Advanced Florida Building Code Principles (Internet Course)

What is a Building Code?

A building code is the government's official statement regarding building safety. Furthermore a code is a collection of laws, regulations, or ordinances adopted by a government that pertain to the physical structure and safety/health conditions for occupants of these structures.

Building codes create a minimum standard which are then applied to the methods of construction as well as to the quality of the construction materials. These minimum standards must be practical and sufficient for protecting the life and safety of the public.

A Brief History of Building Regulations/Codes

Building regulations have been used since 1790 B.C. and were enacted by the sixth Babylonian king, Hammurabi. The following are examples of the Hammurabi rules pertaining to building construction:

Rule # 229 – "If a builder builds a house for someone, and does not construct it properly, and the house which he built falls in and kills its owner, then the builder shall be put to death."

One might conclude that the penalties for a structural failure or inferior construction were more severe than the penalties architects, contractors or engineers are subject to in Florida today?

Rule # 232 – "If it ruin goods, he shall make compensation for all that has been ruined, and in as much as he did not construct properly this house which he built and it fell, he shall re-erect the house from his own means."

Per this last rule how would you feel if a hurricane damaged a structure you had a part in the construction of, and wind-driven rain had entered under the roof shingles and damaged the insulation, ceiling & wall gypsum board, lights/fans & switches and hardwood floor and you were required to "make compensation for all ruined…..?" Most likely you would feel that is more liability than you care to assume. Thankfully the Florida Legislature didn't go to this extent as the Hammurabi government did in 1790 B.C.

In the United States in 1915 a meeting of government code enforcement officials produced the first professional building official's organization. This first group is known as the Building Officials and Code Administrators (BOCA) International, Inc. and it represented the Eastern and Midwestern portions of the U.S. The second organization was called the International Conference of Building Officials (ICBO) and was created in 1922 and represented the Western United States. Finally, a third organization was formed in 1941. This group was known as the Southern Building Code Congress International (SBCCI) and represented the Southern U.S. Each of these organizations has its own model or base code.

Although these three codes have been effective for safety there was a need for a single set of codes. These three professional building official groups responded by creating the International Code Council and a building code without regional limitations.

The advantages of a single set of codes are that architects, engineers, contractors and code enforcement officials can work with a consistent set of requirements throughout the United States. Manufacturers are not encumbered with three different standards when designing, manufacturing and distributing their products. A single code would lead to consistent code enforcement and higher quality construction.

Florida statewide building codes were first required in the 1970's. The law required all cities and counties to adopt and enforce one of the four state recognized model codes.

In the 1990's after Hurricane Andrew Governor Chiles set up the Governor's Florida Building Code Study Commission. This began a comprehensive review of the state building code system. Some thought the problem was weakness in the code system. Others thought it was the inability to enforce and comply with the various codes. The review revealed that code enforcement was inconsistent throughout Florida. Additionally these existing local codes thought to be adequate proved otherwise when tested by a major hurricane. This type of disaster resulted in major destruction of property, loss of life and produced a statewide insurance crisis. Hurricane Andrew broke all records at that time for insurance losses! The government response was a total reform of the code system to stress uniformity and accountability. The new code system was called the Florida Building Code (Code).

In 1998 the Florida Legislature passed House Bill 4181 that addressed this issue of inconsistent enforcement and inadequate codes. The House Bill authorized the development of the new code and this code to be developed by the Florida Building Commission (Commission). At this point in time there were about 400 different existing building codes statewide. This same year the Florida Legislature amended Florida Statutes Chapter 553 to create a single state building code from the existing base codes. This included requirements for energy, accessibility and hurricane resistance. The draft code was presented to the 2000 Florida Legislature which made changes and the Florida Building Commission adopted these new requirements into the first edition of the Code.

The Code is administered and enforced typically by local governments and certain state agencies. Under certain conditions these local governments may amend requirements to be more stringent.

The Florida Building Code became effective in 2002. The legislature mandated the identification of conflicts between the two codes and the resolution of the conflicts in a manner that provided the greatest degree of life safety. The new Code also required stricter regulations for roof

shingles and siding to ensure that buildings in high-intensity wind area could better withstand the damages from wind-borne debris.

The Florida Building Code includes these base codes;

- International Building Code 2006 edition
- International Plumbing Code, 2006 edition
- International Mechanical Code, 2006 edition
- International Fuel Gas Code, 2006 edition
- International Residential Code, 2006 edition
- International Existing Building Code, 2006 edition
- National Electrical Code, 2008 edition
- U.S. Department of Housing and Urban Development - Fair Housing Guidelines
- American Society of Heating, Refrigeration and Air Conditioning Engineers (ASHRAE) Standard 90.1-2004.
- Florida Energy Efficiency Code for Building Construction
- Florida Accessibility Code for Building Construction
- Special hurricane protection standards for the high-velocity hurricane zone

Why Do We Need Building Codes?

Everyone needs protection from misfortune due to structural failure, fire, water intrusion and general defects in our houses, offices, stores, public buildings, schools and entertainment venues. Building codes cover all areas of building construction; structural, plumbing, electrical, mechanical, and fire safety. The codes provide safeguards for safety and defects from materials and methods of construction. Building codes cannot guarantee 100% safety, but reduce risks to an acceptable cost to benefit level.

Inspections and reviews for code compliance during the permitting & construction process is the only way to independently verify that the contractors, engineers, architects, and designers comply with the Florida Building Code. Inspections are conducted throughout the construction process in almost all structures including homes, offices, stores, public buildings, schools, and entertainment venues.

The main purpose of the Code is to regulate new construction or proposed modifications to existing structures to give the occupants reasonable safeguards to the public health, safety and general welfare. The codes apply to an existing building if that building undergoes remodeling or modification, or if the occupancy use changes.

Question 1.)

A building code is a? (choose the most correct from the following):

I - Collection of laws

II - Collection of building officials interpretations

III - Official statement regarding building safety

Words underlined are additions.

IV – Minimum standard which is applied to methods of construction and to construction materials.

a.) I, II
b.) I, II, III, & IV
c.) I, & III
d.) I, II, III

Answer Question 1:

a.) Incorrect – try again
b.) Incorrect – try again
c.) Correct - congratulations
d.) Incorrect – try again

Question 2:

The Florida Building Code first became effective in which year? (Choose from the following):

a.) 1998
b.) 2000
c.) 2002
d.) 2004

Answer Question 2:

a.) Incorrect – try again
b.) Incorrect – try again
c.) Correct – congratulations
d.) Incorrect – try again

Intent of the Florida Legislature

The intent of the Florida Legislature in creating the Florida Building Code (Code) was to provide for a single unified state building code, and enforcement of the code all at a reasonable cost to the consumer. It is a single set of documents to apply to the design, construction, alteration, movement, enlargement, replacement, erection, modification, repair, use and occupancy, location, maintenance, removal and demolition of every buildings or structure or any appurtenances connected or attached to such building or structure in Florida. This includes not only privately owned structures but also publicly owned buildings or facilities.

The building code is updated by the Florida Building Commission by powers granted in Florida Statute 553.

To give reasonable protection for public safety, health and general welfare for all, the Legislature allows for the enforcement of the requirements of the Code. It is to be enforced uniformly form one locale to another.

The Code is organized in a consistent manner and is intended to be simple to use. It is to be administered uniformly from one jurisdiction to another.

Words underlined are additions.

The Code is to be a *minimum requirement* that is flexible and affordable. It isn't intended to inhibit competition and it should promote innovation and use of new technology. The primary goal is the minimum standards for public health and safety. The secondary goal is for the protection of property. An additional goal of the code is the safety of firefighters, which may be required to perform rescue and firefighting operations in buildings.

The Legislature gave local governments the power to inspect all buildings in their jurisdictions. This will help to improve and protect public health, safety and welfare.

The Florida Fire Prevention Code and the Life Safety Code are included as sections in the Code. The Legislature intends that there be no conflicts between the requirements of these three sets of regulations. The same applies for the interpretation and enforcement – no conflicts. Any potential conflicts will be resolved through the cooperation of the State Fire Marshal and the Florida Building Commission.

The Legislature recognized that private-sector third-parties would be the most effective in testing and evaluating products used for construction. However, they did provide for government oversight to be established to ensure accountability.

Question 3.)
What is the main purpose of the Florida Building Code? (Choose from the following):
a.) To create more jobs for the construction industry and government agencies
b.) To save the consumer money
c.) To regulate the construction industry to provide the public with safer and better structures
d.) To help insurance companies save money

Answer Question 3.)
a.) Incorrect – try again
b.) Incorrect – try again
c.) Correct - congratulations
d.) Incorrect – try again

Question 4.)
The intent of the Legislature in creating the Florida Building Code are all of the following except? (Choose one from the following):

a.) To give reasonable protection for public safety, health and general welfare for all
b.) To organize the code in a consistent manner and administer it uniformly
c.) To make the code that is inflexible
d.) To provide for a single unified state building code

Answer 4.)

a.) Incorrect – Try Again
b.) Incorrect – Try Again
c.) Correct - Congratulations
d.) Incorrect – Try Again

Words underlined are additions.

Funding the Costs to Implement the Florida Building Code

The Department of Community Affairs (DCA) is responsible to administer and carry out the intent of the Florida Legislature regarding the Florida Building Code (Code). The law makers created a surcharge that the DCA can use to pay for the costs associated with the administration and enforcement of the Code.

Beginning in 2010 the Legislature allowed for a surcharge to be calculated at 1.5% of permit fees with a $2.00 minimum. The former rate of one-half cent per square foot will no longer apply.

The local government authority that is responsible for collecting a permit fee shall collect this extra surcharge to fund the Code. The same government authority will remit the surcharge funds collected to the DCA on a quarterly basis. The local government may retain up to five percent of the surcharge collected to cover costs associated with the collection and remittance of the surcharge.

All funds remitted to the DCA will be deposited in the Operating Trust Fund account. None of these funds can be used to fund research on techniques for mitigation of radon gas in existing buildings. These funds can be used as approved in the annual General Appropriations Act.

What Does the Code Regulate?

The Code will contain requirements for public and private buildings relative to structural, mechanical, electrical, plumbing, energy, and gas systems. These requirements will pertain to existing buildings, historical buildings, manufactured buildings, elevators, coastal construction, lodging facilities, food sales and service facilities, health care facilities, assisted living facilities, adult day care facilities. Additional structures include facilities for the control of radiation hazards, educational facilities, swimming pools, and correctional facilities.

The Florida Building Code also provides for uniform implementation of standards for residential swimming pool barriers, pool covers, latching devices, and door & window exit alarms.

Any technical provisions of the Florida Building Code are restricted to requirements to the types of materials used and to the construction methods & standards employed.

Florida Statute prohibits the code from addressing licensing and personnel issues.

The Florida Building Commission was allowed to use any available national or international building codes to form the foundation for the Florida Building Code. They were allowed to modify any selected model codes as needed as to apply to the needs of the State of Florida. Any standards referenced in the model code are incorporated by reference into the Florida

Building Code. The Florida Building Commission may approve technical amendments to the Code after the amendments have been through the following steps:

a.) Published on the Florida Building Commission's website for at least 45 days with all associated documentation.

b.) Proposed amendments must receive 75% of votes of members present at the Technical Advisory Committee meeting and at least 50% of the regular members must be present in order to conduct a meeting.

c.) After an approval is obtained from the Technical Advisory Committee the proposal is again published on the Florida Building Commission's website for at least 45 days.

d.) Any proposal may be modified by the Florida Building Commission based on public testimony and evidence from a public hearing as per chapter 120. They may also provide for provisions which address regional and local concerns and variations. Conflicts between the Florida Building Code, the Florida Fire Prevention Code and the Life Safety Code will be minimized.

All local boards that enforce the Florida Building Code shall comply with the applicable standards for issuance of mandatory certificates of occupancy, minimum types of inspections, and procedures for plans review and inspections as established by the Florida Building Commission.

Local Governments Can Amend the Code

The local governments may adopt amendments to the administrative provisions of the Florida Building Code subject to the following limitations.

a.) Local amendments shall be more stringent than the minimum standards in the Code.

b.) Any amendments must be given to the Florida Building Commission within 30 days after enactment.

c.) The local government shall make any amendments available to the general public in a usable format. This includes being posted on www.floridabuilding.org website for one month before being enforced. The amendments can also be obtained from the Florida Department of Community Affairs, the Florida Department of Financial Services, or the Office of the State Fire Marshall.

The State Fire Marshal is responsible for establishing the standards and procedures for any local government amendment to the Florida Fire Prevention Code. The Florida Fire Prevention Code and the Life Safety Code shall apply to any local amendment.

The local government may adopt more stringent requirements by local amendments to the technical provisions of the Code which will apply only within their jurisdiction. The local government may not make any technical amendments more than once every six months and must meet the following requirements;

a.) A notice is published in a general circulation newspaper at least 10 days before a hearing for the need to strengthen the requirements of the Code. After which a public hearing takes place to determine that local conditions justify more stringent requirements for the protection of life and property.

b.) The requirements are not to be discriminatory against materials, products, or construction techniques of demonstrated capabilities.

c.) Additional requirements may not introduce a new subject not addressed in the Code.

d.) The local board shall make readily available in a useable format all amendments adopted. This includes being posted on www.floridabuilding.org website for one month before being enforced. The amendments can also be obtained from the Florida Department of Community Affairs, the Florida Department of Financial Services, or the Office of the State Fire Marshall.

e.) Any amendment adopted will be given within 30 days to the Florida Building Commission.

f.) Any amendment will be effective only until the adoption of the new edition of the Florida Building Code which is every three years. The Florida Building Commission will either adopt or rescind the amendment. The local government will be notified immediately if the amendment has been rescinded. After receiving such notice the local government may again readopt the rescinded amendment.

Each county that wishes to make local technical amendments shall establish a countywide compliance review board to review any amendment to the Code that is challenged by any affected party. This is to determine the amendments compliance. The compliance review board can decide if the decision applies only to a local jurisdiction or apply countywide.

If the compliance review board determines that any amendment is not in compliance it shall notify the local government of the noncompliance and that the amendment is invalid and unenforceable. The local government may appeal this decision to the Florida Building Commission which shall conduct a hearing.

However, if the compliance review board determines that the amendment is in compliance then the affected party can appeal this decision to the Florida Building Commission which shall conduct a hearing. Actions of the Commission are subject to judicial review pursuant to F.S..120.68.

Words <u>underlined</u> are additions.

Any amendment that is adopted must have a fiscal impact statement. The statement must contain the costs and benefits of the proposed amendment. Additionally required are the following:

a.) Impact to local government relative to enforcement

b.) Impact to property and building owners, as well as to industry per the cost of compliance.

The fiscal impact statement may not be used as a basis for challenging the amendment for compliance.

Updating the Florida Building Code

The Florida Building Commission is responsible to update the Florida Building Code every three years. A change made by an institute or standards organization that is adopted by reference in the Code does not become automatically accepted. It must be adopted by the Commission to become effective statewide.

Any future updates supersede previous editions and do not require adoption by local governments. Local governments may adopt additional administrative requirements only if they are more stringent.

The edition of the Code that is in effect on the date of application for any permit is the Code that governs the permitted work for the life of the permit and any extension to the permit. The newer or updated version of the Code does not apply for any open permit.

If the Commission finds that an amendment is necessary to protect the public from immediate threat of harm it will take effect immediately.

The Commission may approve technical amendments more often but not more than once a year. To qualify the amendment must

a.) Contribute to the health, safety and welfare of the general public.

b.) Strengthens or improves the Code. In the case of new technologies it will provide equivalent or better products or methods of construction.

c.) Does not discriminate against materials, products, methods or systems of construction.

d.) Does not degrade the effectiveness of the Code.

The Commission must also include a fiscal impact statement for any proposed amendment to the code. This statement must document the costs and benefits. The Commission has the power to establish the rules for criteria of these impact statements. However these statements must include at a minimum the impact to local government relative to enforcement, the impact to property and building owners, as well as to industry pertaining to the cost of compliance.

Question 5.)
If a local amendment is rescinded by the Florida Building Commission the local government can make the same amendment again - True or False?
a.) True
b.) False
Answer 5.)
a.) Correct – Congratulations!
b.) Incorrect - If the Commission rescinds the amendment the local government will be notified immediately. After receiving the notice the local government may readopt the rescinded amendment.

Question 6.)
Who is responsible for updating the Florida Building Code? (Choose from the following):
a.) Department of Business and Professional Regulation
b.) Department of Community Affairs
c.) Florida Building Commission
d.) Local government building departments
Answer 6.)
a.) Incorrect – try again
b.) Incorrect – try again
c.) Correct - congratulations
d.) Incorrect – try again

Question 7.)
After a permit has been issued and the Florida Building Code is updated and changed, the local jurisdiction can revoke the permit if the contractor refuses to comply with the newer requirements as this is a violation of not conforming – True or False?
a.) True
b.) False
Answer 7.)
a.) Incorrect - The newer or updated version of the code does not apply for any open permit
b.) Correct – Congratulations!

Structures that are Exempt from the Florida Building Code

The Florida Legislature determined that the following are exempt:

a.) Building and structures that are specifically regulated by the Federal Government

b.) Railroads and their supporting facilities associated with the railroad.

c.) Nonresidential farm buildings on farms.

d.) Temporary buildings or sheds used exclusively for construction purposes.

e.) Mobile homes used as temporary offices, except the provisions relating to accessibility by persons with disabilities.

f.) Electric utility structures or facilities which are used in the generation, transmission or distribution of electricity.

g.) Temporary sets or structures used in the movie or television production, or any sound-recording equipment used in such production, on or off the premises.

h.) Any storage shed less than 720 square feet and not for human habitation is not required to comply with the mandatory wind-borne-debris-impact standards of the Florida Building Code. Such buildings 400 square feet or less used with one or two family residences are not subject to door height and width requirements.

i.) Chickees constructed by the Miccosukee Tribe of Indians or Seminole Tribe of Florida. However, these structures shall not have any electrical, plumbing, or other non-wood features.

j.) Family mausoleums not exceeding 250 square feet which are prefabricated or preassembled and have walls, floors, and roofs constructed of granite, marble or reinforced concrete.

k.) A building less than 1000 square feet constructed and owed by a natural person and used for hunting that existed on January 1, 2011 can be repaired or reconstructed to the same condition and dimensions. Additionally the building cannot be rented, leased or used as a principal residence; is not located within a 100 year floodplain; and is not connected to an offsite electric power or water supply.

The Limitations of Authority to the Florida Building Code

The Florida Building Code does not apply to zoning requirements, land use requirements, and owner specifications which do not pertain to design, construction, erection, alteration, modification, repair or demolition of public or private buildings.

The local code enforcement agency may not administer or enforce the Florida Building Code to prevent the construction of any public owned facility. This shall include correctional facilities,

juvenile justice facilities, state universities, community colleges or public education facilities as allowed by law.

Conflicts between the Code and the Fire Prevention Code & the Life Safety Code

In any conflict between these codes arises in a construction project it will be resolved by agreement between the local building code enforcement official and the local fire code enforcement official. Any decision will always favor and offer the greatest degree of life safety or alternatives which would provide an equal degree of life safety and an equal method of construction.

The decision reached by the local building official and the local fire official may be appealed to a local administrative board. The local administrative board shall be composed of members with expertise in building construction and fire safety standards to the greatest extent possible.

If the local building and fire officials decide to apply the provisions of either code the administrative board may not alter the decision unless the board determines that the application of the code is not reasonable. If the decision is to adopt an alternative to the Code then the administrative board may modify that decision if they adopt a better alternative taking into consideration all relevant circumstances. This alternative decision must again provide for an equal degree of life safety and an equal method of construction as that proposed by the local officials.

In those cases where the building official and the fire official are unable to agree the local administrative board shall resolve the conflict. The board will rule in favor of the code that offers the greatest degree of life safety or alternatives which will provide an equal degree of life safety and an equal method of construction.

All decisions of the local administrative board, the local building official or the local fire official are subject to review by a joint committee made up of members of the Florida Building Commission and the Fire Code Advisory Council. If the joint committee is unable to resolve any conflicts presented to them then they will be resolved by agreement between the Florida Building Commission and the State Fire Marshal. Any decision will offer the greatest degree of life safety or alternatives that would provide an equal degree of life safety and an equal method of construction. If they cannot reach an agreement to a decision then the conflict will be referred to a mediator agreeable to both parties. The mediator will always decide in favor of a decision that offers the greatest degree of life safety or alternatives that would provide an equal degree of life safety and an equal method of construction.

All decisions of the local building official, the local fire official, or the administrative board will be in writing. The decisions will be binding upon all persons but shall not limit the authority of the State Fire Marshal or the Florida Building Commission. The decisions will be indexed by the building and fire code sections and will be available to the public during normal business hours.

Who Is the Florida Building Commission?

The Florida Building Commission was created by the Legislature and the Governor and is located in the Department of Community Affairs for administrative purposes. The Department of Community Affairs provides staffing and administrative functions. The Commission is comprised of 25 members:

Member 1 – an architect

Member 2 – a structural engineer

Member 3 - one mechanical or air conditioning contractor

Member 4 – a certified Florida electrical contractor who is active in their profession

Member 5 - one active member from the fire protection engineering or technology profession

Member 6 – one active general contractor who is certified to do business in Florida

Member 7 – a licensed plumbing contractor in Florida who is active in their profession

Member 8 – either a certified roofing or sheet metal contractor in Florida and who is actively engaged in their profession

Member 9 – a licensed and active residential contractor in the State of Florida

Member 10, 11 & 12 – either municipal or district code enforcement officials, one of whom is also a fire official.

Member 13 - a member who represents the Department of Financial Services

Member 14 – one member who is a county codes enforcement official

Member 15 – a member of a Florida-based organization of people with disabilities or a nationally chartered organization with chapters in Florida representing disabled people

Member 16 – a member of the manufactured buildings industry

Member 17 – either a mechanical or electrical engineer

Member 18 – one member who represents either a municipality or a charter county

Words <u>underlined</u> are additions.

Member 19 - an individual who is active in the building products manufacturing industry

Member 20 – a member from the building owners and managers industry who is active in commercial building ownership or management

Member 21 – one member who represents the insurance industry

Member 22 – one member who is a representative of public education

Member 23 - member who is an active swimming pool contractor

Member 24 - One member who is a representative of the green building industry

Member 25 – one member who is the chair-person

All members are appointed for a four year term, except the chair-person who serves at the pleasure of the Florida Governor. Any vacancy will be filled for the remainder of the unexpired term. Any member who ceases to meet the qualifications for original appointment will forfeit their membership on the Commission. Members do not receive any compensation for their services. However, the members will be entitled to reimbursement for per diem and travel expenses.

All members are accountable to the Florida Governor for the performance of their duties. The Governor will enact an investigation for any unfavorable report or complaint of an action of the commission or any member. The Governor may remove any member for malfeasance, misfeasance, neglect of duty, incompetence, permanent inability to perform official duties or pleading nolo contendre or guilty to a felony or being convicted of a felony.

Licensee Accountability

The Legislature determined the key to a strong and consistent compliance with the Code is accountability for the work performed by design professionals and contractors. This yields greater protection of the public health, safety and welfare.

If a local jurisdiction finds that a licensed design professional or contractor has committed a material violation of the Florida Building Code, fails to correct the violation, then this licensee will be fined between $500 and $5000 per violation.

A material code violation is a violation that exists within a completed building, structure or facility which may reasonably result or has resulted in physical harm to a person or significant damage to the performance of a building or its systems.

If the violator disputes the charges within 30 days the fine is abated and the matter is referred to the Department of Business and Professional Regulation (DBPR) for disciplinary investigation

and final disposition. However, if the complaint is filed by the DBPR the Commission may intervene in such proceeding. Any fine imposed by the DBPR or a professional licensing board against the violator will be divided equally between the DBPR or the professional licensing board and the local jurisdiction reporting the violation to the DBPR or the professional licensing board.

Except when the fine is abated, the violator has 30 days to pay the fine. Failure to pay will result in the suspension of the person's certificate or the ability to obtain permits in Florida until such fine is paid. This suspension will be entered into a statewide automated information system.

The DBPR is a part of the automated information system which the local governments and state licensing boards participate in. This system tracks violations and disciplinary actions taken against all licensees, certificated holders, and registrants of the Florida Building Code. This information is available electronically. Any fines collected locally will be used initially to set this system up. Any excess funds will be used solely for enforcing the Code, licensing activities related to the Code, or education and training on the Code.

The local jurisdictions maintain records that are accessible to the public regarding material violations of the Code. This information is then forwarded to the DBPR.

Question 8.)
A contractor who has committed a material violation of the Florida Building Code and fails to correct the violation will be fined (Choose from the following):

a.) Up to $500
b.) Between $500 and $1000
c.) Between $500 and $2000
d.) Between $500 and $5000

Answer 8.)

a.) Incorrect – try again
b.) Incorrect – try again
c.) Incorrect – try again
d.) Correct – Congratulations

Permits and Inspections

The Legislature required that the local building code administrator/inspector and the fire safety inspector must review the plans and specifications before issuing any permit. If the building or structure is not subject to the fire safety code then an exemption is made and is not required to have the fire safety inspector review the plans. When the plans and specifications comply with the Florida Building Code requirements then the local jurisdiction shall issue a permit.

There are special requirements for structural inspections on a *threshold building*. A threshold building is any building which is greater than three stories or 50 feet in height, or which has an

assembly occupancy classification as defined in the Florida Building Code which exceeds 5,000 square feet and an occupant content of greater than 500 persons. The structural inspection plan must be prepared by an engineer or architect and be approved by the local agency before a permit is issued. The purpose of this 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 substitute or stand-in for performing the duties of the building official, architect or engineer. The contractor's contractual or statutory obligations are not reduced by any action of the special inspector. The special inspector shall verify that an engineer who specializes in shoring design has inspected the shoring and re-shoring for complying with the plans submitted for the permit.

A fee simple owner of a building that does not meet the minimum requirements of a threshold building may elect to designate such building as a threshold building. This will increase the minimum number of inspections required by the Code.

The fee simple owner of a threshold building shall select and pay all costs of employing a special inspector. However, the special inspector is responsible to the enforcement agency or local jurisdiction. The requirements to be a special inspector are first to be certified, licensed or registered as an engineer or an architect. Next they must be on the Board of Professional Engineers or Board of Architecture and Interior Design's list of persons qualified to be special inspectors.

A special inspector is allowed to send a duly authorized representative to the job site to perform the necessary inspections provided all required written reports are prepared by, and are sealed by the special inspector when they are submitted to the enforcement agency.

Any proposal to install an alternate structural product or system must be submitted for review. This proposal is to be made part of the enforcement agency's recorded set of permit documents.

All shoring and re-shoring procedures, plans and details must be submitted to the enforcement agency for record keeping. Each shoring or re-shoring installation shall be supervised, inspected, and certified to be in compliance with the shoring documents by the contractor.

A special or limited permit for preliminary construction before completion of a full building plans review is allowed in the Code. This includes but is not limited to a permit for the foundation only.

No enforcing agency may issue a building permit for any construction of a threshold building except to a licensed general contractor or to a licensed building contractor within the scope of their license. The named contractor to whom the building permit is issued has the responsibility for supervision, direction, management, and control of the construction activities on the project for which the building permit was issued.

When an enforcing authority issues a building permit it must include the following statement:

"*NOTICE: In addition to the requirements of this permit, there may be additional restrictions applicable to this property that may be found in the public records of this county, and there may be additional permits required from other governmental entities such as water management districts, state agencies, or federal agencies*."

One-family and two-family detached residential dwelling units are not subject to plan review by the local fire official. An exception is made if a local ordinance expressly requires this provision.

A building permit for a single-family residential dwelling must be issued within 30 working days of application. An exception is made for unusual circumstances that require a longer time for processing or unless the permit application fails to satisfy the Code.

For plans review for permitting purposes relating to compliance with the wind resistance provisions of the Code for one and two family dwellings a certification by a Division I contractor that has completed specialized training is allowed. It is considered equivalent to sealed plans and specifications by an architect or engineer. Upon good cause shown a local government code enforcement agency may accept or reject plans sealed by an engineer, architect or contractor. A signed and sealed truss-placement plan is not required unless specifically required by the Code.

The local government plans examiner has the authority to make interpretations during the plan review process. The local building inspector also has the power to make interpretations during the construction process. However, any disagreement regarding the interpretation is to be resolved by the local building official. If there is no agreement then the interpretation will be reviewed by the local board of appeal if one exists. The final authority is an appeal to the Florida Building Commission which uses a five member panel from the Building Officials Association of Florida to render a binding interpretation.

Enforcement of the Florida Building Code

The responsibility for enforcement of the Florida Building Code is with the local government or the local board/agency.

Correctional facilities are enforced by the Department of Corrections and the Department of Juvenile Justice.

The construction and enforcement of elevators is under the jurisdiction of the Bureau of Elevators of the Department of Business and Professional Regulation.

State-approved manufactured buildings, including buildings manufactured and assembled offsite and not intended for habitation (storage sheds and lawn storage buildings) are exempt from local code enforcing agency plan reviews except for provisions of the code relating to

erection, assembly, or construction at the site. Erection, assembly and construction at the site are subject to local permitting and inspections. Lawn storage buildings and storage sheds that are approved by the DCA are not subject to the product approval process in F.S. 553.842. Any such buildings that are less than 400 square feet may be installed without a contractor's or specialty license.

Rejection of Design Documents

If after review and rejection of design documents more than three times for failure to correct a code violation specifically and continuously noted in each rejection, the local government can impose a fee of four times the amount of the proportion of the permit fee attributed to plans review. This includes code violations to egress, fire protection, structural stability, energy, accessibility, lighting, ventilation, electrical, mechanical, plumbing, and gas systems or other requirements of the Florida Building Commission and chapter 120.

Inspections and Re-inspections

Regarding inspections and re-inspections by the local government, they may impose the following to enforce compliance with the Florida Building Code. If after an initial inspection and one subsequent re-inspection of any activity for the same code violation the local government will impose a fee. This fee is four times the amount of the fee imposed for the initial inspection or first re-inspection, whichever is greater, for each subsequent re-inspection.

Question 9.)
The local building department may charge a fee of four times the normal amount if a building plan is rejected more than three times for failure to correct a code violation – True or False?
a.) True
b.) False
Answer 9.)
a.) Correct – Congratulations!
b.) Incorrect – as rejection more than 3 times allows the government to impose this fine.

Question 10.)
If a contractor fails a building inspection and one re-inspection the local jurisdiction may charge a fee of four times the amount of the initial inspection or first re-inspection, whichever is greater for each subsequent re-inspection - True or False?
a.) True
b.) False
Answer 10.)
a.) Correct - Congratulations
b.) Incorrect – after the second failed inspection the building department may impose additional fees

Words underlined are additions.