

STATE OF FLORIDA
BUILDING COMMISSION

In the Matter of

MITCH THOMAS

Case #: DCA09-DEC-257

Petitioner.

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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

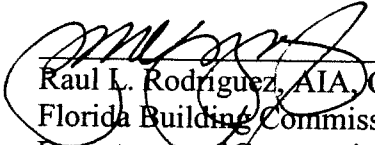
1. The Florida Building Commission has the specific statutory authority to interpret the provisions of the Florida Building Code by entering a declaratory statement.
2. The Florida Building Code governs “the design, construction, erection, alteration, modification, repair, and demolition of public and 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. The Florida Building Commission expressly intends that the scope of this Declaratory Statement be restricted to the requirements of the Florida Building Code. The Commission possesses no authority to interpret or implement laws related to professional licensing.

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 19 of November, 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 20th day of Nov, 2009.



for 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