



Florida Building Code Binding Interpretation Report Number 141

Date: June 16, 2017

Report: 141

Edition: see below

Sections: see below

Question 1: Does Section 108.1 allow the reopening or renewal of a temporary permit more than 180 days after the temporary structure was put into service?

Question 2: Does either Section 108.2 or Section 3103 require temporary chain link fences in High Velocity Hurricane Zones meet the requirements of Section 2224.2?

Question 3: Is it a violation, of the Florida Building Code, if a temporary structure remains in service after expiration or closure of the permit under which it was built?

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.