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Petition for a Declaratory Statement

From the Florida Building Commission

Date: October 27, 2026

Jurisdiction: City of Pensacola

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DS 2026-105

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

Section 105.2.3 of the 9th Edition (2026) Florida Building Code, Building (FBCB)

Background:

I am the Building Official for the City of Pensacola. In the aftermath of Hurricane Isaias in my jurisdiction, we are anticipating requests for repair and replacement work relevant to the provisions of Section 105.2.3 in FBCB.

The language in Section 105.2.3 of the FBCB was approved by the Florida Building Commission to provide consistency with Florida House Bill 803 that went into effect on July 1, 2026. This new section specifies conditions where a permit is not required for certain work, work that does not qualify for this section, and conditions for qualifying.

105.2.3 Public service agencies. Single family dwelling work valued at less than $7,500.

1. A local government that issues building permits shall exempt an owner of a single-family dwelling or the owner's contractor from the requirement to obtain a building permit to perform any work valued at less than $7,500 on the owner's property.

2. The exemption under subparagraph 1. does not apply to any of the following:

a. Work on a property that is partially or entirely located in a flood hazard area as defined by the Florida Building Code.

b. Any electrical, plumbing, structural, mechanical, or gas work performed on property containing a single-family dwelling. A construction project may not be divided into more than one project for the purpose of evading the requirements of this paragraph.

3. To qualify for the exemption under subparagraph 1., the owner or the owner's contractor must submit a written request for exemption to the local enforcement agency with a copy of the contract or other documentation demonstrating the nature and the value of the work to be performed.

4. A local government has no legal duty to the owner, contractor, or successors or assigns thereof for exempted work performed under this paragraph.

In anticipation of such potential requests, I have 6 different scenarios I would like clarity on regarding the intent of Section 105.2.3 as it relates to "structural work."

Project #1 Scenario

A homeowner is proposing a roof replacement on a single-family dwelling. The roof replacement project will consist of removing the existing asphalt shingle roof and installing a new asphalt shingle roof and underlayment in compliance with Section R905 of the Florida Building Code, Residential. The home was built in 2012 so the wind mitigation requirements in Section R908.7 are not required. The size of the roof is 14.5 squares and the proposed cost is $7320. Is reroofing within the scope of Section 105.2.3 of the 9th Edition (2026) FBCB and therefore a permit is not required for this work?

Petitioner's Position/Requested Determination:

It is the petitioner's opinion that for the purposes of this section reroofing is considered "structural work" and therefore does not qualify for the permit exemption. This opinion is based on consideration of several facts. Based on the wind provisions in the Florida Building Code, roof coverings (including other elements of the roof system) are considered components and cladding. Components and cladding receive wind loads directly or indirectly and transfer these loads to what is called the Main Wind Force Resisting System (MWFRS). The MWFRS is an assemblage of structural elements that provide support and stability for the overall building or other structure. Since roof coverings transfer wind loads to the MWFRS, they are structurally related and should be considered structural work for the purposes of this section. Therefore, reroofing does not qualify for the permit exemption in Section 105.2.3.

Additional support for this opinion comes from the Florida Legislature. As I understand it, during floor debate before HB 803 was passed, a representative asked the bill sponsor if roofing work and roofing repairs would be considered structural as defined in this bill. The bill sponsor responded that roofing would be considered structural for the purposes of this bill. The bill passed unanimously.

However, roof coverings are not "structural components" as defined in Section 489.105(15), *Florida Statutes*. They are part of the overall system that resists wind loads on a building and are required to comply with the wind load requirements in the Florida Building Code but are not structural components as contemplated by Section 489.105(15), *Florida Statutes*.

Project #2 Scenario

A homeowner is proposing a door and window replacement on single-family dwelling. The project consists of replacing a 72-inch by 80-inch sliding glass door and an adjacent 36-inch by 48-inch double hung window. The replacement door and window are not impact-resistant. While this location is in a Wind-borne Debris Region, the homeowner has existing metal panel shutters. The proposed cost for this project is $3250. Are window and door replacements within the scope of Section 105.2.3 of the 9th Edition (2026) FBCB and therefore a permit is not required for this work?

Petitioner's Position/Requested Determination:

It is the petitioner's opinion that for the purposes of this section window and door replacements are considered "structural work" and therefore do not qualify for the permit exemption. Based on the wind provisions in the Florida Building Code, windows and doors are considered components and cladding. Components and cladding receive wind loads directly or indirectly and transfer these loads to what is called the Main Wind Force Resisting System (MWFRS). The MWFRS is an assemblage of structural elements that provide support and stability for the overall building or other structure. Since windows and doors transfer wind loads to the MWFRS, they are structurally related and should be considered structural work for the purposes of this section. Therefore, window and door replacements would not qualify for the permit exemption in Section 105.2.3.

However, windows and doors are not "structural components" as defined in Section 489.105(15), *Florida Statutes*. They are part of the overall system that resists wind loads on a building and are required to comply with the wind load requirements in the Florida Building Code but are not structural components as contemplated by Section 489.105(15), *Florida Statutes*.

Project #3 Scenario

A homeowner is proposing to install metal panel shutters (impact-resistant coverings) to protect the windows on a single-family dwelling. The project consists of installing permanent hardware on the building for mounting 7 metal panel shutters – three 36-inch x 60-inch shutters, three 36-

inch x 48-inch shutters, and one 60-inch x 60-inch shutter. These metal panel shutters have a statewide Florida Product Approval. The estimated cost for this project is $2625. Is the installation of permanently installed impact-resistant coverings and/or permanent hardware for deployable impact-resist coverings within the scope of Section 105.2.3 of the 9th Edition (2026) FBCB and therefore a permit is not required for this work?

Petitioner's Position/Requested Determination:

It is the petitioner's opinion that for the purposes of this section the installation of permanently installed impact-resistant coverings and/or permanent hardware for deployable impact-resist coverings is considered "structural work" and therefore does not qualify for the permit exemption. Based on the wind provisions in the Florida Building Code, impact-resistant coverings are considered components and cladding and are specifically tested to resist impacts from wind-borne debris. These devices receive wind loads directly and transfer wind and impact loads to what is called the Main Wind Force Resisting System (MWFRS). The MWFRS is an assemblage of structural elements that provide support and stability for the overall building or other structure. Since impact-resistant coverings transfer loads to the MWFRS, they are structurally related and should be considered structural work for the purposes of this section. Therefore, the installation of impact-resistant coverings would not qualify for the permit exemption in Section 105.2.3.

However, impact-resistant coverings are not "structural components" as defined in Section 489.105(15), *Florida Statutes*. They are part of the overall system that resists wind and impact loads on a building and are required to comply with the wind load requirements in the Florida Building Code but are not structural components as contemplated by Section 489.105(15), *Florida Statutes*.

Project #4 Scenario

A homeowner is proposing a garage door replacement on a single-family dwelling. The project consists of replacing a 9-foot x 7-foot insulated steel garage door. The replacement garage door meets the required design wind pressure for the location but does not contain any glazing and is therefore not required to be impact-resistant. The proposed cost for this project is $2800. Are garage door replacements within the scope of Section 105.2.3 of the 9th Edition (2026) FBCB and therefore a permit is not required for this work?

Petitioner's Position/Requested Determination:

It is the petitioner's opinion that for the purposes of this section garage door replacements are considered "structural work" and therefore do not qualify for the permit exemption. Based on the wind provisions in the Florida Building Code, garage doors are considered components and cladding. Components and cladding receive wind loads directly or indirectly and transfer these loads to what is called the Main Wind Force Resisting System (MWFRS). The MWFRS is an

assemblage of structural elements that provide support and stability for the overall building or other structure. Since garage doors transfer wind loads to the MWFRS, they are structurally related and should be considered structural work for the purposes of this section. Therefore, garage door replacements would not qualify for the permit exemption in Section 105.2.3.

However, garage doors are not "structural components" as defined in Section 489.105(15), *Florida Statutes*. They are part of the overall system that resists wind loads on a building and are required to comply with the wind load requirements in the Florida Building Code but are not structural components as contemplated by Section 489.105(15), *Florida Statutes*.

Project #5 Scenario

A homeowner is requesting to replace soffit panels on a single-family dwelling that were damaged by a windstorm. The existing vinyl soffit panels will be removed and replaced with new vinyl soffit panels and fascia covering complying with Section R704 of the Florida Building Code, Residential. The soffit panel span is 12 inches and a total of 40 linear feet of soffit panels are being replaced. The estimated cost to remove the existing soffit and fascia cover and install new soffit and fascia is $1450. Is the replacement of soffit panels within the scope of Section 105.2.3 of the 9th Edition (2026) FBCB and therefore a permit is not required for this work?

Petitioner's Position/Requested Determination:

It is the petitioner's opinion that for the purposes of this section the installation of soffit panels is considered "structural work" and therefore does not qualify for the permit exemption. Based on the wind provisions in the Florida Building Code, soffit panels are considered components and cladding. Components and cladding receive wind loads directly or indirectly and transfer these loads to what is called the Main Wind Force Resisting System (MWFRS). The MWFRS is an assemblage of structural elements that provide support and stability for the overall building or other structure. Since soffit panels transfer wind loads to the MWFRS, they are structurally related and should be considered structural work for the purposes of this section. Therefore, the installation of soffit panels would not qualify for the permit exemption in Section 105.2.3.

However, soffit panels are not "structural components" as defined in Section 489.105(15), *Florida Statutes*. They are part of the overall system that resists wind loads on a building and are required to comply with the wind load requirements in the Florida Building Code but are not structural components as contemplated by Section 489.105(15), *Florida Statutes*.

Project #6 Scenario

A homeowner is proposing to replace vinyl siding on a single-family dwelling that was damaged by a hailstorm. The vinyl siding on the damaged wall will be removed and replaced with comparable vinyl siding that complies with the design pressure requirements for the location. The wall with

the damaged vinyl siding is 30 feet long and 9 feet tall. Resulting in approximately 270 square feet of new vinyl siding. The estimated cost to remove the existing vinyl siding and install new vinyl siding is $2450. Is the replacement of exterior wall coverings within the scope of Section 105.2.3 of the 9th Edition (2026) FBCB and therefore a permit is not required for this work?

Petitioner's Position/Requested Determination:

It is the petitioner's opinion that for the purposes of this section the installation exterior wall coverings is considered "structural work" and therefore does not qualify for the permit exemption. Based on the wind provisions in the Florida Building Code, exterior wall coverings are considered components and cladding. Components and cladding receive wind loads directly or indirectly and transfer these loads to what is called the Main Wind Force Resisting System (MWFRS). The MWFRS is an assemblage of structural elements that provide support and stability for the overall building or other structure. Since exterior wall coverings transfer wind loads to the MWFRS, they are structurally related and should be considered structural work for the purposes of this section. Therefore, the installation exterior wall coverings would not qualify for the permit exemption in Section 105.2.3.

However, exterior wall coverings are not "structural components" as defined in Section 489.105(15), *Florida Statutes*. They are part of the overall system that resists wind loads on a building and are required to comply with the wind load requirements in the Florida Building Code but are not structural components as contemplated by Section 489.105(15), *Florida Statutes*.

Respectfully submitted,



Jonathan Bilby
Building Inspections Director
City of Pensacola