

Report: Admin / Code Enforcement Technical Advisory Committee

February 24, 2003.

The Committee met, discussed and provided recommendations on the following items:

- (1) Discussed and provided recommendation with regard to Dec. Statement DCA02-DEC-370.

The subject declaratory statement requires interpretation of two provisions of law and their relationship to one another. The first is the permit by affidavit provisions of the Florida Building Code. The second is the alternate plan review provisions of Florida Statutes. The Petitioner alleges that the two procedures conflict and that the statutory provisions supercedes the Code.

Action: The two systems (the permit by affidavit provisions and the alternate plan review provisions) can co-exist side by side with-out conflict. Both systems are entitled to equal weight. Any interpretation of the two systems should seek to resolve conflict in favor of allowing both provisions to operate to their announced extent.

- (2) Discussed and provided recommendations with regard to staff proposed applicable base mode code commentary.

The Committee voted to recommend that the Commission do not adopt the proposed commentary through Ch. 120, FS procedures and instead make such commentary available as a source of information and tools for guidance.

- (3) Discussed the appeal procedures and the need to develop any necessary code amendments for consideration in the upcoming code change cycle.

Action: The TAC voted to recommend that the appeal procedure was already established and completed by virtue of the criteria and the procedures already established by Section 103.7, Alternate materials and methods of the Code.

- (4) Establish standards and criteria for foundation permits and other “specialty permits” and develop criteria for consideration in the upcoming code change cycle.

Action: The Committee voted to recommend the adoption of Section 106.3.3 of the 2000 International Building Code as a replacement to Section 104.5.4 of the FBC to read as follows:

“Phased approval. Providing all requirements other than building permit requirements have been met, the building official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted, provided that adequate

information and detailed statements have been filed complying with pertinent requirements of the code. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure will be granted.

- (5) Review draft Rule 9B-3.054 Non-Binding Interpretations of the Florida Building Code, and provide comment for consideration by the Commission.

Action: The TAC voted to recommend that Section 2(e) of the rule be revised to read as follows:

“The response shall be sent to the requestor within 21 days and in no event may exceed 30 days. If more than 21 days notify petitioner.”