 1

As staff to the State Board of Education, I would not be able to recommend acceptance of Modification SP10481. This code modification seeks to allow light weight wood construction in public Florida College facilities. Currently, the State Board of Education has not authorized light weight wood construction in public educational facilities. This change proposes to eliminate a Florida-specific requirement that was adopted to promote the public health and safety of the public colleges in Florida. The International Building Code does not take into account the unique situations in Florida as shown by the following explanations:

The wind loads in Florida are substantially higher because of the hurricane wind forces that all buildings in Florida must resist in order to protect the occupants during a storm. These higher hurricane wind forces include design wind speeds in excess of 200 mph and missile impact speeds in excess of 100 mph. Using light weight wood construction as the structure of a public college building would be very inefficient, because it would not only require thicker walls that would reduce the amount of valuable classroom space, but it would require more taxpayer dollars.

Buildings constructed in Florida are vulnerable to termite damage and other wood destroying organisms, such as powderpost beetles and carpenter bees. Because the destruction is hidden below the surface, pest control inspections can only minimize the danger, but not completely eliminate it. Because concrete block is extremely durable, fire and termite resistant, and has a life expectancy of around 100 years, it is a popular building material in Florida. Because wood deteriorates more quickly with the high humidity in Florida, its life expectancy is about 25 years.

As an example of the potential hazard, allow me to share one school district's experience. Marion County School District was conducting an asbestos abatement of Anthony Elementary Cafetorium. During the asbestos abatement of the 9x9 floor tiles, one of the workers fell through the floor exposing the serious structural damage of the original wood floor framing system, which had been destroyed by powderpost beetles. Wood destroying organisms can cause structural failure without warning, and endanger the life safety of the occupants.

As staff to the State Board of Education, I urge the committee to not approve this code modification as submitted

Sec 453.8.3 Fl college building exempt from construction type

Reason:

There is no life-safety, durability, or other reason that public Florida college buildings – which will generally be B occupancies occupied by adults - should have to comply with more stringent requirements than private college buildings - which will also generally be B occupancies occupied by adults..

Since the International Building Code doesn't differentiate college buildings by ownership (public vs. private), and it is adopted nationwide without that differentiation, it does not make sense for FL to use the distinction for building regulation.

Making this change has the potential, in the long term, to save the State of Florida literally millions of dollars; a great return for following a national standard.

TAC: Special Occupancy

Total Mods for **Special Occupancy** in **Pending Review : 75**

Total Mods for report: 75

Sub Code: Building

45

SP10485

Date Submitted	02/15/2022	**Section**	453.8.3	**Proponent**	Greg Johnson
Chapter	4	**Affects HVHZ**	No	**Attachments**	**Yes**
TAC Recommendation	Pending Review				
Commission Action	Pending Review				

Comments

General Comments Yes **Alternate Language No**

Related Modifications

10481

Summary of Modification

Provides regulation of publicly owned ancillary buildings consistent with privately owned buildings.

Rationale

To provide for equal treatment under the law for publicly owned and privately owned buildings used for the same functions and by the same type of occupants.

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

Should save the State of FL a considerable amount of money by 'right-sizing' the regulation of its buildings to match the private sector.

Impact to industry relative to the cost of compliance with code

Reduces the cost of state facilities.

Impact to small business relative to the cost of compliance with code

Requirements

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

This is a construction regulation provision.

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

Improves the code by permitting publicly owned buildings to meet the same proven requirements that are applied to privately owned buildings.

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

Removes discrimination against materials based upon ownership.

Does not degrade the effectiveness of the code

Improves the code by permitting publicly owned buildings to meet the same proven requirements that are applied to privately owned buildings.

1st Comment Period History

Proponent	Don Whitehead	Submitted	4/14/2022 5:11:40 PM	Attachments	Yes	

Comment:

See attached file

P10485-G1

SP10485Text Modification

453.8.3 Construction type.
School board and Florida college buildings including auxiliary~~, ancillary~~ and vocational facilities shall comply with the following:

Mod_10485_TextOfModification.pdf Page: 1

As staff to the State Board of Education, I would not be able to recommend acceptance of Modification SP10485. This code modification seeks to allow light weight wood construction in ancillary School Board and Florida College facilities. Currently, the State Board of Education has not authorized light weight wood construction in ancillary educational facilities. This change proposes to eliminate a Florida-specific requirement that was adopted to promote the long term public health and safety of the ancillary facilities for the public schools and colleges in Florida. Privately owned buildings do not always take into account the long term costs of buildings in Florida as shown by the following explanations:

The wind loads in Florida are substantially higher because of the hurricane wind forces that all buildings in Florida must resist in order to protect the occupants during a storm. These higher hurricane wind forces include design wind speeds in excess of 200 mph and missile impact speeds in excess of 100 mph. Using light weight wood construction as the structure of an ancillary public educational facility would be very inefficient, because it would not only require thicker walls that would reduce the amount of usable space, but it would require more taxpayer dollars.

Buildings constructed in Florida are vulnerable to termite damage and other wood destroying organisms, such as powderpost beetles and carpenter bees. Because the destruction is hidden below the surface, pest control inspections can only minimize the danger, but not completely eliminate it. Because concrete block is extremely durable, fire and termite resistant, and has a life expectancy of around 100 years, it is a popular building material in Florida. Because wood deteriorates more quickly with the high humidity in Florida, its life expectancy is about 25 years.

As an example of the potential hazard, allow me to share one school district's experience. Marion County School District was conducting an asbestos abatement of Anthony Elementary Cafetorium. During the asbestos abatement of the 9x9 floor tiles, one of the workers fell through the floor exposing the serious structural damage of the original wood floor framing system, which had been destroyed by powderpost beetles. Wood destroying organisms can cause structural failure without warning, and endanger the life safety of the occupants.

As staff to the State Board of Education, I urge the committee to not approve this code modification as submitted

Mod_10485_G1_General_SP10485 Allow Ancillary School Board and Florida College Buildings to use light weight wood construction.pdf

TAC: Special Occupancy

Total Mods for **Special Occupancy** in **Pending Review : 75**

Total Mods for report: 75

Sub Code: Building

46

SP10488

Date Submitted	02/15/2022	**Section**	449	**Proponent**	James gregory
Chapter	4	**Affects HVHZ**	No	**Attachments**	No
TAC Recommendation	Pending Review				
Commission Action	Pending Review				

Comments

General Comments No **Alternate Language No**

Related Modifications

Summary of Modification

Defines how the code references are to be applied.

Rationale

Updates to ASHRAE 170 and deletes Part 3 of the 2018 FGI Guidelines. If the 2022 edition of the FGI Guidelines is able to be included, then this 449.2.4 will be removed and 449.2.2 will be revised. If the 2022 edition of the Guidelines is not able to be adopted, then 449.2.3 will be removed.

Fiscal Impact Statement

Impact to local entity relative to enforcement of code

There is no impact to local entity relative to enforcement of code.

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

There is no impact to building and property owners relative to cost of compliance with code.

Impact to industry relative to the cost of compliance with code

There is no impact to industry relative to the cost of compliance with code.

Impact to small business relative to the cost of compliance with code

Requirements

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

Does not adversely affect 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

Updates and clarifies the code references.

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

Does not discriminate against materials, products, methods, or systems of construction.

Does not degrade the effectiveness of the code

Improves the effectiveness of the code by clarifying requirements.

SP10488Text Modification

449.2.2 The Guidelines for Design and Construction of Hospitals (The Guidelines), except Part 3, as referenced in Chapter 35 of this code.

449.2.3 Low-acuity patient treatment areas as described in 2.2-3.1.3.6 (7) Treatment rooms and areas of the Guidelines shall not be permitted.

449.2.4 ANSI/ASHRAE/ASHE 170 - 21 Ventilation of Heath Care Facilities, as referenced in Chapter 35 of this code.

Page: 1

Mod_10488_TextOfModification.pdf

TAC: Special Occupancy

Total Mods for **Special Occupancy** in **Pending Review : 75**

Total Mods for report: 75

Sub Code: Building

47

SP10489

Date Submitted	02/15/2022	**Section**	450	**Proponent**	James gregory
Chapter	4	**Affects HVHZ**	No	**Attachments**	No
TAC Recommendation	Pending Review				
Commission Action	Pending Review				

Comments

General Comments No **Alternate Language No**

Related Modifications

Summary of Modification

Details how the references will be applied.

Rationale

If the 2022 Guidelines are able to be adopted, then 450.2.3 will be removed and 450.2.2 will be revised. If the 2022 is not able to be included in the 8th edition, then this will remain as is submitted.

Fiscal Impact Statement

Impact to local entity relative to enforcement of code

There is no impact to local entity relative to enforcement of code.

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

There is no impact to building and property owners relative to cost of compliance with code.

Impact to industry relative to the cost of compliance with code

There is no impact to industry relative to the cost of compliance with code.

Impact to small business relative to the cost of compliance with code

Requirements

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

Does not adversely affect 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

Makes the code more clear for the user and the authority having jurisdiction.

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

Does not discriminate against materials, products, methods, or systems of construction.

Does not degrade the effectiveness of the code

Improves the effectiveness of the code by clarifying requirements.

SP10489Text Modification

450.2.2 The Guidelines for Design and Construction of Residential Health, Care, and Support Facilities (The Guidelines), ~~including Chapter 3.2 Specific Requirements for Nursing Homes and~~ except ventilation and space conditioning requirements, including Table 3.1-1, as referenced in Chapter 35 of this code.

450.2.3 ANSI/ASHRAE/ASHE 170 - 21 Ventilation of Heath Care Facilities, as referenced in Chapter 35 of this code

Mod_10489_TextOfModification.pdf Page: 1

TAC: Special Occupancy

Total Mods for **Special Occupancy** in **Pending Review : 75**

Total Mods for report: 75

Sub Code: Building

48

SP10490

Date Submitted	02/15/2022	**Section**	451	**Proponent**	James gregory
Chapter	4	**Affects HVHZ**	No	**Attachments**	No
TAC Recommendation	Pending Review				
Commission Action	Pending Review				

Comments

General Comments No **Alternate Language No**

Related Modifications

Summary of Modification

Updates and clarifies how the code will be applied.

Rationale

If the 2022 Guidelines are adopted for the 8th edition 451.2.3 will be removed and 451.2.2 will be revised. If the 2022 Guidelines are not adopted then this proposal will remain as written.

Fiscal Impact Statement

Impact to local entity relative to enforcement of code

There is no impact to local entity relative to enforcement of code.

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

There is no impact to building and property owners relative to cost of compliance with code.

Impact to industry relative to the cost of compliance with code

There is no impact to industry relative to the cost of compliance with code.

Impact to small business relative to the cost of compliance with code

Requirements

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

Does not adversely affect 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

Makes the code more clear for the user and the authority having jurisdiction

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

Does not discriminate against materials, products, methods, or systems of construction.

Does not degrade the effectiveness of the code

Improves the effectiveness of the code by clarifying requirements.

SP10490Text Modification

451.2.2 The Guidelines for Design and Construction of Outpatient Facilities (The Guidelines), ~~including Part 1 General, and Part 2 Outpatient Facility Types, Chapter 2.7 Specific Requirements for Outpatient Surgery Facilities~~ except Part 3, as referenced in Chapter 35 of this code.

451.2.3 ANSI/ASHRAE/ASHE 170 - 21 Ventilation of Heath Care Facilities, as referenced in Chapter 35 of this code

Page: 1

Mod_10490_TextOfModification.pdf

TAC: Special Occupancy

Total Mods for **Special Occupancy** in **Pending Review : 75**

Total Mods for report: 75

Sub Code: Building

49

SP10491

Date Submitted	02/15/2022	**Section**	449	**Proponent**	James gregory
Chapter	4	**Affects HVHZ**	No	**Attachments**	No
TAC Recommendation	Pending Review				
Commission Action	Pending Review				

Comments

General Comments No **Alternate Language No**

Related Modifications

Summary of Modification

Modifies Mobile/Transportable section in relation to the Guidelines.

Rationale

This modification is necessary due to some revisions in the Guidelines that Florida did not want to accept regarding the length of stay of mobile units and how whether they are reviewed or not by the Agency.

Fiscal Impact Statement

Impact to local entity relative to enforcement of code

There is no impact to local entity relative to enforcement of code.

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

There is no impact to building and property owners relative to cost of compliance with code.

Impact to industry relative to the cost of compliance with code

There is no impact to industry relative to the cost of compliance with code.

Impact to small business relative to the cost of compliance with code

Requirements

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

Does not adversely affect 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

Makes the code more clear for the user and the authority having jurisdiction.

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

Does not discriminate against materials, products, methods, or systems of construction.

Does not degrade the effectiveness of the code

Improves the effectiveness of the code by clarifying requirements.

SP10491Text Modification

449.3.3.3 This section shall apply to all mobile/transportable units regardless of the number of hours they are on site.

Page: 1

Mod_10491_TextOfModification.pdf

TAC: Special Occupancy

Total Mods for **Special Occupancy** in **Pending Review : 75**

Total Mods for report: 75

Sub Code: Building

50

SP10494

Date Submitted	02/15/2022	**Section**	449	**Proponent**	James gregory
Chapter	4	**Affects HVHZ**	No	**Attachments**	No
TAC Recommendation	Pending Review				
Commission Action	Pending Review				

Comments

General Comments No **Alternate Language No**

Related Modifications

Summary of Modification

Clarifies if there is a conflict with the Guidelines which code takes precedence.

Rationale

This is necessary because there are specific requirements in the Guidelines that Florida does not want to adopt. When this happens, Florida writes its own more specific requirement. This clarifies that the FBC takes precedence over the Guidelines when that happens.

Fiscal Impact Statement

Impact to local entity relative to enforcement of code

There is no impact to local entity relative to enforcement of code.

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

There is no impact to building and property owners relative to cost of compliance with

Impact to industry relative to the cost of compliance with code

There is no impact to industry relative to the cost of compliance with code.

Impact to small business relative to the cost of compliance with code

Requirements

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

Does not adversely affect 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

Makes the code more clear for the user and the authority having jurisdiction.

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

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

Does not degrade the effectiveness of the code

Improves the effectiveness of the code by clarifying requirements.

SP10494Text Modification

449.3 Additional physical plant requirements for general, rehabilitation, and psychiatric hospitals, including intensive residential treatment facilities (IRTFs) for children and adolescents, and unless exempted by Chapter 395.0163, Florida Statutes, all hospital outpatient facilities and hospital mobile and transportable units. In addition to the codes and standards referenced in Section 449.2 of this code, the following minimum standards of construction and specified minimum essential facilities, shall apply to all new hospitals and all additions, alterations or renovations to an existing licensed hospital, as described in Section 449.1 of this code and listed in Section 449.3 of this code. Where there are conflicting specific requirements between the Guidelines and this code, the requirements of this code shall take precedence.

-

Page: 1

Mod_10494_TextOfModification.pdf

TAC: Special Occupancy

Total Mods for **Special Occupancy** in **Pending Review : 75**

Total Mods for report: 75

Sub Code: Building

51

SP10497

Date Submitted	02/15/2022	**Section**	449	**Proponent**	James gregory
Chapter	4	**Affects HVHZ**	No	**Attachments**	No
TAC Recommendation	Pending Review				
Commission Action	Pending Review				

Comments

General Comments No **Alternate Language No**

Related Modifications

Summary of Modification

Clarifies the use of the description.

Rationale

The term "equipotential grounding" does not exist in the NFPA 99 or NFPA 70. The correct terminology is provided in this revision.

Fiscal Impact Statement

Impact to local entity relative to enforcement of code

There is no impact to local entity relative to enforcement of code.

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

There is no impact to building and property owners relative to cost of compliance with code.

Impact to industry relative to the cost of compliance with code

There is no impact to industry relative to the cost of compliance with code.

Impact to small business relative to the cost of compliance with code

Requirements

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

Does not adversely affect 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

Makes the code more clear for the user and the authority having jurisdiction.

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

Does not discriminate against materials, products, methods, or systems of construction.

Does not degrade the effectiveness of the code

Improves the effectiveness of the code by clarifying requirements.

SP10497Text Modification

449.3.11.6 There shall be documentation for ~~equipotential~~ grounding system testing of voltage and impedance measurements in all patient care areas, building service ground electrode systems, lightning protection ground terminals and special systems such as fire alarm, nurse call, paging, generator, emergency power, fault analysis and breaker coordination.

Mod_10497_TextOfModification.pdf Page: 1

TAC: Special Occupancy

Total Mods for **Special Occupancy** in **Pending Review : 75**

Total Mods for report: 75

Sub Code: Building

52

SP10498

Date Submitted	02/15/2022	**Section**	450.2.2	**Proponent**	scott waltz
Chapter	4	**Affects HVHZ**	No	**Attachments**	No
TAC Recommendation	Pending Review				
Commission Action	Pending Review				

Comments

General Comments No **Alternate Language No**

Related Modifications

None

Summary of Modification

Updates and clarifies flood resistance requirements for nursing homes.

Rationale

Proposed modification provides clarification and strengthens requirements as necessary. it also provides new exception for non-resident care related areas.

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

None.

Impact to industry relative to the cost of compliance with code

None.

Impact to small business relative to the cost of compliance with code

Requirements

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

Yes.

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

Strengthens and clarifies.

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

it will not.

Does not degrade the effectiveness of the code

It does not.

SP10498Text Modification

450.4.2.2.1

~~Except as permitted by Section 1612 of this code, the lowest floor of all new facilities shall be elevated to the base flood elevation as defined in Section 1612 of this code, plus 2 feet, or to the height of hurricane Category 3 (Saffir-Simpson scale) surge inundation elevation, as described by the Sea, Lake, and Overland Surge (SLOSH) from Hurricanes model developed by the Federal Emergency Management Agency (FEMA), United States Army Corps of Engineers (USACE), and the National Weather Service (NWS), whichever is higher.~~

The lowest finished floor of all new facilities, substantial improvements to existing facilities and the remediation of substantially damaged facilities, and their support utilities shall be located not less than the highest of the following elevations:

Two feet above the base flood elevation as defined in this code.

The height of a hurricane Category 5 (Saffir-Simpson scale) surge inundation elevation, as described by the Sea, Lake, and Overland Surge (SLOSH) from Hurricanes model developed by the Federal Emergency Management Agency (FEMA), United States Army Corps of Engineers (USACE), and the National Weather Service (NWS)

The flood hazard area elevation established in accordance with Section 1612.3 of this code including flood hazard areas established by local ordinance.

Exceptions:

1. Fuel supply storage tanks located below ground and/or sufficiently ballasted or anchored to resist displacement due to flood waters.

2. Areas not intended for resident care or resident support are not subject to this requirement where the facility's design allows for the continued operation of the nursing home following a flood event by isolating effected utilities and maintaining facility access and required life safety exiting.

450.4.2.2.2

~~For all existing facilities, the lowest floor elevations of all additions, and all resident support areas including food service, and all resident support utilities, including mechanical, and electrical (except fuel storage as noted in Section 450.4.2.9.3 of this code) for the additions shall be at or above the elevation of the existing building, if the existing building was designed and constructed to comply with either the site standards of Section 450.4 of this code or local flood-resistant requirements, in effect at the time of construction, whichever requires the higher elevation, unless otherwise permitted by Section 1612 of this code. If the existing building was constructed prior to the adoption of either the site standards of Section 449.4 of this code or local flood-resistant requirements, then the addition and all resident support areas and utilities for the addition as described in this section shall either be designed and constructed to meet the requirements of Section 450.4.2.2.1 of this code or be designed and constructed to meet the dry flood proofing requirements of Section 1612 of this code.~~

Page: 1

Mod_10498_TextOfModification.pdf

SP10498Text Modification

All other additions to an existing facility shall comply with Section 450.4.2.2.1 of this code or be designed and constructed to meet the dry flood proofing requirements of Section 1612 of this code.

-

Exceptions: Additions to an existing facility that was designed and constructed in accordance with site standards for a nursing home in effect at the time of construction shall be located at or above the finish floor elevation of the existing facility.

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Mod_10498_TextOfModification.pdf

TAC: Special Occupancy

Total Mods for **Special Occupancy** in **Pending Review : 75**

Total Mods for report: 75

Sub Code: Building

53

SP10501

Date Submitted	02/15/2022	**Section**	449.3.6.5	**Proponent**	scott waltz
Chapter	4	**Affects HVHZ**	No	**Attachments**	No
TAC Recommendation	Pending Review				
Commission Action	Pending Review				

Comments

General Comments No **Alternate Language No**

Related Modifications

None

Summary of Modification

Strikes language preventing the use of VAV systems for certain areas in a hospital.

Rationale

Revisions to ASRAE Standard 170 provide minimum standards that will allow the safe use or variable air volume systems for the conditions covered by deleted text.

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

None.

Impact to industry relative to the cost of compliance with code

None.

Impact to small business relative to the cost of compliance with code

Requirements

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

Yes.

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

improves the code

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

It does not.

Does not degrade the effectiveness of the code

It does not.

SP10501Text Modification

~~449.3.6.5~~

~~Variable air volume systems shall not be permitted for use in surgical departments, obstetrical departments, laboratories, isolation rooms and critical care units and rooms~~

Page: 1

Mod_10501_TextOfModification.pdf

TAC: Special Occupancy

Total Mods for **Special Occupancy** in **Pending Review : 75**

Total Mods for report: 75

Sub Code: Building

54

SP10505

Date Submitted	02/15/2022	**Section**	449.4.2.6.1	**Proponent**	scott waltz
Chapter	4	**Affects HVHZ**	No	**Attachments**	No
TAC Recommendation	Pending Review				
Commission Action	Pending Review				

Comments

General Comments No **Alternate Language No**

Related Modifications

None

Summary of Modification

Requires replace of existing mechanical equipment to meet the same debris impact requirements as new construction.

Rationale

The proposed modification clarifies that the debris impact requirement are applicable to the replacement of mechanical equipment and is not limited to a new facility.

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

None.

Impact to industry relative to the cost of compliance with code

None.

Impact to small business relative to the cost of compliance with code

Requirements

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

Yes.

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

Strengthens and clarifies the code.

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

It does not.

Does not degrade the effectiveness of the code

It does not.

SP10505Text Modification

449.4.2.6.1

All new and replacement air-moving equipment, dx condensing units, through-wall units and other HVAC equipment located outside of, partially outside of, or on the roof of the facility at or below 30 feet above the finished grade of the building and providing service to the ~~new~~ facility shall be permitted only when either of the following are met:

Mod_10505_TextOfModification.pdf Page: 1

TAC: Special Occupancy

Total Mods for **Special Occupancy** in **Pending Review : 75**

Total Mods for report: 75

Sub Code: Building

55

SP10507

Date Submitted	02/15/2022	**Section**	449.4.2.10	**Proponent**	scott waltz
Chapter	4	**Affects HVHZ**	No	**Attachments**	No
TAC Recommendation	Pending Review				
Commission Action	Pending Review				

Comments

General Comments No **Alternate Language No**

Related Modifications

None

Summary of Modification

Deletes reference to a rule which no longer exists.

Rationale

Deletes reference to a rule which no longer exists.

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
None.
Impact to industry relative to the cost of compliance with code
None.
Impact to small business relative to the cost of compliance with code

Requirements

Has a reasonable and substantial connection with the health, safety, and welfare of the general public
Yes.
Strengthens or improves the code, and provides equivalent or better products, methods, or systems of construction
Improves the code.
Does not discriminate against materials, products, methods, or systems of construction of demonstrated capabilities
It does not.
Does not degrade the effectiveness of the code
It does not.

SP10507Text Modification

~~**449.4.2.10 External emergency communications standards.**~~

~~Reference Chapter 59A-3.081 *Florida Administrative Code* for requirements.~~

Mod_10507_TextOfModification.pdf Page: 1

TAC: Special Occupancy

Total Mods for **Special Occupancy** in **Pending Review : 75**

Total Mods for report: 75

Sub Code: Building

56

SP10379

Date Submitted	02/15/2022	**Section**	716.2.2.1.1	**Proponent**	Amanda Hickman
Chapter	7	**Affects HVHZ**	No	**Attachments**	No
TAC Recommendation	Pending Review				
Commission Action	Pending Review				

Comments

General Comments No **Alternate Language No**

Related Modifications

Summary of Modification

smoke and draft control

Rationale

This modification does not change the requirements in the Florida Building Code. Instead it retains the current code requirements and clarifies that there are alternative means to ensure that the opening between an elevator hoistway and a fire resistance rated corridor or in a smoke barrier is protected in a manner equivalent to that required for all other openings into the corridor or smoke barrier.

Fiscal Impact Statement

Impact to local entity relative to enforcement of code

Will improve enforcement of the code by clarifying there are alternative means to comply with the current code provisions.

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

No impact to cost, as this modification only clarifies there are alternative means to comply with the current code provisions.

Impact to industry relative to the cost of compliance with code

No impact to cost, as this modification only clarifies there are alternative means to comply with the current code provisions.

Impact to small business relative to the cost of compliance with code

Requirements

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

Yes, this modification ensures openings are protected in a manner equivalent to that required for all other openings into the corridor or smoke barrier.

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

Improves the code by clarifying that there are alternative means to comply with current code provisions.

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

Does not discriminate because it retains the current code requirements.

Does not degrade the effectiveness of the code

Does not degrade the effectiveness of the code because this modification does not change the requirements in the Florida Building Code.

SP10379Text Modification

716.5.3.1 Smoke and draft control.

Fire door assemblies shall meet the requirements for a smoke and draft control door assembly tested in accordance with UL 1784. The air leakage rate of the door assembly shall not exceed 3.0 cubic feet per minute per square foot (0.01524 m^3/s ? m^2) of door opening at 0.10 inch (24.9 Pa) of water for both the ambient temperature and elevated temperature tests. Louvers shall be prohibited. Installation of smoke doors shall be in accordance with NFPA 105.

Exception: Elevator hoistway door openings protected in accordance with Section 3006.3

Page: 1

Mod_10379_TextOfModification.pdf

TAC: Special Occupancy

Total Mods for **Special Occupancy** in **Pending Review : 75**

Total Mods for report: 75

Sub Code: Building

57

SP10349

Date Submitted	02/14/2022	**Section**	1612.5	**Proponent**	Conn Cole FDEM SFMO
Chapter	16	**Affects HVHZ**	No	**Attachments**	**Yes**
TAC Recommendation	Pending Review				
Commission Action	Pending Review				

Comments

General Comments No **Alternate Language No**

Related Modifications

Residential Section R322, #10351, to add definition and make similar change to where elevation data are prepared and sealed.

Summary of Modification

Clarify that licensed professional surveyors and mappers survey and seal elevation data and add a definition for Professional Surveyor and Mapper.

Rationale

The FBC defines “registered design professional,” citing Florida Statutes for Chapter 471 (Engineering) and Chapter 481 (Architecture). The term does not include professional surveyors and mappers licensed pursuant to Chapter 472, Florida Statutes. In 2021, the Florida Board of Professional Surveyors and Mappers determined and verified that only Surveyors and Mappers with Florida licenses in good standing “may certify elevation data in Florida pursuant to 472.0366.” Therefore, it is appropriate to define ‘professional surveyor and mapper” in the FBC, Building and FBC, Residential, and clarify in the sections that specify which professionals may certify elevations. The FEMA NFIP Elevation Certificate relies on the laws of each state that specify which licensed professionals may certify elevations.

Fiscal Impact Statement

Impact to local entity relative to enforcement of code

Local entities should verify that a certifier of elevation data is a Professional Surveyor and Mapper licensed by the FBPSM.

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

None, certification of elevations is already required.

Impact to industry relative to the cost of compliance with code

None, certification of elevations is already required.

Impact to small business relative to the cost of compliance with code

Requirements

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

Yes, because the appropriately licensed professional is required to prepare certifications.

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

Yes, because the appropriately licensed professional is required to prepare certifications.

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

The change does not affect materials and methods of construction.

Does not degrade the effectiveness of the code

Improves effectiveness because the appropriately licensed professional is required to prepare certifications.

SP10349Text Modification

202 Definitions.

PROFESSIONAL SURVEYOR AND MAPPER. An individual who is licensed or registered to engage in the practice of surveying and mapping under Chapter 472, Florida Statutes.

1612.5 Flood hazard documentation. The following documentation shall be prepared and sealed by a licensed professional surveyor and mapper or a registered design professional, as applicable, and submitted to the building official:

1. For construction in flood hazard areas other than coastal high hazard areas or coastal A zones:

   1.1. The elevation of the lowest floor, including the basement, as required by the lowest floor elevation inspection in Section 110.3, Building, 1.1 and for the final inspection in Section 110.3, Building, 5.1.

   1.2. For fully enclosed areas below the design flood elevation where provisions to allow for the automatic entry and exit of floodwaters do not meet the minimum requirements in Section 2.7.2.1 of ASCE 24, construction documents shall include a statement that the design will provide for equalization of hydrostatic flood forces in accordance with Section 2.7.2.2 of ASCE 24.

   1.3 For dry floodproofed nonresidential buildings, construction documents shall include a statement that the dry floodproofing is designed in accordance with ASCE 24.

2. For construction in coastal high hazard areas and coastal A zones:

   2.1. The elevation of the bottom of the lowest horizontal structural member as required by the lowest floor elevation inspection in Section 110.3, Building, 1.1 and for the final inspection in Section 110.3, Building, 5.1.

   2.2. Construction documents shall include a statement that the building is designed in accordance with ASCE 24, including that the pile or column foundation and building or structure to be attached thereto is designed to be anchored to resist flotation, collapse and lateral movement due to the effects of wind and flood loads acting simultaneously on all building components, and other load requirements of Chapter 16.

   2.3. For breakaway walls designed to have a resistance of more than 20 psf (0.96 kN/m^2) determined using allowable stress design, construction documents shall include a statement that the breakaway wall is designed in accordance with ASCE 24.

Mod_10349_TextOfModification.pdf Page: 1

SP10349Rationale

Mod_10349_Rationale_fdem-sfmo_memo-bpsm_surveyor-mapper_certify-elev-data_11-11-21.pdf

STATE OF FLORIDA

DIVISION OF EMERGENCY MANAGEMENT

Ron DeSantis
Governor

Kevin Guthrie
Director

MEMORANDUM

TO: Florida Floodplain Managers and Building Officials

FROM: Conn Cole, Florida NFIP State Coordinator

DATE: November 11, 2021

RE: Certification of Elevation Data

Digitally signed by Conn Cole
DN: dc=org, dc=fleoc, ou=DEM_Users, ou=Mitigation, ou=HazardMitigationAssistance, cn=Conn Cole, email=Conn.Cole@em.myflorida.com
Date: 2021.11.11 10:06:30 -05'00'

From time to time, the State Floodplain Management Office is asked which professionals licensed in Florida are authorized to certify elevation data. In addition, most communities require submission of the FEMA/NFIP Elevation Certificate to satisfy the Florida Building Code requirements related to foundation inspections and final inspections (see FBC, Building, Sec. 110.3).

By email dated November 2, 2021 (attached), the Executive Director of the Board of Professional Surveyors and Mappers advises that "[o]nly Surveyors and Mappers licensed by the Board of Professional Surveyors and Mappers with licenses in good standing may certify elevation data in Florida according to 472.0366 [Florida Statutes] and verified by the board at the August 2, 2021 meeting."

The FEMA/NFIP Elevation Certificate clarifies that only professionals "authorized by law to certify elevation information" may sign and seal Section D of the Elevation Certificate. Therefore, the fact that the Elevation Certificate lists "land surveyor, engineer, or architect" does not, by itself, authorize all such licensed professionals to certify surveyed elevation data.

This memorandum and other guidance prepared by the State Floodplain Management Office is available online:

www.floridadisaster.org/dem/mitigation/floodplain/community-resources
(Guidance, Ordinance Amendments, FBC Amendments, and Sample Forms)

CHC/

Attachment: November 2, 2021 Email from Executive Director of the Board of Professional Surveyors and Mappers

DIVISION HEADQUARTERS
2555 Shumard Oak Blvd
Tallahassee, FL 32399-2100

Tel:850-815-4000
www.FloridaDisaster.org

STATE LOGISTICS RESPONSE CENTER
2702 Directors Row
Orlando, FL 32809-5631

Rebecca C. Quinn

From: Compton, Liz <Patricia.Compton@fdacs.gov>
Sent: Tuesday, November 02, 2021 10:55 AM
To: Conn Cole; Mckibben, Amanda
Cc: Kristabel Moore; Rebecca C. Quinn (rcquinn@earthlink.net)
Subject: RE: Elevation Data Certification

Dear Mr. Cole,

That is correct. Only Surveyors and Mappers licensed by the Florida Board of Professional Surveyors and Mappers with licenses in good standing may certify elevation data in Florida pursuant to 472.0366 and verified by the board at the August 2, 2021 meeting.

Sincerely,

Liz Compton, CPM
Executive Director
Board of Professional Surveyors and Mappers
Florida Department of Agriculture and Consumer Services

Liz.compton@FDACS.gov
850.410.3674

The Rhodes Building
2005 Apalachee Parkway
Tallahassee, FL 32399

www.FDACS.gov

Please note that Florida has a proud public records law (Chapter 119, Florida Statutes). Most written communications to or from state employees are public records obtainable by the public upon request. Emails sent to me at this email address may be considered public and will only be withheld from disclosure if deemed confidential pursuant to the laws of the State of Florida.

From: Conn Cole <Conn.Cole@em.myflorida.com>
Sent: Tuesday, November 2, 2021 8:45 AM
To: Compton, Liz <Patricia.Compton@fdacs.gov>; Mckibben, Amanda <Amanda.McKibben@fdacs.gov>
Cc: Kristabel Moore <Kristabel.Moore@em.myflorida.com>; Rebecca C. Quinn (rcquinn@earthlink.net) <rcquinn@earthlink.net>
Subject: [External] Elevation Data Certification

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Liz and Ms. McKibben,

Thank you for your quick response and assistance in clearing up the confusion on this topic. Would you please reply to confirm that only Professional Surveyors and Mappers licensed by the Florida Board of Professional Surveyors and Mappers may certify elevation data in Florida?

Best regards,
Conn

Conn H. Cole, MBA/PA, CFM
Florida NFIP State Coordinator | State Floodplain Manager
State Floodplain Management Office
Florida Division of Emergency Management
(850) 815-4507 Desk
(850) 509-1813 Cell
Conn.Cole@em.myflorida.com

Under Florida law, correspondence with the Florida Division of Emergency Management concerning agency business that is neither confidential nor exempt pursuant to Florida Statutes is a public record and will be made available to the public upon request.

TAC: Special Occupancy

Total Mods for **Special Occupancy** in **Pending Review : 75**

Total Mods for report: 75

Sub Code: Building

58

SP10264

Date Submitted	02/12/2022	**Section**	1805.1.2.1	**Proponent**	Conn Cole FDEM SFMO
Chapter	18	**Affects HVHZ**	No	**Attachments**	No
TAC Recommendation	Pending Review				
Commission Action	Pending Review				

Comments

General Comments Yes **Alternate Language No**

Related Modifications

Residential, Section R408.7, proposal #10263, to make the same replacement of Technical Bulletin 11.

Summary of Modification

Replace reference to NFIP Technical Bulletin 11 with enforceable requirements.

Rationale

Based on FEMA 2024 IBC proposal S154-22. Subject to 553.73(7)(a) as flood requirement for inclusion in 9th Edition. The basic requirements of the National Flood Insurance Program prohibit areas of buildings that are below grade on all sides (except nonresidential buildings that are designed to be dry floodproofed). That limitation applies to crawlspaces that have the interior grade below the exterior grade on all sides. The exception in this section refers to FEMA Technical Bulletin 11, which outlines limitations to allow below-grade crawlspaces, specifically limitations on wall height and how far below grade the interior can extend. Importantly, TB 11 requires jurisdictions to adopt the specified requirements in the exception to allow for construction of such below-grade spaces. The proposed replaces the reference to TB 11 with itemized lists that capture the limitations in TB 11. Not only does this eliminate the need for buildings and designers to find and interpret TB 11, it eliminates the need for communities to adopt the specific requirements. The Florida Division of Emergency Management State Floodplain Management Office notes that this below-grade crawlspace configuration is not common in Florida, but the office has responded to questions about it. If this code change proposal is successful, the codes will no longer refer to TB 11 and TB 11 should be removed from the list of referenced standards in both codes. Bibliography: FEMA Technical Bulletin 11, Crawlspace Construction for Buildings Located in Special Flood Hazard Areas, Interim Guidance (2001), https://www.fema.gov/emergency-managers/risk-management/building-science/national-flood-insurance-technical-bulletins

Fiscal Impact Statement

Impact to local entity relative to enforcement of code

Increases enforcement efficiency because the provisions are specified rather than have to research a guidance document.

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

No change; proposal replaces the reference to NFIP Technical Bulletin 11 with a list of requirements from the Bulletin.

Impact to industry relative to the cost of compliance with code

No change to the technical requirements.

Impact to small business relative to the cost of compliance with code

Requirements

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

Yes, it provides clear requirements for flood resistance and facilitates meeting FEMA expectations.

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

Yes, it improves by stating specific requirements and limitations.

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

No, the use of flood damage resistant materials and methods is already required.

Does not degrade the effectiveness of the code

No, it improves enforcement by having clear requirements.

1st Comment Period History

Proponent	Rebecca Quinn obo FL Div Emerg Mgnt	Submitted	4/15/2022 4:24:52 PM	Attachments	No

Comment:

I submit this comment on behalf of Conn Cole, FDEM State Floodplain Manager, to request withdrawal of this proposal.

P10264-G1

SP10264Text Modification

1805.1.2.1 Flood hazard areas. For buildings and structures in flood hazard areas as established in Section 1612.3, the finished ground level of an under-floor space such as a crawl space shall be equal to or higher than the outside finished ground level on at least one side.

Exception: Under-floor spaces of Group R-3 buildings that meet the following requirements: ~~of FEMA TB 11.~~

1. The velocity of floodwater at the site does not exceed 5 feet per second.

2. The interior grade of the under-floor space is not more than 2 feet below the lowest adjacent exterior grade.

3. The height of the under-floor space, measured from the interior grade of the under-floor space to the top of the foundation wall is not more than 4 feet at any point.

4. There is an adequate drainage system that removes floodwater from the interior area of the under-floor space.

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Mod_10264_TextOfModification.pdf

TAC: Special Occupancy

Total Mods for **Special Occupancy** in **Pending Review : 75**

Total Mods for report: 75

Sub Code: Building

59

SP9839

Date Submitted	02/07/2022	**Section**	3012	**Proponent**	Gary Hutto
Chapter	30	**Affects HVHZ**	No	**Attachments**	No
TAC Recommendation	Pending Review				
Commission Action	Pending Review				

Comments

General Comments No **Alternate Language No**

Related Modifications

Summary of Modification

Replace the word "other" with "any" for clarification that all work requiring testing and witnessing requires a construction permit.

Rationale

Some understood the original language to only include work performed outside of Part 8 of which there is little or none. The new language makes clear the intent that any work performed that requires testing and witnessing shall require a construction permit.

Fiscal Impact Statement

Impact to local entity relative to enforcement of code

Impact is negligible due to current enforcement. Change is language is to make current enforcement easier when original language is used as a defense for not permitting.

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

These actions are currently being performed and enforced. Therefore the impact is none or negligible since the permitting fees are being considered, proposed, and included currently as a part of work orders and contracts.

Impact to industry relative to the cost of compliance with code

Impact is negligible since the permitting of work on the scale that requires a permit has been required and performed for decades.

Impact to small business relative to the cost of compliance with code

Requirements

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

Work that requires a permit for testing and witnessing is life safety based with regards to the elevator performance and operations. The permit represents the only method the Bureau of Elevator Safety has to track and monitor such work and testing as a part of inspections.

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

Work that requires a permit for testing and witnessing is life safety based with regards to the elevator performance and operations. The permit represents the only method the Bureau of Elevator Safety has to track and monitor such work and testing as a part of inspections.

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

The new language only clarifies what is already known in industry and removes any potential for confusion. This applies to all parties and all applicable work performed regardless of the building, owner, or company performing.

Does not degrade the effectiveness of the code

The new language clarifies the requirement and removes and doubt of the intent of the Code requirement.

SP9839Text Modification

3012.1 Alterations to electric and hydraulic elevators and escalators.

Alterations set forth in Part 8, ASME A17.1 to include any change to equipment, including its parts, components, and/or subsystems, other than maintenance, repair, or replacement; require an elevator construction permit, along with documented performance of inspections and tests to determine conformance with ASME A17.1. A repair or replacement of equipment, parts, components or subsystems that requires inspection, tests and independent witnessing in ~~other~~ **any** sections of ASME A17.1, A17.3 and A18.1 shall require an elevator construction permit.

Mod_9839_TextOfModification.pdf Page: 1

TAC: Special Occupancy

Total Mods for **Special Occupancy** in **Pending Review : 75**

Total Mods for report: 75

Sub Code: Building

60

SP10152

Date Submitted	02/15/2022	**Section**	3006.3	**Proponent**	Amanda Hickman
Chapter	30	**Affects HVHZ**	No	**Attachments**	No
TAC Recommendation	Pending Review				
Commission Action	Pending Review				

Comments

General Comments No **Alternate Language No**

Related Modifications

none

Summary of Modification

hoistways

Rationale

Smoke protective curtain assemblies for hoistways are recognized and regulated in NFPA 105 Chapter 9 (2019). They have also been recognized and listed by ICC-ES for many years. There are multiple manufacturers of these assemblies in the market that hold Engineering Service Reports (ESR) for their use. These products have been in the market for 30 years with tens of thousands of successful installations. Smoke protective curtain assemblies provide a proven means for smoke and draft control at the hoistway door that enables design freedom and innovation. Smoke protective curtain assemblies for hoistways should be allowed to provide smoke and draft protection for elevator hoistways door openings. Smoke protective curtain assemblies are already being installed to protect elevator hoistway openings in Florida. Such installations being permitted either by using Section 3006.3, Item 3 or by using the alternative compliance provisions. The language in proposed Item 5 better addresses such assemblies by also including requirements that the control unit meet UL 864. UL 864 endures that the system meets rigorous release device criteria. In addition, the language in proposed Item 5 requires that such assemblies be installed and maintained in accordance with NFPA 105, which includes an annual test of such assemblies. The ASME A17.1 rule ensures these devices do not interfere with elevator operations.

Fiscal Impact Statement

Impact to local entity relative to enforcement of code

Will improve enforcement of the code because these products have been in the market for 25 years with tens of thousands of successful installations

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

The cost of this option for hoistway opening protection is offset by the cost of other forms of protection. As such, the cost of construction for adding option five does not raise or lower the cost of construction.

Impact to industry relative to the cost of compliance with code

The cost of this option for hoistway opening protection is offset by the cost of other forms of protection. As such, the cost of construction for adding option five does not raise or lower the cost of construction.

Impact to small business relative to the cost of compliance with code

Requirements

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

Improves health and safety of general public because these provide a proven means for smoke and draft control at the hoistway door.

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

Improves the code because these products enable design freedom and innovation.

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

Does not discriminate because these products enable design freedom and innovation.

Does not degrade the effectiveness of the code

Improves the effectiveness of the code because smoke protective curtain assemblies for hoistways are recognized and regulated in NFPA 105.

SP10152Text Modification

Add new definition:

SMOKE PROTECTIVE CURTAIN ASSEMBLY FOR HOISTWAY. An automatic closing smoke and draft control curtain assembly.

Revise as follows:

3006.3 Hoistway opening protection.
Where Section 3006.2 requires protection of the elevator hoistway door opening, the protection shall be provided by one of the following:

1.An enclosed elevator lobby shall be provided at each floor to separate the elevator hoistway shaft enclosure doors from each floor by fire partitions in accordance with Section 708. In addition, doors protecting openings in the elevator lobby enclosure walls shall comply with Section 716.5.3 as required for corridor walls. Penetrations of the enclosed elevator lobby by ducts and air transfer openings shall be protected as required for corridors in accordance with Section 717.5.4.1.

2.An enclosed elevator lobby shall be provided at each floor to separate the elevator hoistway shaft enclosure doors from each floor by smoke partitions in accordance with Section 710 where the building is equipped throughout with an *automatic sprinkler system* installed in accordance with Section 903.3.1.1 or 903.3.1.2. In addition, doors protecting openings in the smoke partitions shall comply with Sections 710.5.2.2, 710.5.2.3 and 716.5.9. Penetrations of the enclosed elevator lobby by ducts and air transfer openings shall be protected as required for corridors in accordance with Section 717.5.4.1.

3.Additional doors shall be provided at each elevator hoistway door opening in accordance with Section 3002.6. Such doors shall comply with the smoke and draft control door assembly requirements in Section 716.5.3.1 when tested in accordance with UL 1784 without an artificial bottom seal.

4.The elevator hoistway shall be pressurized in accordance with Section 909.21.

5. A *smoke protective curtain assembly for hoistways* shall be provided at each elevator hoistway door opening in accordance with Section 3002.6. Such curtain assemblies shall comply with the smoke and draft control requirements in Section 716.5.3.1 when tested in accordance with UL 1784 without an artificial bottom seal. Such curtain assemblies shall be equipped with a control unit listed to UL 864. Such curtain assemblies shall comply with section 2.11.6.3 of ASME A17.1/CSA B44. Installation and maintenance shall be in accordance with NFPA 105.

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Mod_10152_TextOfModification.pdf

TAC: Special Occupancy

Total Mods for **Special Occupancy** in **Pending Review : 75**

Total Mods for report: 75

Sub Code: Building

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SP10154

Date Submitted	02/10/2022	**Section**	3001.2	**Proponent**	Priscilla Magee
Chapter	30	**Affects HVHZ**	No	**Attachments**	No
TAC Recommendation	Pending Review				
Commission Action	Pending Review				

Comments

General Comments No **Alternate Language No**

Related Modifications

None

Summary of Modification

Elevator emergency communication systems

Rationale

The National Elevator Industry, Inc. (NEII) proposes an amendment to 2021 International Building Code (IBC) Requirement 3001.2 to prevent a conflict that was created by a provision added in the 2018 IBC and remains in the 2021 edition. This provision, IBC Requirement 3001.2, mandates an emergency communication system for the deaf, hard of hearing, and speech impaired. NEII supports the intent of this code change, but the code language in the IBC is vague and unenforceable. NEII strongly recommends IBC Requirement 3001.2 be replaced with the following: An elevator emergency communication system shall be provided complying with the requirements in ASME A17.1/CSA B44. This proposed revision to the 2021 IBC retains the base requirement for the system while referencing the technical requirements in ASME A17.1/CSA B44 Safety Codes for Elevators and Escalators (A17.1). This modification will not impact the cost of construction as IBC Section 3001.1 also requires the system to comply with the requirements identified in A17.1 generally. Because the current language in the IBC is vague and provides no technical criteria for operation of the communication system, failure to make the amendment recommended could result in confusion and inconsistent enforcement in the field. Consistency is very important to all users, especially those users with a disability. Referring to the A17.1/B44 standard provides technical criteria and consistency which is not provided by the current IBC language.

Fiscal Impact Statement

Impact to local entity relative to enforcement of code

No impact. IBC Section 3001.1 already requires an enhanced communication system, but the requirements are not clear. The reference to A17.1/B44 provides clear guidance to users where to find the technical requirements.

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

No impact. IBC Section 3001.1 already requires an enhanced communication system, but the requirements are not clear. The reference to A17.1/B44 provides clear guidance to users where to find the technical requirements.

Impact to industry relative to the cost of compliance with code

No impact. IBC Section 3001.1 already requires an enhanced communication system, but the requirements are not clear. The reference to A17.1/B44 provides clear guidance to users where to find the technical requirements.

Impact to small business relative to the cost of compliance with code

Requirements

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

Yes.

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

Yes.

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

Does not discriminate.

Does not degrade the effectiveness of the code

Improves effectiveness of the code.

SP10154Text Modification

3001.2 Emergency elevator communication systems for the deaf, hard of hearing and speech impaired. An elevator emergency communication system shall be provided complying with the requirements in ASME A17.1/CSA B44.

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Mod_10154_TextOfModification.pdf

TAC: Special Occupancy

Total Mods for **Special Occupancy** in **Pending Review : 75**

Total Mods for report: 75

Sub Code: Building

62

SP10383

Date Submitted	02/14/2022	**Section**	3002.4	**Proponent**	Tommy Demopoulos
Chapter	30	**Affects HVHZ**	No	**Attachments**	No
TAC Recommendation	Pending Review				
Commission Action	Pending Review				

Comments

General Comments No **Alternate Language No**

Related Modifications

Elevator car to accommodate ambulance stretcher

Summary of Modification

Modify section to accommodate an ambulance stretcher 24 inches by 84 inches instead of 24 inches by 76 inches.

Rationale

This modification is due to stretcher lengths increasing on many brands such as Stryker Stretchers. If the stretcher was lying flat and a patient was in cardiac arrest, you would not be able to fit in the elevator to go to the ground floor. You would have to incline the stretcher which then does not provide adequate compressions with the head portion inclined so you could fit into the elevator. With a minimum of 84 inches for new elevators, this provides sufficient space to keep the patient lying flat, continue chest compressions and be able to take the elevator down to the ground level.

Fiscal Impact Statement

Impact to local entity relative to enforcement of code

Nothing additional

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

Potential increase in cost for a larger elevator and hoistway but can be offset by potential lives saved.

Impact to industry relative to the cost of compliance with code

None

Impact to small business relative to the cost of compliance with code

Requirements

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

This proposal improves life safety. General public visiting or living in a building should be comfortable knowing they could be transported by means of a stretcher, that they can fit inside of an elevator. Their life could be saved by laying flat and receiving effective chest compressions.

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

This size increase does not diminish any code and there are products out there already that meet this need.

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

There is no discrimination of materials of products with this proposed code section.

Does not degrade the effectiveness of the code

This proposed modification does not degrade effectiveness of the code and shows alignment with the fire service and emergency medical services.

Any building that is more than three stories high or in which the vertical distance between the bottom terminal landing and the top terminal landing exceeds 25 feet (7620 mm), must be constructed to contain at least one passenger elevator that is operational for building occupants and fire department emergency access to all floors. The elevator car shall be of such size and arrangement to accommodate an ambulance stretcher no less than 24 inches by ~~76~~ 84 inches (610 mm by ~~1950~~ 2134 mm) with not less than 5-inch (127 mm) radius corners, in the horizontal, open position and shall be identified by the international symbol for emergency medical services (star of life). The symbol shall be not less than 3 inches (76 mm) in height and shall be placed inside on both sides of the hoistway door frame.

TAC: Special Occupancy

Total Mods for **Special Occupancy** in **Pending Review : 75**

Total Mods for report: 75

Sub Code: Building

63

SP10405

Date Submitted	02/14/2022	**Section**	3002.4	**Proponent**	Darrel Donatto
Chapter	30	**Affects HVHZ**	No	**Attachments**	No
TAC Recommendation	Pending Review				
Commission Action	Pending Review				

Comments

General Comments Yes **Alternate Language No**

Related Modifications

Summary of Modification

Proposed change to the minimum dimensions of “elevator cars designed to accommodate an ambulance stretcher” from 24 inch x 76 inch to the current national standards and the actual needed size of 24 inch x 84 inch.

Rationale

This proposal is being submitted on behalf of the Florida Fire Chiefs' Association. The current IBC and current NFPA 5000 require 24 inch x 84 inch for "elevator cars to accommodate ambulance stretchers." The IBC changed to the 84 inch requirement in 2006 to reflect the needs for actual stretcher sizes in use by EMS. The FBC differs in that it requires a size of 24 inches by 76 inches, which is not large enough for ambulance stretchers. The standard stretcher size of stretchers made by the largest stretcher manufacturer, Stryker, is 23 inches by 83 inches. This proposal is to change the FBC from the 24 inch x 76 inch dimensions to the current national standards and the actual needed size of 24 inch x 84 inch.

Fiscal Impact Statement

Impact to local entity relative to enforcement of code

There will not be any additional impact to local entities relative to the enforcement of this proposed code modification.

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

There will not be any additional impact to building and property owners relative to the cost of compliance with this modification.

Impact to industry relative to the cost of compliance with code

There will not be any additional impact on industry relative to the cost of compliance with this modification.

Impact to small business relative to the cost of compliance with code

Requirements

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

Stryker, the largest stretcher manufacturer, standard stretcher size is 23 inches by 83 inches. This stretcher is used by the majority of Florida EMS providers. The current IBC and NFPA 5000 require 24 inch x 84 inch elevator because this is the size needed to accommodate EMS stretchers.

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

This make the FBC the same as the IBC and NFPA 3000 and makes it in alignment with actual needs.

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

This proposed modification does not discriminate against materials, products, methods, or systems of construction.

Does not degrade the effectiveness of the code

This proposed modification does not degrade the effectiveness of the code.

1st Comment Period History

SP10405-G1

Proponent Tommy Demopoulos Submitted 3/15/2022 4:03:42 PM Attachments No

Comment:

This proposal has been vetted through our Broward County fire committees and has full support as we utilize stretchers larger than the 76" requirement. This proposal not only increases life safety to building guests and residents, but decreases the risk of injury to firefighters and emergency medical personnel. Without this increased size elevators, there is a potential for first responders to have to carry patients down stairs or other means which can potentially injure our members.

1st Comment Period History

SP10405-G2

Proponent Brett Dunckel Submitted 3/17/2022 9:00:30 AM Attachments No

Comment:

I am in full support of this proposal. As a firefighter paramedic, I've had to carry numerous patients in cardiac arrest down stairwells due to elevators which would not fit our equipment. This severely interfered with patient care.

SP10405Text Modification

3002.4 Elevator car to accommodate ambulance stretcher.

Any building that is more than three stories high or in which the vertical distance between the bottom terminal landing and the top terminal landing exceeds 25 feet (7620 mm), must be constructed to contain at least one passenger elevator that is operational for building occupants and fire department emergency access to all floors. The elevator car shall be of such a size and arrangement to accommodate an ambulance stretcher 24 inches by ~~76~~ 84 inches (610 mm by ~~1950~~ 2134 mm) with not less than 5-inch (127 mm) radius corners, in the horizontal, open position and shall be identified by the international symbol for emergency medical services (star of life). The symbol shall be not less than 3 inches (76 mm) in height and shall be placed inside on both sides of the hoistway door frame.

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TAC: Special Occupancy

Total Mods for **Special Occupancy** in **Pending Review : 75**

Total Mods for report: 75

Sub Code: Building

64

SP9957

Date Submitted	02/15/2022	**Section**	35	**Proponent**	James gregory
Chapter	35	**Affects HVHZ**	No	**Attachments**	**Yes**
TAC Recommendation	Pending Review				
Commission Action	Pending Review				

Comments

General Comments No **Alternate Language Yes**

Related Modifications

Summary of Modification

Updates ASHARE 170 edition

Rationale

Updates to the correct and latest edition of this reference and includes addenda c and d and errata that has been incorporated into the current printing of this reference.

Fiscal Impact Statement

Impact to local entity relative to enforcement of code

There is no impact to local entity relative to enforcement of code.

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

There is no impact to building and property owners relative to cost of compliance with code.

Impact to industry relative to the cost of compliance with code

There is no impact to industry relative to the cost of compliance with code.

Impact to small business relative to the cost of compliance with code

Requirements

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

Does not adversely affect 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

Updates older references.

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

Does not discriminate against materials, products, methods, or systems of construction.

Does not degrade the effectiveness of the code

Improves the effectiveness of the code by updating older references.

Alternate Language

1st Comment Period History

SP9957-A1

Proponent James gregory **Submitted** 4/7/2022 2:58:24 PM **Attachments** Yes

Rationale:

This is the correct attachment to go with SP 9957 and modifies ASHRAE 170-2021.

Fiscal Impact Statement

Impact to local entity relative to enforcement of code

Does not impact local entity for code enforcement.

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

Does not increase cost to property owners.

Impact to industry relative to the cost of compliance with code

Does not increase cost to industry for code compliance.

Impact to small business relative to the cost of compliance with code

Requirements

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

Corrects the submission with the right documents.

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

Strengthens the codes by including the addenda to ASHRAE 170.

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

Does not discriminate against materials, products, methods, or systems.

Does not degrade the effectiveness of the code

Improves the effectiveness of the code.

N/A

SP9957Text Modification

ASHRAE, Inc.
1791 Tullie Circle NE
Atlanta, GA 30329-2305
Standard referenced number Title
ANSI/ASHRAE/~~ASJHE~~ ASHE 170—~~08~~ 21 (with addenda c and d and errata dated 11/15/21) Ventilation of Heath Care Facilities

Mod_9957_TextOfModification.pdf Page: 1

SP9957-A1Rationale

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ADDENDA

ANSI/ASHRAE/ASHE Addendum c to
ANSI/ASHRAE/ASHE Standard 170-2021

Ventilation of Health Care Facilities

Approved by ASHRAE and the American National Standards Institute on July 30, 2021, and by the American Society for Health Care Engineering on July 14, 2021.

This addendum was approved by a Standing Standard Project Committee (SSPC) for which the Standards Committee has established a documented program for regular publication of addenda or revisions, including procedures for timely, documented, consensus action on requests for change to any part of the standard. Instructions for how to submit a change can be found on the ASHRAE® website (https://www.ashrae.org/continuous-maintenance).

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SP9957-A1Rationale

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ASHRAE Standing Standard Project Committee 170
Cognizant TC: 9.6, Healthcare Facilities
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FOREWORD

Addendum c filter changes align Standard 170 requirements with FGI requirements for residential health care facilities.

Note: In this addendum, changes to the current standard are indicated in the text by underlining (for additions) and ~~strikethrough~~ (for deletions) unless the instructions specifically mention some other means of indicating the changes.

Addendum c to Standard 170-2021

Revise Table 9-1 as shown. The remainder of Table 9-1 is unchanged.

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Table 9-1 Design Parameters for Residential Health, Care, and Support-Specific Spaces

Function of Space (l)	Pressure Relationship to Adjacent Areas (d)	Minimum Outdoor ach	Minimum Total ach	All Room Air Exhausted Directly to Outdoors (f)	Air Recirculated by Means of Room Units (a)	Unoccupied Turndown	Minimum Filter Efficiencies (i)	Design Relative Humidity (g), %	Design Temperature (h), °F/°C
RESIDENTIAL HEALTH									
NURSING HOMES									
All room *(FGI 3.1–2.2.4.1)* (b)	Negative	2	12	Yes	No	Yes	MERV ~~14~~13	Max 60	70–78/21–29
All anteroom *(FGI 3.1–2.2.4.1)* (b)	Negative	NR	10	Yes	No	Yes	MERV ~~14~~13	Max 60	70–78/21–29
Occupational therapy *(FGI 3.1–3.3.3)*	NR	2	6	NR	NR	Yes	MERV ~~14~~13	NR	70–78/21–29
Physical therapy *(FGI 3.1–3.3.2)*	Negative	2	6	NR	NR	Yes	MERV ~~14~~13	NR	70–78/21–29
Resident living/activity/dining *(FGI 3.1–2.3.3)*	NR	4	4	NR	NR	Yes	MERV ~~14~~13	Max 60	70–78/21–29
Resident room *(FGI 3.1–2.2.2)*	NR	2	2	NR	NR	Yes	MERV ~~14~~13	Max 60	70–78/21–29
Resident corridor *(FGI 2.4–2.2.2)*	NR	NR	4	NR	NR	Yes	MERV ~~14~~13	NR	70–78/21–29
Toilet/bathing room *(FGI 3.1–2.2.2.6)*	Negative	NR	10	Yes	No	No	MERV ~~14~~13	NR	70–78/21–29
HOSPICE FACILITIES									
All room *(FGI 3.2–2.2.3.1)* (c)	Negative	2	12	Yes	No	Yes	MERV ~~14~~13	Max 60	70–75/21–24
All anteroom *(FGI 3.2–2.2.3.1)* (c)	(e)	NR	10	Yes	No	Yes	MERV ~~8~~13	Max 60	NR
Resident room *(FGI 3.2–2.2.2)*	NR	2	2	NR	NR	Yes	MERV ~~8~~13	Max 60	70–75/21–24
Resident corridor *(FGI 2.4–2.2.2)*	NR	NR	4	NR	NR	Yes	MERV ~~8~~13	NR	NR
Toilet/bathing room *(FGI 3.2–2.2.2.6)*	Negative	NR	10	Yes	No	Yes	MERV ~~8~~13	NR	70–75/21–24
RESIDENTIAL CARE AND SUPPORT									
ASSISTED LIVING FACILITIES									
Resident living/activity/dining *(FGI 4.1–2.3.3)*	NR	NR	NR	NR	NR	Yes	MERV-8	NR	NR
Resident room *(FGI 4.1–2.2.2)*	NR	NR	NR	NR	NR	Yes	MERV-8	NR	70–78/21–29
Resident corridor *(FGI 2.4–2.2.2)*	NR	NR	NR	NR	NR	Yes	MERV-8	NR	NR
Toilet/bathing room *(FGI 4.1–2.2.2.7)*	NR	NR	NR	NR	NR	Yes	MERV-8	NR	NR
SERVICE									
Clean linen storage *(FGI 2.3–4.6)*	Positive	NR	2	NR	NR	No	MERV-8	NR	72–78/22–26
Dietary storage *(FGI 2.3–4.5)*	NR	NR	2	NR	No	No	MERV-8	NR	72–78/22–26
Food preparation center *(FGI 2.3–4.5.3.3)* (e)	NR	2	10	NR	No	Yes	MERV-8	NR	72–78/22–26
Hair salon *(FGI 2.3–2.3.5 & 4.1–2.3.5)*	Negative	NR	10	Yes	NR	Yes	MERV-8	NR	70–78/21–29
Laundry, central and personal *(FGI 2.3–4.2.7)*	Negative	2	10	Yes	No	No	MERV-8	NR	NR
Linen and trash chute room *(FGI 2.3–4.6 & 2.3–4.9)*	Negative	NR	10	Yes	No	No	MERV-8	NR	NR
Medication room *(FGI 2.3–4.2.2.2)*	NR	2	4	NR	NR	Yes	MERV-8	Max 60	70–75/21–24
Soiled linen sorting and storage *(FGI 2.3–4.6)*	Negative	NR	10	Yes	No	No	MERV-8	NR	NR
Warewashing *(FGI 2.3–4.5.3.6)*	Negative	NR	10	Yes	No	Yes	MERV-8	NR	NR
SUPPORT SPACE									
Clean utility *(FGI 2.3–4.2.5)*	Positive	2	4	NR	NR	No	MERV-8 (k)	NR	NR
Environmental services room *(FGI 2.3–4.9)* (j)	Negative	NR	10	Yes	NR	No	MERV-8	NR	NR
Hazardous waste storage *(FGI 2.3–4.8)*	Negative	2	10	Yes	No	No	MERV-8	NR	NR
Nonrefrigerated body holding room	Negative	NR	10	Yes	No	No	MERV-8	NR	68–75/20–24
Soiled utility or soiled holding *(FGI 2.3–4.2.6)*	Negative	2	10	Yes	No	No	MERV-8	NR	NR

Informative Note: NR = No requirement

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Add a new Section 9.4.3 as shown.

9.4.3 Nonrefrigerated Body Holding Rooms. A nonrefrigerated body holding room is applicable only to facilities that do not perform autopsies on-site and use the space for short periods while waiting for the body to be transferred. All exhaust air from nonrefrigerated body holding shall be discharged directly to the outdoors without mixing with air from any other room or exhaust system.

Revise Informative Appendix D as below.

INFORMATIVE APPENDIX D
RECOMMENDED FILTER EFFICIENCIES BY SPACE TYPE

Spaces in Table 7-1, 8-1, 8-2, and 9-1 of this standard have filter efficiencies assigned based on Table D-1. This table is provided here for information, to allow users to understand the intent of the filter assignments and make engineering judgments on spaces not specifically named in the standard.

Table D-1 Recommended Filter Efficiencies by Space Type

Level	Space Category	Filter Efficiency Recommendations [a,b]
I	• Primarily exhausted space (e.g., restrooms, janitor's rooms) • Any human-occupied space • Any room, inpatient or outpatient, where a patient stays less than 6 hours including waiting rooms • Laboratories • Resident rooms in assisted living ~~or hospice~~ • Storage of packaged sterile material, clean linen, or pharmaceuticals [c] • Treatment rooms, endoscopy procedure room • Dirty side of decontamination process	MERV 8 (equivalent to ASHRAE 62.1 or Standard 62.2)
II	• Skilled nursing and hospice residential health facilities	MERV 13 [f,g]
III	• Inpatient spaces, including medical-surgical, airborne isolation [d] • Special exam room for suspect airborne cases, emergency department exam rooms [e] • ~~Resident room in a skilled nursing area~~ • Workroom for packing of sterile materials • CT or MRI procedure, interventional radiology (including biopsy), or bronchoscopy • ER procedure or trauma room	MERV14 [f,g]
~~III~~IV	• Operating room [h]	MERV16 [f]
~~IV~~V	• Operating room designated for orthopedic, transplants, neurosurgery, or dedicated burn unit procedures • Protective environments, including burn units	HEPA

Notes:

a. Where listed, MERV rating is assumed to be nondegrading.
b. Transfer air due to differences in pressure between spaces may be unfiltered.
c. Pharmacy compounding spaces are not covered in this table. Follow USP 795, USP 797, or USP 800, as applicable (see Section 11 references).
d. Does not include recirculated air. Air recirculated in an AII room requires HEPA filters.
e. Air from spaces where suspected airborne cases may be treated or examined should be filtered at level III prior to recirculation to other spaces. If exhausted, supply air filtration may be level I.
f. Minimum MERV rating of the highest efficiency filter in the airstream.
g. Filter efficiency if supply air is used; not intended to exclude natural ventilation if otherwise allowed.
h. An optional risk assessment, conducted with the user group, may indicate a need to increase from Level ~~III~~IV to Level ~~IV~~V.

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ASHRAE's short-range goal is to ensure that the systems and components within its scope do not impact the indoor and outdoor environment to a greater extent than specified by the Standards and Guidelines as established by itself and other responsible bodies.

As an ongoing goal, ASHRAE will, through its Standards Committee and extensive Technical Committee structure, continue to generate up-to-date Standards and Guidelines where appropriate and adopt, recommend, and promote those new and revised Standards developed by other responsible organizations.

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ASHRAE will take the lead with respect to dissemination of environmental information of its primary interest and will seek out and disseminate information from other responsible organizations that is pertinent, as guides to updating Standards and Guidelines.

The effects of the design and selection of equipment and systems will be considered within the scope of the system's intended use and expected misuse. The disposal of hazardous materials, if any, will also be considered.

ASHRAE's primary concern for environmental impact will be at the site where equipment within ASHRAE's scope operates. However, energy source selection and the possible environmental impact due to the energy source and energy transportation will be considered where possible. Recommendations concerning energy source selection should be made by its members.

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ADDENDA

ANSI/ASHRAE/ASHE Addendum d to
ANSI/ASHRAE/ASHE Standard 170-2021

Ventilation of Health Care Facilities

Approved by ASHRAE and the American National Standards Institute on October 29, 2021, and by the American Society for Health Care Engineering on October 27, 2021.

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FOREWORD

Addendum d changes to Section 3, "Definitions," align Standard 170 requirements with FGI's evolving clinical approaches to care and treatment of patients in imaging settings.

Note: In this addendum, changes to the current standard are indicated in the text by underlining (for additions) and ~~strikethrough~~ (for deletions) unless the instructions specifically mention some other means of indicating the changes.

Addendum d to Standard 170-2021

Revise Section 3 as shown. The remainder of Section 3 is unchanged.

Class 1 imaging room: an imaging room designated for the performance of patient care activities, including diagnostic radiography, fluoroscopy, mammography, computed tomography (CT), ultrasound, magnetic resonance imaging (MRI), nuclear medicine, and other imaging modalities, including services that use natural orifice entry and do not pierce or penetrate natural protective membranes.

Class 2 imaging room: an imaging room designated for the performance of patient care activities, including diagnostic and therapeutic procedures such as coronary, neurological, or peripheral angiography, including electrophysiology, cardiac catheterization, and interventional angiography and similar procedures.

Class 3 imaging room: an imaging room designated for the performance of patient care activities, including invasive procedures ~~including cardiac stenting, implantation of devices in an invasive fluoroscopy,~~ and any other Class 2 procedure during which the patient will require physiological monitoring and is anticipated to require active life support.

procedural ~~***invasive***~~ ***fluoroscopy:*** therapeutic or diagnostic ~~invasive~~ procedures that require fluoroscopic imaging (e.g., cardiac catheterization, interventional angiography, cardiac stenting, or implantation of devices). (***Informative Note:*** These procedures are typically performed in a restricted or semirestricted area based on the classification of the imaging procedure being performed. ~~Refer also to *Class 2 imaging room* for cardiac catheterization or interventional angiography and *Class 3 imaging room* for cardiac stenting or implantation of devices.~~)

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ERRATA SHEET FOR ANSI/ASHRAE/ASHE STANDARD 170-2021
Ventilation of Health Care Facilities

November 15, 2021

The corrections listed in this errata sheet apply to ANSI/ASHRAE/ASHE Standard 170-2021. The first printing is identified on the outside back cover as "Product code: 86536 3/21". Shaded items have been added since the previously published errata sheet dated August 12, 2021 was distributed.

Page	Erratum
14	**Table 7-1 Design Parameters—Inpatient Spaces.** In Table 7-1 change the heading "NURSING UNITS AND OTH & ER PATIENT CARE AREAS" to "NURSING UNITS AND OTHER PATIENT CARE AREAS".
23	**7.4.1 Operating Rooms (ORs), Operating/Surgical Cystoscopic Rooms, Caesarean Delivery Rooms, and Class 3 Imaging Rooms.** In Section 7.4.1 delete item "c" and re-letter item "d" as "c" as shown below. *(Note: Additions are shown in underline and deletions are shown in ~~strikethrough~~.)* […] ~~c. In operating rooms designated for orthopedic procedures, transplants, neurosurgery, or dedicated burn unit procedures, HEPA filters shall be provided.~~ c.~~d.~~ In ORs or Class 3 imaging rooms designated for orthopedic procedures, transplants, neurosurgery, or dedicated burn unit procedures, HEPA filters shall be provided and located in the air terminal device.
26	**Table 8.1 Design Parameters – Specialized Outpatient Spaces.** For Sterilizer equipment room change the Air Recirculated by Means of Room Units listed in Table 8.1 from "No" to "NR" as shown in the attached. Changes highlighted in yellow. *(Note: Additions are shown in underline and deletions are shown in ~~strikethrough~~.)*
26	**Table 8-1 Design Parameters—Specialized Outpatient Spaces.** Remove the FGI reference for Specialty IC exam room in Table 8-1 as shown in the attached. Changes highlighted in yellow. *(Note: Deletions are shown in ~~strikethrough~~.)*
29	**Table 8-2 Design Parameters—General Outpatient Spaces (q).** Remove the FGI reference for Specialty IC exam room in Table 8-2 as shown in the attached. Changes highlighted in yellow. *(Note: Deletions are shown in ~~strikethrough~~.)*

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Table 8-1 Design Parameters—Specialized Outpatient Spaces

Function of Space (f)	Pressure Relationship to Adjacent Areas (n)	Minimum Outdoor ach	Minimum Total ach	All Room Air Exhausted Directly to Outdoors (j)	Air Recirculated by Means of Room Units (a)	Minimum Filter Efficiencies (c)	Design Relative Humidity (k), %	Design Temperature (l), °F/°C
DIAGNOSTIC AND TREATMENT *(Continued)*								
Specialty IC exam room ~~*(FGI 2.1–3.2.1.3)*~~ (y)	Negative	2	6	Yes	NR	MERV-8	Max 60	70–75/21–24

Table 8-1 Design Parameters—Specialized Outpatient Spaces

Function of Space (f)	Pressure Relationship to Adjacent Areas (n)	Minimum Outdoor ach	Minimum Total ach	All Room Air Exhausted Directly to Outdoors (j)	Air Recirculated by Means of Room Units (a)	Minimum Filter Efficiencies (c)	Design Relative Humidity (k), %	Design Temperature (l), °F/°C
STERILE PROCESSING (aa)								
Sterilizer equipment room *(FGI 2.1–4.3.2.2)*	Negative	NR	10	Yes	NR ~~No~~	MERV-8	NR	NR

Table 8-2 Design Parameters—General Outpatient Spaces (q)

		ach Design Option							R_p-R_a Air-Class Design Option		
Function of Space (f)	Pressure Relationship to Adjacent Areas (d)	Min. Outdoor ach (q)	Min. Total ach (q)	All Room Air Exhausted Directly to Outdoors (j)	Air Recirculated by Means of Room Units (a)	Min. Filter Efficiencies (c)	Design RH% (i)	Design Temperature °F/°C (k)	Air Class (q)	R_p cfm/(L·s)/ person and Min. Space Population (q)	R_a cfm/ft²/(L·s/m) (q)
GENERAL DIAGNOSTIC AND TREATMENT											
Specialty IC exam room ~~*(FGI 2.3–3.2.2)*~~ (b)	Negative	2	3	Yes	NR	MERV-8	Max 60	70–75/21–24	3	10 (5) / 3	0.18 / (0.9)

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TAC: Special Occupancy

Total Mods for **Special Occupancy** in **Pending Review : 75**

Total Mods for report: 75

Sub Code: Building

65

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Date Submitted	02/13/2022	**Section**	35	**Proponent**	James gregory
Chapter	35	**Affects HVHZ**	No	**Attachments**	**Yes**
TAC Recommendation	Pending Review				
Commission Action	Pending Review				

Comments

General Comments No **Alternate Language No**

Related Modifications

Summary of Modification

Amends existing code reference

Rationale

Amends the 2018 edition to include the Interim Amendment that has become part of the Guidelines.

Fiscal Impact Statement

Impact to local entity relative to enforcement of code
There is no impact to local entity relative to enforcement of code
Impact to building and property owners relative to cost of compliance with code
There is no impact to building and property owners relative to cost of compliance with code
Impact to industry relative to the cost of compliance with code
There is no impact to industry relative to the cost of compliance with code
Impact to small business relative to the cost of compliance with code

Requirements

Has a reasonable and substantial connection with the health, safety, and welfare of the general public
Does not adversely affect 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
Makes the code more clear for the user and the authority having jurisdiction.
Does not discriminate against materials, products, methods, or systems of construction of demonstrated capabilities
Does not discriminate against materials, products, methods, or systems of construction
Does not degrade the effectiveness of the code
Improves the effectiveness of the code by clarifying requirements.

SP10341Text Modification

GHCF—18 Guidelines for Design and Construction of Residential Health, Care, and Support Facilities (~~First Printing~~ 2018 with Interim Amendment)

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August 28, 2020

Interim Amendment for the 2018 Residential *Guidelines*

Since publication of the 2018 edition of the *Guidelines for Design and Construction of Residential Health, Care, and Support Facilities*, the Facility Guidelines Institute (FGI) has received requests from several state authorities having jurisdiction (AHJs) asking for minimum square footages for resident rooms in nursing homes. In response to this request, the Residential Document Group (RDG) of the FGI Health Guidelines Revision Committee (HGRC) reconvened to address these concerns outside of the scheduled editorial cycles for the 2018 and 2022 editions of the *Guidelines*. The RDG proposed incorporating the text featured in this document for inclusion in the 2022 Residential *Guidelines* document, but—to address the enforcement issue in a more timely fashion—the group also requested it be published as an interim amendment, which is an official change, to the 2018 Residential *Guidelines*.

Background

Prior to the release of this interim amendment, the Residential *Guidelines* had been silent on square footage requirements for sizing resident rooms. This was an intentional choice out of concern that, if a minimum size was provided, it would be taken as an absolute. That minimum would then become the base size of the space in which a resident would live, regardless of whether the size fully met resident needs. Given that residents may live in long term-care settings for 15 years or more, this was deemed unacceptable.

The unfortunate side effect of that choice has been that states have had difficulty implementing the Residential *Guidelines*. Thus, the RDG reconsidered its position and agreed that basing a minimum resident room size on clearances would serve the needs of both states and nursing home residents.

Development of Minimum Square Footages

To establish the minimum size requirements included in the interim amendment, the RDG applied the following material from the 2018 Residential *Guidelines*:

- Clearance suggestions in appendix section A3.1-2.2.2.2 (Determining space needs)
- Furniture and equipment requirements in Section 3.1-2.2.2.2 (Resident Room—Space requirements)
- Design requirements in Section 2.2-3 (Design Criteria for Accommodations for Care of Persons of Size*)

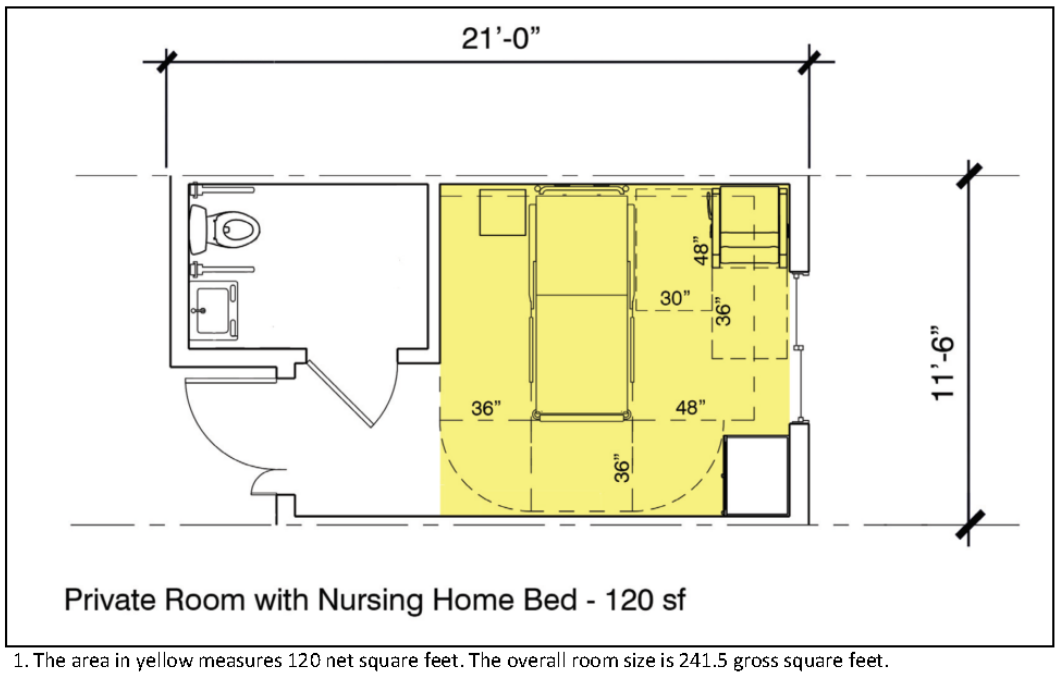
The group diagrammed private and shared room layouts driven by these clearances and furniture requirements to determine the minimum room size for each user group and variation—standard room with hospital or nursing home bed, room for an individual of size

*The term "person of size" has been replaced in the draft 2022 *Guidelines* with "individual of size." Its use here is intentional to be consistent with the 2018 *Guidelines* documents.

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with fixed lift, and room for an individual of size with movable lift. (As an example, see the diagram for a standard room below.)

New required clearances and minimum room size for a resident room



1. The area in yellow measures 120 net square feet. The overall room size is 241.5 gross square feet.
2. This graphic is for illustration purposes only and does not depict a recommended or required resident room layout.

Public comment on the interim amendment

The proposed revisions to the requirements for resident rooms in nursing homes in this interim amendment were subjected to a public comment period during October and November 2019, followed by additional review and final approval by the RDG and the HGRC Steering Committee. Upon their approval, the interim amendment was accepted as integral to the 2018 *Guidelines for Design and Construction of Residential Health, Care, and Support Facilities.*

Inclusion of the Interim Amendment in the Second Printing of the 2018 Residential *Guidelines*

FGI considers the second printing of the 2018 *Guidelines for Design and Construction of Residential Health, Care, and Support Facilitites* to be the official 2018 Residential *Guidelines* document, and the interim amendment became effective with its release in August 2020.

Specific alert language to make users aware of the incorporation of an interim amendment has been added to the title page of the document, with simplified alert language immediately

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preceding each affected section in the main text. The alerts are shown below exactly as they appear in the second printing.

Alert on the title page of the 2018 Residential *Guidelines*, second printing:

ALERT: This second printing of the 2018 *Guidelines for Design and Construction of Residential Health, Care, and Support Facilities* has been modified by the issuance of an official interim amendment. FGI considers this amended document to be the official edition of the 2018 Residential *Guidelines*. For states that have adopted the first printing of this document, a paper explaining the changes—with the affected sections shown as published in the first printing of the 2018 Residential *Guidelines*—can be accessed at www.fgiguidelines.org.

The following sections have been amended in this second printing:
Appendix section A2.2-3 (Design considerations for accommodations for care of persons of size: Design Elements)
Section 2.3-3.2.2.1 (Examination and Treatment Room Space Requirements: Design Elements)
Appendix section A2.3-3.2.2.2 (2) (Examination or treatment rooms for persons of size: Design Elements)
Section 3.1-2.2.2 (Resident Room: Specific Requirements for Nursing Homes)
Section 3.1-2.2.3 (Resident Room for Persons of Size: Specific Requirements for Nursing Homes)

Amended text is indicated by a dotted line to the left of the column.

Example of alert immediately preceding affected sections in the main text:

In this second printing of the 2018 *Guidelines for Design and Construction of Residential Health, Care, and Support Facilities*, Section 2.3-3.2.2.1 (Examination and Treatment Room Space Requirements: Design Elements) has been altered by the issuance of an official interim amendment (see page 1). FGI considers this amended document to be the official edition of the 2018 Residential *Guidelines*. For states that have adopted the first printing of this document, a paper explaining the changes—with the affected sections shown as published in the first printing of the 2018 Residential *Guidelines*—can be accessed at www.fgiguidelines.org.

Amended text is indicated by a dotted line to the left of the column.

Applying the Amended Text

FGI encourages all users of the 2018 Residential *Guidelines* to print this document and affix it to copies of the first printing. For users with digital licenses, the changes are shown in the page view content on MADCAD in the same way. The changes have been incorporated into the HTML version on MADCAD seamlessly, without identifying alerts.

Before beginning any residential project, FGI recommends verifying with the local AHJ which printing of the 2018 Residential *Guidelines* is being followed by the state.

The interim amendment text featured in the following table also appears in the draft of the 2022 Residential *Guidelines*. Although FGI considers it to be the official 2018 Residential *Guidelines* text, the RDG and HGRC believe it is appropriate to present these changes as new in the draft 2022 Residential *Guidelines* to give the public an additional opportunity to provide feedback.

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Public comments may be submitted via FGI's comment platform at www.fgiguidelines.net from July 1, 2020, through September 30, 2020.

The following table provides a cross-walk to illustrate the changes made to the 2018 Residential *Guidelines* by the interim amendment as compared to the original language in the first printing of the document. The left column shows the text in the first printing, and the right column shows the text in the second printing. (Sections beginning with "A"—shown in italic in this table—are appendix text, which is advisory only.)

2018 Residential *Guidelines*, first printing	2018 Residential *Guidelines*, second printing
A2.2-3-a Design considerations for accommodations for care of persons of size	***A2.2-3-a Design considerations for accommodations for care of persons of size***
a. Accommodations for persons of size and the equipment needed to care for them require more operational space and more storage than a traditional resident health, care, or support environment. Therefore, additional square footage may be required to accommodate these needs.	*a. Accommodations for persons of size and the equipment needed to care for them require more operational space and more storage than a traditional resident health, care, or support environment. Therefore, additional square footage may be required to accommodate these needs.*
Size increases will be determined by the space needs of expanded-capacity portable equipment (e.g., beds, wheelchairs, lifts) and fixed equipment (e.g., exam tables) designed for persons of size. Equipment used for persons of size is considerably larger than standard equipment. For example, a bed with a 1,000-pound capacity is 44 inches (101.6 centimeters) to 57 inches (144.78 centimeters) wide by 96 inches (243.84 centimeters) to 102 inches (259.08 centimeters) long.	*Size increases will be determined by the space needs of expanded-capacity portable equipment (e.g., beds, wheelchairs, lifts) and fixed equipment (e.g., exam tables) designed for persons of size. Equipment used for persons of size is considerably larger than standard equipment. For example, a bed with a 1,000-pound capacity is 44 inches (101.6 centimeters) to 57 inches (144.78 centimeters) wide by 96 inches (243.84 centimeters) to 102 inches (259.08 centimeters) long.*
~~*Resident rooms and exam rooms for persons of size should have a minimum clear floor area of 200 square feet (18.58 square meters); a minimum clear dimension of 17 feet (5.18 meters); and a minimum clearance of 7 feet (2.13 meters) on one side and 5 feet (1.52 meters) on the other side and at the foot of the treatment table or bed. Where a portable lift is used, a minimum of 35 square feet (3.25 square meters) of storage space should be provided. Equipment used for persons of size is considerably larger than standard equipment. A bed with a 1,000 pound capacity is 44 inches (101.6 centimeters) to 57 inches (144.78 centimeters) wide by 96 inches (243.84 centimeters) to 102 inches (259.08 centimeters) long.*~~	*See Section 2.3-3.2.2 (Examination and Treatment Room Space Requirements) and Section 3.1-2.2.3.2 (Resident Room for Persons of Size: Space requirements) for space requirements for resident rooms and exam rooms for persons of size.*
Toilet fixtures should be floor-mounted and designed to sustain a minimum concentrated load of 800 pounds (362.88 kilograms)—or as indicated for the care population being served—and mounted a minimum of 24 inches (60.96	*Toilet fixtures should be floor-mounted and designed to sustain a minimum concentrated load of 800 pounds (362.88 kilograms)—or as indicated for the care population being served—and mounted a minimum of 24 inches (60.96*

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centimeters) on center from the finished wall. A clear floor space of 5 feet (1.52 meters) should be provided on one side of the toilet for access and assistance. Sinks also need to be floor mounted, as people lean on a sink and its surrounds while using the bathroom. A clear floor area of 5 feet (1.52 meters) should be provided on either side of the sink and toilet to accommodate a caregiver who is assisting the resident. It is also good practice to provide a handrail designed to sustain a minimum concentrated load of 800 pounds (362.88 kilograms), or as indicated for the care population being served, adjacent to the sink to give the resident a means of support other than the sink and its surrounds.	*centimeters) on center from the finished wall. A clear floor space of 5 feet (1.52 meters) should be provided on one side of the toilet for access and assistance. Sinks also need to be floor-mounted, as people may lean on a sink and its surrounds while using the bathroom. A clear floor area of 5 feet (1.52 meters) should be provided on either side of the sink and toilet to accommodate a caregiver who is assisting the resident. It is also good practice to provide a handrail designed to sustain a minimum concentrated load of 800 pounds (362.88 kilograms), or as indicated for the care population being served, adjacent to the sink to give the resident a means of support other than the sink and its surrounds.*
If a resident is able to walk, he or she will likely need to use a handrail for support or balance. Such handrails should be designed to support and sustain a minimum concentrated load of 800 pounds (362.88 kilograms).	*If a resident is able to walk, he or she will likely need to use a handrail for support or balance. Such handrails should be designed to support and sustain a minimum concentrated load of 800 pounds (362.88 kilograms).*
2.3-3.2.2 Examination and Treatment Room Space Requirements	**2.3-3.2.2 Examination and Treatment Room Space Requirements**
2.3-3.2.2.1 Area	**2.3-3.2.2.1 Area**
(1) Each examination or treatment room shall have a minimum clear floor area of 120 square feet (11.15 square meters).	(1) Each examination or treatment room shall have a minimum clear floor area of 120 square feet (11.15 square meters).
(2) Where an examination or treatment room is used for a population that includes persons of size, a minimum clear floor area of ~~210 square feet (19.51 square meters)~~ shall be provided.	(2) Where an examination or treatment room is used for a population that includes persons of size, a minimum clear floor area of 219 square feet (20.35 square meters) shall be provided.
A2.3-3.2.2.2 (2) Examination or treatment rooms for persons of size… [not in first printing]	***A2.3-3.2.2.2 (2) Examination or treatment rooms for persons of size** should have a minimum clear dimension of 17 feet (5.18 meters) and a minimum clearance of 7 feet (2.13 meters) on one side and 5 feet 6 inches (1.68 meters) on the other side and 5 feet (1.52 meters) at the foot of the treatment table or bed. Where a portable lift is used, a minimum of 35 square feet (3.25 square meters) of storage space should be provided.*
***~~A3.1 2.2.2.2 Determining space needs.~~** ~~Resident rooms should be sized, arranged, and furnished to maximize safe patient mobility, mobilization, weight-bearing exercise, and ambulation potential while minimizing risk to caregivers. This should~~*	*A3.1-2.2.2.2 Detemining space needs [not in second printing]*

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~~*apply to all populations being cared for and served.*~~ ~~*Clearances should be provided and maintained to accommodate safe resident mobility and mobilization of residents. Designated clearances should not be obstructed by any object that does not qualify as movable according to Section 1.5-4.2 (Movable and Portable Equipment).*~~ ~~*a. To facilitate planning for minimum clearances around beds, bed type and size should be established as part of the functional program. As acceptable to AHJs, bed placement should be chosen by individual residents and their families to satisfy the needs and desires of the resident.*~~ ~~*b. Provision of bed clearances to support resident safety should include the following:*~~ ~~*— Standard resident room:*~~ ~~• *48 inches (121.92 centimeters) on the transfer side*~~ ~~• *36 inches (91.44 centimeters) on the non-transfer side of the bed*~~ ~~• *36 inches (91.44 centimeters) at the foot of the bed*~~ ~~*— Resident rooms for persons of size with an overhead lift:*~~ ~~• *72 inches (182.88 centimeters) from the bed by 120 inches long (304.8 centimeters) on the transfer side*~~ ~~• *36 inches (91.44 centimeters) on the non-transfer side of the bed*~~ ~~• *66 inches (167.64 centimeters) at the foot of the bed*~~ ~~*— Resident rooms for persons of size without an overhead lift to accommodate use of a mobile lift:*~~ ~~• *84 inches (213.36 centimeters) from the bed by 120 inches long (304.8 centimeters) on the transfer side*~~ ~~• *36 inches (91.44 centimeters) on the non-transfer side of the bed*~~ ~~• *66 inches (167.64 centimeters) at the foot of the bed*~~ ~~*Where lifts are used, additional clearance is needed to accommodate use of the lift and an expanded capacity wheelchair as well as space for staff to help a person of size transfer from bed to*~~	

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~~*wheelchair or gurney. Mobile lifts require more floor space than overhead lifts to accommodate the lift footprint.*~~ ~~*c. Sizing of resident rooms should accommodate clearances for resident chairs, recliners, wheelchairs, or other devices; these clearances may overlap with the bed clearances. The size of each room should allow unimpeded clearance on at least one side and at the front of any resident chair, etc., as follows:*~~ ~~*— 48 inches (121.92 centimeters) on the transfer side of the chair, etc. for both standard and person of size room types*~~ ~~*— 36 inches (91.44 centimeters) for the approach to the chair for a standard room*~~ ~~*— 66 inches (167.64 centimeters) for the approach to the chair for a room accommodating a person of size*~~	
3.1-2.2.2.2 Space requirements ~~(1) Space shall be provided to accommodate resident care and for maneuverability when resident-operated mobility devices are used.~~ ~~(2) Resident rooms shall be sized, arranged, and furnished to maximize safe resident mobility, mobilization, weight-bearing activity, and ambulation potential and to minimize risks to caregivers. This requirement shall apply to all resident rooms, regardless of resident weight or condition.~~	**3.1-2.2.2.2 Space requirements** *(1) Area. Single- and multiple-resident rooms shall be sized to accommodate the functional placement of required furnishings and equipment essential to resident comfort and safety. (a) Where a single-resident room is provided, it shall have the following: (i) Minimum clear floor area of 120 square feet (11.15 square meters), excluding closet or wardrobe, bathroom, and vestibule entry (ii) Minimum clear dimension of 11 feet (3.35 meters) (b) Where a multiple-resident room is provided, it shall have the following: (i) Minimum clear floor area of 108 square feet (10.03 square meters) per resident bed, excluding closet or wardrobe, bathroom(s), and vestibule entry (ii) Minimum clear dimension of 9 feet 6 inches (2.90 meters) ***A3.1-2.2.2.2 (1)*** *Space should be provided to accommodate the care population, resident care, and maneuverability when resident-operated mobility devices are used. Functional placement is based on considerations for safe resident mobility,*

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	mobilization, weight-bearing activity, and ambulation and for minimization of risks to caregivers. *(2) Clearances. Clearances shall be a consideration during design of resident rooms. ***A3.1-2.2.2.2 (2) Clearances.*** *To facilitate planning for minimum clearances around beds, bed type and maximum bed size should be established by the residential care organizations as part of the functional program. Whenever possible, bed placement should be chosen by individual residents and their representatives or persons of significance (e.g., family, spouse/partner, resident-appointed advocate) to satisfy the needs and desires of the resident.* *a. In resident rooms, the following minimum clearances should be used around the resident bed to support resident and staff safety:* *—48 inches (121.92 centimeters) on the transfer side* *—36 inches (91.44 centimeters) on the non-transfer side* *—36 inches (91.44 centimeters) at the foot in single-resident rooms* *—48 inches (121.92 centimeters) at the foot of each bed in multiple-resident rooms* *b. In resident rooms, a clear circulation pathway of 36 inches (91.44 centimeters) should be provided between fixed elements or equipment. This circulation pathway should be permitted to overlap other required clearances.* *c. Sizing of resident rooms should accommodate clearances for resident chairs, recliners, and other movable furnishings; these items and their clearances may overlap with the bed clearances. The size of each room should allow unimpeded clearance on at least one side and at the front of any resident chair, as follows:* *—48 inches (121.92 centimeters) on the transfer side* *—36 inches (91.44 centimeters) for the approach to the chair* *d. Arrangement of furniture that reduces these clearances should be permitted as long as access for other occupants is not reduced and there is at*

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	least one layout that meets the recommended clearances in appendix section A3.1-2.2.2.2 (2) (Clearances).
~~(3) Area and dimensions. The area and dimensions provided for each resident space shall be based on inclusion of the following:~~ ~~(a) Space to accommodate a maximum of two beds that allows staff members access to both sides and the foot of each bed~~ (b) A window ~~accessible from a wheelchair or other resident-operated mobility device~~ (c) A wardrobe or closet ~~accessible from a wheelchair or other resident-operated mobility device~~ ~~(d) The following furniture accessible from a wheelchair or other resident-operated mobility device:~~ (i) Bed ~~*(ii) Lounge chair~~ (iii) Dresser (iv) Nightstand	(3) Resident room accommodations. Accommodations provided for each resident room shall be accessible from a wheelchair or other resident-operated mobility device and include the following: (a) Window (b) Bed *(c) Resident chair or recliner (i) Location of the resident chair or recliner adjacent to the head of the bed shall be permitted. (ii) Use of a recliner in lieu of a bed shall be permitted based on resident preference. (d) Wardrobe(s) or closet(s). Where a movable wardrobe(s) is provided, it shall be permitted to be located adjacent to the head of the bed. (e) Dresser. The dresser shall be permitted to be located: (i) In or as part of a wardrobe or closet. (ii) On the wall adjacent to the head of the bed. (f) Nightstand. The nightstand shall be permitted to be located adjacent to the head of the bed.
A3.1-2.2.2.2 (3)(d)(ii) Resident seating. *The lounge chair provided in a resident room to give residents an alternative to bed-stay should be evaluated for provision of the following:* *—Comfort sufficient for long-term sitting* *—Cervical support and support for the resident's head (backrest)* *—Opportunity to recline the backrest to enable periodic redistribution of body weight during long periods of sitting (recliner)* *—Ease of entry and exit* *See appendix section A2.4-2.4.3.1 (Furniture selection recommendations) for additional information.*	***A3.1-2.2.2.2 (3)(c) Resident chair or recliner.*** *The lounge chair or recliner provided in a resident room to give residents an alternative to bed-stay should be evaluated for provision of the following:* *a. Comfort sufficient for long-term sitting* *b. Cervical support and support for the resident's head (backrest)* *c. Opportunity to recline the backrest to enable periodic redistribution of body weight during long periods of sitting (recliner)* *d. Ease of entry and exit* *See appendix section A2.4-2.4.3.1 (Furniture selection recommendations) for additional information.*

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*(e) Space for a side chair	*(g) Space for a side chair
A3.1-2.2.2.2 (3)(e) Visitor seating. *Provision of a side chair for a visitor means residents do not have to remain in bed when they have a visitor.*	***A3.1-2.2.2.2 (3)(g) Visitor seating.*** *Provision of a side chair for a visitor means residents do not have to remain in bed when they have a visitor.*
(f) The room shall be configured so that each resident can view the television from a resident chair.	(h) The room shall be configured to provide each resident with a view of the television from a resident chair or recliner.
(g) Direct access from the room entry to the toilet room, closet or wardrobe, and window, without traveling through the living space of another resident	(i) Direct access shall be provided from the room entry to the bed, toilet room, closet or wardrobe, and window without traveling through the living space of another resident.
~~*(h) Clearance for staff members to use lifting equipment to access the bed, chairs, and toilet. See appendix section A3.1-2.2.2.2-b (Determining space needs) for recommendations.~~	
~~***A3.1-2.2.2.2 (3)(h)*** *Although use of portable lifting equipment requires more clearance for maneuvering than fixed lifting equipment, use of fixed equipment does not eliminate the need for portable equipment. Portable equipment will be required when a resident falls out of range of a fixed lift or requires a sit-to-stand lift.*~~ ~~*Using a portable lift without powered wheels to move a resident laterally requires more exertion by staff than using a fixed lift; in addition, the exertion required is increased where the floor is carpeted. However, carpet types differ in their resistance to wheeled devices, and carpet has significant advantages over hard-surface flooring in noise reduction and residential appearance, both of which are important in creating a comfortable, attractive living environment. See Section 2.4-2.3.2 (Flooring and Wall Bases) for requirements.*~~ ~~*Resident rooms and associated toilets may be equipped with a ceiling-mounted track to accommodate ceiling-mounted mobility and lifting devices. The track layout should be designed to aid in maintaining or improving resident mobility and ambulation, independent function, and strength and to help staff members transfer residents to or from bed/chair/toilet/bathing facilities/stretcher or reposition them in a bed or a chair.*~~ ~~*One objective in using ceiling systems would be to assist residents who have poor balance or are*~~	*A3.1-2.2.2.2 (3)(h) **Although use of portable lifting equipment…** [not in second printing]*

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~~*unable to bear all of their weight to stand and ambulate throughout the room. A second objective would be to maximize resident choice and control of bed location and room arrangement, key factors in creating "home" for the resident.*~~ ~~*One way to meet these objectives is to install permanent tracks the full length of two sides of the room with a perpendicular spur that extends into the toilet room over the toilet and into a shower, where provided. With this basic layout, when residents who require mobility or transfer assistance move into a room, a cross track and lift device can be installed for the duration of their stay. This approach would make all areas of the room accessible to the resident using the lifting device, thereby offering the resident a variety of room arrangements and substantially reducing the need for a portable lift.*~~ ~~(4) Every bed location shall have sufficient space to permit placement of a stretcher along one side for lateral transfer of the resident from the bed to the stretcher by at least two staff members without substantial rearrangement of furniture.~~ ~~(5) Clearances~~ ~~(a) In multiple-bed rooms, clearance shall allow for the movement of beds and equipment without disturbing residents.~~ ~~(b) Clear access to one side of the bed shall be provided along 75 percent of its length.~~ ~~(c) Mechanical and fixed equipment shall not obstruct access to any required element.~~ ~~(d) These guidelines shall allow arrangement of furniture that may reduce these access provisions, without impairing access provisions for other occupants.~~	
~~**3.1-2.2.3 Special Care Resident Rooms**~~ [Resident Room for Persons of Size was not in the first printing; Section 3.1-2.2.3 has been renumbered as Section 3.1-2.2.4 in the second printing.]	**3.1-2.2.3 Resident Room for Persons of Size** Where a resident room(s) designed to accommodate persons of size is provided, it shall meet the requirements in Section 3.1-2.2.2 (Resident Room) except as amended in this section. **3.1-2.2.3.1 General** *(1) The need for, number, and type of resident rooms accommodating persons of size shall be determined for the intended care population during the functional programming process.

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	A3.1-2.2.3.1 (1) Considerations for persons of size. *The projected need for accommodations for care of persons of size should be defined in the planning phase and include the following:* *—Projected weight capacities for persons of size in the population to be served* *—Projected number of resident rooms required to accommodate persons of size* *—Projected number of expanded-capacity lifts required to accommodate persons of size* (2) Where the facility provides resident rooms for persons of size, see sections 1.2-5.6 (Planning Considerations for Persons of Size) and 2.2-3 (Design Criteria for Accommodations for Care of Persons of Size) for further requirements. ***3.1-2.2.3.2 Space requirements** ***A3.1-2.2.3.2 Resident lifting equipment.*** *See Section 1.2-3.3 (Resident Mobility and Transfer Risk Assessment) for information on providing resident lifts to mitigate risks involved in resident handling and mobility tasks. Information and guidance for evaluating resident mobility and transfer risks can be found in "Patient Handling and Mobility Assessments," a white paper published by the Facility Guidelines Institute and available from www.fgiguidelines.org.* (1) Area (a) Where a single-resident room with a fixed overhead lift is provided, it shall have the following: (i) Minimum clear floor area of 200 square feet (18.58 square meters), excluding closet or wardrobe, bathroom, and vestibule entry (ii) Minimum clear dimension of 13 feet (3.96 meters) (b) Where a multiple-resident room with a fixed overhead lift is provided, it shall have the following: (i) Minimum clear floor area of 176 square feet (16.35 square meters) per resident

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	bed, excluding closet or wardrobe, bathroom(s), and vestibule entry (ii) Minimum clear dimension of 10 feet 9 inches (3.28 meters) for the clear floor area for each resident (c) Where a single-resident room for persons of size without an overhead lift is provided but mobile lifts will be used, the room shall have the following: (i) Minimum clear floor area of 219 square feet (20.35 square meters), excluding closet or wardrobe, bathroom, and vestibule entry (ii) Minimum clear dimension of 13 feet (3.96 meters) for the clear floor area for each resident (d) Where a multiple-resident room without an overhead lift is provided but mobile lifts will be used, the room shall have the following: (i) Minimum clear floor area of 192 square feet (17.84 square meters) of clear floor area per resident bed, excluding closet or wardrobe, bathroom(s), and vestibule entry (ii) Minimum clear dimension of 10 feet 9 inches (3.28 meters) for the clear floor area for each resident *(2) Clearances. Clearances shall be a consideration during design of resident rooms for persons of size. ***A3.1-2.2.3.2 (2) Clearances.*** *To facilitate planning for minimum clearances around beds, bed type and maximum bed size should be established by the residential care organization as part of the functional program. Whenever possible, bed placement should be chosen by individual residents and their representatives or persons of significance (e.g., family, spouse/partner, resident-appointed advocate) to satisfy the needs and desires of the resident.* *a. In resident rooms for persons of size with an overhead lift, the following minimum clearances should be used around the bed to support resident and staff safety:*

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	—66 inches (167.64 centimeters) from the bed by 126 inches long (320 centimeters) on the transfer side —66 inches (167.64 centimeters) on the non-transfer side —60 inches (152.4 centimeters) at the foot b. In resident rooms for persons of size without an overhead lift where mobile lifts will be used, the following minimum clearances should be used around the bed to support resident and staff safety: —84 inches (213.36 centimeters) from the bed by 126 inches long (320 centimeters) on the transfer side —66 inches (167.64 centimeters) on the non-transfer side —60 inches (152.4 centimeters) at the foot c. In resident rooms for persons of size, a clear circulation pathway of 60 inches (152.4 centimeters) should be provided between fixed elements or equipment. This circulation pathway should be permitted to overlap other required clearances. d. Sizing of resident rooms for persons of size where a mobile lift will be used, whether or not an overhead lift is present, should accommodate clearances for resident chairs, recliners, and other movable furnishings; these items and their clearances may overlap with the bed clearances. The size of each room for a person of size should allow unimpeded clearance on at least one side and at the front of any resident chair as follows: —48 inches (121.92 centimeters) on the transfer side —66 inches (167.64 centimeters) for the approach to the chair e. Mobile vs. fixed lift clearance considerations —Where lifts are used, additional clearance is needed to accommodate use of the lift, an expanded-capacity wheelchair, and space for staff to help a person of size transfer from bed to wheelchair or gurney. Mobile lifts require more floor space than overhead lifts to accommodate the lift footprint. Selection of lift equipment should be completed during the functional programming process to evaluate clearances required. —Use of portable lifting equipment requires more clearance for maneuvering than fixed lifting

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	equipment; however, the use of fixed equipment does not eliminate the need for portable equipment. Portable equipment could be needed when a resident is not in proximity to a fixed lift or requires a sit-to-stand lift. *—Using a portable lift without powered wheels to move a resident laterally requires more exertion by staff than using a fixed lift, and the exertion required is increased where the floor is carpeted. See Section 2.4-2.3.2 (Flooring and Wall Bases) for additional information.* *—Resident rooms and associated toilets may be equipped with a ceiling-mounted track to accommodate ceiling-mounted mobility and lifting devices. The track layout should be designed to aid in maintaining or improving resident mobility and ambulation, independent function, and strength and to assist staff members with transfer of residents to or from bed/chair/toilet/bathing facilities/stretcher or repositioning residents in a bed or chair.* *—One objective of using ceiling lift systems is to support residents who have poor balance or are unable to bear all of their weight to stand and ambulate throughout the room. A second objective is to maximize resident choice and control of bed location and room arrangement, key factors in creating "home" for the resident. These objectives can be met by installing permanent tracks the full length of two sides of the room with a perpendicular spur that extends into the toilet room over the toilet and into a shower (i.e., an "I" or "H" layout) to achieve maximum flexibility. This approach would make all areas of the room accessible to the resident using the lifting device, thereby offering the resident a variety of room arrangements and substantially reducing the need for a portable lift.*

TAC: Special Occupancy

Total Mods for **Special Occupancy** in **Pending Review : 75**

Total Mods for report: 75

Sub Code: Building

66

SP10484

Date Submitted	02/15/2022	**Section**	35	**Proponent**	James gregory
Chapter	35	**Affects HVHZ**	No	**Attachments**	No
TAC Recommendation	Pending Review				
Commission Action	Pending Review				

Comments

General Comments No **Alternate Language No**

Related Modifications

Summary of Modification

Updates the code references.

Rationale

Updates the reference to the most current Guidelines.

Fiscal Impact Statement

Impact to local entity relative to enforcement of code
There is no impact to local entity relative to enforcement of code.
Impact to building and property owners relative to cost of compliance with code
There is no impact to building and property owners relative to cost of compliance with code.
Impact to industry relative to the cost of compliance with code
There is no impact to industry relative to the cost of compliance with code.
Impact to small business relative to the cost of compliance with code

Requirements

Has a reasonable and substantial connection with the health, safety, and welfare of the general public
Does not adversely affect 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
Makes the code stronger with current references.
Does not discriminate against materials, products, methods, or systems of construction of demonstrated capabilities
Does not discriminate against materials, products, methods, or systems of construction.
Does not degrade the effectiveness of the code
Improves the effectiveness of the code by referencing current standards.

SP10484Text Modification

FGI The Facility Guidelines Institute
9750 Fall Ridge Trail
St. Louis, MO 63127
Standard referenced number Title
GHCF—~~18~~ 22 Guidelines for Design and Construction of Hospitals
GHCF—~~18~~ 22 Guidelines for Design and Construction of Outpatient Facilities
GHCF—~~18~~ 22 Guidelines for Design and Construction of Residential Health, Care, and Support Facilities ~~(First Printing 2018)~~

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TAC: Special Occupancy

Total Mods for **Special Occupancy** in **Pending Review : 75**

Total Mods for report: 75

Sub Code: Existing Building

67

SP10266

Date Submitted	02/12/2022	**Section**	502.3	**Proponent**	Conn Cole FDEM SFMO
Chapter	5	**Affects HVHZ**	No	**Attachments**	**Yes**
TAC Recommendation	Pending Review				
Commission Action	Pending Review				

Comments

General Comments No **Alternate Language Yes**

Related Modifications

Summary of Modification

Provide that non-substantial additions in flood hazard areas do increase the nonconformity of buildings that do not conform to current flood requirements.

Rationale

Based on FEMA 2024 IEBC proposal EB154-22. Subject to 553.73(7)(a) as flood requirement for inclusion in 9th Ed. FBCB includes requirements for alterations & additions (improvements) to existing buildings in floodplains. Compliance trigger is in definition for “substantial improvement” (50% rule); requires compliance if cost of improvements equals or exceeds 50% market value of the building before work is done. FEMA guidance, like EB 1103.3, distinguishes compliance of additions from compliance of existing (or base) buildings. EB 502.1 states alterations must be made to ensure existing buildings are “not less complying with” the code than the existing building was before the addition. EB 1101.2 echoes that: additions “shall not create or extend any nonconformity.” Buildings in floodplains built before communities adopted regs are usually nonconforming. Proposal reinforces existing reqmt by making clear that additions less than 50% of market value must not make nonconforming buildings more nonconforming. This is done by having specific reqmts stating additions must not be lower than the lowest floors of existing buildings because being lower renders the buildings more nonconforming. Also, non-substantial additions to conforming or compliant buildings must not make buildings nonconforming. Proposal accounts for buildings that are elevated higher than required by the code by specifying additions must be at least as high as the elevations required in FBCB 1612 or FBCR R322. Another scenario addressed is if owners of buildings elevated on columns/ pilings decide to enclose area underneath. Enclosing meets the definition of addition because it creates an “extension or increase in floor area.” Even when enclosing underneath is not a “substantial improvement” based on cost, the work is only allowed when the walls and use of the enclosure comply with requirements for enclosures. Otherwise, enclosing creates noncompliance or extends nonconformance.

Fiscal Impact Statement

Impact to local entity relative to enforcement of code

It makes it easier to enforce the general requirement in the existing building code that work must not make nonconforming buildings more nonconforming.

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

No change; clarifies the application of the existing requirement that work must not make a nonconforming building more nonconforming. The proposal is consistent with the existing requirement that additions must not create or extend any nonconformity.

Impact to industry relative to the cost of compliance with code

No change in costs (same as impact on buildings and owners).

Impact to small business relative to the cost of compliance with code

Requirements

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

Yes, by making it clearer that nonconformities must not be extended.

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

Yes, by making it clearer that nonconformities must not be extended.

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

No change in materials or methods.

Does not degrade the effectiveness of the code

No, because it'll be clearer that nonconformities must not be extended.

Alternate Language

1st Comment Period History

SP10266-A1

Proponent Rebecca Quinn obo FL Div Emerg Mgnt **Submitted** 4/16/2022 11:33:05 AM **Attachments** Yes

Rationale:
Submitted on behalf of the FDEM State Floodplain Manager, we recommend alternate language. FEMA submitted the proposal for the International Existing Building Code as proposal EB50-22, which was Approved as Modified at the Committee Action Hearing. The modifications correct an error on FEMA's part and correct a typographical error on FDEM's part. The modifications make sure the requirements apply only to the non-substantial additions, not the entire existing building. Only Sec. 1103.3 and 1401.3.3 are modified; no change needed for the definition and Sec. 503.2.

Fiscal Impact Statement

Impact to local entity relative to enforcement of code
no change from original

Impact to building and property owners relative to cost of compliance with code
no change from original

Impact to industry relative to the cost of compliance with code
no change from original

Impact to small business relative to the cost of compliance with code

Requirements

Has a reasonable and substantial connection with the health, safety, and welfare of the general public
no change from original

Strengthens or improves the code, and provides equivalent or better products, methods, or systems of construction
no change from original

Does not discriminate against materials, products, methods, or systems of construction of demonstrated capabilities
no change from original

Does not degrade the effectiveness of the code
no change from original

[B] 1103.3 Flood hazard areas. Additions and foundations in flood hazard areas shall comply with the following requirements:

1. For horizontal additions that are structurally interconnected to the existing building:

1.1. If the addition and all other proposed work, when combined, constitute substantial improvement, the existing building and the addition shall comply with Section 1612 of the Florida Building Code, or Section R322 of the Florida Residential Code, as applicable.

1.2. If the addition constitutes substantial improvement, the existing building and the addition shall comply with Section 1612 of the Florida Building Code, or Section R322 of the Florida Residential Code, as applicable.

1.3. If the addition does not constitute substantial improvement the addition ~~existing structure~~ is not required to comply with the flood design requirements for new construction provided that both of the following apply.

1.3.1 The addition shall not create or extend any nonconformity of the existing building with the flood resistant construction requirements.

1.3.1 The lowest floor of the addition shall be at or above the ~~lower~~ lowest floor of the existing building or the lowest floor elevation required in Section 1612 of the Florida Building Code, or Section R322 of the Florida Residential Code, as applicable.

[B] 1401.3.3 Compliance with flood hazard provisions. In flood hazard areas, buildings that are evaluated in accordance with this section shall comply with Section 1612 of the Florida Building Code, or Section R322 of the Florida Residential Code, as applicable, if the work covered by this section constitutes substantial improvement. If the work covered by this section is a structurally connected horizontal addition that does not constitute substantial improvement, the ~~building~~ addition is not required to comply with the flood design requirements for new construction provide that both of the following apply.

1.3.1 The addition shall not create or extend any nonconformity of the existing building with the flood resistant construction requirements.

1.3.1 The lowest floor of the addition shall be at or above the lower of the lowest floor of the existing building or the lowest floor elevation required in Section 1612 of the Florida Building Code, or Section R322 of the Florida Residential Code, as applicable.

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SP10266Text Modification

LOWEST FLOOR. The lowest floor of the lowest enclosed area, including basement, but excluding any unfinished or flood-resistant enclosure, usable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the structure in violation of Section 1612 of the Florida Building Code or Section R322 of the Florida Residential Code, as applicable.

[BS] 503.2 [Alterations] Flood hazard areas. For buildings and structures in *flood hazard areas* established in Section 1612.3 of the *Florida Building Code, Building*, or Section R322 of the *Florida Building Code, Residential*, as applicable, any *alteration* that constitutes *substantial improvement* of the existing structure shall comply with the flood design requirements for new construction, and all aspects of the existing structure shall be brought into compliance with the requirements for new construction for flood design.

For buildings and structures in *flood hazard areas* established in Section 1612.3 of the *Florida Building Code, Building*, or Section R322 of the *Florida Building Code, Residential*, as applicable, any alterations that do not constitute *substantial improvement* of the existing structure are not required to comply with the flood design requirements for new construction provided that both of the following apply:

1. The addition shall not create or extend a nonconformity of the existing building or structure with the flood resistant construction requirements than the existing building or structure was prior to the addition

2. The lowest floor of the addition shall be at or above the lower of the lowest floor of the existing building or structure or the lowest floor elevation required in Section 1612 of the International Building Code, or Section R322 of the International Residential Code, as applicable.

[BS] 1103.5 Flood Hazard Areas. *Additions* and *foundations* in *flood hazard areas* shall comply with the following requirements:

1. For horizontal *additions* that are structurally interconnected to the *existing building*:

   1.1. If the *addition* and all other proposed work, when combined, constitute *substantial improvement*, the *existing building* and the *addition* shall comply with Section 1612 of the *Florida Building Code, Building*, or Section R322 of the *Florida Building Code, Residential*, as applicable.

   1.2. If the *addition* constitutes *substantial improvement*, the *existing building* and the *addition* shall comply with Section 1612 of the *Florida Building Code, Building*, or Section R322 of the *Florida Building Code, Residential*, as applicable.

   1.3 If the addition does not constitute substantial improvement the existing structure is not required to comply with the flood design requirements for new construction provided that both of the following apply.

      1.3.1 The addition shall not create or extend any nonconformity of the existing building with the flood resistant construction requirements.

      1.3.2 The lowest floor of the addition shall be at or above the lower of the lowest floor of the existing building or the lowest floor elevation required in Section 1612 of the Florida Building Code, or Section R322 of the Florida Residential Code, as applicable.

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SP10266Text Modification

2. For horizontal *additions* that are not structurally interconnected to the *existing building*:

2.1. The *addition* shall comply with Section 1612 of the *Florida Building Code, Building*, or Section R322 of the *Florida Building Code, Residential*, as applicable.

2.2. If the *addition* and all other proposed work, when combined, constitute *substantial improvement*, the *existing building* and the *addition* shall comply with Section 1612 of the *Florida Building Code, Building*, or Section R322 of the *Florida Building Code, Residential*, as applicable.

3. For vertical *additions* and all other proposed work that, when combined, constitute *substantial improvement*, the *existing building* shall comply with Section 1612 of the *Florida Building Code, Building*, or Section R322 of the *Florida Building Code, Residential*, as applicable.

4. For a raised or extended foundation, if the foundation work and all other proposed work, when combined, constitute *substantial improvement*, the *existing building* shall comply with Section 1612 of the *Florida Building Code, Building*, or Section R322 of the *Florida Building Code, Residential*, as applicable.

5. For a new foundation or replacement foundation, the foundation shall comply with Section 1612 of the *Florida Building Code, Building*,or Section R322 of the *Florida Building Code, Residential*, as applicable.

[B] 1401.3.3 Compliance with flood hazard provisions. In *flood hazard areas*, buildings that are evaluated in accordance with this section shall comply with Section 1612 of the *Florida Building Code, Building*, or Section R322 of the *Florida Building Code, Residential*, as applicable if the work covered by this section constitutes *substantial improvement*. If the work covered by this section is a structurally connected horizontal addition that does not constitute substantial improvement, the building is not required to comply with the flood design requirements for new construction provided that both of the following apply.

1. The addition shall not create or extend any nonconformity of the existing building with the flood resistant construction requirements.

2. The lowest floor of the addition shall be at or above the lower of the lowest floor of the existing building or the lowest floor elevation required in Section 1612 of the Florida Building Code, or Section R322 of the Florida Residential Code, as applicable.

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TAC: Special Occupancy

Total Mods for **Special Occupancy** in **Pending Review : 75**

Total Mods for report: 75

Sub Code: Existing Building

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SP10267

Date Submitted	02/12/2022	**Section**	502.3	**Proponent**	Conn Cole FDEM SFMO
Chapter	5	**Affects HVHZ**	No	**Attachments**	**Yes**
TAC Recommendation	Pending Review				
Commission Action	Pending Review				

Comments

General Comments No **Alternate Language Yes**

Related Modifications

Summary of Modification

New, raised, and extended foundations in flood hazard areas should comply with requirements for type and height required for new construction.

Rationale

Based on FEMA 2024 IEBC proposal EB50-22. Subject to 553.73(7)(a) as flood requirement for inclusion in 9th Edition. Whether an existing building will have a new foundation, replacement foundation, or a foundation that is raised or extended in the vertical, the construction process is generally the same: the building must be detached from the existing foundation and jacked up to allow the foundation work to proceed. Then, after the foundation work is complete, the building is lowered and structurally attached to the foundation. The costs to detach the building, jack it up, and lower and attach it to the foundation, do not change significantly based on how tall the new foundation will be. The existing provisions in Section 502.3 and Section 1103.3 allow a building in a flood hazard area to remain below the required elevation (and possibly on an incompatible foundation type) if the work is determined to not constitute substantial improvement (a defined term). If a foundation is already being raised or extended in the vertical, it should be raised to the same elevation required for new construction in flood hazard areas. The Codes define “addition” to include an increase in height, which is why foundation work is included in the FBC Existing Building Sec. 1103.3 and why the proposed change amends a section in Chapter 5 Additions. When owners of buildings in flood hazard areas have already decided to invest in this type of extensive work, having the final foundation be resistant to identified flood conditions and flood loads is appropriate to protect that investment, as well as the investment in and safety of the building itself. The incremental cost of adding additional height to a foundation that is already being replaced or raised or extended in the vertical is off-set by the benefits of lower risk of flood damage and lower NFIP flood insurance policy premiums which are, in part, a function of elevation.

Fiscal Impact Statement

Impact to local entity relative to enforcement of code

No change in enforcement of permits for this type of foundation work (not dependent on height of foundation).

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

Costs increase if new foundations or raised/extended fdns don’t trigger substantial improvement and now must be higher. Increased costs are only for added height to reach required elvn. Benefits are future damage avoided. NFIP flood insurance reduced because rating is based partially on elevation.

Impact to industry relative to the cost of compliance with code

May be a slight increase in the cost of design to ensure new, raised, and extended foundations comply.

Impact to small business relative to the cost of compliance with code

Requirements

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

Yes, because non-substantial additions will not extend nonconformity, and thus buildings will retain existing flood resilience.

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

Yes, because non-substantial additions will not extend nonconformity, and thus buildings will retain existing flood resilience.

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

No change in materials or methods.

Does not degrade the effectiveness of the code

Does not, because non-substantial additions will not extend nonconformity, and thus buildings will retain existing flood resilience.

Alternate Language

1st Comment Period History

SP10267-A1

Proponent Rebecca Quinn obo FL Div Emerg Mgnt **Submitted** 4/16/2022 11:36:10 AM **Attachments** Yes

Rationale:
Submitted on behalf of the FDEM State Floodplain Manager, we recommend alternate language. FEMA submitted the proposal for the International Existing Building Code as proposal EB50-22, which was Approved as Modified at the Committee Action Hearing. The modification clarifies that “in the vertical” was intended to only mean vertically upward. It was brought to FEMA’s attention that without clarifying “upward,” the provision could be taken to apply when micropiles are installed under a foundation to stabilize the foundation. Modify only Sec. 502.2, not 1103.5.

Fiscal Impact Statement

Impact to local entity relative to enforcement of code
No change to original

Impact to building and property owners relative to cost of compliance with code
No change to original

Impact to industry relative to the cost of compliance with code
No change to original

Impact to small business relative to the cost of compliance with code

Requirements

Has a reasonable and substantial connection with the health, safety, and welfare of the general public
No change to original

Strengthens or improves the code, and provides equivalent or better products, methods, or systems of construction
No change to original

Does not discriminate against materials, products, methods, or systems of construction of demonstrated capabilities
No change to original

Does not degrade the effectiveness of the code
No change to original

[B] 502.2 Flood hazard areas. For buildings and structures in flood hazard areas established in Section 1612.3 of the Florida Building Code, or Section R322 of the Florida Residential Code, as applicable, any addition that constitutes substantial improvement of the existing structure shall comply with the flood design requirements for new construction, and all aspects of the existing structure shall be brought into compliance with the requirements for new construction for flood design. For new foundations, foundations raised or extended ~~in the vertical~~ upward, and replacement foundations, the foundations shall be in compliance with the requirements for new construction for flood design.

For buildings and structures in flood hazard areas established in Section 1612.3 of the Florida Building Code, or Section R322 of the Florida Residential Code, as applicable, any additions that do not constitute substantial improvement of the existing structure are not required to comply with the flood design requirements for new construction.

[BS] 502.2 Flood hazard areas. For buildings and structures in *flood hazard* areas established in Section 1612.3 of the *Florida Building Code, Building*, or Section R322 of the *Florida Building Code, Residential*, as applicable, any *addition* that constitutes *substantial improvement* of the existing structure shall comply with the flood design requirements for new construction, and all aspects of the existing structure shall be brought into compliance with the requirements for new construction for flood design. For new foundations, foundations raised or extended in the vertical, and replacement foundations, the foundations shall be in compliance with the requirements for new construction for flood design.

For buildings and structures in *flood hazard areas* established in Section 1612.3 of the *Florida Building Code, Building*, or Section R322 of the *Florida Building Code, Residential*, as applicable, as applicable, any *additions* that do not constitute *substantial improvement* of the existing structure are not required to comply with the flood design requirements for new construction.

[BS] 1103.5 Flood Hazard Areas. *Additions* and *foundations* in *flood hazard areas* shall comply with the following requirements:

1. For horizontal *additions* that are structurally interconnected to the *existing building*:

   1.1. If the *addition* and all other proposed work, when combined, constitute *substantial improvement*, the *existing building* and the *addition* shall comply with Section 1612 of the *Florida Building Code, Building*, or Section R322 of the *Florida Building Code, Residential*, as applicable.

   1.2. If the *addition* constitutes *substantial improvement*, the *existing building* and the *addition* shall comply with Section 1612 of the *Florida Building Code, Building*, or Section R322 of the *Florida Building Code, Residential*, as applicable.

2. For horizontal *additions* that are not structurally interconnected to the *existing building*:

   2.1. The *addition* shall comply with Section 1612 of the *Florida Building Code, Building*, or Section R322 of the *Florida Building Code, Residential*, as applicable.

   2.2. If the *addition* and all other proposed work, when combined, constitute *substantial improvement*, the *existing building* and the *addition* shall comply with Section 1612 of the *Florida Building Code, Building*, or Section R322 of the *Florida Building Code, Residential*, as applicable.

3. For vertical *additions* and all other proposed work that, when combined, constitute *substantial improvement*, the *existing building* shall comply with Section 1612 of the *Florida Building Code, Building*, or Section R322 of the *Florida Building Code, Residential*, as applicable.

~~4. For a raised or extended foundation, if the foundation work and all other proposed work, when combined, constitute *substantial improvement*, the *existing building* shall comply with Section 1612 of the *Florida Building Code, Building*, or Section R322 of the *Florida Building Code, Residential*, as applicable.~~

4 ~~5~~. For a new foundation, ~~or~~ replacement foundation, or a foundation raised or extended in the vertical, the foundation shall comply with Section 1612 of the *Florida Building Code, Building*,or Section R322 of the *Florida Building Code, Residential*, as applicable.

TAC: Special Occupancy

Total Mods for **Special Occupancy** in **Pending Review : 75**

Total Mods for report: 75

Sub Code: Residential

69

SP10256

Date Submitted	02/12/2022	**Section**	322.2.1	**Proponent**	Conn Cole FDEM SFMO
Chapter	3	**Affects HVHZ**	No	**Attachments**	No
TAC Recommendation	Pending Review				
Commission Action	Pending Review				

Comments

General Comments Yes **Alternate Language No**

Related Modifications

Summary of Modification

Specifics for accessory structures in flood hazard areas in accordance with FEMA policy issued 2020.

Rationale

Based on FEMA 2024 IRC proposal RB137-22. Subject to 553.73(7)(a) as flood requirement for inclusion in 9th Edition. NFIP regulations do not explicitly address accessory structures & detached garages, thus they have to be elevated or dry floodproofed. NFIP Technical Bulletin 7 (1993) outlines wet floodproofing requirements, but states that communities must grant variances before authorizing wet floodproofing. Proposal is based on the 2020 FEMA Policy and 2021 Bulletin (FEMA P-214). It provides relief to elevation or dry floodproofing by allowing wet floodproofed accessory structures & detached garages with floors below required elevations based on size and flood zone. Also modifies for attached garages, with no size limits. When included in FBCR, hundreds of communities will not have to adopt local amended flood regulations. It does not conflict with those that have adopted similar requirements over the last year. Note that Section R403.1.4.1 does not require footings for “free-standing accessory structures with an area of 600 square feet or less, of light-frame construction” to extend meet the frost protection requirements. And in Zone V & CAZ, breakaway walls and flood openings are not required. FEMA Policy & Bulletin https://www.fema.gov/media-collection/floodplain-management-requirementsagricultural-and-accessory-structures

Fiscal Impact Statement

Impact to local entity relative to enforcement of code

Local cost savings: One, straightforward to enforce clear requirements rather than meet FEMA expectations that to conform to the Policy even if the specifics are not adopted; and Two, having requirements in the code eliminates the administrative burden of amending floodplain management regulations.

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

Lower cost of construction for many detached accessory structures smaller than the size limits established by FEMA because they can be wet floodproofed instead of elevated or dry floodproofed.

Impact to industry relative to the cost of compliance with code

Facilitates compliance to have clear requirements.

Impact to small business relative to the cost of compliance with code

Requirements

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

Yes, it provides requirements for flood resistance and facilitates meeting FEMA expectations which preserves access to federal flood insurance and disaster assistance.

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

Yes, it improves by stating specific requirements and limitations.

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

No, the use of flood damage resistant materials is already required.

Does not degrade the effectiveness of the code

No, it improves enforcement by having clear requirements.

1st Comment Period History

SP10256-G1

Proponent: Rebecca Quinn obo FL Div Emerg Mgnt | Submitted: 4/16/2022 11:29:12 AM | Attachments: No

Comment:

Submitted on behalf of the FDEM State Floodplain Manager, we recommend approval by the TAC and Commission because it not only implements FEMA's policy on accessory structures in floodplains, but having it in the FBC, Residential, would mean hundreds of Florida communities would not have to adopt separate local regulations. FEMA submitted this language for the International Residential Code as proposal RB137-22, which was Disapproved at the Committee Action Hearing. It's likely FEMA will submit public comment requesting approval by the ICC government voting members. We note that some Florida communities have size limits less than 600 sq ft, and those communities would either enforce that the size limit in zoning governs or they could adopt a local technical amendments to modify the size in this section.

SP10256Text Modification

R322.2.1 Elevation requirements.

1. Buildings and structures in flood hazard areas not including flood hazard areas designated as Coastal A Zones, shall have the lowest floors elevated to or above the base flood elevation plus 1 foot (305 mm), or the design flood elevation, whichever is higher.

2. In areas of shallow flooding (AO Zones), buildings and structures shall have the lowest floor (including basement) elevated to a height above the highest adjacent grade of not less than the depth number specified in feet (mm) on the FIRM plus 1 foot (305 mm), or not less than 3 feet (915 mm) if a depth number is not specified.

3. Basement floors that are below grade on all sides shall be elevated to or above base flood elevation plus 1 foot (305 mm), or the design flood elevation, whichever is higher.

4. Attached garages and carports ~~Garage and carport floors~~ shall comply with one of the following:

4.1. ~~They~~ The floors shall be elevated to or above the elevations required in Item 1 or Item 2, as applicable.

4.2. ~~They~~ The floors shall be at or above grade on not less than one side. Where ~~a~~ an attached garage or carport is enclosed by walls , the walls shall have flood openings that comply with Section R322.2.2 and the attached garage or carport shall be used solely for parking, building access or storage.

-

5. Detached accessory structures and detached garages shall comply with either of the following:

5.1. The floors shall be elevated to or above the elevations required in Item 1 or Item 2, as applicable.

5.2. The floors are permitted below the elevations required in Item 1 or Item 2, as applicable, provided such detached structures comply with

all of the following:

5.2.1. Are used solely for parking or storage.

5.2.2. Are one story and not larger than 600 square feet (55.75 m).

5.2.3. Are anchored to resist flotation, collapse or lateral movement resulting from design flood loads.

5.2.4. Have flood openings that comply with Section R322.2.2.

5.2.5. Are constructed of flood damage-resistant materials that comply with Section R322.1.8.

5.2.6. Have mechanical, plumbing and electrical systems, if applicable, that comply with Section R322.1.6.

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SP10256Text Modification

Exception: Enclosed areas below the elevation required in this section, including basements with floors that are not below grade on all sides, shall meet the requirements of Section 322.2.2.

R322.3.2 Elevation requirements.

1. Buildings and structures erected within coastal high-hazard areas and Coastal A Zones, shall be elevated so that the bottom of the lowest horizontal structure members supporting the lowest floor, with the exception of pilings, pile caps, columns, grade beams and bracing, is elevated to or above the base flood elevation plus 1 foot (305 mm) or the design flood elevation, whichever is higher.

2. Basement floors that are below grade on all sides are prohibited.

3. Attached garages ~~Garages~~ used solely for parking, building access or storage, and carports shall comply with Item 1 or shall be at or above grade on not less than one side and, if enclosed with walls, such walls shall comply with Item ~~6~~ 7.

4. Detached accessory structures and detached garages shall comply with either of the following:

4.1. The bottom of the lowest horizontal structural member supporting the floors shall be elevated to or above the elevation required in

Item 1.

4.2. The floors are permitted below the elevations required in Item 1, provided such detached structures comply with all of the following:

4.2.1. Are used solely for parking or storage.

4.2.2. Are one story and not larger than 100 square feet (9.29 m).

4.2.3. Are anchored to resist flotation, collapse or lateral movement resulting from design flood loads.

5 4. The use of fill for structural support is prohibited.

6 ~~5~~. Minor grading, and the placement of minor quantities of fill, shall be permitted for landscaping and for drainage purposes under and around buildings and for support of parking slabs, pool decks, patios and walkways.

7 ~~6~~. Walls and partitions enclosing areas below the elevation required in this section shall meet the requirements of Sections R322.3.5 and R322.3.6.

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TAC: Special Occupancy

Total Mods for **Special Occupancy** in **Pending Review : 75**

Total Mods for report: 75

Sub Code: Residential

70

SP10257

Date Submitted	02/12/2022	**Section**	322.1.6	**Proponent**	Conn Cole FDEM SFMO
Chapter	3	**Affects HVHZ**	No	**Attachments**	**Yes**
TAC Recommendation	Pending Review				
Commission Action	Pending Review				

Comments

General Comments No **Alternate Language Yes**

Related Modifications

Summary of Modification

Exterior equipment in flood hazard areas that is flood damaged and replaced must be elevated.

Rationale

Based on FEMA 2024 IRC proposal RB136-22. Subject to 553.73(7)(a) as flood requirement for inclusion in 9th Edition. Many buildings in floodplains were built before communities started regulating and requiring buildings to be elevated and constructed to minimize exposure to flooding. During a flood, exterior equipment that serves those buildings gets damaged, even when the building itself is not substantially damaged. When homes are flooded and elevated exterior equipment remains functional, clean up and drying out are easier and faster. This means dangerous mold conditions are less likely to develop and families can more quickly move back into safer homes. The code change requires replacement exterior equipment damaged by flood to be raised to or above the elevation required based on flood zone, unless the replacement equipment meets the limitations of the exception to be located below those elevations. Methods used to raise replacement exterior equipment are the same as the methods used when equipment is installed to serve new construction (pedestal, platforms, or platforms that are cantilevered from or knee braced to the structure). Photographs in an attachment to this proposal show typical methods of elevating equipment that serves dwellings. FEMA’s Mitigation Assessment Team reports prepared after some significant flood events document widespread damage to non-elevated exterior equipment. Elevating equipment at the time of replacement also saves homeowners from having to pay for replacement equipment after the subsequent flood event.

Fiscal Impact Statement

Impact to local entity relative to enforcement of code

No anticipated impact.

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

Increased costs for pedestal or platform to raise replacement equipment and minor costs to extend wiring & piping. Two long-term benefits offset upfront costs: damage avoided and cost of complete replacement if flooded, and faster drying, cleanup, and reoccupancy after subsequent floods.

Impact to industry relative to the cost of compliance with code

No anticipated impact.

Impact to small business relative to the cost of compliance with code

Requirements

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

Yes, it facilitates drying, cleanup, and reoccupancy after flood events.

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

Improves the code by helping post-flood recovery.

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

No change in the type or size of equipment.

Does not degrade the effectiveness of the code

Improves the code by helping post-flood recovery.

Alternate Language

1st Comment Period History

SP10257-A1

Proponent Rebecca Quinn obo FL Div Emerg Mgnt **Submitted** 4/16/2022 11:27:50 AM **Attachments** Yes

Rationale:
Submitted on behalf of the FDEM State Floodplain Manager, we recommend approval by the TAC and Commission because this will help many homeowners after the next flood. The frequency of flooding is increasing across the state. This proposal was submitted by FEMA for the International Residential Code as RB136-22, which was Disapproved at the Committee Action Hearing. FDEM has helped a number of Florida communities to prepare language for local technical amendments to require ALL new exterior equipment and ALL replacement exterior equipment to be elevated, regardless of whether there is other work on the building. FDEM supports that as a Florida-specific amendment to the residential code, and offers it as alternate language to replace the sentence shown in SP10257.

Fiscal Impact Statement

Impact to local entity relative to enforcement of code
Easier to enforce for ALL new/replacements, and not have to know whether the unit being replaced was damaged by flooding.

Impact to building and property owners relative to cost of compliance with code
Initial increase in cost for more owners replacing units, not just those owners who experienced flooding

Impact to industry relative to the cost of compliance with code
Same as original

Impact to small business relative to the cost of compliance with code

Requirements

Has a reasonable and substantial connection with the health, safety, and welfare of the general public
Broader benefits because any owner replacing units will avoid future flood damage, not just owners replacing flooded units.

Strengthens or improves the code, and provides equivalent or better products, methods, or systems of construction
Same as original

Does not discriminate against materials, products, methods, or systems of construction of demonstrated capabilities
Same as original

Does not degrade the effectiveness of the code
Same as original

R322.1.6 Protection of mechanical, plumbing and electrical systems. Electrical systems, equipment and components; heating, ventilating, air conditioning; plumbing appliances and plumbing fixtures; duct systems; and other service equipment shall be located at or above the elevation required in Section R322.2 or R322.3. New exterior equipment, replacement exterior equipment, new exterior appliances, and replacement exterior appliances shall meet the requirements of this section. ~~Replacement of exterior equipment and exterior appliances damaged by flood shall meet the requirements of this section.~~ If replaced as part of a substantial improvement, electrical systems, equipment and components; heating, ventilating, air conditioning and plumbing appliances and plumbing fixtures; duct systems; and other service equipment shall meet the requirements of this section. Systems, fixtures, and equipment and components shall not be mounted on or penetrate through walls intended to break away under flood loads.

SP10257Text Modification

R322.1.6 Protection of mechanical, plumbing and electrical systems. Electrical systems, equipment and components; heating, ventilating, air conditioning; plumbing appliances and plumbing fixtures; duct systems; and other service equipment shall be located at or above the elevation required in Section R322.2 or R322.3. Replacement of exterior equipment and exterior appliances damaged by flood shall meet the requirements of this section. If replaced as part of a substantial improvement, electrical systems, equipment and components; heating, ventilating, air conditioning and plumbing appliances and plumbing fixtures; duct systems; and other service equipment shall meet the requirements of this section. Systems, fixtures, and equipment and components shall not be mounted on or penetrate through walls intended to break away under flood loads.

Exception: Locating electrical systems, equipment and components; heating, ventilating, air conditioning; plumbing appliances and plumbing fixtures; duct systems; and other service equipment is permitted below the elevation required in Section R322.2 or R322.3 provided that they are designed and installed to prevent water from entering or accumulating within the components and to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of flooding to the required elevation in accordance with ASCE 24. Equipment for pools, spas and water features shall be permitted below the elevation required in Section R322.2 or R322.3 provided it is elevated to the extent practical and is anchored to prevent floatation and resist flood forces and is supplied by branch circuits that have ground-fault circuit interrupter protection. Electrical wiring systems are permitted to be located below the required elevation provided that they conform to the provisions of the electrical part of this code for wet locations.

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Attachment for INSERT
PROPOSAL NUMBER

Photographs from FEMA's proposal for the 2024 IRC used with permission.







Photographs are provided courtesy of: FEMA P-348, Rebecca Quinn, and Rebecca Quinn

Cost Impact: The code change proposal will increase the cost of construction
When nonconforming dwellings have non-elevated exterior equipment, this code change proposal requires compliance when the exterior equipment is replaced after being damaged by flooding. Most equipment is elevated; although most typical exterior equipment is not designed to satisfy the requirements and limitations of the exception, that option remains available. Increased costs incurred would be the cost of the pedestal or platform on which the replacement equipment is raised elevated and minor costs to extend wiring and piping, if necessary. The actual cost increase depends on the method of elevation (pedestal, platform, cantilevered/knee braced platform), how high above grade is necessary to meet the elevation requirements of R322.2 or R322.3, as applicable, and other factors such as soil type. The cost of a professionally built 6-foot high wooden platform is approximately $500, with an additional estimated $100 for 10 feet of copper refrigerant line, for a total of approximately $600. At least two long-term benefits off-set the upfront additional installation costs: damage avoided and cost of complete replacement if flooded, and faster drying, clean-up, and reoccupancy after subsequent flood events.

TAC: Special Occupancy

Total Mods for **Special Occupancy** in **Pending Review : 75**

Total Mods for report: 75

Sub Code: Residential

71

SP10258

Date Submitted	02/12/2022	**Section**	322.2.2	**Proponent**	Conn Cole FDEM SFMO
Chapter	3	**Affects HVHZ**	No	**Attachments**	No
TAC Recommendation	Pending Review				
Commission Action	Pending Review				

Comments

General Comments Yes **Alternate Language No**

Related Modifications

Summary of Modification

Clarify requirements that don’t apply to elevator shafts and utility chases in flood hazard areas.

Rationale

Based on FEMA 2024 IRC proposal RB138-22. Subject to 553.73(7)(a) as flood requirement for inclusion in 9th Edition. FEMA regularly responds to questions about whether utility chases and elevator shafts that extend below elevated buildings are enclosures. Strictly read, Sections R322.2.2 and R322.3.5 apply to elevator shafts and utility chases that extend below elevated buildings, which means the walls must have flood openings and breakaways wall (Zone V and Coastal A Zones). This code change relaxes those requirements, with some limits, in line with IRC Commentary, ASCE 24, and published FEMA guidance. Those sources explain that elevator shafts do not require openings and breakaway walls, but the shafts must meet other requirements (materials, resistance to flood loads). Those sources also explain that utility chases do not require openings and breakaway walls as long as the chases are the minimum size necessary and are not sized or constructed to allow a person to enter the space. If chases allow entry by a person, they must fully comply with the requirements for enclosures, including the use limitations. Chases must meet other requirements (materials, resistance to flood loads). Bibliography: FEMA TB 9, Design and Construction Guidance for Breakaway Walls (2021), https://www.fema.gov/emergency-managers/riskmanagement/building-science/national-flood-insurance-technical-bulletins

Fiscal Impact Statement

Impact to local entity relative to enforcement of code

No cost change to local entities.

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

Decreased costs when floodplain buildings have elevators and/or utility chases. Change allows conventional shaft and chase construction without flood openings or breakaway walls which are otherwise required for enclosures below elevated buildings in flood hazard areas.

Impact to industry relative to the cost of compliance with code

Minor cost savings for not having to specify flood openings and breakaway walls.

Impact to small business relative to the cost of compliance with code

Requirements

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

Yes, it satisfies FEMA-approved requirements for elevators and utility chases.

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

Yes, it improves by clarifying requirements.

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

No, the use of flood damage resistant materials is already required.

Does not degrade the effectiveness of the code

No, it improves by clarifying requirements.

1st Comment Period History

SP10258-G1

Proponent	Rebecca Quinn obo FL Div Emerg Mgnt	Submitted	4/15/2022 4:19:51 PM	Attachments	No

Comment:

I submit this comment on behalf of Conn Cole, FDEM State Floodplain Manager, to advise that this proposal was submitted by FEMA for the 2024 International Codes as RB138-22 and was Approved as Submitted at the Committee Action Hearing.

SP10258Text Modification

R322.2.2 Enclosed area below required elevation. Enclosed areas, including crawl spaces, that are below the elevation required in Section R322.2.1 shall:

1. Be used solely for parking of vehicles, building access or storage.

2. Be provided with flood openings that meet the following criteria and are installed in accordance with Section R322.2.2.1:

2.1. The total net area of non-engineered openings shall be not less than 1 square inch (645 mm^2) for each square foot (0.093 m^2) of enclosed area where the enclosed area is measured on the exterior of the enclosure walls, or the openings shall be designed as engineered openings and the construction documents shall include a statement by a registered design professional that the design of the openings will provide for equalization of hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwaters as specified in Section 2.7.2.2 of ASCE 24.

2.2. Openings shall be not less than 3 inches (76 mm) in any direction in the plane of the wall.

2.3 The presence of louvers, blades, screens and faceplates or other covers and devices shall allow the automatic flow of floodwater into and out of the enclosed areas and shall be accounted for in the determination of the net open area.

Exception: The following are not required to comply with this section:

1. Elevator shafts.

2. Utility chases that protect utility lines from freezing, provided the utility chases are the minimum size necessary to protect the utility lines and do not provide access for a person to enter the space.

R322.3.5 Walls below required elevation. Walls and partitions are permitted below the elevation required in Section R322.3.2, provided that such walls and partitions are not part of the structural support of the building or structure and:

1. Electrical, mechanical and plumbing system components are not to be mounted on or penetrate through walls that are designed to break away under flood loads; and

2. Are constructed with insect screening or open lattice; or

3. Are designed to break away or collapse without causing collapse, displacement or other structural damage to the elevated portion of the building or supporting foundation system. Such walls, framing and connections shall have a resistance of not less than 10 (479 Pa) and not more than 20 pounds per square foot (958 Pa) as determined using allowable stress design; or

4. Where wind loading values of this code exceed 20 pounds per square foot (958 Pa), as determined using allowable stress design, the construction documents shall include documentation prepared and sealed by a registered design professional that:

4.1. The walls and partitions below the required elevation have been designed to collapse from a water load less than that which would occur during the base flood.

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4.2. The elevated portion of the building and supporting foundation system have been designed to withstand the effects of wind and flood loads acting simultaneously on structural and nonstructural building components. Water-loading values used shall be those associated with the design flood. Wind-loading values shall be those required by this code.

5. Walls intended to break away under flood loads as specified in Item 3 or 4 have flood openings that meet the criteria in Section R322.2.2, Item 2.

Exception: The following are not required to comply with this section:

1. Elevator shafts.

2. Utility chases that protect utility lines from freezing, provided the utility chases are the minimum size necessary to protect the utility lines and do not provide access for a person to enter the space.

TAC: Special Occupancy

Total Mods for **Special Occupancy** in **Pending Review : 75**

Total Mods for report: 75

Sub Code: Residential

72

SP10259

Date Submitted	02/12/2022	**Section**	322.3.2	**Proponent**	Conn Cole FDEM SFMO
Chapter	3	**Affects HVHZ**	No	**Attachments**	**Yes**
TAC Recommendation	Pending Review				
Commission Action	Pending Review				

Comments

General Comments Yes **Alternate Language No**

Related Modifications

Summary of Modification

Specify where the bottom of the lowest horizontal structural member is when stem wall foundations are permitted in Coastal A Zones (seaward of LiMWA when delineated on FIRM).

Rationale

Based on FEMA 2024 IRC proposal RB139-22. Subject to 553.73(7)(a) as flood requirement for inclusion in 9th Edition. Section R322.3.3 Foundations, by exception, allows backfilled stem wall foundations in flood hazard areas designated as Coastal A Zones. Coastal A Zones are areas subject to waves that are between 3 feet and 1.5 feet high. Section R322.3.2 specifies elevation of the “bottom of the lowest horizontal structural members supporting the lowest floor.” This proposal does not change the requirement. It clarifies where the “bottom of the lowest horizontal structural member” is located when applicants elect to use backfilled stem wall foundations so that designers, builders, and building officials can readily determine compliance. Relating the required elevation to the wall also removes any confusion should a slab have varying thicknesses at points interior to the perimeter walls. There are different ways to configure the foundation wall and slab connection. Three common options are shown in the figures, with arrows pointing to the top of the foundation wall, or top of the portion of the wall, supporting the slab.

Fiscal Impact Statement

Impact to local entity relative to enforcement of code

Facilitates enforcement by taking the guesswork out of a key aspect of flood compliance.

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

No change because the proposal clarifies where the “bottom of the lowest horizontal structural member” is when backfilled stem wall foundations are used in Coastal A Zones. There is no change to the actual requirements for the elevation of the bottom of the lowest horizontal structural member.

Impact to industry relative to the cost of compliance with code

No cost impact (doesn’t change a design requirement).

Impact to small business relative to the cost of compliance with code

Requirements

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

Yes, by taking the guesswork out of a key aspect of flood compliance.

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

Yes, by taking the guesswork out of a key aspect of flood compliance.

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

No change in materials and methods.

Does not degrade the effectiveness of the code

No, it improves effectiveness by taking the guesswork out of a key aspect of flood compliance.

1st Comment Period History

SP10259-G1

Proponent	Rebecca Quinn obo FL Div Emerg Mgnt	Submitted	4/15/2022 4:21:01 PM	Attachments	No

Comment:

I submit this comment on behalf of Conn Cole, FDEM State Floodplain Manager, to advise that this proposal was submitted by FEMA for the 2024 International Codes as RB136-22 and was Approved as Submitted at the Committee Action Hearing.

SP10259Text Modification

R322.3.2 Elevation requirements.

1. Buildings and structures erected within coastal high-hazard areas and Coastal A Zones, shall be elevated so that the bottom of the lowest horizontal structural members supporting the lowest floor, with the exception of pilings, pile caps, columns, grade beams and bracing, is elevated to or above the base flood elevation plus 1 foot (305 mm) or the design flood elevation, whichever is higher. Where stem wall foundations are permitted in Coastal A Zones in accordance with R322.3.3, the bottom of the lowest horizontal structural member supporting the lowest floor is the top of the foundation wall, or top of the portion of the foundation wall, supporting the slab.

2. Basement floors that are below grade on all sides are prohibited.

3. Garages used solely for parking, building access or storage, and carports shall comply with Item 1 or shall be at or above grade on not less than one side and, if enclosed with walls, such walls shall comply with Item 6.

4. The use of fill for structural support is prohibited.

5. Minor grading, and the placement of minor quantities of fill, shall be permitted for landscaping and for drainage purposes under and around buildings and for support of parking slabs, pool decks, patios and walkways.

6. Walls and partitions enclosing areas below the elevation required in this section shall meet the requirements of Sections R322.3.5 and R322.3.6.

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Attachment for INSERT PROPOSAL NUMBER

Figures from FEMA's proposal for the 2024 IRC.

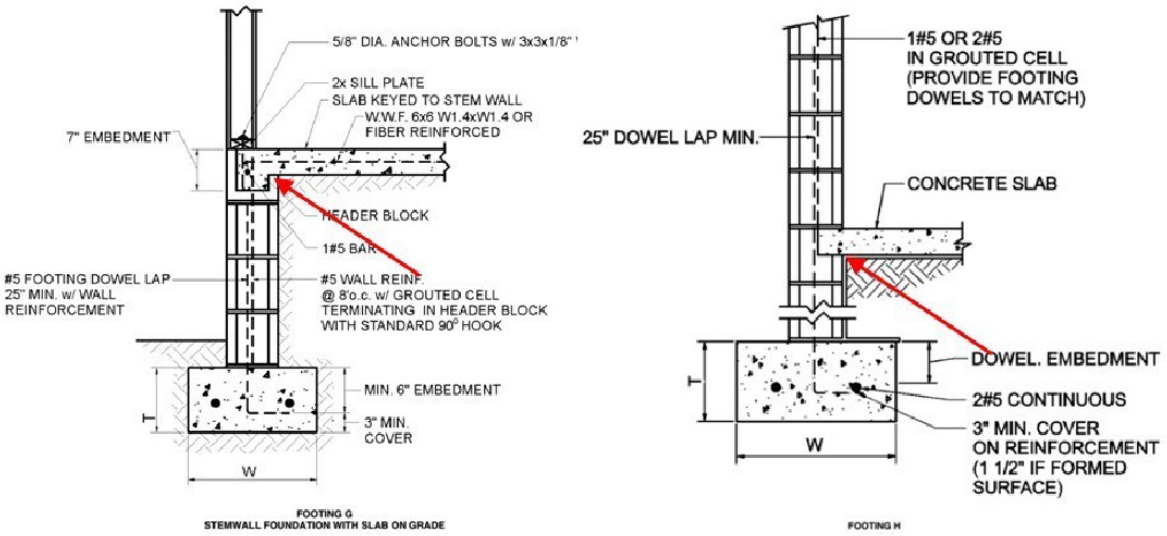
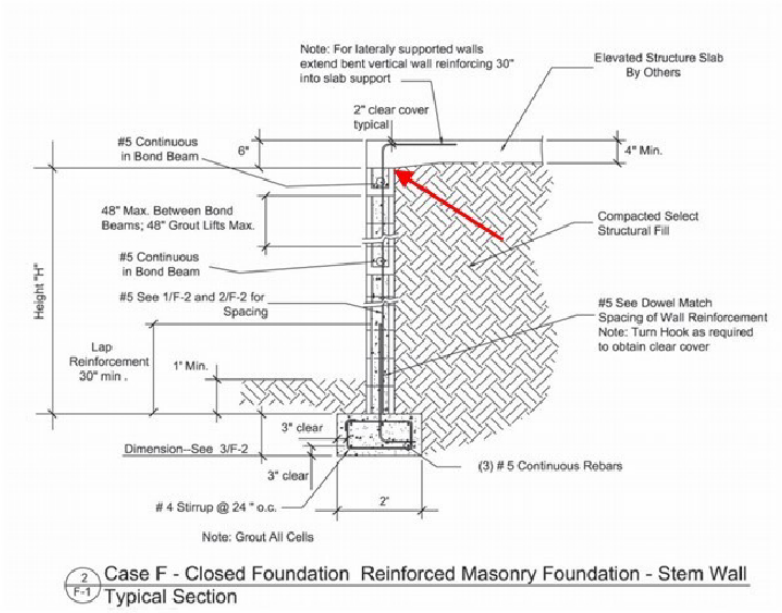


Figure 403.1(1) Concrete and Masonry Foundation Details
(2020 Florida Residential Code)



2/F-1 Case F - Closed Foundation Reinforced Masonry Foundation - Stem Wall Typical Section

FEMA P-550 Recommended Residential Construction for Coastal Areas

Cost Impact: The code change proposal will not increase or decrease the cost of construction
The code change proposal clarifies where the "bottom of the lowest horizontal structural member" is when backfilled stem wall foundations are used in Coastal A Zones. There is no change to the actual requirements for elevation of the bottom of the lowest horizontal structural member. By clarifying existing requirements, there will be no cost impact when approving this proposal.

TAC: Special Occupancy

Total Mods for **Special Occupancy** in **Pending Review : 75**

Total Mods for report: 75

Sub Code: Residential

73

SP10262

Date Submitted	02/12/2022	**Section**	322.3.3	**Proponent**	Conn Cole FDEM SFMO
Chapter	3	**Affects HVHZ**	No	**Attachments**	No
TAC Recommendation	Pending Review				
Commission Action	Pending Review				

Comments

General Comments Yes **Alternate Language No**

Related Modifications

Summary of Modification

Refer to ASCE 24, the standard of practice, for the design of pilings and columns.

Rationale

Based on FEMA 2024 IRC proposal RB140-22. Subject to 553.73(7)(a) as flood requirement for inclusion in 9th Edition. Section R322.3.3 applies to buildings in coastal high hazard areas and Coastal A Zones. Those are flood zones with wave action. In coastal high hazard areas, also called V Zones, waves are 3 feet and higher during base flood conditions. Wave heights in Coastal A Zones range from 3 ft to 1.5 feet. FEMA has delineated the inland extent of 1.5 foot waves on many Flood Insurance Rate Maps for coastal communities, labeling the line as the Limit of Moderate Wave Action. Section R322.3.9 requires construction documents to be prepared and sealed by registered design professionals. Section R322.3.3 describes the performance expectations for pilings and columns. This proposal requires pilings and columns to be designed in accordance with ASCE 24 Flood Resistant Design and Construction, which is the standard of practice for design and construction in flood hazard areas. Relying on the recognized standard of practice facilitates the design professional's task to satisfy the performance expectations.

Fiscal Impact Statement

Impact to local entity relative to enforcement of code

Eases enforcement because ASCE 7 is the referenced standard for loads ASCE 24 is considered the "standard of practice" the code requires certification of design.

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

No change; code already requires foundations in Zone V and Coastal A Zones to be designed by registered design professionals to satisfy the performance expectations. Change requires designs in accordance with the recognized standard of practice, which facilitates the design professional's task.

Impact to industry relative to the cost of compliance with code

There is no impact by having designers use the recognized "standard of practice" for flood hazard area design.

Impact to small business relative to the cost of compliance with code

Requirements

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

Yes, because ASCE 24 has been the “standard of practice” since 1998.

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

Yes, because ASCE 24 has been the “standard of practice” since 1998.

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

No, because ASCE 24 has been the “standard of practice” since 1998.

Does not degrade the effectiveness of the code

No, because ASCE 24 has been the “standard of practice” since 1998.

1st Comment Period History

SP10262-G1

Proponent Rebecca Quinn obo FL Div Emerg Mgnt | Submitted 4/15/2022 4:21:55 PM | Attachments No

Comment:

I submit this comment on behalf of Conn Cole, FDEM State Floodplain Manager, to advise that this proposal was submitted by FEMA for the 2024 International Codes as RB140-22 and was Approved as Submitted at the Committee Action Hearing.

SP10262Text Modification

R322.3.3 Foundations. Buildings and structures erected in coastal high-hazard areas and Coastal A Zones shall be supported on pilings or columns and shall be adequately anchored to such pilings or columns and shall comply with the following:

1. The space below the elevated building shall be either free of obstruction or, if enclosed with walls, the walls shall meet the requirements of Section R322.3.5.

2. Pilings shall be designed in accordance with ASCE 24 to have adequate soil penetrations to resist the combined wave and wind loads (lateral and uplift) and pile embedment shall include consideration of decreased resistance capacity caused by scour of soil strata surrounding the piling.

3. Columns and their supporting foundations shall be designed in accordance with ASCE 24 to resist combined wave and wind loads, lateral and uplift, and shall include consideration of decreased resistance capacity caused by scour of soil strata surrounding the columns. Spread footing, mat, raft or other foundations that support columns shall not be permitted where soil investigations that are required in accordance with Section R401.4 indicate that soil material under the spread footing, mat, raft or other foundation is subject to scour or erosion from wave velocity flow conditions. If permitted, spread footing, mat, raft or other foundations that support columns shall be designed in accordance with ASCE 24.

4. Flood and wave loads shall be determined in accordance with ASCE 7 and shall include loads ~~those~~ associated with the design flood. Wind loads shall be those required by this code.

5. Foundation designs and construction documents shall be prepared and sealed in accordance with Section R322.3.9.

Exception: In Coastal A Zones, stem wall foundations supporting a floor system above and backfilled with soil or gravel to the underside of the floor system shall be permitted provided that the foundations are designed to account for wave action, debris impact, erosion and local scour. Where soils are susceptible to erosion and local scour, stem wall foundations shall have deep footings to account for the loss of soil.

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Mod_10262_TextOfModification.pdf

TAC: Special Occupancy

Total Mods for **Special Occupancy** in **Pending Review : 75**

Total Mods for report: 75

Sub Code: Residential

74

SP10351

Date Submitted	02/14/2022	**Section**	322.1.10	**Proponent**	Conn Cole FDEM SFMO
Chapter	3	**Affects HVHZ**	No	**Attachments**	**Yes**
TAC Recommendation	Pending Review				
Commission Action	Pending Review				

Comments

General Comments No **Alternate Language No**

Related Modifications

Building Section 1612, #10349, to add definition and make similar change to where elevation data are prepared and sealed.

Summary of Modification

Clarify that licensed professional surveyors and mappers survey and seal elevation data and add a definition for Professional Surveyor and Mapper.

Rationale

The FBC defines “registered design professional,” citing Florida Statutes for Chapter 471 (Engineering) and Chapter 481 (Architecture). The term does not include professional surveyors and mappers licensed pursuant to Chapter 472, Florida Statutes. In 2021, the Florida Board of Professional Surveyors and Mappers determined and verified that only Surveyors and Mappers with Florida licenses in good standing “may certify elevation data in Florida pursuant to 472.0366.” Therefore, it is appropriate to define ‘professional surveyor and mapper” in the FBC, Building and FBC, Residential, and clarify in the sections that specify which professionals may certify elevations. The FEMA NFIP Elevation Certificate relies on the laws of each state that specify which licensed professionals may certify elevations.

Fiscal Impact Statement

Impact to local entity relative to enforcement of code

Local entities should verify that a certifier of elevation data is a Professional Surveyor and Mapper licensed by the FBPSM.

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

None, certification of elevations is already required.

Impact to industry relative to the cost of compliance with code

None, certification of elevations is already required.

Impact to small business relative to the cost of compliance with code

Requirements

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

Yes, because the appropriately licensed professional is required to prepare certifications.

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

Yes, because the appropriately licensed professional is required to prepare certifications.

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

The change does not affect materials and methods of construction.

Does not degrade the effectiveness of the code

Improves effectiveness because the appropriately licensed professional is required to prepare certifications.

SP10351Text Modification

202 Definitions.

PROFESSIONAL SURVEYOR AND MAPPER. An individual who is licensed or registered to engage in the practice of surveying and mapping under Chapter 472, Florida Statutes.

R322.1.10 As-built elevation documentation. A licensed professional surveyor and mapper ~~registered design professional~~ shall prepare and seal documentation of the elevations specified in Section R322.2 or R322.3.

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Mod_10351_TextOfModification.pdf

SP10351Rationale

Mod_10351_Rationale_fdem-sfmo_memo-bpsm_surveyor-mapper_certify-elev-data_11-11-21.pdf

STATE OF FLORIDA

DIVISION OF EMERGENCY MANAGEMENT

Ron DeSantis
Governor

Kevin Guthrie
Director

MEMORANDUM

TO: Florida Floodplain Managers and Building Officials

FROM: Conn Cole, Florida NFIP State Coordinator

DATE: November 11, 2021

RE: Certification of Elevation Data

Digitally signed by Conn Cole
DN: dc=org, dc=fleoc, ou=DEM_Users, ou=Mitigation, ou=HazardMitigationAssistance, cn=Conn Cole, email=Conn.Cole@em.myflorida.com
Date: 2021.11.11 10:06:30 -05'00'

From time to time, the State Floodplain Management Office is asked which professionals licensed in Florida are authorized to certify elevation data. In addition, most communities require submission of the FEMA/NFIP Elevation Certificate to satisfy the Florida Building Code requirements related to foundation inspections and final inspections (see FBC, Building, Sec. 110.3).

By email dated November 2, 2021 (attached), the Executive Director of the Board of Professional Surveyors and Mappers advises that "[o]nly Surveyors and Mappers licensed by the Board of Professional Surveyors and Mappers with licenses in good standing may certify elevation data in Florida according to 472.0366 [Florida Statutes] and verified by the board at the August 2, 2021 meeting."

The FEMA/NFIP Elevation Certificate clarifies that only professionals "authorized by law to certify elevation information" may sign and seal Section D of the Elevation Certificate. Therefore, the fact that the Elevation Certificate lists "land surveyor, engineer, or architect" does not, by itself, authorize all such licensed professionals to certify surveyed elevation data.

This memorandum and other guidance prepared by the State Floodplain Management Office is available online:

www.floridadisaster.org/dem/mitigation/floodplain/community-resources
(Guidance, Ordinance Amendments, FBC Amendments, and Sample Forms)

CHC/

Attachment: November 2, 2021 Email from Executive Director of the Board of Professional Surveyors and Mappers

DIVISION HEADQUARTERS
2555 Shumard Oak Blvd
Tallahassee, FL 32399-2100

Tel:850-815-4000
www.FloridaDisaster.org

STATE LOGISTICS RESPONSE CENTER
2702 Directors Row
Orlando, FL 32809-5631

Rebecca C. Quinn

From: Compton, Liz <Patricia.Compton@fdacs.gov>
Sent: Tuesday, November 02, 2021 10:55 AM
To: Conn Cole; Mckibben, Amanda
Cc: Kristabel Moore; Rebecca C. Quinn (rcquinn@earthlink.net)
Subject: RE: Elevation Data Certification

Dear Mr. Cole,

That is correct. Only Surveyors and Mappers licensed by the Florida Board of Professional Surveyors and Mappers with licenses in good standing may certify elevation data in Florida pursuant to 472.0366 and verified by the board at the August 2, 2021 meeting.

Sincerely,

Liz Compton, CPM
Executive Director
Board of Professional Surveyors and Mappers
Florida Department of Agriculture and Consumer Services

Liz.compton@FDACS.gov
850.410.3674

The Rhodes Building
2005 Apalachee Parkway
Tallahassee, FL 32399

www.FDACS.gov

Please note that Florida has a proud public records law (Chapter 119, Florida Statutes). Most written communications to or from state employees are public records obtainable by the public upon request. Emails sent to me at this email address may be considered public and will only be withheld from disclosure if deemed confidential pursuant to the laws of the State of Florida.

From: Conn Cole <Conn.Cole@em.myflorida.com>
Sent: Tuesday, November 2, 2021 8:45 AM
To: Compton, Liz <Patricia.Compton@fdacs.gov>; Mckibben, Amanda <Amanda.McKibben@fdacs.gov>
Cc: Kristabel Moore <Kristabel.Moore@em.myflorida.com>; Rebecca C. Quinn (rcquinn@earthlink.net) <rcquinn@earthlink.net>
Subject: [External] Elevation Data Certification

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Liz and Ms. McKibben,

Thank you for your quick response and assistance in clearing up the confusion on this topic. Would you please reply to confirm that only Professional Surveyors and Mappers licensed by the Florida Board of Professional Surveyors and Mappers may certify elevation data in Florida?

Best regards,
Conn

Conn H. Cole, MBA/PA, CFM
Florida NFIP State Coordinator | State Floodplain Manager
State Floodplain Management Office
Florida Division of Emergency Management
(850) 815-4507 Desk
(850) 509-1813 Cell
Conn.Cole@em.myflorida.com



Under Florida law, correspondence with the Florida Division of Emergency Management concerning agency business that is neither confidential nor exempt pursuant to Florida Statutes is a public record and will be made available to the public upon request.

TAC: Special Occupancy

Total Mods for **Special Occupancy** in **Pending Review : 75**

Total Mods for report: 75

Sub Code: Residential

75

SP10263

Date Submitted	02/12/2022	**Section**	408.7	**Proponent**	Conn Cole FDEM SFMO
Chapter	4	**Affects HVHZ**	No	**Attachments**	No
TAC Recommendation	Pending Review				
Commission Action	Pending Review				

Comments

General Comments Yes **Alternate Language No**

Related Modifications

Building, Section 1805.1.2.1, proposal #10264, to make the same replacement of Technical Bulletin 11.

Summary of Modification

Replace reference to NFIP Technical Bulletin 11 with enforceable requirements.

Rationale

Based on FEMA 2024 IBC proposal S154-22. Subject to 553.73(7)(a) as flood requirement for inclusion in 9th Edition. The basic requirements of the National Flood Insurance Program prohibit areas of buildings that are below grade on all sides (except nonresidential buildings that are designed to be dry floodproofed). That limitation applies to crawlspaces that have the interior grade below the exterior grade on all sides. The exception in this section refers to FEMA Technical Bulletin 11, which outlines limitations to allow below-grade crawlspaces, specifically limitations on wall height and how far below grade the interior can extend. Importantly, TB 11 requires jurisdictions to adopt the specified requirements in the exception to allow for construction of such below-grade spaces. The proposed replaces the reference to TB 11 with itemized lists that capture the limitations in TB 11. Not only does this eliminate the need for buildings and designers to find and interpret TB 11, it eliminates the need for communities to adopt the specific requirements. The Florida Division of Emergency Management State Floodplain Management Office notes that this below-grade crawlspace configuration is not common in Florida, but the office has responded to questions about it. If this code change proposal is successful, the codes will no longer refer to TB 11 and TB 11 should be removed from the list of referenced standards in both codes. Bibliography: FEMA Technical Bulletin 11, Crawlspace Construction for Buildings Located in Special Flood Hazard Areas, Interim Guidance (2001), https://www.fema.gov/emergency-managers/risk-management/building-science/national-flood-insurance-technical-bulletins

Fiscal Impact Statement

Impact to local entity relative to enforcement of code

Increases enforcement efficiency because the provisions are specified rather than have to research a guidance document.

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

No change; proposal replaces the reference to NFIP Technical Bulletin 11 with a list of requirements from the Bulletin.

Impact to industry relative to the cost of compliance with code

No change to the technical requirements.

Impact to small business relative to the cost of compliance with code

Requirements

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

Yes, it provides clear requirements for flood resistance and facilitates meeting FEMA expectations.

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

Yes, it improves by stating specific requirements and limitations.

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

No, the use of flood damage resistant materials is already required.

Does not degrade the effectiveness of the code

No, it improves enforcement by having clear requirements.

1st Comment Period History

Proponent	Rebecca Quinn obo FL Div Emerg Mgnt	Submitted	4/15/2022 4:23:57 PM	Attachments	No

Comment:

I submit this comment on behalf of Conn Cole, FDEM State Floodplain Manager, to request withdrawal of this proposal.

P10263-G1

SP10263Text Modification

R408.7 Flood resistance. For buildings located in flood hazard areas as established in Table R301.2(1):

1. Walls enclosing the under-floor space shall be provided with flood openings in accordance with Section R322.2.2.

2. The finished ground level of the under-floor space shall be equal to or higher than the outside finished ground level on at least one side.

Exception: Under-floor spaces that meet the following requirements: ~~of FEMA TB-11-1.~~

1. The velocity of floodwater at the site does not exceed 5 feet per second.

2. The interior grade of the under-floor space is not more than 2 feet below the lowest adjacent exterior grade.

3. The height of the under-floor space, measured from the interior grade of the under-floor space to the top of the foundation wall is not more than 4 feet at any point.

4. There is an adequate drainage system that removes floodwater from the interior area of the under-floor space.

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