

# Residential Building Permits - HB 267

CURRENT LAW/PROCESS	HB 267 TIMELINE
<p><b>F.S. 468.609 – Administration of this part; standards for certification; additional categories of certification</b>            (2) (C) (7.a.) Sets the eligibility requirements for a building code inspector or plans examiner. Eligibility requirements include completing a 4-year internship certification program as a building code inspector or plans examiner while also being employed full-time by a municipality, county, other governmental jurisdiction, or by a private provider or private provider's firm. This employment must be completed under the supervision of a certified building official. The internship experience can be exchanged for proof of graduation with a related vocational degree, college degree or work experience.</p>	<p><u>Lines 147-161</u>            ▶ Amended to include an internship program for residential inspectors</p>
<p>n/a</p>	<p><u>Lines 176-193</u>            ▶ Modifies F.S. 553.73 the Florida Building Code to add that the commission shall modify the Florida Building Code to state that sealed drawings are not required for the replacement of windows, door or garage doors in existing one-family or two-family dwellings or townhouses if:</p> <ol style="list-style-type: none"> <li>1. They are installed in accordance with the manufacturer's instructions for the wind zone.</li> <li>2. They meet the design pressure requirements</li> <li>3. A copy of the manufacturer's instructions is submitted with the permit application</li> <li>4. The replacements are the same size and installed in the same opening as the existing windows, doors or garage doors.</li> </ol>
<p><b>F.S. 553.79 – Permits; applications; issuance; inspections</b></p> <ul style="list-style-type: none"> <li>▶ A building permit application for a single-family residential dwelling must be approved by the local government <b>30 days</b> after receiving it unless it does not meet the requirements.</li> <li>▶ If the local enforcement agency does not issue the permit in the 30-business day time frame, they must reduce the building permit fee by <b>10% for every business day it is late</b>.</li> <li>▶ A local enforcement agency does not have to reduce the fee if they provide the applicant with written notice stating the reasons the application does not satisfy the requirements. The notice must also state that the applicant has 10 business days to submit revisions or the application will be denied.</li> <li>▶ The applicant has 10 business days to submit revisions, and the local enforcement agency then has 10 business days after receiving the revisions to approve or deny the permit. If the local enforcement agency fails to issue the permit within those 10 business days, they must <b>reduce the fee by 20%</b>. For every additional business day the permit is not issued (not exceeding five business days), the fee must <b>rescued by an additional 10%</b>.</li> <li>▶ If any building permit fees are refunded, surcharges must be recalculated based on the amount of the building permit fees after the refund.</li> <li>▶ Permit applications by a contractor licensed in this state on behalf of a property owner who participates in a Community Development Block Grant–Disaster Recovery program administered by the Department of Economic Opportunity must be issued within <b>15 working days</b> after receipt of the application unless the permit application fails to satisfy requirements.</li> </ul>	<p><u>Lines 194-249</u>            Strikes this from F.S. 553.79</p>

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<p>n/a</p>	<p><u>Lines 261-332</u></p> <ul style="list-style-type: none"> <li>▶ F.S. 553.791 – Alternative plans review and inspections</li> <li>▶ Adds the term and definition for “Private provider firm”</li> <li>▶ Amends subsection 4 paragraph C to include the acknowledgment from the fee owner or the fee owner’s contractor.</li> </ul>
<p><b>F.S. 553.791 – Alternative plans review and inspections:</b>          (9) A private provider performing required inspections shall provide notice to the local building official of the date and approximate time of any such inspection no later than the prior business day by 2 p.m. local time or by any later time permitted by the local building official in that jurisdiction.</p>	<p><u>Lines 353-376</u></p> <ul style="list-style-type: none"> <li>▶ Amended to say, “approximate date and time”</li> <li>▶ Removes the ‘prior business day by 2 p.m.’ requirement.</li> </ul>
<p>n/a</p>	<p><u>Lines 377-393</u></p> <ul style="list-style-type: none"> <li>▶ Adds a new section to F.S. 553.791 stating that if a private provider, who is licensed as an engineer or architect, attaches their professional seal to the required affidavit, the local building official must either issue the permit requested or provide written notice to the applicant within <b>10 business days</b>. This notice should detail any plan features that don’t comply with building codes, specifying the code chapters and sections.</li> <li>▶ If the local building official fails to provide this notice within the 10 business days, the permit application is <b>automatically approved</b>, and the <b>permit must be issued the following business day</b>.</li> </ul>
<p><b>F.S. 553.791 – Alternative plans review and inspections:</b>          (16)(b) A local enforcement agency, local building official, or local government may establish a system of registration to verify compliance with licensure requirements for private providers and authorized representatives in that jurisdiction.</p>	<p><u>Line 407-413</u></p> <ul style="list-style-type: none"> <li>▶ Amended so private provider firms are included in the system of registration.</li> </ul>
<p><b>F.S. 553.791 – Alternative plans review and inspections:</b>          (19) Each local building code enforcement agency may audit the performance of building code inspection services by private providers operating within the local jurisdiction. However, the same private provider may not be audited more than <b>four times in a month</b> unless the local building official determines the building conditions are an immediate threat to public safety and welfare. Work on a building or structure may proceed after inspection and approval by a private provider if the provider has given notice of the inspection and, subsequent to such inspection and approval, the work shall not be delayed for completion of an inspection audit by a local enforcement agency.</p>	<p><u>Lines 414-439</u></p> <ul style="list-style-type: none"> <li>▶ Amended to state that a local building code enforcement agency <b>may not audit</b> the performance of building code inspection services by private providers until the agency creates standard operating private provider audit procedures for the agency’s internal inspection and review staff.</li> <li>▶ The bill sets the minimum requirements of the audit procedures, which includes: the private provider audit purpose and scope, private provider audit criteria, an explanation of private provider audit processes and objections, and detailed findings of noncompliance.</li> <li>▶ These audit procedures must be available online, and printed versions must be accessible in the agency building.</li> <li>▶ The audit results of private provider staff for the prior two quarters also must be publicly available.</li> <li>▶ The agency’s audit process must adhere to the agency’s posted standard operating procedures.</li> <li>▶ Additionally, the bill states that a private provider or private provider firm may not be audited more than <b>four times a year</b> unless there is an immediate threat. In the event the building conditions constitute an immediate threat, local building officials must communicate the need for additional audits in writing to the private provider.</li> <li>▶ Removes the lines requiring a notice of inspection so work on a building or structure can proceed after private provider approval.</li> </ul>

**F.S. 553.79 – Permits; applications; issuance; inspections**

- ▶ A building permit application for a single-family residential dwelling must be approved by the local government **30 days** after receiving it unless it does not meet the requirements.
- ▶ Permit applications by a contractor licensed in this state on behalf of a property owner who participates in a Community Development Block Grant–Disaster Recovery program administered by the Department of Economic Opportunity must be issued within **15 working days** after receipt of the application unless the permit application fails to satisfy requirements.

Lines 443-494

**Amends F.S 553.792 Building permit application to local government to include:**

The time frames a local government must approve, approve with conditions, or deny **a completed building permit application** as follows:

- ▶ **30 business days** for an applicant using a local government plans reviewer for the following building permits for structures that **are less than 7,500 square feet**: residential units (including a single-family residential unit or a single-family residential dwelling), accessory structure, alarm, electrical, irrigation, landscaping, mechanical, plumbing or roofing.
- ▶ **60 business days** for an applicant using a local government plans reviewer for the following building permits for structures that are **7,500 square feet or more**: residential units (including a single-family residential unit or a single-family residential dwelling), accessory structure, alarm, electrical, irrigation, landscaping, mechanical, plumbing or roofing.
- ▶ **60 business days** for an application using a local government plans reviewer for the following building permits for signs or nonresidential buildings that **are less than 25,000 square feet**.
- ▶ **60 business days** for an applicant using a local government plans reviewer for the following building permits: multifamily residential not exceeding 50 units, site-plan approvals and subdivision plats not requiring a public hearing or public notice, and lot grading and site alteration.
- ▶ **12 business days** for an applicant using a master building permit consistent with F.S. 553.794 to obtain a site-specific building permit.
- ▶ **10 business days** for single-family residential dwelling applied for by a contractor licensed in the state who participates in a Community Development Block Grant–Disaster Recovery program, unless application does not satisfy Florida building code.

The bill also specifies that local governments must meet these time frames unless the time frames set by a local ordinance are more stringent.

**F.S 553.792 – Building permit application to local government:**

**Within 10 days** of an application being submitted to a local government, shall advise what info is needed to properly complete application.

If not provided with notice, the application shall be automatically deemed accepted.

Lines 495-505

- ▶ After an application is submitted, a local government has **5 business days** to provide a written notice to the applicant on what information is needed for the application to be determined completed.
- ▶ If the written notice is not given in the 5-business day period, the **application is automatically deemed completed** and accepted.

**Within 45 days** after receiving a completed application, the local government must notify an applicant if additional information is required to determine the sufficiency – local government shall specify the info required.

- ▶ The applicant must submit the information or request the local government act without additional info

While applicant responds to request for additional information, the 120-day time frame is tolled.

The local government must approve, approve with conditions, or deny the application within **120 days** following receipt of a completed application.

Lines 506-519

- ▶ Strikes this section

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When reviewing applications for a building permit, a local government may not request additional information from the applicant more than **3 times**, unless waived by applicant.

- ▶ If a local government makes the second request for info and the information is submitted **within 30 days**, the local government must respond within **15 days**: approve, approve with conditions, or deny.
- ▶ Before a **third request** for additional information, the applicant must be offered the opportunity to meet.
- ▶ If a local government makes the third request for information and the information is submitted **within 30 days**, the local government must respond within **10 days**: approve, approve with conditions, or deny.

Lines 524-571

- ▶ Strikes current law that limits the number of requests for information from a local government.
- ▶ Strikes current law requiring a meeting before the third request for information.

If a local government fails to meet the deadline, they must reduce the building permit fee by 10% for each business day that it fails to meet the deadline. This does not apply if both parties agree to an extension of time.

Lines 572-581

- ▶ Amended to include that both parties need to agree to the extension of time in writing.
- ▶ Also specifies that the 10% reduction does not apply if the delay is caused by the applicant, a force majeure or extraordinary circumstances.

n/a

Lines 582-592  
 Adds a paragraph that exempts local governments from the 10% reduction in building permit fees if they provided written notice to the applicant within the required time frames. The written notice must state:

- ▶ The reasons applications fail to meet requirements
- ▶ That the applicant has 10 business days after receiving the notice to submit revisions.

Failure to submit the corrections within 10 business days will result in a denial of the application.

n/a

Lines 593-602  
 Adds a paragraph explaining that if the applicant submits the revisions within 10 business days, the local government then has 10 business days to approve the application unless the applicant agrees to a longer period.

If the local government fails to approve or deny the application within the 10 business days after receiving the revisions, they must reduce the building permit fee by **20% for each day it is late**.

- ▶ Specifies that the procedures in subsection (1) apply to the following building permit applications: accessory structure; alarm permit; nonresidential buildings less than 25,000 square feet; electric; irrigation permit; landscaping; mechanical; plumbing; residential units other than a single-family unit; multifamily residential not exceeding 50 units; roofing; signs; site-plan approvals and subdivision plats not requiring public hearings or public notice; and lot grading and site alteration associated with the permit application set forth in this subsection.
- ▶ Specifies that the procedures set in subsection (1) **do not apply** to permits for any wireless communications facilities or when a law, agency rule, or local ordinance specify different time frames for review of local building permit applications.

Lines 603-615  
 Strikes this paragraph

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- ▶ If a local government has different time frames than those in section 1, the local government must follow those in local ordinance.
- ▶ If a local government does not meet an established deadline to approve, approve with conditions, or deny an application, they must reduce the permit fee by 10% for each day it is late.
- ▶ The 10% reduction must be based on the original building permit fee.

Lines 616-627  
Strikes this paragraph

**F.S. 553.80 – Enforcement:**

Specifies the specific purposes for which excess funds can be spent by local governments. Excess funds must be used to:

- ▶ Rebate and reduce fees
- ▶ Pay for the construction of a building or structure that houses a local government building enforcement agency or the training program for building officials, inspectors, or plans examiners

Lines 670-686  
Amended to include that funds may be spent on upgrades to technology hardware and software to enhance service delivery

n/a

Lines 717-743  
Creates a new section of Florida Statutes (section 553.9065 – Thermal efficiency standards for unvented attic and unvented enclosed rafter assemblies)