

1 A bill to be entitled
 2 An act relating to residential building permits; amending
 3 s. 553.79, F.S.; prohibiting local enforcing agencies and
 4 building code officials or entities from requiring certain
 5 inspections of buildings, structures, or real property as
 6 a condition of issuance of certain residential building
 7 permits; providing for application; providing for
 8 conditional repeal; providing an effective date.

9
 10 Be It Enacted by the Legislature of the State of Florida:

11
 12 Section 1. Subsection (17) is added to section 553.79,
 13 Florida Statutes, to read:

14 553.79 Permits; applications; issuance; inspections.—

15 (17) (a) A local enforcing agency, and any local building
 16 code administrator, inspector, or other official or entity, may
 17 not require as a condition of issuance of a one- or two-family
 18 residential building permit the inspection of any portion of a
 19 building, structure, or real property that is not directly
 20 impacted by the construction, erection, alteration,
 21 modification, repair, or demolition of the building, structure,
 22 or real property for which the permit is sought.

23 (b) This subsection does not apply to a building permit
 24 sought for:

25 1. A substantial improvement as defined in s. 161.54 or as
 26 defined in the Florida Building Code.

27 2. A change of occupancy as defined in the Florida
 28 Building Code.

29 3. A conversion from residential to nonresidential or
 30 mixed use pursuant to s. 553.507(2) (a) or as defined in the
 31 Florida Building Code.

32 4. An historic building as defined in the Florida Building
 33 Code.

34 (c) This subsection does not prohibit a local enforcing
 35 agency, or any local building code administrator, inspector, or
 36 other official or entity, from:

37 1. Citing any violation inadvertently observed in plain
 38 view during the ordinary course of an inspection conducted in
 39 accordance with the prohibition in paragraph (a).

40 2. Inspecting a physically nonadjacent portion of a
 41 building, structure, or real property that is directly impacted
 42 by the construction, erection, alteration, modification, repair,
 43 or demolition of the building, structure, or real property for
 44 which the permit is sought in accordance with the prohibition in
 45 paragraph (a).

46 3. Inspecting any portion of a building, structure, or
 47 real property for which the owner or other person having control
 48 of the building, structure, or real property has voluntarily
 49 consented to the inspection of that portion of the building,
 50 structure, or real property in accordance with the prohibition
 51 in paragraph (a).

52 4. Inspecting any portion of a building, structure, or
 53 real property pursuant to an inspection warrant issued in
 54 accordance with ss. 933.20-933.30.

55 (d) This subsection is repealed upon receipt by the
 56 Secretary of State of the written certification by the chair of

CS/HB 407

2011

57 | the Florida Building Commission that the commission has adopted
58 | an amendment to the Florida Building Code which substantially
59 | incorporates this subsection, including the prohibition in
60 | paragraph (a), as part of the code and such amendment has taken
61 | effect.

62 | Section 2. This act shall take effect July 1, 2012.