



Florida Building Codes
USER: Public User

[Binding Interpretations Menu](#) > [Petition Search](#) > [Petition List](#) > **Petition Detail**

OFFICE OF THE SECRETARY

Petition # 217

Do you have a Local Board of Appeals No

If Yes, have they rendered a decision on this issue No

County Alachua

Jurisdiction City of Gainesville

Building Official John Freeland
Address/Phone/Email PO Box 490
Station 9
Gainesville, FL 32627-0490
(352) 334-5050
freelandjc@cityofgainesville.org

Petitioner Name American Council of Engineering Consultants of Florida
Address/Phone/Email P.O. Box 750
Tallahassee, FL 32302-0750
(850) 224-7121
allen@fleng.org

Petitioner Representative's Name Curtis Brown
Address/Phone/Email 505 Maitland Ave.
Suite 1000
Altamonte Springs, FL 32701
(407) 425-0234
cbrown@wfmblaw.com

Building Code Version 2020
Sub Code Building
Chapter & Topic Chapter 1 - Scope and Administration
Section 110.8

If permitted, date of permit application

Enter explanation of how the Petitioner's substantial interests are being affected by the local interpretation of the Florida Building Code

The American Council of Engineering Companies of Florida ("ACEC-FL") is an organization comprised of engineers from all of the state of Florida, including Gainesville, which represents the professional and business interests of professional engineers, in private practice in Florida, and their companies. Since its creation in 1973, ACEC-FL is considered as one of the preeminent advocates for consulting engineers within the state of Florida. As such, ACEC-FL has a duty to its members to protect their members' interests.

Accordingly, ACEC-FL enters this petition on behalf of our members, whose substantial interest in contracting with owners to perform private provider services and threshold inspection services are affected by the City of Gainesville Building Department's arbitrary policy which restricts engineers from performing both services on the same threshold building. Prior to the adoption of this policy, private engineers were permitted to contract with owners to perform private provider services and threshold inspections on the same threshold building, as is permitted in other jurisdictions.

Enter statement of the interpretation given to provisions of the Florida Building Code by the local building official and the manner in which the interpretation was rendered
(If information is entered, it must be exactly as it appears in the hardcopy)

On December 31, 2020, the City of Gainesville Department of Sustainable Development Building Division released the following Administrative Policy regarding special inspectors and threshold inspections:

Building Division Administrative Policy

ISSUED: December 31, 2020
SUBJECT: Special Inspectors / Threshold Inspections
CODE SECTION: FBC - Building - Section 110.8 Threshold Building

Whereas, Florida Statute 468.604(1) determines that compliance with the Florida Building Code is the responsibility of the local building official, thus resulting in the issuance of a Certificate of Occupancy or a Certificate of Completion upon approval of all inspections required by 2020 FBC - Building, 7th edition Chapter 1 - Scope and Administration.

Whereas, Florida Statute 553.79(5)(a) mandates the enforcing agency to 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.

Whereas, Florida Statute 553.79(5)(b) establishes the special inspector shall be responsible to the enforcement agency.

Whereas, Florida Statute 553.79(5)(a) establishes the special inspector may not serve as a surrogate in carrying out the responsibilities of the building official.

Whereas, Florida Statute 553.791(2)(a) provides the fee owner the option to contract with a private provider for building code inspection services, as defined in Florida Statute 553.791(1)(d).

Therefore, it is the determination of the building department that a private entity may not perform private provider services and provide required threshold inspection services on the same threshold building within the jurisdiction of the City of Gainesville, Florida.

Pursuant to Florida Statute 553.775, any substantially affected person may appeal this decision to the Florida Building Commission.

John Freeland, Building Official
City of Gainesville

Enter statement of the interpretation that the petitioner contends should be given to the provisions of the Florida Building Code and a statement supporting the petitioner's interpretation

Does section 110.8 of the Florida Building Code prohibit the fee owner of a threshold building from selecting a qualified private entity to perform both private provider services and required threshold inspections on the same threshold building?

Petitioner contends that section 110.8 of the Florida Building Code regarding threshold buildings should be interpreted as to allow private entities to perform private provider services and provide threshold inspection services on the same building.

Petitioner's statement in support of this interpretation is attached.

Date	Attached File
03/24/2021	Pet ID 217 PET Interp Statement in Support of Petitioner's Interpretation.pdf

Enter local building official response by providing a statement admitting or denying the statements contained in the petition and a statement of the interpretation of the provisions of the Florida Building Code which the local jurisdiction or the local building official contends is correct, including the basis for the interpretation

Response is attached.

Date	Attached File
04/09/2021	Pet ID 217 Response City of Gainesville Petition Response 4.1.21 (002).pdf

History

Date Paid	03/24/2021
Date Pending Building Official Response	03/25/2021 11:06 AM
Date Building Official Response	04/09/2021
Date Submitted to BOAF	04/09/2021
Date Accepted	05/19/2021

More Information Requested

Please clearly articulate the question being asked in reference to the Florida Building Code, phrase it as a question.

Date Requested

04/27/2021

Time Waiver Granted
Date Extended To



[Cancel](#)

[View Comments](#)

[Contact Us](#) :: [2601 Blair Stone Road, Tallahassee FL 32399](#) Phone: 850-487-1824

The State of Florida is an AA/EEO employer. [Copyright 2007-2013 State of Florida](#). :: [Privacy Statement](#) :: [Accessibility Statement](#) :: [Refund Statement](#)

Under Florida law, email addresses are public records. If you do not want your e-mail address released in response to a public-records request, do not send electronic mail to this entity. Instead, contact the office by phone or by traditional mail. If you have any questions, please contact 850.487.1395. *Pursuant to Section 455.275(1), Florida Statutes, effective October 1, 2012, licensees licensed under Chapter 455, F.S. must provide the Department with an email address if they have one. The emails provided may be used for official communication with the licensee. However email addresses are public record. If you do not wish to supply a personal address, please provide the Department with an email address which can be made available to the public. To determine if you are a licensee under Chapter 455, F.S., please click [here](#).

