

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: Regulated Industries Committee

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BILL: CS/SB 1854

SPONSOR: Regulated Industries Committee and Senator Constantine

SUBJECT: Electronic Submittal/Applications for Local Building Permit

DATE: April 17, 2005

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Vickers</u>	<u>Yeatman</u>	<u>CA</u>	<b>Favorable</b>
2.	<u>Oxamendi</u>	<u>Imhof</u>	<u>RI</u>	<b>Fav/CS</b>
3.	_____	_____	<u>CJ</u>	_____
4.	_____	_____	<u>JA</u>	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

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## I. Summary:

This committee substitute (CS) authorizes local governments to accept applications for building permits transmitted electronically. The bill provides for the format of the electronic application, and requires the application to include an electronic affidavit by the owner applying for the permit. If the permitting authority accepts building permit applications in an electronic format, it must provide public Internet access to the electronic building permit applications in a searchable format. The CS also provides criminal penalties for knowingly making a false statement in the affidavit.

This CS substantially amends section 713.135, Florida Statutes.

## II. Present Situation:

Section 713.135(6), F.S., establishes the general form for building permit applications. Currently, applicants who wish to apply for a building permit must submit a paper copy of the form outlined in this section to their local issuing authority, defined in s. 713.135(7), F.S., as “every municipality and county in the state which now has or hereafter may have a system of issuing building permits.” Due to the fact that the applicant is handling a paper application, the application must be obtained at, and submitted to, the appropriate municipal or county office and must be properly signed with a signature that is notarized under oath.

## III. Effect of Proposed Changes:

The CS amends s. 713.136(6), F.S., to provide that a permitting authority may accept a building permit application in an electronic format provided the electronic version of the application is consistent with the requirements of this section. Additionally, the electronic building permit

application submitted to the issuing authority must contain the following additional statement, entitled "Owner's Electronic Submission Statement":

Under penalty of perjury, I declare that I have read the foregoing application for a building permit and the facts stated in it are true and correct.

The CS provides that this additional statement is in lieu of the current statutory requirement that a signed, sworn, and notarized signature of the owner or agent and the contractor must be included in the owner's electronic submission affidavit.

The CS provides that an individual who knowingly makes a false declaration in the owner's electronic submission affidavit of an electronically submitted application commits a perjury by false written declaration, a third degree felony. A violation of this provision is punishable by term of imprisonment not to exceed 5 years, or a fine of up to \$5,000.

The CS requires that if the permitting authority accepts building permit applications in an electronic format, it must provide public Internet access to the electronic building permit applications in a searchable format.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

#### **V. Economic Impact and Fiscal Note:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Applicants who live in counties that offer electronic building permit applications will have the option of submitting their building permit application electronically and thereby reduce time and costs associated with multiple visits to the municipal or county office.

**C. Government Sector Impact:**

The fiscal impact on local governments who choose to offer electronic building permits is indeterminate. A county may be able to save costs on employee salaries and related expenses if electronic filing makes the permit review process more efficient.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

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This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

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## **VIII. Summary of Amendments:**

None.

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