

**Petition for Declaratory Statement  
Before the Florida Building Commission  
Office of Codes and Standards**

<b>FILED</b>	
Department of Business and Professional Regulation Deputy Agency Clerk	
CLERK	Brandon Nichols
Date	<b>9/3/2015</b>
File #	

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**DS 2015-106**

**Statute(s), Agency Rule(s), Agency Order(s), and/or Code Section(s) on which the Declaratory Statement is sought:**

**Florida Building Code 5th Edition (2014) Plumbing**

**CHAPTER 1 SCOPE AND ADMINISTRATION**

**SECTION 105 PERMITS**

**[A] 105.2 Work exempt from permit.**

**Florida Building Code 5th Edition (2014) Existing Building**

**SECTION 609 PLUMBING**

**609.1 Materials.**

**Florida Building Code 5th Edition (2014) Plumbing**

**SECTION 303 MATERIALS**

**303.2 Installation of materials.**

**Background:**

Pipelining Technologies, Inc. (PTI), Petitioner, is a fully insured legally Licensed Plumbing Contractor, CFC 1428578, in the business of structurally rehabilitating aged and defective **horizontal** drainage pipes under slabs, and **vertical** drainage pipes behind walls, with Cured In Place Pipe (CIPP) tools and technology. PTI is currently being adversely affected in the market place by unlicensed CIPP installers who are not properly documented and insured and who do not obtain permits, (**See the attached DBPR complaint and Case Summary Sheet for Case #2014018148**) and also by licensed contractors who install CIPP material and **do not obtain permits**. Specifically, we are currently providing lining proposals to at least 25 condominiums and also at least 12 residential homeowners, who typically request pricing quotes from one or two other pipe lining "contractors". As per your instructions the "General Scope of Work" for each

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of these different types of jobs is as follows:

### **\*\*\*Condominium - General Scope of Work for installing CIPP:**

**First**, remove and replace all appropriate drainage fittings to allow for proper video inspection, cleaning, and CIPP material installation. Open any necessary drywall access points, open any necessary concrete slab openings, remove and replace all necessary drainage fittings and remove and replace all necessary plumbing fixtures to facilitate video inspection, the cleaning process, and material installation.

**Next**, perform video inspection, cleaning, and lining material installation. After CIPP has cured, perform all necessary robotic reinstatements to open the branch lines.

**Last**, perform Post video inspection.

### **\*\*\*Residential - General Scope of Work for installing CIPP:**

**First**, remove and replace all appropriate drainage fittings to allow for proper video inspection, cleaning, and CIPP material installation. Open any necessary drywall access points, open any necessary concrete slab openings, remove and replace all necessary drainage fittings and remove and replace all necessary plumbing fixtures to facilitate video inspection, the cleaning process, and material installation.

**Next**, perform video inspection, cleaning, and lining material installation. After CIPP has cured, perform all necessary robotic reinstatements to open the branch lines.

**Last**, perform Post video inspection.

As one of the leading companies in the Florida condominium/residential CIPP pipe lining industry, Pipelining Technologies, Inc., is seeking clarification on certain sections of the 2014 Florida Building Code, and the 2014 Florida Building Code - Existing Building and to seek a uniform interpretation so that the related work is being performed according to the Florida Building Code.

Specifically, there are several sections in the 2014 Florida Building Code and the 2014 Florida Building Code – Existing Building, that require clarification as are more precisely outlined below.

## **Florida Building Code 5th Edition (2014) Plumbing**

### **CHAPTER 1 SCOPE AND ADMINISTRATION**

#### **SECTION 105 PERMITS**

##### **[A] 105.2 Work exempt from permit.**

##### **Plumbing:**

1. The **stopping of leaks** in drains, water, soil, waste or vent pipe, provided, **however**,

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that if any **concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material**, such work shall be considered as new work and **a permit shall be obtained** and inspection made as provided in this code. (Emphasis added)

**Florida Building Code 5th Edition (2014) Existing Building  
SECTION 609 PLUMBING**

**609.1 Materials.**

Plumbing materials and supplies shall not be used for repairs that are prohibited in the *Florida Building Code, Plumbing*.

**Florida Building Code 5th Edition (2014) Plumbing**

**SECTION 303 MATERIALS**

**303.2 Installation of materials.**

All materials used shall be installed in **strict accordance** with the standards under which the materials are accepted and *approved*. In the absence of such installation procedures, the **manufacturer's instructions shall be followed**. Where the requirements of referenced standards or manufacturer's installation instructions do not conform to minimum provisions of this code, the provisions of this code shall apply. (Emphasis added)

**Question**

Is a building/plumbing permit mandatory **as per 105.2 Permits**, for installing Cured In Place Pipe (CIPP) in drainage systems within the walls and under the slabs of existing buildings for the purpose of rehabilitation? (SEE THE ATTACHED DBPR complaint and Case Summary Sheet for Case #2014018148) And if so, is the material to be installed and inspected **according to the manufacturer's published installation instructions**, as per Florida Building Code – Existing Building **509.1 Materials** and Florida Building Code – Plumbing **303.2 Installation of materials**?

**Summary**

Petitioner respectfully believes the answers to all of the above questions are "YES", and a declaratory statement should be issued to address the clarification statewide. If the answer is "NO", then by default, the installation process for CIPP to rehabilitate drainage systems in the walls and under the slabs of existing buildings should be specifically designated to comply with 2014 Florida Building Code 105.2 **"Work exempt from permit"**, and **no permits should be required** to install CIPP material **anywhere** in the state of Florida. Petitioner fully understands the extensive work of the Commission in developing new codes for greater safety and improvement for the consumer, and likewise, it would seem reasonable to ensure that the codes are uniformly interpreted. Section 553.775(1), Florida Statutes (2015) states: "It is the intent of the Legislature that the Florida Building Code and the Florida Accessibility Code for Building Construction be interpreted by building officials, local enforcement agencies, and the commission in a manner that protects the public safety, health, and welfare at the most reasonable cost

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to the consumer **by ensuring uniform interpretations throughout the state** and by providing processes for resolving disputes regarding interpretations of the Florida Building Code and the Florida Accessibility Code for Building Construction which are just and expeditious." (**Emphasis added**)

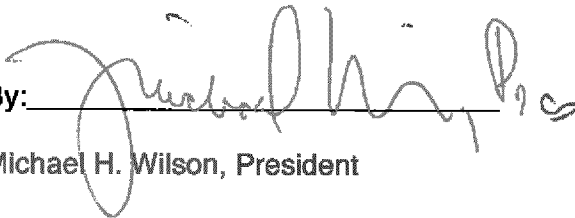
Pipelining Technologies, Inc., would also like to request that we be allowed to have a representative(s) to be present at any public forum where our Request for Declaratory Statement is discussed, in case there are any questions or a need for any clarification.

Respectfully submitted,

Pipelining Technologies, Inc.

By: \_\_\_\_\_

Michael H. Wilson, President

A handwritten signature in black ink, appearing to read "Michael H. Wilson", is written over a horizontal line. The signature is fluid and cursive, with a large initial "M" and a stylized "W".