

February 23, 2021

**ADVISORY OPINION AS TO REQUIREMENT FOR
OWNER SIGNATURE ON FORM FOR SPECIAL INSPECTOR**

You have asked your attorney to review the law with respect to the Form for “Special Building Inspector” which is used by Building Departments throughout Broward County with respect to any requirement for an Owner’s signature in conjunction with submission of same.

RULE

I. Florida Building Code Sec 110 et. al.

We would first note that FBC Sec 110 pertains to Inspections and that FBC Sec. 110.10 specifically addresses requirements associated with Special Building Inspectors as set forth below::

110.10 Special Building Inspector.

110.10.1 The Building Official upon the recommendation of the Chief Structural Inspector or upon the Building Official’s initiative may require the owner to employ a special inspector for the inspection of the structural framework, or any part thereof, as herein required:

110.10.1.1 Buildings or structures or part thereof of unusual size, height, design or method of construction and critical structural connections.

1. Placement of Piling
2. Windows, glass doors, external protection devices and curtain walls on buildings over two stories.
3. The method or pace of construction requires continuous inspection.
4. In the opinion of the Building Official, any other additional inspections that are required.

110.10.2 The Building Official shall require the owner to employ a special building inspector for the inspections herein required:

- 110.10.2.1 Precast Concrete Units
- 110.10.2.2 Reinforced unit masonry
- 110.10.2.3 Connections
- 110.10.2.4 Metal Building Systems
- 110.10.2.5 Smoke Control Systems

110.10.3 The person employed by the owner as a Special Building Inspector shall be subject to verification of qualifications by the Chief Structural Inspector or Chief Mechanical Inspector, as applicable.

110.10.4 The Chief Structural Inspector or Chief Mechanical Inspector, as applicable shall require that the Architect or Engineer of record submit an inspection plan which shall specify the scope and nature of inspections to be performed. The special building inspector or their authorized representative shall make all inspections in accordance with the approved inspection plan.

110.10.5 Special building inspector shall be an Architect or Engineer or their duly authorized representative.

Exception 1: Building Inspectors (structural) certified by BORA who have satisfactorily completed an approved masonry course may perform inspections of Reinforced Unit Masonry and any precast lintels incorporated into such masonry for Group R-3 Occupancy.

Exception 2: Special building inspector for Smoke control systems shall meet the qualifications required in FBC 909.18.8.2.

110.10.6 The special building inspector shall be responsible for compliance with the applicable portions of the permitted construction documents as delineated in the special building inspection plan and shall submit progress reports and inspection reports to the Chief Structural Inspector or Chief Mechanical Inspector, as applicable, for submittal to the Building Official. Structural inspections performed by the special building inspector shall satisfy the requirements for mandatory inspections by the FBC.

110.10.6.1 A log of all progress reports and inspection reports shall be maintained at the job site.

110.10.6.2 Signed and Sealed progress reports and inspection reports shall be submitted to the Chief Structural Inspector, or Chief Mechanical Inspector, as applicable; for submittal to the Building Official on a weekly basis.

Exception: The Chief Mechanical Inspector, and or Building Official shall determine the frequency for the submitting of progress reports for Smoke Control Systems.

110.10.6.3 The municipality shall monitor the progress of the special building inspector on a regular basis.

110.10.7 At the completion of the work, the special building inspector shall submit a signed and sealed Certificate of Compliance to the Chief Structural Inspector or Chief Mechanical Inspector, as applicable for submittal to the Building Official, stating that the work was done, substantially in accordance with the applicable portions of the permitted construction documents as delineated in the special building inspection plan. Exception: Reports for Smoke Control Systems shall comply with FBC 909.18.8.3 Reports, and FBC 909.18.8.3.1 Report filing.

ANALYSIS

Under the heading of “ACKNOWLEDGMENT” the form in question contains a signature block for “Owner’s Signature” and “Printed Name”[of Owner]. The form further cites “Section 110.10 - Broward County Administrative Code and the Florida Building Code, 7th Edition (2020).” We first note that neither the Florida Building Code nor the Administrative Code cite a signature requirement for this form.

Although section 110.10 of the FBC is mute as to an Owner’s signature requirement it does state that a Building Official may require an Owner to employ a special inspector (110.10.1 and 110.10.2). Section 110.10.2 also states “The Building Official shall require the owner to employ a special building inspector for” certain inspections, however there is no requirement for attestation or verification by the Owner. To the point on this section, the form specifically provides for all information on the Special Inspector including name, address, telephone, fax, and State of Florida registration#. This requirement is supported by the language of Section 110.10.3 which states that the person employed by the Owner may be subject to verification by the Chief Structural or Mechanical Inspector. The Code also addresses that the Chief Structural or Mechanical Inspector “shall require” the Architect or Engineer to submit an inspection plan outlining scope and nature of inspections (110.10.4) and discusses exception for masonry training and fire qualifications (110.10.5). Section 110.10.6 discusses the log book and progress reports requirements as well as frequency of same. Section 110.10.7 addresses the submission of a signed and sealed certificate of compliance by the Chief Structural or Mechanical Inspectors. Specifically, the particular section states:

[T]he special building inspector shall submit a signed and sealed Certificate of Compliance to the Chief Structural Inspector or Chief Mechanical Inspector, as applicable for submittal to the Building Official, stating that the work was done, substantially in accordance with the applicable portions of the permitted construction documents as delineated in the special building inspection plan.

Our review of the Florida Administrative Code and the Florida Building Code 110.10 as set forth above clearly shows that there is no requirement for an Owner’s Signature on the form, and in so saying, an Owner’s Signature is not required .

PERSPECTIVE

Your attorney notes that the form under review requires both Telephone and Fax numbers. Many of the forms which we are asked to review ask for the same information but a great number have no space for emails. On information and belief, a large number of documents in use by the local building departments are in excess of twenty (20) years old and are no longer reflective of current technology or changes in the law. This may be an area for consideration by the Board of Rules and Appeals.

CONCLUSION

Signature requirements attendant with this form are set forth in Section 110.10 of the Florida Building Code, Broward County Edition (7th Edition, 2020). As a matter of law, an Owner's Signature is not required on the FORM FOR SPECIAL BUILDING INSPECTOR in Broward County. We have previously addressed the prospect of different building departments asserting that they have authority to make special conditions, such as unnecessary signatures, a requirement in their jurisdiction and we cannot agree with such a position. There is one Florida Building Code for Broward County and the interpretation of local codes and ordinances is the province of the Board of Rules and Appeals, not the province of local building departments. See Special Act 71-575(3)(a) and 3(c); Section 9.02, Broward County Charter. *See also* State of Florida, Attorney General Opinion August 21, 2018. ¹

Charles M. Kramer, Esq.

**General Counsel to the Broward County
Board of Rules and Appeals**
Florida Bar Board Certified
Construction Lawyer
Florida Supreme Court Qualified Arbitrator
5561 University Drive, Suite 103
Coral Springs FL 33067
Phone 954.323.1023 | Direct 954.947.2523
ckramer@bmwlawyers.net

¹ It is the recommendation of your attorney that the Owner's signature block be removed from the form in question so as to minimize confusion and that a new line be located on the form for email addresses of all signatories