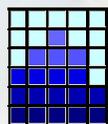


FLORIDA BUILDING CONSTRUCTION STANDARDS

**Advanced FBC Permits and Application
of the Code**



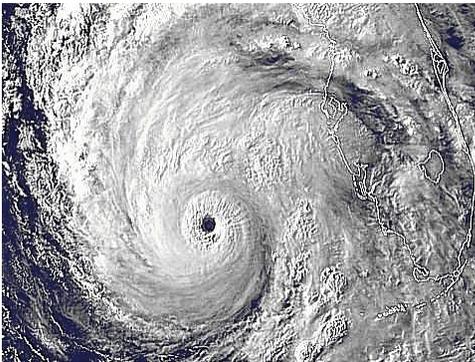
BCIC LLC

10151 University Blvd. #195
Orlando, FL 32817

Permitting and inspections in Florida has been a complicated subject for decades. In addition to permitting and inspection requirements, there are special requirements such as Threshold Inspections that must be understood. An evolving area for study is the provision of plans examination and inspection services by third parties. When you have completed this course you will have an understanding of the permit and inspection requirements, the Threshold Building Inspection law, and Private Provider.

History

After Hurricane Andrew it became clear that there was a serious statewide problem with an antiquated system of locally-administered building codes, building code compliance and enforcement. Thousands of buildings and structures that should have resisted the



storm did not and the effect of this disaster was felt nationwide. The insurance industry was in crisis and threatened to pull out of the state. Local governments affected by Andrew were helpless attempting to recover and to come to grips with the jolt that Andrew delivered to the construction industry.

Many times in the state of Florida's history there have been attempts to create statewide codes and numerous warnings about the effects of the "big" one; a statewide disaster that would affect the state infrastructure. Comparisons were made with the effect some of the historic storms of the past would have on the present built environment of the state, and Hurricane Andrew was viewed as a wake-up call for Floridians.

In response to the wake-up call, and the realization that the issues of concern were statewide, Governor Chiles established in July of 1996 the Florida Building Codes Study Commission to evaluate the existing system and to recommend ways to improve or reform the system. After 16 months of study the Commission found a complex and confusing patchwork system of codes and regulations developed, amended, administered

and enforced differently by more than 400 local jurisdictions and state agencies with building code responsibilities. This resulted in an inability to enforce and comply with the confusing system of multiple codes and administrative processes.

The net result of the Building Codes Study Commission was a number of specific recommendations for reforming the building codes system, centered on the concept of a single statewide code. The 1998 Legislature adopted the concept and most of the recommendations as part of House Bill 4181, which amended and expanded greatly Florida Statute 553.

The law created the Florida Building Code to be the one document containing all of the design parameters for construction, the Florida Building Commission to assume and expand the duties of the Board of Building Codes and Standards and numerous goals and tasks for the Commission including role definition, penalties and education.

Participants in this course can search and review the Florida Statutes (FS) at <http://www.flsenate.gov/statutes/index.cfm> , the Florida Administrative Code (FAC) at <http://fac.dos.state.fl.us/>. Information generally about the Florida Building Commission and the Florida Building Code can be found at www.floridabuilding.org .

This course is from the series Building Construction Standards –Florida Statute 553

- The Florida Building Commission
- The Florida Building Code
- Permits and Application of the Code
- Enforcement and Education

Permits Required

553.79 is an administrative directive and requires that any person, firm, corporation, or *governmental entity* obtain a permit from the appropriate authority when construction, erecting, altering, modifying, repairing, or demolishing a building. The Legislature wanted it to be very clear where permits, inspections and code compliance are necessary. A building permit is required for any person or business to construct, alter, repair, or demolish any building or structure. Except in certain circumstances, a building permit must be obtained by a licensed contractor. In some instances, a home owner can secure a building permit as an owner-builder. In addition, the owner of a business may be able to secure a permit for projects costing less than \$75,000.

There are a number of exemptions from the requirement to have a building permit pursuant to the Florida Statutes.

FS 553.79 Permits; applications; issuance; inspections.--

Permit Requirements

Permits can only be issued after a review of the plans and specifications required by the Florida Building Code and by persons licensed pursuant to FS 468. Plans must be found to be in compliance with the Florida Building and Fire Prevention Code; however local government can exempt construction on industrial sites under very limiting conditions. This is similar to the provisions in the International Codes for Industrial permits and the former Standard Building Code.



FS 553.79(2) Permits; applications; issuance; inspections.--

Application of the Florida Building Code

When the Florida Building Code was implemented it superseded all other building construction codes or ordinances in the state which included the South Florida Building Code, and the Standard Building Code.



The Florida Building Code does not apply to manufactured homes as defined by federal law which are constructed to HUD Standards

The Florida Building Code can be made more stringent provided s. 553.73(4) are met.

FS 553.79(3) Permits; applications; issuance; inspections.--

Threshold Inspections

The Threshold Inspection law was created in response to the findings of engineering and construction problems after the Harbour Cay Condominium (March 27, 1981) building collapse. A threshold building is defined in Section 553.71(7), Florida Statutes, as



1. Any building greater than three stories or 50 feet in height;
- OR
2. A building having an assembled occupancy that exceeds 5,000 sq.ft and has an occupancy content of greater than 500 persons.

The intent is that inspections be made of critical structural elements while they are installed or constructed. Threshold inspections are not “special” inspections, nor are they meant to be made in lieu of the inspections made normally by local government. The statute uses the term “special inspector” but this should not be confused with the term “special inspector” as used in chapter 17 of the International Building Code. Here the term “special” should be read as “threshold”. On buildings that qualify as “threshold” a structural inspection plan must be submitted to and approved by the enforcing agency prior to the issuance of a building permit for the construction of a threshold building. However, a fee-simple owner may declare the building a threshold building even when it does not meet the definitions. The inspection plan provides specific inspection instructions to provide for the adequate inspection of the construction. The owner must retain the services of a “special inspector” who is charged with inspecting the building to the special inspection plan. In addition, the inspector shall determine that a professional engineer who specializes in shoring design has inspected the shoring and reshoring for conformance with the shoring and reshoring plans submitted to the enforcing agency.

FS 553.79(5)(a) Permits; applications; issuance; inspections.--

Threshold Inspector

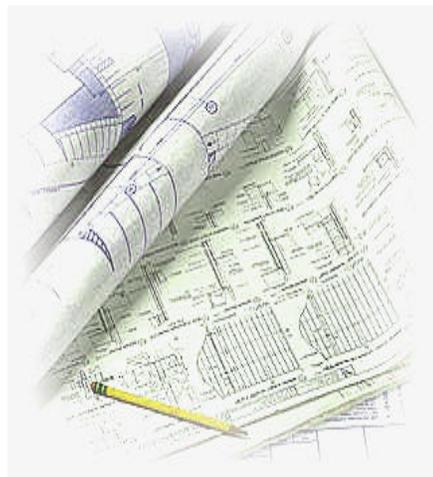
The fee owner of a threshold building is required to select and pay all costs of employing the special inspector; however the special inspector works for the enforcement agency. To be an inspector, you must be a licensed engineer or architect provided the requisite licensing board has listed them as special inspectors. The original law allowed certified building inspectors to act as threshold inspectors. The special inspector does not have to perform the inspections themselves; they may send their representatives in their place; however all required written reports are prepared by and bear the seal of the special inspector and are submitted to the enforcement agency.

FS 553.79(5)(b) Permits; applications; issuance; inspections.--

Specific Requirements for Threshold Permitting

When the threshold building is complete, the special inspector prior to the issuance of a certificate of occupancy, must file a signed and sealed statement with the enforcement agency in substantially the following form: “To the best of my knowledge and belief, the construction of all structural load-bearing components described in the threshold inspection plan complies with the permitted documents, and the specialty shoring design professional engineer has ascertained that the shoring and reshoring conforms with the shoring and reshoring plans submitted to the enforcement agency.”

When there is a proposal to install an alternate structural product or system to which building codes apply, they must be submitted to the enforcement agency for review for compliance with the codes and made part of the enforcement agency's record set of permit documents. All plans for the threshold building which are required to be signed and sealed by the



architect or engineer of record have to contain a statement that, “To the best of the architect's or engineer's knowledge, the plans and specifications comply with the applicable minimum building codes and the applicable firesafety standards as determined by the local authority in accordance with this chapter and chapter 633.”

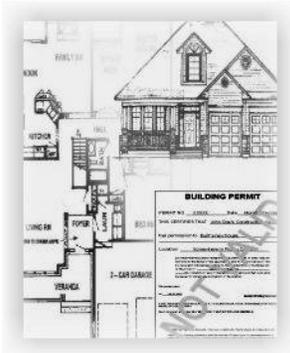
All shoring and reshoring procedures, plans, and details have to be submitted to the enforcement agency for recordkeeping. Each shoring and reshoring installation shall be supervised, inspected, and certified to be in compliance with the shoring documents by the contractor.

Building permits for threshold buildings can only be issued to a licensed general contractor, or to a licensed building contractor, within the scope of her or his license.

FS 553.79(7)&(8) Permits; applications; issuance; inspections.--

Catch All Permit Requirements

The last sections of FS 553.79 contain some oddities and fragments. The requirement to have each building permit contain specific language directing property owners to the fact that there are other requirements that have to be met to obtain permits was added at the request of Senator Vogt (Senator Vogt was an engineer and the author of the Threshold law), due to problems that he encountered when building in wetlands. In an attempt to make permit requirements clearer, 553.79 (11) lets us know that the requirements to meet code and pass inspection does not apply to manufactured buildings. The controlling section for manufactured buildings is Part IV of Chapter 553. One-family and two-family detached residential dwelling units are exempt from review and inspection by the local fire official unless made so by local ordinance. This can be somewhat confusing due to code requirements in NFPA 1 and 101 related to one and two family dwellings.

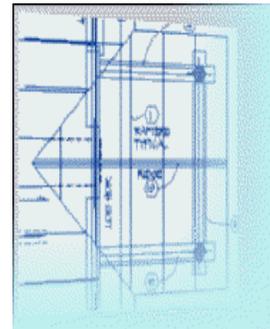


There is a new provision (2005) which requires that single-family residential dwelling permits be issued within 30 working days of application unless there are unusual circumstances or the application fails to meet the Florida Building Code or the enforcing agency's laws and ordinances.

FS 553.79(10 through 13) Permits; applications; issuance; inspections.--

Certification of Wind Loads and Truss Plans

One of the most unusual provisions in the statutes allows contractors who have taken specific courses to certify plans to meet the wind requirements or alternate methodologies for wind (SSTD 10) as if they are engineers or architects. This was placed in the Statutes in response to the imposition of wind provisions and the increasing demand of local government for engineered documentation on plans. Local government can reject such certification for good cause.



A truss-placement plan is not required to be signed and sealed by an engineer or architect unless prepared by an engineer or architect or specifically required by the Florida Building Code.

FS 553.79 (14) Permits; applications; issuance; inspections.--

Moving Buildings

553.79 (14) (a) was written to respond to complaints about restrictive applications of the building codes when buildings were moved. The owners of these building in addition to foundation construction to support the building, were being required to rebuild the frame of the building. Buildings can be made to comply fully, unless they meet the following exemptions; the building or structure is structurally sound and in occupiable condition for its intended use; the use is not being changed, there is no substantial remodeling planned; the current fire code requirements for ingress and egress are met; electrical, gas, and plumbing systems meet the codes in effect at the time of construction and are operational and safe for reconnection; *and* the foundation plans are sealed by a professional engineer

or architect licensed to practice in the state, if required by the building code for all residential buildings or structures of the same occupancy.

FS 553.79 (15) (a) Permits; applications; issuance; inspections.--

Same Standards for Moved Buildings Apply

The standards that apply to buildings that have been moved are to be the same as those required of any remodeled building. The standard used for costing the structure and the determination of substantial remodeling is stated so that there is an level playing field for moved buildings, compared to remodeled buildings generally.

FS 553.79 (15) (b) Permits; applications; issuance; inspections.--

Enforcement by Local Government on State Agency Projects

There was a great deal of discussion and disagreement about the application of the Florida Building Code by state agencies. These agencies were not subject to permits and inspections prior to the implementation of this law. These state agencies included the school system, the university system and state buildings. The requirement to meet the code, plans review and inspection requirements are in addition to inspections by the Department of Financial Services (State Fire Marshal). The subsection clarifies that the Department of Agriculture and Consumer Services would continue to inspect amusement rides and the Department of Financial Services to inspect state-owned buildings and boilers.

FS 553.79 (16) Permits; applications; issuance; inspections.--

Private Provider

The Legislature enacted provisions for alternative plans review and inspection, commonly known as private providers. The provisions of these services are now a common and growing segment of the code compliance industry. The fee owner of a building or structure may elect to provide their own plans review and inspection services utilizing qualified entities, and provided certain regulations are met. Payments for these



services are made directly to the provider by the owner and the services must be the subject of a written contract. The owner may elect to utilize either plans review services, inspections or both; however the local building official can require that both be contracted together. Private providers and their authorized representative must be properly licensed to perform building code inspection services. A private provider cannot inspect work they or their firm designed or constructed.

FS 553.791 (2) Alternative plans review and inspection.-

Notification That a Private Provider Will Be Used

The building department has to be notified by the owner or the owner's contractor at the time of permit application or 7 business days prior to the first inspection that a private provider will be performing.

FS 553.791 (4) Alternative plans review and inspection.-

Notification Form

The form to be used must be on a form adopted by the Commission and must list the services to be performed by the private provider. The adopted form will contain the name and contact information of each private provider, the professional license or certification number of the provider, qualification statements or resumes and, if required by the local building official, a certificate of insurance demonstrating that professional liability insurance coverage is in the amounts required by this section.

In addition, there must be an acknowledgment from the fee owner on the form of the retention of the provider, an acknowledgement that local government will not be performing inspections and plans review services, an acknowledgment that due diligence and acceptance of the private providers qualifications has been made, and holding the local government harmless.

FS 553.791 (4) Alternative plans review and inspection.-

Plans Examination

When private providers perform plans review they shall determine compliance with the applicable codes. Upon determining compliance, the private provider will prepare an affidavit or affidavits on a form adopted by the Commission certifying, under oath, that the following is true and correct to the best of the private provider's knowledge and belief that the plans were reviewed by the affiant, who is duly authorized to perform plans review pursuant to this section and holds the appropriate license or certificate and the plans comply with the applicable codes.

FS 553.791 (6) Alternative plans review and inspection.-

Oversight of Plans Review by Local Government

The local government has 30 business days after receipt of a complete permit application

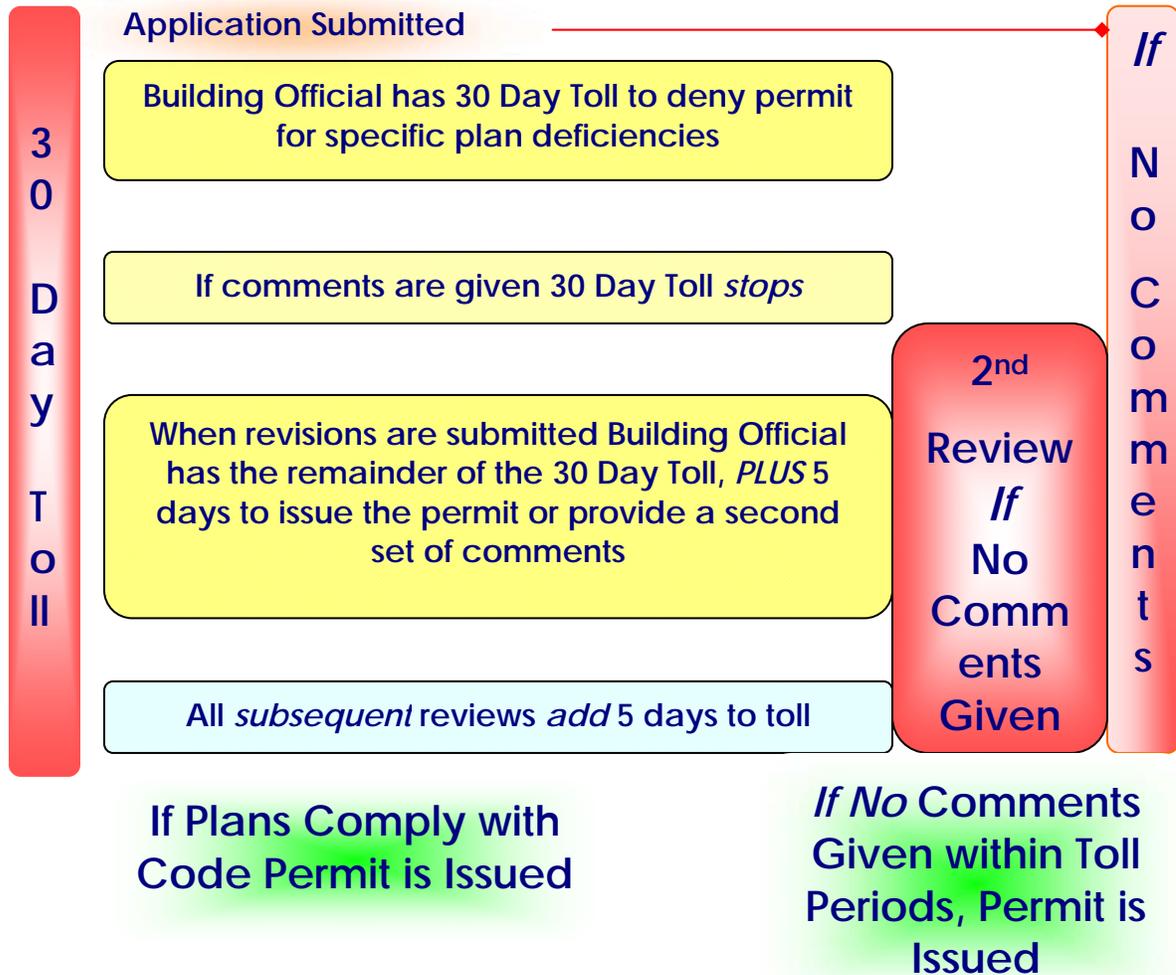


reviewed by a private provider to either issue the requested permit or provide a written notice to the permit applicant identifying the specific plan features that are not in compliance, as well as the specific code chapters and sections. If the written notice is not provided within 30 days the permit application shall be deemed approved and must be issued by the local building official on the next business day (i.e. 31st day). When deficiencies are given to the permit applicant within the prescribed 30-day period, the 30-day period shall be tolled (stops) pending

resolution of the issues. If the applicant chooses to, they may dispute the deficiencies.

FS 553.791 (7(a)&(b)) Alternative plans review and inspection.-

Private Provider Plans Reviews



Submittal of Corrections

When revisions are submitted, the local building official is allowed the remainder of the *tolled 30-day period* plus 5 business days to issue the requested permit or to provide a second written notice to the permit applicant. If a second written notice is not given within this time period, the permit shall be issued by the local building official on the next business day. When there is a second written notice of plan deficiencies the permit applicant may elect to dispute the deficiencies or correct them. For all subsequent revisions submitted after the first revision, the local building official has an additional 5 business days to issue the requested permit or to provide a written notice to the permit applicant stating the facts of non-compliance.

FS 553.791 (7)(c) Alternative plans review and inspection.-

Inspections

When inspections are made by a private provider they shall inspect each phase of



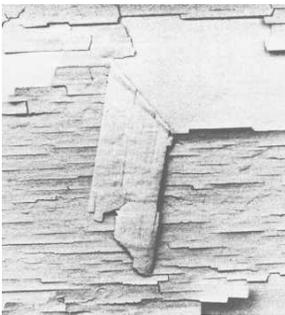
construction as required by codes as local government would. Similar to the Threshold Building Law a private provider can send a duly authorized representative to the building site to perform the required inspections, provided all required reports and certifications are prepared by and bear the signature of the private provider. The duly authorized representative must be a legitimate employee of the private provider, not

a contract employee and who is licensed as an engineer under Chapter 471 or as an architect under chapter 481 or who holds a standard certificate under Part XII of Chapter 468. Private providers have to notify the local building official of the date and approximate time of inspections no later then 2 p.m. local time the day before or a later time if permitted by the building official so that the building official can visit the building site to verify that the private provider is performing all required inspections.

FS 553.791 (8) & (9) Alternative plans review and inspection.-

Record of Inspections

When each phase of construction is complete, the provider must record the required inspections on a form acceptable to the building official and the record shall be posted before leaving the site after each completed inspection, indicating pass or fail at the site.



The record shall be provided to the local building official within 2 business days. The local building official can waive the requirement to provide a record of each inspection within 2 business days, if the record is posted at the project site and all such inspection records are submitted with the certificate of compliance. The record of all required and completed inspections

shall be maintained at the building site at all times and made available for review by the local building official. The private provider shall report to the local enforcement agency any condition that poses an immediate threat to public safety and welfare. The statute is silent on the method to inform and record the details of inspection failures.

FS 553.791 (10) Alternative plans review and inspection.-

Certificate of Compliance

When all of the required inspections are complete, the private provider shall prepare a certificate of compliance, on a form acceptable to the building official, summarizing the inspections performed and including a written representation, under oath, that the stated inspections have been performed and that, to the best of the private provider's knowledge and belief, the building construction inspected complies with the approved plans and applicable codes. The statement required of the private provider shall be substantially in the following form: "To the best of my knowledge and belief, the building components and site improvements outlined herein and inspected under my authority have been completed in conformance with the approved plans and the applicable codes."

FS 553.791 (11) Alternative plans review and inspection.-

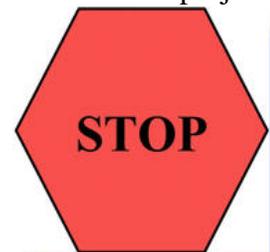
Denial or Issuance of Certificates of Occupancy or Completion

When a request for a certificate of occupancy or completion is made, the building official shall issue the certificate of occupancy or certificate of completion within 2 days, or provide a notice to the applicant identifying the specific deficiencies, as well as the specific code chapters and sections that would prevent the issuance. If this notice is not provided within the 2-day period, the request for a certificate of occupancy or certificate of completion shall be issued the next business day.

FS 553.791 (12) Alternative plans review and inspection.-

Stop Work Orders

The building official has the ability to deny a building permit, certificate of occupancy or certificate of completion. The building official can issue a stop-work order for the project or any portion if the building official determines that there is a threat to public safety and welfare. This is a higher standard for the issuance of a stop work order than the regular permit and inspection process. If a stop work order is issued, the building



official must be available to meet within 2 business days to resolve any dispute after issuing a stop-work order or providing notice to the applicant denying a permit or request for a certificate of occupancy or certificate of completion. When there is a dispute between the building official and private provider, the issue is referred to the appeals board. Any decisions by the local enforcement agency's board of appeals or local building official (if there is no local board of appeals) may be appealed to the Florida Building Commission.

FS 553.791 (13 Alternative plans review and inspection.-)

Additional Restrictions

Any of the notices required by the statute are considered sufficient when successfully transmitted to the facsimile number listed for that person or entity in the permit application or revised permit application. When there is no facsimile number, the service is successful when actually received by that person or entity. For the management of private providers or permits issued for projects utilizing private providers, the local government cannot create laws, rules, procedures, policies, qualifications, or standards more stringent than outlined in the statute. Local government can create a registration system for private providers to verify compliance with licensure requirements and insurance requirements. The statute does not prohibit the building official from issuing a stop-work order for a building project or any portion if a condition on the building site constitutes an immediate threat to public safety and welfare.

FS 553.791 (14 and 15) Alternative plans review and inspection.-

Insurance

Private providers must have insurance for professional liability with a minimum policy limit of \$1 million per occurrence and \$2 million in the aggregate for any project with a construction cost of \$5 million or less. The insurance requirement is \$2 million per occurrence and \$4 million in the aggregate for any project with a construction cost of over \$5 million. The "construction cost" is the total cost of building construction as stated in the building permit application.

If the private provider chooses to secure claims-made coverage to fulfill this requirement, the private provider must also maintain coverage for a minimum of 5 years subsequent to

the performance of building code inspection services. The insurance required under this subsection shall be written only by insurers authorized to do business in Florida with a minimum A.M. Best's rating of A.

FS 553.791 (16) Alternative plans review and inspection.-

Discipline of Private Providers

Private providers are disciplined by the applicable professional board with jurisdiction over his or her license. For example, engineers acting as private providers shall be disciplined by the engineering board. All private providers shall be subject to the disciplinary guidelines of s. 468.621(1)(c)-(h) (Building Code Administrators Discipline). Each local building code enforcement agency may audit the performance of building code inspection services by private providers operating within the local jurisdiction. When an audit is underway the work can continue on the permitted project while the audit is underway when the provider has given notice of the inspection pursuant to 553.791 (8).

FS 553.791 (17)&(18) Alternative plans review and inspection.-

Immunity

Local governments and their employees including the building official, inspectors and plans examiners are immune from suit in connection with building code inspection services as authorized in this act from any action or inaction, by the owner, private provider or their employees.

FS 553.791 (19) Alternative plans review and inspection.-

Permit Application Review Restrictions

Certain types of structure and buildings have accelerated permit review restrictions. These time frames are meant to identify those structures that the legislature believes should have shortened review timeframes. Only ten days are given to determine if the applications are complete. If the local government does not advise the applicant of what is required to be complete, then the application is deemed complete and accepted. Local government has an additional 45 days after receiving a completed application, to notify



the applicant if and what additional information is required for the application. The applicant can either submit the additional information or request the permit without the additional information and while the applicant responds to the request for additional information, the 120-day period described in 553.791(2) is tolled. Both parties can agree to an extension of time especially under extraordinary circumstances. The local government must approve, approve with conditions, or deny the application within 120 days following receipt of a completed application.

FS 553.792 Building permit application to local government.—

Types of Buildings and Structures with Accelerated Review Time

The accelerated timeframes for permit processing apply to applications for accessory structures, alarm permits, nonresidential buildings less than 25,000 square feet, electric, irrigation permits, landscaping, mechanical, plumbing, residential units other than a single family unit, multifamily residential not exceeding 50 units, roofing, and signs. The processing acceleration does not apply to site-plan approvals and subdivision plats not requiring public hearings or public notice and lot grading and site alteration associated with the permit applications above. The processing requirements do not apply to permits for any wireless communications facilities or when a law, agency rule, or local ordinance specify different timeframes for review of local building permit applications

FS 553.792(2) Building permit application to local government.—

Test

1. Which of the following does not require a permit?
 - a) Repair
 - b) Alteration
 - c) Maintenance
 - d) All of the above require a permitAnswer c)

2. When can a permit be issued?
 - a) After plans are reviewed
 - b) Once plans are determined to be in compliance with the building code
 - c) After the first inspection is made
 - d) When the plans are submitted to the building departmentAnswer b)

3. What is a threshold inspection plan?
 - a) A building floor plan prepared by an architect
 - b) Inspections diagrams
 - c) Instructions for inspection of structural components
 - d) A list of inspections required by the building departmentAnswer c)

4. Who is the threshold inspector responsible to?
 - a) Owner
 - b) Contractor
 - c) Enforcing agency
 - d) None of the aboveAnswer c)

5. Who can be a threshold inspector?
 - a) Architect licensed under FS 481
 - b) Engineer licensed under FS 471
 - c) Neither a or b
 - d) Both a and bAnswer d)

6. For recordkeeping, shoring and reshoring drawings must be submitted to?
 - a) Enforcing agency
 - b) Threshold inspector
 - c) Owner
 - d) ContractorAnswer a)

7. The installation of shoring and reshoring shall be supervised, inspected, and certified to be in compliance with the shoring documents by?
 - a) Threshold inspector

- b) Shoring design professional engineer Enforcing agency
- c) Owner

Answer b)

8. Single family dwelling permits must be issued
- a) Upon application to the building department
 - b) Within 10 working days of application
 - c) Within 30 working days of application
 - d) No timeframe is established

Answer c)

9. When does the enforcing agency have to issue a permit where a private provider is utilized for plan review?
- a) Upon submittal of permit application
 - b) 10 business days
 - c) 30 business days
 - d) Upon review of plans by enforcing agency

Answer c)

10. Inspections shall be recorded by the private provider and supplied to the Building Official
- a) After the inspection and prior to leaving the site
 - b) Within 2 business days of inspection
 - c) After the final inspection and prior to the issuance of the CO
 - d) There is no requirement for records

Answer b)