

Imminent Threats To Public Safety

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Imminent threats to public safety from the constructed environment are not as rare as one might think. One example of an imminent threat to public safety would include a damaged overhead sign that upon inspection is found to be supported by a single fastener that is actively failing. This case would fall under the heading of **Dangerous** as found within the **Florida Existing Building Code**.

DANGEROUS. Any building, structure or portion thereof that meets any of the conditions described below shall be deemed dangerous:

- 1.** The building or structure has collapsed, partially collapsed, moved off its foundation or lacks the support of ground necessary to support it.
- 2.** There exists a significant risk of collapse, detachment or dislodgment of any portion, member, appurtenance or ornamentation of the building or structure under service loads.

Another example would include aluminum 12 and 14 gage distribution (romax style) wiring within a building that has copper post fixtures attached to it. While this type of distribution wire was permitted by the building code in the early 1970's, it has since been banned and when used to service copper post fixtures has been determined to represent an imminent fire hazard.

Yet another example would include establishing the presence of **Structural Damage** as defined within Florida's statute **627.706(2)(k) 4**. Determining Structural Damage as defined within 627.706(2)(k) 4 requires that "... the building, or any portion of the building containing primary structural members or primary structural systems, being significantly likely to imminently collapse ..."

627.706(2)(k) 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

The Professional's Obligation

When a licensed professional encounters a situation where a real and imminent threat to public safety is found to exist, that same professional has to honor his/her obligation under **F.A.C. 61G15-19.001(4)** and **F.A.C. 61G15-19.001(6)**. Specifically, licensed engineers in the State of Florida are required by Administrative Code to utilize due care and maintain due regard for acceptable standards of engineering principles. In other words, when a licensed engineer becomes aware of a real and imminent threat to public safety, that professional is required to

point out and make known the threat. In addition, licensed professionals have an obligation to make sure that the appropriate parties are notified.

F.A.C. 61G15-19.001(4) *A professional engineer shall not be negligent in the practice of engineering. The term negligence set forth in Section 471.033(1)(g), F.S., is herein defined as the failure by a professional engineer to utilize due care in performing in an engineering capacity or failing to have due regard for acceptable standards of engineering principles.*

F.A.C. 61G15-19.001(6)(l) *A professional engineer shall not commit misconduct in the practice of engineering. Misconduct in the practice of engineering as set forth in Section 471.033(1)(g), F.S., shall include, but not be limited to: If his engineering judgment is overruled by an unqualified lay authority with the results that the public health and safety is threatened, failure by a professional engineer to inform his employer, responsible supervision and the responsible public authority of the possible circumstances;*

Notification

Therefore, at a minimum the licensed professional has an obligation to inform his/her employer and the party providing responsible supervision (most often the owner). If however, the licensed professional has reason to believe that his opinion will be overruled and/or ignored resulting in the public health and safety being threatened, then the licensed professional is required to notify the responsible public authority (most often the Building Department, fire department or health department) of the real and imminent threat to public safety.

Whether a structure meets the requirements of **Dangerous** as found within the **Florida Existing Building Code**, is found to contain aluminum 12 and 14 gage distribution (romax style) wiring with copper post fixtures attached to it, a structure is found to meet criterion **#4** of **Structural Damage** as defined within Florida's statute **627.706(2)(k)**, or some other threat to public safety, licensed engineers within the State of Florida have an obligation to inform their employer, the party providing responsible supervision and when appropriate the responsible public authority of the threat.

To report a violation please contact either Jason Moore (Investigator with FBPE) at (850) 521-0500 Ext: 109 jmoore@fbpe.org or Wendy Anderson (Investigator with FBPE) at (850) 521-0500 Ext: 119 wanderson@fbpe.org.