

**CERTIFICATION REQUIREMENTS OF “STRUCTURAL INSPECTOR”
UNDER CHAPTER ONE OF THE FLORIDA BUILDING CODE AS AMENDED BY
BROWARD COUNTY, FLORIDA**

At the July 9, 2020 meeting of the Broward County Board of Rules and Appeals an issue was discussed extensively relating to a request for certification of an applicant to be appointed as a “Structural Inspector.”

During this discussion, I found two issues that I believe should be clarified and explained. Note that sections of the Code that are quoted in this document are in italics.

I. ISSUE NO. 1 – CERTIFICATION REQUIREMENTS

During the discussions at the July 9, 2020 meeting, it was obvious that there is a serious misunderstanding of the Florida Building Code requirements stated in Chapter 1, Broward County Amendments relating to the requirements for certification of an applicant as a “Structural Inspector.” I hope that the following will clarify the requirements and eliminate the misunderstandings.

A. CURRENT FLORIDA BUILDING CODE WITH BROWARD COUNTY AMENDMENTS

The current version of Chapter One of the Broward County Amendments Supplement No.1 dated March 2020 to the Florida Building Code 6th Edition 2017 relating to Certification of the Structural Inspector Section 104.16.3 states as follows.

104.16.3 Certification of the Structural Inspector. To be eligible for appointment as a Structural Inspector, such person shall be certified by BCAIB as a Standard Inspector or be a Florida Registered Architect or Florida Licensed Professional Engineer in the discipline requested.

104.16.3.1 Such person shall also be certified by BORA by meeting the requirements of at least one (1) of the following:

104.16.3.1.1 Be a Florida Registered Architect or a Florida Licensed Professional Engineer in the discipline requested with two (2) years of HVHZ experience or by passing BORA's HVHZ exam.

104.16.3.1.2 Be a BCAIB certified Standard Inspector in the Structural discipline with five (5) years of experience within the State of Florida, of which, two (2) years shall have been within HVHZ or by passing BORA's HVHZ exam. An individual qualifying through this path shall be required to acquire a G.C. license, by exam, within one (1) year of initial certification as an inspector.

104.16.3.1.3 *Be a licensed G.C. with at least five (5) years of experience within the State of Florida in the Structural discipline with that license of which, two (2) years shall have been within the HVHZ or by passing BORA's HVHZ exam.*

104.16.3.1.4 *Five (5) years construction experience in the Structural discipline in a supervisory capacity of which at least two (2) years shall have been within the jurisdiction of HVHZ or by passing BORA's HVHZ exam. An individual qualifying through this path shall be required to acquire an Unlimited G.C. license, by exam, from either the Construction Industry Licensing Board (CILB), Broward County Examining Board or the Miami-Dade Construction Trades Qualifying Board, within one (1) year of initial certification as an inspector.*

104.16.3.1.5 *Ten (10) years construction experience in the Structural discipline of which at least two (2) years shall have been within the jurisdiction of the HVHZ or by passing BORA's HVHZ exam. An individual qualifying through this path shall be required to acquire an Unlimited G.C. license, by exam, from either the Construction Industry Licensing Board (CILB), Broward County Examining Board or the Miami-Dade Construction Trades Qualifying Board, within one (1) year of initial certification as an inspector.*

104.16.3.2 *An applicant for Certification as a Structural Inspector under the provisions of this section who is a graduate from an accredited school holding a Bachelor or Associate of Science Degree in Engineering, Architecture or Building Construction may be credited for two (2) years for Bachelor Degree or one (1) year for an Associate Degree towards the combined experience requirements. This credit is not applicable towards the requirements under Section 104.16.3.1.1.*

104.16.3.3 *Limited Building or Residential Inspector certifications may be issued to individuals holding current Building Contractor or Residential Contractor licenses and who otherwise meet the requirements of the appropriate section under which they are qualifying, with duties limited to the scope of work authorized by their license.*

104.16.3.4 *An applicant for certification as Structural Inspector under the provisions of this section may only substitute the required two (2) year HVHZ experience with two (2) years of statewide experience by passing the BORA HVHZ exam.*

B. HISTORICAL CODE PRECEDENT - South Florida Building Code (Prior to The Florida Building Code)

1. In the early days of the South Florida Building Code, in order to be certified as a building inspector, the applicant was required to have a minimum of five years construction experience in a supervisory capacity and hold a general contractor certificate of competency. There never was a provision at that time to allow a Registered Architect or licensed Professional Engineer to become certified as an inspector without the five years construction experience.
2. The requirement, allowing a different experience level for a Registered Architect or Licensed Professional Engineer, is the evolution of the requirements that existed prior to the development of the Florida Building Code.
3. The historical evolution of this section (104.16.3.1.1) was to allow a Florida Registered Architect or Registered Professional Engineer to qualify for certification with less than the required five years construction experience previously required.
4. The following outlines the evolution of Code requirements by Code year.
 - a. The **1972 SFBC** Broward County Edition required that the Building Official shall have not less than **five (5) years** experience as either a Registered Professional Engineer, Registered Architect, a General Contractor holding a certificate of competency and in effect at the time of his appointment, or a building official in responsible charge of enforcing a comprehensive building code... The Building Official shall have the power to delegate powers and assignments to subordinate employees working under his authority. There were no qualifications or certifications required for subordinate inspectors. (Sections 201 and 201.1)
 - b. The **1974 SFBC** Broward County Edition saw the first requirement for certification of the Building Official and Inspectors by the Board of Rules and Appeals. Although a person could be certified as a Building Official with **five (5) years** experience as a registered Professional Engineer or registered Architect, this path for certification was not offered to Inspectors, with the exception that they could qualify if they met the same qualifications as that for a Building Official. Otherwise, five **(5) years** of construction experience in a supervisory capacity was required.
 - c. The **1977 SFBC** Broward County Edition had a provision for certification as a Building Official (Chief Building Inspector/Building Plans Examiner had to meet the same requirements as the Building Official) if the applicant was a Registered Architect or Licensed Professional Engineer with **(3) years** of practice within the jurisdiction of the Code. (Section 201.1 (c) (1) and (2))
 - d. The **1984 SFBC** Broward County Edition had a provision for certification as a Building Inspector/Building Plans Examiner if the applicant was a Registered Architect or Licensed Professional Engineer with **(3) years** of practice within the jurisdiction of the Code. (Section 201.2 (A) (3) (a) and (b))

- e. The **1996 SFBC** Broward County Edition allowed a Registered Architect or Licensed Professional Engineer to become certified as a structural inspector with **three (3) years** of practice within the jurisdiction of the Code. (Section 201.1 (B) (3) (a) and (b))
- f. The **1999 SFBC** Broward County Edition, was the last publication of the South Florida Building Code, and the first to allow only **two (2) years** as a Registered Architect or Licensed Professional Engineer and stated as follows:

201.17 STRUCTURAL INSPECTOR as set forth herein:

(a) A Structural Inspector, if properly qualified, may be certified and assigned duties in more than one category.

(b) Such employee shall have the duties and powers as delegated by the Chief Structural Inspector except that the Chief or Head of the Division or Department of Structural Plan Examiners, Roofing Inspectors and Structural Inspectors may not delegate authority to subordinates to interpret provisions of this Code.

201.18 CERTIFICATION OF STRUCTURAL INSPECTOR: *To be eligible for appointment as a Structural Inspector, such person shall be certified by the State of Florida, Building Code Administrators and Inspectors Board (BCIA) as a (Structural) Inspector. (Exception: Florida Registered Architects and Florida Registered Engineers are exempt from BCIA certification only.) Such person shall be certified by the Board of Rules and Appeals and shall meet one or more of the following:*

(a) A Florida Registered Architect or Registered Professional Engineer in the discipline requested and having practiced within the jurisdiction of this Code for at least two (2) years; or

(b) Five (5) years construction experience in the Structural discipline in a supervisory capacity of which at least two (2) years shall have been within the jurisdiction of this Code.

(c) An applicant for Certification as Building Structural Inspector under the provisions of this section who is a graduate from an accredited school holding a Bachelor or Associate of Science Degree in Engineering, Architecture or Building Construction may be credited for three (3) years for Bachelor Degree or one (1) year for an Associate Degree of the required five-year experience. Each of the applicants shall possess a current Certificate of Competency as a General Contractor (Unlimited) issued by:

➤ *Florida Construction Industry Licensing Board*

- *Broward County Central Examining Board of Building Construction Trades (as Class "A" Unlimited General Contractor).*
- *Dade County Construction Trades Qualifying Board, Block proctored, issued on or after January 1, 1968*
- *Any other proctored examination graded by an independent testing agency approved by the Broward County Board of Rules and Appeals.*

C. HISTORICAL CODE PRECEDENT - High Velocity Hurricane Zone (HVHZ)

1. Prior to the creation of the Florida Building Code, experience requirements typically were required to have "taken place within the jurisdiction of this Code," meaning taken place within the jurisdiction of the South Florida Building Code.
2. When the Florida Building Code was created, the High Velocity Hurricane Zone (HVHZ) was also created which included Broward and Dade Counties, the two counties that previously were governed by the South Florida Building Code. At that time, it was recognized that the HVHZ (identical to the jurisdiction of the South Florida Building Code) had specific unique requirements different from the rest of the State of Florida. As a result, it was decided that at least part of the experience required for inspectors should have taken place within the HVHZ. This was true for required construction experience as well as for required experience to have practiced as a Registered Architect or Licensed Professional Engineer.
3. Understanding that the HVHZ experience requirement may unduly limit the pool of available inspectors, as a substitute for the experience having taken place in the HVHZ, an HVHZ exam was created. Passing the HVHZ exam could be substituted for the requirement that part of the required experience had taken place within the HVHZ. The passing of the HVHZ exam was never intended to substitute for any of the years of experience, but only for the HVHZ qualitative requirement and to ensure the understanding of the specific and unique HVHZ requirements. **This is clearly explained in the current Code Section 104.16.3.4 as follows:**

104.16.3.4 An applicant for certification as Structural Inspector under the provisions of this section may only substitute the required two (2) year HVHZ experience with two (2) years of statewide experience by passing the BORA HVHZ exam.

D. THERE WERE TWO PATHS FOR CERTIFICATION DISCUSSED AT THE JULY 9, 2020 MEETING.

1. **Path No. 1 – Be A Florida Licensed Professional Engineer.**

- a. The current Florida Building Code Chapter One with Broward County Amendments states:

104.16.3.1.1 Be a Florida Registered Architect or a Florida Licensed Professional Engineer in the discipline requested with two (2) years of HVHZ experience or by passing BORA's HVHZ exam.

- b. It should be clear from section 104.16.3.1.1 that the applicant must be a Florida Licensed Professional Engineer in the discipline requested (Structural) with two years of HVHZ experience or by passing BORA's HVHZ exam. Section 104.16.3.4 clearly explains that the passing of the HVHZ exam only contributes to the HVHZ requirement and that the two years of statewide experience is still in effect. In other words, even if the applicant passes the exam, the applicant must still be licensed and practicing as a Florida Professional Engineer for two years. Passing of the HVHZ exam does not remove the two-year requirement.

c. Summary of Requirements under Path No. 1

- i. Be a Florida Registered Architect or Licensed Professional Engineer with at least 2 years experience in the State of Florida. (Note that experience means "practicing" as a Registered Architect or Licensed Professional Engineer in the State of Florida for two (2) years after becoming licensed, not working some other trade or practice while being licensed.)
- ii. If the experience is not in the HVHZ, take and pass the HVHZ exam. A total of two (2) years of experience in the State of Florida are still required. The exam only qualifies for the qualitative requirement that the two (2) years must be in the HVHZ. (See 104.16.3.4)

2. Path No. 2 – Be a BCAIB certified standard inspector.

- a. The current Florida Building Code Chapter One with Broward County Amendments states:

104.16.3.1.2 Be a BCAIB certified Standard Inspector in the Structural discipline with five (5) years of experience within the State of Florida, of which, two (2) years shall have been within HVHZ or by passing BORA's HVHZ exam. An individual qualifying through this path shall be required to acquire a G.C. license, by exam, within one (1) year of initial certification as an inspector.

b. Summary of Requirements under Path No. 2

- i. Be a BCAIB certified Standard Inspector in the Structural discipline with five (5) years of experience as such within the State of Florida.

- ii. If two (2) years of the five (5) years experience was not in the HVHZ, take and pass the HVHZ exam. A total of five (5) years experience in the State of Florida are still required. (See 104.16.3.4)

3. **Note that there are three (3) other paths for certification in the Code that were not discussed or presented at the July 9, 2020 meeting relating to the applicant. (See Sections 104.16.3.1.3, 104.16.3.1.4, and 104.16.3.1.5)**

E. CONCLUSIONS

It would seem that the requirements under either Path No. 1 or Path No. 2 as stated in the current Florida Building Code Chapter One with Broward County Amendments are clear.

II. ISSUE NO. 2 – BORA’S POWERS TO WAIVE CERTIFICATION REQUIREMENTS

Discussion also took place at the July 9, 2020 meeting relating to the powers of BORA to **waive or modify** the certification requirements of an applicant.

A. CHAPTER ONE OF THE FLORIDA BUILDING CODE BROWARD COUNTY AMENDMENTS STATES AS FOLLOWS:

Section 113 Board of Rules and Appeals

113.12 Powers.

113.12.1 BORA may interpret the provisions of this Code to cover a special case if it appears that the provisions of this Code do not definitely cover the point raised or that the intent of this Code is not clear or that ambiguity exists in the wording: but it shall have no authority to grant variances where the Code is clear and specific.

B. DISCUSSION

1. Based upon Section 113.12, it would seem clear that BORA **does not** have the authority to **waive or modify** the requirements of the Code relating to certification requirements, only **interpret** them.
2. There seemed to be an opinion by some persons at the meeting that the Board of Rules and Appeals could waive or modify the certification requirements that are clearly stated in the Code because they “felt” that the applicant was a “good person” or that the applicant had “good references” or that the applicant “seemed to be qualified,” although the applicant did not meet the specific requirements that are clearly stated in the Code. Such attributes may be considered by employers regarding hiring of employees;

however, the issues regarding **certification** as to meeting certain minimum standards are quite different.

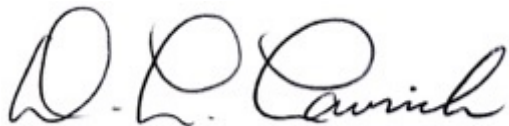
3. I believe that the Code requirements were written to set certain “**minimum**” standards and requirements for **certification** and to ensure that these standards and requirements are met. These standards and requirements were discussed and modified recently by the Broward County Certification Committee and the results of that Committee’s action are embodied in the Code as it is currently written.
4. If there is a desire to change or modify the requirements as set forth in the Code, then there should be a move along proper channels to change the Code, otherwise I believe that the Board of Rules and Appeals has the responsibility to enforce the Code requirements as written.

III. FINAL DISCLOSURE

The foregoing is a statement of the current Code requirements and the historical evolution of those requirements as best as I can provide. The opinions stated are my own and I do not speak for the Board of Rules and Appeals or any other agency. The Code sections should speak for themselves.

I hope that this document can provide a better understanding of the issues discussed. I strongly encourage persons reading and utilizing the Code to read the entire applicable Code sections and subsections and not take single sentences or portions of sections out of context.

Respectfully,



DANIEL L. LAVRICH, P.E., S.I., SECB, F.ASCE, F.SEI

August 20, 2020