

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Community Affairs Committee

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BILL: SB 600

INTRODUCER: Senator Bennett

SUBJECT: Electronic Filing of Construction Plans

DATE: November 15, 2011      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Toman	Yeatman	CA	<b>Pre-meeting</b>
2.			RI	
3.				
4.				
5.				
6.				

**I. Summary:**

This bill authorizes building code administrators or building officials to accept electronically transmitted construction plans and related documents for permit approval purposes.

The bill substantially amends section 468.604 of the Florida Statutes.

**II. Present Situation:**

**Building Code Administrators and the Permitting Process**

The Legislature deems it necessary in the interest of public health and safety to regulate the practice of building code administration and inspection in this state.<sup>1</sup> “Building code administrators” or “building officials” are the local government employees charged with building construction regulation responsibilities. These responsibilities are linked to the permitting process and include plan review, enforcement, and the inspection of building construction, remodeling, and demolition. Officials verify compliance with construction codes as required by state law or municipal or county ordinance relating to plumbing, mechanical, electrical, gas, fire prevention, energy, and accessibility.<sup>2</sup>

Section 468.604 (1), F.S., requires that construction plans be reviewed by a building code administrator or building official before the issuance of any building, system installation, or

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<sup>1</sup> Section 468.601, F.S.

<sup>2</sup> Section 468.603(1), F.S.

other construction permit. In addition, the administrator or official must also inspect each phase of construction where a building or other construction permit has been issued.<sup>3</sup>

To obtain a permit, the Florida Building Code provides that an applicant shall first file an application in writing on a form furnished by the appropriate building department for the intended purpose.<sup>4</sup> Permit application forms shall be in a format prescribed by a local administrative board, if applicable, and must comply with the requirements of s. 713.135 (5) and (6), F.S.

Section 713.135(5), F.S. requires building permit applications to include the names and addresses of property owners and contractors and a description sufficient to identify the property. Section 713.135(6), F.S., delineates the format for building permit applications which include owner and contractor signatures as well as notarization.<sup>5</sup> The section also provides that an authority responsible for issuing building permits may accept a building permit application in an electronic format, as prescribed by the authority. Electronically submitted permits must contain an additional “owner’s electronic submission statement.”<sup>6</sup>

Construction documents outlining floor, site, and foundation plans, as well as other data, are submitted in one or more sets with each application for a permit. Electronic media versions of these documents are allowed to be submitted when approved by the building official.<sup>7</sup>

### **Electronic Signatures**

The intent of the “Electronic Signature Act of 1996,” is to facilitate economic development and efficient delivery of government services through electronic messages.<sup>8</sup> The act also aims to foster the development of electronic commerce through the use of electronic signatures. Unless otherwise provided by law, an electronic signature may be used to sign a writing and shall have the same force and effect as a written signature.<sup>9</sup>

Part II, ch. 668, F.S., contains the “Uniform Electronic Transaction Act” which sets forth requirements for the validation and effect of electronic records and electronic signatures. It also provides for agreement variation in order to facilitate, but not require, the use of electronic means in conducting transactions.<sup>10</sup>

### **Statutorily Authorized Electronic Submission of Documents and Seals**

Certain professions regulated by the state have statutory authority to electronically submit documents and to utilize electronic seals. These include:

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<sup>3</sup> Section 468.604(1), F.S.

<sup>4</sup> Section 105.3, Chap. 1, 2007 Florida Building Code: Building (including 2009 Supplement).

<sup>5</sup> Section 117.021(1), F.S., provides that “any document requiring notarization may be notarized electronically.”

<sup>6</sup> Section 713.135(6)b, F.S.

<sup>7</sup> Sections 106.1.1 and 106.3.5, Chap. 1, 2007 Florida Building Code: Building (including 2009 Supplement).

<sup>8</sup> See s. 668.002, F.S.

<sup>9</sup> Section 668.004, F.S.

<sup>10</sup> See Comm. on Commerce and Economic Opportunities, The Florida Senate, *CS/CS/SB 1334 Electronic Commerce*, Florida Senate 2000 Session Summary, available at <http://archive.flsenate.gov/publications/2000/senate/reports/summaries/pdf/Comm.pdf>.

- architects,<sup>11</sup>
- engineers,<sup>12</sup>
- interior designers,<sup>13</sup>
- landscape architects,<sup>14</sup> and
- land surveyors and mappers.<sup>15</sup>

In addition, in 2009, the Legislature required each clerk of court to implement an electronic filing process in an effort to reduce judicial costs, increase timeliness in the processing of cases, and improve judicial case management.<sup>16</sup>

### III. Effect of Proposed Changes:

**Section 1** of the bill creates subsection (4) of s. 468.604, F.S., specifying that should a building code administrator or building official provide for electronic filing, then construction plans, drawings, specifications, reports, final documents, or documents prepared or issued by a licensee may be dated and electronically signed and sealed by the licensee in accordance with ss. 668.001-668.006 and transmitted electronically to the building code administrator or building official for approval.

**Section 2** of the bill provides an effective date of July 1, 2012.

### IV. Constitutional Issues:

#### A. Municipality/County Mandates Restrictions:

None.

#### B. Public Records/Open Meetings Issues:

None.

#### C. Trust Funds Restrictions:

None.

#### D. Other Constitutional Issues:

None.

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<sup>11</sup> Section 481.221(2), F.S.

<sup>12</sup> Section 471.025(1), F.S.

<sup>13</sup> Section 481.221(3), F.S.

<sup>14</sup> Section 481.321(1), F.S.

<sup>15</sup> Section 472.025(1), F.S.

<sup>16</sup> Section 28.22205, F.S.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

Persons or businesses engaged in various phases of building construction, repair, remodeling or demolition may experience cost savings as a result of efficiencies accruing from electronic filing. Costs associated with the production and delivery of hard copy documents could be reduced.

**C. Government Sector Impact:**

Local authorities that provide for and accept electronic transmissions of various construction documents may realize procedural and document storage efficiencies and improve the timeliness of permit processing. The bill does not require electronic filing; therefore, any expenditures to facilitate this option would be discretionary.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Additional Information:****A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.