

**PETITION FOR DECLARATORY STATEMENT
BEFORE THE FLORIDA BUILDING COMMISSION**

FILED	
Department of Business and Professional Regulation	
Deputy Agency Clerk	
CLERK	Brandon Nichols
Date	9/10/2015
File #	

Jurisdiction (Company): Marion County Florida, Department of Building Safety

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DS 2015-112

Statutes, Agency Rules, Agency Orders, and or Code Sections on which

Declaratory Statement is sought:

5th Edition Florida Building Code

Chapters 1

Article 101.2, 105.2.1, 105.3, 105.4, 105.4.1.4, 105.12, 107, 109.2

Florida State Statute

489.113 (3)

Background: A County and State Registered and Certified CGC (Certified General Contractor) is in the specific business of selling and installing tubular skylights aka: *solar tubes*. These products do have Florida product approval. Solatube International Inc., 10804 R5, 11480 R8, 14826 R4. Some have electrical light kits. The company, "The Solar Guys" has approached the Building Department in an effort to simplify and/or eliminate the need for permits, plan review and inspection of their installation of tubular skylights.

Per several meetings with the staff from "The Solar Guys," it has been conveyed that the company's practice is to make a sales call and do an immediate install, as they carry the approved components on their trucks. They have requested that under the "emergency" exemption for permit, this should be allowed. Marion County's Building Safety Department has denied that request and does require that the installation be permitted prior to work being performed. The company also had requested that plan review of the work to be performed need not be done. Again, Marion County's Building Safety Department has required a product approval must accompany each permit request and that must be reviewed by a plans examiner. The company also has requested that the inspection be limited to the exterior components of the product only, as the homeowners cannot grant access and company representative cannot be present at inspection time. These inspections would be limited to tubular

skylights without electric. Currently the Marion County Building Safety Department makes every attempt to inspect both the inside and outside installation components of the said tubular skylights. Furthermore, the company has added an electrical light kit to some of their tubular skylights as an add-on component and has requested that they be allowed to make the electrical connections. The Marion County Building Safety Department has required that a State Licensed electrical contractor perform any and all electrical work and perform an electrical inspection of the electrical portion of the work in conjunction with the initial installation inspection.

Specifically, there are several definitions and work scopes that apply to the above background, and these are detailed as outlined below:

2014 Florida Building Code 5th Edition:

Chapter 1

101.2 Scope. The provisions of this code shall apply to the construction, alteration, relocation, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.

105.2.1 Emergency repairs. Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the building official.

105.3 Application for Permit. To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished by the building department for that purpose.

105.4 Permit intent. A permit issued shall not be construed to be a license to proceed with the work and not as authority to violate, cancel, alter, or set aside any of the provisions of the technical codes, nor shall issuance of a permit prevent the building official from therefore requiring a correction of errors in plans, construction or violations of this code.

105.4.1.4 The fee for renewal, issuance and extension of a permit shall be set forth by the administrative authority.

105.12 Work started before permit issuance. Upon approval of the Building official, the scope of work delineated in the building permit application and plan may be started prior to the final approval and issuance of the permit, provided any work completed is entirely at the risk of the permit applicant and the work does not proceed past the first required inspection.

107.2.4 Exterior wall envelope. The construction documents shall include manufacturer's installation instructions that provide supporting documentation that the proposed penetration and opening details described in the construction documents maintain the weather resistance of the exterior wall envelope.

109.2 Schedule of permit fees. On building structures, electrical, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the schedule as established by the applicable governing authority.

Florida State Statute: 489.113

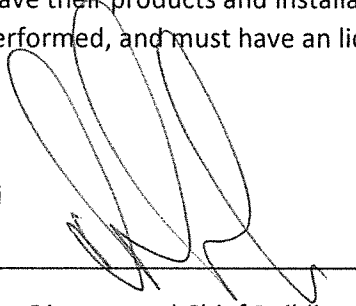
(3) A contractor shall subcontract all electrical, mechanical, plumbing, roofing, sheet metal, swimming pool, and air-conditioning work, unless such contractor holds a state certificate or registration in the respective trade category.

Questions:

- 1) Can the Marion County Building Safety Department, at request of the CGC company listed, exempt the need for an inspection on the above mentioned component installation of the approved products listed above?
 - 2) Can the Marion County Building Safety Department, at request of the CGC company listed, exempt the need for plan review of the approved products listed above?
 - 3) Can the Marion County Building Safety Department, at request of the CGC company listed, exempt the need for permitting of the approved products listed above?
 - 4) Can the CGC company self-perform electrical installation of a light kit connected to the approved products listed above?
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Summary: The petitioner, Marion County Building Safety Department, believes that the answer to all 4 questions is "No" and that the CGC company cannot be exempt and must obtain a permit prior to work start, must have their products and installation details approved by plans review, must have a complete inspection performed, and must have an licensed electrical contractor perform any and all electrical work.

David Galassi



Date 9/9/15

Building Safety Director and Chief Building Official
Marion County Building Safety Dept.

Sworn to (or affirmed) and subscribed before me
this 9 day of September, 2015
by David Galassi
(name of person making statement)
Karen L. Robinson
(Signature of Notary Public)

(Print, Type, or Stamp Commissioned Name of Notary Public)
Personally Known OR Produced Identification
Type of Identification

