

Declaratory Statement Request DS2014-061

Issue: Petitioner seeks a Declaratory Statement on interpretation of Chapter 1 of the Florida Building Code 2010, Section 110.3.7.1. Specifically, requesting clarification with regard to the requirements for a Special Inspector to inspect repairs to Threshold Buildings.

Background:

The Petitioner, Chester Darby, Owner of Florida Building Services believes under current language in section of Chapter 1 of the Florida Building Code it creates 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. The petitioner feels this creates a lack of responsible oversight.

Petitioner believes that under current language repairs of threshold buildings can be done by a non-structural engineer without threshold certification, also that a non-structural engineer and employees can direct and inspect work that involves structural alterations of a threshold building.

2010 Florida Building Code, Building

110.3.7 Threshold building, *Florida Building Code, Building 2010*

110.3.7.1

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.

110.3.7.2

The special 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. A fee simple title owner of a building, which does not meet the minimum size, height, occupancy, occupancy classification, or number-of-stories criteria which would result in classification as a threshold building under Section 553.71(7), may designate such building as a threshold building, subject to more than the minimum number of inspections required by the Florida Building Code.

110.3.7.3

The fee owner of a threshold building shall select and pay all costs of employing a special inspector, but the special inspector shall be responsible to the enforcement agency. The inspector shall be a person certified, licensed or registered under Chapter 471, Florida Statutes, as an engineer, or under Chapter 481, Florida Statutes, as an architect.

110.3.7.4

Each enforcement agency shall require that, on every threshold building:

110.3.7.4.1

The special inspector, upon completion of the building and prior to the issuance of a certificate of occupancy, file a signed and sealed statement with the enforcement agency in substantially the following form: "To the best of my knowledge and belief, the above described construction of all structural load-bearing components complies with the permitted documents, and the shoring and reshoring conforms to the shoring and reshoring plans submitted to the enforcement agency."

110.3.7.4.2

Any proposal to install an alternate structural product or system to which building codes apply be submitted to the enforcement agency for review for compliance with the codes and made part of the enforcement agency's recorded set of permit documents.

110.3.7.4.3

All shoring and reshoring procedures, plans and details 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.

110.3.7.4.4

All plans for the building which are required to be signed and sealed by the architect or engineer of record 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 fire-safety standards as determined by the local authority in accordance with this section and Chapter 633, Florida Statutes.

110.3.7.5

No enforcing agency may issue a building permit for construction of any threshold building except to a licensed general contractor, as defined in Section 489.105(3)(a), Florida Statutes, or to a licensed building contractor, as defined in Section 489.105(3)(b), Florida Statutes, within the scope of her or his license. The named contractor to whom the building permit is issued shall have the responsibility for supervision, direction, management and control of the construction activities on the project for which the building permit was issued.

110.3.7.6

The building department may allow a special inspector to conduct the minimum structural inspection of threshold buildings required by this code, Section 553.73, Florida Statutes, without duplicative inspection by the building department. The building official is responsible for ensuring that any person conducting inspections is qualified as a building inspector under Part XII of Chapter 468, Florida Statutes, or certified as a special inspector under Chapter 471 or 481, Florida Statutes. Inspections of threshold buildings required by Section 553.79(5), Florida Statutes, are in addition to the minimum inspections required by this code

STRUCTURAL DETERMINATION. For purposes of this code, "structural" shall mean any part, material or assembly of a building or structure which affects the safety of such building or structure and/or which supports any dead or designed live load and the removal of which part, material or assembly could cause, or be expected to cause, all or any portion to collapse or fail.

CHAPTER 2 DEFINITIONS

THRESHOLD BUILDING. In accordance with Florida Statute, any building which is greater than 3 stories or 50 feet in height, or which has an assembly occupancy classification that exceeds 5,000 square feet in area and an occupant content of greater than 500 persons.

Florida Statutes designation of special instructor to perform threshold inspections

553.79 (5)(a) F.S. (2013)

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 and approved by the enforcing agency before 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. The special 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. A fee simple title owner of a building, which does not meet the minimum size, height, occupancy, occupancy classification, or number-of-stories criteria which would result in classification as a threshold building under s. 553.71(12), may designate such building as a threshold building, subject to more than the minimum number of inspections required by the Florida Building Code.

553.79 (7) F.S (2013)

Each enforcement agency shall require that, on every threshold building:

(a) The special inspector, upon completion of the building and prior to the issuance of a certificate of occupancy, 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.

Florida Statutes designating that only a Licensed General Contractor, or Licensed Building Contractor can receive permit to work on threshold building.

553.79 (8) F.S (2013)

(8) No enforcing agency may issue a building permit for construction of any threshold building except to a licensed general contractor, as defined in s. 489.105(3)(a), or to a licensed building contractor, as defined in s. 489.105(3)(b), within the scope of her or his license. The named contractor to whom the building permit is issued shall have the responsibility for supervision, direction, management, and control of the construction activities on the project for which the building permit was issued.

Florida Statute definition of a threshold building:

553.71 (12) F.S (2013)

"Threshold building" means 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 in area and an occupant content of greater than 500 persons.

Interpretation No.1 (Non-binding – BOAF)

Does the current code and statutes exclude the requirement of a threshold inspector to inspect repairs to threshold buildings?

Per the Florida Building Code, Building there is no language excluding threshold inspectors from inspecting repairs of existing threshold buildings.

*Alterations or Repairs of existing Threshold Buildings would be required to follow the same provisions of **Section 110.3.7.1 Threshold building, Florida Building Code, Building 2010**. This section makes no distinction between new construction and work on an existing building.*

Furthermore, the way the code is currently written, any threshold building constructed would have been required to have a threshold inspection plan. Therefore, any alteration or repair of work in that threshold inspection plan should be inspected by the threshold inspector.

Staff Analysis:

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?*

Answer: *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 of the Florida Building Code, Building.*

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?

Answer: 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 of the Florida Building Code, Building.

Project 3

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?

Answer: 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 list above fall within the scope of section 110.3.7 of the Florida Building Code, Building.

Project 4

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?

Answer: Yes, the level of work in question involves repair 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 of the Florida Building Code, Building.

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?

Answer: Yes, the level of work in question involves repair/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 of the Florida Building Code, Building.