



Florida Building Code Binding Interpretation

Report Number 243

Date: January 4, 2023

Report: 243

Code Edition: 6th Edition (2014) Florida Building Code – Building

Sections: 105.4.1.1, 105.4.1.3 & 105.6

Text of code provisions:

105.4.1.1

If work has commenced and the *permit* is revoked, becomes null and void, or expires because of lack of progress or abandonment, a new *permit* covering the proposed construction shall be obtained before proceeding with the work.

105.4.1.3

Work shall be considered to be in active progress when the *permit* has received an approved inspection within 180 days. This provision shall not be applicable in case of civil commotion or strike or when the building work is halted due directly to judicial injunction, order or similar process.

105.6 Denial or revocation.

Whenever a *permit* required under this section is denied or revoked because the plan, or the construction, erection, alteration, modification, repair, or demolition of a building, is found by the local enforcing agency to be not in compliance with the *Florida Building Code*, the local enforcing agency shall identify the specific plan or project features that do not comply with the applicable codes, identify the specific code chapters and sections upon which the finding is based, and provide this information to the *permit* applicant. If the local building code administrator or inspector finds that the plans are not in compliance with the *Florida Building Code*, the local building code administrator or inspector shall identify the specific plan features that do not comply with the applicable codes, identify the specific code chapters and sections upon which the finding is based, and provide this information to the local enforcing agency. The local enforcing agency shall provide this information to the *permit* applicant

Appeal question requesting a response:

The applicant is challenging the revocation of a building permit by the local jurisdiction and requests the panel to determine:

- 1) Whether the building official has the ability to revoke a permit due to a “lack of progress” on the project, and
- 2) Whether a “lack of progress” was intended to encompass minimal amounts of progress.

Answers:

- 1) Yes; the building official has the ability to revoke a permit due to a “lack of progress.”
- 2) No; the existence of some progress on the project means there is not a “lack of progress.”

Comment:

The Panel felt that the term “lack of progress” was not sufficiently defined in the Building Code, and the use of the term [lack of] “extensive progress” by the building inspector is subjective and not a term found in the Building Code.

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.