

Department of Community Affairs  
C/O Paula Ford  
2555 Shumard Oak Blvd  
Tallahassee, FL 32399-2100

DEAOS-DEC-217

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

RE: Section 13-103.1.1.1 and 400.3 ABC.1

Florida Air Designs, Inc. DBA: Dependable Air Designs  
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Altoona, FL 32702  
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We are having difficulties with Orange County Building Departments interpretation of Section 13-103.1.1.1 and 400.3 ABC.1 of the Florida Building Code.

A interior commercial building out to be located in Orlando, is currently under design and will be submitted for permit in Orange County Building Department., within the next 4 months. This interior building out is approximately 2400 sq ft and has one 6 ton ac system with less than 50 occupants.

Section 13.103.1.1.1 states as follows:

**13-103.1.1.1 Commercial applications.**

Completion of procedures demonstrating compliance with this code for commercial buildings shall be signed and sealed by an architect or engineer licensed to practice in the state of Florida, with the exception of buildings excluded by Section 481.229, *Florida Statutes*, or Section 471.003, *Florida Statutes*. Calculations for buildings falling within the exception of Section 471.003, *Florida Statutes*, may be performed by air conditioning or mechanical contractors licensed in accordance with Chapter 489, *Florida Statutes*, or by state of Florida certified commercial building energy raters.

Design professionals responsible under Florida law for the design of lighting, electrical, mechanical, and plumbing systems and the building shell, shall certify compliance of those building systems with the code by signing and providing their professional registration number on the energy code form provided as part of the plans and specifications to the building department.

And Section 400.3 ABC.1 states as follows:

**13-400.3.ABC.1 Code compliance preparation.**

The FLA/COM performance calculation procedures demonstrating code compliance for

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Methods A and B, and Form 400C demonstrating code compliance for Method C shall be prepared, signed and sealed by an architect or engineer registered in the state of Florida, with the exception of buildings excluded by Section 481.229, *Florida Statutes*, or Section 471.003, *Florida Statutes*. Calculations for buildings falling within the exception of Section 471.003, *Florida Statutes*, may be performed by air conditioning or mechanical contractors licensed in accordance with Chapter 489, *Florida Statutes*, or by state of Florida certified commercial building energy raters.

The person preparing the compliance calculation shall certify that the calculation or amendments thereto, is true and accurate and demonstrates that the building is in compliance with the requirements of Chapter 13 of this code.

I am a Florida certified commercial building energy rater #749, in addition we have a State of Florida licensed mechanical contractor on staff. Services we provide are: HVAC designs, load calculations, and energy calculations for residential and commercial applications. According to the above referenced code/statute it allows these certified and licensed individuals to sign the prepared by Commercial Energy Calculations.

They reference the code section 103.1.1.1 where it says "Design professionals". They do not recognize a mechanical contractor or a Florida certified commercial building energy rater as a design professional.

This affects our company and our customers because it adds unnecessary cost and time to prepare the energy calculations. If the architect of record refuses to sign the calculations since they did not prepare them, the only option is to find an engineer to review and sign the calculations.

We are seeking answers to the following questions

- 1) Who is considered a design professional?
- 2) If the codes intent is to allow the other entities besides an Architect or Engineer by the exemptions, can I, as a Florida certified commercial energy rater, sign the prepared by signature on the energy calculations and the Mechanical System Designer signature since, we are also designing the mechanical system.

Respectfully,



Tina M. Neace  
President