

**Issue: DS 2023-053:** The petitioner Jack Butler of Butler & Butler, LLC is seeking a declaratory statement regarding the application of the term “special conditions” as required in Section 107.1 of the 8<sup>th</sup> Edition (2023) Florida Building Code, Building.

Petitioner seeks clarification of the following questions:

1. Does the phrase “special conditions,” as used in FBC-Building Section 107.1, refer to a residential structure larger than 5,000 square feet?
2. Does the phrase “special conditions,” as used in FBC-Building Section 107.1 refer to a residential structure that costs more than \$30,000 to build?
3. Does the phrase “special conditions,” as used in FBC-Building Section 107.1 refer to a residential structure that is located within a high-velocity hurricane zone that conforms to the regional design parameters addressed in the FBC?
4. Are the “additional construction documents” referenced in FBC-Building Section 107.1 limited to documents that only address any such special conditions that may exist for the project or construction site and do not include the standard construction documents that are to be submitted with a building permit application, as contained in FBC-Building Sections 107.2.1 through 107.2.7.

**Background:**

**Proposed project/situation:**

- Single-family home containing 5,350 square feet of living space.
- Construction documents to be submitted for permit would include all the standard construction documents needed to secure a residential building permit as described in Sections 107 and 1603 of the FBC-Building.
- Wind load calculation is performed directly by a Florida-licensed professional engineer, who signs and seals this portion of the plans.
- Truss design to be supplied by others.
- Any other specialized structural elements, such as the foundation design and anchor bolt spacing, are similarly prepared and/or reviewed by a Florida-licensed engineer, who signs and seals the information.

**8th Edition (2023) Florida Building Code – Building**

**CHAPTER 1 SCOPE AND ADMINISTRATION**

**SECTION 107 SUBMITTAL DOCUMENTS**

[A] **107.1 General.** Submittal documents consisting of *construction documents*, statement of *special inspections*, geotechnical report and other data shall be submitted in two or more sets with each *permit* application. 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.

**105.3.1.2** No permit may be issued for any building construction, erection, alteration, modification, repair, or addition unless the applicant for such permit provides to the enforcing agency which issues the permit any of the following documents which apply to the construction for which the permit is to be issued and which shall be prepared by or under the direction of an engineer registered under Chapter 471, *Florida Statutes*:

1. Plumbing documents for any new building or addition which requires a plumbing system with more than 250 fixture units or which costs more than \$125,000.
2. Fire sprinkler documents for any new building or addition which includes a fire sprinkler system which contains 50 or more sprinkler heads. Personnel as authorized by chapter 633 *Florida Statutes*, may design a new fire sprinkler system of 49 or fewer heads; may design the alteration of an existing fire sprinkler system if the alteration consists of the relocation, addition or deletion of 49 heads or fewer, notwithstanding the size of the existing fire sprinkler system; or may design the alteration of an existing fire sprinkler system if the alteration consists of the relocation or deletion of 249 or fewer sprinklers, notwithstanding the size of the existing fire sprinkler system, if there is no change of occupancy of the affected areas, as defined in this code and the *Florida Fire Prevention Code*, and there is no change in the water demand as defined in NFPA 13, "Standard for the Installation of Sprinkler Systems," and if the occupancy hazard classification as defined in NFPA 13 is reduced or remains the same as a result of the alteration.
3. Heating, ventilation, and air-conditioning documents for any new building or addition which requires more than a 15-ton-per-system capacity which is designed to accommodate 100 or more persons or for which the system costs more than \$125,000. This paragraph does not include any document for the replacement or repair of an existing system in which the work does not require altering a structural part of the building or for work on a residential one-, two-, three-, or four-family structure.

An air-conditioning system may be designed by an installing air-conditioning contractor certified under Chapter 489, *Florida Statutes*, to serve any building or addition which is designed to accommodate fewer than 100 persons and requires an air-conditioning system with a value of \$125,000 or less; and when a 15-ton-per system or less is designed for a singular space of a building and each 15-ton system or less has an independent duct system. Systems not complying with the above require design documents that are to be sealed by a professional engineer.

4. Any specialized mechanical, electrical, or plumbing document for any new building or addition which includes a medical gas, oxygen, steam, vacuum, toxic air filtration, halon, or fire detection and alarm system which costs more than \$5,000.
5. Electrical documents. See *Florida Statutes* 471.003(2)(h).

Documents requiring an engineer seal by this part shall not be valid unless a professional engineer who possesses a valid certificate of registration has signed, dated, and stamped such document as provided in Section 471.025, *Florida Statutes*.

6. All public swimming pools and public bathing places defined by and regulated under Chapter 514, *Florida Statutes*.

**107.3.4.2** 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*.

## CHAPTER 2 DEFINITIONS

**201.4 Terms not defined.** Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

Webster's Third New International Dictionary

Special – distinguished by some unusual quality: Uncommon: Having an individual character or trait: Unique.

### **Staff Analysis:**

#### **Question #1:**

Does the phrase “special conditions,” as used in FBC-Building Section 107.1, refer to a residential structure larger than 5,000 square feet?

#### **Answer/Option #1/Petitioner:**

No. “Special conditions” are not established by the size of a proposed detached single-family residence. The term means the presence of an element of the construction site and/or design that is outside the parameters upon which the Florida Building Code is based or exceed the prescriptive guidance found in the code, and that are unique to the proposed construction rather than generally applicable within a local jurisdiction. There is no component of the FBC that is dependent on the livable space and there is no limitation based on the size of the structure found in Section 481.229(1)(b), Florida Statutes, which includes the exception from licensure for residential home design.

#### **Answer/Option #2/Staff:**

The square footage “5,350” limitation of the project in question falls outside the scope of Section 105.3.1.2 of the 8<sup>th</sup> Edition (2023) Florida Building Code, Building, which requires specific documents to be prepared by or under the direction of an engineer registered under Chapter 471, Florida Statutes. In addition, there is no prescribed provision in the 8<sup>th</sup> Edition (2023) Florida Building Code, Building, which Characterizes the square footage of the project in question as “special condition.” However, determination of whether special conditions exist specific to the project in question is subject to review and determination by the building official.

#### **Question #2:**

Does the phrase “special conditions,” as used in FBC-Building Section 107.1 refer to a residential structure that costs more than \$30,000 to build?

#### **Answer/Option #1/Petitioner:**

No. “special conditions,” are not established by the construction cost of a proposed detached single-family residence. There is no component of the FBC or Florida Statutes that is dependent of the cost of construction except for exemptions from permitting based on a low cost of construction. In addition, Section 481.229(1)(b), Florida Statutes, specially says the exemption from licensure as an architect for designing a detached single-family home is “regardless of cost.

**Answer/Option #2/Staff:**

Answer to the Petitioner's question is not possible. This question is general in nature and falls outside the specific facts provided regarding the project in question.

**Question #3:**

Does the phrase "special conditions," as used in FBC-Building Section 107.1 refer to a residential structure that is located within a high-velocity hurricane zone that conforms to the regional design parameters addressed in the FBC?

**Answer/Option #1/Petitioner:**

No. "Special conditions," are not established by the permitting jurisdiction's being located within a high-velocity hurricane zone, as the construction requirements for such a single-family house are contained in the FBC's regional guidance that is specific to such a location.

**Answer/Option #2/Staff:**

Answer to the Petitioner's question is not possible. This question is general in nature and falls outside the specific facts provided regarding the project in question.

**Question #4:**

Are the "additional construction documents" referenced in FBC-Building Section 107.1 limited to documents that only address any such special conditions that may exist for the project or construction site and do not include the standard construction documents that are to be submitted with a building permit application, as contained in FBC-Building Sections 107.2.1 through 107.2.7.

**Answer/Option #1/Petitioner:**

Yes. The standard construction documents required for all detached single-family home construction do not include those referenced in Section 107.1 as "additional construction documents." Such additional documents include one or more documents beyond those standard documents that are needed to address the special conditions related to the particular project.

**Answer/Option #2/Staff:**

Answer to the Petitioner's question is not possible. This question is general in nature and falls outside the specific facts provided regarding the project in question.