

# JDB CODE SERVICES, INC.

**Date:** October 8, 2009

**To:** Richard Moore, President, AAF

**From:** Joe Belcher, Code Consultant

**Subject:** Codes and Standards Activities Update

**Meetings.** During this reporting period the consultant attended all meetings of the Florida Building Commission (Commission) and relative technical advisory committees (TACs), workgroups, and program oversight committees (POCs. The code consultant also participated in conference calls of the Education POC, the Structural TAC, the Product Approval POC, and the Code Administration TAC.

**2007 Florida Building Code.** The Florida Building Commission approved additional glitch changes at the June 2009 meetings at Tampa, FL. The effective date of the 2009 Supplement Number 2 (consultant's designation) was October 1, 2009. To recap, the Florida Building Code 2007 Edition and the 2009 Supplement (consultant designated 2009 Supplement Number 1) were effective on March 1, 2009. The second 2009 Supplement was effective October 1, 2009. Replacement pages for hard copy codes and electronic updates for electronic versions of the codes are not available as yet. The latest word is the replacement pages will be available sometime in October 2009. In the interim both supplements may be downloaded at [www.floridabuilding.org/BCISOld/bc/default.asp](http://www.floridabuilding.org/BCISOld/bc/default.asp). (ctrl+click on link) Barring legislative action, the code should not change until late 2011. Code changes for the next code change cycle are due in March 2010. (See 2010 code development plan below.) An AAF member with ideas on changes the industry should pursue should contact the Chairman of the AAF Technical Committee, any member of the Board of Directors, or the code consultant.

The current schedule for the adoption of the Florida Building Code, 2010 Edition, adapted from the Florida Building Commission Work Plan, is as follows:

- Commission selects 2009 International Codes as foundation for 2010 FBC 12/09 (*December 2009 Commission meeting*)
- First Draft 2010 FBC/2009 International Codes with existing Florida modifications ready for review 12/09
- Proposed amendments to the 2009 International Codes and Florida specific modifications due 3/10
- Florida specific existing modifications overlap with 2006 to 2009 International Codes changes 3/10

- Local amendments and proposed 2010 Florida Fire Prevention Code correlation modifications submitted by DCA staff
- Proposed amendments posted to the Building Code Information System (BCIS) web site by 4/10
- 45 day comment period ends 6/10 *(By law- proposed amendments must be posted at BCIS web site a minimum of 45 days before any Technical Advisory Committee (TAC) review)*
- TACs review proposed Florida amendments and make recommendations 6/10 *(June Commission meeting)*
- TAC recommendations posted to web 7/10
- Second 45 day comment period ends 8/10 *(By law- 45 day min before Commission review)*
- TACs review comments and prepare public comment for Rule Workshop 8/10
- Commission considers TAC recommendations on proposed amendments 8/10 at Rule Development Workshop *(August Commission meeting)*
- Rule Adoption Hearing 10/10 *(October Commission meeting)*
- File Rule adopting the 2010 FBC 11/10
- 2010 FBC published online 2/11
- Printed Codes available to the public 4/11
- Code amended to resolve glitches 4/11-9/11
- **Code implemented 12/31/11** *(By law- no sooner than 6 months from the date the code becomes available to public)*

**Formal Interpretation.** The Broward County Board of Rules and Appeals requested a formal interpretation regarding the use of opening protection over emergency escape and rescue openings and the primary exit door. The Building Officials Association of Florida (BOAF) issued a Formal Interpretation (FI Report No. 50) in agreement with the industry position. The interpretation states that during the threat of a storm hurricane protection is permitted over these openings provided a single means of escape is provided. (See Attachment A following.) The consultant has been advised various jurisdictions in Broward County want to modify these code provisions, either locally or at the state level. Going forward with such modifications requires action by the Broward County Board of Rules and Appeals (BORA). The code consultant is following this issue and will advise when BORA schedules a meeting at which the issue will be on the agenda.

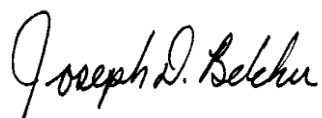
**Informal Interpretation.** The Building Officials Association of Florida (BOAF) issued an Informal Interpretation regarding the requirement for electrical outlets in sunrooms. The interpretation supports the industry contention that the AAMA 2100 standard is specific and therefore supersedes the National Electrical Code provisions requiring electrical outlets in sunrooms. (See Attachment B.)

**Product Approval.** The Commission increased fees for Product Approval across the board during the August meeting at Melbourne Beach, FL.. The fees for Product Approval will change as follows:

1. Fee for product approval increased from \$300.00 to \$500.00 per subcategory of product.
2. Fee for reinstatement after suspension unchanged at \$50.00 per product plus billable staff hours at \$50.00 per hour plus consultant fees.
3. Fees for approval of evaluation entities, certification agencies, testing laboratories, and validation entities;
  - a. First time approval increased to \$600.00 from \$500.00;
  - b. Annual renewal fee increased to \$250.00 from \$150.00;
  - c. Revision fee increased to \$200.00 from \$100.00.
4. Fee for revision of an existing approval increased to \$500.00 from \$300.00 i.e. a revision that results in a material change to the performance of a product or product design specification or both, and which may include addition of products within the same subcategory.
5. Fee for editorial revisions of an existing product approval that does not result in material change to the performance of a product or product design specification or both, increased to \$150.00 from \$100.00.
6. Fee for affirmation of compliance with a new edition of the standards adopted by the code increased to \$100.00 from \$50.00.

There will be a rule workshop on the Product Approval Rule (Rule 9B-72.130) on October 13, 2009, in conjunction with the Commission meetings at Tampa, FL. The purpose of the proposed rule is to restrict applications for approval of products to 150 products per application and to remove specific reference to fee amounts on the screens. In addition, there will be a workshop on Product Approval Process Efficiency on October 12, 2009, in conjunction with the Commission meetings at Tampa, FL. The code consultant will monitor these meetings and report at a later date.

Respectfully submitted,



Joseph D. Belcher, Code Consultant

## FLORIDA BUILDING CODE BINDING INTERPREATION

Date: July 21, 2009

Report # 50

Petitioner: James DiPietro

Year: 2007

Code: Residential

Section: Section R310.4

- 1.** Does R310.4 prohibit the temporary installation or closure of storm shutters, panels, and other approved hurricane protection devices during the threat of a storm over the required exit door as specified in R311.4?
- 2.** In R202, the definition of "Means of Escape" states that it must be independent and remotely located from the means of egress.
  - a.** Does this section require two independent ways to exit a residential structure when protection devices are installed during the threat of a storm?
  - b.** If both a means of escape and a means of egress are required when protection devices are installed during the threat of a storm, can they share a common path of travel? An example would be a stairway on a two story residential structure where the means of escape must be a path to a door at street or ground level.
  - c.** If two independent ways are required how far apart would be considered "remotely"?
- 3.** If both a means of escape and a means of egress are required when protection devices are installed during the threat of a storm and must be remote, can they share a common path of travel? An example would be a stairway on a two story residential structure where the means of escape must be a path to a door at street or ground level.
- 4.** Can the "means of Escape" that is required by R310.4 be protected by an external protective device that is releasable or removable from the inside? An example would be an in-swinging door protected by an accordion shutter that is releasable from the inside.

Answer:

1. No, as long as a "Means of Escape" is provided.
2. a. No. During the threat of a storm, only one (1) is required.  
b. Yes; however, both are not required under these conditions.  
c. N/A
3. N/A; both are not required under these conditions.

## Attachment A

### 4. Yes

Commentary: We must keep the terminology consistent with the code. By definition, the “means of egress” consists of three (3) separate and distinct parts: the EXIT ACCESS, the EXIT and the EXIT DISCHARGE.

Obstruction of the means of egress possibly by storm panels during the threat of a storm would be the “EXIT”, which is allowed by R310.4 during the threat of a storm IF you provide a “MEANS OF ESCAPE” (an alternate way out). In Residential occupancies the “means of escape” can be independent from the “exit,” however, it does not have to be. The main exit door can also serve as the means of escape if it is a solid door, located on the exit floor and does not require opening protection.

The idea is to get people out of the house during an emergency. As stated, to do this does not require two separate and independent “means of egress,” you simply need a way out, an “approved exit” that’s not blocked by hurricane protection devices, which MAY be “separate and independent” of the main (primary) exit discharge but does not necessarily have to be.

**Informal Interpretation  
Report Number 6285**

**Date:** Mon Aug 24 2009

**Report:** 6285

**Code:** Residential

**Code Year:** 2004

**Section:** R301.2.1.1.2

**Question:**

Is it the intent of Florida Building Code - Residential to exempt sunroom Categories I, II and III from the receptacle spacing requirements of NEC 210.52 and lighting requirements of NEC 210.70?

**Comment:**

None.

**Answer:**

Yes. Category I, II, and III Sunrooms are exempt from the general provision of NFPA 70, Articles 210.52 and 210.70.

**Commentary:**

There are two standards adopted by reference which must be considered; NFPA 70/70A and AAMA 2100. The Florida Building Code holds forth that when there is a conflict between a general and a specific requirement, the specific requirement applies. In the case of NFPA 70, Article 210.52 (A)(1)-(3), the term sunroom is contained within a list of areas requiring the installation of electrical outlets. There is no definition of sunroom, or differentiation between habitable or non-habitable space in NFPA 7-70A. In the case of AAMA/NPEA/NSA 2100, the standard is specific to sunrooms. Regarding electrical outlets in sunrooms, AAMA 2100 is very specific in categorizing sunrooms and stating which types of sunrooms are required to have electrical outlets. Regarding electrical lighting, AAMA/NPEA/NSA states: 7.7 Electrical 7.7.1 Exit and Stairway Illumination: All sunrooms shall provide stairway and egress illumination as require by local code.

**Exception:** Category I sunrooms are not required to have exit lighting.

The SPECIFIC provision applies and Category I, II, and III Sunrooms are exempt from the general provision of NFPA 70. Note that the provisions are the same for the FBC 2007 and the soon to be adopted 2008 edition of NFPA 70.

**Notice:**

*The Building Officials Association of Florida, in cooperation with the Florida Building Commission, the Florida Department of Community Affairs, ICC, and industry and professional experts offer this interpretation of the Florida Building Code in the interest of consistency in their application statewide.  
This interpretation is informal, non-binding and subject to acceptance and approval by the local building official.*