

Florida Statute 627.706 – The FBPE’s Determination

Recently the Florida Board of Professional Engineers (FBPE) was asked to provide a clarification regarding the question: *“Is the determination of sinkhole loss as defined in Florida Statute 627.706 the responsibility of professional engineers?”* This article contains the pertinent excerpts from its response and offers them here as guidance to those whose practice includes the determination, evaluation and/or remediation of sinkholes and structures impacted by sinkholes.

Florida Statute 627.706 & 627.707

Chapter 627.706 and 627.707 of Florida’s Statutes serve to regulate insurance and more specifically the determination and/or evaluation of sinkholes and buildings impacted by sinkholes for purposes of determining insurance coverage. In May of 2011 Florida’s legislature amended Chapter 627.706 of its Statutes to include, among other things, a definition of structural damage. In short, the definition of structural damage that was added establishes the criteria by which a building is to be evaluated for purposes of determining insurance coverage. This definition is unique to these two Chapters and is not transferable or applicable outside of these two chapters. It’s fair to say that the definition is complex and requires a firm understanding of structural engineering principals and Florida Building Code requirements.

Determination

In response to the request for a determination, the FBPE has reviewed Section 627.706 of Florida Statute with respect to the activities required and offers the following;

Sinkhole ; With respect to determining the presence of a **“Sinkhole”**, it is the opinion of the FBPE that in general the activities required to determine the presence of a **“Sinkhole”** as outlined and required by **F.S. 627.706(2)(h)** do not solely in and of themselves constitute the practice of engineering. More specifically, it would appear that in general this determination could be made by a licensed geologist.

“Sinkhole” as defined within F.S. 627.706(2)(h) reads: “a landform created by subsidence of soil, sediment, or rock as underlying strata are dissolved by groundwater. A sinkhole forms by collapse into subterranean voids created by dissolution of limestone or dolostone or by subsidence as these strata are dissolved”.

Sinkhole Activity ; With respect to determining **“Sinkhole activity”**, it is the opinion of the FBPE that in general the activities required to determine **“Sinkhole activity”** as outlined and required by **F.S. 627.706(2)(i)** do not solely in and of themselves constitute the practice of engineering. More specifically, it would appear that in general this determination could be made by a licensed geologist.

“Sinkhole activity” as defined within F.S. 627.706(2)(i) reads: “settlement or systematic weakening of the earth supporting the covered building only if the settlement or systematic weakening results from contemporaneous movement or raveling of soils,

sediments, or rock materials into subterranean voids created by the effect of water on a limestone or similar rock formation”.

Structural Damage ; With respect to determining “**Structural damage**”, it is the opinion of the FBPE that in general the activities required to determine “**Structural damage**” as outlined and required by **F.S. 627.706(2)(k)** do solely in and of themselves constitute the practice of engineering.

*“**Structural damage**” as defined within **F.S. 627.706(2)(k)** reads: “a covered building, regardless of the date of its construction, has experienced the following: 1. Interior floor displacement or deflection in excess of acceptable variances as defined in ACI 117- 90 or the Florida Building Code, which results in settlement-related damage to the interior such that the interior building structure or members become unfit for service or represents a safety hazard as defined within the Florida Building Code; 2. Foundation displacement or deflection in excess of acceptable variances as defined in ACI 318-95 or the Florida Building Code, which results in settlement-related damage to the primary structural members or primary structural systems that prevents those members or systems from supporting the loads and forces they were designed to support to the extent that stresses in those primary structural members or primary structural systems exceeds one and one-third the nominal strength allowed under the Florida Building Code for new buildings of similar structure, purpose, or location; 3. Damage that results in listing, leaning, or buckling of the exterior load-bearing walls or other vertical primary structural members to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base as defined within the Florida Building Code; 4. Damage that results in the building, or any portion of the building containing primary structural members or primary structural systems, being significantly likely to imminently collapse because of the movement or instability of the ground within the influence zone of the supporting ground within the sheer plane necessary for the purpose of supporting such building as defined within the Florida Building Code; or 5. Damage occurring on or after October 15, 2005, that qualifies as “substantial structural damage” as defined in the Florida Building Code”.*

Sinkhole Loss; With respect to determining “**Sinkhole loss**”, while it is the opinion of the FBPE that in general the activities required to make the determination of “**Sinkhole loss**” as outlined and required by **F.S. 627.706(2)(j)** (“**Structural Damage**” and “**Sinkhole Activity**”) do as previously discussed involve the practice of engineering, making the actual determination of “**Sinkhole loss**” does not in and of itself solely constitute the practice of engineering.

*“**Sinkhole damage**” as defined within **F.S. 627.706(2)(j)** reads: “structural damage to the covered building, including the foundation, caused by sinkhole activity. Contents coverage and additional living expenses apply only if there is structural damage to the covered building caused by sinkhole activity”.*

Sinkhole Remediation / Repair; With respect to remedial measures associated with “**Sinkhole activity**” and/or “**Structural Damage**”, it is the opinion of the FBPE that in general the activities required to

develop and/or offer opinions on remedial measures associated with “***Sinkhole activity***” and/or “***Structural damage***”, whether subsurface or structural, do in and of themselves constitute the practice of engineering.

On a final note, regarding developing a better understanding of F.S. 627.706 as well as appropriate identification and remediation practices, we encourage seeking guidance from legitimate industry organizations.