

<b>FILED</b>	
Department of Business and Professional Regulation	
Deputy Agency Clerk	
CLERK	Brandon Nichols
Date	<b>5/4/2012</b>
File #	

Florida Building Commission  
c/o Agency Clerk  
Florida Dept of Business and Professional Regulation  
1940 North Monroe Street  
Tallahassee, Florida 32399-0772

**Petition for Declaratory Statement  
From the Florida Building Commission**

Rick's A/C, Inc  
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**DS 2012-042**

RE. Section 101.4.7.1.2 referencing 403.6.1 and 503.2 1  
Florida Building Code

A clarification is needed for the following section 101 4 7 1 2 and the above references of the Florida Building Code because software programs that meet the nationally recognized method based sizing calculation are not being accepted by some building officials throughout the state of Florida. Building officials are requiring the ACCA stamp of approval As I understand after speaking with some equipment manufacturers, a large fee is being charged for this ACCA certification. ACCA is a nonprofit organization and therefore should not be making a profit for their certification

Designstar is an example of a load calculation program This program is put out by Rheem/Ruud manufacturers and they have statement on there first page that says the results are intended for Rheem heating and cooling systems only. This does not say we must use Rheem It merely states that it is intended for Rheem Of course, they want to sell their product. The manual J however is brand blind and should be accepted as what it is, a manual J The city of Coral Springs will not accept this program I even sent them a letter from an engineer that states the program meets all state requirements

RE Section 109 2  
Florida Building Code

109.2 states that "a fee for each permit shall be paid as required in accordance with the schedule as established by the applicable governing authority "  
The definition of governing authority to my knowledge means the building official of a particular city of county This has become open ticket for many city and county governments There needs to be a uniform permit charge put in place by the state An example is the City of Tampa who used to charge around \$35 for a mechanical permit When the economy went sour, their permit fees increased to \$134 00 and their red tags the same Hillsborough county on the other hand lowered their fees from \$70 to about

\$35 so contractors were able to afford them. There are no guidelines. This needs to be changed.

RE: Section 109.4  
Florida Building Code

109.4 states that "any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the building officials approval or the necessary permits shall be subject to a penalty of 100% of the usual permit fee in addition to the required permit fees.

Some municipalities are triple fining the contractors. This is a direct violation of the Florida law. Hillsborough County is one example.

RE: Sections 104.1 thru 104.8  
Florida Building Code

These are all showing reserved. They are relating to the duties and powers of the building official.

There needs to be an authority over building officials. Currently, they are able to abuse their powers and contractors don't have any recourse other than a weak appeals system that can take months to enact. I personally have had many arguments where I was following the Florida Building Code and I was red tagged because an inspector did not know the code. I will not cite individual examples in this text as there are too many and I don't want to use names of local officials without knowing the legalities of doing so.