

**Florida Building Commission – Legal Report
February 5, 2006
Rosen Plaza Hotel
Orlando, Florida**

First Hearing-

DCA05-DEC-216 by John O'Connor, Marion County Building Official

To both questions, “Is it the intent of the *Florida Building Code-Residential* R309.1.1 to prohibit Fiberglass Duct Board from being used in a residential garage by calling out No. 26 gauge sheet metal ducts as the prescriptive duct material to be used in that application?” and “What criteria should the Building Official use to evaluate an acceptable alternative to No. 26 gauge sheet metal, as allowed by R309.1.1?” the answer is that the code section allows “other approved material”. Twenty-six-gauge sheet metal or other approved material is required for ducts within the garage or penetrating the walls or ceiling into the dwelling from the garage. “Other approved material” is subject to approval by the building official.

Note:

It is beneficial to know that recent UL testing provided evidence that Class 1 rigid duct 1” thick performed to a level equal or greater than that of the 26 gauge metal with respect to fire penetration.

DCA05-DEC-219 by Dr. Humayoun Farooq, PE, Al-Farooq Corporation

Deferred till next meeting.

DCA05-DEC-235 by Joseph Herrmann, Production Manager, Arroyo Enterprises, Inc.

To the question, “Based on the example given above: Is the Porcelli’s sunroom considered habitable space and therefore required to be heated per R303.8 Required Heating code?” the answer is NO, sunrooms fall under the category “and similar areas” (see the definition of Habitable space) and thus are not habitable space and need not be heated per section R303.8 of the *Florida Building Code, Residential*.

DCA05-DEC-245 by Joseph Hetzel, P.E., DASMA

Question #1: Does the language in the updated Rule mean that all substantiating data must be uploaded to the DCA website?
Answer: With regard to compliance using an evaluation report from an approved evaluation entity, substantiating data such as testing data

or rational calculations are not required to be included in the evaluation report as long as they are referenced within the evaluation report.

Question #2: If the answer to Question #1 is “No”, will substantiating data be handled by both Manufacturers and the DCA the same way as the old Rule?

Answer: No answer is needed.

DCA05-DEC-282 by Joseph Hetzel, P.E., DASMA

Question #1: In the above stated new language, can “test lab” also be interpreted as “test facility”?

Answer: Yes. A test lab is also a test facility.

Question #2: In the case of the evaluation report method of product approval, can either a Florida registered design professional or a representative of an approved test laboratory accredit a test facility?

Answer: No. Florida registered design professional or a representative of an approved laboratory are not recognized as accreditation entities as per Rule 9B-72.100.

Question #3: Is a statement from a Florida registered design professional certifying the accuracy of both the test equipment and the test results considered adequate to satisfy the accreditation requirement as a substitute for an accreditation body?

Answer: No. Also, see answer to question #2,

Question #4: Can the same party both accredit a test facility and witness testing?

Answer: Yes. Rule 9B-72 does not prohibit accreditation entity from rendering both functions.

DCA05-DEC-283 by Joaquim Medeiros, P.E., Madsen, Kneppers & Associates, Inc.

Question #1: Would the actual damage would be classified as roof covering repair or alteration (Level 1) as described in the 2004 Existing Building Code?

Answer: As per Section 407.3, Damaged Buildings, of the 2004 Florida Building Code, Existing Building, work necessary to restore damage to the building in question falls within the classification of work “repair” and level 1 Alteration.

Question #2: If the restoration of the claimed damage (yet to be confirmed on this project) is deemed to be repair and the extension of that is beyond twenty-five (25) percent of the total roof covering area, would the owner need to replace the entire roof covering as per Section 1521.4 of the 2004 Florida Building Code Commercial Buildings?

Answer: Repair of damage to the building in question falls within the scope of Section 407.3.1 of the 2004 Florida Building Code, Existing Building, and Section 1521.4 of the 2004 Florida Building Code, Building. Therefore, the total roof covering area of the Building in question must be replaced.

DCA05-DEC-284 by Andrew Croft, Fastnet International

Question: Does the Fastnet System for Roof Protection as depicted by the Petitioner falls within the scope of Rule 9B-72, specifically under category (roofing) and sub-category New Technology and Roof accessories?

Answer: No. The product in question fall out side the scope of Rule 9B-72. As per Rule 9B-72.005, the rule is limited in scope to products and systems, which comprise the building envelope and structural frame.