

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 605 Applications for Building Permits
SPONSOR(S): Business & Professions Subcommittee; Smith
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Business & Professions Subcommittee	11 Y, 0 N, As CS	Anderson	Anstead
2) Local Government Affairs Subcommittee			
3) Regulatory Affairs Committee			

SUMMARY ANALYSIS

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. Under current law, counties and local enforcement agencies have authority to enforce the Florida Building Code and issue building permits.

The bill requires counties and local enforcement agencies that issue building permits to post all types of building permit applications on their website. The bill requires applicants to electronically submit completed applications to the county building department and provides accepted methods of electronic submission. The bill authorizes applicants, at the discretion of the building official, to submit required payments, attachments, or drawings in person in a nonelectronic format.

The bill has an indeterminate fiscal impact on local governments.

This bill may be considered a county or municipal mandate requiring a two-thirds vote of the membership of the House, but the bill may qualify for an exemption. See Section III.A.1. of the analysis for discussion.

The bill provides an effective date of October 1, 2017.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

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.

Sections 125.01(1)(bb) and 125.56(1), F.S., authorize the board of county commissioners of each county to enforce the Florida Building Code and the Florida Fire Prevention Code. The board of county commissioners of each county also issues building permits. Section 125.56(4), F.S. provides that it is unlawful for a person, firm, or corporation to construct, erect, alter, repair, secure, or demolish any building without first obtaining a permit from the appropriate board of county commissioners, or from such persons as may by resolution be directed to issue such permit, upon the payment of reasonable fees as set forth in a schedule of fees adopted by the board.

Section 558.90(1), F.S., requires each local government and legally constituted enforcement district with statutory authority to regulate building construction and enforce the Florida Building Code unless an exception applies. A local enforcing agency is required to issue building permits after reviewing the plans and specifications required by the Florida Building Code and finding the plans to be in compliance with the Florida Building Code.¹

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 reasonable fees adopted by the enforcing agency.

A “local enforcement agency” means the agency of local government, a local school board, a community college board of trustees, or a university board of trustees in the State University System with jurisdiction to make inspections of buildings and to enforce the codes which establish standards for the design, construction, erection, alteration, repair, modification, or demolition of public or private buildings, structures, or facilities.²

Effect of the Bill

The bill amends s. 125.56(4), F.S., to require counties that issue building permits to post all types of building permit applications on their website. The bill requires applicants to electronically submit completed applications to the county building department and provides accepted methods of electronic submission, but authorizes applicants, at the discretion of the building official, to submit required payments, attachments, or drawings in person in a nonelectronic format.

The bill amends s. 553.79(1), F.S., to require local enforcement agencies that issue building permits to post all types of building permit applications on their website. The bill requires applicants to electronically submit completed applications to the local enforcement agency building department and provides accepted methods of electronic submission, but authorizes applicants, at the discretion of the building official, to submit required payments, attachments, or drawings in person in a nonelectronic format.

¹ s. 553.79(2), F.S.

² s. 553.71(5), F.S.

Accepted methods of electronic submission of a completed application to both county and local enforcement agency building departments include, but are not limited to:

- Email submission of an application in a portable document format (PDF).
- Submission of an application through an electronic fill-in form available on the building department's website.
- Submission of an application through an electronic fill-in form available through a third party submission management software.

B. SECTION DIRECTORY:

Section 1 amends s. 125.56(4), F.S., requiring counties to post all types of building permit applications on their website and specifying the submission format for completed applications, payments, attachments, and drawings.

Section 2 amends s. 553.79(1), F.S., requiring local enforcement agencies to post all types of building permit applications on their website and specifying the submission format for completed applications, payments, attachments, and drawings.

Section 3 provides an effective date of October 1, 2017.

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:

None.

2. Expenditures:

Indeterminate. Some counties and local enforcement agencies may require an initial expenditure of funds to revise the county or local enforcement agency's existing website to include the ability to post applications online and accept applications electronically. This may specifically be an issue for a county or local enforcement agency with minimal website capability. However, some counties and local enforcement agencies may reduce expenditures by improving efficiency and cutting down on paper usage and storage costs.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

If able to submit applications electronically, applicants for building permits may save time and money through lowered paper usage and travel costs.

D. FISCAL COMMENTS:

Requiring counties and local enforcement agencies to post building permit applications online and requiring electronic submission of applications may improve efficiency and cut down on paper usage, travel time by an applicant, and storage costs incurred by counties and local enforcement agencies. However, even though all building permit departments or agencies have email capability or a website,

requiring counties and local enforcement agencies to post building permit applications online may require an initial expenditure and may be a burden for counties with fewer resources.³

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The county/municipality mandates provision of Art. VII, section 18, of the Florida Constitution may apply because this bill requires counties and local enforcement agencies to revise their websites and accept building permit applications electronically. Both actions may require the expenditure of funds by the county or local enforcement agency. However, all building permit departments or agencies have a website and receive e-mail. This bill may qualify for an exemption or exception to the potential mandate. It may qualify for an exemption if it is determined that there is an insignificant fiscal impact. The fiscal impact may be insignificant because departments and agencies already have website and e-mail capability. The bill may qualify for an exception if the Legislature formally determines an important state interest and similarly situated persons are all required to comply with the law. The bill requires all state and local departments and agencies to comply statewide. If the bill does qualify as a mandate, the law must fulfill an important state interest and final passage must be approved by two-thirds of the membership of each house of the Legislature.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

There appears to be no rulemaking authority added or amended.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On January 20, 2016, the Business & Professions Subcommittee adopted an amendment and reported the bill favorably as a committee substitute. The amendment makes the following changes to the bill:

- Provides examples of accepted methods of electronic submission.
- Allows payments required as part of the permit application to be submitted in person in a nonelectronic format, at the discretion of the building official.
- Changes effective date to October 1, 2017.

The staff analysis is drafted to reflect the committee substitute.

³E-mail from John O'Connor, Legislative Committee Chair, Building Officials Association of Florida, RE: HB 605 Building Permit Process (Nov. 25, 2015); Information provided by the Florida Association of Counties indicates that most counties currently have website or e-mail capability and some offer an online building permit process. E-mail from Eric Poole, Assistant Legislative Director, Florida Association of Counties, RE: HB 605 Building Permit Process (Dec. 4, 2015).