

Answer: Yes, section 101.2 of the Florida Building Code states in part, that it is applicable to the construction of every building or structure.

DCA09-DEC- 257 by Mitch Thomas

Question One: Does the Florida Building Code pertain to the installation of low voltage electrical systems (phone/ data/ security/ Closed Circuit TV/ fire/ security alarm systems/ page & music-speaker systems / fiber optics)?

Answer: Yes, section 101.4.1 of the Florida Building Code references chapter 27 of the FBC. Chapter 27 establishes NFPA-70 (the NEC) as the applicable code. Additionally, the NEC contains requirements for such electrical wiring installations.

Question Two: Is a permit required for installation of low voltage electrical systems (phone/ data/ security/ Closed Circuit TV/ fire/ security alarm systems/ page & music-speaker systems / fiber optics)?

Answer: Yes, section 105.1 of the Florida Building Code mandates in part, that a permit be obtained prior to the commencement of any electrical installation which is regulated by the code, unless the authority having jurisdiction has promulgated rules granting certain exemptions from the code for single family dwellings in accordance with section 102.2.5 of the FBC, Building

DCA09-DEC-263 by Steven Clisset of Windstrips LLC

Question: Does the Windstrips product fall under the scope of Rule 9B-72 under the category “roofing” and subcategory “products introduced as a result of new technology”?

Answer: No. The product in question falls outside the scope of Rule 9B-72. However, as per Section 104.11, approval of this product is within the scope of local authority having jurisdiction

Section 553.73(10)(d), F.S., Review of FBC/FFPC Local Interpretation Conflict- Requested by Bill R. Moore of Waldrop Group Regarding Bonita Springs Project
[SFM Case No: 10416309-FM](#)

Question #1: Can the local authority having jurisdiction waive code safety requirements that are specifically provided by Code? FFPC NFPA 101 4.6.1 thru 4.6.1.3.

Answer: No. The authority having jurisdiction can not waive the code requirements.

Issue: DCA09-DEC-257. The petitioner seeks a declaratory statement requesting clarification of Section 101.4.1 and 105.1 of the Florida Building Code regarding their applicability to the installation of low voltage electrical systems (phone/ data/ security/ Closed Circuit TV/ fire/ security alarm systems/ page & music-speaker systems / fiber optics), and whether a permit would be required for such work.

Background:

1. Situation: The Petitioner is a state certified “Specialty Contractor – limited Energy Systems Spec”. The Petitioner currently has a variety of low voltage electrical wiring systems jobs (phone/data/security/CCTV (closed circuit TV) CATV/ fire / security alarm systems/ page & music-speaker systems /fiber optics).
2. **101.4.1 Electrical.** The provisions of Chapter 27 of the Florida Building Code, Building shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto. (Emphasis added)
3. **102.2.5** Each enforcement district shall be governed by a board, the composition of which shall be determined by the affected localities. At its own option, each enforcement district or local enforcement agency may promulgate rules granting to the owner of a single-family residence one or more exemptions from the Florida Building Code relating to: (emphasis added)
 1. Addition, alteration or repair performed by the property owner upon his or her own property, provided any addition or alteration shall not exceed 1,000 square feet (93 m2) or the square footage of the primary structure, whichever is less. (Emphasis added)
 2. Addition, alteration or repairs by a nonowner within a specific cost limitation set by rule, provided the total cost shall not exceed \$5,000 within any 12-month period. (Emphasis added)
 3. Building and inspection fees.

Each code exemption, as defined in this section, shall be certified to the local board 10 days prior to implementation and shall be effective only in the territorial jurisdiction of the enforcement district or local enforcement agency implementing it.

4. **105.1 Required.** Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any required impact-resistant coverings, electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit. (Emphasis added)
5. **105.2.2 Minor repairs.** Ordinary minor repairs may be made with the approval of the building official without a permit, provided the repairs do not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; additionally, ordinary minor repairs shall not include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring systems or mechanical equipment or other work affecting public health or general safety, and such repairs shall not violate any of the provisions of the technical codes. (Emphasis added)
6. **BOAF Non-Binding REPORT #: 2987,** regarding Building Code sections 104.1.1 and 101.4.2 and Chapter 553.79, F.S.

Question: Is it the intent of FS 553.79 & FBC 104.1.1 & 101.4.2 that the building official require permits for and perform inspections of: docks; seawalls; retaining walls; irrigation systems; low voltage electrical systems, inclusive of security, fire, burglar, data networks, cctv (phone/data within the envelope of a structure) and associated systems; gas systems and utilization equipment? (Emphasis added)

Answer: All of the referenced sections infer authority of enforcing agencies to issue permits as are required by

the Florida Building Code and the agencies themselves.

Commentary: Local enforcement agencies may not, without following certain guidelines, impose more stringent technical requirements than are established in the codes but they may establish permitting requirements, as they believe necessary to ensure the public's health, safety and welfare, in their administrative ordinances.

Staff Recommendations: Staff provides the following for consideration.

Question One: Does the Florida Building Code pertain to the installation of low voltage electrical systems (phone/ data/ security/ Closed Circuit TV/ fire/ security alarm systems/ page & music -speaker systems / fiber optics)?

Answer: Yes, section 101.4.1 of the Florida Building Code references chapter 27 of the FBC. Chapter 27 establishes NFPA-70 (the NEC) as the applicable code. Additionally, the NEC contains requirements for such electrical wiring installations.

Question Two: Is a permit required for installation of low voltage electrical systems (phone/ data/ security/ Closed Circuit TV/ fire/ security alarm systems/ page & music -speaker systems / fiber optics)?

Answer: Yes, section 105.1 of the Florida Building Code mandates in part, that a permit be obtained prior to the commencement of any electrical installation which is regulated by the code, unless the authority having jurisdiction has promulgated rules granting certain exemptions from the code for single family dwellings in accordance with section 102.2.5 of the FBC, Building

STATE OF FLORIDA
BUILDING COMMISSION

In the Matter of

MITCH THOMAS

Case #: DCA09-DEC-257

Petitioner.

_____ /

DECLARATORY STATEMENT

The foregoing proceeding came before the Florida Building Commission (the Commission) by a Petition from Mitch Thomas which was received as amended on July 13, 2009. Based on the statements in the petition, the material subsequently submitted and the subsequent request by the Petitioner, it is hereby ORDERED:

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. The Petitioner has obtained certification from the State as a specialty electrical contractor, specifically within the specialty of limited energy systems.
3. The Petitioner has performed, and intends to perform in the future, jobs relating to low-voltage electrical systems for telephones, data transmission, fire and security systems, closed-circuit and cable television, paging systems and speakers.
4. The Petitioner inquires whether the work he performs is subject to permitting pursuant to the Florida Building Code and related statutes?

Conclusions of Law

1. The Florida Building Commission has the specific statutory authority to interpret the provisions of the Florida Building Code by entering a declaratory statement.
2. The Florida Building Code governs “the design, construction, erection, alteration, modification, repair, and demolition of public and private buildings, structures, and facilities and enforcement of such laws and rules” §553.73(1)(a), Florida Statutes (2009).
3. A permit is required to “construct, erect, alter, modify, repair, or demolish any building within this state” §553.79(1), Florida Statutes (2009).
4. The Code expressly incorporates provisions relating to “the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.” Section 101.4.1, Florida Building Code, Building Volume (2007 as amended 10/1/09). The Code does not except or exempt low-voltage electrical systems from application of these provisions.
5. While the Code recognizes the potential for unpermitted ordinary minor repairs, work related to electrical systems is explicitly excepted from the scope of ordinary minor repairs. Section 105.2.2, Florida Building Code, Building Volume (2007 as amended 10/1/09).
6. Local enforcement agencies are authorized to exempt restricted classifications of work from the Florida Building Code by local action provided that if the work is performed by a property owner, area of the addition or alteration does not exceed the lesser of 1000 square feet or the size of the primary structure; or, if the work is performed

by a non-owner, the cost thereof does not exceed \$5000 within any 12 month period of time. §553.80(3), Florida Statutes (2009), and Section 102.2.5, Florida Building Code, Building Volume (2007 as amended 10/1/09).

7. Based on the foregoing, in the absence of a local exemption from the Code and for work exceeding the scope of permissible exceptions, the Florida Building Code requires that a permit be obtained for work related to low-voltage electrical systems for telephones, data transmission, fire and security systems, closed-circuit and cable television, paging systems and speakers.

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, and with Fla. R. App. 9.030(b)(1)(C) and 9.110(a). To initiate an appeal, a Notice of Appeal must be filed with Paula P. Ford, Clerk of the Commission, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100, and with the appropriate District Court of Appeal no later than thirty days after this Order is filed with the Clerk of the Commission. 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.

DONE AND ORDERED this _____ of _____, 2009, in Coral Gables,
Miami-Dade County, State of Florida.

Raul L. Rodriguez, AIA, Chair
Florida Building Commission
Department of Community Affairs
Sadowski Building
2555 Shumard Oak Blvd.
Tallahassee, FL 32399-2100

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was sent to the
following by the method indicated on this _____ day of _____, 2009.

PAULA P. FORD
Commission Clerk

Via U.S. Mail

Mitch Thomas
4377 Commercial Way
Suite 206
Spring Hill, Florida 34606

Via Hand Delivery

Mo Madani, C.B.O. Manager
Codes and Standards Section
Department of Community Affairs
2555 Shumard Oak Blvd.
Tallahassee, FL 32399-2100