

8th Edition (2023) Florida Building Code

Proposed Code Modifications



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

850-487-1824

TAC: Special Occupancy

Total Mods for **Special Occupancy** in **Approved as Submitted** : 2

Total Mods for report: 13

Sub Code: Building

SP10505

1

Date Submitted	02/15/2022	Section	449.4.2.6.1	Proponent	scott waltz
Chapter	4	Affects HVHZ	No	Attachments	Yes
TAC Recommendation	Approved as Submitted				
Commission Action	Pending Review				

Comments

General Comments No

Alternate Language Yes

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.

Alternate Language

2nd Comment Period

Proponent scott waltz **Submitted** 8/24/2022 4:04:59 PM **Attachments** Yes

Rationale:

The proposed modification clarifies the intent of this requirement and the methods for compliance. This is in response to the proposed text in alternate #1.

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

Could reduce cost by clarifying code intent and methods of 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

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

It does not.

Does not degrade the effectiveness of the code

It does not.

2nd Comment Period

Proponent Alfonso Fernandez-Fraga **Submitted** 8/15/2022 9:46:32 AM **Attachments** Yes

Rationale:

The reason for removing 1626.3 from the requirements is that it does not apply to anything lower than 30 feet, and 449.4.2.6.1.2 applies only to 30 feet and lower. It does not make sense for a paragraph that pertains only to installations 30 feet and lower to reference a paragraph that pertains only to installations higher than 30 feet. The reason for removing 1626.4 from the requirements is that it applies to myriad components, but none of them are mechanical rooftop equipment. It is unnecessary and confusing to reference a section that defines assemblies that are deemed to comply if none of them relate to mechanical rooftop equipment. The reason to eliminate TAS201 and TAS203 is that they were written for components such as windows, doors, walls, roofs, and cladding where the application of perpendicularly positive and negative pressures make sense. The application of positive and negative pressures to rooftop equipment makes no sense, since the Code only discusses lateral and uplift forces. TAS201 and TAS203 do not apply to mechanical rooftop equipment. Test protocols (for wind loading and/or missile impact) applicable to rooftop equipment do not presently exist. Industry standards are being developed, so we are suggesting the use of the term approved, where approved, by Code definition, means, "approved by the building official." Should someone want to comply with Code using the 449.4.2.6.1.2 option, some manufacturer's test data and test methodology would need to be submitted to the building official for approval. In the future, once the industry standard is available, we will propose additional Code modifications to specifically cite the applicable standard.

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

There may be a cost reduction by, as a practical matter, making equipment available that meets Code without requiring an additional enclosure.

Impact to industry relative to the cost of compliance with code

There may be a cost reduction by, as a practical matter, making equipment available that meets Code without requiring an additional enclosure.

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

The requirement is already in the Code. The proposed change introduces a means to comply. There is really no proposed change in the Code or the Code intent.

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

The proposal definitely improves the Code by increasing consistency and allowing for clearer methods of compliance.

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

There is no discrimination, the proposal "opens up" options.

Does not degrade the effectiveness of the code

The proposal does not degrade the effectiveness of the Code. By making the means to comply clearer, it makes the Code more effective.

449.4.2.5.4

~~Critical~~ Systems and utilities identified in this Section 449.4.2 shall be protected from debris impact by an equipment housing or screening enclosure complying with the impact protection standards in accordance with Sections 1626-2 through 1626.4 when located at or below 30 feet above the finished grade of the building. Where screening enclosures are used, the height of the enclosure shall be not less than the height of the protected equipment and shall provide clearances required for the maintenance and continuous operation of the equipment. Where the housing and louvers are designed to provide the required equipment protection, sufficient standoff shall be provided to prevent damage to internal components from deflection of the cladding as a result of impact. Roof mounted equipment shall have fastening systems designed to meet the wind load requirements of the *Florida Building Code, Building*.

Proposed changes to Florida Building Code, 2023 Edition, Section 449.4.2.6.1:

Present verbiage of 449.4.2.6.1.2:

“They are protected in accordance with Section 449.4.2.5.4.”

Proposed verbiage of 449.4.2.6.1.2:

“They are protected in accordance with Section 449.4.2.5.4, except that the references to Sections 1626.3 and 1626.4 in Section 449.4.2.5.4 shall not apply. References to test protocols TAS 201 and TAS 203 in Section 1626.2 shall also not apply. Test protocols shall be in accordance with *approved* industry standards or test protocols shall be in accordance with alternate means acceptable to the *building official*.”

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:

TAC: Special Occupancy

Total Mods for **Special Occupancy** in **Approved as Submitted** : 2

Total Mods for report: 13

Sub Code: Residential

SP10256						2
Date Submitted	02/12/2022	Section	322.2.1	Proponent	Conn Cole FDEM SFMO	
Chapter	3	Affects HVHZ	No	Attachments	No	
TAC Recommendation	Approved as Submitted					
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.

2nd Comment Period

Proponent Brian Walsh - RCCIW Submitted 8/5/2022 11:21:09 AM Attachments No

Comment:

No cost impact, but I do not understand why R322.2.1 modification would limit a property owner on the size of detached garages when there is no limit on size of attached garages.

1st Comment Period History

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.

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.

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.

TAC: Special Occupancy

Total Mods for **Special Occupancy** in Denied : 11

Total Mods for report: 13

Sub Code: Building

SP10348						3
Date Submitted	02/14/2022	Section	107.6	Proponent	Conn Cole FDEM SFMO	
Chapter	1	Affects HVHZ	No	Attachments	Yes	
TAC Recommendation	Denied					
Commission Action	Pending Review					

Comments

General Comments Yes

Alternate Language Yes

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.

Alternate Language

2nd Comment Period

SP10348-A1 Proponent Rebecca Quinn obo FL Submitted 8/9/2022 8:32:19 AM Attachments Yes
Div Emerg Mgnt

Rationale:

Laying aside the original proposal, this alternative accomplishes the intent in a slightly different way. In Sec. 105.14, subsections are easier to interpret than exceptions and adding the title further clarifies it applies only in flood hazard areas. In 107.6, the alternative restores 107.6.1 to existing language, and strikes the original proposed 107.6.2 and replaces it with alternative language, on advice of Commission staff.

Fiscal Impact Statement

Impact to local entity relative to enforcement of code

Clarifies that affidavits per 553.791 submitted by private providers for buildings in flood hazard areas must be reviewed by the building official for the flood requirements, as required by FEMA (see original proposal).

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

SP10348-G1 Proponent Rebecca Quinn obo FL Submitted 4/15/2022 4:14:31 PM Attachments No
Div Emerg Mgnt

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.

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: 105.14.1 Affidavits in flood hazard areas. 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 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 flood hazard areas 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*.

107.6.2 Affidavits Provided Pursuant to Section 553.791, Florida Statutes. For a building or structure in a flood hazard area, the building official shall review any affidavit certifying compliance with the flood load and flood-resistant construction requirements of the Florida Building Code.

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, approve, 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, approve, 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.



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**

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

Digitally signed by Conn H. Cole
DN: c=US, o=Florida Department of
Emergency Management, ou=State Floodplain
Management Office,
email=Conn.Cole@em.mylflorida.com, c=US
Date: 2020.11.02 14:30:00 -0500

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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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.

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SP5255		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 **Denied** : 11

Total Mods for report: 13

Sub Code: Building

SP10338						4
Date Submitted	02/13/2022	Section	449	Proponent	James gregory	
Chapter	4	Affects HVHZ	Yes	Attachments	Yes	
TAC Recommendation	Denied					
Commission Action	Pending Review					

Comments

General Comments Yes

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

SP10338-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.

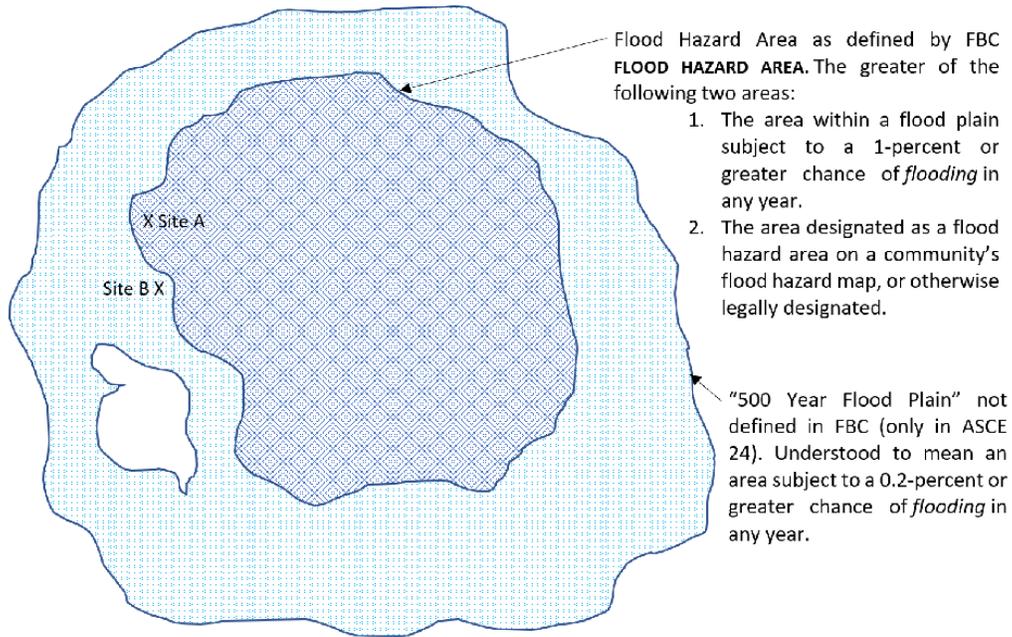
2nd Comment Period

SP10338-G1	Proponent	James gregory	Submitted	8/23/2022 2:30:11 PM	Attachments	No
	Comment:	This comment is in support of this provision to raise the height of the surge inundation for hospital sites from Category 3 to Category 5 hurricanes. Category 3 was picked in 1995 as the original rule was being developed, not because it was thought Florida would never be impacted by another Category 5 hurricane, but because it was thought, at the time, the rule was going to apply to both new and existing hospitals. The rule, which became part of the Florida Building Code in 2000, does not include existing facilities that are not adding any building additions. And since that time, it is well recognized that weather events are becoming more severe, Sea Level is rising, and Category 5 storms do and will continue to impact Florida. It only makes sense to revise the level of hurricane surge inundation from Category 3 to Category 5 Hurricane inundation to help Florida continue to protect its essential health care facilities and to protect patients from flooding and displacement.				

~~Except as permitted by Section 1612 of this code, the~~ 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 35 (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.

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.

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 35 (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.

TAC: Special Occupancy

Total Mods for **Special Occupancy** in **Denied** : 11

Total Mods for report: 13

Sub Code: Building

SP10362						5
Date Submitted	02/13/2022	Section	450	Proponent	James gregory	
Chapter	4	Affects HVHZ	Yes	Attachments	Yes	
TAC Recommendation	Denied					
Commission Action	Pending Review					

Comments

General Comments Yes

Alternate Language Yes

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.

Alternate Language

2nd Comment Period

P10362-A2	Proponent	James gregory	Submitted	8/23/2022 2:49:43 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

No impact

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

No impact

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

Strengthens the Code.

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

Strengthens the Code.

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 Code.

2nd Comment Period

SP10362-G1	Proponent	James gregory	Submitted	8/23/2022 2:24:06 PM	Attachments	No
	Comment:	This comment is in support of this provision to raise the height of the surge inundation for nursing home sites from Category 3 to Category 5 hurricanes. Category 3 was picked in 1995 as the original rule was being developed, not because it was thought Florida would never be impacted by another Category 5 hurricane, but because it was thought, at the time, the rule was going to apply to both new and existing nursing homes. The rule, which became part of the Florida Building Code in 2000, does not include existing facilities that are not adding any building additions. And since that time, it is well recognized that weather events are becoming more severe, Sea Level is rising, and Category 5 storms do and will continue to impact Florida. It only makes sense to revise the level of hurricane surge inundation from Category 3 to Category 5 Hurricanes inundation to help Florida continue to protect its health care facilities and to protect residents in nursing homes that serve the elderly from flooding and displacement				

~~Except as permitted by Section 1612 of this code, 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 35 (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.~~ 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.

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.

TAC: Special Occupancy

Total Mods for **Special Occupancy** in **Denied** : 11

Total Mods for report: 13

Sub Code: Building

SP10369

6

Date Submitted	02/13/2022	Section	451	Proponent	James gregory
Chapter	4	Affects HVHZ	No	Attachments	Yes
TAC Recommendation	Denied				
Commission Action	Pending Review				

Comments

General Comments No

Alternate Language Yes

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.

Alternate Language

2nd Comment Period

SP10369-A1	Proponent	James gregory	Submitted	8/11/2022 2:24:18 PM	Attachments	Yes
	Rationale: 1. This modification is necessary to clarify Section 903.2.2 in regards to ambulatory surgical centers located in single story buildings in Florida and addresses a fully sprinklered ambulatory surgical center when located in a single story unsprinklered building. 2. The use of a Fire Barrier to separate sprinklered areas from unsprinklered areas in a building is the correct barrier to use as required by the FBC. The hourly rating of the Fire Barrier is determined by Section 707 Fire Barriers. 3. This modification enforces the intent of Section 903.2.2 by requiring direct exits from the ASC without traversing any other part of the unsprinklered building.					

Fiscal Impact Statement

Impact to local entity relative to enforcement of code

No impact to local entity relative to enforcement.

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

No impact to building and property owners relative to cost of compliance.

Impact to industry relative to the cost of compliance with code

No impact to industry relative to the cost of 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

Improve 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

Provides a clarification of the code that works to improve it.

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

Make the code more effective by addressing a condition not previously addressed.

Where a fully sprinklered ambulatory surgical center is located in a single story unsprinklered building, a Fire Barrier designed and constructed in accordance with section 707 Fire Barriers and paragraph 707.3.10 Fire areas, of this Code, may be used to separate the sprinklered ambulatory surgical center Fire Area from the Fire Area of the remainder of the unsprinklered single story building only when all exits from the ambulatory surgical center lead directly to the exterior of the building or to an exit passageway designed and constructed in accordance with Section 1024 Exit Passageways of this Code.

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.

Rational for Modification:

This revision is meant to clarify section 903.2.2 for Ambulatory Surgical Centers in Florida and does not conflict with either the language or with the intent of Section 903.2.2. In fact, this modification strengthens Section 903.2.2 for a single story building in which an ASC may be located as follows:

Ambulatory Care Centers are required to be sprinklered by *Section 903.2.2 Ambulatory care facilities* where "...four or more care recipients are incapable of self-preservation..." and where "One or more care recipients that are incapable of self-preservation are located at other than the level of exit discharge..."

Previous editions of the Code required a sprinklered system be installed "...throughout **all fire areas** containing a Group B ambulatory health care facility..."

In 2009, it was recognized this language did not take into account ambulatory care facilities that were located in multi-story buildings. Revision F68-09/10 by proponent Tom Lariviere, Chairman of the Joint Fire Service Review Committee, was submitted to Section 903.2.2 that includes the following current language.

Current Language in FBC 7th Edition:

*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:*

The reason given by Mr. Lariviere to revise the language from "*throughout all fire areas*" to "*the entire floor*" was as follows: (See Attached for full text of Modification F68-09/10)

Reason: The current language would allow Ambulatory Surgical Centers to be placed in a high-rise structure, but would only require that the surgical center is to be sprinklered. In a fire, occupants would have to exit through spaces that lack sprinkler protection. If sprinklers are required to protect occupants in ambulatory surgical centers, it is illogical to expect them to evacuate through unprotected spaces.

Therefore, this proposal will require that when an Ambulatory Health Care Facility is located in a multi-story building, that the entire floor is protected with fire sprinklers and every floor between that level and the level of exit discharge will also be protected with fire sprinklers. This will provide a safe route for evacuation of patients to the exterior of the building.

Clearly it was the intent of this proposal to address a situation when an Ambulatory Care Facility is located in a "multi-story building". That is why the terminology uses the word "floor" that indicates a multi-story building with multiple "floors".

However, because this section does not clearly state the intent was to only address a situation in a multi-story building, some authorities having jurisdiction do not recognize this intent. Unfortunately, this section does not address the situation where an Ambulatory Care Facility is located in a single story building and where the "floor" of the building is commonly referred to as the "slab" of the building, not a "floor" and where all egress is through direct exits at grade level.

An opinion obtained from the International Code Council (ICC) states in part: (See Attached for full text of the Opinion)

While Section 903.2.2 states that the sprinkler system would be required to be installed throughout the entire floor in which the ambulatory care facility is located, in my opinion, the section was not intending to apply to an ambulatory care facility located in a strip mall. Typically, ambulatory care facilities are either stand alone facilities or are associated with hospitals or medical office buildings. For your information, the passage of Code Changes F68-09/10 (a copy of which is enclosed) and G15-09/10, which resulted in the current text of the IBC, deleted the reference to "all fire areas" containing a Group B ambulatory care facility.

Therefore, under the current IBC, an automatic sprinkler system, again, is literally required throughout the entire floor where the ambulatory care facility is located and not just within the fire area that the ambulatory care facility is located. With that being said, the reason statement for the change in the aforementioned language was to ensure the occupants of the ambulatory care facility, especially in multi-story buildings, were always egressing through a protected sprinklered environment to the exit discharge. With all that being said, admittedly, the code does not specifically address the sprinkler system requirements for an ambulatory care facility in a strip mall where each tenant has independent means of egress regardless of the level of fire separation provided. While the ambulatory care facility would be required to be sprinklered if there are at least four people who are incapable of self-preservation, in my opinion, the remaining portions of the strip mall would not be required to be sprinklered solely due to the presence of the ambulatory care facility. Final evaluation of the extent of sprinkler protection for the strip mall containing an ambulatory care facility is subject to the approval of the building official.

Section 706.3.9 of the International Building Code, that would not be required to be protected by an approved automatic sprinkler system. This exception shall not apply where other provisions of this code would otherwise require the installation of an approved automatic sprinkler system.

Reason: There is a lack of clear direction as to how the thresholds in 903.2 are to be applied where a fire area is created by construction of fire barriers as allowed in Assembly and other occupancies.

Cost Impact: The code change proposal will not increase the cost of construction.

Public Hearing: Committee: AS AM D
 Assembly: ASF AMF DF

ICCFILENAME: COLLINS-F1-903.2.DOC

F67-09/10

903.2.1.2 (IBC [F] 903.2.1.2)

Proponent: Kelly P. Reynolds representing Chick-Fila-A and McDonald's Corporation

Revise as follows:

903.2.1.2 (IBC [F] 903.2.1.2) Group A-2. An automatic sprinkler system shall be provided for Group A-2 occupancies where one of the following conditions exists:

1. The fire area exceeds 5,000 square feet (464 m²);
2. The fire area has an occupant load of 400 150 or more;
3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.

Reason: The three legacy codes (BOCA, ICBO & SBCCI) did not classify restaurants as A-2 (assembly) use groups, until the 2000 edition of the IBC (International Building Code). Even then, fire sprinklers were not required until the building was more than 5,000 sq. ft. or had an occupancy load of more than 300 persons. This same requirement appeared in the Life Safety Code (NFPA No. 101).

The sprinkler threshold dramatically changed to more than 100 persons in the 2006 IBC and 2006 IFC (International Fire Code).

Historically, the 300 person fire sprinkler threshold was based on tragic night club fires such as the Coconut Grove in Boston in 1942 that killed 492 persons and the Beverly fire in Kentucky in 1977 claimed 150 lives that were both over crowded beyond their legal capacity.

In 2003, The Station Nightclub fire in Rhode Island took 100 lives. It was over crowded by more than 200 persons. Through an apparent over-reaction, the code made a dramatic change of the fire sprinkler threshold for A-2 Use Groups from 300 persons down to 100 persons.

The intent of this code change proposal is to change that threshold to a more reasonable 150 persons to accommodate quick-serve restaurants. A quick-serve restaurant is "defended in place" and does not have the same conditions that these three infamous fire tragedies had. They do not have overcrowding, loud noise (music), and low lighting levels.

No alcohol or potential reaction/judgment impairing consumption's occur in quick-service restaurants, unlike nightclubs or full-service restaurants. Furthermore, they are "easy to navigate" and "well lit". The grease-laden cooking equipment is the only area of real concern and that is protected throughout by pre-engineered, self contained, approved fire suppression systems.

The 150 person threshold for fire sprinklers is more reasonable than the current 100 persons for these types of operations. Furthermore, there are no recorded fire deaths in any such type of quick-serve operations based on N FPA Fire Statistics .

Cost Impact: The code change proposal will reduce cost for A-2 uses under 150 people.

Public Hearing: Committee: AS AM D
 Assembly: ASF AMF DF

ICCFILENAME: REYNOLDS-F1-903.2.1.2

F68-09/10

903.2.2 (IBC [F] 903.2.2)

Proponent: Tom Lariviere, Chairman, Joint Fire Service Review Committee

Revise as follows:

903.2.2 (IBC [F] 903.2.2) Group B Ambulatory health care facilities. An automatic sprinkler system shall be installed throughout all fire areas the entire floor containing a Group B ambulatory health care facility ~~occupancy~~ and all floors between the ambulatory health care facility and the level of exit discharge serving such a facility, including the level of exit discharge serving such a facility when either of the following conditions exist at any time:

1. Four or more care recipients are incapable of self preservation,
2. One or more care recipients that are incapable of self preservation are located at other than the level of exit discharge serving such an facility occupancy.

Reason: The current language would allow Ambulatory Surgical Centers to be placed in a high-rise structure, but would only require that the surgical center is to be sprinklered. In a fire, occupants would have to exit through spaces that lack sprinkler protection. If sprinklers are required to protect occupants in ambulatory surgical centers, it is illogical to expect them to evacuate through unprotected spaces.

Automatic sprinkler systems are required in Ambulatory Health Care Facilities because the patients could be incapable of self-preservation. When assistance is necessary for evacuation, the evacuation time increases. The current code will require sprinklers within the Ambulatory Health Care Facility, so when the employees start to evacuate the patients they are in a protected, sprinklered, environment. But as they leave the Ambulatory Health Care Facility and continue to the exit, they would be leaving the sprinklered area. This is contrary to the reasoning to provide fire sprinklers in the first place. The patients in these facilities will take longer to evacuate, and will need assistance to evacuate.

Therefore, this proposal will require that when an Ambulatory Health Care Facility is located in a multi-story building, that the entire floor is protected with fire sprinklers and every floor between that level and the level of exit discharge will also be protected with fire sprinklers. This will provide a safe route for evacuation of patients to the exterior of the building.

The term "occupancy" is deleted after "ambulatory health care facility" because it is not needed and becomes redundant when it is referred to as a "facility occupancy."

Cost Impact: The code change proposal will increase the cost of construction.

Public Hearing: Committee: AS AM D
 Assembly: ASF AMF DF

ICCFILENAME: LARIVIERE-F8-903.2.2.DOC

F69-09/10

903.2.4 (IBC [F] 903.2.4), 903.2.7 (IBC [F] 903.2.7), 903.2.9 (IBC [F] 903.2.9)

Proponent: Robert J Davidson, Code Consultant/Alan Shuman, President, representing the National Association of State Fire Marshals (NASFM)

Revise as follows:

903.2.4 (IBC [F] 903.2.4) Group F-1. An automatic sprinkler system shall be provided throughout all buildings containing a Group F-1 occupancy where one of the following conditions exists:

1. Where a Group F-1 fire area exceeds 12,000 square feet (1115 m²);
2. Where a Group F-1 fire area is located more than three stories above grade plane; or
3. Where the combined area of all Group F-1 fire areas on all floors, including any mezzanines, exceeds 24,000 square feet (2230 m²).
4. Where a Group F-1 occupancy is used for the manufacture of upholstered furniture or mattresses.

903.2.7 (IBC [F] 903.2.7) Group M. An automatic sprinkler system shall be provided throughout buildings containing a Group M occupancy where one of the following conditions exists:

1. Where a Group M fire area exceeds 12,000 square feet (1115 m²);
2. Where a Group M fire area is located more than three stories above grade plane; or
3. Where the combined area of all Group M fire areas on all floors, including any mezzanines, exceeds 24,000 square feet (2230 m²); or
4. Where a Group M occupancy is used for the display and sale of upholstered furniture or mattresses.

903.2.9 (IBC [F] 903.2.9) Group S-1. An automatic sprinkler system shall be provided throughout all buildings containing a Group S-1 occupancy where one of the following conditions exists:

1. A Group S-1 fire area exceeds 12,000 square feet (1115 m²);
2. A Group S-1 fire area is located more than three stories above grade plane; or
3. The combined area of all Group S-1 fire areas on all floors, including any mezzanines, exceeds 24,000 square feet (2230 m²).
4. A Group S-1 fire area used for the storage of commercial trucks or buses where the fire area exceeds 5,000 square feet (464 m²).
5. A Group S-1 occupancy is used for the storage of upholstered furniture or mattresses.

Reason: Last cycle the upholster furniture industry submitted a proposal to require the installation of automatic sprinkler systems in mercantile occupancies that contain upholstered furniture regardless of the size of the occupancy. The committee agreed and accepted the proposal. The hazard presented by the upholstered furniture in the mercantile occupancy is greater in an F-1 occupancy where the furniture is being manufactured and in an S-1 occupancy where the fuel load contribution of the upholstered furniture is greater than in the mercantile group. For this reason both the F-1 and S-1 involving upholstered furniture should be protected with an automatic sprinkler system regardless of the size of the occupancy.

Mattresses has been added to the F-1, M and S-1 Groups requiring the automatic sprinkler systems because the polyfoam that presents the hazard in the upholstered furniture presents the same hazard in the mattresses and should have similar protection levels.

Reason: Casinos are being constructed across the country. These occupancies are sometimes very large. The current code does not specify the occupancy classifications for casinos. Therefore, different classifications are given by building departments and there is inconsistency between jurisdictions. Some jurisdictions classify casinos as Group A-2 and other classify them as Group A-3. This proposal designates casinos as A-2 occupancies. This is the occupancy that is used by the Southern Nevada area including the Las Vegas and Clark County. The A-2 occupancy classification is also appropriate because the casinos have similar hazard characteristics of the other uses in this category. There are distracting lights, sounds, decorations and in some cases alcohol being served. The occupants can become disoriented and confused in an emergency condition and have difficulty finding the exits. Therefore, it seems reasonable to place casinos in the Group A-2 Occupancy Classification.

Cost Impact: The code change will not increase the cost of construction.

Public Hearing: Committee: AS AM D
Assembly: ASF AMF DF

ICCFILENAME: THOMAS-C4-303.1

G15-09/10

202, 304.1 (IFC [B] 202), 304.1.1 304.2, 422, 710.5, [F] 903.2.2, [F] 903.3.2, [F] 907.2.2, [F] 907.2.2.1 (IFC 903.2.2, 903.3.2, 907.2.2, 907.2.2.1)

Proponent: Paul K. Heilstedt, PE, Chair, representing ICC Code Technology Committee (CTC)

1. Revise as follows:

304.1 (IFC [B] 202) Business Group B. Business Group B occupancy includes, among others, the use of a building or structure, or a portion thereof, for office, professional or service-type transactions, including storage of records and accounts. Business occupancies shall include, but not be limited to, the following:

- Ambulatory health care facilities
- Clinic – outpatient

(Portions of list not shown remain unchanged)

304.1.4 304.2 Definitions. The following words and terms shall, for the purposes of this section and as used elsewhere in this code, have the meanings shown herein.

(Relocate definition for Ambulatory Health Care Facilities from Section 202, and revise)

AMBULATORY HEALTH CARE FACILITY. Buildings or portions thereof used to provide medical, surgical, psychiatric, nursing or similar care on a less than 24-hour basis to individuals who are rendered incapable of self-preservation by the services provided.

CLINIC-OUTPATIENT. Buildings or portions thereof used to provide medical care on less than a 24-hour basis to individuals who are not rendered incapable of self-preservation by the services provided.

**SECTION 422
AMBULATORY HEALTH CARE FACILITIES**

422.1 General. Occupancies classified as Group B ambulatory health care facilities shall comply with the provisions of Sections 422.1 through 422.6 422.7 and other applicable provisions of this code.

422.2 Separation. Ambulatory care facilities where the potential for four or more care recipients are to be incapable of self preservation at any time, whether rendered incapable by staff or staff accepted responsibility for a care recipient already incapable, shall be separated from adjacent spaces, corridors or tenants with a fire partition installed in accordance with Section 708.

422.2 422.3 Smoke barriers compartments. Smoke barriers shall be provided to subdivide every Where the aggregate area of one or more ambulatory health care facilities greater than exceeds 10,000 square feet on one story, the story shall be provided with a smoke barrier to subdivide the story into not less than into a minimum of two smoke compartments per-story. The area of any one such smoke compartment shall not exceed 22,500 square feet (2092 m²). The travel distance from any point in a smoke compartment to a smoke barrier door shall not exceed 200 feet (60 960 mm). The smoke barrier shall be installed in accordance with Section 710 with the exception that smoke barriers shall be continuous from outside wall to an outside wall, a floor to a floor, or from a smoke barrier to a smoke barrier or a combination thereof.

422.3 422.4 Refuge area. At least 30 net square feet (2.8 m²) per nonambulatory patient care recipient shall be provided within the aggregate area of corridors, patient care recipient rooms, treatment rooms, lounge or dining areas and other low-hazard areas ~~on each side of each smoke barrier within each smoke compartment.~~ Each occupant of an ambulatory care facility shall be provided with access to a refuge areas without passing through or utilizing adjacent tenant spaces.

422.4 422.5 Independent egress. A means of egress shall be provided from each smoke compartment created by smoke barriers without having to return through the smoke compartment from which means of egress originated.

422.5 422.6 Automatic sprinkler systems. Automatic sprinklers systems shall be provided for ambulatory care facilities in accordance with Section 903.2.2.

422.6 422.7 Fire alarm systems. A fire alarm system shall be provided for ambulatory care facilities in accordance with Section 907.2.2.1.

710.5 Openings. Openings in a *smoke barrier* shall be protected in accordance with Section 715.

Exceptions:

1. In Group I-2 and ambulatory care facilities, where doors are installed across *corridors*, a pair of opposite-swinging doors without a center mullion shall be installed having vision panels with fire-protection-rated glazing materials in fire-protection-rated frames, the area of which shall not exceed that tested. The doors shall be close fitting within operational tolerances, and shall not have undercuts in excess of 3/4-inch, louvers or grilles. The doors shall have head and jamb stops, astragals or rabbets at meeting edges and shall be automatic closing by smoke detection in accordance with Section 715.4.8.3. Where permitted by the door manufacturer's listing, positive-latching devices are not required.
2. In Group I-2 and ambulatory care facilities, horizontal sliding doors installed in accordance with Section 1008.1.4.3 and protected in accordance with Section 715.

[F] 903.2.2 (IFC 903.2.2) Group B ambulatory health care facilities. An automatic sprinkler system shall be installed throughout all fire areas containing an ~~Group B~~ ambulatory health care facility ~~occupancy~~, when either of the following conditions exist at any given time:

1. Four or more care recipients are incapable of self preservation, whether rendered incapable by staff or staff have 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.

In buildings where care is provided on levels other than the level of exit discharge, an automatic sprinkler system shall be installed on the entire floor where care is provided as well as all floors below, and all floors between the level of care and the closest level of exit discharge.

[F] 903.3.2 (IFC 903.3.2) Quick-response and residential sprinklers. Where automatic sprinkler systems are required by this code, quick-response or residential automatic sprinklers shall be installed in the following areas in accordance with Section 903.3.1 and their listings:

1. Throughout all spaces within a smoke compartment containing patient sleeping units in Group I-2 in accordance with this code.
2. Throughout all spaces within a smoke compartment containing treatment rooms in ambulatory care facilities.
3. ~~2.~~ Dwelling units, and sleeping units in Group R and I-1 occupancies.
4. ~~3.~~ Light-hazard occupancies as defined in NFPA 13.

[F] 907.2.2 (IFC 973.2.2) Group B. A manual fire alarm system shall be installed in Group B occupancies where one of the following conditions exists:

1. The combined Group B *occupant load* of all floors is 500 or more.
2. The Group B *occupant load* is more than 100 persons above or below the lowest *level of exit discharge*.
3. The ~~Group B~~ *fire area* contains a ~~Group B~~ ambulatory health care facility.

Exception: Manual fire alarm boxes are not required where the building is equipped throughout with an *automatic sprinkler system* installed in accordance with Section 903.3.1.1 and the occupant notification appliances will activate throughout the notification zones upon sprinkler water flow.

[F] 907.2.2.1 (IFC 907.2.2.1) Group-B ambulatory health care facilities. Fire areas containing Group-B ambulatory health care facilities shall be provided with an electronically supervised automatic smoke detection system installed within the ambulatory health care facility and in public use areas outside of tenant spaces, including public *corridors* and elevator lobbies.

Exception: Buildings equipped throughout with an *automatic sprinkler system* in accordance with Section 903.3.1.1, provided the occupant notification appliances will activate throughout the notification zones upon sprinkler water flow.

Reason: Reason: The ICC Board established the ICC Code Technology Committee (CTC) as the venue to discuss contemporary code issues in a committee setting which provides the necessary time and flexibility to allow for full participation and input by any interested party. The code issues are assigned to the CTC by the ICC Board as "areas of study". Information on the CTC, including: meeting agendas; minutes; reports; resource documents; presentations; and all other materials developed in conjunction with the CTC effort can be downloaded from the following website: <http://www.iccsafe.org/cs/cc/ctc/index.html>. Since its inception in April/2005, the CTC has held seventeen meetings - all open to the public.

This proposed change is a result of the CTC's investigation of the area of study entitled "Care Facilities". The scope of the activity is noted as: Study issues associated with Day Care/Adult Care, Ambulatory Health Care and Assisted Living facilities with an emphasis on the number of occupants in relation to the supervision, and the determination of the resident's capability of responding to an emergency situation without physical assistance from the facility's supervision.

The Code Technology Committee Study Group on Care Facilities has conducted a comprehensive review of current building and fire codes, federal regulations and prior code change proposals dealing with the provision of "care". "Care" as it relates to the scope of this work relates to an occupant of a building who is compromised (mentally or physically) and receives some type of support (care). These facilities encompass a full spectrum of acuity and span a wide range of occupancy types including Groups B, E, I and R. On the lower end of the spectrum, occupants may be aged and receive occasional day living assistance such as cooking and cleaning. On the opposite end of the spectrum, occupants may be completely bedridden and dependent on medical gases and emergency power to maintain life.

The proposed changes provide clear direction for design and construction by using terms and concepts consistently and clearly identifying thresholds related to the condition of an occupant. Federal regulations and state licensing provisions were considered, but primarily in terms of avoiding conflicting requirements. It is not the intent of these changes to address licensing or operational issues. We do believe that the proposed changes will provide consistent and correlated language between these multiple sources of regulations that will help design and code professionals address the needs of care recipients in the many different types of facilities.

A major goal is to provide clarity and consistency of terminology. New definitions are added to specifically describe each type of care or facility and identify the distinct differences in these. Some terms are consolidated to be more descriptive of a group of occupants, yet generic enough to be used interchangeably. For example: a "Patient" is now identified as a "care recipient" and "nurse" is now "care provider". People receive care of varying types but they are not always referred to as "patients". They receive care from a wide range of persons with different technical abilities, not just a "nurse" or "staff". Other definitions address existing terms not defined within current code. The study group believes that these changes bring a practical response to the recent developments within the healthcare delivery system.

Ambulatory Care Facilities, Section 422 and related sections

This public comment represents the collaborative efforts to address the more specifically concerns regarding these uses over the past several cycles.

Change modifying the existing language includes:

- Remove an unneeded reference to "Health" as the definition clearly expresses that these types of facilities are related to some form of care. Also relocate the definition to Section 304.2 to align with the formatting of other Groups that provide definitions for special occupancies within that specifically related section.
- Remove an unneeded reference to "Group B" whenever the term Ambulatory Health Care Facility is used.
- Added Section 422.2 to require fire partition separation from adjacent spaces in facilities with greater than 4 care recipients. The intent is to subdivide the floor to allow for a reasonable level of safety for care recipients who made need assistance to evacuate, or to allow for the option of protecting in place for a limited period of time.
- Modified the continuity requirements of a smoke barrier to deal with intersection or connection to adjacent tenants, and maintain the integrity and safety.
- Several of these changes are mindful of existing buildings to allow for renovations without going into other tenant spaces.
- Added 22,500 square foot limit to a smoke compartment, similar to Group I-2s.
- For multiple tenant spaces, language is added to the area of refuge requirements to clarify that the area of refuge must be accessed without going through adjacent tenant spaces.

Correlative changes to Sections 710, 903 and 907 are bringing consistency of terminology and provision cross references.

Cost Impact: The code change proposal will increase the cost of construction.

Public Hearing:	Committee:	AS	AM	D
	Assembly:	ASF	AMF	DF

ICCFILENAME: HEILSTEDT-G2-304.1.doc

AM per Public Comment #1 →

Individual Consideration Agenda

This item is on the agenda for individual consideration because a public comment was submitted.

Public Comment:

Joe Pierce, Dallas Fire Department, representing Joint Fire Service Review Committee, requests Approval as Modified by this Public Comment.

Modify the proposal as follows:

[F] 903.2.2 (IFC 903.2.2) Ambulatory care facilities. An automatic sprinkler system shall be installed throughout all fire areas the entire floor containing an ambulatory care facility, when either of the following conditions exist at any given time:

- 1. Four or more care recipients are incapable of self preservation, whether rendered incapable by staff or staff have 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.

In buildings where care is provided on levels other than the level of exit discharge, an automatic sprinkler system shall be installed on the entire floor where care is provided as well as all floors below, and all floors between the level of care and the closest level of exit discharge, including the level of exit discharge.

(Portions of proposal not shown remain unchanged)

Commenter's Reason: Item F68-09/10 was Approval as Submitted and addresses several of the same issues as this revision in G15-09/10. Item F68 was approved as follows:

903.2.2 (IBC [F] 903.2.2) Group B Ambulatory health care facilities. An automatic sprinkler system shall be installed throughout all fire areas the entire floor containing a Group B ambulatory health care facility occupancy and all floors between the ambulatory health care facility and the level of exit discharge, including the level of exit discharge when either of the following conditions exist at any time:

- 1. Four or more care recipients are incapable of self preservation.
- 2. One or more care recipients that are incapable of self preservation are located at other than the level of exit discharge serving such an occupancy.

As you can see, both code change proposals revised the following items:

- 1. Deletion of the word "occupancy"
- 2. Requirement to have the fire sprinkler installed from the floor of the ambulatory care facility and the level of exit discharge; however each proposal worded this in a different fashion.

G15 additionally revised the title of the facility to simply "ambulatory care facility". F68 also required the fire sprinkler system to be installed on the entire floor, not just the fire area. G15 also requires the entire floor to be sprinklered when on a floor other than the level of exit discharge.

This Public Comment combines all the revisions between the two code changes. The last phrase in the final paragraph is added to ensure that the level of exit discharge is included in the floors requiring fire sprinklers.

Final Action:	AS	AM	AMPC_____	D
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From: Mike Giachetti mgiachetti@iccsafe.org  
Subject: RE: 2018 IBC Section 903.2.2
Date: July 11, 2022 at 4:28 PM
To: gregoryskip@gmail.com
Cc: Chris Reeves creeves@iccsafe.org

GM

Mr. Gregory:

This e-mail is in response to your e-mail, and our recent telephone conversation, regarding sprinkler requirements for an ambulatory care facility. All comments are based on the 2018 International Building Code (IBC) unless otherwise noted.

Per our telephone conversation, a single story ambulatory care facility is moving into a strip mall. The ambulatory care tenant space is separated from the other tenant spaces on either side by 2-hour fire barriers. Two direct exits to the public way are provided from the ambulatory care tenant space. You wish to know if the ambulatory care tenant space is required to be sprinklered.

As indicated in Section 903.2.2, sprinklers are based on the presence of four or more care recipients at any given time that are incapable of self-preservation or any number of care recipients that are incapable of self-preservation located on a floor other than the level of exit discharge that serves the ambulatory care facility. As such, a sprinkler system would be required in a single story facility if at least four people are incapable of self-preservation.

Also, if at least four people are incapable of self-preservation, ambulatory care facilities are required to be separated from adjacent spaces, including other tenants, by a 1-hour rated fire partition in accordance with Section 708. Based on your e-mail, 2-hour fire barriers are provided on each side of the ambulatory care facility.

While Section 903.2.2 states that the sprinkler system would be required to be installed throughout the entire floor in which the ambulatory care facility is located, in my opinion, the section was not intending to apply to an ambulatory care facility located in a strip mall. Typically, ambulatory care facilities are either stand alone facilities or are associated with hospitals or medical office buildings. For your information, the passage of Code Changes F68-09/10 (a copy of which is enclosed) and G15-09/10, which resulted in the current text of the IBC, deleted the reference to "all fire areas" containing a Group B ambulatory care facility. Therefore, under the current IBC, an automatic sprinkler system, again, is literally required throughout the entire floor where the ambulatory care facility is located and not just within the fire area that the ambulatory care facility is located. With that being said, the reason statement for the change in the aforementioned language was to ensure the occupants of the ambulatory care facility, especially in multi-story buildings, were always egressing through a protected sprinklered environment to the exit discharge.

With all that being said, admittedly, the code does not specifically address the sprinkler system requirements for an ambulatory care facility in a strip mall where each tenant has independent means of egress regardless of the level of fire separation provided. While the ambulatory care facility would be required to be sprinklered if there are at least four people who are incapable of self-preservation, in my opinion, the remaining portions of the strip mall would not be required to be sprinklered solely due to the presence of the ambulatory care facility. Final evaluation of the extent of sprinkler protection for the strip mall containing an ambulatory care facility is

subject to the approval of the building official.

Code opinions issued by ICC staff are based on ICC-published codes and do not include local, state or federal codes, policies or amendments. This opinion is based on the information which you have provided. We have made no independent effort to verify the accuracy of this information nor have we conducted a review beyond the scope of your question. This opinion does not imply approval of an equivalency, specific product, specific design, or specific installation and cannot be published in any form implying such approval by the International Code Council. As this opinion is only advisory, the final decision is the responsibility of the designated authority charged with the administration and enforcement of this code.

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Sincerely,

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Code Reference
International Building Cod

Code Edition
2018

Code Section
903.2.2

Questions

According to the handbook, The IFC and ICC developed section 903.2.2 to insure first responders could access an ASC and assist patients who might require evacuation from a multi floor building during a fire emergency event. Therefore, this section requires the floor of the ASC and the floors below the ASC be fully sprinklered.

Is it the intent of this section to require a single story building, separated by a complying 2 hour fire barrier from a fully sprinkler ASC, that has two direct exits to the public way, be required to be fully sprinklered also?

If you have any questions, please contact:
Website Technical Support Team
International Code Council

1-888-ICC-SAFE (1-888-422-7233) x4444
1-708-799-2300 x4444
websupport@ICCSafe.ORG

Connect with Us



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Code Change
F68-0...CF.pdf

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 **Denied** : 11

Total Mods for report: 13

Sub Code: Building

SP10478

7

Date Submitted	02/15/2022	Section	449.4.2.2	Proponent	scott waltz
Chapter	4	Affects HVHZ	No	Attachments	Yes
TAC Recommendation	Denied				
Commission Action	Pending Review				

Comments

General Comments No

Alternate Language Yes

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.

Alternate Language

2nd Comment Period

Proponent scott waltz **Submitted** 8/26/2022 1:37:54 PM **Attachments** Yes

Rationale:

Proposed modification clarifies existing language and strengthens requirements to better protect critical healthcare facilities from flood damage.

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

May require additional first cost to build in a category 5 surge zone. Life cycle costs are unknown but may be reduced due to the mitigation of flood risks.

Impact to industry relative to the cost of compliance with code

May require additional first cost to build in a category 5 surge zone. Life cycle costs are unknown but may be reduced due to the mitigation of flood risks.

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

The proposals strengthens the code and clarifies requirements.

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.

CP10478-A3

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 construction of new facilities and additions, substantial improvements to, or restoration of substantial damage to existing facilities, and their support utilities shall be located at or above the highest of the following elevations:

1. Two feet above the base flood elevation as defined in this code.
2. 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)
3. The design flood elevation as defined in this code.
4. The 500-year flood elevation (elevation with a .02% chance of being equaled or exceeded in any given year) as described in ASCE 24.

Exceptions:

1. Fuel supply storage tanks located below ground and/or sufficiently ballasted or anchored to resist uplift due to buoyancy and designed to resist hydrostatic pressures exerted by a 500-year flood event or a category 5 hurricane storm surge inundation.
2. Additions that are not a substantial improvement to an existing facility that was designed and constructed in accordance with the Florida Building Code's 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.
3. **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.

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

TAC: Special Occupancy

Total Mods for **Special Occupancy** in **Denied** : 11

Total Mods for report: 13

Sub Code: Building

SP10481

8

Date Submitted	02/15/2022	Section	453.8.3	Proponent	Greg Johnson
Chapter	4	Affects HVHZ	No	Attachments	Yes
TAC Recommendation	Denied				
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.

2nd Comment Period

SP10481-G2 Proponent Don Whitehead Submitted 8/22/2022 2:22:21 PM Attachments Yes
Comment:
See attached file

2nd Comment Period

SP10481-G3 Proponent Greg Johnson Submitted 8/24/2022 6:24:42 PM Attachments Yes
Comment:
Approving Modification #10481 has the potential to save FL taxpayers millions of dollars if the code will quit discriminating "against against materials, products, methods, or systems of construction of demonstrated capabilities.” See the uploaded comment.

2nd Comment Period

SP10481-G4 Proponent Greg Johnson Submitted 8/26/2022 4:05:36 PM Attachments Yes
Comment:
See the uploaded comment file in support of SP10481 in response to Comment G-2 opposing Modification SP10481

1st Comment Period History

SP10481-G1 Proponent Don Whitehead Submitted 4/14/2022 5:10:24 PM Attachments Yes
Comment:
See attached file

453.8.3 Construction type.

School board and Florida college buildings including auxiliary, ancillary and vocational facilities shall comply with the following:

In Comment G-2 opposing Modification SP10481, staff to the Office of Educational Facilities (OEF) within the Florida Department of Education (FDOE) again seeks to block a change to the FL Building Code that would permit public colleges to be constructed with the same Types of Construction as those permitted for private colleges.

Previously OEF opposition was based upon (paraphrased) quasi-technical objections:

1. *'Wood is short lived (25 years) in FL.'* This was rebutted previously in testimony that provided multiple examples of wood frame buildings in FL that are hundreds of years old, including the ≈300-year-old wood frame school in the United States in St. Augustine.
2. *'Wood is susceptible to insect damage and potential collapse.'* This was rebutted previously by testimony that buildings of all types of construction materials are susceptible to failure where existing building inspection and maintenance is inadequate, with the collapse of the Sunnyside Condominiums – a concrete building – serving as evidence.
3. *'It is too expensive to build wood buildings that will comply with FL's wind-load requirements.'* This was rebutted previously in testimony with the observation that the FL Building Code does not need to have rules against construction methods that an owner will not select because of cost.

In comment G-2 however, OEF staff apparently concedes the technical debate and instead makes procedural arguments challenging the authority of the FL Building Commission to change, amend, interpret, or modify the FL Building Code as it relates to the State Requirements for Educational Facilities Rule 6A-2.0010, Florida Administrative Code (SREF). SREF Section 1.1(1) is cited to support this argument.

OEF staff also argues, per SREF Section 1.1(1) that only OEF itself has the authority to revise SREF and make recommendations for any modification and claims that Section 1013.03(6) of Florida Statutes (FS) *"also gives this authority to OEF to revise a portion of the Florida Building Code (FBC) for educational facilities construction."* (Why OEF believes it has the authority to supersede the 1st amendment to the US Constitution and retain the sole right to *"make recommendations for any modification"* of the SREF is outside the scope of this comment.)

There are problems with OEF interpretations of the relevant rules and statutes as applied to the OEF staff argument against permitting the same construction types for public colleges as those permitted for private colleges.

First, SREF Section 1.2(40) defines the Florida Building Code (FBC) as, *"The building code used for new construction, remodeling and renovation of all public educational facilities."*

OEF staff – partially - correctly argues that FS Section 1013.03(6) gives the Department of Education (not OEF specifically) and the Board of Governors the authority to *"Develop, review, update, revise, and recommend a mandatory portion of the Florida Building Code for educational facilities construction and capital improvement by Florida College System institution boards and district school boards."* But, this statutory language does not give OEF the authority to adopt the FBC.

FS Section 1013.37(1) charges the Florida Building Commission with: *"A uniform statewide building code for the planning and construction of public educational and ancillary plants by district school boards and Florida College System institution district boards of trustees shall be adopted by the Florida Building Commission within the Florida Building Code, pursuant to s. 553.73."* <emphasis added>

In Comment G-2 opposing Modification SP10481, staff to the Office of Educational Facilities (OEF) within the Florida Department of Education (FDOE) again seeks to block a change to the FL Building Code that would permit public colleges to be constructed with the same Types of Construction as those permitted for private colleges.

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FS Section 1013.37(4) Reinforces the advisory role of FDOE with respect to the content of the FBC when it states: *“The department may secure the service of other state agencies or such other assistance as it finds desirable **in recommending to the Florida Building Commission revisions to the code.**”* <emphasis added>

Further, SREF Section 1.3(1) permits educational boards the same authority to accept alternative materials, design, and methods of construction as any other building official or authority having jurisdiction as that granted by FBC Section 104.11.

Per SREF Section 1.3(4), the acceptance of an alternative materials, design, and method of construction – for example, Type III or Type V construction in an educational facility project – can be approved for general use *“when adopted into the Florida Building Code or these state rules.”* In other words, SREF itself credits the FL Building Commission – the adopting authority for the FBC – with the ability to modify the FBC as it relates to public educational facilities.

Note that Modification SP10481 is about the equivalency of materials. FS 553.73(8)(a)(4) clearly states that the FL Building Commission may approve amendments that are needed to address the equivalency of standards.

A last point regarding SREF and the FBC: Section 4.3(1) of SREF says that *“Boards shall use the Uniform Building Code, which is a part of the Florida Building Code, and the Florida Fire Prevention Code as the state building codes and lifesafety codes for public educational facilities.”*

The intent of Modification SP10481 is that public colleges be permitted to use the same types of construction as private colleges. This is premised on the idea that the performance of two similar buildings will be similar regardless of who owns those buildings; in other words, publicly owned buildings should be afforded all cost-saving options or design flexibility that comparable privately owned buildings enjoy.

The philosophy underpinning SP10481 is echoed in several places in FL statutes and rules:

- Section 553.73(9)(a)(3) gives the FL Building commission the responsibility to adopt technical amendments to the FBC *“in the case of innovation or new technology, will provide equivalent or better products or methods or systems of construction.”*
- Moreover, Section 553.73(9)(a)(4) of Florida statutes explicitly says that amendments to the code should *“not discriminate against materials, products, methods, or systems of construction of demonstrated capabilities.”* The intent of the statute is clearly that the code is not intended protect one material interest at the expense of another.
- The enabling statute of the FBC further recognizes this by twice giving guidance in Section 553.73(9)(d) to the acceptability of alternatives that *“provide an equivalent degree of lifesafety and an equivalent method of construction.”* It repeats that direction in Sections 553.73(11)(a), 553.73(11)(b), and 553.73(11)(c).
- The sentiment is further repeated within the FBC itself, in Section 104.11, Alternative materials, design and methods of construction and equipment, which states: *“An alternative material, design or method of construction **shall be approved where** the building official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that **the material, method or work offered is, for the purpose intended, not less than the equivalent of that***

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prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety."
<emphasis added>

- FS 1013.37(4) *"It is not a purpose of the Florida Building Code to inhibit the use of new materials or innovative techniques; nor may it specify or prohibit materials by brand names. The code must be flexible enough to cover all phases of construction so as to afford reasonable protection for the public safety, health, and general welfare."*

While the interrelationship of the statutes and rules regulating the application of the FBC are complex, the question posed by SP10481 is very simple:

- Are there materials, products, or construction techniques of demonstrated capabilities not currently prescriptively recognized by the Florida Building Code for public colleges and universities?

There are 53 private colleges and universities in Florida that are permitted the use of the same types of construction as all the ≈4,000 other US colleges and universities where the International Building Code is adopted. Those 4,000 colleges and universities generally, and the 53 FL facilities specifically, provide an extensive record of buildings constructed using materials, products, and construction techniques of demonstrated capabilities.

Modification SP10481 must be approved to be consistent with the intent of FL statutes, rules, and the Florida Building Code.

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Comment on Mod # SP10481 Public colleges permitted same materials as private colleges

Building codes almost invariably do not impose different technical requirements on buildings because of whom the owners are.

There is no good reason - none, nada, zero, zip - for the FL building code to treat public college buildings differently than privately owned college buildings.

FL Department of Education (FDOE) staff has commented in the past that concrete and masonry products are better than wood for durability, unaware perhaps that the oldest school building in America was constructed in St. Augustine, FL about 300 years ago, belying the claim that wood only lasts in FL for about 25 years.

FDOE staff also commented to the effect that it would be too expensive to construct with wood to meet the wind load requirements of the FL Building Code. If that is the case, why is a law needed against a material that is not cost-effective?

Regardless, as the owner, FL public schools can require whatever legal method or material for the construction of their buildings that they desire, provided it meets all of the design requirements of the FL Building Code. If they prefer concrete or masonry, they can specify concrete or masonry - they do not need a regulation to tell them how to specify their buildings, they can do it as a matter of procurement policy.

FDOE staff has also repeatedly discussed an incident where a worker fell through an insect damaged floor years ago. This incident (apparently not repeated in a commercial building in the Gulf Coast and Southern Atlantic adjacent states, per extensive online research), highlights what can happen when existing buildings do not receive adequate inspection and maintenance. The collapse of the Surfside Condominiums, which were of concrete construction and which killed 98 people, also represents a failure of adequate inspection and maintenance.

Any building of any material is susceptible to failure when not appropriately maintained.

Given the empirical evidence and demonstrated capabilities of wood buildings in FL private college buildings, there is no reason that publicly owned college buildings in FL should not be legally permitted to use the same cost-saving construction methods and materials as private colleges; anything else violates the principle of material neutrality.

Section 553.73(9)(a)(4) of Florida statutes explicitly says that amendments to the code should "*not discriminate against materials, products, methods, or systems of construction of demonstrated capabilities.*"

The intent of the statute is clearly that the code is not intended protect one material interest at the expense of another. Modification SP10481 should be approved to end the current discrimination against wood materials, products, methods, and systems of construction of demonstrated capabilities for public college buildings.

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As staff to the State Board of Education, I cannot recommend acceptance of Modification SP10481 that seeks to modify a portion of the State Requirements for Educational Facilities, Rule 6A-2.0010, Florida Administrative Code (SREF). 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 Florida College facilities.

In accordance with section 1.1(1), SREF, SREF shall not be changed, amended, interpreted or modified by any other individual, agency or entity. Also, in accordance with section 1.1(1), SREF, only the Office of Educational Facilities (OEF) within the Florida Department of Education has the authority to revise SREF and make recommendations for any modification. Section 1013.03(6), Florida Statutes (F.S.), also gives this authority to OEF to revise a portion of the Florida Building Code (FBC) for educational facilities construction.

As staff to the State Board of Education, I urge the committee to not approve this code modification.

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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

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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 **Denied** : 11

Total Mods for report: 13

Sub Code: Building

SP10498

9

Date Submitted	02/15/2022	Section	450.2.2	Proponent	scott waltz
Chapter	4	Affects HVHZ	No	Attachments	Yes
TAC Recommendation	Denied				
Commission Action	Pending Review				

Comments

General Comments No

Alternate Language Yes

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.

Alternate Language

2nd Comment Period

Proponent scott waltz **Submitted** 8/26/2022 1:50:25 PM **Attachments** Yes

Rationale:

Proposed modification clarifies existing language and strengthens requirements to better protect critical healthcare facilities from flood damage.

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

May require additional first cost to build in a category 5 surge zone. Life cycle costs are unknown but may be reduced due to the mitigation of flood risks.

Impact to industry relative to the cost of compliance with code

May require additional first cost to build in a category 5 surge zone. Life cycle costs are unknown but may be reduced due to the mitigation of flood risks.

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 and clarifies requirements.

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.

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 construction of new facilities and additions, substantial improvements to, or restoration of substantial damage to existing facilities, and their support utilities shall be located at or above the highest of the following elevations:

1. Two feet above the base flood elevation as defined in this code.
2. 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)
3. The design flood elevation as defined in this code.
4. The 500-year flood elevation (elevation with a .02% chance of being equaled or exceeded in any given year) as described in ASCE 24.

Exceptions:

1. Fuel supply storage tanks located below ground and/or sufficiently ballasted or anchored to resist uplift due to buoyancy and designed to resist hydrostatic pressures exerted by a 500-year flood event or a category 5 hurricane storm surge inundation.
2. Additions that are not a substantial improvement to an existing facility that was designed and constructed in accordance with the Florida Building Code's 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.

450.4.2.2.2

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 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 450.4 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 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.

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.~~

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.

TAC: Special Occupancy

Total Mods for **Special Occupancy** in **Denied** : 11

Total Mods for report: 13

Sub Code: Building

SP10383				10	
Date Submitted	02/14/2022	Section	3002.4	Proponent	Tommy Demopoulos
Chapter	30	Affects HVHZ	No	Attachments	No
TAC Recommendation	Denied				
Commission Action	Pending Review				

Comments

General Comments Yes **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.

2nd Comment Period

SP10383-G1

Proponent Tommy Demopoulos Submitted 8/16/2022 1:45:16 PM Attachments No
Comment:

Stryker and Ferno are the most common and widely used stretcher within the State of Florida. These lengths are 84" and 80", respectively. Not constructing new buildings to allow EMS responders to properly transport a patient from the upper floors to the ground is a disservice to the residents of Florida. It is very unsafe and takes multiple personnel to carry a patient down the stairs on a backboard in cardiac arrest. This also delays proper chest compressions which places the patient at risk.

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 Denied : 11

Total Mods for report: 13

Sub Code: Existing Building

SP10266						11
Date Submitted	02/12/2022	Section	502.3	Proponent	Conn Cole FDEM SFMO	
Chapter	5	Affects HVHZ	No	Attachments	Yes	
TAC Recommendation	Denied					
Commission Action	Pending Review					

Comments

General Comments Yes

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

2nd Comment Period

SP10266-A2 **Proponent** Rebecca Quinn obo FL **Submitted** 8/9/2022 8:40:26 AM **Attachments** Yes
Div Emerg Mgnt

Rationale:

This alternate starts with the original proposed language and does not change the intent of the original proposal. The alternative does two things. One, it fixes FDEM's original error to show correct 502.2 language for additions (we inadvertently used Sec. 503.2 for alterations). Two, it shows changes to Sec. 1103.5 and Sec. 1401.3.3 to match FEMA's changes made to the same proposal for the IEBC, which were Approved as Modified at the ICC Committee Action Hearing.

Fiscal Impact Statement

Impact to local entity relative to enforcement of code

Original, with amendments, 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; amendment further 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.

1st Comment Period History

SP10266-A1 **Proponent** Rebecca Quinn obo FL **Submitted** 4/16/2022 11:33:05 AM **Attachments** Yes
Div Emerg Mgnt

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

2nd Comment Period

P10266-G1

Proponent Scott McAdam Submitted 8/21/2022 3:55:00 PM Attachments No

Comment:

BOAF CDC Committee supports this modification alternate 2

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] 502.2 503.2 [Additions 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 ~~addition~~ ~~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 ~~additions~~ ~~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 ~~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.

- 1.3.2 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.

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 addition 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.

[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.

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.

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.

TAC: Special Occupancy

Total Mods for **Special Occupancy** in Denied : 11

Total Mods for report: 13

Sub Code: Residential

SP10257						12
Date Submitted	02/12/2022	Section	322.1.6	Proponent	Conn Cole FDEM SFMO	
Chapter	3	Affects HVHZ	No	Attachments	Yes	
TAC Recommendation	Denied					
Commission Action	Pending Review					

Comments

General Comments Yes

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

2nd Comment Period

SP10257-A2

Proponent Rebecca Quinn obo FL **Submitted** 8/9/2022 8:55:01 AM **Attachments** Yes
Div Emerg Mgnt

Rationale:

Alternate language offered at the suggestion of a TAC member who suggested requirements for replacements (which occur at existing buildings) should be done in the FBC Existing Building. 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 attached to the original 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 off-set 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 future flood events

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

Improves the code by helping recovery after future flood events.

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 recovery after future flood events.

1st Comment Period History

Proponent Rebecca Quinn obo FL **Submitted** 4/16/2022 11:27:50 AM **Attachments** Yes
Div Emerg Mgnt

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

2nd Comment Period

P10257-G1	Proponent	Rebecca Quinn obo FL Div Emerg Mgnt	Submitted	8/9/2022 8:58:35 AM	Attachments	No
	Comment:	Request Approve the original proposal as Submitted to limit application to exterior equipment that is damaged by flooding and needs to be replaced.				

701.3 Flood hazard areas. In flood hazard areas,;

1. alterations that constitute substantial improvement shall require that the building comply with Section 1612 of the Florida Building Code, Building, or Section R322 of the Florida Building Code, as applicable.

2. Replacement of exterior equipment and exterior appliances damaged by flood shall meet the requirements of Section 612 of the Florida Building Code, Building, or Section R322.1.6 of the Florida Building Code, as applicable.

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.

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.



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 **Denied** : 11

Total Mods for report: 13

Sub Code: Residential

SP10351						13
Date Submitted	02/14/2022	Section	322.1.10	Proponent	Conn Cole FDEM SFMO	
Chapter	3	Affects HVHZ	No	Attachments	Yes	
TAC Recommendation	Denied					
Commission Action	Pending Review					

Comments

General Comments No

Alternate Language Yes

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.

Alternate Language

2nd Comment Period

SP10351-A1

Proponent Rebecca Quinn obo FL **Submitted** 8/9/2022 8:24:47 AM **Attachments** Yes
Div Emerg Mgnt

Rationale:

To coordinate with #10349 which adds licensed professional surveyor and mapper to the FBC Building for certifying elevations (TACs recommended Approval). This alternate retains registered design professional based on TAC discussion, despite the 2021 determination of the Florida Board of Professional Surveyors and Mappers that only Surveyors and Mappers with Florida licenses in good standing “may certify elevation data in Florida pursuant to 472.0366.”

Fiscal Impact Statement

Impact to local entity relative to enforcement of code

None, certification of elevations is already required.

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

No change

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

No change

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

No change

Does not degrade the effectiveness of the code

No change

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 or registered design professional shall prepare and seal documentation of the elevations specified in Section R322.2 or R322.3.

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.



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=fleec, ou=DEM_Users,
ou=Mitigation,
ou=HazardMitigationAssistance,
cn=Conn Cole,
email=Conn.Cole@em.myflorida.com
Date: 2021.11.11 10:06:30 -0500'

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

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.