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DS 2013-068

August 7, 2013

Mr. Mo Madani
Office of Codes and Standards
Department of Business and Professional Regulation
1940 North Monroe Street
Tallahassee, Florida 32399-

Re: Petition for a Declaratory Statement from the Florida Building Commission

Dear Mr. Madani:

The premise that the building code in effect when a permit application is submitted is the building code which controls the construction for the life of the permit and any extensions is widely accepted. It is also commonly recognized this paradigm is essential in preventing redesign, stagnation and chaos in the field of construction.

Seemingly, both Florida Statute and the Florida Building Code provide guidance in establishing the building code which must henceforth govern the construction of a project.

Provided below, is Section 105.3 of the 2010 edition of the Florida Building Code and the text of State Statute 553.73 (6). The content of both are substantially similar.

105.3 Application for permit.

To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished by the building department for that purpose. Permit application forms shall be in the format prescribed by a local administrative board, if applicable, and must comply with the requirements of Section 713.135(5) and (6), Florida Statutes.

Each application shall be inscribed with the date of application, and the code in effect as of that date. For a building permit for which an application is submitted prior to the effective date of the Florida Building Code, the state minimum building code in effect in the permitting jurisdiction on the date



of the application governs the permitted work for the life of the permit and any extension granted to the permit.

F.S. 553.73 (6) The initial adoption of, and any subsequent update or amendment to, the Florida Building Code by the commission is deemed adopted for use statewide without adoptions by local government. For a building permit for which an application is submitted prior to the effective date of the Florida Building Code, the state minimum building code in effect in the permitting jurisdiction on the date of the application governs the permitted work for the life of the permit and any extension granted to the permit.

The theory that permits must comply with the building code edition in effect when a permit is obtained relates back to the language contained in both section 105.3 of the Florida Building Code and Florida Statute 553.73 (6). Both of these references contain language to the effect that in order for a permit application to lock in a specific building code which will govern the permitted work, the application must be submitted prior to the effective date of the Florida Building Code.

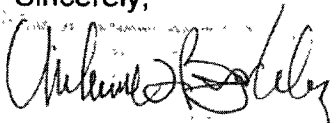
A permit for the construction of a high rise multi-use building was submitted and recorded prior to March 15, 2012.

The necessary clarification I am seeking is contained in the two questions, below:

Question #1 - Does the practice of establishing the building code which governs construction of a building based upon the permit application date, as contained in Section 105.3 of the Florida Building Code and Florida Statute 553.73 (6), only apply to permit applications made prior to March 1, 2002?

Question #2 - If a permit application was made prior to March 15, 2012, but after March 1, 2009, is the 2007 edition of the Florida Building Code the building code which governs the permitted work for the life of the permit and any extension granted to the permit?

Sincerely,



Michael L. Goolsby
Director, Board and Code Administration Division
Miami-Dade County Department of Regulatory and Economic Resources