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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/04/2011	.	
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The Committee on Community Affairs (Wise) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

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

553.79 Permits; applications; issuance; inspections.-

(17) (a) A local enforcement agency, and any local building code administrator, inspector, or other official or entity, may not require as a condition of issuance of a one- or two-family residential building permit the inspection of any portion of a building, structure, or real property that is not directly



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13 impacted by the construction, erection, alteration,
14 modification, repair, or demolition of the building, structure,
15 or real property for which the permit is sought.

16 (b) This subsection does not apply to a building permit
17 sought for:

18 1. A substantial improvement as defined in s. 161.54 or as
19 defined in the Florida Building Code.

20 2. A change of occupancy as defined in the Florida Building
21 Code.

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

25 4. An historic building as defined in the Florida Building
26 Code.

27 (c) This subsection does not prohibit a local enforcement
28 agency, or any local building code administrator, inspector, or
29 other official or entity, from:

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

33 2. Inspecting a physically nonadjacent portion of a
34 building, structure, or real property that is directly impacted
35 by the construction, erection, alteration, modification, repair,
36 or demolition of the building, structure, or real property for
37 which the permit is sought in accordance with the prohibition in
38 paragraph (a).

39 3. Inspecting any portion of a building, structure, or real
40 property for which the owner or other person having control of
41 the building, structure, or real property has voluntarily



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42 consented to the inspection of that portion of the building,
43 structure, or real property in accordance with the prohibition
44 in paragraph (a).

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

48 (d) This subsection expires upon receipt by the Secretary
49 of State of the written certification by the chair of the
50 Florida Building Commission that the commission has adopted an
51 amendment to the Florida Building Code which substantially
52 incorporates this subsection, including the prohibition in
53 paragraph (a), as part of the code and such amendment has taken
54 effect.

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

56
57 ===== T I T L E A M E N D M E N T =====

58 And the title is amended as follows:

59 Delete everything before the enacting clause
60 and insert:

61 A bill to be entitled
62 An act relating to residential building permits;
63 amending s. 553.79, F.S.; prohibiting local
64 enforcement agencies and building code officials or
65 entities from requiring certain inspections of
66 buildings, structures, or real property as a condition
67 of issuance of certain residential building permits;
68 providing certain exceptions to the application of the
69 act; providing for expiration of the act following an
70 amendment to the Florida Building Code by the Florida



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Building Commission which incorporates the provisions
of the act; providing an effective date.