

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

Company: Kalos Services Inc.
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DS 2026-023

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PETITION FOR DECLARATORY STATEMENT

1. Statement of the Specific Statutory Provision and Rule Involved:

This petition is filed pursuant to section 120.565, Florida Statutes, and Chapter 28-105, Florida Administrative Code, requesting a declaratory statement from the Florida Building Commission concerning the applicability of the Florida Building Code, Energy Conservation (2023) (RE), in an existing one-family dwelling.

2. Description of the Situation and Facts Giving Rise to Uncertainty:

Petitioner, Kalos Services, Inc., having direct and substantial interest in interpretation of the building code, is a mechanical contracting firm seeking clarification on whether the Florida Building Code, Energy Conservations (2023), applies to the installation of a mechanical mini split type system with dehumidification controls in an existing garage within an existing one family dwelling that is currently conditioned.

Petitioner is currently planning to undertake the installation of a mini split type system that includes controls that allow for humidity moderation intended primarily to reduce moisture accumulation, protect stored contents, and improve the durability of the structure in an existing garage where the garage is not currently conditioned space and is located outside of the building thermal envelope. The proposed system is not intended to establish the garage as conditioned space as defined by the Florida Building Code, Energy Conservation, but rather to provide limited environmental control for moisture management and material preservation. The area within the building thermal envelope is previously conditioned. The estimated cost of the installation of the system is \$6,000. The assessed value of the structure is \$351,996. This

installation is the only work proposed to be done on the structure. There are no plans to alter the thermal envelope or convert the area into habitable space. The installation does not establish the garage as conditioned space as defined by the Florida Building Code, Energy Conservation. The installation is not associated with a change of occupancy or occupancy type. The proposed project is in Lake County, Florida.

3. Petitioner's Questions and Proposed Answers:

- A. Does the installation identified in the above description trigger the threshold of a renovated building as referenced by Florida Building Code, Energy Conservation Eighth Edition (2023) (FBCEC) Section R101.4.2 as defined in FBCEC?
 - 1. Petitioner believes that the answer is no. The cost of construction is 1.7% of the assessed value. This value does not exceed the 30% that is required to be classified as a renovated building.
- B. Does the installation identified in the above description trigger a change of occupancy type?
 - 1. Petitioner believes that the answer is no. The occupancy type is R-3 in accordance with Chapter 3 of Florida Building Code, Building constructed in accordance with the Florida Building Code, Residential. The existing space referenced above is used as a garage within the one family dwelling. The space will remain used as a garage.
- C. Is the installation identified in the above description within a previously unconditioned building to which comfort conditioning is added?
 - 1. Petitioner believes that the answer is no. The garage is not within a previously unconditioned building. The subject structure is a previously conditioned building. The garage is not a separate building, but an integral component of a single building. 101.4.2 used the term "building" (not space or area) that currently contains comfort conditioning. While the space or area of the garage does not previously contain comfort conditioning, the "building" does previously contain comfort conditioning. The code does not establish a regulatory framework for treating individual accessory spaces as independent buildings.
- D. Does the provisions of the Florida Building Code, Energy Conservation, Residential (2023) apply beyond the scope established in Section R101 such that installation of a ductless mini-split system that contains dehumidification controls in a garage within a *building* that currently contains comfort conditioning, and the project does not meet the definition of a "renovated building", and a change of occupancy has not occurred, would trigger full Energy Code compliance?
 - 1. Petitioner believes that the answer is no. The provisions of the Energy Conservation Code do not apply beyond their express scope, and the installation described does not trigger full compliance. The proposed work does not meet the

definition of a renovated building, does not involve a change of occupancy and does not involve a previously unconditioned building. Further, the proposed installation does not establish the garage as conditioned space as defined by the Florida Building Code, Energy Conservation.

4. Justification for Declaratory Statement:

Petitioner submits this request to obtain a formal interpretation of the Florida Building Code to ensure compliance with future construction projects and to resolve uncertainty regarding mechanical equipment with dehumidification controls installed in garages within buildings with current comfort conditioning. The Florida Building Code, Energy Conservation, defines a conditioned space in relation to spaces that are heated or cooled to maintain specified interior design conditions. The limited and intermittent operation of the proposed system for moisture control does not establish the garage as a conditioned space intended for human comfort or occupancy.

Section R101.4.2, Exempt Buildings, specifies that existing buildings are generally exempt from the provisions of the Florida Building Code, Energy Conservation, with the following exceptions:

- Renovated buildings
- Changes of occupancy type or
- Previously unconditioned *buildings* (emphasis added) to which comfort conditioning is added

Whereas the petitioner seeks to install such system in garages within a *building* that currently has comfort conditioning, this exemption from the provisions of the Florida Building Code, Energy Conservation would apply. The code considers the “*building*” and not the individual space or area when describing the previously unconditioned building exception from the exemption. The garage is not a separate building and cannot reasonably be interpreted as such. Furthermore, petitioner believes this request follows a similar rationale to the Commission's previous action in DS 2018-072 relating to the scope of the Energy Conservation Code. In DS 2018-072, the Commission recognized that the scope of the Energy Conservation Code is limited to the express conditions identified in Section R101 and should not be expanded beyond these triggers. The same principle applies here, where none of the enumerated triggers are present.

5. Affected Code Provisions:

The following provisions of the Florida Building Code, Energy Conservation Eighth Edition (2023), are relevant to this petition:


- **Section R101.4.2** – Exempt Building

6. Certification:

I declare that I have read the foregoing petition and that the facts stated herein are true and correct to the best of my knowledge and belief.

Dated this 28th day of April, 2026.

Kalos Services, Inc.

By:  _____

Bryan Orr, Vice President