

STATE OF FLORIDA
BUILDING COMMISSION



In the Matter of

CHESTER DARBY, for
FLORIDA BUILDING SERVICES,

Petitioner.

DS 2014-061

DECLARATORY STATEMENT

The foregoing proceeding came before the Florida Building Commission (Commission) by a Petition from Chester Darby of Florida Building Services (Petitioner) that was received April 30, 2014. Based on the statements in the Petition, the material subsequently submitted and the subsequent request by the Petitioner, the Commission states the following:

Findings of Fact

1. The petition is filed pursuant to, and must conform to the requirements of Rule 28-105.002, Florida Administrative Code (F.A.C.).
2. Petitioner is a new company whose owner specializes in performing structural concrete repairs on threshold buildings. Petitioner anticipates performing five threshold building repairs.
3. Petitioner seeks clarification of whether five different projects of threshold repair work meet the criteria of Section 110.3.7.1, Florida Building Code, Building (2010).
4. Petitioner submits the following question after each of the five projects and requests answers with respect to each project:

Do the activities listed above meet the criteria of 2010 Florida Building Code Chapter 1: Sec 110.3.7.1?

Conclusions of Law

5. The Commission has the specific statutory authority pursuant to Section 553.775(3)(a), Florida Statutes (2013) to interpret the provisions of the Florida Building Code by entering a declaratory statement.

6. Chapter 1, Section 110.3.7.1, Florida Building Code, Building (2010) states:

The enforcing agency shall require a special inspector to perform structural inspections on a threshold building pursuant to a structural inspection plan prepared by the engineer or architect of record. The structural inspection plan must be submitted to the enforcing agency prior to the issuance of a building permit for the construction of a threshold building. The purpose of the structural inspection plan is to provide specific inspection procedures and schedules so that the building can be adequately inspected for compliance with the permitted documents. The special inspector may not serve as a surrogate in carrying out the responsibilities of the building official, the architect, or the engineer of record. The contractor's contractual or statutory obligations are not relieved by any action of the special inspector.

7. Petitioner described Project 1 as follows:

5 story, 8,750sf, 35 unit condominium. Post tension structure with cast in place columns and beams. Scope of work is to lock-off remove/replace and re-tension approximately 600 post tension anchors throughout the structure as well as completely remove and recast 10 cantilever balconies 840sf and perform partial structural repairs to various columns, beams, and slabs.

Question: Do the activities listed above meet the criteria of 2010 Florida Building Code Chapter 1: Sec 110.3.7.1?

8. In response to Petitioner's question, the answer is yes, the level of work in question involves alteration to the structural components of a threshold building 5 story unit condominium and therefore, the activities listed above fall within the scope of Section 110.3.7.1, Florida Building Code, Building (2010).

9. Petitioner described Project 2 as follows:

7 story, 19,500sf, 98 unit condominium. Structure is elevated above an on grade parking area. Building is hollow core panel with cast in place columns and beams with exterior walkways. Scope of work is to remove wall and structural topping, reinforce slab and install new fall protection wall at exterior walkways. Completely remove and replace with conventional concrete 10 Interior hollow core panels.

Question: Do the activities listed above meet the criteria of 2010 Florida Building Code Chapter 1: Sec 110.3.7.1?

10. In response to Petitioner's question, the answer is yes, the level of work in question involves alteration to the structural components of a threshold building 7 story unit condominium and therefore, the activities listed above fall within the scope of Section 110.3.7.1, Florida Building Code, Building (2010).

11. Petitioner described Project 3 as follows:

4 story, 27,000 sf, 60 unit condominium. Structure is cast in place concrete. Scope of work is to completely remove 3,240sf of exterior cantilevered balconies and Cast in place new.

Question: Do the activities listed above meet the criteria of 2010 Florida Building Code Chapter 1: Sec110.3.7.1?

12. In response to Petitioner's question, the answer is yes, the level of work in question involves alteration to the structural components of a threshold building 4 story unit condominium and therefore, the activities listed above fall within the scope of Section 110.3.7.1, Florida Building Code, Building (2010).

13. Petitioner described Project 4 as follows:

Elevated 25 story, 10,000 sf, 25 unit condominium. Structure is cast in place concrete. Scope of work is to perform various structural repair to columns and beams including building support columns.

Question: Do the activities listed above meet the criteria of 2010 Florida Building Code Chapter 1: Sec 110.3.7.1?

14. In response to Petitioner's question, the answer is yes, the level of work in question involves alteration to the structural components of a threshold building 25 story unit condominium and therefore, the activities listed above fall within the scope of Section 110.3.7.1, Florida Building Code, Building (2010).

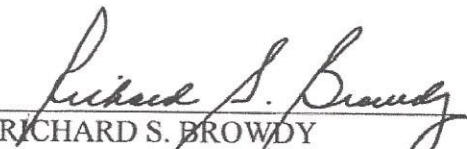
15. Petitioner described Project 5 as follows:

7 story, 37,500sf, 80 unit condominium. Structure is cast in place concrete. Scope of work is to support and sever 72 balconies, remove 1ft strip of concrete from each balcony at building plane, repair structural steel and recast. Remove and replace 80 floor to ceiling exterior glass wall systems with added cast in place reinforcing columns.

Question: Do the activities listed above meet the criteria of 2010 Florida Building Code Chapter 1: Sec 110.3.7.1?

16. In response to Petitioner's question, the answer is yes, the level of work in question involves alteration to the structural components of a threshold building 7 story unit condominium and therefore, the activities listed above fall within the scope of Section 110.3.7.1, Florida Building Code, Building (2010).

DONE AND ORDERED this 30th day of July, 2014 in Jacksonville,
Duval County, State of Florida.


RICHARD S. BROWDY
Chairman, Florida Building Commission

NOTICE OF RIGHT TO APPEAL

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 (2013), and Florida Rules of Appellate Procedure 9.110(a) and 9.030(b)(1)(C). To initiate an appeal, a Notice of Appeal must be filed with Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1000 and with the appropriate District Court of Appeal not later than thirty (30) days after this Order is filed with the Clerk of the Department of Business and Professional Regulation. 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 (2013).

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing order has been filed with the undersigned and furnished by U.S. Mail to the persons listed below this 1st day of

August, 2014.



Agency Clerk's Office
Department of Business and Professional Regulation
& Florida Building Commission
1940 North Monroe Street
Tallahassee, Florida 32399-1000

Via U.S. Mail

Attn: Chester Darby
Florida Building Services
1383 Freeport Drive
Deltona, Florida 32725

Via Inter-Office or Email Delivery

Mo Madani, C.B.O. Manager
Codes and Standards Section
Department of Business and Professional
Regulation
1940 North Monroe Street
Tallahassee, Florida 32399-0001
Mo.Madani@dbpr.state.fl.us

Marjorie Holladay
Joint Administrative Procedures Committee
Pepper Building, Room 680
Tallahassee, FL 32399-1300

FILED
Department of Business and Professional Regulation
Deputy Agency Clerk
CLERK Brandon Nichols
Date **4/30/2014**
File #

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

Company: Florida Building Services
Address: 1383 Freeport Dr
Deltona, FL 32725

APRIL 29, 2014

Name: Chester Darby
Title: Owner
Telephone: (844) 327-2858
Facsimile: (844) 385-6767
E-mail: FLbuilt@gmail.com

DS 2014-061

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

2010 Florida Building Code, Building
Chapter 1: Section 110.3.7.1

Background:

Florida Building Services is a new company whose owner has been performing structural concrete repair of threshold buildings for the last 14 years. As a Florida Certified General Contractor, owner believes current language in sections of Chapter 1 Scope and Administration are conflicting and create an increased and unfair burden of liability and responsibility to a minority of specialty contractors. Current language requires a General Contractor to perform structural repairs to a threshold building, but excludes the requirement of a threshold inspector for the same activities, creating a lack of responsible oversight. Below are a list of projects that Florida Building Services is anticipated to perform in the market of threshold repair work.

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Project 1

5 story, 8,750sf, 35 unit condominium. Post tension structure with cast in place columns and beams. Scope of work is to lock-off remove/replace and re-tension approximately 600 post tension anchors throughout the structure as well as completely remove and recast 10 cantilever balconies 840sf and perform partial structural repairs to various columns, beams, and slabs.

Question: Do the activities listed above meet the criteria of 2010 Florida Building Code Chapter 1: Sec 110.3.7.1?

Project 2

7 story, 19,500sf, 98 unit condominium. Structure is elevated above an on grade parking area. Building is hollow core panel with cast in place columns and beams with exterior walkways. Scope of work is to remove wall and structural topping, reinforce slab and install new fall protection wall at exterior walkways. Completely remove and replace with conventional concrete 10 Interior hollow core panels.

Question: Do the activities listed above meet the criteria of 2010 Florida Building Code Chapter 1: Sec 110.3.7.1?

Project 3

4 story, 27,000sf, 60 unit condominium. Structure is cast in place concrete. Scope of work is to completely remove 3,240sf of exterior cantilevered balconies and Cast in place new.

Question: Do the activities listed above meet the criteria of 2010 Florida Building Code Chapter 1: Sec 110.3.7.1?

Project 4

Elevated 25 story, 10,000sf, 25 unit condominium. Structure is cast in place concrete. Scope of work is to perform various structural repair to columns and beams including building support columns.

Question: Do the activities listed above meet the criteria of 2010 Florida Building Code Chapter 1: Sec 110.3.7.1?

Project 5

7 story, 37,500sf, 80 unit condominium. Structure is cast in place concrete. Scope of work is to support and sever 72 balconies, remove 1ft strip of concrete from each balcony at building plane, repair structural steel and recast. Remove and replace 80 floor to ceiling exterior glass wall systems with added cast in place reinforcing columns.

Question: Do the activities listed above meet the criteria of 2010 Florida Building Code Chapter 1: Sec 110.3.7.1?


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Summary

Owner believes the answer to all the questions is "YES." If the answer is "NO," current language allows a non-structural engineer without threshold certification and his non licensed employees to direct and inspect work to remove, replace, alter or modify, any structural part and life safety components of a threshold building.

Respectfully submitted,

Florida Building Services

By: 
Chester Darby
Owner