

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 1151 Residential Master Building Permit Programs

SPONSOR(S): Business & Professions Subcommittee; Ingoglia

TIED BILLS: **IDEN./SIM. BILLS:** SB 1486

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Business & Professions Subcommittee	13 Y, 0 N, As CS	Brown-Blake	Luczynski
2) Regulatory Affairs Committee	14 Y, 0 N	Brown-Blake	Hamon

SUMMARY ANALYSIS

The bill creates s. 553.794, F.S., which provides that if a local building code administrator licensed pursuant to ch. 468, Part XII, F.S., receives a written request from a general, building, or residential contractor licensed pursuant to ch. 489, F.S., requesting the creation of a master building permit program, the local government that employs the recipient building code administrator shall create a residential master building permit program within 6 months of receipt of the written request. The program is designed to achieve standardization and reduce the time spent by local building departments during the site-specific building permit application process.

In order to obtain a master building permit, builders must submit certain documents, including a general construction plan, to the local building department for review and approval. The local building department must review the general construction plan to determine compliance with the building code and approve or deny the master building permit application within 120 days after receiving a complete application.

If the master building permit application is approved, the builder shall receive a master building permit and permit number. To build one of the buildings approved under the master building permit, the builder must apply for a site-specific building permit and include the master building permit number with the application. The builder may submit the master building permit number an unlimited number of times with the site-specific building permit applications so long as the builder uses the model design contained in the master building permit and the permit is valid. Approved master building permits are valid until the Florida Building Code is updated as provided in s. 553.73, F.S.

The governing bodies of local governments shall set fees pursuant to s. 553.80(7), F.S.

A builder or design professional who willfully violates this provision shall be fined \$10,000 for each dwelling or townhome built under the master building permit that does not conform to the master building permit on file with the local building department.

The bill permits local government to adopt procedures to provide master building permit program guidelines and requirements.

The bill is expected to have a minimal fiscal impact on counties depending upon what the county chooses to charge for fees, which should be absorbed with existing resources and no fiscal impact on state government.

The bill has an effective date of July 1, 2015.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Part IV of ch. 553, F.S., is known as the "Florida Building Codes Act (Act)." The purpose and intent of the Act is to provide a mechanism for the uniform adoption, updating, amendment, interpretation, and enforcement of a single, unified state building code. The Florida Building Code must be applied, administered, and enforced uniformly and consistently from jurisdiction to jurisdiction. It is the intent of the Legislature that local governments have the power to inspect all buildings, structures, and facilities within their jurisdictions in protection of the public's health, safety, and welfare.

Section 553.79(1), F.S., provides that it is unlawful for any person, firm, corporation, or governmental entity to construct, erect, alter, modify, repair, or demolish any building without first obtaining a permit from the appropriate enforcing agency or from such persons delegated the authority to issue permits, upon the payment of fees adopted by the enforcing agency. Typically the appropriate enforcing agency is the local building department in the county or municipality in which the property is located. The builder is required to obtain a site-specific building permit for each individual site-specific building intended to be constructed, even if the builder expects to build multiple identical structures on a repetitive basis.

A builder is required to provide building plans and specifications at the time of application¹ for site-specific building permit, along with a structural inspection plan² and additional supporting documents sufficient for the building code administrator or inspector to determine whether the building will be built according to the Florida Building Code. The specific documents required to be submitted with the site-specific building permit application can vary depending upon the county or municipality reviewing the documents. The City of Tallahassee requests the following documents with the application for site-specific building permit:

- Completed permit application, signed by the contractor;
- Affidavit of the owner, designating contractor as the agent;
- Disclosure statement if the owner is acting as his or her own contractor;
- Affidavit of occupancy;
- Florida Lien law form if the owner is acting as his or her own contractor;
- Certified copy of recorded Notice of Commencement;
- Two sets of construction plans, including floor plan, elevations, foundation plan or floor framing plan, wall sections, roof plan, two gas diagrams, manufacturer's truss layout, and fire resistance framing plan;
- Two engineered wind analyses, if the structure is over 400 square feet, has openings within three feet of a corner, or is two stories; The engineer must have the subdivision name, lot, and block or complete address;
- Environmental information, including a site plan, information regarding whether the property is located in a FIRM flood zone "A", street name, lot dimensions, setback dimensions, north arrow, easements and restrictions, location and size of all protected trees, limits of clearing and location for placement of sediment and erosion control measures, clearly labeled existing and proposed structures, existing and proposed two-foot contour lines labeled accordingly; all grading or other methods of storm-water conveyance; and finished floor elevation;
- 2010 Florida Building Code, Energy Conservation Form 402 or 405;
- EPL Display card signed by the builder with the date and address of the home;
- Manual J form with the HVAC load sizing summary for residential buildings signed by the preparer;

¹ See s. 553.79(1), F.S.

² s. 553.79(2), F.S.

- Soil test, signed by an engineer with subdivision name, lot and block or complete address; and
- Completed driveway connection application.³

Along with the application and listed documents, the builder submits a fee to cover both the review of the submitted documents and any inspection costs. The fees are based on a schedule adopted by the local government pursuant to s. 553.80(7), F.S., which provides:

The governing bodies of local governments may provide a schedule of reasonable fees, as authorized by s. 125.56(2) or s. 166.222 and this section, for enforcing this part. These fees, and any fines or investment earnings related to the fees, shall be used solely for carrying out the local government's responsibilities in enforcing the Florida Building Code. When providing a schedule of reasonable fees, the total estimated annual revenue derived from fees, and the fines and investment earnings related to the fees, may not exceed the total estimated annual costs of allowable activities. Any unexpended balances shall be carried forward to future years for allowable activities or shall be refunded at the discretion of the local government. The basis for a fee structure for allowable activities shall relate to the level of service provided by the local government and shall include consideration for refunding fees due to reduced services based on services provided as prescribed by s. 553.791, but not provided by the local government. Fees charged shall be consistently applied.

(a) As used in this subsection, the phrase "enforcing the Florida Building Code" includes the direct costs and reasonable indirect costs associated with review of building plans, building inspections, reinspections, and building permit processing; building code enforcement; and fire inspections associated with new construction. The phrase may also include training costs associated with the enforcement of the Florida Building Code and enforcement action pertaining to unlicensed contractor activity to the extent not funded by other user fees.

Effect of the Bill

The bill creates s. 553.794, F.S., which provides that if a local building code administrator licensed pursuant to ch. 468, Part XII, F.S., receives a written request from a general, building, or residential contractor licensed pursuant to ch. 489, F.S., requesting the creation of a master building permit program, the local government that employs the recipient building code administrator shall create a residential master building permit program within 6 months of receipt of the written request. The program is designed to achieve standardization and reduce the time spent by local building departments during the site-specific building permit application process.

In order to obtain a master building permit, builders must submit the following to the local building department:

- A completed master building permit application;
- A general construction plan that complies with the requirements of subsection (4) of the bill;
- All general construction plan pages, documents, and drawings, including structural calculations if required by the local building department, signed and sealed by the licensed architect or engineer;
- Written acknowledgement from the licensed architect or engineer that the plan pages, documents, and drawings contained within the application will be used for future site-specific building permit applications;
- Truss specifications signed and sealed by the engineer; and
- An energy performance calculation for all building orientations that considers the worst-case scenarios for the relevant climate zone and includes component and cladding product approvals

³ City of Tallahassee Applications and Forms, *Combination Residential Building, Environmental & Driveway Permit Application* (Oct. 17, 2012) http://www.tal.gov.com/Uploads/Public/Documents/growth/pdf/forms/combo_residential_bldg_env_permit_appl.pdf.
STORAGE NAME: h1151c.RAC **PAGE: 3**
DATE: 4/1/2015

for windows, pedestrian and garage doors, glazed opening impact protection devices, truss anchors, roof underlayments, and roof coverings.

The bill provides that the general construction plan:

- May be submitted in electronic or paper format, as required by the local building department; paper plans must be 36 inches by 48 inches or must comply with local building department requirements;
- Shall include left-hand and right-hand building orientations including floor plans;
- Shall include a model design with up to four exterior elevations; the model design:
 - May not contain more than three alternate garage layouts, with each garage limited to accommodating no more than three cars;
 - Must include a foundation plan;
 - Must contain a truss layout sheet for each exterior elevation compatible with the roof plan;
- Must show typical wall sections from the foundation to the roof;
- Must contain a complete set of applicable electrical, plumbing, fuel gas, and mechanical plans;
- Must contain window, door, and glaze opening impact protection device schedules, if applicable; and
- Must meet any other local building department requirements.

The local building department must review the general construction plan to determine compliance with the building code. The local building department must approve or deny the master building permit application within 120 days after receiving a completed application, unless waived by the applicant.

If the local building department approves the general building plan and all documents provided with the master building permit application are verified, the builder shall receive a master building permit and permit number.

In order to build one of the buildings approved under the master building permit, the builder must apply for a site-specific building permit and include the master building permit number with the application. The bill provides that the local building department may only require the builder to submit the following documents for a site-specific building permit for a single-family or two-family dwelling or townhome after approving a master building permit application:

- A complete site-specific building permit application with the master building permit number, identifying the model design to be built, including elevation and garage style;
- Three signed and sealed copies of the lot or parcel survey or site plan, indicating the Federal Emergency Management Agency flood zone, based flood elevation, and minimum finish floor elevation. The survey or site plan must conform to local zoning regulations and lot or parcel drainage indicators must be shown with site elevations;
- An affidavit by the licensed engineer of record affirming the master building permit is a true and correct copy of the master building permit on file with the local building department, referencing the master building permit number and affirming that the master building permit will conform to soil conditions on the specific site;
- Complete mechanical drawings of the model design, including HVAC heating and cooling load calculations and equipment specifications; and
- Specific information not included in the master building permit application addressing the HVAC system design, including duct design and heating and cooling load calculations.

The builder may submit the master building permit number an unlimited number of times with the site-specific building permit applications so long as the builder uses the model design contained in the master building permit and the permit is valid. Approved master building permits are valid until the Florida Building Code is updated as provided in s. 553.73, F.S.

Once a local building department has approved a master building permit, the local building department may:

- Not allow structural revisions to the building;
- Allow limited nonstructural revisions to the building so long as any revised floor plan is submitted to and approved by the local building department;
- Accept limited field revisions, as determined by the local building department.

The governing bodies of local governments shall set fees pursuant to s. 553.80(7), F.S.

A builder or design professional who willfully violates this provision shall be fined \$10,000 for each dwelling or townhome built under the master building permit that does not conform to the master building permit on file with the local building department.

The bill permits local government to adopt procedures to provide master building permit program guidelines and requirements.

B. SECTION DIRECTORY:

Section 1 creates s. 553.794, F.S., directing each local government to create a residential master building permit program, if a written request is received from certain types of licensed contractors, by a specific date to assist builders who construct certain dwellings and townhomes on a repetitive basis.

Section 2 provides an effective date of July 1, 2015.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill requires local governments to determine what the fees will be; therefore, whether revenues increase or decrease will be determined by the local government.

2. Expenditures:

Any cost in developing the program and reviewing master building permit applications should be offset by the reduced requirements for reviewing site-specific building permit applications.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The building permit program should reduce the time spent by local building departments during the site-specific building permit application process, which should result in faster permit review times for all builders. This should make Florida more attractive for development and could result in increased private economic activity.

D. FISCAL COMMENTS

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

No rulemaking. Local governments are directed to adopt procedures to provide master building permit program guidelines and requirements for the submission and approval of materials and applications.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 24, 2015, the Business & Professions Subcommittee considered and adopted two amendments. These amendments:

- Provided that if a local building official licensed pursuant to ch. 468, Part XII, F.S., receives a written request from a general, building, or residential contractor licensed pursuant to ch. 489, F.S., requesting the creation of a master building permit program, the local government that employs the recipient building official shall create a residential master building permit program within 6 months of receipt of the written request; and
- Required the governing bodies of local governments to set fees pursuant to s. 553.80(7), F.S.

The staff analysis is drafted to reflect the committee substitute.