

Analysis for DS 2019-022

Section 553.775(3)(a) specifies that the commission “shall issue declaratory statements pursuant to s. 120.565 relating to the enforcement by local governments of the Florida Building Code or the Florida Accessibility Code for Building Construction.”

Local governments are permitted to adopt technical amendments that provide for more stringent requirements than those specified by the Florida Building Code, and which apply solely within their jurisdiction. § 553.73(4)(a), Florida Statutes.

Petitioner’s question pertains to a local amendment, rather than a provision of the statewide Florida Building Code. The Building Commission is thus without authority to issue a declaratory statement on the issue, and the petition should be declined.