

9B-3.055 Binding Interpretations of the Florida Building Code, Forms Adopted.

(1) Petitions for binding interpretations of the Florida Building Code shall be made through the Building Code Information System on the Internet in accordance with the provisions of Section 553.775, Florida Statutes.

(2) A fee of \$250 shall be paid by petitioner by credit card or electronic check upon such submission to cover processing costs.

(3) The following form is adopted for use in conjunction with issuance of a binding interpretation:

(a). Florida Building Commission, Petition for Binding Interpretation, Form No. 9B-3.055(1), November, 2005 (electronic version).

(4) The Petitioner shall print two (2) completed petitions for submittal to the enforcement agency that rendered the decision that is the subject of the petition. The enforcement agency shall stamp each of the petitions submitted with the time and date of receipt, retain one copy and return one to the Petitioner, who shall retain the stamped petition for submittal in the event that receipt of the petition or the time thereof become material to the dispute.

(5) Within 5 working days after receipt, the local building official shall respond to the petition through the Building Code Information System, or in writing, including statements 1) admitting or denying the statements contained in the petition, 2) of the interpretation of the provisions of the Florida Building Code deemed correct by the local building official or jurisdiction, and 3) containing the basis for the interpretation, and shall return the petition with his or her response to the petitioner. The petitioner may file the petition with the Commission at any time after it is returned to him or her, or after 10 days if the local building official has not responded. The Commission shall immediately publish the petition online on the Building Code Information System, accept online comments from interested parties for a period of seven calendar days, and provide copies of the petition to a panel. The panel shall conduct proceedings as necessary to resolve the issue, considering the petitioner's arguments, the building official's response and comments made on the petition, and shall issue an interpretation within 21 days of the petition's submittal, based either on code language or the intent of the code. The 21 days may be waived only upon consent of all parties. The interpretation shall be provided to the Commission, which shall post it online on the Building Code Information System and in the Florida Administrative Weekly. The interpretation shall be binding to all parties and all jurisdictions subject to the code unless it is superseded by a declaratory statement issued by the Florida Building Commission or by a final order entered after an appeal proceeding conducted. Appeals to interpretations shall be filed within 30 days of issuance of an interpretation and shall be conducted in accordance with Chapter 120 and the uniform rules of procedure.

(6) The interpretation rendered by the panel of building code administrators shall become final upon the earlier of the resolution of any appeal of that interpretation before the Florida Building Commission or the expiration of the time period in which to initiate such appeal.

REPORT ON THE BINDING INTERPRETATION RULE, 9B-3.055
Working Group Meeting
October 10, 2005

Attendees: Cindy Loomis, Harah Day, Ila Jones, Bill Dunbough, Don Fuchs, Doug Murdock, Larry Sneider, Bob McCormack, Dick Browdy, Ann Stanton

The group met from 1:30 pm until 3:15 pm.

Draft Rule 9B-3.055 was reviewed. Changes were suggested to make it better reflect the way it will be implemented on the Building Code Information System.

Cindy Loomis and Harah Day of ISS walked the group through the online Petition for Binding Interpretation, Form 9B-3.005(1), November, 2005, process. Comments were solicited from the group on how the online appeal for a Binding Interpretation will be conducted and how to make the BCIS screens more usable.

Suggested changes will be made to the BCIS system by Friday, October 14, and emailed to the group. Any comments on those changes should be received by October 21, 2005.

BCIS Binding Interpretation screens will be available to the Florida Building Commission by October 31, 2005, in time for consideration at the December 5, 2005, meeting.

The system will be beta tested in mid-January, 2006, and is scheduled for release on January 31, 2006.