



Florida Building Code Binding Interpretation Report Number 140

Date: June 16, 2017

Report: 140

Edition: see below

Sections: see below

Question 1: Does a permit, issued under the 2007 FBC, which allowed for the use of fill in certain specific locations and with specific contours also authorize that same fill to be placed in 2014, in other locations and with other contours in violation of Section 1804.4 (FBC 2010, 2014)?

Question 2: Does Section 110.1 (FBC 2014) or Section 109.1 (FBC 2007) allow an inspection to remain classified as “approved” or is it classified as not valid, after it has been demonstrated that the work done, for that inspection, either violated or canceled the provisions of the Florida Building Code or other ordinances of the jurisdiction?

Question 3: Does the Section 110.1 (FBC 2014) or Section 109.1 (FBC 2007) reference to “provisions of other ordinances of the jurisdiction” pertain to local flood plain management ordinances, the code of federal regulations, or Florida statutes?

Question 4: Does the Section 105.4.1 (FBC 2007, 2014) reference to “technical codes” include fill and particularly Section 1804.4 (FBC 2010, 2014)?

Question 5: Is the work, where the only approved inspection for more than 250 days is later deemed not valid, still considered in “active progress” pursuant to Section 105.4.1.3 (FBC 2007, 2014)?

Question 6: Is the work, where the only approved inspection for more than 250 days, still considered in “active progress” pursuant to Section 105.4.1.3 (FBC 2007, 2014), after it has been demonstrated that the work done, for that inspection, was removed in its entirety, prior to the next approved inspection?

Question 7: If the work is not considered in “active progress” per Section 105.4.1.3 is the permit considered expired pursuant to Section 105.4.1.1 (FBC 2007, 2014)?

Answer:

The Panel is without jurisdiction to rule on this request as the Petitioner does not have standing under the provisions of Florida Statute 553.775(3)(c).

Under Florida Statute 553.775(3)(c), a ruling can only be made on decisions of local building officials and local enforcement agencies regarding interpretations “after the local board of appeals has considered the decision, if such board exists,…” In this case, a local board of appeals does exist and has not considered the decision of the building official. The reason that the local board has not considered the request of the petitioner is not an issue for consideration by the Panel under 553.775(3)(c). Only the fact that a local board exists and that it has not considered the decision of the building official is material. Therefore, the Panel is without jurisdiction to act on this interpretation request as the Petitioner does not have standing under 553.775(3)(c). The Panel dismisses the interpretation request with no action.

NOTICE:

The Building Officials Association of Florida, in cooperation with the Florida Building Commission, and the Florida Department of Business & Professional Regulation, provides this interpretation of the Florida Building Code in the interest of consistency and application of the Building Code statewide. This interpretation is binding and not subject to acceptance and approval by the local building official.