

By the Committee on Community Affairs; and Senator Oelrich

578-03775A-11

2011580c1

1                   A bill to be entitled  
2           An act relating to residential building permits;  
3           amending s. 553.79, F.S.; prohibiting local  
4           enforcement agencies and building code officials or  
5           entities from requiring certain inspections of  
6           buildings, structures, or real property as a condition  
7           of issuance of certain residential building permits;  
8           providing certain exceptions to the application of the  
9           act; providing for expiration of the act following an  
10          amendment to the Florida Building Code by the Florida  
11          Building Commission which incorporates the provisions  
12          of the act; providing an effective date.

13  
14 Be It Enacted by the Legislature of the State of Florida:

15  
16           Section 1. Subsection (17) is added to section 553.79,  
17 Florida Statutes, to read:

18           553.79 Permits; applications; issuance; inspections.—

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

27           (b) This subsection does not apply to a building permit  
28 sought for:

29           1. A substantial improvement as defined in s. 161.54 or as

578-03775A-11

2011580c1

30 defined in the Florida Building Code.

31 2. A change of occupancy as defined in the Florida Building  
32 Code.

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

36 4. An historic building as defined in the Florida Building  
37 Code.

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

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

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

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

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

578-03775A-11

2011580c1

59       (d) This subsection expires upon receipt by the Secretary  
60 of State of the written certification by the chair of the  
61 Florida Building Commission that the commission has adopted an  
62 amendment to the Florida Building Code which substantially  
63 incorporates this subsection, including the prohibition in  
64 paragraph (a), as part of the code and such amendment has taken  
65 effect.

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