

# Board of County Commissioners



## Hernando County Development Services

789 Providence Boulevard  
Brooksville, Florida 34601

Visit Us on the Internet:  
[www.co.hernando.fl.us](http://www.co.hernando.fl.us)

Department 352-754-4050 Fax: 352-754-4416 Permitting - Brooksville  
Fax: 352-688-5056 Permitting - Spring Hill  
✓ Fax: 352-754-4159 Licensing and Administration

November 28, 2006

Certified Mail #7000 0520 0016 5847 4425

Paul Ford  
Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, FL 32399-2100

### Re: Petition for Declaratory Statement before the Florida Building Commission

This is a request for an interpretation on two issues.

1. EPL Form - According to Chapter 13, Section 13-104.4.1 of the FBC (copy attached), the "builder" is required to sign the EPL form. What does the term "builder" mean?, the Qualifier as provided under FS489, the Corporate officers, any employee of the builder, or an independent permitting agency.
2. According to FS 713.135(6)(a), copy attached, the "contractor" shall sign a building permit application. Does "contractor" mean the qualifier and no other employee of the corporation can sign the application on the contractor/qualifier's behalf? Please advise, otherwise, who has the authority to sign for the contractor on a building permit application.

The above two issues may affect owner(s) of property when a deficiency of new construction occurs and the owner files suit against the responsible party, i.e. contractor.

Sincerely,

Grant E. Tolbert  
Development Services Director

tsg  
pc: DCA - Codes & Standards  
Enclosures

DCA06-DEC-299  
FILING AND ACKNOWLEDGEMENT  
FILED, on this date, with the designated  
Clerk, receipt of which is hereby  
acknowledged.

Paula P. Ford  
Commission Clerk  
Date 12/4/06

**Building 2004 / CHAPTER 13 ENERGY EFFICIENCY / SECTION 13-104 INSPECTIONS / 13-104.4 Information cards required.**

**13-104.4 Information cards required.**

**Building 2004 / CHAPTER 13 ENERGY EFFICIENCY / SECTION 13-104 INSPECTIONS / 13-104.4 Information cards required. / 13-104.4.1 Energy performance level (EPL) display card.**

**13-104.4.1 Energy performance level (EPL) display card.**

The building official shall require that an energy performance level (EPL) display card be completed and certified by the builder to be accurate and correct before final approval of the building for occupancy. Florida law (Section 553.9085, *Florida Statutes*) requires the EPL display card to be included as an addendum to each sales contract executed after January 1, 1994, for both presold and nonpresold residential buildings.

The EPL display card contains information indicating the energy performance level and efficiencies of components installed in a dwelling unit. The building official shall verify that the EPL display card completed and signed by the builder accurately reflects the plans and specifications submitted to demonstrate code compliance for the building.

(6)(a) In addition to any other information required by the authority issuing the permit, the building permit application must be in substantially the following form:

Tax Folio No. \_\_\_\_\_

**BUILDING PERMIT APPLICATION**

Owner's Name \_\_\_\_\_

Owner's Address \_\_\_\_\_

Fee Simple Titleholder's Name (If other than owner) \_\_\_\_\_

Fee Simple Titleholder's Address (If other than owner) \_\_\_\_\_

City \_\_\_\_\_

State \_\_\_\_\_ Zip \_\_\_\_\_

Contractor's Name \_\_\_\_\_

Contractor's Address \_\_\_\_\_

City \_\_\_\_\_

State \_\_\_\_\_ Zip \_\_\_\_\_

Job Name \_\_\_\_\_

Job Address \_\_\_\_\_

City \_\_\_\_\_

County \_\_\_\_\_

Legal Description \_\_\_\_\_

Bonding Company \_\_\_\_\_

Bonding Company Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_

Architect/Engineer's Name \_\_\_\_\_

Architect/Engineer's Address

Mortgage Lender's Name

Mortgage Lender's Address

Application is hereby made to obtain a permit to do the work and installations as indicated. I certify that no work or installation has commenced prior to the issuance of a permit and that all work will be performed to meet the standards of all laws regulating construction in this jurisdiction. I understand that a separate permit must be secured for ELECTRICAL WORK, PLUMBING, SIGNS, WELLS, POOLS, FURNACES, BOILERS, HEATERS, TANKS, and AIR CONDITIONERS, etc.

OWNER'S AFFIDAVIT: I certify that all the foregoing information is accurate and that all work will be done in compliance with all applicable laws regulating construction and zoning.

WARNING TO OWNER: YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY.

IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE RECORDING YOUR NOTICE OF COMMENCEMENT.

(Signature of Owner or Agent)

(including contractor)

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

Sworn to (or affirmed) and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, (year), by (name of person making statement).

(Signature of Notary Public - State of Florida)

(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known \_\_\_\_\_ OR Produced Identification \_\_\_\_\_

Type of Identification Produced \_\_\_\_\_

(Signature of Contractor)

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

Sworn to (or affirmed) and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, (year), by (name of person making statement).

(Signature of Notary Public - State of Florida)

(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known \_\_\_\_\_ OR Produced Identification \_\_\_\_\_

Type of Identification Produced \_\_\_\_\_

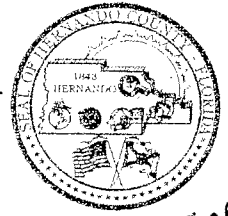
(Certificate of Competency Holder)

Contractor's State Certification or Registration No. \_\_\_\_\_

Contractor's Certificate of Competency No. \_\_\_\_\_

APPLICATION APPROVED BY  
\_\_\_\_\_ Permit Officer

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Department	352-754-4050	Fax: 352-754-4416	Permitting - Brooksville
		Fax: 352-688-5056	Permitting - Spring Hill
		Fax: 352-754-4159	Licensing and Administration

*Copy 1/4 set Pr*

*A memo - DCA 06-DEC-299*

December 27, 2006

Certified Mail #7000 0520 0016 5847 4739

Paul Ford  
Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, FL 32399-2100

### Re: Petition for Declaratory Statement before the Florida Building Commission

This is a request for an interpretation of the following issue: **EPL Display Card form - According to Chapter 13, Section 13-104.4.1 of the FBC (copy attached), the "builder" is required to sign the EPL form. What does the term "builder" mean?**

Attached is an example (our Permit #1193989) of an EPL card signed by the "Agent" i.e. Brian Griffith (as builder's signature) and not by Thomas Damiano, the "builder" or qualified contractor for Levitt Construction. We have attached a copy of our the builder permit #1193989's cover sheet, General Contractor's screen, as well as copy of our Contractor Licensing screen noting the Qualifier/Agent, Thomas Damiano for Levitt Construction (builder).

It is our concern that the qualified professional builder sign the EPL Display Card and not an employee or agent of the corporation to verify and certify this display card. Otherwise, it may affect owner(s) of property when a deficiency of new construction occurs and the owner files suit against the responsible party, i.e. contractor.

Sincerely,

Grant E. Tolbert  
Development Services Director

tsg

pc: DCA - Codes & Standards

Enclosures

# FILE COPY

1193989

## ENERGY PERFORMANCE LEVEL (EPL) DISPLAY CARD

**ESTIMATED ENERGY PERFORMANCE SCORE\* = 86.5**

The higher the score, the more efficient the home.

SPEC., BROOKSVILLE, FL,

1. New construction or existing	New	___	12. Cooling systems	
2. Single family or multi-family	Single family	___	a. Central Unit	Cap: 30.2 kBtu/hr ___ SEER: 13.00 ___
3. Number of units, if multi-family	1	___	b. Central Unit	Cap: 30.2 kBtu/hr ___ SEER: 13.00 ___
4. Number of Bedrooms	3	___	c. N/A	___
5. Is this a worst case?	Yes	___	13. Heating systems	
6. Conditioned floor area (ft <sup>2</sup> )	2481 ft <sup>2</sup>	___	a. Natural Gas	Cap: 30.2 kBtu/hr ___ AFUE: 0.80 ___
7. Glass type <sup>1</sup> and area: (Label reqd. by 13-104.4.5 if not default)		___	b. Natural Gas	Cap: 30.2 kBtu/hr ___ AFUE: 0.80 ___
a. U-factor:	Description Area	___	c. N/A	___
(or Single or Double DEFAULT)	7a(Sngle Default) 379.5 ft <sup>2</sup>	___	14. Hot water systems	
b. SHGC:	7b. (Clear) 409.5 ft <sup>2</sup>	___	a. Natural Gas	Cap: 40.0 gallons ___ EF: 0.66 ___
(or Clear or Tint DEFAULT)		___	b. N/A	___
8. Floor types		___	c. Conservation credits	___
a. Slab-On-Grade Edge Insulation	R=0.0, 330.0(p) ft	___	(HR-Heat recovery, Solar	___
b. N/A		___	DHP-Dedicated heat pump)	___
c. N/A		___	15. HVAC credits	MZ-C, PT, MZ-H ___
9. Wall types		___	(CF-Ceiling fan, CV-Cross ventilation,	___
a. Concrete, Int Insul, Exterior	R=4.1, 2113.0 ft <sup>2</sup>	___	HF-Whole house fan,	___
b. Frame, Wood, Adjacent	R=11.0, 744.0 ft <sup>2</sup>	___	PT-Programmable Thermostat,	___
c. N/A		___	MZ-C-Multizone cooling,	___
d. N/A		___	MZ-H-Multizone heating)	___
e. N/A		___		___
10. Ceiling types		___		___
a. Under Attic	R=30.0, 2481.0 ft <sup>2</sup>	___		___
b. Under Attic	R=19.0, 275.0 ft <sup>2</sup>	___		___
c. N/A		___		___
11. Ducts		___		___
a. Sup: Unc. Ret: Unc. AH(Sealed):Garage	Sup. R=6.0, 45.0 ft	___		___
b. Sup: Unc. Ret: Unc. AH(Sealed):Garage	Sup. R=6.0, 45.0 ft	___		___

I certify that this home has complied with the Florida Energy Efficiency Code For Building Construction through the above energy saving features which will be installed (or exceeded) in this home before final inspection. Otherwise, a new EPL Display Card will be completed based on installed Code compliant features.

Builder Signature: [Signature]  
Address of New Home: 19894 Tuttleway

Date: 7/27/06  
City/FL Zip: Brooksville, FL 34601



\*NOTE: The home's estimated energy performance score is only available through the FLA/RES computer program. This is not a Building Energy Rating. If your score is 80 or greater (or 86 for a US EPA/DOE EnergyStar™ designation), your home may qualify for energy efficiency mortgage (EEM) incentives if you obtain a Florida Energy Gauge Rating. Contact the Energy Gauge Hotline at 321/638-1492 or see the Energy Gauge web site at www.fsec.ucf.edu for information and a list of certified Raters. For information about Florida's Energy Efficiency Code For Building Construction, contact the Department of Community Affairs at 850/487-1824.

<sup>1</sup> Predominant glass type. For actual glass type and areas, see Summer & Winter Glass output on pages 2&4.  
EnergyGauge® (Version: FLRCSB v4.0)

FBC 2004

RECEIVED

HERNANDO COUNTY

JUL 15 2005

1193989

BUILDING PERMIT APPLICATION

HERNANDO COUNTY DEVELOPMENT DEPT

Want a Deficiency Report Faxed to you? Please Provide Your FAX# 352-797-9165 Permitting Service FAX #:

FILE COPY

1193989

1193989

Key #: 1601680

Date: 6/20/06

Describe work to be done: Construction of a Residential House

Valuation of work to be done: \$ 205,740.00

Type of construction: Frame: CBS: X Other:

Legal description: Lot: 173 Block: Subdivision: Cascades at Southern Hills Unit:

Address of job site: No.: 19894 Street: Tattall Way City: Brooksville, Hernando County

Directions to job site: East on S.R. 50 to 41, South on 41 to Pine Cabin Road, Left onto Pine Cabin Road and follow to the end to the construction site.

Property owner: Levitt and Sons of Hernando County, LLC Phone: 352-797-9161

Address: 7777 Glades Road # 410 City: Boca Raton State: FL Zip: 33434

Interest in property: Owner

Name of fee simple titleholder (If Other Than Owner): N/A

Address: N/A City: State: Zip:

Permitting Service Name: N/A Phone: Contact Name:

Contractor: Levitt Construction - East, LLC Phone: 352-797-9161

Address: 19211 Cortez Blvd. City: Brooksville State: FL Zip: 34601

License Number: CRC046154 (State Certification or Hernando County # Only)

CGC1505500 - Thomas Damiano

Sub-Contractor List (Complete as Necessary)

Electrical: Edmonson Electric Phone: 813-910-3403

License Number: EC00025790 (State Certification or Hernando County # Only)

Plumbing: R J Kielty Plumbing, Inc Phone: 727-863-5486

License Number: CFC020342 (State Certification or Hernando County # Only)

Mechanical: Senica Air Conditioning Phone: 352-686-6166

License Number: CAC008268 (State Certification or Hernando County # Only)



**BLDSYS HERNANDO COUNTY - BLDDB\_PROD**

File Edit Select Macros Options About

3APLT | Messages | Report Management | Report messages/Requests |

unction:  Data:

It Key: 1601680 R09 223 19 1573 0000 1730 APPL. STATUS:

Assigned:

Go To MENU | ANOTS | APLTS | BAPLS | BDRCM | INSPS | VIEW IMAGES | VIEW MAP

Search | Appl. Maint | **Cont.** | Zoning | Imp Fees | Landscape | Addr. | Fee Maint. | Req. Insp | Inquiry

APPL: 1193989 DATE: 07/05/2006 PER #:1193989 DATE:08/03/2006

PERMIT HOLD

NAME: LEVITT & SONS OF HERN CO LLC

DESCR: CASCADES AT SOUTHERN HILLS

LOC: 19894 TATTNALL WAY

PLANTATION PH 1

USE: SF SINGLE FAMILY RES.DETACH

LOT 173

B-NM: LEVITT CONSTRUCTION EAST LLC

\*\*\*PRIVATE PROVIDER\*\*\*

	LICENSE #	SEQ	EFF DT	DEL DT	CONTRACTOR'S NAME	SUB AFF CLASS DESCRIPTION	DEL
SEL	CGC1505500	1	0	0	LEVITT CONSTRUCTION EAST LLC	<input type="checkbox"/> GENERAL CONTRACTOR-CLASS A	<input type="checkbox"/>
SEL	EC00025790	2	0	0	EDMONSON ELECTRIC INC	<input checked="" type="checkbox"/> UNLIMITED ELECTRICAL CONTR	<input type="checkbox"/>
SEL	CFC0203420	3	0	0	R J KIELTY PLUMBING INC	<input checked="" type="checkbox"/> PLUMBING CONTRACTOR-MASTER	<input type="checkbox"/>
SEL	CAC0082681	4	0	0	SENICA AIR CONDITIONING INC	<input checked="" type="checkbox"/> AIR CONDITIONING CONTR CLAS	<input type="checkbox"/>
SEL	AAA0046510	5	80306	0	HUGH MACDONALD	<input checked="" type="checkbox"/> ROOFING CONTRACTOR	<input type="checkbox"/>
SEL	CCC057771	5	0	80306	ALVAREZ ROOFING	<input checked="" type="checkbox"/> ROOFING CONTRACTOR	<input type="checkbox"/>
SEL	PPROV00200	6	0	0	CAPRI ENGINEERING	<input type="checkbox"/> PRIVATE PROVIDER	<input type="checkbox"/>
SEL		0	0	0			<input type="checkbox"/>
SEL		0	0	0			<input type="checkbox"/>
SEL		0	0	0			<input type="checkbox"/>

NOTE:

Status:  1

LAST UPDATE: DATE:

BY:

Update

Inquire

5:11:27 There are more messages on the second page:

INS Connected

TTENTION \*\* CONTRACTORS LIABILITY EXPIRED \*\*  
 AAA0046510  
 TTENTION \*\* CONTRACTORS OCC LICENSE EXPIRED \*\*  
 AAA0046510

BLDSYS HERNANDO COUNTY - BLDDDB\_PROD

File Edit Select Macros Options About

3CONM | Report Management | Report messages/Requests |

CONTRACTOR FILE MAINTENANCE

FUNCTION	DATA	PRT	CC						
MENU	ADD	INQUIRE	CHANGE	DELETE	FIRST	NEXT	PRIOR	LAST	SEARCH
LICENSE #	CGC1505500	STATUS							
NAME	DAMIANO THOMAS P	DELETE DATE:		0					
ADDRESS1	7777 GLADES RD STE 410	REG. #	CGC1505500						
ADDRESS2		DLN	D550835372520						
CITY	BOCA RATON	FL	33434	SEND E-MAIL	Y				
PHONE	561 482 5100	E-MAIL	brian.griffith@levittandsons.com						
CLASS	0000 GENERAL CONTRACTOR-CLASS A	ADDR FLAG		WC EXM FLAG					

NAME	LEVITT CONSTRUCTION EAST LLC	PIN #	065841	PIN ID	LEVITTCON
ADDRESS1	7777 GLADES RD STE 410	COUNTY	06	PALM BEACH	
ADDRESS2		GRANDFATHER IN			
CITY	BOCA RATON	FL	33434	CELL PHONE #	0 000 0000
PHONE	561 482 5100	FAX NUMBER	561 558 0824	CALL FIRST?	
LOCAL LIC. EXPIRES	083108	OCC RENEWAL DATE	082906		
BOND	031807	APPROVAL DATE	060704		
STATE LIC. EXPIRES	083108	ISSUE DATE	040105		
LIABILITY	080107	W/C EXEM/EXP DATE	111111		
WORKERS COMP	080107	INTERNET USER ID	LEVT		
OCC EXPIRATION DATE	09/30/07	ESCROW ACCT NUMBER	181		

VIEW OPEN APP'S

LAST UPDATE: DATE 11/28/2006 OPERATOR JUDY BISHOP