Enter statement of the interpretation given to provisions of the Florida Building Code by the local building official and the manner in which the interpretation was rendered*

This is not the usual petition where the petitioner is challenging a determination/interpretation of the Building Official. This petition challenges the interpretation and determination of a member of City staff who is not a licensed building official or building code administrator under Florida Statutes Section 460.600 *et seq.* but who purports to be acting in the place of the Building Official.

To be clear, this petition seeks a binding interpretation of provisions of the Florida Building Code and involves a building permit for a fence that was properly issued in compliance with the Florida Building Code in the view of the (licensed) building official who issued the subject permit. The interpretation in question arises from the actions of a local enforcement agency and therefore this petition satisfies the jurisdictional requirements of Section 553.775(3)(c), Florida Statutes. This petition is being submitted directly to this panel because there is no local board of appeals having jurisdiction.

A building permit for a 4 foot high fence of significant length was applied for and a permit for its construction was issued by the Building Official (duly licensed and acting within her authority) at the time of permit issuance. Attached please find a copy of a letter from the Building Official at the time, Ms. Ladi Goldwire to Diedre Jacobs, Interim City Manager, explaining her decision to issue the permit. Petitioner has no disagreement with the actions and interpretations of Ms. Goldwire. A member of City staff who was not, and still is not, a building code administrator licensed under Section 468.601 *et seq.*, Florida Statutes, Mr. Jeffrey Gagnon, threatened to fire Ms. Goldwire if she did not revoke the permit. Ms. Goldwire stood firm on the decision she determined was correct under the law and the Florida Building Code and did not revoke the permit. As a result, she was terminated from her position. The issue of Ms. Goldwire's termination and her rights under Florida Statutes Section 468.609 are not a part of these proceedings.

Mr. Gagnon, with no apparent authority under F.S. 468.601 *et seq.*, or the City of Riviera Beach Administrative Amendments to the Florida Building Code ("Riviera Beach FBC Amendments"), then revoked/voided the fence permit. See copy of revoked permit attached to this petition. Numerous overtures to the City have not resulted in any progress in amicably resolving this matter so this petition was filed.

The statement of the interpretation given to provisions of the Florida Building Code by the *enforcement agency* is effectively the attached voided permit signed by Mr. Gagnon. Due to the unusual underlying circumstances of this matter, including that the provisions of the Florida Building Code at issue in this petition were interpreted by a person who was not a building official but a person purporting to have the same authority as that conveyed to building officials under Section 468.601 *et seq.* while not being licensed under Section 468.601 *et seq.* as a building official or building code administrator, the matter for interpretation is more clearly set forth below:

Under the Riviera Beach FBC Amendments, when a building permit is applied for and the application is reviewed and approved and the permit is issued by the Building Official (who is appropriately licensed under Section 468.601 et seq., Florida Statutes)(and where the fire marshal's approval is not required for the particular permit), does a person who is not the building official or building code administrator licensed under Section 468.601 et seq. have lawful authority to issue stop work orders or void or otherwise cause the revocation of such building permit?

Petitioner is petitioning for a binding interpretation as an original action because the City of Riviera Beach does not its own local board of appeals and therefore this is its only available avenue of appeal. If a local board of appeal found in favor of the Petitioner it would require that the permit improperly voided be restored to active status. Accordingly, in addition to requesting this panel grant the binding interpretation requested, Petitioner respectfully requests that the panel interprets the Florida Building Code such that when an otherwise valid permit is improperly voided by an unlicensed person without authority to do so, the permit should be restored to be active and in good standing.