

Issue - Petition for a non-binding advisory opinion by Jack Butler

Petitioner’s explanation: The three subject amendments (see Exhibit A) preclude Petitioner from being able to create construction documents for single-family construction projects costing at least \$30,000 and for other construction projects costing at least \$15,000. Absent these amendments, Petitioner would be permitted to create single family and other construction documents subject only to the provisions of Chapter 471 and 481, Florida Statutes. As a result, the subject amendments reduce the ability of Petitioner to conduct his design business in the affected portions of Broward County.

Petitioner asserts the three subject amendments are technical in nature because they modify the Florida Building Code and impose additional requirements on building permit applicants. However, Petitioner asserts, under the provisions of Section 553.73(4)(i), Florida Statutes, any local amendment-administrative or technical is subject to Commission review relative to its adoption complying with the procedural requirements of Section 553.73(4), Florida Statutes. As shown in the attached additional information sheets, the Commission itself can only adopt technical amendments, which implicitly classifies all edits to the FBC as being classified as technical amendments. The subject local amendments modify FBC-Building, Section 107.3.4 Design professional in responsible charge.

Petitioner seeks clarification of the following questions:

1. Are the subject amendments, implicitly classified as administrative amendments by BORA, actually technical amendments that are subject to additional requirements prior to and following adoption?
2. Did BORA properly follow the local amendment adoption procedure described in s.553.73(4), Florida Statutes, when the subject amendments were adopted as part of a larger package of amendments?

Background:

7th Edition (2020) Florida Building Code – Building

CHAPTER 1 SCOPE AND ADMINISTRATION

SECTION 107 SUBMITTAL DOCUMENTS

[A] 107.3.4 Design professional in responsible charge. Reserved.

Broward County – Amendments

107.3.4 Design professional in responsible charge. ~~Reserved.~~

107.3.4.0.1 General Requirements for Professional Design. For buildings and/or structures (except single-family residences), alterations, repairs, improvements, replacements or additions, costing fifteen thousand dollars (\$15,000.00) or more, as specified herein, the plans/or specifications shall be prepared and

approved by, and each sheet shall bear the impress seal of an Architect or Engineer. For any work involving structural de-sign, the Building Official may require that plans and/or specifications be prepared by and bear the impress seal of an Engineer, regardless of the cost of such work.

Exception: Roofing as set forth in FBC Chapter 15.

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107.3.4.0.3 For alterations, repairs, improvements, replacements or additions to a single-family residence, costing thirty thousand dollars (\$30,000.00) or more, as specified herein, the plans and/or specifications shall be prepared and approved by, and each sheet shall bear the impress seal of an Architect or Engineer. For any work involving structural design, the Building Official may require that plans and/or specifications be prepared by and bear the impress seal of an Engineer, regardless of the cost of such work.

107.3.4.0.4 Plans and/or specifications for work that is preponderantly of architectural nature shall be prepared by and bear the impress seal of an Architect, and such work that involves extensive computation based on structural stresses shall, in addition, bear the impress of seal of an Engineer.

553.71 Definitions - Florida Statutes

(6) “Local technical amendment” means an action by a local governing authority that results in a technical change to the Florida Building Code and its local enforcement.

Staff Analysis:

Question 1:

Are the subject amendments, implicitly classified as administrative amendments by BORA, actually technical amendments that are subject to additional requirements prior to and following adoption?

Answer: The answer to the Petitioner’s is no.

Question 2:

Did BORA properly follow the local amendment adoption procedure described in s.553.73(4), Florida Statutes, when the subject amendments were adopted as part of a larger package of amendments?

Answer: This question falls outside the scope of a nonbinding advisory opinion petition.