



## **Florida Building Code Binding Interpretation Report No. 153**

**Date:** February 26, 2018

**Report:** 153

**Edition:** 2014 – 5<sup>th</sup> Edition

**Sections:** 104.9, 105.6, 105.14, 107.4, 107.6, 111.4 Florida Building Code  
(Building Volume)

**Issue:** Section 104.9, FBC should be interpreted at the very least to mean that when, as here, a building official has approved the material based on required documents submitted by Petitioner but has denied local product approval based upon failure to submit an affidavit from the Engineer of Record stating that the approved materials have been installed pursuant to such approval, that Petitioner (and the Engineer of Record) has a right to conduct such an inspection prior to a denial by the building official and in accordance with the official's own instructions. Further, when the building official or his inspector has already inspected the installed material and such installation passed final inspection, the same material should receive final permit approval when the only amendment to the permit application after initially being passed was the name of the material manufacturer. The installation method for the metal roofing panels is identical, save for the name of the manufacturer. If the installation was adequate before a minor amendment regarding the manufacturer was made, it stands to reason the inspection results should remain the same after and the permit should be immediately reinstated and finalized without any further inspections being required.

**Comment:** A metal roofing system was permitted and installed on a dwelling (Group R-3 building) based upon a Florida Product Approval of the metal roofing system. The metal roofing system was inspected and approval by the jurisdiction's building department. The building owner had a dispute with the roofing contractor alleging that the roofing was improperly installed and the job was unfinished. The local building official revoked the permit upon learning that the metal roofing material installed was not the same approved roofing material indicated in the roofing permit. The roofing contractor had "mistakenly" submitted documents for a different metal roofing system

than indicated in the original permit application. The building official then required supporting documentation to obtain local product approval of the installed roofing system and, if approved, required the Engineer of Record to perform an onsite inspection with an inspection affidavit to verify the approved roofing material was installed in accordance with the product approval specifications and the Florida Building Code.

The building official received sufficient documentation to approve the substituted metal roofing system, however, denied approval due to failure to receive documentation to determine that the approved roofing system was installed in conformance with the Building Code as attested by the required inspection affidavit found in Section 105.14 Florida Building Code (Building Volume).

During appeal to this Interpretations Panel, the building official further clarified that the receipt of the referenced inspection affidavit will be acceptable and the appellant (contractor) agreed to take this action.

**Answer:** The Building Official has the authority to deny local product approval due to the lack an installation instruction specification submittal from the design professional.

The Building Official has the authority to revoke a permit, as provided by FBC 105.6, that has been determined to be issued or has passed final inspection that is not in compliance with the Florida Building Code. [The permit in question was obtained and approved within one year of filing of this interpretation request.]

The Building Official can accept an inspection affidavit, as provided by FBC 105.14, from the design professional, if the Building Official deems the affidavit addresses the scope of the installation and code compliance issues in question with sufficient specificity.

In this particular situation, the design professional is allowed under the Florida Building Code to conduct a field inspection of the roof system.

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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 in application of the Building Code statewide. This interpretation is binding and not subject to acceptance and approval by the local building official.