

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.)

Prepared By: Governmental Oversight and Productivity Committee

BILL: CS/SB 2286

SPONSOR: Community Affairs Committee and Senator Bennett

SUBJECT: Building Permit Applications

DATE: April 23, 2005

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Vickers	Yeatman	CA	Fav/CS
2.	Oxamendi	Imhof	RI	Favorable
3.	Rhea	Wilson	GO	Favorable
4.				
5.				
6.				

I. Summary:

This committee substitute (CS) establishes a timeframe for the processing of applications for certain building permits by local governments. Specifically, the CS provides that a local government must approve, approve with conditions, or deny a completed permit application within 120 days of receipt. The CS specifies the categories of building permits that are subject to this requirement and stipulates that this 120-day timeframe does not supersede other laws, rules, or ordinances that specify a different timeframe for local building permit application processing.

This CS creates an unnumbered section of the Florida Statutes.

II. Present Situation:

Section 553.79, 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 as may, by appropriate resolution or regulation of the authorized state or local enforcing agency, be delegated the authority to issue such permits. Additionally, an enforcing agency may not issue any permit for construction of any building or structure until the local building code administrator or inspector has reviewed the plans and specifications required by the Florida Building Code or local amendment thereto, for such proposal and found the plans to be in compliance with the Florida Building Code.

With the exception of s. 553.79(13), F.S., Florida law does not currently specify time limits for local governments to take action on applications for building permits. Section 553.79(13), F.S., provides that a building permit for a single-family residential dwelling must be issued within 30 working days of application 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. However, there are no sanctions associated with the local government's failure to comply with this provision.

While the Florida Building Code establishes certain minimum standards for the interpretation of building permit applications, it does not address the timeliness of permit application processing.

According to representatives of local governments, the length of time required to process an application for a building permit is largely a function of departmental workload and the complexity of the proposed project. Permit processing timeframes are highly variable depending on the type of permit requested.

III. Effect of Proposed Changes:

Section 1 establishes a 120-day timeframe governing the processing of certain building permit applications by local governments.

The CS provides that within 10 days of receipt of an application for a building permit the local government must review the application and advise the applicant what, if any, information is needed in order for the application to be considered complete. If the local government fails to provide written notice that the applicant has failed to submit the properly completed application, the application is automatically deemed complete and available for processing. If additional information is required in order for the local government to evaluate the sufficiency of the application, the local government must notify the applicant within 45 days after receipt of the application and specify any additional information that is needed. The applicant must submit the additional information or request that the local government act without the additional information. While the applicant responds to the local government's request for additional information, the 120-day timeframe is tolled.

The parties may agree to an extension of time, particularly in the event of extraordinary circumstances. Within 120 days of receipt of the completed application for a building permit, the local government must approve, approve with conditions, or deny the application.

The CS provides that the application processing procedures apply to following specific types of permits:

- A permit for an accessory structure;
- An alarm permit;
- A permit for a nonresidential building of less than 25,000 square feet;
- An electrical permit;
- An irrigation permit;
- A landscaping permit;
- A mechanical permit;
- A plumbing permit;
- A permit for a residential unit other than a single-family unit;
- A permit for a multifamily residential unit that does not exceed 50 units;

- A roofing permit;
- A permit for a sign;
- A permit for site-plan approval or a subdivision plat that does not require a public hearing or public notice; and
- A permit for lot grading or site alteration that is associated with an application for any permit previously identified.

Finally, the CS stipulates that the 120-day timeframe for permit processing does not apply to a permit for any wireless communication facility and does not supersede any other provision of law, rule, or local ordinance which specifies a different timeframe for review of an application for a local building permit.

Section 2 provides that this act shall take effect on July 1, 2005.

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:

Representatives of the construction industry maintain that delays in the processing of applications for building permits generate considerable costs for both contractors and consumers. To the extent that the CS results in the expedited processing of building permit applications and reduces costs, the CS would benefit contractors and consumers.

The CS would provide greater certainty for building contractors and other interested parties by establishing a timeframe for the processing of building permits. However, representatives of local governments have indicated that the CS could result in an increase in the number of permit application denials due to the 120-day processing provision.

C. Government Sector Impact:

Local governments may incur additional staffing costs in meeting the permit processing requirements contained in the CS.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

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

VIII. Summary of Amendments:

None.

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