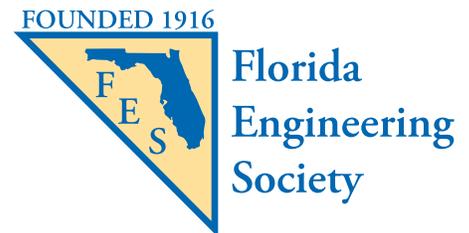

A Building Official's Guide to the Professional Practice of Architects & Engineers in Florida



AIA Florida



Building Officials
Association of Florida



This guide has been developed by a Task Force of representatives from three professional associations, to provide guidance for both design professional and local code compliance officials, with regard to the interpretation of certain aspects of Florida licensing laws. The following associations contributed to this document:

- Building Officials Association of Florida - BOAF
- Florida Association of the American Institute of Architects - AIA Florida
- Florida Engineering Society - FES

Design of the built environment in Florida is regulated by applicable building codes and Florida statutes governing the regulation of the professions. Florida licensed architects and engineers collaborate on the design of new buildings and additions as necessary, within the areas of practice for which they have been trained and educated, to protect the health, safety, and welfare of the citizens of Florida. Architects and engineers are required to sign and seal plans and specifications they prepare for submittal to a permitting agency as a public record. The design of new buildings and building additions can be completed by any qualified licensed design professional as outlined by the state statutes for the applicable design professional. Larger and/or complex projects are best accomplished as a team project.

Registered Interior Designers and Landscape Architects are design professionals that are also defined in Chapter 481 of the Florida Statutes. Practice definitions for those professions are included in the reference section.

Disclaimer – This document is not a substitute or replacement for Florida Statutes or Rules governing the practice of Architecture or Engineering in Florida. This document is a guideline to assist in the application of the governing regulations. Please refer to the Florida Statutes and Florida Administrative Code for the complete text of the items cited in this guide.

Published March 1, 2011

Local building code officials have a responsibility to protect the public welfare. However, their approach and focus is somewhat different from that of the design professionals.

This guide provides a listing of the recommendations for architecture and engineering design team member requirements, according to the following project types:

1. NEW BUILDINGS AND BUILDING Additions- All occupancies except one and two family dwellings
2. EXISTING BUILDING ALTERATIONS OR RENOVATIONS- All occupancies except one and two family dwellings
3. STRUCTURES NOT HAVING HABITABLE OR OCCUPIABLE SPACES
4. ONE AND TWO FAMILY DWELLINGS

The issues surrounding permissible overlaps and cross-scope activities among various design professions, referred to in Florida Statutes as “purely incidental” work, are not easy to resolve. The scopes of practice for these professions overlap, leaving the local government officials with the daunting task of interpreting the intent of state law. This reference guide has been created in an attempt to address these issues. The following pages provide design professionals and local government officials with a better understanding of the roles of design professions.

1. NEW BUILDINGS AND BUILDING

ADDITIONS - All occupancies except one and two family dwellings

Architect - Responsible for comprehensive building design including: life safety, floor plans, elevations, architectural detailing, architectural features, specifications and any aspect related to human habitation of building.

Engineers - Professional engineers are responsible for the engineering design of multiple aspects of a building project. Professional engineers practice based upon their training, knowledge and expertise and are not licensed by any specific discipline. The types of engineering usually provided by professional engineers include the following:

Civil Engineering - Environmental, geotechnical, exterior structural, water resource, coastal, material design or engineering surveys

Structural Engineering - Calculating the physical properties of structural components/ materials that will be exposed to various expected loads

Mechanical Engineering - HVAC systems design. Required for projects when system value and size exceeds statutory or building code limits (see s.471.003)

Plumbing Engineering - Plumbing systems design. Required for projects when plumbing fixture count exceeds statutory or building code limits (see s.471.003)

Electrical Engineering - Electrical systems design. Required for projects when service size exceeds statutory or building code limits (see s.471.003)

Fire Protection Engineering - When fire sprinkler, fire alarm and structural fire protection systems/materials are used and system exceeds statutory or building code limits

Note: Systems below statutory or building code limits for size and/or value, not designed by an engineer, or an architect, must be designed by the appropriate contractor per fs.471.003.

2. EXISTING BUILDING ALTERATIONS OR RENOVATIONS - All occupancies except one and two family dwellings

Design professional participation will depend upon the scope of the project.

Architect - Required when the project scope alters the life safety aspects of the building

Engineers - Professional engineers are responsible for the engineering design of multiple aspects of a building project. Professional engineers practice based upon their training, knowledge and expertise and are not licensed by any specific discipline. The types of engineering usually provided by professional engineers include the following:

Structural Engineering - Required when the project scope includes complex structural components for which loads must be calculated

Civil Engineering - Environmental, geotechnical, structural, water resource, coastal, material design or engineering surveys

Systems Engineering - Required when system exceeds statutory or building code limits

Note: Systems below statutory or building code limits for size and/or value, not designed by an engineer, or an architect, must be designed by the appropriate contractor per s.471.003

3. STRUCTURES NOT HAVING HABITABLE OR OCCUPIABLE SPACES

The designs of structures that are not intended for human occupation are not legally required to be completed by an architect; however, a team approach may still be more appropriate for engineering multiple systems exceeding statutory limitations.

Engineers - Professional engineers are responsible for the engineering design of multiple aspects of a building project. Professional engineers practice based upon their training, knowledge and expertise and are not licensed by any specific discipline. The types of engineering usually provided by professional engineers include the following:

Structural Engineering - Responsible for calculating the physical properties of structural components/materials that will be exposed to expected loads.

Civil Engineering - Environmental, geotechnical, exterior structural, water resource, coastal, material design, or engineering surveys. Required when project value exceeds statutory limits (see s.471.003)

Mechanical Engineering - HVAC systems design. Required for projects when system value exceeds statutory limits (see s.471.003)

Plumbing Engineering - Plumbing systems design. Required for projects when plumbing fixture count exceeds statutory limits (see s.471.003)

Electrical Engineering - Electrical systems design. Required for projects when service size exceeds statutory limits (see s.471.003)

Fire Protection Engineering - When fire sprinkler, fire alarm and fire protection systems are used

4. ONE AND TWO FAMILY DWELLINGS

Architect - May design one and two family dwellings and certify wind load calculations

Structural Engineer - May design one and two family dwellings and certify wind load Calculations.

Note: Professional engineers may also be necessary when loads exceed certain limits per FBC-Residential R301

Each building code official should verify local ordinances or other requirements.

THE SUBMISSION OF PLANS AND OTHER DOCUMENTS

The Task Force acknowledges that there is an overlap among various design professions, both in the area of education and practices. While it is possible that a professional of one profession may competently perform certain aspects of another profession, Florida law and regulations place certain limitations on such activities.

Professional licensing laws require that all professionals practice within their respective areas of knowledge and expertise. As an example, a professional engineer who has an expertise in electrical engineering, but not in structural engineering, is not legally qualified to seal any aspects of projects involving structural engineering; yet there is no indication of this restriction on his or her seal or license. Conversely, the electrical professional engineer may have a project involving a power upgrade to a building that increases the number of required exits from the service entry room from one to two. Certainly, the professional engineer should be allowed to detail and specify the door, if it is within that professional engineer's knowledge and experience. It would be an arbitrary restriction to assert that since the professional engineer does not have an architectural seal, he or she cannot detail and specify the door.

Likewise, an architect may have a project that involves some structural, electrical and HVAC work. The training, examination and practice of the specific architect may qualify him or her to design these systems and therefore place their architectural seal on them, however, when placing their seal on engineering work the architect must follow the Responsibility Rules in Chapter 61G15-30.

The question is then not as narrow as “Who has which seal?” but also “Who has the appropriate experience and education to use their seal on the subject documents?”

The local building code officials in the various jurisdictions in the State of Florida are responsible for determining that the construction documents adequately describe a building project which, when completed, will meet the applicable codes and protect the health, safety and welfare of the public. [While the local building code officials are reasonable in relying to a certain degree on the respective professional seal affixed to the construction documents, they have to keep in mind that they serve as a safety check point and must verify building code compliance.](#)

When a design document does not comply with one or more building code provisions, a correction notice must be issued to inform the applicant that the plans must be revised and resubmitted. Design documents that are grossly non-code compliant may require additional actions that range from informal discussions with the design professional, to following the provisions of fs.553.781, or filing a formal written complaint to the appropriate licensing board.

The following procedure is suggested to local building code officials when they are presented with a set of multi-disciplined construction documents, and it appears to the building code official that the design professional that has sealed the construction documents may not be qualified in the subject area.

A. Review the submissions sealed by a licensed design professional without respect to the appropriateness of a particular seal. Following the review, contact the design professional whose seal appears on the construction documents and request an opportunity for review of the appropriateness of the seal applied in the specific case. As a result of

such review, changes to the documents and/or the involvement of another design professional may result.

B. When a local building code official is not satisfied with the results of this process, he or she could file a written complaint with the appropriate Design Board for investigation of his or her qualifications.

WHAT DOES “PURELY INCIDENTAL” MEAN?

Florida Statutes make reference to the term “purely incidental” in the practice acts for architects and engineers. The meaning of “purely incidental” has sometimes been inconsistently applied and misunderstood by design professionals and building code officials. The term “purely incidental” is not intended to be an all-encompassing term and should not be used as a means of expanding the scope of practice for architects, civil engineers or structural engineers. The term purely incidental implies that such activities are not significant in nature as considered in the context of the work being performed.

A comprehensive way of considering “purely incidental” may be its relation to the education, training, and experience required for practice.

In any and all cases, the definition of “purely incidental” work is subject to:

- Professional judgment and exercise of due care by the design professional; and
- Licensing law, determination of the governing boards, administrative rules, and any existing case law.

When in the opinion of the building code official, it is determined the submitting design professional has submitted work under his/her seal, that is outside his/her area of licensed professional practice or outside the scope of expertise, proficiency, or competency, the building official could refer the matter to the appropriate professional regulating Board for further action.

To report the inappropriate practice of engineering, contact:

Florida Board of Professional Engineers

2507 Callaway Road, Suite 200

Tallahassee, Florida 32303-5268

Phone: 850-521-0500

www.fbpe.org

To report the inappropriate practice of architecture, contact:

Board of Architecture and Interior Design

Division of Professions

1940 North Monroe Street

Tallahassee, FL 32399-0783

Phone: 850-487-1395

www.myfloridalicense.com/dbpr/pro/arch/index.html

To report inappropriate practice by any person or firm regulated by DBPR, contact:

Department of Business and Professional Regulation

1940 North Monroe Street

Tallahassee, FL 32399-0783

Phone: 850-487-1395

<https://www.myfloridalicense.com/entercomplaint.asp?SID=>

POTENTIAL RED FLAGS

Watch out for the following issues which may or may not show a design professional practicing outside the scope of their expertise, proficiency, or competency:

- Architect discipline drawings (“A” sheets) signed and sealed by an engineer.
- Engineering discipline drawings (“S”, “M”, “E”, “P”. Etc) signed and sealed by an architect
- Drawings and/or specifications signed and sealed by an individual who does not show a license number
- Drawings signed and sealed by an out-of-state design professional, or firm
- Title blocks that do not identify the design professional and his or her firm, their address, phone number and license number
- Incomplete or preliminary drawings that are not signed, sealed or dated
- Prototypical, standard drawings and specifications that do not bear the seal, signature and date of a Florida licensee
- Seals that appear to be “cut and pasted” onto the drawings or specifications.
- Individuals listed or named as architects or engineers who are not the persons sealing the drawings
- The architect or engineer is difficult or impossible to contact
- Drawings, specifications and details do not appear to apply to the project
- Drawings have serious and numerous code violations
- Revisions that are not dated and “clouded”
- Revisions missing seal, date and signature

What to do?

- Question the professional as to circumstances and qualifications
- Check the online rosters available for both architects and engineers to confirm that the sealing professional and firm is currently licensed
- Get the issue corrected - reject the drawings and specifications
- Do not issue a permit prior to addressing these items
- If necessary, file a complaint with the appropriate licensing board

ACKNOWLEDGMENTS

AIA Florida / BOAF Joint Task Force
FES / BOAF Joint Task Force
Claudio Grande, CBO
John O’Connor, CBO
Doug Harvey
Dan Kirby, AIA
Richard J. Logan, AIA
Thomas O’Brien, AIA, CBO

Brad Schiffer, AIA
Larry M. Schneider, AIA
Roger Jeffery, PE
Doug Barkley, PE
Steven C. Bassett, PE
Stephen A Gaydosh, PE
Robert Priolo, PE

REFERENCES

Note: References are provided for your convenience and are believed to be accurate at the date of publication; however, they are subject to change over time. Please verify current statutory and code language when evaluating compliance.

FLORIDA BUILDING CODE (2007)

SECTION 106 CONSTRUCTION DOCUMENTS

106.1 Submittal documents.

Construction documents, a statement of special inspections and other data shall be submitted in one or more sets with each application for a permit. The construction documents shall be prepared by a registered design professional where required by Chapter 471, Florida Statutes or Chapter 481, Florida Statutes. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.

106.1.1 Information on construction documents.

Construction documents shall be dimensioned and drawn upon suitable material. Electronic media documents are permitted to be submitted when approved by the building official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the building official (see also Section 106.3.5 Minimum plan review criteria for buildings).

FLORIDA STATE STATUTES (10/18/2010)

471 ENGINEERING

471.003 Qualifications for practice; exemptions.—

- (1) No person other than a duly licensed engineer shall practice engineering or use the name or title of “licensed engineer,” “professional engineer,” or any other title, designation, words, letters, abbreviations, or device tending to indicate that such person holds an active license as an engineer in this state.
- (2) The following persons are not required to be licensed under the provisions of this chapter as a licensed engineer:
 - (a) Any person practicing engineering for the improvement of, or otherwise affecting, property legally owned by her or him, unless such practice involves a public utility or the public health, safety, or welfare or the safety or health of employees. This paragraph shall not be construed as authorizing the practice of engineering through an agent or employee who is not duly licensed under the provisions of this chapter.
 - (b)1. A person acting as a public officer employed by any state, county, municipal, or other governmental unit of this state when working on any project the total estimated cost of which is \$10,000 or less.
 2. Persons who are employees of any state, county, municipal, or other governmental unit of this state and who are the subordinates of a person in responsible charge licensed under this chapter, to the extent that the supervision meets standards adopted by rule of the board.
 - (c) Regular full-time employees of a corporation not engaged in the practice of engineering as such, whose practice of engineering for such corporation is limited to the design or fabrication of manufactured products and servicing of such products.
 - (d) Regular full-time employees of a public utility or other entity subject to regulation by the Florida Public Service Commission, Federal Energy Regulatory Commission, or Federal Communications Commission.

- (e) Employees of a firm, corporation, or partnership who are the subordinates of a person in responsible charge, licensed under this chapter.
- (f) Any person as contractor in the execution of work designed by a professional engineer or in the supervision of the construction of work as a foreman or superintendent.
- (g) A licensed surveyor and mapper who takes, or contracts for, professional engineering services incidental to her or his practice of surveying and mapping and who delegates such engineering services to a licensed professional engineer qualified within her or his firm or contracts for such professional engineering services to be performed by others who are licensed professional engineers under the provisions of this chapter.

471.003 Qualifications for practice; exemptions.

(h) Any electrical, plumbing, air conditioning, or mechanical contractor whose practice includes the design and fabrication of electrical, plumbing, air conditioning, or mechanical systems, respectively, which she or he installs by virtue of a license issued under chapter 489, under part I of chapter 553, or under any special act or ordinance when working on any construction project which:

1. Requires an electrical or plumbing or air conditioning and refrigeration system with a value of \$125,000 or less; and
2. a. (Electrical) Requires an aggregate service capacity of 600 amperes (240 volts) or less on a residential electrical system or 800 amperes (240 volts) or less on a commercial or industrial electrical system;
b. (Plumbing) Requires a plumbing system with fewer than 250 fixture units; or
c. (HVAC) Requires a heating, ventilation, and air conditioning system not to exceed a 15 ton per system capacity, or if the project is designed to accommodate 100 or fewer persons

(i) Any general contractor, certified or registered pursuant to the provisions of chapter 489, when negotiating or performing services under a design-build contract as long as the engineering services offered or rendered in connection with the contract are offered and rendered by an engineer licensed in accordance with this chapter.

(3) Notwithstanding the provisions of this chapter or of any other law, no licensed engineer whose principal practice is civil or structural engineering, or employee or subordinate under the responsible supervision or control of the engineer, is precluded from performing architectural services which are purely incidental to her or his engineering practice, nor is any licensed architect, or employee or subordinate under the responsible supervision or control of the architect, precluded from performing engineering services which are purely incidental to her or his architectural practice. However, no engineer shall practice architecture or use the designation “architect” or any term derived there from, and no architect shall practice engineering or use the designation “engineer” or any term derived there from.

471.005 Definitions. As used in this chapter, the term:

(7) “Engineering” includes the term “professional engineering” and means any service or creative work, the adequate performance of which requires engineering education, training, and experience in the application of special knowledge of the mathematical, physical, and engineering sciences to such services or creative work as consultation, investigation, evaluation, planning, and design of engineering works and systems, planning the use of land and water, teaching of the principles and methods of engineering design, engineering surveys, and the inspection of construction for the purpose of determining in general if the work is proceeding in compliance with drawings and specifications, any of which embraces such services or work, either public or private, in connection with any utilities, structures, buildings, machines, equipment, processes, work systems, projects, and industrial or consumer products or equipment of a mechanical, electrical, hydraulic, pneumatic, or thermal nature, insofar as they involve safeguarding life, health, or property; and includes such other professional services as may be necessary to the planning, progress, and completion of any engineering services. A person who practices any branch of engineering;

who, by verbal claim, sign, advertisement, letterhead, or card, or in any other way, represents himself or herself to be an engineer or, through the use of some other title, implies that he or she is an engineer or that he or she is licensed under this chapter; or who holds himself or herself out as able to perform, or does perform, any engineering service or work or any other service designated by the practitioner which is recognized as engineering.

481 ARCHITECTURE, INTERIOR DESIGN AND LANDSCAPE ARCHITECTURE

481.203 Definitions. As used in this part:

- (3) “Architect” or “registered architect” means a natural person who is licensed under this part to engage in the practice of architecture.
- (6) “Architecture” means the rendering or offering to render services in connection with the design and construction of a structure or group of structures which have as their principal purpose human habitation or use, and the utilization of space within and surrounding such structures. These services include planning, providing preliminary study designs, drawings and specifications, job site inspection, and administration of construction contracts.
- (8) “Interior design” means designs, consultations, studies, drawings, specifications, and administration of design construction contracts relating to nonstructural interior elements of a building or structure. “Interior design” includes, but is not limited to, reflected ceiling plans, space planning, furnishings, and the fabrication of nonstructural elements within and surrounding interior spaces of buildings. “Interior design” specifically excludes the design of or the responsibility for architectural and engineering work, except for specification of fixtures and their location within interior spaces. As used in this subsection, “architectural and engineering interior construction relating to the building systems” includes, but is not limited to, construction of structural, mechanical, plumbing, heating, air-conditioning, ventilating, electrical, or vertical transportation systems, or construction which materially affects life-safety systems pertaining to fire-safety protection such as fire rated separations between interior spaces, fire rated vertical shafts in multistory structures, fire rated protection of structural elements, smoke evacuation and compartmentalization, emergency ingress or egress systems, and emergency alarm systems.

481.229 Exceptions; exemptions from licensure.

- (1) No person shall be required to qualify as an architect in order to make plans and specifications for, or supervise the erection, enlargement, or alteration of:
 - (a) Any building upon any farm for the use of any farmer, regardless of the cost of the building;
 - (b) Any one-family or two-family residence building, townhouse, or domestic outbuilding appurtenant to any one-family or two-family residence, regardless of cost; or
 - (c) Any other type of building costing less than \$25,000, except a school, auditorium, or other building intended for public use, provided that the services of a registered architect shall not be required for minor school projects pursuant to s. 1013.45.
- (4) Notwithstanding the provisions of this part or of any other law, no registered engineer whose principal practice is civil or structural engineering, or employee or subordinate under the responsible supervision or control of the engineer, is precluded from performing architectural services which are purely incidental to his or her engineering practice, nor is any registered architect, or employee or subordinate under the responsible supervision or control of such architect, precluded from performing engineering services which are purely incidental to his or her architectural practice. However, no engineer shall practice architecture or use the designation “architect” or any term derived there from, and no architect shall practice engineering or use the designation “engineer” or any term derived there from.

481.303 Definitions

- (6) “Landscape architecture” means professional services, including, but not limited to, the following:
- (a) Consultation, investigation, research, planning, design, preparation of drawings, specifications, contract documents and reports, responsible construction supervision, or landscape management in connection with the planning and development of land and incidental water areas, including the use of Florida-friendly landscaping as defined in s.373.185, where, and to the extent that, the dominant purpose of such services or creative works is the preservation, conservation, enhancement, or determination of proper land uses, natural land features, ground cover and plantings, or naturalistic and aesthetic values;
 - (b) The determination of settings, grounds, and approaches for and the siting of buildings and structures, outdoor areas, or other improvements;
 - (c) The setting of grades, shaping and contouring of land and water forms, determination of drainage, and provision for storm drainage and irrigation systems where such systems are necessary to the purposes outlined herein; and
 - (d) The design of such tangible objects and features as are necessary to the purpose outlined herein.
- (7) “Landscape design” means consultation for and preparation of planting plans drawn for compensation, including specifications and installation details for plant materials, soil amendments, mulches, edging, gravel, and other similar materials. Such plans may include only recommendations for the conceptual placement of tangible objects for landscape design projects. Construction documents, details, and specifications for tangible objects and irrigation systems shall be designed or approved by licensed professionals as required by law.

553 BUILDING CONSTRUCTION STANDARDS

553.781 Licensee accountability.

- (1) The Legislature finds that accountability for work performed by design professionals and contractors is the key to strong and consistent compliance with the Florida Building Code and, therefore, protection of the public health, safety, and welfare. The purpose of this section is to provide such accountability.
- (2) (a) Upon a determination by a local jurisdiction that a licensee, certificateholder, or registrant licensed under chapter 455, chapter 471, chapter 481, or chapter 489 has committed a material violation of the Florida Building Code and failed to correct the violation within a reasonable time, such local jurisdiction shall impose a fine of no less than \$500 and no more than \$5,000 per material violation.
- (b) If the licensee, certificate holder, or registrant disputes the violation within 30 days following notification by the local jurisdiction, the fine is abated and the local jurisdiction shall report the dispute to the Department of Business and Professional Regulation or the appropriate professional licensing board for disciplinary investigation and final disposition. If an administrative complaint is filed by the department or the professional licensing board against the certificate holder or registrant, the commission may intervene in such proceeding. Any fine imposed by the department or the professional licensing board, pursuant to matters reported by the local jurisdiction to the department or the professional licensing board, shall be divided equally between the board and the local jurisdiction which reported the violation.
- (3) The Department of Business and Professional Regulation, as an integral part of the automated information system provided under s. 455.2286, shall establish, and local jurisdictions and state licensing boards shall participate in, a system of reporting violations and disciplinary actions taken against all licensees, certificate holders, and registrants under this section that have been disciplined for a violation of the Florida Building Code. Such information shall be available electronically. Any fines collected by a local jurisdiction pursuant to subsection (2) shall be used initially to help set up the parts of the reporting system for which such local jurisdiction is responsible. Any remaining moneys shall be used solely for enforcing the Florida Building Code, licensing activities relating to the Florida Building Code, or education and training on the Florida Building Code.

(4) Local jurisdictions shall maintain records, readily accessible by the public, regarding material violations and shall report such violations to the Department of Business and Professional Regulation by means of the reporting system provided in s. 455.2286.

For purposes of this section, a material code violation is a violation that exists within a completed building, structure, or facility which may reasonably result, or has resulted, in physical harm to a person or significant damage to the performance of a building or its systems. Except when the fine is abated as provided in subsection (2), failure to pay the fine within 30 days shall result in a suspension of the licensee's, certificate holder's, or registrant's ability to obtain permits within this state until such time as the fine is paid. Such suspension shall be reflected on the automated information system under s. 455.2286.