

BLISS & NYITRAY, INC.

STRUCTURAL
ENGINEERS

FILED
Department of Business and Professional Regulation
Senior Deputy Agency Clerk
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File #:

Miami Headquarters

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Miami, Florida 33126

305-442-7086

Tallahassee | West Palm Beach | Tampa | Dallas

PETITION FOR DECLARATORY STATEMENT

BEFORE THE FLORIDA BUILDING COMMISSION

Company: Bliss & Nyitray, Inc.
Address: 5835 Waterford District Drive, Suite 400
Miami, FL 33126

May 1, 2026

Name: Paul A. Zilio, P.E. No. 47103, S.I. No. 1089
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DS 2026-025

Statute(s), Agency Rule(s), Agency Order(s) and/or Code Section(s) on which the Declaratory Statement is sought:

Florida Building Code Binding Interpretation, Report Number 318

Background:

Bliss & Nyitray, Inc. is a structural engineering firm who provides design and inspection services, with four offices in Florida. We are the Structural Engineer of Record for proposed improvements to an existing, 12-story, multi-family building. This is considered a Threshold Building, which is defined by Section 553.71 of the Florida Statutes as follows:

(11) "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.

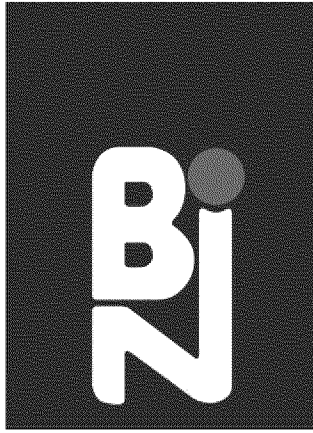
Therefore, we must comply with Section 110.8.1:

110.8 Threshold building.

110.8.1

During new construction or during repair or restoration projects in which the structural system or structural loading of a building is being modified, 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 plans 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.





Based on Section 110.8.1, we will prepare a Structural Inspection Plan that provides specific inspection procedures and schedules so that the building can be adequately inspected for compliance with the permitted documents.

The project includes the replacement of windows with non-impact-resistant windows in the same rough openings. The project also includes the replacement of doors and louvers. In the past, we have not included the inspection of the window replacements in the Structural Inspection Plan.

However, on January 26, 2026, the Florida Building Commission, the Florida Department of Business and Professional Regulation, and the Building Officials Association of Florida issued a Florida Building Code binding interpretation (Report number 318) regarding the replacement of windows in Threshold Buildings. The report includes the following question and answer:

Appeal question requesting a response:

Question:

Is replacement of windows considered a modification to the building's structural system and therefore required to meet the requirements of Section 110.8.1 of the Florida Building Code, Building, 8th Edition (2023)?

Answer:

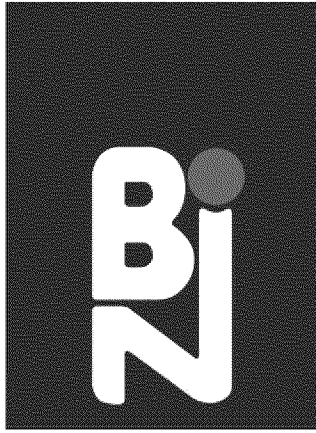
The answer to the Petitioner's question is yes. The replacement of windows constitutes a modification of the building's structural system. Accordingly, this work is required to comply with Section 110.8.1 of the Florida Building Code, Building, 8th Edition (2023).

The **Building Officials Association of Florida**, in cooperation with the Florida Building Commission, and the Florida Department of Business & Professional Regulation, provides this interpretation of the Florida Building Code in the interest of consistency and application of the Building Code statewide. This interpretation is binding and not subject to acceptance and approval by the local building official.

While we take no issue with the Florida Building Code, we do seek clarification of the interpretation provided in Report 318, to ensure that we include all required inspections in our Structural Inspection Plan.

Questions:

1. For the project in question, does Report number 318 require the inspection of the replacement windows?
2. If yes, then does that mean that inspection is required for the doors and louvers as well?

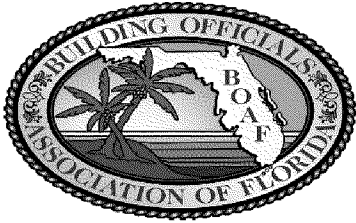


Sincerely,

BLISS & NYITRAY, INC.

Paul A. Zilio

Paul A. Zilio, P.E. No. 47013, S.I. No. 1089
Sr. Principal/Partner



Florida Building Code Binding Interpretation

Report Number 318

Date: January 26, 2026

Report: 318

Issue:

The subject project involves the Beach Colony Condominium, a 20-story residential condominium building located at 13601 Perdido Key Drive in Pensacola, Florida, classified as a Group R-2 occupancy. The Petitioner is a Florida-licensed Professional Engineer employed by Applied Technical Services and is directly engaged in providing engineering services for the subject project.

The local building official has interpreted the proposed scope of work as requiring Special Inspection pursuant to the Florida Building Code, thereby affecting the Petitioner's professional obligations and scope of services. Specifically, the building official has determined that the replacement of windows within the subject building requires Special Inspection in accordance with Florida Building Code Section 110.8.1.

This interpretation was initially communicated verbally during discussions with the project contractor and was subsequently confirmed through written correspondence. The building official stated that revisions to Section 110.8.1 addressing repair and restoration projects had the effect of bringing window and door replacement projects within the scope of the threshold inspection requirements.

Code Edition: 8th Edition (2023)

Sections:

FBC, Building - Sections 110.8, 202, 1601.1, and 1609.1.1.

ASCE 7 – Section 26.1.1

FBC, Existing Building – Section 202

Text of code provisions:

8th Edition (2023) Florida Building Code, Building

110.8 Threshold building.

110.8.1 During new construction or during repair or restoration projects in which the structural system or structural loading of a building is being modified, 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 plans 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.

CHAPTER 2 DEFINITIONS

SECTION 202 DEFINITIONS

THRESHOLD BUILDING. In accordance with Florida Statute, any building which is greater than 3 stories or 50 feet (15 240 mm) in height, or which has an assembly occupancy classification that exceeds 5,000 square feet (464.52 m²) in area and an occupant content of greater than 500 persons.

CHAPTER 16 STRUCTURAL DESIGN

1601.1 Scope. The provisions of this chapter shall govern the structural design of buildings, structures and portions thereof regulated by this code.

SECTION 1609 WIND LOADS

1609.1.1 Determination of wind loads. Wind loads on every building or structure shall be determined in accordance with Chapters 26 to 30 of ASCE 7. Wind shall be assumed to come from any horizontal direction and wind pressures shall be assumed to act normal to the surface considered.

ASCE 7-22 Minimum Design Loads and Associated Criteria for Buildings and Other Structures

Chapter 26 Wind Loads: General Requirements

26.1.1 Scope Buildings and other structures, including the main wind force resisting system (MWFRS) and components and cladding (C&C) thereof, shall be designed and constructed to resist the wind loads determined in accordance with Chapter 26 through 31.

Main Wind Force Resisting System (MWFRS): An assemblage of structural elements assigned to provide support and stability for the overall building or other structure. The system generally receives wind loading from more than one surface.

Building Envelope: Cladding, roofing, exterior walls, glazing, door assemblies, window assemblies, skylight assemblies, and other components enclosing the building.

Components and Cladding (C&C): Elements of the building envelope or elements of the building appurtenances and rooftop structures and equipment that do not qualify as part of the MWFRS.

8th Edition (2023) Florida Building Code, Existing Building

CHAPTER 2 DEFINITIONS

SECTION 202 DEFINITIONS

ALTERATION. Any construction or renovation to an existing structure other than a repair or addition. Alterations are classified as Level 1, Level 2 and Level 3.

REPAIR. The reconstruction or renewal of any part of an existing building for the purpose of its maintenance or to correct damage.

Appeal question requesting a response:

Question:

Is replacement of windows considered a modification to the building's structural system and therefore required to meet the requirements of Section 110.8.1 of the Florida Building Code, Building, 8th Edition (2023)?

Answer:

The answer to the Petitioner's question is yes. The replacement of windows constitutes a modification of the building's structural system. Accordingly, this work is required to comply with Section 110.8.1 of the Florida Building Code, Building, 8th Edition (2023).

The **Building Officials Association of Florida**, in cooperation with the Florida Building Commission, and the Florida Department of Business & Professional Regulation, provides this interpretation of the Florida Building Code in the interest of consistency and application of the Building Code statewide. This interpretation is binding and not subject to acceptance and approval by the local building official.