

8th Edition (2023) Florida Building Code

Proposed Code Modifications



This document created by the Florida Department of Business and Professional Regulation -

850-487-1824

TAC: Code Administration

Total Mods for **Code Administration** in Denied : 2

Total Mods for report: 2

Sub Code: Building

CA10334

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Date Submitted	02/13/2022	Section	110	Proponent	Greg Johnson
Chapter	1	Affects HVHZ	No	Attachments	Yes
TAC Recommendation	Denied				
Commission Action	Pending Review				

Comments

General Comments Yes

Alternate Language No

Related Modifications

Type IV mass timber package of changes; Mods# 10098, 10099, 10161, 10162, 10163, 10167, 10169, 10174, 10248, 10254, 10255, 10328, and 10331.

Summary of Modification

Adds inspection requirements for fire resistance cover protection of mass timber connectors

Rationale

see uploaded rationale

Fiscal Impact Statement

Impact to local entity relative to enforcement of code

Minimal; inspection done concurrently with other framing or sheathing inspections.

Impact to building and property owners relative to cost of compliance with code

None; inspection done concurrently with other framing or sheathing inspections.

Impact to industry relative to the cost of compliance with code

None; inspection done concurrently with other framing or sheathing inspections.

Impact to small business relative to the cost of compliance with code

Requirements

Has a reasonable and substantial connection with the health, safety, and welfare of the general public

This is a fire resistive construction provision

Strengthens or improves the code, and provides equivalent or better products, methods, or systems of construction

Improves the code by providing a fire resistive construction provision for mass timber connectors.

Does not discriminate against materials, products, methods, or systems of construction of demonstrated capabilities

No material is required or prohibited by this modification.

Does not degrade the effectiveness of the code

Improves the code by providing a fire resistive construction provision for mass timber connectors.

2nd Comment Period

CA10334-G1

Proponent Greg Johnson Submitted 8/17/2022 3:49:56 PM Attachments No

Comment:

Nothing in the FL Building code prohibits mass timber construction. In fact, Sec. 602.4 provides requirements for mass timber elements, including Sec. 602.4.2 which addresses cross-laminated timber, a form of mass timber. Also, Sec. 104.11, Alternative materials, design and methods of construction and equipment permits AHJs to accept mass timber construction types as an alternate method of construction. Modification 10334 provides requirements for inspection of fire resistive elements. These provisions should already be available in the FL Building Code for already permissible buildings and those that may be accepted under Sec. 104.11.

2nd Comment Period

CA10334-G2

Proponent ashley ong Submitted 8/26/2022 4:04:10 PM Attachments No

Comment:

Building Officials Association of Florida (BOAF) supports this modification.

2nd Comment Period

CA10334-G3

Proponent Sam Francis Submitted 8/26/2022 10:18:43 PM Attachments No

Comment:

I urge the adoption of the original modification

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1.

▪ **[A]110.3 Required inspections.**

The building official upon notification from the permit holder or his or her agent shall make the following inspections, and shall either release that portion of the construction or shall notify the permit holder or his or her agent of any violations which must be corrected in order to comply with the technical codes. The building official shall determine the timing and sequencing of when inspections occur and what elements are inspected at each inspection.

▪ **Building**

1. 1.Foundation inspection. To be made after trenches are excavated and forms erected and shall at a minimum include the following building components:
 - •Stem-wall
 - •Monolithic slab-on-grade
 - •Piling/pile caps
 - •Footers/grade beams
1. 1.1.In flood hazard areas, upon placement of the lowest floor, including basement, and prior to further vertical construction, the elevation certification shall be submitted to the authority having jurisdiction.
2. 2.Framing inspection. To be made after the roof, all framing, fireblocking and bracing is in place, all concealing wiring, all pipes, chimneys, ducts and vents are complete and shall at a minimum include the following building components:
 - •Window/door framing
 - •Vertical cells/columns
 - •Lintel/tie beams
 - •Framing/trusses/bracing/connectors
 - •Draft stopping/fire blocking
 - •Curtain wall framing
 - •Energy insulation
 - •Accessibility
 - •Verify rough opening dimensions are within tolerances.

2.1 In buildings of Types IV-A, IV-B, and IV-C construction, where connection fire-resistance ratings are provided by wood cover calculated to meet the requirements of Section 2304.10.1, inspection of the wood cover shall be made after the cover is installed, but before any other coverings or finishes are installed.

ADM35-19 Type IV-A, IV-B, and IV-C connection protection inspection

ICC Ad Hoc Committee on Tall Wood Buildings (TWB) determined that the proper construction of the fire resistance rating of mass timber structural elements was important enough, as demonstrated in a series of TWB proposals including this one, to warrant a specific requirement to inspect mass timber connections. The proposal complements the other code change submissions (e.g. Chapters, 7 “Fire and Smoke Protection Features”, 17 “Special Inspections and Tests”, and 23 “Wood”), and recognizes that building officials have the ability to inspect the protection of connections as part of the normal permit inspection process (e.g. footing and foundations, slabs, framing, etc.). The TWB, following input by code officials, did not feel this provision warranted being incorporated into Chapter 17 “Special Inspections and Tests” as this field inspection process did not require any special expertise for inspection nor tools for testing that were outside the capabilities of building officials today. However, the TWB did believe that some form of inspection should take place since the connections of the structural members, and their protection to achieve a fire resistance rating, represent a significant component to the entire design of mass timber buildings.

The Ad Hoc Committee for Tall Wood Buildings (AHC-TWB) was created by the ICC Board of Directors to explore the building science of tall wood buildings with the scope to investigate the feasibility of and take action on developing code changes for these buildings. Members of the AHC-TWB were appointed by the ICC Board of Directors. Since its creation in January, 2016, the AHC-TWB has held multiple open meetings and numerous Work Group conference calls. Related documentation and reports of the TWB are posted on the AHC-TWB website at <https://www.iccsafe.org/codes-tech-support/cs/icc-ad-hoc-committee-on-tall-wood-buildings/> (accessed 02-12-2022)

TAC: Code Administration

Total Mods for **Code Administration** in Denied : 2

Total Mods for report: 2

Sub Code: Building

CA10348						2
Date Submitted	02/14/2022	Section	107.6	Proponent	Conn Cole FDEM SFMO	
Chapter	1	Affects HVHZ	No	Attachments	Yes	
TAC Recommendation	Denied					
Commission Action	Pending Review					

Comments

General Comments Yes

Alternate Language Yes

Related Modifications

Summary of Modification

Clarify that local building officials must review for compliance with flood when affidavits are provided by private providers in accordance with sec. 553.791, FS, to satisfy FEMA expectation.

Rationale

The 2010 FBC retained flood provisions in the International Codes. The Federal Emergency Management Agency contributed to the Commission appointed workgroup that tailored the I-Code language for Florida that was adopted as part of the Commission's development of the 2010 FBC. FEMA determined that language now in the exception to Sec. 105.14 and in Sec. 107.6.1 was necessary to comply with the requirements for community participation in the National Flood Insurance Program (see 44 CFR 60.3). The requirement is for the COMMUNITY (i.e., local official) to review for compliance with flood provisions, which means the responsibility must not be "delegated" to someone not with the community or not under contract to the community. In response to several inquiries in 2020, FEMA Region IV and the Florida Division of Emergency Management issued a memo citing the NFIP regs and explaining the rationale for the requirement that the community review applications for buildings in flood hazard areas for compliance with the flood load and flood-resistant construction requirements of the FBC. In Florida, the responsibility for administration and enforcement of the FBC rests with the building official or a duly authorized representative [implied that authorization flows from the jurisdiction, e.g., contracted building department services to serve in the capacity as the community's building official). See attached memo. The Florida Building Commission rendered Dec Statement 2021-050 despite concerns of FDEM, concluding Sec. 107.6.1 "does not apply to services performed by private providers." The Commission also stated the decision "does not absolve the community from complying with any requirements under" the NFIP. The proposal closes that loophole and clarifies FEMA's expectations and the NFIP regulatory requirement that a community official must review and approve elements of design and construction required in flood hazard areas.

Fiscal Impact Statement

Impact to local entity relative to enforcement of code

Reduces confusion about the FEMA NFIP expectation that local officials review applications in SFHAs for compliance with the flood requirements.

Impact to building and property owners relative to cost of compliance with code

None, because owners can still use affidavits and private providers.

Impact to industry relative to the cost of compliance with code

Helps licensed professionals who offer private provider services.

Impact to small business relative to the cost of compliance with code

Requirements

Has a reasonable and substantial connection with the health, safety, and welfare of the general public

Yes, by reducing confusion about the FEMA NFIP expectation that local officials review applications in SFHAs for compliance with the flood requirements.

Strengthens or improves the code, and provides equivalent or better products, methods, or systems of construction

The change does not affect the technical requirements of the code.

Does not discriminate against materials, products, methods, or systems of construction of demonstrated capabilities

The change does not affect the technical requirements of the code.

Does not degrade the effectiveness of the code

Reduces confusion about the FEMA NFIP expectation that local officials review applications in SFHAs for compliance with the flood requirements.

Alternate Language

2nd Comment Period

CA10348-A1 Proponent Rebecca Quinn obo FL Submitted 8/9/2022 8:32:19 AM Attachments Yes
Div Emerg Mgnt

Rationale:

Laying aside the original proposal, this alternative accomplishes the intent in a slightly different way. In Sec. 105.14, subsections are easier to interpret than exceptions and adding the title further clarifies it applies only in flood hazard areas. In 107.6, the alternative restores 107.6.1 to existing language, and strikes the original proposed 107.6.2 and replaces it with alternative language, on advice of Commission staff.

Fiscal Impact Statement

Impact to local entity relative to enforcement of code

Clarifies that affidavits per 553.791 submitted by private providers for buildings in flood hazard areas must be reviewed by the building official for the flood requirements, as required by FEMA (see original proposal).

Impact to building and property owners relative to cost of compliance with code

None, because owners can still use affidavits and private providers.

Impact to industry relative to the cost of compliance with code

Helps licensed professionals who offer private provider services.

Impact to small business relative to the cost of compliance with code

Requirements

Has a reasonable and substantial connection with the health, safety, and welfare of the general public

Yes, by reducing confusion about the FEMA NFIP expectation that local officials review applications in SFHAs for compliance with the flood requirements.

Strengthens or improves the code, and provides equivalent or better products, methods, or systems of construction

The change does not affect the technical requirements of the code.

Does not discriminate against materials, products, methods, or systems of construction of demonstrated capabilities

The change does not affect the technical requirements of the code.

Does not degrade the effectiveness of the code

Reduces confusion about the FEMA NFIP expectation that local officials review applications in SFHAs for compliance with the flood requirements.

1st Comment Period History

CA10348-G1 Proponent Rebecca Quinn obo FL Submitted 4/15/2022 4:14:31 PM Attachments No
Div Emerg Mgnt

Comment:

On behalf of Conn Cole, FDEM State Floodplain Manager, I request that Mod# CA10348 be heard before Mod# CA9986 and Mod# CA9987. The three proposals address the same issue.

105.14 Permit issued on basis of an affidavit.

Whenever a permit is issued in reliance upon an affidavit or whenever the work to be covered by a permit involves installation under conditions which, in the opinion of the building official, are hazardous or complex, the building official shall require that the architect or engineer who signed the affidavit or prepared the drawings or computations shall supervise such work. In addition, they shall be responsible for conformity to the permit, provide copies of inspection reports as inspections are performed, and upon completion make and file with the building official written affidavit that the work has been done in conformity to the reviewed plans and with the structural provisions of the technical codes. In the event such architect or engineer is not available, the owner shall employ in his stead a competent person or agency whose qualifications are reviewed by the building official. The building official shall ensure that any person conducting plans review is qualified as a plans examiner under Part XII of Chapter 468, Florida Statutes, and that any person conducting inspections is qualified as a building inspector under Part XII of Chapter 468, Florida Statutes.

Exception: 105.14.1 Affidavits in flood hazard areas. Permit issued on basis of an affidavit shall not extend to the flood load and flood resistance requirements of the Florida Building Code and the building official shall review and inspect those requirements.

107.6 Affidavits.

The building official may accept a sworn affidavit from a registered architect or engineer stating that the plans submitted conform to the technical codes. For buildings and structures, the affidavit shall state that the plans conform to the laws as to egress, type of construction and general arrangement and, if accompanied by drawings, show the structural design and that the plans and design conform to the requirements of the technical codes as to strength, stresses, strains, loads and stability. The building official may without any examination or inspection accept such affidavit, provided the architect or engineer who made such affidavit agrees to submit to the building official copies of inspection reports as inspections are performed and upon completion of the structure, electrical, gas, mechanical or plumbing systems a certification that the structure, electrical, gas, mechanical or plumbing system has been erected in accordance with the requirements of the technical codes. Where the building official relies upon such affidavit, the architect or engineer shall assume full responsibility for compliance with all provisions of the technical codes and other pertinent laws or ordinances. The building official shall ensure that any person conducting plans review is qualified as a plans examiner under Part XII of Chapter 468, Florida Statutes, and that any person conducting inspections is qualified as a building inspector under Part XII of Chapter 468, Florida Statutes.

107.6.1 Building permits issued flood hazard areas on the basis of an affidavit. Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Parts 59 and 60), the authority granted to the *building official* to issue permits, to rely on inspections, and to accept plans and construction documents on the basis of affidavits and plans submitted pursuant to Sections 105.14 and 107.6, shall not extend to the flood load and flood-resistance construction requirements of the *Florida Building Code*.

107.6.2 Affidavits Provided Pursuant to Section 553.791, Florida Statutes. For a building or structure in a flood hazard area, the building official shall review any affidavit certifying compliance with the flood load and flood-resistant construction requirements of the Florida Building Code.

105.14 Permit issued on basis of an affidavit. Whenever a permit is issued in reliance upon an affidavit or whenever the work to be covered by a permit involves installation under conditions which, in the opinion of the building official, are hazardous or complex, the building official shall require that the architect or engineer who signed the affidavit or prepared the drawings or computations shall supervise such work. In addition, they shall be responsible for conformity to the permit, provide copies of inspection reports as inspections are performed, and upon completion make and file with the building official written affidavit that the work has been done in conformity to the reviewed plans and with the structural provisions of the technical codes. In the event such architect or engineer is not available, the owner shall employ in his stead a competent person or agency whose qualifications are reviewed by the building official. The building official shall ensure that any person conducting plans review is qualified as a plans examiner under Part XII of Chapter 468, *Florida Statutes*, and that any person conducting inspections is qualified as a building inspector under Part XII of Chapter 468, *Florida Statutes*.

Exception: Permit issued on basis of an affidavit shall not extend to the flood load and flood resistance requirements of the *Florida Building Code* and the building official shall review, approve, and inspect those requirements.

107.6 Affidavits. The building official may accept a sworn affidavit from a registered architect or engineer stating that the plans submitted conform to the technical codes. For buildings and structures, the affidavit shall state that the plans conform to the laws as to egress, type of construction and general arrangement and, if accompanied by drawings, show the structural design and that the plans and design conform to the requirements of the technical codes as to strength, stresses, strains, loads and stability. The building official may without any examination or inspection accept such affidavit, provided the architect or engineer who made such affidavit agrees to submit to the building official copies of inspection reports as inspections are performed and upon completion of the structure, electrical, gas, mechanical or plumbing systems a certification that the structure, electrical, gas, mechanical or plumbing system has been erected in accordance with the requirements of the technical codes. Where the building official relies upon such affidavit, the architect or engineer shall assume full responsibility for compliance with all provisions of the technical codes and other pertinent laws or ordinances. The building official shall ensure that any person conducting plans review is qualified as a plans examiner under Part XII of Chapter 468, *Florida Statutes*, and that any person conducting inspections is qualified as a building inspector under Part XII of Chapter 468, *Florida Statutes*.

107.6.1 Building permits issued on the basis of an affidavit. Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Parts 59 and 60), the authority granted to the *building official* to issue permits, to rely on inspections, and to accept plans and construction documents on the basis of affidavits and plans submitted pursuant to section 553.791, *Florida Statutes*, for plan review and inspection, and pursuant to Sections 105.14 and 107.6, shall not extend to the flood load and flood-resistance construction requirements of the *Florida Building Code* and the building official shall review, approve, and inspect those requirements.

107.6.2 Where an affidavit for a building or structure in a flood hazard area is provided by a Private Provider in accordance with section 553.791, *Florida Statutes*, for plan review and inspection, or is provided by an architect or engineer in accordance with Section 107.6, the building official shall review and approve the plans for compliance with the flood load and flood-resistant construction requirements of the Florida Building Code and shall inspect the building or structure for compliance with those requirements.



STATE OF FLORIDA

DIVISION OF EMERGENCY MANAGEMENT

Ron DeSantis
Governor

Jared Moskowitz
Director

November 2, 2020

MEMORANDUM

TO: Florida Floodplain Administrators and Building Officials

FROM: Conn H. Cole, Interim State Floodplain Manager **Conn H. Cole**

CONCURRENCE: Jason O. Hunter, Chief, FEMA Region IV Floodplain Management & Insurance Branch *Jason O. Hunter*

Digitally signed by Conn H. Cole
DN: c=US, o=Florida Department of
Emergency Management, ou=State Floodplain
Management Office,
email=Conn.Cole@em.mylflorida.com, c=US
Date: 2020.11.02 14:30:00 -0500

RE: Florida Building Code and Permits Issued on the Basis of Affidavits
NFIP Communities Must Review For Floodplain Compliance

Over the past year the State Floodplain Management Office (SFMO) has received inquiries regarding changes enacted in the 2019 legislative session that affect the use and acceptance of private providers for building permits and inspections. The Florida Building Code (FBC) includes provisions for issuing permits based on affidavits signed by qualified architects or engineers, in the Building volume, sections 105.14 and 107.6. These sections are shown in the attachment.

This memorandum provides guidance to clarify the exception to Sections 105.14 and 107.6.1. FEMA Region IV concurs with this guidance. **In effect, the sections require local officials to review applications for compliance with the flood load and flood-resistant construction requirements of the FBC when buildings are proposed to be located in special flood hazard areas, and to inspect those aspects when permits are issued.**

The National Flood Insurance Program (NFIP) requires communities that participate in the program to agree to adopt and enforce regulations that meet or exceed the minimum requirement of the NFIP (44 Code of Federal Regulations Parts 59 and 60). FEMA deems the flood provisions of the FBC to meet or exceed the minimum NFIP requirements for buildings and structures.

The NFIP regulations require communities to review proposed construction or development in special flood hazard areas. Specifically, the NFIP regulations in Section 60.3 states: "Minimum standards for communities are as follows: (a) . . . the community shall: . . . (1) Require permits for all proposed construction or development . . . ; (2) Review proposed development to . . . ; (3) Review all applications to . . . ; (4) Review subdivision proposals and other new development . . ." <https://www.govinfo.gov/app/details/CFR-2011-title44-vol1/CFR-2011-title44-vol1-part60>

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In 2011-12, the SFMO worked with FEMA, the Florida Building Commission, the Building Officials Association of Florida, and the Florida Floodplain Managers Association to incorporate in the FBC the necessary requirements for buildings in flood hazard areas. As part of that effort, the SFMO examined the matter of permits issued based on affidavits. Prior to the inclusion of Section 107.6.1 and the exception to Section 105.14, many communities individually adopted local administrative amendments with the same limitation.

During the code development cycle for the 5th Edition FBC, FDEM submitted a proposal to incorporate Section 107.6.1 into the FBC (the exception to Section 105.14 was added by amendment to a proposal by others). FDEM's rationale statement is shown below and repeated here for clarify:

Both of these proposed new sections flow from consistency with the NFIP. They were developed by DEM as part of the Model Floodplain Management Ordinance and Code Amendments, reviewed by BOAF, and scrutinized by FEMA. Because FEMA deemed both of these are necessary, it is more efficient for the FBC to include them in Chapter 1, rather than expect every local government to adopt them as local administrative code amendments.

Despite the submission of an affidavit authorized by B107.6, the building official must review plans for compliance with the flood provisions and issue permits and perform inspections to ensure compliance with the flood provisions. Under the NFIP, the community is responsible for ensuring compliance.

*The original proposal (SP5255) included both Section 107.6.1 and Section 117; the exception to Section 105.14 was added to proposal CA5082) by amendments for consistency.

Please contact us at (850) 815-4556 or floods@em.myflorida.com if you have questions about the flood provisions in the FBC or FBC-coordinated floodplain management regulations.

CC: Steve Martin, Roy McClure, Virgilio Chris Perez

Attachment: FBC, Building, Sections 105.14 and 107.6.1 and Proposal for the 5th Ed. FBC, submitted 7/22/2012

ATTACHMENT

FBC, Building Sections 105.14 and 107.6.1

105.14 Permit issued on basis of an affidavit. Whenever a permit is issued in reliance upon an affidavit or whenever the work to be covered by a permit involves installation under conditions which, in the opinion of the building official, are hazardous or complex, the building official shall require that the architect or engineer who signed the affidavit or prepared the drawings or computations shall supervise such work. In addition, they shall be responsible for conformity to the permit, provide copies of inspection reports as inspections are performed, and upon completion make and file with the building official written affidavit that the work has been done in conformity to the reviewed plans and with the structural provisions of the technical codes. In the event such architect or engineer is not available, the owner shall employ in his stead a competent person or agency whose qualifications are reviewed by the building official. The building official shall ensure that any person conducting plans review is qualified as a plans examiner under Part XII of Chapter 468, *Florida Statutes*, and that any person conducting inspections is qualified as a building inspector under Part XII of Chapter 468, *Florida Statutes*.

Exception: Permit issued on basis of an affidavit shall not extend to the flood load and flood resistance requirements of the *Florida Building Code*.

107.6.1 [Affidavits] Building permits issued on the basis of an affidavit. Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Parts 59 and 60), the authority granted to the building official to issue permits, to rely on inspections, and to accept plans and construction documents on the basis of affidavits and plans submitted pursuant to Sections 105.14 and 107.6, shall not extend to the flood load and flood-resistance construction requirements of the *Florida Building Code*.

Mod SP 5255 (approved as submitted)

Mod CA 5082 (submitted by Joe Bigelow to add new Sec. 105.14; FDEM proposed amendment to recapture NFIP; approved as amended.

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SP5255		Date Submitted 7/22/2012	Section 107.6 and 117 (new)	Proponent Rebecca Quinn obo DEM
Chapter 1	Affects HVHZ No	Attachments No		
TAC Recommendation Pending Review				
Commission Action Pending Review				
Related Modifications				
Summary of Modification				
Two administrative amendments that FEMA has deemed necessary to ensure that enforcement of the flood provisions of the FBC remain consistent with the NFIP.				
Rationale				
Both of these proposed new sections flow from consistency with the NFIP. They were developed by DEM as part of the Model Floodplain Management Ordinance and Code Amendments, reviewed by BOAF, and scrutinized by FEMA. Because FEMA has deemed both of these are necessary, it is more efficient for the FBC to include them in Chapter 1, rather than expect every local government to adopt them as local administrative code amendments.				
Despite the submission of an affidavit authorized by B107.6, the building official must review plans for compliance with the flood provisions and issue permits and perform inspections to ensure compliance with the flood provisions. Under the NFIP, the community is responsible for ensuring compliance.				
For consistency with the NFIP, section 553.73(5), F.S., authorizes adoption of procedures for variances; the specific procedures are in the FPM ordinance. Variances are official permission to undertake an activity that is otherwise prohibited or not approvable under the regulations or building code. As specified in section 553.73(5), F.S., the authority to grant variances to the flood provisions does not extend to any requirement in Section 3109, which applies seaward of the Coastal Construction Control Line.				