

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 407 Residential Building Permits

SPONSOR(S): Perry and others

TIED BILLS: **IDEN./SIM. BILLS:** SB 580

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Community & Military Affairs Subcommittee		Duncan	Hoagland
2) Economic Affairs Committee			

SUMMARY ANALYSIS

Part IV of ch. 553, F.S., is known as the "Florida Building Codes Act (Act)." The purpose and intent of the Act is to provide a mechanism for the uniform adoption, updating, amendment, interpretation, and enforcement of a single, unified state building code. The Florida Building Code must be applied, administered, and enforced uniformly and consistently from jurisdiction to jurisdiction. It is the intent of the Legislature that local governments have the power to inspect all buildings, structures, and facilities within their jurisdictions in protection of the public's health, safety, and welfare.

Section 553.79(1), F.S., provides that it is unlawful for any person, firm, corporation, or governmental entity to construct, erect, alter, modify, repair, or demolish any building without first obtaining a permit from the appropriate enforcing agency or from such persons delegated the authority to issue permits, upon the payment of fees adopted by the enforcing agency.

The bill provides that a local enforcement agency or local building code administrator, inspector, or other official or entity may not require, as a condition of issuance of a residential building permit, the inspection of any portion of a building or structure that is not directly related to the construction, erection, alteration, modification, repair, or demolition of the building or parcel for which the permit is sought.

The bill provides an effective date of July 1, 2011.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Part IV of ch. 553, F.S., is known as the "Florida Building Codes Act (Act)." The purpose and intent of the Act is to provide a mechanism for the uniform adoption, updating, amendment, interpretation, and enforcement of a single, unified state building code. The Florida Building Code must be applied, administered, and enforced uniformly and consistently from jurisdiction to jurisdiction. It is the intent of the Legislature that local governments have the power to inspect all buildings, structures, and facilities within their jurisdictions in protection of the public's health, safety, and welfare.

Section 553.79(1), F.S., provides that it is unlawful for any person, firm, corporation, or governmental entity to construct, erect, alter, modify, repair, or demolish any building without first obtaining a permit from the appropriate enforcing agency or from such persons delegated the authority to issue permits, upon the payment of fees adopted by the enforcing agency.

A "local enforcement agency" means the agency of local government, a local school board, a community college board of trustees, or a university board of trustees in the State University System with jurisdiction to make inspections of buildings and to enforce the codes which establish standards for the design, construction, erection, alteration, repair, modification, or demolition of public or private buildings, structures, or facilities.¹

It is the responsibility of the building code administrator or building official to administrate, supervise, direct, enforce, or perform the permitting and inspection of construction, alteration, repair, remodeling, or demolition of structures and the installation of building systems within the boundaries of their governmental jurisdiction, when permitting is required, to ensure compliance with the Florida Building Code and any applicable local technical amendment to the Florida Building Code.²

It is the responsibility of the building code inspector to conduct inspections of construction, alteration, repair, remodeling, or demolition of structures and the installation of building systems, when permitting is required, to ensure compliance with Florida Building Code and any applicable local technical amendment to the Florida Building Code.³

Effect of Proposed Changes

The bill provides that a local enforcement agency or local building code administrator, inspector, or other official or entity may not require, as a condition of issuance of a residential building permit, the inspection of any portion of a building or structure that is not directly related to the construction, erection, alteration, modification, repair, or demolition of the building or parcel for which the permit is sought.

B. SECTION DIRECTORY:

Section 1: Creates subsection (17) of s. 553.79, F.S., prohibiting local enforcement agency or local building code administrator, inspector, or others from, as a condition of issuance of a residential building permit, inspecting any portion of a building or structure that is not directly related to the construction, erection, alteration, modification, repair, or demolition of the building or parcel for which the permit is sought.

Section 2: Provides an effective date of July 1, 2011.

¹ Section 553.71(5), F.S.

² Section 468.604(1), F.S.

³ Section 468.604(2), F.S.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because the bill does not appear to require the counties or cities to spend funds or take an action requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The term "residential buildings" as defined in Chapter 3 of the Florida Building Codes includes single-family dwelling, two-family dwelling, multifamily dwelling (i.e., apartment houses and dormitories), transient residential building (i.e., boarding houses, hotels, and motels), adult care facilities, and childcare facilities.

The phrase "not directly related to" is unclear.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

N/A.