

STATE OF FLORIDA
BUILDING COMMISSION

FILED	
Department of Business and Professional Regulation	
Deputy Agency Clerk	
CLERK	Brandon Nichols
Date	11/20/2014
File #	2014-09025

In the Matter of

SPRAGUE OWINGS, for
MARION COUNTY BUILDING DEPARTMENT,

Petitioner.

DS 2014-075

DECLARATORY STATEMENT

The foregoing proceeding came before the Florida Building Commission (Commission) by a Petition from Sprague Owings, Senior Plans Examiner for the Marion County Building Department (Petitioner) that was received June 13, 2014. Based on the statements in the petition, the material subsequently submitted and the subsequent request by the Petitioner, the Commission states the following:

Findings of Fact

1. The petition is filed pursuant to, and must conform to the requirements of Rule 28-105.002, Florida Administrative Code.
2. Petitioner is a local governing body having authority to enforce the Florida Building Code.
3. Petitioner seeks clarification of the applicability of Section R301.2.1.1.2, Florida Building Code, Residential (2010) as to whether a category II or III sunroom should be considered a category IV or V space if a mini-split HVAC unit is installed under the promise that only the dehumidification mode will be used.
4. Specifically, Petitioner requests answers to the following questions:
 - 1) Does the use of a mini-split or other equipment that is listed as an A/C unit or heat pump that has a dehumidification mode & promised to only be run in the dehumidification mode exempt

the reclassification of a Category I, II, or III sunroom to IV or V?

- 2) Does a dehumidification mode and signed affidavit to only run the unit in dehumidification mode circumvent the listing & labeling intent and circumvent all other applicable code requirements?

Conclusions of Law

5. The Commission has the specific statutory authority pursuant to Section 553.775(3)(a), Florida Statutes (2014) to interpret the provisions of the Florida Building Code by entering a declaratory statement.

6. Section R301.2.1.1.2, Florida Building Code, Residential (2010) states:

Sunrooms. Sunrooms shall comply with AAMA/NPEA/NSA 2100 with the structural requirements and testing provisions of Chapter 5.

AAMA 2100, Section 5.2.1 Wind Loads: Modify Section 5.2.1as follows:

5.2.1 Wind Loads: Basic wind speed (V_{asd}) in miles per hour (mph) shall be determined in accordance with Section R301.2.1. Sunrooms including exposed structures, components, cladding, and roof covering shall be designed to resist the wind loads as established in Section R301.2.1.

For the purpose of applying the criteria of the AAMA Standard for sunrooms based on the intended use, sunrooms shall be categorized in one of the following categories by the permit applicant, design professional or the property owner where the sunroom is being constructed.

Category I: A roof or a covering of an outdoor space. The openings shall be permitted to be enclosed with insect screening or 0.5 mm (20 mil) maximum thickness plastic film. The space is defined as nonhabitable and unconditioned.

Category II: A roof or a covering of an outdoor space with enclosed walls. The openings are permitted to be enclosed with translucent or transparent plastic or glass. The space is defined as nonhabitable and unconditioned.

Category III: A roof or a covering of an outdoor space with enclosed walls. The openings are permitted to be enclosed with translucent or transparent plastic or glass. The sunroom complies with additional requirements for forced-entry resistance, air-leakage resistance and water-penetration resistance. The space is defined as nonhabitable and unconditioned.

Category IV: A roof or a covering of an outdoor space with enclosed walls. The sunroom is designed to be heated and/or cooled by a separate temperature control or system and is thermally isolated from the primary structure. The sunroom complies with additional requirements for forced-entry resistance, water penetration resistance, air-leakage resistance, and thermal performance. The space is defined as habitable and conditioned.

Category V: A roof or a covering of an outdoor space with enclosed walls. The sunroom is designed to be heated and/or cooled and is open to the main structure. The sunroom complies with additional requirements for forced-entry resistance, water-penetration resistance, air-leakage resistance, and thermal performance. The space is defined as habitable and conditioned.

7. Section 101.4.8.5(5), 2012 Supplement to the Florida Building Code, Energy

Conservation (2012) states:

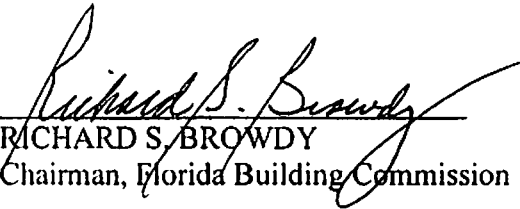
Buildings designed for purposes other than general space comfort conditioning. Any building where heating or cooling systems are provided which are designed for purposes other than general space comfort conditioning. Buildings included in this exemption include:

5. Buildings containing a system(s) designed and sold for dehumidification purposes only and controlled only by a humidistat. No thermostat shall be installed on systems thus exempted from this code.

8. In response to both of the Petitioner's questions, the answer is no, as per Section R301.2.1.1.2 of the 2010 Florida Building Code, Residential, a mini split system that could provide cooling or heating to the sunroom would place the room in category IV or V, depending on thermal isolation or lack thereof from the primary structure. All applicable code requirements

would apply. To be exempt, the unit must comply with Section 101.4.8.5(5) of the 2010 Florida Building Code, Energy Conservation.

DONE AND ORDERED this 18th day of November, 2014 in Jacksonville, Duval County, State of Florida.


RICHARD S. BROWDY
Chairman, Florida Building Commission

NOTICE OF RIGHT TO APPEAL

Petitioner and all other interested parties are hereby advised of their right to seek judicial review of this Order in accordance with Section 120.68(2)(a), Florida Statutes (2014), and Florida Rules of Appellate Procedure 9.110(a) and 9.030(b)(1)(C). To initiate an appeal, a Notice of Appeal must be filed with Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1000 and with the appropriate District Court of Appeal not later than thirty (30) days after this Order is filed with the Clerk of the Department of Business and Professional Regulation. A Notice of Appeal filed with the District Court of Appeal shall be accompanied by the filing fee specified by Section 35.22(3), Florida Statutes (2014).

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing order has been filed with the undersigned and furnished by U. S. Mail to the persons listed below this 20th day of November, 2014.



Agency Clerk's Office
Department of Business and Professional Regulation
& Florida Building Commission
1940 North Monroe Street
Tallahassee, Florida 32399-1000

Via U.S. Mail

Sprague Owings
Senior Plans Examiner,
Marion County Building Department
2710 East Silver Springs Boulevard
Ocala, Florida 34470

Via Inter-Office or Email Delivery

Mo Madani, Planning Manager
Codes and Standards Section
Department of Business and Professional
Regulation
1940 North Monroe Street
Tallahassee, Florida 32399
Mo.Madani@myfloridalicense.com

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

FILED

Department of Business and Professional Regulation

Deputy Agency Clerk

CLERK Brandon Nichols

Date 6/13/2014

File #

Petition for Declaratory Statement before the Florida Building Commission

Company: Marion County, Florida Building Department

Address: 2710 E. Silver Springs Blvd,

Ocala, Fl. 34470

Name: Sprague Owings

Title: Senior Plans Examiner

Phone: (352) 438-2451

Fax: (352) 438-2464

E-Mail: Sprague.Owings@marioncountyfl.org

DS 2014-075

Background:

We have a situation in regard to the use of mini-split air conditioning units to be installed in Category II & III sunroom. The HVAC contractor has submitted application to install a mini-split in a Category III sunroom and is justifying not having to reclassify the room as habitable room (category IV or V) by producing paperwork that the unit has a dehumidification mode and the owner has signed an affidavit that they will only use the unit in dehumidification mode. We feel that this is a conversion to habitable space and would have to comply with the Energy Conservation Code, NEC 210-52 & 70 and the floor would have to be raised to meet the minimum clearance from grade.

We submitted this question to the BOAF and got a response on 27 Jan 2014, Informal Interpretation # 7296, stating that the introduction of air conditioning did turn these rooms into habitable space (cat. IV & V rooms).

FBC-R 301.2.1.1.2

Category I, II & III last sentence "The space is defined as non-habitable and unconditioned."

Category IV & V, last sentence: "This space is defined as habitable and conditioned."

UL (or other recognized test labs) lists these mini-split unit as A/C heat pumps. The same can be said for window units.

FBC Chapter 2 "Habitable Space" A space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, screen rooms, sunrooms Category I, II and II as defined in the AAMA/NPEA/NSA 2100, storage or utility space and similar areas are not considered habitable space.

Questions:

- 1) Does the use of a mini-split or other equipment that is listed as an A/C unit or heat pump that has a dehumidification mode & promised to only be run in the dehumidification mode exempt the reclassification of a Category I, II or III sunroom to IV or V?
- 2) Does a dehumidification mode and signed affidavit to only run the unit in dehumidification mode circumvent the listing & labeling intent and circumvent all other applicable code requirements?

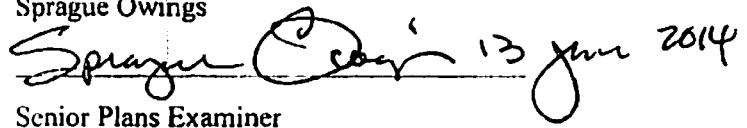
Summary:

It is our belief that that the answer to the questions is that the use of a piece of equipment intended and listed for air conditioning changes the classification from non-habitable to habitable in all these conditions and then requires compliance with the Energy Conservation Code and other applicable codes for habitable rooms. We believe that this use of mini-split unit or window units is an attempt to circumvent the intent of the code.

Respectfully submitted this 13th day of June 2014

County of Marion, Florida

Sprague Owings

 13 June 2014

Senior Plans Examiner

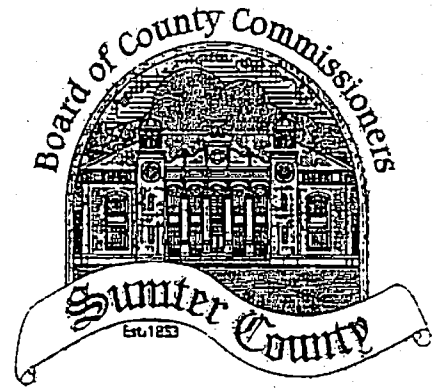
Board of County Commissioners

Development Services

Building Services Department

7375 Powell Rd., Ste. 115 • Wildwood, FL 34785 • Phone (352) 689-4460 • FAX: (352) 689-4461

• Website: <http://sumtercountyclerk.com/>



Sunroom Category Information List

- Category # 1: The space is covered by a roof and the walls are permitted to be enclosed with insect screening or 20 Mil. Plastic film. The space is defined as nonhabitable and non air conditioned space.

- Category # 2: The space is covered by a roof and the walls are enclosed with translucent or transparent plastic or glass. The space is defined as nonhabitable and unconditioned space. There is no requirement to submit any energy calculations or meet the requirements of electrical outlet wall spacing per the National Electrical Code. *The sunroom does require a light on the exterior side of the entrance to the sunroom.*

- Category # 3: The space is covered by a roof and the walls are enclosed with translucent or transparent plastic or glass. The space must comply with requirements for forced-entry resistance, air-leakage resistance, and water-penetration resistance. No requirement to meet the electrical outlet spacing per the National Electrical Code. Air-leakage areas of concern all joints, seams, and penetrations, including open between window and door assemblies and their respective jambs and framing, walls between the dwelling and the sunroom, and other sources of infiltration. The air-leakage is per the 2010 Florida Energy Conservation Code section 402.4
The sunroom does require a light on the exterior side of the entrance to the sunroom.

- Category # 4: The roof or a covering of an outdoor space with enclosed walls. The sunroom is designed to be heated and/or cooled by a separate temperature control or system and is thermally isolated from the primary structure. The space is defined as habitable and air-conditioned. The space must comply with requirements for forced-entry resistance, air-leakage resistance and water-penetration resistance. Air-leakage areas of concern are all joints, seams, and penetrations, including opening between window and door assemblies and their respective jambs and framing, and other sources of infiltration per the 2010 Florida Energy Conservation Code Section 402.4. The sunroom must also comply with the outlet spacing requirements per the National Electrical Code section 210.52. . The contractor/ design professional must submit all forms Per Chapter 4 of the Florida Energy Conservation code. *The sunroom does require a light on the exterior side of the entrance to the sunroom.*

- Category # 5: The roof or covering of an outdoor space with enclosed walls. The sunroom is designed to be heated and/or cooled and is open to the primary structure. The space is defined as habitable and air-conditioned space. The space must comply with requirements for forced-entry resistance, air-leakage resistance and water-penetration resistance. Air-leakage areas of concern are all joints, seams and penetrations. Opening between window and door assemblies and their respective jambs and framing, including other sources of infiltration per the 2010 Florida Energy Conservation code Section 402.4. The sunroom must also comply with the outlet spacing per the National Electrical Code section 210.52. The contractor/ design professional must submit all forms Per Chapter 4 of the Florida Energy Conservation Code. *The sunroom does require a light on the exterior side of the entrance to the sunroom.*