

CHAPTER 1

ADMINISTRATION

General Comments

The *Florida Building Code* is part of the *Florida Administrative Code* adopted through Rulemaking as governed by Chapter 120 *Florida Statutes*. The adoption of the *Florida Building Code* by the Florida Building Commission as a Rule is mandated by the Florida Legislature. The Code is not adopted statutorily. The Code goes into effect automatically. Local jurisdictions do not need to adopt the Code locally.

This chapter contains provisions for the application, enforcement and administration of subsequent requirements of the code. In addition to establishing the scope of the code, Chapter 1 identifies which buildings and structures come under its purview. Section 101 addresses the scope and intent of the code and references the other *Florida Building Code* volumes and the *Florida Fire Prevention Code* that are mentioned elsewhere in the code. Section 102 establishes the applicability of the code and addresses existing structures and the relocation of existing site-built and manufactured buildings.

Section 104 outlines the authority of the building official to approve alternative materials, used materials and modifications. Section 105 states when permits are required and establishes the procedures for the review of applications and the issuance and conditions of permits. Section 106 describes the information that must be included on the construction documents submitted with the application and establishes minimum plan review criteria. Section 107 authorizes the building official to issue permits for temporary structures and uses. Section 108 establishes requirements for a fee schedule. Section 109 includes inspection duties of the building official, minimum inspection requirements, and threshold building/special inspector requirements. Provisions for the issuance of certificates of occupancy are detailed in Section 110. Section 111 gives the building official the authority to approve utility connections. Section 114 describes procedures for stop work orders.

The state's building code enabling legislation, which is grounded within the police power of the state, is the source of all authority to enact building codes. In terms of how it is used, police power is the power of the state to legislate for the general welfare of its citizens. This power enables passage of such laws as building codes. If the state legislature has limited this power in any way, the municipality may not exceed these limitations. While

the municipality may not further delegate its police power (e.g., by delegating the burden of determining code compliance to the building owner, contractor or architect) except as allowed by law, it may turn over the administration of the building code to a municipal official, such as a building official, provided that sufficient criteria are given to establish clearly the basis for decisions as to whether or not a proposed building conforms to the code.

Chapter 1 is largely concerned with maintaining "due process of law" in enforcing the building performance criteria contained in the body of the code. Only through careful observation of the administrative provisions can the building official reasonably hope to demonstrate that "equal protection under the law" has been provided. While it is generally assumed that the administration and enforcement section of a code is geared toward a building official, this is not entirely true. In Florida, building officials, plans examiners and inspectors must be licensed by the state and must also comply with the requirements of *Florida Statute* 468, which may be viewed at www.myflorida.com. The provisions also establish the rights and privileges of the design professional, contractor and building owner. In the state of Florida, *Florida Statute* 481 applies to Architects, 471 to Engineers and 489 to Contracting. The position of the building official is merely to review the proposed and completed work and to determine if the construction conforms to the code requirements. The design professional is responsible for the design of a safe structure. The contractor is responsible for constructing the structure in conformance with the plans.

During the course of construction, the building official reviews the activity to ascertain that the spirit and intent of the law are being met and that the safety, health and welfare of the public will be protected. As a public servant, the building official enforces the code in an unbiased, proper manner. Every individual is guaranteed equal enforcement of the provisions of the code. Furthermore, design professionals, contractors and building owners have the right of due process for any requirement in the code.

Purpose

A building code, as with any other code, is intended to be adopted as a legally enforceable document to safeguard health, safety, property and public welfare. A building code cannot be effective without adequate provisions for its administration and enforcement. Local amendments to the administrative provisions of the *Florida Building Code* are permitted but they may not increase or diminish any of the codes' technical requirements. Revisions to Chapter 1 of the *Florida Building Code* may be made at the local level in order to address specific needs and processes that local governments may have in place for the operation of the building department. Since each governmental entity operates differently such as combining or separating Planning, Zoning and Building, and also may have specific job duties and titles relative to that entity, Chapter 1 may be modified to address these issues. It is important to note, however, that no technical amendment may be made as a part of the Administrative changes and the changes may not weaken the require-

ments of State Statutes or the Code. Issues such as the length a permit is valid, right of entry and permit application requirements are examples of what may be included by a local government. When a governmental entity makes changes, those changes must be made by ordinance, readopted every time the Code is revised and must be filed with the Department of Community Affairs in order to be available to all parties that may have a need to review them. The official charged with the administration and enforcement of building regulations has a great responsibility, and with this responsibility goes authority. No matter how detailed the building code may be, the building official must, to some extent, exercise his or her own judgement in determining code compliance. The building official has the responsibility to establish that the homes in which the citizens of the community reside and the buildings in which they work are designed and constructed to be structurally stable, with adequate means of egress, light and ventilation and to provide a minimum acceptable level of protection to life and property from anticipated perils.

**SECTION 101
GENERAL**

101.1 Title. These regulations shall be known as the *Florida Building Code* hereinafter referred to as "this code."

101.2 Scope. The provisions of this code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.

Exceptions:

1. Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height with a separate means of egress and their accessory structures shall comply with the *Florida Building Code, Residential*.
2. Existing buildings undergoing repair, alterations or additions and change of occupancy shall comply with Chapter 34 of this code.

This section establishes when the regulations contained in the code must be followed, whether all or in part. Something must happen (construction of a new building, modification to an existing one or allowing an existing building or structure to become unsafe) for the code to be applicable. While such activity may not be as significant as a new building, a fence over six feet in height would be considered a Group U occupancy in accordance with Section 312 and, therefore, its erection is within the scope of the code (The requirement to get a permit for fences less than six feet in height will vary from jurisdiction to jurisdiction). The building code is not a maintenance document requir-

ing periodic inspections.

The first exception mandates that detached one- and two-family dwellings and townhouses that are not more than three stories above grade plane and have separate means of egress are to comply with the *Florida Building Code, Residential*. This applies to all such structures, and also to their accessory structures, such as garages and pools. Such structures four stories or more in height are beyond the scope of the *Florida Building Code, Residential* and must comply with the provisions of the *Florida Building Code, Building* and its referenced codes.

The second exception provides direction to use the *Florida Existing Building Code (FBCEB)* for alterations, repairs, additions or change of occupancy. For specific provisions, the FBCEB refers back to the FBCB or provisions in the other *Florida Codes*.

101.2.1 Appendices. Provisions in the appendices shall not apply unless specifically adopted.

The provisions contained in Appendices A through J are not considered part of the code and are, therefore, not enforceable unless they are specifically included in the ordinance or other adopting law or regulation of the jurisdiction.

Local jurisdictions may enact ordinances for radon-resistant building construction only pursuant to this subsection. A county governing authority and the governing bodies of the municipalities representing at least a majority of the county's municipal population shall enter into an interlocal agreement to adopt by ordinance the department's radon-resistant passive construction standards as a code for residential radon-resistant building construction. The standards shall apply uniformly to the entire jurisdictions that

adopt the standards. No local jurisdiction may adopt any requirement for radon-resistant building construction other than the rules of the department, nor enact any other requirements relating to environmental radiation caused by the radon decay series other than the rules of the department. “

101.3 Intent. The purpose of this code is to establish the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to fire fighters and emergency responders during emergency operations.

The intent of the code is to set forth regulations that establish the minimum acceptable level to safeguard public health, safety and welfare and to provide protection for fire fighters and emergency responders in building emergencies. The intent becomes important in the application of such sections as Sections 102, and 104.11, as well as any enforcement-oriented interpretive action or judgement. Like any code, the written text is subject to interpretation. Interpretations should not be affected by economics or the potential impact on any party. The only considerations should be protection of public health, safety and welfare and emergency responder safety.

101.4 Referenced codes. The other codes listed in Sections 101.4.1 through 101.4.9 and referenced elsewhere in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference.

The Florida Building Commission promulgates a complete set of codes to regulate the built environment. These codes are coordinated with each other so as not to contain conflicting provisions. When the code is implemented, the codes that regulate a building's electrical, fuel gas, mechanical and plumbing systems are also implemented and are considered a part of the code. Various other standards are referenced in these codes and are listed in Chapter 35 and further identified by the specific year of issue. Only that edition of the standard is applicable. The issuance of new editions of all the *Florida Codes* occurs concurrently and new editions of the referenced standards are adopted with each new edition of the building code. Adoption is done in this manner so that there are not conflicting provisions in these codes.

101.4.1 Electrical. The provisions of Chapter 27 of the *Florida Building Code, Building* shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

Chapter 27 adopts the *National Electrical Code* (NFPA 70), except Article 80, as the applicable standard for electrical construction and equipment. Chapter 33 of the *Florida Building Code, Residential* adopts NFPA 70A (*The National Electrical Code Requirements for One- and Two-Family Dwellings*), except Ar-

title 80 as the applicable standard for wiring methods and materials most common in 1 & 2 Family Dwellings.

101.4.2 Gas. The provisions of the *Florida Building Code, Fuel Gas* shall apply to the installation of gas piping from the point of delivery, gas appliances and related accessories as covered in this code. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories.

Also referenced in Chapter 28 of the *Florida Building Code, Building*.

101.4.3 Mechanical. The provisions of the *Florida Building Code, Mechanical* shall apply to the installation, alterations, repairs and replacement of mechanical systems, including equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air-conditioning and refrigeration systems, incinerators and other energy-related systems.

Also referenced in Chapter 28 of the *Florida Building Code, Building*.

101.4.4 Plumbing. The provisions of the *Florida Building Code, Plumbing* shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system.

Also referenced in Chapter 29 of the *Florida Building Code, Building*.

101.4.5 Property maintenance. Reserved.

101.4.6 Fire prevention. For provisions related to fire prevention, refer to the *Florida Fire Prevention Code*. The *Florida Fire Prevention Code* shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, repair, alteration or removal of fire suppression and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.

The *Florida Fire Prevention Code* (FFPC) contains provisions for safeguarding structures and premises from the hazards of fire and explosion that result from the materials, substances and operations that may be present in a structure; from circumstances that endanger life, property or public welfare and from the modification or removal of fire suppression and alarm systems. Many of the provisions contained in the code, especially in Chapters 9 and 10, also appear in the FFPC.

101.4.7 Energy. The provisions of Chapter 13 of the *Florida Building Code, Building* shall apply to all matters governing the design and construction of buildings for energy efficiency.

The *Florida Energy Efficiency Code for Building Construction* is incorporated in this code as Chapter 13 and, for convenience, may also be found in the *Florida Building Code, Mechanical*.

101.4.8 Accessibility. For provisions related to accessibility, refer to Chapter 11 of the *Florida Building Code, Building*.

The *Florida Accessibility Code for Building Construction* (FACBC) is incorporated in this code and, for convenience, may also be found in the *Florida Building Code, Plumbing*.

101.4.9 Manufactured buildings. For additional administrative and special code requirements, see section 428, *Florida Building Code, Building*, and Rule 9B-1 F.A.C.

This provision was added in the 2006 Supplement to clarify the applicability of the code to manufactured buildings.

SECTION 102 APPLICABILITY

102.1 General. Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

Generally, where this code establishes two or more requirements that conflict, the most restrictive requirement is applied. Where this code establishes a specific requirement for a particular occupancy, method, material or application, that requirement takes precedence over general code requirements.

102.1.1 The *Florida Building Code* does not apply to, and no code enforcement action shall be brought with respect to, zoning requirements, land use requirements and owner specifications or programmatic requirements which do not pertain to and govern the design, construction, erection, alteration, modification, repair or demolition of public or private buildings, structures or facilities or to programmatic requirements that do not pertain to enforcement of the *Florida Building Code*. Additionally, a local code enforcement agency may not administer or enforce the *Florida Building Code, Building* to prevent the siting of any publicly owned facility, including, but not limited to, correctional facilities, juvenile justice facilities, or state universities, community colleges, or public education facilities, as provided by law.

The provisions of the *Florida Building Code* are intended to govern building construction and not land development or private issues such as setbacks, covenants, deed restrictions, etc. Furthermore, it shall not be used as a defense against the otherwise appropriate siting of a public facility such as a prison or a school.

102.2 Building. The provisions of the *Florida Building Code* shall apply to the construction, erection, alteration, modification, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every public and private

building, structure or facility or floating residential structure, or any appurtenances connected or attached to such buildings, structures or facilities. Additions, alterations, repairs and changes of use or occupancy group in all buildings and structures shall comply with the provisions provided in Chapter 34 of this code. The following buildings, structures and facilities are exempt from the *Florida Building Code* as provided by law, and any further exemptions shall be as determined by the legislature and provided by law:

- (a) Building and structures specifically regulated and preempted by the federal government.
- (b) Railroads and ancillary facilities associated with the railroad.
- (c) Nonresidential farm buildings on farms.
- (d) Temporary buildings or sheds used exclusively for construction purposes.
- (e) Mobile or modular structures used as temporary offices, except that the provisions of Part V (Section 553.501-553.513, *Florida Statutes*) relating to accessibility by persons with disabilities shall apply to such mobile or modular structures.
- (f) Those structures or facilities of electric utilities, as defined in Section 366.02, *Florida Statutes*, which are directly involved in the generation, transmission or distribution of electricity.
- (g) Temporary sets, assemblies or structures used in commercial motion picture or television production, or any sound-recording equipment used in such production, on or off the premises.
- (h) Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term “chickee” means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing or other nonwood features.

This section exempts certain structures from the provisions of the *Florida Building Code*, notably 1) buildings owned by the federal government and situated on property owned by the federal government, 2) buildings or support structures used for agricultural purposes and not used as a residential dwelling and located on land that is an integral part of a farm or agricultural operation and 3) chickee huts that are constructed by members of the Florida Miccosukee or Seminole Indian tribes and constructed of nothing other than traditional materials.

102.2.1 In addition to the requirements of Section 553.79 and 553.80, *Florida Statutes*, facilities subject to the provisions of Chapter 395, *Florida Statutes*, and Part II of Chapter 400, *Florida Statutes*, shall have facility plans reviewed and construction surveyed by the state agency authorized to do so under the requirements of Chapter 395, *Florida Statutes*, and Part II of Chapter 400, *Florida Statutes*, and the certification requirements of the federal government.

Health care facilities (hospitals and nursing homes) are subject to the provision of this code *and* regulation by the Florida Department of Health (DOH). See Chapter 4.

102.2.2 Residential buildings or structures moved into or within a county or municipality shall not be required to be brought into compliance with the state minimum building code in force at the time the building or structure is moved, provided:

1. The building or structure is structurally sound and in occupiable condition for its intended use;
2. The occupancy use classification for the building or structure is not changed as a result of the move;
3. The building is not substantially remodeled;
4. Current fire code requirements for ingress and egress are met;
5. Electrical, gas and plumbing systems meet the codes in force at the time of construction and are operational and safe for reconnection; and
6. Foundation plans are sealed by a professional engineer or architect licensed to practice in this state, if required by the *Florida Building Code, Building* for all residential buildings or structures of the same occupancy class.

If all the listed conditions listed are met, houses moved from one location to another are not required to meet the requirements in this code for new buildings.

102.2.3 The building official shall apply the same standard to a moved residential building or structure as that applied to the remodeling of any comparable residential building or structure to determine whether the moved structure is substantially remodeled.

The cost of the foundation on which the moved building or structure is placed shall not be included in the cost of remodeling for purposes of determining whether a moved building or structure has been substantially remodeled.

The reference to foundation cost in this section may be ignored as the method for determining the extent of remodel construction is now based on work area, not cost. Moved or relocated buildings are specifically addressed in Chapter 11 of the *Florida Existing Building Code*.

102.2.4 This section does not apply to the jurisdiction and authority of the Department of Agriculture and Consumer Services to inspect amusement rides or the Department of Financial Services to inspect state-owned buildings and boilers.

Amusement rides typically found at fairs and parking lot carnivals are subject to regulation by DACS. Buildings and mechanical, electrical or plumbing systems at such locations must meet all applicable requirements of the *Florida Building Code*. State-owned buildings and boilers are subject to inspection by DFS.

102.2.5 Each enforcement district shall be governed by a board, the composition of which shall be determined by the affected localities. At its own option, each enforcement district

or local enforcement agency may promulgate rules granting to the owner of a single-family residence one or more exemptions from the *Florida Building Code* relating to:

1. Addition, alteration or repair performed by the property owner upon his or her own property, provided any addition or alteration shall not exceed 1,000 square feet (93 m²) or the square footage of the primary structure, whichever is less.
2. Addition, alteration or repairs by a nonowner within a specific cost limitation set by rule, provided the total cost shall not exceed \$5,000 within any 12-month period.
3. Building and inspection fees.

Each code exemption, as defined in this section, shall be certified to the local board 10 days prior to implementation and shall be effective only in the territorial jurisdiction of the enforcement district or local enforcement agency implementing it.

A local enforcement agency or enforcement district may grant reasonable exemptions from the *Florida Building Code* and from payment of permit fees in accordance with other applicable laws and rules. Caution and prudence are recommended when considering granting such exemptions. Portable buildings such as sheds are not exempted from the requirements of the *Florida Building Code*, except those in accordance with Section 102.2 Item (d).

102.2.6 This section does not apply to swings and other playground equipment accessory to a one- or two-family dwelling.

Exception: Electrical service to such playground equipment shall be in accordance with Chapter 27 of this code.

Backyard playground equipment is not governed by these codes.

102.3 Application of references. References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

In a situation where the code may make reference to a chapter or section number or to another code provision without specifically identifying its location in the code, assume that the referenced section, chapter or provision is in the code and not in a referenced code or standard.

102.4 Referenced codes and standards. The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.

A referenced code, standard or portion thereof is an enforceable extension of the code as if the content of the standard were included in the body of the code. For example, Section 905.2 references NFPA 14 in its entirety for the installation of standpipe systems. In those cases where the code references only portions of a standard, the use and application of the referenced standard is limited to those portions that are

specifically identified. For example, Section 412.2.6 requires that aircraft hangars must be provided with fire suppression systems as required in NFPA 409. Section 412.2.6 cannot be construed to require compliance with NFPA 409 in its entirety. It is the intent of the code to be in harmony with the referenced standards. If conflicts occur because of scope or purpose, the code text governs.

102.5 Partial invalidity. Reserved.

102.6 Existing structures. The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, or the *Florida Fire Prevention Code*, or as is deemed necessary by the building official for the general safety and welfare of the occupants and the public.

An existing structure is generally “grandfathered” to be considered approved with code adoption, provided that the building meets a minimum level of safety. Frequently, the criteria for this level are the regulations (or code) under which the existing building was originally constructed. If there are no previous code criteria to apply, the building official must apply those provisions that are reasonably applicable to existing buildings. Additionally, Chapter 34, which references the *Florida Existing Building Code*, comprehensively identifies the pertinent requirements for existing buildings on which a construction operation is intended or that undergoes a change of occupancy.

102.7 Relocation of manufactured buildings.

1. Relocation of an existing manufactured building does not constitute an alteration.
2. A relocated building shall comply with wind speed requirements of the new location, using the appropriate wind speed map. If the existing building was manufactured in compliance with the *Standard Building Code* (prior to March 1, 2002), the wind speed map of the *Standard Building Code* shall be applicable. If the existing building was manufactured in compliance with the *Florida Building Code* (after March 1, 2002), the wind speed map of the *Florida Building Code* shall be applicable.

This section applies to manufactured buildings which are assemblies manufactured, typically in a plant, as finished buildings or parts of finished buildings and constructed to the standards of the *Florida Building Code, Building* and intended for sale and installation in Florida. Such buildings will bear an insignia from the Florida Department of Community Affairs and may be residential, commercial, institutional, storage, industrial, or some other occupancy type. Certain manufactured buildings should not be confused with “mobile homes” because of similar characteristics (size, shape, permanent chassis, etc.). Mobile homes are constructed to standards promulgated by the US Department of HUD, manufactured buildings are constructed to the same standards as site-built structures in the state.

**SECTION 103
DEPARTMENT OF BUILDING SAFETY
RESERVED**

**SECTION 104
DUTIES AND POWERS OF THE
BUILDING OFFICIAL**

104.1 General. Reserved.

104.2 Applications and permits. Reserved.

104.3 Notices and orders. Reserved.

104.4 Inspections. Reserved.

104.5 Identification. Reserved.

104.6 Right of entry. Reserved.

104.7 Department records. Reserved.

104.8 Liability. Reserved.

104.9 Approved materials and equipment. Materials, equipment and devices approved by the building official shall be constructed and installed in accordance with such approval.

The code is a compilation of criteria with which materials, equipment, devices and systems must comply to be suitable for a particular application. The building official has a duty to evaluate such materials, equipment, devices and systems for code compliance and, when compliance is determined, approve the same for use. The materials, equipment, devices and systems must be constructed and installed in compliance with, and all conditions and limitations considered as a basis for, that approval. For example, the manufacturer’s instructions and recommendations are to be followed if the approval of the material was based even in part on those instructions and recommendations. The approval authority given to the building official is a significant responsibility and is a key to code compliance. The approval process is first technical and then administrative and must be approached as such. For example, if data to determine code compliance are required, such data should be in the form of test reports or engineering analysis and not simply taken from a sales brochure.

104.9.1 Used materials and equipment. The use of used materials which meet the requirements of this code for new materials is permitted. Used equipment and devices shall not be reused unless approved by the building official.

The code criteria for materials and equipment have changed over the years. Evaluation of testing and materials technology has permitted the development of new criteria that the old materials may not satisfy. As a result, used materials are required to be evaluated in the same manner as new materials. Used materials, equipment and devices must be equivalent to that required by the code if they are to be used again in a new installation. The use of used materials is also covered by the *Florida Building Code, Existing Building*.

104.10 Modifications. Reserved.

104.11 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the building official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety. When alternate life safety systems are designed, the SFPE *Engineering Guide to Performance-Based Fire Protection Analysis and Design of Buildings*, or other methods approved by the building official may be used. The building official shall require that sufficient evidence or proof be submitted to substantiate any claim made regarding the alternative.

The code is not intended to inhibit innovative ideas or technological advances. A comprehensive regulatory document such as a building code cannot envision and then address all future innovations in the industry. As a result, a performance code must be applicable to and provide a basis for the approval of an increasing number of newly developed, innovative materials, systems and methods for which no code text or referenced standards yet exist. The fact that a material, product or method of construction is not addressed in the code is not an indication that such material, product or method is intended to be prohibited. The building official is expected to apply sound technical judgment in accepting materials, systems or methods that, while not anticipated by the drafters of the current code text, can be demonstrated to offer equivalent performance. By virtue of its text, the code regulates new and innovative construction practices while addressing the relative safety of building occupants. The building official is responsible for determining if a requested alternative provides the equivalent level of protection of public health, safety and welfare as required by the code.

104.11.1 Research reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.

When an alternative material or method is proposed for construction, it is incumbent upon the building official to determine whether this alternative is, in fact, an equivalent to the methods prescribed by the code. Reports providing evidence of this equivalency are required to be supplied by an approved source, meaning a source that the building official finds to be reliable and accurate. Also see Commentary to Section 1701.1 on the Florida Product Approval System and Rule 9B-72.

104.11.2 Tests. Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a

material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the building official shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the building official shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the building official for the period required for retention of public records.

To provide the basis on which the building official can make a decision regarding an alternative material or method, sufficient technical data, test reports and documentation must be provided for evaluation. If evidence satisfactory to the building official indicates that the alternative material or construction method is equivalent to that required by the code, he or she may approve it. Any such approval cannot have the effect of waiving any requirements of the code. The burden of proof of equivalence lies with the applicant who proposes the use of alternative materials or methods.

The building official must require the submission of any appropriate information and data to assist in the determination of equivalency. This information must be submitted before a permit can be issued. The type of information required includes test data in accordance with referenced standards, evidence of compliance with the referenced standard specifications and design calculations. A research report issued by an authoritative agency is particularly useful in providing the building official with the technical basis for evaluation and approval of new and innovative materials and methods of construction. The use of authoritative research reports can greatly assist the building official by reducing the time-consuming engineering analysis necessary to review these materials and methods. Failure to substantiate adequately a request for the use of an alternative is a valid reason for the building official to deny a request. Any tests submitted in support of an application must have been performed by an agency approved by the building official based on evidence that the agency has the technical expertise, test equipment and quality assurance to properly conduct and report the necessary testing. The test reports submitted to the building official must be retained as required by law.

104.11.3 Accessibility. Alternative designs and technologies for providing access to and usability of a facility for persons with disabilities shall be in accordance with Section 11-2.2.

SECTION 105 PERMITS

105.1 Required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any required impact-resistant coverings, electrical, gas, mechanical or

plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

This section contains the administrative rules governing the issuance, suspension, revocation or modification of building permits. It also establishes how and by whom the application for a building permit is to be made, how it is to be processed, fees and what information it must contain or have attached to it.

In general, a permit is required for all activities that are regulated by the code or its referenced codes (see Section 101.4), and these activities cannot begin until the permit is issued, unless the activity is specifically exempted by Section 105.2. Only the owner or a person authorized by the owner can apply for the permit. Note that this section indicates a need for a permit for a change in occupancy, even if no work is contemplated. Although the occupancy of a building or portion thereof may change and the new activity is still classified in the same group, different code provisions may be applicable. The means of egress, structural loads and light and ventilation provisions are examples of requirements that are occupancy sensitive. The purpose of the permit is to cause the work to be reviewed, approved and inspected to determine compliance with the code.

Impact-resistant coverings has been added to the requirements of 105.1. These devices are playing a greater role in life safety as some communities emphasize sheltering in place under certain conditions. While typically not an issue for new construction many jurisdictions have not required permits or inspections when these devices are installed on existing buildings.

The purpose in including impact-resistant coverings in this section is to ensure that these devices are designed, installed, and tested in accordance with the *Florida Building Codes*. By using the term "required impact-resistant coverings" clarifies that permits and inspections are only required where these devices are required to be installed. If a building is located outside of the windborne-debris region, and the owner makes a decision to have these devices installed, permits and inspections would not be required.

105.1.1 Annual facility permit. In lieu of an individual permit for each alteration to an existing electrical, gas, mechanical, plumbing or interior nonstructural office system(s), the building official is authorized to issue an annual permit for any occupancy to facilitate routine or emergency service, repair, refurbishing, minor renovations of service systems or manufacturing equipment installations/relocations. The building official shall be notified of major changes and shall retain the right to make inspections at the facility site as deemed necessary. An annual facility permit shall be assessed with an annual fee and shall be valid for one year from date of issuance. A separate permit shall be obtained for each facility and for each construction trade, as applicable. The permit application shall

contain a general description of the parameters of work intended to be performed during the year.

The former limitation to Group F occupancies has been removed from this section. In some instances, such as large buildings or industrial facilities, the repair, replacement or alteration of electrical, gas, mechanical or plumbing systems occurs on a frequent basis, and this section allows the building official to issue an annual permit for this work. This relieves both the building department and the owners of such facilities from the burden of filing and processing individual applications for this activity; however, there are restrictions on who is entitled to these permits. They can be issued only for work on a previously approved installation and only to an individual or corporation that employs persons specifically qualified in the trade for which the permit is issued. If tradespeople who perform the work involved are required to be licensed in the jurisdiction, then only those persons would be permitted to perform the work. If trade licensing is not required, then the building official needs to review and approve the qualifications of the persons who will be performing the work. The annual permit can apply only to the individual property that is owned or operated by the applicant.

105.1.2 Annual permit records. The person to whom an annual permit is issued shall keep a detailed record of alterations made under such annual permit. The building official shall have access to such records at all times or such records shall be filed with the building official as designated.

The work performed in accordance with an annual permit must be inspected by the building official, so it is necessary to know the location of such work and when it was performed. This can be accomplished by having records of the work available to the building official either at the premises or in the official's office, as determined by the official.

105.1.3 Food permit. As per Section 500.12, *Florida Statutes*, a food permit from the Department of Agriculture and Consumer Services is required of any person who operates a food establishment or retail store.

105.2 Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code. Permits shall not be required for the following:

Gas:

1. Portable heating appliance.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

Mechanical:

1. Portable heating appliance.
2. Portable ventilation equipment.
3. Portable cooling unit.

4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any part which does not alter its approval or make it unsafe.
6. Portable evaporative cooler.
7. Self-contained refrigeration system containing 10 pounds (4.54 kg) or less of refrigerant and actuated by motors of 1 horsepower (746 W) or less.
8. The installation, replacement, removal or metering of any load management control device.

Plumbing:

1. The stopping of leaks in drains, water, soil, waste or vent pipe provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

Section 105.1 essentially requires a permit for any activity involving work on a building and its systems and other structures. This section lists those activities that are permitted to take place without first obtaining a permit from the building department. It is further the intent of the code that even though work may be exempted for permit purposes, it must still comply with the code and the owner is responsible for proper and safe construction for all work being done. Work exempted by the codes adopted by reference in Section 101.4 is also included here.

105.2.1 Emergency repairs. Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the building official.

This section recognizes that in some cases, emergency replacement and repair work must be done as quickly as possible, so it is not practical to take the necessary time to apply for and obtain approval. A permit for the work must be obtained the next day that the building department is open for business. Any work performed before the permit is issued must be done in accordance with the code and corrected if not approved by the building official.

105.2.2 Minor repairs. Ordinary minor repairs may be made with the approval of the building official without a permit, provided the repairs do not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; additionally, ordinary minor repairs shall not include addition to, alteration of,

replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring systems or mechanical equipment or other work affecting public health or general safety, and such repairs shall not violate any of the provisions of the technical codes.

This section distinguishes between what might be termed by some as repairs but are in fact alterations, wherein the code is to be applicable, and ordinary repairs, which are maintenance activities that do not require a permit. The building official is authorized to allow repair or replacement of such items as lavatories, faucets, toilets, receptacles, wall switches, etc. without requiring a permit or inspections for such repairs or replacement.

105.2.3 Public service agencies. Reserved.

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.

This section requires that a written application for a permit be filed on forms provided by the building department and details the information required on the application. Permit forms will typically have sufficient space to write a very brief description of the work to be accomplished, which is sufficient for only small jobs. For larger projects, the description will be augmented by construction documents as indicated in Item 4. As required by Section 105.1, the applicant must be the owner of the property or an authorized agent of the owner, such as an engineer, architect, contractor, tenant or other. The applicant must sign the application, and permit forms typically include a statement that if the applicant is not the owner, he or she has permission from the owner to make the application.

105.3.1 Action on application. The building official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the building official shall reject such application in writing, stating the reasons therefor. If the building official is satisfied that the proposed work conforms to the requirements of this code and laws and ordinances applicable thereto, the building official shall issue a permit therefor as soon as practicable. When authorized through contractual agreement with a school board, in acting on applications for permits, the building official shall give first priority to any applications for the construction of, or addition or renovation to, any school or educational facility.

This section requires the building official to act with reasonable speed on a permit application. In some instances, this time period is set by state or local law. The building official must refuse to issue a permit when the application and accompanying documents do not conform to the code. In order to ensure effective communication and due process of law, the reasons for denial of an application for a permit are required to be in writing. Once the building official determines that the work described conforms with the code and other applicable laws, the permit must be issued upon payment of the fees required by Section 108.

105.3.1.1 If a state university, state community college or public school district elects to use a local government's code enforcement offices, fees charged by counties and municipalities for enforcement of the *Florida Building Code* on buildings, structures, and facilities of state universities, state colleges and public school districts shall not be more than the actual labor and administrative costs incurred for plans review and inspections to ensure compliance with the code.

105.3.1.2 No permit may be issued for any building construction, erection, alteration, modification, repair or addition unless the applicant for such permit provides to the enforcing agency which issues the permit any of the following documents which apply to the construction for which the permit is to be issued and which shall be prepared by or under the direction of an engineer registered under Chapter 471, *Florida Statutes*:

1. Plumbing documents for any new building or addition which requires a plumbing system with more than 250 fixture units or which costs more than \$50,000.
2. Fire sprinkler documents for any new building or addition which includes a fire sprinkler system which contains 50 or more sprinkler heads. A Contractor I, Contractor II or Contractor IV, certified under Section 633.521, *Florida Statutes*, may design a fire sprinkler system of 49 or fewer heads and may design the alteration of an existing fire sprinkler system if the alteration consists of the relocation, addition or deletion of not more than 49 heads, notwithstanding the size of the existing fire sprinkler system.
3. Heating, ventilation and air-conditioning documents for any new building or addition which requires more than a 15-ton-per-system capacity which is designed to accommodate 100 or more persons or for which the system costs more than \$50,000. This paragraph does not include any document for the replacement or repair of an existing system in which the work does not require altering a structural part of the building or for work on a residential one-, two-, three or four-family structure.

An air-conditioning system may be designed by an installing air-conditioning contractor certified under Chapter 489, *Florida Statutes*, to serve any building or addition which is designed to accommodate fewer than 100 persons and requires an air-conditioning system with a value of \$50,000 or less; and when a 15-ton-per system or less is designed for a singular space of a building and each 15-ton system or less has an independent duct system. Systems not complying with the above

require design documents that are to be sealed by a professional engineer.

Example 1: When a space has two 10-ton systems with each having an independent duct system, the contractor may design these two systems since each unit (system) is less than 15 tons.

Example 2: Consider a small single-story office building which consists of six individual offices where each office has a single 3-ton package air conditioning heat pump. The six heat pumps are connected to a single water cooling tower. The cost of the entire heating, ventilation and air-conditioning work is \$47,000 and the office building accommodates fewer than 100 persons. Because the six mechanical units are connected to a common water tower this is considered to be an 18-ton system. It therefore could not be designed by a mechanical or air conditioning contractor.

NOTE: It was further clarified by the Commission that the limiting criteria of 100 persons and \$50,000 apply to the building occupancy load and the cost for the total air-conditioning system of the building.

4. Any specialized mechanical, electrical, or plumbing document for any new building or addition which includes a medical gas, oxygen, steam, vacuum, toxic air filtration, halon, or fire detection and alarm system which costs more than \$5,000.
5. Electrical documents. See *Florida Statutes* 471.003(h).

Documents requiring an engineer seal by this part shall not be valid unless a professional engineer who possesses a valid certificate of registration has signed, dated, and stamped such document as provided in Section 471.025, *Florida Statutes*.

This section establishes certain thresholds when the services of a professional engineer are required. The practice of engineering is regulated in Chapter 471, *Florida Statutes*.

Item 1 in the 2004 FBCB has been deleted because of a conflict with Section 471, *Florida Statutes*. Requirements for an engineer for electrical documents is now deferred to Section 471, *Florida Statutes*.

105.3.2 Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each. The extension shall be requested in writing and justifiable cause demonstrated.

Typically, an application for a permit is submitted and goes through a review process that ends with the issuance of a permit. If a permit has not been issued 180 days after the date of filing, however, the application is considered abandoned, unless the applicant was diligent in efforts to obtain the permit. The building official has the authority to extend this time limitation (in increments of 90 days), provided there is reasonable cause. This would cover delays beyond the applicant's control, such as prerequisite permits or approv-

als from other authorities within the jurisdiction or state. The intent of this section is to limit the time between the review process and the issuance of a permit.

105.3.3 An enforcing authority may not issue a building permit for any building construction, erection, alteration, modification, repair or addition unless the permit either includes on its face or there is attached to the permit the following statement: “NOTICE: In addition to the requirements of this permit, there may be additional restrictions applicable to this property that may be found in the public records of this county, and there may be additional permits required from other governmental entities such as water management districts, state agencies or federal agencies.”

105.3.4 A building permit for a single-family residential dwelling must be issued within 30 working days of application therefor unless unusual circumstances require a longer time for processing the application or unless the permit application fails to satisfy the *Florida Building Code* or the enforcing agency’s laws or ordinances.

105.3.5 Identification of minimum premium policy. Except as otherwise provided in Chapter 440, *Florida Statutes*, Workers’ Compensation, every employer shall, as a condition to receiving a building permit, show proof that it has secured compensation for its employees as provided in Section 440.10 and 440.38, *Florida Statutes*.

105.3.6 Asbestos removal. Moving, removal or disposal of asbestos-containing materials on a residential building where the owner occupies the building, the building is not for sale or lease, and the work is performed according to the owner-builder limitations provided in this paragraph. To qualify for exemption under this paragraph, an owner must personally appear and sign the building permit application. The permitting agency shall provide the person with a disclosure statement in substantially the following form:

Disclosure Statement: State law requires asbestos abatement to be done by licensed contractors. You have applied for a permit under an exemption to that law. The exemption allows you, as the owner of your property, to act as your own asbestos abatement contractor even though you do not have a license. You must supervise the construction yourself. You may move, remove or dispose of asbestos-containing materials on a residential building where you occupy the building and the building is not for sale or lease, or the building is a farm outbuilding on your property. If you sell or lease such building within 1 year after the asbestos abatement is complete, the law will presume that you intended to sell or lease the property at the time the work was done, which is a violation of this exemption. You may not hire an unlicensed person as your contractor. Your work must be done according to all local, state and federal laws and regulations which apply to asbestos abatement projects. It is your responsibility to make sure that people employed by you have licenses required by state law and by county or municipal licensing ordinances.

105.4 Conditions of the permit.

Permits are issued with the expectation that construction will occur. When no construction has occurred within six months after permit issuance or if the con-

struction is suspended for six months, the permit becomes invalid. A permit is valid as long as construction progresses and an approved inspection is recorded within each 180 day period. This section provides certain remedies when permits become invalid. It is also worthy to note that a Notice of Commencement (a requirement of Florida’s Construction Lien Law in Section 713.13, *Florida Statutes*) is only valid for one year after initial recording unless otherwise noted or amended. This does not, however, affect the life of the permit.

105.4.1 Permit intent. A permit issued shall be construed to be a license to proceed with the work and not as authority to violate, cancel, alter or set aside any of the provisions of the technical codes, nor shall issuance of a permit prevent the building official from thereafter requiring a correction of errors in plans, construction or violations of this code. Every permit issued shall become invalid unless the work authorized by such permit is commenced within 6 months after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 6 months after the time the work is commenced.

This section allows a period of 6 months after permit issuance for the construction to commence or, if the construction has commenced, then the permit becomes invalid if there has been no work for 6 months after that.

105.4.1.1 If work has commenced and the permit is revoked, becomes null and void or expires because of lack of progress or abandonment, a new permit covering the proposed construction shall be obtained before proceeding with the work.

105.4.1.2 If a new permit is not obtained within 180 days from the date the initial permit became null and void, the building official is authorized to require that any work which has been commenced or completed be removed from the building site. Alternately, a new permit may be issued on application, providing the work in place and required to complete the structure meets all applicable regulations in effect at the time the initial permit became null and void and any regulations which may have become effective between the date of expiration and the date of issuance of the new permit.

Conditions for issuance of the new permit may include resubmittal and review of all the construction documents.

105.4.1.3 Work shall be considered to be in active progress when the permit has received an approved inspection within 180 days. This provision shall not be applicable in case of civil commotion or strike or when the building work is halted due directly to judicial injunction, order or similar process.

The permit is valid as long as there is construction progress and an approved inspection is recorded within each 180 day period.

105.4.1.4 The fee for renewal reissuance and extension of a permit shall be set forth by the administrative authority.

105.5 Expiration. Reserved.

105.6 Suspension or revocation. Reserved.

105.7 Placement of permit. The building permit or copy shall be kept on the site of the work until the completion of the project.

The permit, or copy thereof, is to be kept on the job site until the work is complete, protected from the elements and made available to the building official or representative to conveniently make required entries thereon.

105.8 Notice of commencement. As per Section 713.135, *Florida Statutes*, when any person applies for a building permit, the authority issuing such permit shall print on the face of each permit card in no less than 18-point, capitalized, bold-faced type: “WARNING TO OWNER: YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE RECORDING YOUR NOTICE OF COMMENCEMENT.”

Florida’s Construction Lien Law (Chapter 713, Part I, *Florida Statutes*) dictates this requirement and others to ensure notice of the contracting parties’ lien rights/obligations.

105.9 Asbestos. The enforcing agency shall require each building permit for the demolition or renovation of an existing structure to contain an asbestos notification statement which indicates the owner’s or operator’s responsibility to comply with the provisions of Section 469.003, *Florida Statutes*, and to notify the Department of Environmental Protection of his or her intentions to remove asbestos, when applicable, in accordance with state and federal law.

105.10 Certificate of protective treatment for prevention of termites. A weather-resistant job-site posting board shall be provided to receive duplicate treatment certificates as each required protective treatment is completed, providing a copy for the person the permit is issued to and another copy for the building permit files. The treatment certificate shall provide the product used, identity of the applicator, time and date of the treatment, site location, area treated, chemical used, percent concentration and number of gallons used, to establish a verifiable record of protective treatment. If the soil chemical barrier method for termite prevention is used, final exterior treatment shall be completed prior to final building approval.

105.11 Notice of termite protection. A permanent sign which identifies the termite treatment provider and need for reinspection and treatment contract renewal shall be provided. The sign shall be posted near the water heater or electric panel.

105.12 Work starting before permit issuance. Upon approval of the building official, the scope of work delineated in the building permit application and plan may be started prior to the final approval and issuance of the permit, provided any work completed is entirely at risk of the permit applicant and the work does not proceed past the first required inspection.

“Early start” approval is at the discretion of the building official. Such approval shall not be construed as approval of any violation of the technical codes.

105.13 Phased permit approval. After submittal of the appropriate construction documents, 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. 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. Corrections may be required to meet the requirements of the technical codes.

Foundation permits or other “partial work” permits may be issued at the discretion of the building official. Issuance of such permits shall not be construed as approval of any violation of the technical codes.

105.14 Permit issued on basis of an affidavit. Whenever a permit is issued in reliance upon an affidavit or whenever the work to be covered by a permit involves installation under conditions which, in the opinion of the building official, are hazardous or complex, the building official shall require that the architect or engineer who signed the affidavit or prepared the drawings or computations shall supervise such work. In addition, they shall be responsible for conformity to the permit, provide copies of inspection reports as inspections are performed, and upon completion make and file with the building official written affidavit that the work has been done in conformity to the reviewed plans and with the structural provisions of the technical codes. In the event such architect or engineer is not available, the owner shall employ in his stead a competent person or agency whose qualifications are reviewed by the building official. The building official shall ensure that any person conducting plans review is qualified as a plans examiner under Part XII of Chapter 468, *Florida Statutes*, and that any person conducting inspections is qualified as a building inspector under Part III of Chapter 468, *Florida Statutes*.

A Florida registered architect or engineer or a Florida licensed plans examiner or inspector in the appropriate category may provide the services addressed in this section when authorized by the building official. This section also assures the use of state licensed inspectors and plans examiners.

105.15 When any activity requiring a building permit that is applied for on or after July 1, 2008, and for which the estimated cost is \$50,000 or more for a building that is located in the wind borne debris region as defined in the *Florida Building Code* and that has an insured value of \$750,000 or more, or, if the building is uninsured or for which documentation of insured value is not presented, has a just valuation for the structure for purposes of ad valorem taxation of \$750,000 or more, opening protections as required within the *Florida Building Code, Building or Florida Building Code, Residential* for new construction shall be provided.

This section was added as part of the Glitch Amendments that incorporates the provisions of Rule 9B-3.0475 into the code. While the language appears to apply to any buildings, the Rule only applies to site built single-family residential structures, which are defined in the Glitch Amendments to the *Florida Building*

Code, Existing Building. Therefore, this provision only applies to site built single-family residential structures.

SECTION 106 CONSTRUCTION DOCUMENTS

106.1 Submittal documents. Construction documents, a statement of special inspections and other data shall be submitted in one or more sets with each application for a permit. The construction documents shall be prepared by a design professional where required by the statutes. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a design professional.

Exception: The building official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with this code.

If the design professional is an architect or engineer legally registered under the laws of this state regulating the practice of architecture as provided for in Chapter 481, *Florida Statutes*, Part I, or engineering as provided for in Chapter 471, *Florida Statutes*, then he or she shall affix his or her official seal to said drawings, specifications and accompanying data, as required by *Florida Statute*. If the design professional is a landscape architect registered under the laws of this state regulating the practice of landscape architecture as provided for in Chapter 481, *Florida Statutes*, Part II, then he or she shall affix his or her seal to said drawings, specifications and accompanying data as defined in Section 481.303(6)(a)(b)(c)(d), *FS*.

This section establishes the requirement to provide the building official with construction drawings, specifications and other documents that describe the structure or system for which a permit is sought (see Section 202 for a complete definition). It describes the information that must be included in the documents, who must prepare them and procedures for approving them.

A detailed description of the work for which an application is made must be submitted. When the work can be briefly described on the application form and the services of a registered design professional are not required, the building official may utilize judgement in determining the need for detailed documents. An example of work that may not involve the submission of detailed construction documents is the replacement of an existing 60-amp electrical service with a 200-amp service. Other sections of the code also contain specific requirements for construction documents. These provisions are intended to reflect the minimum scope of information needed to determine code compliance. Although this section specifies that “one or more” sets of construction documents be submitted, note that Section 106.3.1 requires one set of approved documents to be retained by the building official and one set to be returned to the applicant, essentially requiring at least two sets of construction documents. The

building official should establish a consistent policy of the number of sets required by the jurisdiction and make this information readily available to applicants.

This section also requires the building official to determine that any state professional registration laws be complied with as they apply to the preparation of construction documents.

106.1.1 Information on construction documents. Construction documents shall be dimensioned and drawn upon suitable material. Electronic media documents are permitted to be submitted when approved by the building official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the building official (see also Section 106.3.5).

The construction documents are required to be of a quality and detail such that the building official can determine that the work conforms to the code and other applicable laws and regulations. General statements on the documents, such as “all work must comply with the *Florida Building Code*,” are not an acceptable substitute for showing the required information. The following subsections and sections in other chapters indicated in the commentary to Section 106.1 specify the detailed information that must be shown on the submitted documents. When specifically allowed by the building official, documents can be submitted in electronic form.

106.1.1.1 Fire protection system shop drawings. Shop drawings for the fire protection system(s) shall be submitted to indicate conformance with this code and the construction documents and shall be approved prior to the start of system installation. Shop drawings shall contain all information as required by the referenced installation standards in Chapter 9.

Since the fire protection contractor(s) may not have been selected at the time a permit is issued for construction of a building, detailed shop drawings for fire protection systems are not available. Because they provide the information necessary to determine code compliance, as specified in the appropriate referenced standard in Chapter 9, they must be submitted and approved by the building official before the contractor can begin installing the system. For example, the professional responsible for the design of an automatic sprinkler system should determine that the water supply is adequate, but will not be able to prepare a final set of hydraulic calculations if the specific materials and pipe sizes, lengths and arrangements have not been identified. Once the installing contractor is selected, specific hydraulic calculations can be prepared. Factors such as classification of the hazard, amount of water supply available and the density or concentration to be achieved by the system are to be included with the submission of the shop drawings. Specific data sheets identifying sprinklers, pipe dimensions, power requirements for smoke detectors, etc., should also be included with the submission.

106.1.1.2 For roof assemblies required by the code, the construction documents shall illustrate, describe and delineate the type of roofing system, materials, fastening requirements, flashing requirements and wind resistance rating that are required to be installed. Product evaluation and installation shall indicate compliance with the wind criteria required for the specific site or a statement by an architect or engineer for the specific site must be submitted with the construction documents.

106.1.2 Means of egress. Reserved.

106.1.3 Exterior wall envelope. Reserved.

106.2 Site plan. Reserved.

106.3 Examination of documents. The building official shall examine or cause to be examined the accompanying construction documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this code and other pertinent laws or ordinances.

Exceptions:

1. Building plans approved pursuant to Section 553.77(5), *Florida Statutes*, and state-approved manufactured buildings are exempt from local codes enforcing agency plan reviews except for provisions of the code relating to erection, assembly or construction at the site. Erection, assembly and construction at the site are subject to local permitting and inspections.
2. Industrial construction on sites where design, construction and fire safety are supervised by appropriate design and inspection professionals and which contain adequate in-house fire departments and rescue squads is exempt, subject to local government option, from review of plans and inspections, providing owners certify that applicable codes and standards have been met and supply appropriate approved drawings to local building and fire-safety inspectors.

The requirements of this section are related to those found in Section 105.3.1 regarding the action of the building official in response to a permit application. The building official can delegate review of the construction documents to subordinates as provided for in *Florida Statutes*.

106.3.1 Approval of construction documents. When the building official issues a permit, the construction documents shall be approved, in writing or by stamp, as “Reviewed for Code Compliance.” One set of construction documents so reviewed shall be retained by the building official. The other set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the building official or a duly authorized representative.

The building official must stamp or otherwise endorse as “Reviewed for Code Compliance” the construction documents on which the permit is based. One set of approved construction documents must be kept on the construction site to serve as the basis for all subsequent inspections. To avoid confusion, the construction documents on the site must be the docu-

ments that were approved and stamped. This is because inspections are to be performed with regard to the approved documents, as well as the code itself. Additionally, the contractor cannot determine compliance with the approved construction documents unless they are readily available. Unless the approved construction documents are available, the inspection should be postponed and work on the project halted.

106.3.2 Previous approvals. This code shall not require changes in the construction documents, construction or designated occupancy of a structure for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of this code and has not been abandoned.

If a permit is issued and construction proceeds at a normal pace and a new edition of the code is adopted by the legislative body, requiring that the building be constructed to conform to the new code is unreasonable. This section provides for the continuity of permits issued under previous codes, as long as such permits are being “actively prosecuted” subsequent to the effective date of adoption of this edition of the code.

106.3.3 Phased approval. Reserved.

106.3.4 Design professional in responsible charge. Reserved.

106.3.4.1 General. Reserved.

106.3.4.2 Deferred submittals. Reserved.

106.3.4.3 Certifications by contractors authorized under the provisions of Section 489.115(4)(b), *Florida Statutes*, shall be considered equivalent to sealed plans and specifications by a person licensed under Chapter 471, *Florida Statutes*, or Chapter 481 *Florida Statutes*, by local enforcement agencies for plans review for permitting purposes relating to compliance with the wind-resistance provisions of the code or alternate methodologies approved by the Florida Building Commission for one- and two-family dwellings. Local enforcement agencies may rely upon such certification by contractors that the plans and specifications submitted conform to the requirements of the code for wind resistance. Upon good cause shown, local government code enforcement agencies may accept or reject plans sealed by persons licensed under Chapters 471, 481 or 489, *Florida Statutes*.

See Ch. 489.115(4)(b)2, *Florida Statutes*. Division I contractors (general contractors, building contractors, and residential contractors) who demonstrate proficiency upon completion of specialized continuing education courses (which must be approved by the Construction Industry Licensing Board) on compliance with the wind resistance provisions for one- and two-family dwellings contained in the *Florida Building Code* and any alternate methodologies for providing such wind resistance which has been approved for use by the Florida Building Commission in the *Florida Building Code* may certify plans and specifications for one- and two-family dwellings to be in compliance

with the code's wind provisions (not applicable in certain floodways or coastal hazard areas).

106.3.5 Minimum plan review criteria for buildings. The examination of the documents by the building official shall include the following minimum criteria and documents: a floor plan; site plan; foundation plan; floor/roof framing plan or truss layout; and all exterior elevations:

Commercial Buildings:

Building

1. Site requirements:
 - Parking
 - Fire access
 - Vehicle loading
 - Driving/turning radius
 - Fire hydrant/water supply/post indicator valve (PIV)
 - Set back/separation (assumed property lines)
 - Location of specific tanks, water lines and sewer lines
2. Occupancy group and special occupancy requirements shall be determined.
3. Minimum type of construction shall be determined (see Table 503).
4. Fire-resistant construction requirements shall include the following components:
 - Fire-resistant separations
 - Fire-resistant protection for type of construction
 - Protection of openings and penetrations of rated walls
 - Fire blocking and draftstopping and calculated fire resistance
5. Fire suppression systems shall include:
 - Early warning smoke evacuation systems
 - Schematic fire sprinklers
 - Standpipes
 - Preengineered systems
 - Riser diagram
 - Same as above
6. Life safety systems shall be determined and shall include the following requirements:
 - Occupant load and egress capacities
 - Early warning
 - Smoke control
 - Stair pressurization
 - Systems schematic
7. Occupancy load/egress requirements shall include:
 - Occupancy load
 - Gross
 - Net
 - Means of egress
 - Exit access
 - Exit
 - Exit discharge
 - Stairs construction/geometry and protection
 - Doors
 - Emergency lighting and exit signs
 - Specific occupancy requirements
8. Construction requirements
 - Horizontal exits/exit passageways
8. Structural requirements shall include:
 - Soil conditions/analysis
 - Termite protection
 - Design loads
 - Wind requirements
 - Building envelope
 - Structural calculations (if required)
 - Foundation
 - Wall systems
 - Floor systems
 - Roof systems
 - Threshold inspection plan
 - Stair systems
9. Materials shall be reviewed and shall at a minimum include the following:
 - Wood
 - Steel
 - Aluminum
 - Concrete
 - Plastic
 - Glass
 - Masonry
 - Gypsum board and plaster
 - Insulating (mechanical)
 - Roofing
 - Insulation
10. Accessibility requirements shall include the following:
 - Site requirements
 - Accessible route
 - Vertical accessibility
 - Toilet and bathing facilities
 - Drinking fountains
 - Equipment
 - Special occupancy requirements
 - Fair housing requirements
11. Interior requirements shall include the following:
 - Interior finishes (flame spread/smoke development)
 - Light and ventilation
 - Sanitation
12. Special systems:
 - Elevators
 - Escalators
 - Lifts
13. Swimming pools:
 - Barrier requirements
 - Spas
 - Wading pools

Electrical

1. Electrical:
 - Wiring
 - Services
 - Feeders and branch circuits
 - Overcurrent protection
 - Grounding

ADMINISTRATION

Wiring methods and materials
GFCIs

2. Equipment
3. Special occupancies
4. Emergency systems
5. Communication systems
6. Low voltage
7. Load calculations

Plumbing

1. Minimum plumbing facilities
2. Fixture requirements
3. Water supply piping
4. Sanitary drainage
5. Water heaters
6. Vents
7. Roof drainage
8. Back flow prevention
9. Irrigation
10. Location of water supply line
11. Grease traps
12. Environmental requirements
13. Plumbing riser

Mechanical

1. Energy calculations
2. Exhaust systems:
 - Clothes dryer exhaust
 - Kitchen equipment exhaust
 - Specialty exhaust systems
3. Equipment
4. Equipment location
5. Make-up air
6. Roof-mounted equipment
7. Duct systems
8. Ventilation
9. Combustion air
10. Chimneys, fireplaces and vents
11. Appliances
12. Boilers
13. Refrigeration
14. Bathroom ventilation
15. Laboratory

Gas

1. Gas piping
2. Venting
3. Combustion air

4. Chimneys and vents
5. Appliances
6. Type of gas
7. Fireplaces
8. LP tank location
9. Riser diagram/shutoffs

Demolition

1. Asbestos removal

Residential (one- and two-family)

1. Site requirements
 - Set back/separation (assumed property lines)
 - Location of septic tanks
2. Fire-resistant construction (if required)
3. Fire
4. Smoke detector locations
5. Egress
 - Egress window size and location stairs construction requirements
6. Structural requirements shall include:
 - Wall section from foundation through roof, including assembly and materials connector tables wind requirements structural calculations (if required)
7. Accessibility requirements: show/identify accessible bath

Exemptions.

Plans examination by the building official shall not be required for the following work:

1. Replacing existing equipment such as mechanical units, water heaters, etc.
2. Reroofs
3. Minor electrical, plumbing and mechanical repairs
4. Annual maintenance permits
5. Prototype plans
 - Except for local site adaptations, siding, foundations and/or modifications.
 - Except for structures that require waiver.
6. Manufactured buildings plan except for foundations and modifications of buildings on site.

106.4 Amended construction documents. Work shall be installed in accordance with the approved construction documents, and any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents.

Any amendments to the approved construction documents must be filed before constructing the amended item. In the broadest sense, amendments include all addenda, change orders, revised drawings and marked-up shop drawings. Building officials should

maintain a policy that all amendments be submitted for review. Otherwise, a significant amendment may not be submitted because of misinterpretation, resulting in an activity that is not approved and that causes a needless delay in obtaining approval of the finished work.

106.5 Retention of construction documents. One set of approved construction documents shall be retained by the building official for a period of not less than 180 days from date of completion of the permitted work, or as required by *Florida Statutes*.

A set of the approved construction documents must be kept by the building official as may be required by state or local laws, but for a period of no less than 180 days after the work is complete. Questions regarding an item shown on the approved documents may arise in the period immediately following completion of the work and the documents should be available for review.

106.6 Affidavits. The building official may accept a sworn affidavit from a registered architect or engineer stating that the plans submitted conform to the technical codes. For buildings and structures, the affidavit shall state that the plans conform to the laws as to egress, type of construction and general arrangement and, if accompanied by drawings, show the structural design and that the plans and design conform to the requirements of the technical codes as to strength, stresses, strains, loads and stability. The building official may without any examination or inspection accept such affidavit, provided the architect or engineer who made such affidavit agrees to submit to the building official copies of inspection reports as inspections are performed and upon completion of the structure, electrical, gas, mechanical or plumbing systems a certification that the structure, electrical, gas, mechanical or plumbing system has been erected in accordance with the requirements of the technical codes. Where the building official relies upon such affidavit, the architect or engineer shall assume full responsibility for compliance with all provisions of the technical codes and other pertinent laws or ordinances. The building official shall ensure that any person conducting plans review is qualified as a plans examiner under Part XII of Chapter 468, *Florida Statutes*, and that any person conducting inspections is qualified as a building inspector under Part XII of Chapter 468, *Florida Statutes*.

The key word in this section is “may”. The building official is not required to accept such affidavits but “may” if circumstances warrant it. Anyone providing the services described must be properly licensed in Florida. See also Section 105.14.

SECTION 107 TEMPORARY STRUCTURES AND USES

107.1 General. The building official is authorized to issue a permit for temporary structures and temporary uses. Such permits shall be limited as to time of service, but shall not be permitted for more than 180 days. The building official is authorized to grant extensions for demonstrated cause.

In the course of construction or other activities, structures that have a limited service life are often necessary. This section contains the administrative provisions that permit such temporary structures without full compliance with the code requirements for permanently occupied structures. This section should not be confused with the scope of Section 3103, which regulates temporary structures larger than 120 square feet (11 m²) in area.

This section allows the building official to issue permits for temporary structures or uses. The applicant must specify the time period desired for the temporary structure or use, but the approval period cannot exceed 180 days. Structures or uses that are temporary but are anticipated to be in existence for more than 180 days are required to conform to code requirements for permanent structures and uses. The section also authorizes the building official to grant extensions to this time period if the applicant can provide a valid reason for the extension, which typically includes circumstances beyond the applicant’s control. This provision is not intended to be used to circumvent the 180-day limitation.

107.2 Conformance. Temporary structures and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary requirements of this code as necessary to ensure public health, safety and general welfare.

This section prescribes those categories of the code that must be complied with, despite the fact that the structure will be removed or the use discontinued at some time in the future. These criteria are essential for measuring the safety of any structure or use, temporary or permanent; therefore, the application of these criteria to a temporary structure cannot be waived.

“Structural strength” refers to the ability of the temporary structure to resist anticipated live, environmental and dead loads (see Chapter 16). It also applies to anticipated live and dead loads imposed by a temporary use in an existing structure.

“Fire safety” provisions are those required by Chapters 7, 8 and 9 invoked by virtue of the structure’s size, use or location on the property and any applicable provisions of the *Florida Fire Prevention Code*.

“Means of egress” refers to full compliance with Chapter 10 and any applicable provisions of the *Florida Fire Prevention Code*.

“Accessibility” refers to full compliance with Chapter 11 for making buildings accessible to physically disabled persons.

“Light, ventilation and sanitary” requirements are those imposed by Chapter 12 of the code or applicable sections of the *Florida Building Code, Plumbing and Florida Building Code, Mechanical*.

107.3 Temporary power. The building official is authorized to give permission to temporarily supply and use power in part of an electric installation before such installation has been fully completed and the final certificate of completion has been

issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in Chapter 27 of the *Florida Building Code, Building*.

Commonly, the electrical service on most construction sites is installed and energized long before all of the wiring is completed. This procedure allows the power supply to be increased as construction demands; however, temporary permission is not intended to waive the requirements set forth in the NFPA 70 or NFPA 70A.

107.4 Termination of approval. The building official is authorized to terminate such permit for a temporary structure or use and to order the temporary structure or use to be discontinued.

This section provides the building official with the necessary authority to terminate the permit for a temporary structure or use. The building official can order that a temporary structure be removed or a temporary use be discontinued if conditions of the permit have been violated or the structure or use poses an imminent hazard to the public.

SECTION 108 FEES

108.1 Prescribed fees. A permit shall not be issued until fees authorized under Section 553.80, *Florida Statutes*, have been paid. Nor shall an amendment to a permit be released until the additional fee, if any, due to an increase in the estimated cost of the building, structure, electrical, plumbing, mechanical or gas systems has been paid.

The code anticipates that jurisdictions will establish their own fee schedules. It is the intent that the fees collected by the department for building permit issuance, plan review and inspection be adequate to cover the costs to the department in these areas. *Florida Statutes* 553.80 requires permit fees collected to be used solely for the operation of the building department. If the department has additional duties, then its budget will need to be supplemented from the general fund. This section requires that all fees be paid prior to permit issuance or release of an amendment to a permit. Since department operations are intended to be supported by fees paid by the user of department activities, it is important that these fees are received before incurring any expense. This philosophy has resulted in some departments having fees paid prior to the performance of two areas of work: plan review and inspection.

108.2 Schedule of permit fees. On buildings, structures, electrical, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the schedule as established by the applicable governing authority.

The fees are established by law, such as in an ordinance adopting the code, a separate ordinance or legally promulgated regulation, as required by state or

local law. Fee schedules are often based on a valuation of the work to be performed. This concept is based on the proposition that the valuation of a project is related to the amount of work to be expended in plan review, inspections and administering the permit, plus an excess to cover the department overhead.

To assist jurisdictions in establishing some uniformity in fees, building valuation data are published periodically in ICC's *Building Safety Journal*.

108.3 Building permit valuations. Reserved.

108.4 Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the building official's approval or the necessary permits shall be subject to a penalty of 100 percent of the usual permit fee in addition to the required permit fees.

The building official will incur certain costs (i.e., inspection time and administrative) when investigating and citing a person who has commenced work without having obtained a permit. The building official is, therefore, entitled to recover these costs by imposing a penalty of 100 percent of the usual permit fee, in addition to that collected when the required permit is issued, to be imposed on the responsible party.

108.5 Related fees. Reserved.

108.6 Refunds. Reserved.

SECTION 109 INSPECTIONS

109.1 General. Construction or work for which a permit is required shall be subject to inspection by the building official and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the building official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

The inspection function is one of the more important aspects of building department operations. This section authorizes the building official to inspect the work for which a permit has been issued and requires that the work to be inspected remain accessible to the building official until inspected and approved. Any expense incurred in removing or replacing material that conceals an item to be inspected is not the responsibility of the building official or the jurisdiction. As with the issuance of permits (see Section 105.4), approval as a result of an inspection is not a license to violate the code and an approval in violation of the code does not relieve the applicant from complying with the code and is not valid.

109.2 Preliminary inspection. Before issuing a permit, the building official is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed.

The building official is granted authority to inspect the site before permit issuance. This may be necessary to verify existing conditions that impact the plan review and permit approval. This section provides the building official with the right-of-entry authority that otherwise does not occur until after the permit is issued.

109.3 Required inspections. The building official upon notification from the permit holder or his or her agent, shall make the following inspections, and shall either release that portion of the construction or shall notify the permit holder or his or her agent of any violations which must be corrected in order to comply with the technical codes. The building official shall determine the timing and sequencing of when inspections occur and what elements are inspected at each inspection.

Building

1. Foundation inspection. To be made after trenches are excavated and forms erected and shall at a minimum include the following building components:
 - Stem-wall
 - Monolithic slab-on-grade
 - Piling/pile caps
 - Footers/grade beams
2. Framing inspection. To be made after the roof, all framing, fireblocking and bracing is in place, all concealed wiring, all pipes, chimneys, ducts and vents are complete and shall at a minimum include the following building components:
 - Window/door framing
 - Vertical cells/columns
 - Lintel/tie beams
 - Framing/trusses/bracing/connectors
 - Draft stopping/fire blocking
 - Curtain wall framing
 - Energy insulation
 - Accessibility.
 - Verify rough opening dimensions are within tolerances.
3. Sheathing inspection. To be made either as part of a dry-in inspection or done separately at the request of the contractor after all roof and wall sheathing and fasteners are complete and shall at a minimum include the following building components:
 - Roof sheathing
 - Wall sheathing
 - Sheathing fasteners
 - Roof/wall dry-in.
4. Roofing inspection. Shall at a minimum include the following building components:
 - Dry-in
 - Insulation
 - Roof coverings
 - Flashing

5. Final inspection. To be made after the building is completed and ready for occupancy.

6. Swimming pool inspection. First inspection to be made after excavation and installation of reinforcing steel, bonding and main drain and prior to placing of concrete.

Final inspection to be made when the swimming pool is complete and all required enclosure requirements are in place.

In order to pass final inspection and receive a certificate of completion, a residential swimming pool must meet the requirements relating to pool safety features as described in Section 424.2.17.

7. Demolition inspections. First inspection to be made after all utility connections have been disconnected and secured in such manner that no unsafe or unsanitary conditions shall exist during or after demolition operations.

Final inspection to be made after all demolition work is completed.

8. Manufactured building inspections. The building department shall inspect construction of foundations; connecting buildings to foundations; installation of parts identified on plans as site installed items, joining the modules, including utility crossovers; utility connections from the building to utility lines on site; and any other work done on site which requires compliance with the *Florida Building Code*. Additional inspections may be required for public educational facilities (see Section 423.27.20).

9. Where impact-resistant coverings are installed to meet requirements of this code, the building official shall schedule adequate inspections of impact-resistant coverings to determine the following:

The system indicated on the plans was installed.

The system is installed in accordance with the manufacturer's installation instructions and the product approval.

Electrical

1. Underground inspection. To be made after trenches or ditches are excavated, conduit or cable is installed, and before any backfill is put in place.

2. Rough-in inspection. To be made after the roof, framing, fireblocking and bracing is in place and prior to the installation of wall or ceiling membranes.

3. Final inspection. To be made after the building is complete, all required electrical fixtures are in place and properly connected or protected, and the structure is ready for occupancy.

Plumbing

1. Underground inspection. To be made after trenches or ditches are excavated, piping is installed, and before any backfill is put in place.

2. Rough-in inspection. To be made after the roof, framing, fireblocking and bracing is in place and all soil, waste and vent piping is complete, and prior to this installation of wall or ceiling membranes.

3. Final inspection. To be made after the building is complete, all plumbing fixtures are in place and properly connected, and the structure is ready for occupancy.

Note: See Section 312 of the *Florida Building Code, Plumbing* for required tests.

Mechanical

1. Underground inspection. To be made after trenches or ditches are excavated, underground duct and fuel piping is installed, and before any backfill is put in place.
2. Rough-in inspection. To be made after the roof, framing, fire blocking and bracing are in place and all ducting, and other concealed components are complete, and prior to the installation of wall or ceiling membranes.
3. Final inspection. To be made after the building is complete, the mechanical system is in place and properly connected, and the structure is ready for occupancy.

Gas

1. Rough piping inspection. To be made after all new piping authorized by the permit has been installed, and before any such piping has been covered or concealed or any fixtures or gas appliances have been connected.
2. Final piping inspection. To be made after all piping authorized by the permit has been installed and after all portions which are to be concealed by plastering or otherwise have been so concealed, and before any fixtures or gas appliances have been connected. This inspection shall include a pressure test.
3. Final inspection. To be made on all new gas work authorized by the permit and such portions of existing systems as may be affected by new work or any changes, to ensure compliance with all the requirements of this code and to assure that the installation and construction of the gas system is in accordance with reviewed plans.

The building official is required to verify that the building is constructed in accordance with the approved construction documents. It is the responsibility of the permit holder to notify the building official when the item is ready for inspection. The inspections that are necessary to provide such verification are listed in the following sections.

109.3.1 Footing and foundation inspection. Reserved.

109.3.2 Concrete slab and under-floor inspection. Reserved.

109.3.3 Reinforcing steel and structural frames. Reinforcing steel or structural frame work of any part of any building or structure shall not be covered or concealed without first obtaining a release from the building official.

109.3.4 Termites. Building components and building surroundings required to be protected from termite damage in accordance with Section 1503.6, Section 2304.13 or Section 2304.11.6, specifically required to be inspected for termites in accordance with Section 2114, or required to have chemical soil treatment in accordance with Section 1816 shall not be covered or concealed until the release from the building official has been received.

This section requires that the building official be able to inspect the framing members, such as studs, joists, rafters and girders and other items, such as vents and chimneys, that will be concealed by wall construction. Rough electrical work, plumbing, heating wires, pipes and ducts must have already been approved in accordance with the applicable codes prior to this inspection.

109.3.5 Shoring. For threshold buildings, shoring and associated formwork or falsework shall be designed and inspected by a Florida licensed professional engineer, employed by the permit holder or subcontractor, prior to any required mandatory inspections by the threshold building inspector.

109.3.6 Threshold building.

“Threshold building” means any building which is greater than three stories or 50 feet in height, or which has an assembly occupancy classification as defined in the *Florida Building Code, Building* which exceeds 5,000 square feet in area and an occupant content of greater than 500 persons. Florida’s special inspection provisions for such buildings, found in Section 553.79, *Florida Statutes* and in this section, require a registered architect or engineer (or authorized representative) to perform structural inspections in addition to those minimum code compliance inspections performed by the building department. The building owner is responsible for employment costs but the threshold inspector is accountable to the building department.

109.3.6.1 The enforcing agency shall require a special inspector to perform structural inspections on a threshold building pursuant to a structural inspection plan prepared by the engineer or architect of record. The structural inspection plan must be submitted to the enforcing agency prior to the issuance of a building permit for the construction of a threshold building. The purpose of the structural inspection plans is to provide specific inspection procedures and schedules so that the building can be adequately inspected for compliance with the permitted documents. The special inspector may not serve as a surrogate in carrying out the responsibilities of the building official, the architect or the engineer of record. The contractor’s contractual or statutory obligations are not relieved by any action of the special inspector.

109.3.6.2 The special inspector shall determine that a professional engineer who specializes in shoring design has inspected the shoring and reshoring for conformance with the shoring and reshoring plans submitted to the enforcing agency. A fee simple title owner of a building, which does not meet the minimum size, height, occupancy, occupancy classification or number-of-stories criteria which would result in classification as a threshold building under s. 553.71(7), may designate such building as a threshold building, subject to more than the minimum number of inspections required by the *Florida Building Code*.

109.3.6.3 The fee owner of a threshold building shall select and pay all costs of employing a special inspector, but the special inspector shall be responsible to the enforcement agency. The inspector shall be a person certified, licensed or registered

under Chapter 471, *Florida Statutes*, as an engineer or under Chapter 481, *Florida Statutes*, as an architect.

109.3.6.4 Each enforcement agency shall require that, on every threshold building:

109.3.6.4.1 The special inspector, upon completion of the building and prior to the issuance of a certificate of occupancy, file a signed and sealed statement with the enforcement agency in substantially the following form: “To the best of my knowledge and belief, the above described construction of all structural load-bearing components complies with the permitted documents, and the shoring and reshoring conforms to the shoring and reshoring plans submitted to the enforcement agency.”

109.3.6.4.2 Any proposal to install an alternate structural product or system to which building codes apply be submitted to the enforcement agency for review for compliance with the codes and made part of the enforcement agency’s recorded set of permit documents.

109.3.6.4.3 All shoring and reshoring procedures, plans and details be submitted to the enforcement agency for recordkeeping. Each shoring and reshoring installation shall be supervised, inspected and certified to be in compliance with the shoring documents by the contractor.

109.3.6.4.4 All plans for the building which are required to be signed and sealed by the architect or engineer of record contain a statement that, to the best of the architect’s or engineer’s knowledge, the plans and specifications comply with the applicable minimum building codes and the applicable fire-safety standards as determined by the local authority in accordance with this section and Chapter 633, *Florida Statutes*.

109.3.6.5 No enforcing agency may issue a building permit for construction of any threshold building except to a licensed general contractor, as defined in Section 489.105(3)(a), *Florida Statutes*, or to a licensed building contractor, as defined in Section 489.105(3)(b), *Florida Statutes*, within the scope of her or his license. The named contractor to whom the building permit is issued shall have the responsibility for supervision, direction, management and control of the construction activities on the project for which the building permit was issued.

109.3.6.6 The building department may allow a special inspector to conduct the minimum structural inspection of threshold buildings required by this code, Section 553.73, *Florida Statutes*, without duplicative inspection by the building department. The building official is responsible for ensuring that any person conducting inspections is qualified as a building inspector under Part XII of Chapter 468, *Florida Statutes*, or certified as a special inspector under Chapter 471 or 481, *Florida Statutes*. Inspections of threshold buildings required by Section 553.79(5), *Florida Statutes*, are in addition to the minimum inspections required by this code.

The building official, in order to eliminate redundancy, may allow the threshold, or special, inspector to provide code compliance inspections (those inspections normally completed by the building department) as long as he/she is licensed as a Florida architect, engineer, or inspector in the appropriate category.

109.3.7 Energy efficiency inspections. Reserved.

109.3.8 Other inspections. Reserved.

109.3.9 Special inspections. Reserved.

109.3.10 Final inspection. Reserved.

109.4 Inspection agencies. Reserved.

109.5 Inspection requests. It shall be the duty of the holder of the building permit or their duly authorized agent to notify the building official when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by this code.

It is the responsibility of the permit holder or other authorized person, such as the contractor performing the work, to arrange for the required inspections when completed work is ready and to allow for sufficient time for the building official to schedule a visit to the site to prevent work from being concealed prior to being inspected. Access to the work to be inspected must be provided, including any special means such as a ladder.

109.6 Approval required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official. The building official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his or her agent wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the building official.

This section establishes that work cannot progress beyond the point of a required inspection without the building official’s approval. Upon making the inspection, the building official must either approve the completed work or notify the permit holder or other responsible party of that which does not comply with the code. Any item not approved cannot be concealed until it has been corrected and approved by the building official.

SECTION 110 CERTIFICATES OF OCCUPANCY AND COMPLETION

110.1 Use and occupancy. No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the building official has issued a certificate of occupancy therefor as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction.

This section establishes that a new building or structure cannot be occupied until a certificate of occupancy is issued by the building official, which reflects the conclusion of the work allowed by the building permit. Also, no change in occupancy of an existing building is permitted without first obtaining a certificate of occupancy for the new use.

The tool that the building official uses to control the uses and occupancies of various buildings and structures within the jurisdiction is the certificate of occupancy. It is unlawful to use or occupy a building or structure unless a certificate of occupancy has been issued. Its issuance does not relieve the building owner from the responsibility for correcting any code violation that may exist.

110.2 Certificate issued. After the building official inspects the building or structure and finds no violations of the provisions of this code or other laws that are enforced by the department of building safety, the building official shall issue a certificate of occupancy that contains the following:

1. The building permit number.
2. The address of the structure.
3. The name and address of the owner.
4. A description of that portion of the structure for which the certificate is issued.
5. A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
6. The name of the building official.
7. The edition of the code under which the permit was issued.
8. The use and occupancy, in accordance with the provisions of Chapter 3.
9. The type of construction as defined in Chapter 6.
10. The design occupant load.
11. If an automatic sprinkler system is provided, whether the sprinkler system is required.
12. Any special stipulations and conditions of the building permit.

The building official is required to issue a certificate of occupancy after a successful final inspection has been completed and all deficiencies and violations have been resolved. This section lists the information that must be included on the certificate. This information is useful to both the building official and the owner because it indicates the criteria under which the structure was evaluated and approved at the time the certificate was issued. This is important when applying Chapter 34 to existing buildings.

110.3 Temporary occupancy. The building official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The building official shall set a time period during which the temporary certificate of occupancy is valid.

The building official is permitted to issue a temporary certificate of occupancy for all or a portion of a building prior to the completion of all work. Such certification is to be issued only when the building or portion in ques-

tion can be safely occupied prior to full completion. The certification is intended to acknowledge that some building features may not be completed even though the building is safe for occupancy, or that a portion of the building can be safely occupied while work continues in another area. This provision precludes the occupancy of a building or structure that does not contain all of the required fire protection systems and means of egress. Temporary certificates should be issued only when incidental construction remains, such as site work and interior work that is not regulated by the code and exterior decoration not necessary to the integrity of the building envelope. The building official should view the issuance of a temporary certificate of occupancy as substantial an act as the issuance of the final certificate. Indeed, the issuance of a temporary certificate of occupancy offers a greater potential for conflict because once the building or structure is occupied, it is very difficult to remove the occupants through legal means. The certificate must specify the time period for which it is valid.

110.4 Certificate of Completion. A Certificate of Completion is proof that a structure or system is complete and for certain types of permits is released for use and may be connected to a utility system. This certificate does not grant authority to occupy a building, such as shell building, prior to the issuance of a Certificate of Occupancy.

The provisions of Section 110.4 were inadvertently deleted from the 2004 FBCB. This section is useful for structures such as concrete shell structures by permitting connection to a utility system. The certificate of completion should not be confused with a certificate of occupancy.

110.5 Revocation. The building official is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of this code wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code.

This section is needed to give the building official the authority to revoke a certificate of occupancy for the reasons indicated in the code text. The building official may also suspend the certificate of occupancy until all of the code violations are corrected.

SECTION 111 SERVICE UTILITIES

111.1 Connection of service utilities. No person shall make connections from a utility, source of energy, fuel or power to any building or system that is regulated by this code for which a permit is required, until released by the building official.

This section establishes the authority of the building official to approve utility connections to a building for items such as water, sewer, electricity, gas and steam, and to require their disconnection when hazardous conditions or emergencies exist.

The approval of the building official is required before a connection can be made from a utility to a building system that is regulated by the code, including those referenced in Section 101.4. This includes utilities supplying water, sewer, electricity, gas and steam services. For the protection of building occupants, including workers, such systems must have had final inspection approvals, except as allowed by Section 111.2 for temporary connections.

111.2 Temporary connection. The building official shall have the authority to authorize the temporary connection of the building or system to the utility source of energy, fuel or power.

The building official is permitted to issue temporary authorization to make connections to the public utility system prior to the completion of all work. This acknowledges that, because of seasonal limitations, time constraints or the need for testing or partial operation of equipment, some building systems may be safely connected even though the building is not suitable for final occupancy. The temporary connection and utilization of connected equipment should be approved when the requesting permit holder has demonstrated to the building official's satisfaction that public health, safety and welfare will not be endangered.

111.3 Authority to disconnect service utilities. The building official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the codes referenced in case of emergency where necessary to eliminate an immediate hazard to life or property. The building official shall notify the serving utility, and wherever possible the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

Disconnection of one or more of a building's utility services is the most radical method of hazard abatement available to the building official and should be reserved for cases in which all other lesser remedies have proven ineffective. Disconnection must be accomplished within the time frame established by the building official in the notice. When the hazard to the public health, safety or welfare is so imminent as to mandate immediate disconnection, the building official has the authority and even the obligation to cause disconnection without notice. In such cases, the owner or occupants must be given written notice as soon as possible.

**SECTION 112
BOARD OF APPEALS
RESERVED**

**SECTION 113
VIOLATIONS
RESERVED**

**SECTION 114
STOP WORK ORDER**

114.1 Authority. Whenever the building official finds any work regulated by this code being performed in a manner either contrary to the provisions of this code or dangerous or unsafe, the building official is authorized to issue a stop work order.

This section provides for the suspension of work for which a permit was issued, pending the removal or correction of a severe violation or unsafe condition identified by the building official. Normally, correction notices are used to inform the permit holder of code violations. Stop work orders are issued when enforcement can be accomplished no other way or when a dangerous condition exists.

114.2 Issuance. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume.

Upon receipt of a violation notice from the building official, all construction activities identified in the notice must immediately cease, except as expressly permitted to correct the violation.

114.3 Unlawful continuance. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

This section states that the work in violation must terminate and that all other work, except that which is necessary to correct the violation or unsafe condition, must cease as well. As determined by the municipality or state, a penalty may be assessed for failure to comply with this section.

**SECTION 115
UNSAFE STRUCTURES AND EQUIPMENT
RESERVED**

