

Ken Lawson, Secretary

Rick Scott, Governor

Staff Analysis for Declaratory Statement Request DS-2013-103

November 18, 2013

Issue: DS-2013-103. The Petitioner, James Scott, seeks a Declaratory Statement on **Section R301.1.3 – Engineered Design** of the *2010 Florida Building Code, Residential*.

Petitioner in DS-2013-103 seeks clarification of the following question:

For the building containing structural elements exceeding the FBC-R limits or otherwise non-conforming to the code, but designed in accordance with the accepted engineering practice, does the FBC-R require the complete set of plans and specification to be certified by an Architect or Engineer as being designed to comply with the structural portion of the Building Code for wind and gravity loads?

Situation:

James Scott, representing J. Scott Drafting, Inc., seeks clarification of code requirements regarding Applicability of Section R301.1.3 – Engineered Design of the *2010 Florida Building Code, Residential* to the design of a load bearing Steel beam to be used in an addition to a single family residence, and furthermore requesting guidance of the requirement for certification of the construction documents for the subject addition by a Registered Design Professional as defined in section R202 of the *2010 Florida Building Code, Residential*.

Applicable Codes and Statutes

2010 Florida Building Code, Residential
2010 Florida Building Code, Building
Chapter 471, *Florida Statutes* or Chapter 481, *Florida Statutes*

Relevant Code Sections

2010 Florida Building Code, Residential

R101.2.1 The provisions of Chapter 1, *Florida Building Code, Building*, shall govern the administration and enforcement of the *Florida Building Code, Residential*.

R301.1.3 Engineered design. When a building of otherwise conventional construction contains structural elements exceeding the limits of Section R301 or otherwise not conforming to this code, these elements shall be designed in accordance with accepted engineering practice. The extent of such design need only demonstrate compliance of nonconventional elements with other applicable provisions and

shall be compatible with the performance of the conventional framed system. Engineered design in accordance with the *Florida Building Code, Building* is permitted for all buildings and structures, and parts thereof, included in the scope of this code.

2010 Florida Building Code, Building

**SECTION 107
SUBMITTAL DOCUMENTS**

107.1 General. Construction documents, special inspection and structural observation programs, and other data shall be submitted in one or more sets with each application for a permit. The construction documents shall be prepared by a registered design professional where required by Chapter 471, *Florida Statutes* or Chapter 481, *Florida Statutes*. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.

Exception: The *building official* is authorized to waive the submission of *construction documents* and other data not required to be prepared by a *registered design professional* if it is found that the nature of the work applied for is such that review of *construction documents* is not necessary to obtain compliance with this code.

107.3.4.3 Certifications by contractors authorized under the provisions of Section 489.115(4)(b), *Florida Statutes*, shall be considered equivalent to sealed plans and specifications by a person licensed under Chapter 471, *Florida Statutes*, or Chapter 481, *Florida Statutes*, by local enforcement agencies for plans review for permitting purposes relating to compliance with the wind-resistance provisions of the code or alternate methodologies approved by the Florida Building Commission for one and two-family dwellings. Local enforcement agencies may rely upon such certification by contractors that the plans and specifications submitted conform to the requirements of the code for wind resistance. Upon good cause shown, local government code enforcement agencies may accept or reject plans sealed by persons licensed under Chapters 471, 481 or 489, *Florida Statutes*.

Staff Analysis:

Section R101.2.1 indicates Chapter 1, *Florida Building Code, Building* as governing the administration of work that falls under the requirements of the *Florida Building Code, Residential*. Section 107.1 clearly indicates that the construction documents must be prepared by a registered design professional where required by Chapters 471 or 481 of Florida Statutes as applicable. Therefore, with regard to the determination on whether a construction document of a specific project is required to be certified by an architect or engineer is outside of the scope of the commission's authority, and such a determination is within the authority of the Florida Board of Architecture and the Florida Board of Engineering.

Based on the above facts and circumstances, staff provides the following recommendations as answers to proponent's questions:

To the question: For the building containing structural elements exceeding the FBC-R limits or otherwise non-conforming to the code, but designed in accordance with the accepted engineering practice, does the FBC-R require the complete set of plans and specification to be certified by an Architect or Engineer as being designed to comply with the structural portion of the Building Code for wind and gravity loads?

The answer is: According to Section 107.1 of the 2010 FBC, Building, determination of whether a set of construction documents is required to be certified by an architect or engineer is subject to the provisions of Chapters 471 or 481 of Florida Statutes as applicable. The Florida Building Commission has no authority to interpret these statutes, and therefore Declaratory Statement DS 2013-103 should be dismissed due to the fact that the subject matter is outside the Commission's legislative authority. (Note: the petitioner should be advised to contact the State Board of Architecture and Interior Design, or the Florida Board of Professional Engineers regarding this matter.)