



520 Prairie Industrial Parkway, Mulberry, Fl. 33860 * (863) 425-2698 * FAX: (863)-425-5187 * www.leedyelectric.com

April 20, 2007

Florida Department of Community Affairs
Building Codes and Standards
2555 Shumard Oak Blvd.
Tallahassee, FL. 32399

VIA FACSIMILE: 850-414-8436

Reference: Request for Declaratory Statement, DCA07-DEC-047

Attention: Jon Caudill

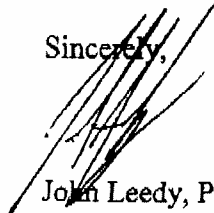
Dear Jon:

We are working on a project for Village on the Isle, Sarasota County Health Facilities, 920 S. Tamiami Trail, Venice, FL. 34285. The project is valued at \$65,000 and the circuit we are adding is a 400 amp feeder.

I have two questions:

1. Does this project need plans prepared by a Professional Engineer.
2. Does the Florida Statutes, FBPE, FS 471.003 trump the Florida Building Code, 2004, 105.3.1.

Sincerely,



John Leedy, PE
President
Leedy Electric Corp.



520 Prairie Industrial Parkway, Mulberry, FL. 33860 * (863) 425-2698 * FAX: (863)-425-5187 * www.leedyelectric.com

March 8, 2007

Florida Department of Community Affairs
Building Codes and Standards
2555 Shumard Oak Blvd.
Tallahassee, FL. 32399

Reference: Request for Declaratory Statement

Attention: Paula Ford

DCA07-DEC-07
FILING AND ACKNOWLEDGEMENT
FILED, on this date, with the designated
Agency Clerk, receipt of which is hereby
acknowledged.
Miriam Snipes 3/9/07
Miriam Snipes Date
Deputy Agency Clerk

Dear Ms. Ford:

Paul J. Martin, Executive Director of the Florida Board of Professional Engineers suggest I contact you. I had originally contact you back on January 24, 2006 (in the following thread) regarding conflicting information from Polk County Building Department on several projects referencing the Florida Building Code, 2004 and FBPE, FS 471, with regards to when signed and sealed drawings are required before a permit can be issued and/or construction of a project can begin. I have excerpts below regarding the conflict. I would like to get an official interpretation of the conflict.

Florida Statues states

471.003 Qualifications for practice; exemptions

(2) The following persons are not required to be licensed under the provisions of this chapter as a licensed engineer:

(h) Any electrical, plumbing, air conditioning, or mechanical contractor whose practice includes design and fabrication of electrical, plumbing, air-conditioning, or mechanical systems, respectively, which she or he installs by virtue of a license issued under chapter 489, under part I of chapter 553, or under any special act or ordinance when working on any construction project which:

1. Requires an electrical or plumbing or air-conditioning and refrigeration system with a value of \$50,000 or less; and
2. a) Requires and aggregate service capacity of 600 amperes (240 volts) or less on a residential electrical system or 800 amperes (240 volts) or less on a commercial or industrial electrical system;

So the above statute means that both 1 and 2.a) have to exist to exempt from being licensed. If either condition exists, then a PE is required, correct?.

Further more, are we to interpret that any voltage over 240 volts requires a PE, or, are services with an equivalent power rating ($240V \times 800A = 192 \text{ kw}$) which would imply that a service greater than 400 amps @ 480 volts ($480V \times 400A = 192 \text{ kw}$) would require a PE.

Florida Building Code – 2004 states:

105.3.1.2

No permit may be issued for any building construction, erection, alteration, modification, repair, or addition unless the applicant for such permit provides to the enforcing agency which issues the permit any of the following documents which apply to the construction for which the permit is to be issued and which shall be prepared by or under the direction of an engineer registered under Chapter 471, Florida Statutes:

1. *Electrical documents for any new building or addition which requires an aggregate service capacity of 600 amperes (240 volts) or more on a residential electrical system or 800 amperes (240 volts) or more on a commercial or industrial electrical system and which costs more than \$50,000.*

This is wrong, to be consistent with the Florida Statues, 1. should read:

1. Electrical documents for any new building or addition which requires an aggregate service capacity of more than 600 amperes (240 volts) on a residential electrical system or more than 800 amperes (240 volts) on a commercial or industrial electrical system or which costs more than \$50,000.

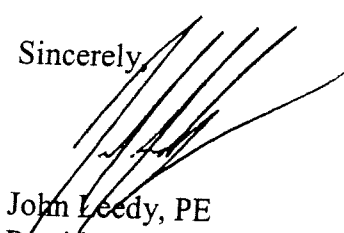
Also, the same argument regarding 480 volts applies here also.

Please review and contact me with any questions and/or let me know the proper interpretation.

Arc Flash Deaths

I also wanted you to consider, that at voltages greater than 240 volts, the National Electric Code, 110.16 and NFPA 70E, Standard for Electrical Safety in the Workplace, requires, among other things, that panels be properly labeled and the arc flash hazard incident energy and category be documented and communicated to all to ensure that the proper personnel protective equipment, PPE, is worn to limit injury in case of an arc blast. This requires Engineering expertise to perform the calculations and identify the hazards.

Sincerely,


John Leedy, PE
President
Leedy Electric Corp.

TRACON-DEC-047



"John Leedy"
<jpleedy@leedyelectric.com>

To <Jon.Caudill@dca.state.fl.us>, <PMartin@fbpe.org>,
<mo.madani@dca.state.fl.us>

cc

03/08/2007 04:37 PM

bcc

Subject Request for Declaratory Statement

History: This message has been replied to and forwarded.

I had originally contact all of you back on January 24, 2006 regarding conflicting information from Polk County Building Department on several projects referencing the Florida Building Code, 2004 and FBPE, FS 471, with regards to when signed and sealed drawings are required before a permit can be issued and/or construction of a project can begin. I have excerpts below regarding the conflict.

I have also sent Paula Ford, Florida Department of Community Affairs, a hard copy of the following. I would like to get an official interpretation of the conflict.

Florida Statues states

471.003 Qualifications for practice; exemptions

(2) *The following persons are **not** required to be licensed under the provisions of this chapter as a licensed engineer:*

(h) Any electrical, plumbing, air conditioning, or mechanical contractor whose practice includes design and fabrication of electrical, plumbing, air-conditioning, or mechanical systems, respectively, which she or he installs by virtue of a license issued under chapter 489, under part I of chapter 553, or under any special act or ordinance when working on any construction project which:

- 1. Requires an electrical or plumbing or air-conditioning and refrigeration system with a value of \$50,000 or less; **and***
- 2. a) Requires and aggregate service capacity of 600 amperes (240 volts) or less on a residential electrical system or 800 amperes (240 volts) or less on a commercial or industrial electrical system;*

So the above statue means that both 1 and 2.a) have to exist to exempt from being licensed. If either condition exists, then a PE is required, correct?.

Further more, are we to interpret that any voltage over 240 volts requires a PE, or, are services with an equivalent power rating (240V*800A=192 kw) which would imply that a service greater than 400 amps @ 480 volts (480V*400A=192kw) would require a PE.

FILING AND ACKNOWLEDGEMENT
FILED, on this date, with the designated
Agency Clerk, receipt of which is hereby
acknowledged.

[Signature] 3/9/07

Florida Building Code – 2004 states:

105.3.1.2

No permit may be issued for any building construction, erection, alteration, modification, repair, or addition unless the applicant for such permit provides to the enforcing agency which issues the permit any of the following documents which apply to the construction for which the permit is to be issued and which shall be prepared by or under the direction of an engineer registered under Chapter 471, Florida Statutes:

- 1. Electrical documents for any new building or addition which requires an aggregate service capacity of 600 amperes (240 volts) or more on a residential electrical system or 800 amperes (240 volts) or more on a commercial or industrial electrical system and which costs more than \$50,000.*

This is wrong, to be consistent with the Florida Statues, 1. should read:

1. Electrical documents for any new building or addition which requires an aggregate service capacity of more than 600 amperes (240 volts) on a residential electrical system or more than 800 amperes (240 volts) on a commercial or industrial electrical system or which costs more than \$50,000.

Also, the same argument regarding 480 volts applies here also.

Please review and contact me with any questions and/or let me know the proper interpretation.

Arc Flash Deaths

I also wanted you to consider, that at voltages greater than 240 volts, the National Electric Code, 110.16 and NFPA 70E, Standard for Electrical Safety in the Workplace, requires, among other things, that panels be properly labeled and the arc flash hazard incident energy and category be documented and communicated to all to ensure that the proper personnel protective equipment, PPE, is worn to limit injury in case of an arc blast. This requires Engineering expertise to perform the calculations and identify the hazards.

"Failure Is Not An Option"

Thank You

John Leedy, P.E.
President
Electrical Engineer
Leedy Electric Corp.
863-425-2698

Fax: 425-5187

From: Paul Martin [mailto:PMartin@fbpe.org]
Sent: Monday, June 26, 2006 4:24 PM
To: John Leedy
Subject: RE: Jobs that Require PE - Electrical Clarification

The Florida Building Commission has several Technical Advisory Committees which do the heavy lifting on most issues before them. Here is a link to the webpage for the Electrical TAC. If you know any of these folks, please feel free to contact them and make them aware of the problem. The staffer for the Electrical TAC has sent me a preliminary response that it may be too late for this cycle and may have to wait for the next cycle. I don't know how long that would be, but I suspect it is longer than you and I would care to wait. I didn't notice a Florida Electrical P.E. in the group. But, if I've overlooked one, I would suggest you start with him/her. Here's the link to the TAC: http://www.dca.state.fl.us/fbc/committees/electrical/1_electrical.htm

Paul J. Martin
Executive Director
Florida Board of Professional Engineers

From: John Leedy [mailto:jpleedy@leedyelectric.com]
Sent: Monday, June 26, 2006 2:44 PM
To: Paul Martin
Subject: RE: Jobs that Require PE - Electrical Clarification

No, who is the Electrical TAC?

"Failure Is Not An Option"

Thank You

John Leedy, P.E.
President
Electrical Engineer
Leedy Electric Corp.
863-425-2698
Fax: 425-5187

From: Paul Martin [mailto:PMartin@fbpe.org]
Sent: Monday, June 26, 2006 12:47 PM
To: John Leedy

Subject: RE: Jobs that Require PE - Electrical Clarification

John, I received notice from the Florida Building Commission that it is holding a glitch code workshop in July to rectify glitches in the 2004 version of the FBC. Have you contacted the Electrical TAC about this problem?

Paul J. Martin
Executive Director
Florida Board of Professional Engineers

From: John Leedy [mailto:jpleedy@leedyelectric.com]
Sent: Friday, April 07, 2006 7:05 AM
To: Paul Martin
Subject: RE: Jobs that Require PE - Electrical Clarification

Great, thanks for your help.

"Failure Is Not An Option"

Thank You

John Leedy, P.E.
President
Electrical Engineer
Leedy Electric Corp.
863-425-2698
Fax: 425-5187

From: Paul Martin [mailto:PMartin@fbpe.org]
Sent: Thursday, April 06, 2006 7:23 PM
To: John Leedy
Subject: RE: Jobs that Require PE - Electrical Clarification

John, I have been in touch with the Building Commission to find out how we fix this. I am working on it, but we haven't heard anything yet. I'll call the Commission's Executive Director tomorrow to see if we can move forward with a solution. I will get back to you.

Paul J. Martin
Executive Director
Florida Board of Professional Engineers

From: John Leedy [mailto:jpleedy@leedyelectric.com]
Sent: Thursday, April 06, 2006 11:53 AM
To: Paul Martin
Subject: FW: Jobs that Require PE - Electrical Clarification

Please contact me or give me another contact so I may resolve this issue.

Thanks in advance for you help.

"Failure Is Not An Option"

Thank You

John Leedy, P.E.

President

Electrical Engineer

Leedy Electric Corp.

863-425-2698

Fax: 425-5187

From: John Leedy
Sent: Wednesday, March 08, 2006 10:21 AM
To: 'pmartin@fbpe.org'
Subject: FW: Jobs that Require PE - Electrical Clarification

Please give me a call when you get a chance regarding the above. 863-425-2698.

"Failure Is Not An Option"

Thank You

John Leedy, P.E.

President

Electrical Engineer

Leedy Electric Corp.

863-425-2698

Fax: 425-5187

From: John Leedy

Sent: Thursday, February 09, 2006 10:22 AM

To: 'pmartin@fbpe.org'

Cc: 'mo.madani@dca.state.fl.us'

Subject: FW: Jobs that Require PE - Electrical Clarification

I spoke with Mo Madani from the Florida Building Code, and he told me that as far as the Florida Building Code is concerned, that if a job electrical system involves 400 amps @ 480 volt or more and is greater than \$50,000, permitting requires that a registered engineer prepare the drawings.

He also stated that both the Florida Building Code and the Florida Statutes must be followed, which ever is more strict. Which leads me to the requirement of the Florida Statute that states if the job is greater than \$50,000 or greater than the aggregate total of 800 amp @ 240 volts, which also implies that greater 400A at 480 volts??.

So the more strict interpretation would be as follows:

Drawings prepared a registered engineer are required for permitting if the systems is greater than \$50,000 OR equal to or greater than 400 amps @ 480 volt.

Is this the case?? Please help. Please see below for the exact wording.

"Failure Is Not An Option"

Thank You

John Leedy, P.E.

President

Electrical Engineer

Leedy Electric Corp.

863-425-2698

Fax: 425-5187

From: John Leedy
Sent: Wednesday, January 25, 2006 11:05 AM
To: 'pmartin@fbpe.org'
Subject: Jobs that Require PE - Electrical Clarification

I talked with you yesterday regarding the following and I just wanted to send you my concerns in writing. This is an email I sent to Jon Caudill of the DCA.

I also wanted you to consider, that at voltages greater than 240 volts, the National Electric Code, 110.16 and NFPA 70E, Standard for Electrical Safety in the Workplace, requires, among other things, that panels be properly labeled and the arc flash hazard incident energy and category be documented and communicated to all to ensure that the proper personnel protective equipment is worn to limit injury in case of an arc blast. This required Engineering expertise to perform the calculations and identify the hazards.

Therefore, I would recommend that the requirement for all work involving 480 volt require a PE.

From: John Leedy
Sent: Tuesday, January 24, 2006 2:40 PM
To: 'jon.caudill@dca.state.fl.us'
Subject: Jobs that Require PE - Electrical Clarification

I am receiving conflicting information from Polk County Building Department referencing the Florida Building Code, 2004 and FBPE, FS 471, with regards to when signed and sealed drawings are required before a permit can be issued and/or construction of a project can begin. I have excerpts below regarding the conflict.

Florida Statues states

471.003 Qualifications for practice; exemptions

(2) *The following persons are not required to be licensed under the provisions of this chapter as a licensed engineer:*

(h) *Any electrical, plumbing, air conditioning, or mechanical contractor whose practice includes design and fabrication of electrical, plumbing, air-conditioning, or mechanical systems, respectively, which she or he installs by virtue of a license issued under*

chapter 489, under part I of chapter 553, or under any special act or ordinance when working on any construction project which:

1. *Requires an electrical or plumbing or air-conditioning and refrigeration system with a value of \$50,000 or less; **and***
2. *a) Requires and aggregate service capacity of 600 amperes (240 volts) or less on a residential electrical system or 800 amperes (240 volts) or less on a commercial or industrial electrical system;*

So the above statute means that both 1 and 2.a) have to exist to exempt from being licensed. If either condition exists, then a PE is required, correct?.

Further more, are we to interpret that any voltage over 240 volts requires a PE, or, are services with an equivalent power rating ($240V \times 800A = 192 \text{ kw}$) which would imply that a service greater than 400 amps @ 480 volts ($480V \times 400A = 192\text{kw}$) would require a PE.

Florida Building Code – 2004 states:

105.3.1.2

No permit may be issued for any building construction, erection, alteration, modification, repair, or addition unless the applicant for such permit provides to the enforcing agency which issues the permit any of the following documents which apply to the construction for which the permit is to be issued and which shall be prepared by or under the direction of an engineer registered under Chapter 471, Florida Statutes:

1. *Electrical documents for any new building or addition which requires an aggregate service capacity of 600 amperes (240 volts) or more on a residential electrical system or 800 amperes (240 volts) or more on a commercial or industrial electrical system and which costs more than \$50,000.*

This is wrong, to be consistent with the Florida Statues, 1. should read:

1. *Electrical documents for any new building or addition which requires an aggregate service capacity of more than 600 amperes (240 volts) on a residential electrical system or more than 800 amperes (240 volts) on a commercial or industrial electrical system or which costs more than \$50,000.*

Also, the same argument regarding 480 volts applies here also.

Please review and contact me with any questions and/or let me know the proper interpretation.

"Failure Is Not An Option"

Thank You

John Leedy, P.E.

President

Electrical Engineer

Leedy Electric Corp.

863-425-2698

Fax: 425-5187

Please note: Florida has a very broad public records law. Most written communications to or from state officials regarding state business are public records available to the public and media upon request. Your e-mail communications may be subject to public disclosure.

Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public-records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.