



Informal Interpretation Report Number 9485



Date February 03, 2026

Edition 2023

Section 107.6.2

Question:

Does this code allow the Building Official to accept an affidavit for private provider permits in place of physical inspections or plan review for flood load and flood-resistance construction requirements in a flood hazard area?

Answer

No. See FBC 105.14.1. See also FBC Table 1612.1 for additional information regarding applicable portions that fall under the AHJ (Building Official).

Commentary:

On behalf of FDEM:

Affidavits may not be accepted “in place of” inspections or plan review. Affidavits may be accepted, but for flood provisions, affidavits do not replace review by building officials. Sec. 107.6.1 states that “the authority ...to issue permits, to rely on inspections, and to accept plans...shall not extend to” the flood requirements of the FBC. The NFIP requires communities to review proposed development and applications. In a joint memo issued in 2020 by FDEM and FEMA Region IV, the Region concurred with the conclusion that Sec. 107.6.1 “require(s) local official to review applications for compliance...and to inspect those aspects when permits are issued.” To clarify this conclusion in the FBC, Sec. 107.6.2 was added to the 8th Edition to affirmatively direct that building officials “shall review any affidavit certifying compliance” with flood. Note that Sec. 105.14.1 accomplishes the same result.

Notice:

The Building Officials Association of Florida, in cooperation with the Florida Building Commission, the Florida Department of Business & Professional Regulation, ICC, and industry and professional experts offer this interpretation of the Florida Building Code in the interest of consistency in their application statewide. This interpretation is informal, non-binding and subject to acceptance and approval by the local building official.