

ENROLLED  
CS/HB 407

2011 Legislature

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.

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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

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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.