

HOUSE OF REPRESENTATIVES STAFF FINAL BILL ANALYSIS

BILL #: CS/CS/CS/HB 267 Building Regulations

SPONSOR(S): Commerce Committee and Local Administration, Federal Affairs & Special Districts Subcommittee and Regulatory Reform & Economic Development Subcommittee, Esposito and others

TIED BILLS: **IDEN./SIM. BILLS:** CS/CS/CS/SB 684

FINAL HOUSE FLOOR ACTION: 83 Y's

29 N's

GOVERNOR'S ACTION: Approved

SUMMARY ANALYSIS

CS/CS/CS/HB 267 passed the House on March 4, 2024. The bill was amended in the Senate on March 6, 2024, and returned to the House. The House concurred in the Senate amendment and subsequently passed the bill as amended on March 7, 2024.

The Florida Building Code (Building Code) must be applied and enforced uniformly and consistently across the state. Local governments are required to enforce the Building Code and are responsible for issuing building permits. Current law provides standards and timeframes for local governments to follow for the issuance of building permits.

The bill:

- Requires a local government to approve, approve with conditions, or deny a complete and sufficient permit application within the following timeframes:
 - 30 business days for applicants using local government review for certain structures less than 7,500 square feet, previously set at 120 days;
 - 60 days for the following applicants using local government review, previously set at 120 days:
 - Certain structures more than 7,500 square feet,
 - Signs,
 - Nonresidential buildings that are less than 25,000 square feet;
 - Multifamily residential, not exceeding 50 units;
 - Site-plan approvals and subdivision plats not requiring public hearing or notice; and
 - Lot grading and site alteration.
 - 12 business days for applicants for a permit under an already-approved master plan permit, currently dependent on the local program, or 30 days for single-family residential dwellings;
 - 10 business days for applicants for a single-family residential dwelling for a property owner who participates in a Community Development Block Grant–Disaster Recovery program, previously set at 15 days; and
 - 10 business days for applicants using an engineer or architect private provider who affixes his or her professional seal, previously set at 120 days;
- Requires a local government to determine if a building permit application is complete within 5 business days of receiving the application, previously set at 10 days.
- Provides an exception to the fee reduction provision when a delay is caused by the applicant, by a force majeure, or other extraordinary circumstance.
- Requires local governments to create certain auditing standards before auditing a private provider.
- Requires the Florida Building Commission (Commission) to provide an exception relating to sealed drawings for replacement windows, doors, and garages for one-family and two-family homes.
- Provides that completing an internship program for residential building inspectors is a pathway for licensure as a residential building inspector.
- Provides that the Commission must review certain standards for unvented attics before December 31, 2024, and that certain standards will be effective related to such attics on July 1, 2025.

The bill may have an indeterminate fiscal impact on state and local government.

The bill was approved by the Governor on May 16, 2024, ch. 2024-191, L.O.F., and will become effective on January 1, 2025, except as otherwise stated.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h0267z1.DOCX

DATE: 6/6/2024

I. SUBSTANTIVE INFORMATION

A. EFFECT OF CHANGES:

Current Situation – Building Permits

The Florida Building Code

In 1974, Florida adopted legislation requiring all local governments to adopt and enforce a minimum building code that would ensure that Florida's minimum standards were met. Local governments could choose from four separate model codes. The state's role was limited to adopting all or relevant parts of new editions of the four model codes. Local governments could amend and enforce their local codes, as they desired.¹

In 1992, Hurricane Andrew demonstrated that Florida's system of local codes did not work. Hurricane Andrew easily destroyed those structures that were allegedly built according to the strongest code. The Governor eventually appointed a study commission to review the system of local codes and make recommendations for modernizing the system. The 1998 Legislature adopted the study's commission recommendations for a single state building code and enhanced the oversight role of the state over local code enforcement. The 2000 Legislature authorized implementation of the Florida Building Code (Building Code), and that first edition replaced all local codes on March 1, 2002.² The current edition of the Building Code is the eighth edition, which is referred to as the 2023 Florida Building Code.³

Chapter 553, part IV, 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, interpretation, and enforcement of a single, unified state building code. The Building Code must be applied, administered, and enforced uniformly and consistently from jurisdiction to jurisdiction.⁴

The Florida Building Commission (Commission) was created to implement the Building Code. The Commission, which is housed within the Department of Business and Professional Regulation (DBPR), is a 19-member technical body made up of design professionals, contractors, and government experts in various disciplines covered by the Building Code. The Commission reviews several International Codes published by the International Code Council,⁵ the National Electric Code, and other nationally adopted model codes to determine if the Building Code needs to be updated and adopts an updated Building Code every three years.⁶

Use of Building Code Enforcement Fees

A local government may charge reasonable fees as set forth in a schedule of fees adopted by the enforcing agency for the issuance of a building permit.⁷ Such fees shall be used solely for carrying out the local government's responsibilities in enforcing the Building Code.⁸ Enforcing the Building Code includes the direct costs and reasonable indirect costs associated with training, review of building

¹ The Florida Building Commission Report to the 2006 Legislature, *Florida Department of Community Affairs*, p. 4, http://www.floridabuilding.org/fbc/publications/2006_Legislature_Rpt_rev2.pdf (last visited Jan. 28, 2024).

² *Id.*

³ Florida Building Commission Homepage, <https://floridabuilding.org/c/default.aspx> (last visited Jan. 28, 2024).

⁴ See s. 553.72(1), F.S.

⁵ The International Code Council (ICC) is an association that develops model codes and standards used in the design, building, and compliance process to "construct safe, sustainable, affordable and resilient structures." International Code Council, *About the ICC*, <https://www.iccsafe.org/about/who-we-are/> (last visited Jan. 28, 2024).

⁶ S. 553.73(7)(a), F.S.

⁷ S. 553.80 F.S.

⁸ *Id.*

plans, building inspections, re-inspections, building permit processing, and fire inspections.⁹ Local governments must post all building permit and inspection fee schedules on their website.¹⁰

Local governments are only allowed to collect building permit fees that are sufficient to cover their costs in enforcing the 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 must be carried forward to future years for allowable activities or must be refunded at the discretion of the local government. A local government may not carry forward an amount exceeding the average of its operating budget, not including reserve amounts, for enforcing the Building Code for the previous 4 fiscal years.¹¹

DBPR Surcharges

Current law requires all local governments to assess and collect a 1% surcharge on any building permit issued by their enforcement agency for the purpose of enforcing the Building Code. The local jurisdictions collect the assessment and remit the surcharge fees to DBPR to fund the activities of the Commission, DBPR's Building Code Compliance and Mitigation Program, and the Florida Fire Prevention Code informal interpretations.¹²

Current law also requires all local governments to assess and collect a separate 1.5% surcharge on any building permit issued by their enforcement agency for the purpose of enforcing the Building Code. The local governments collect the assessment and remit the surcharge fees to DBPR, where it is divided equally to fund the activities of the Building Code Administrators and Inspectors Board (BCAIB) and the Florida Homeowners' Construction Recovery Fund.¹³

Local government building departments are permitted to retain 10% of the amount of the surcharges they collect to fund participation by their agencies in the national and state building code adoption processes and to provide education related to enforcement of the Building Code.¹⁴

Building Permit Delays

Any delays in obtaining a building permit can delay the completion of a construction project. Delays in the completion of a construction project may:¹⁵

- Lead to increased costs for construction projects, which may be passed onto occupants of a completed project;
- Discourage construction, which can reduce the total supply of buildings in a community and may lead to higher rents in the community;
- Reduce property tax revenue to a local government and other taxing jurisdictions resulting from the delayed start and completion of a construction project; and
- Result in delayed occupancy of a project, including single-family residences and multi-family residences.

⁹ S. 553.80(7)(a)1., F.S.

¹⁰ Ss. 125.56 (4)(c) F.S., and 166.222(2), F.S.

¹¹ S. 553.80(7)(a), F.S.

¹² S. 553.721, F.S.

¹³ S. 468.631, F.S.; The Florida Homeowners' Construction Recovery Fund is used to compensate homeowners who have suffered a covered financial loss at the hands of state-licensed general, building and residential contractors. Claims are filed with the DBPR, who reviews for completeness and statutory eligibility. The DBPR then presents the claim to the Construction Industry Licensing Board for review. s. 489.1401(2), F.S.

¹⁴ Ss. 468.631, and 553.721, F.S.

¹⁵ City of Austin Development Services Department, *A Program for Expedited Permitting*, http://austintexas.gov/sites/default/files/files/8-9-2016_Report_on_Expedited_Permitting_Program.pdf (last visited Jan. 28, 2024); PricewaterhouseCoopers, *The Economic Impact of Accelerating Permit Processes on Local Development and Government Revenues*, (Dec. 7, 2005).

Streamlining the process to obtain a building permit can accelerate the completion of construction projects. The goal of streamlining is to remove overlap and duplication and create more efficient administrative procedures while not reducing a building department's ability to enforce the applicable construction codes. Streamlining the building permit process may:¹⁶

- Increase local government revenues by accelerating completion of a project and thus accelerating property tax collection;
- Create local construction jobs and other indirect jobs supported by local construction jobs, such as jobs at a material supplier, which may increase local tax revenue; and
- Encourage economic development by having an efficient permit system.

Building Permit Application Review

Time-Period to Review

Current law requires local governments to review certain building permit applications within a specific time-period of receiving the applications. Current law has established time-periods for local governments to review applications for the following building permits:¹⁷

- Accessory structure;
- Alarm permit;
- Nonresidential buildings less than 25,000 square feet;
- Electric;
- Irrigation permit;
- Landscaping;
- Mechanical;
- Plumbing;
- Residential units other than a single-family unit;
- Multifamily residential not exceeding 50 units;
- Roofing;
- Signs;
- Site-plan approvals and subdivision plats not requiring public hearings or public notice; and
- Lot grading and site alteration associated with the permit application.

When a local government receives an application for one of the above building permits, it must:¹⁸

- **Complete Application** – Inform the applicant within **10 days** of receiving the application, what information, if any, is needed to complete the application.
 - If the local government fails to provide written notice to the applicant within the 10-day window, the application is deemed to be properly completed.
- **Sufficiency of Application** – Notify the applicant within **45 days** of the application being deemed complete, if additional information is necessary to determine the sufficiency of the application;
 - If additional information is needed the local government must specify what additional information is necessary.
 - The applicant may submit the additional information to the local government within 30 days or request that the local government act on the application without the additional information.
- **Approve or Deny Application** – Approve, approve with conditions, or deny the application within **120 days** following receipt of the completed application.
 - This period is tolled during the time an applicant is responding to a request for additional information and may be extended by mutual consent of the parties.

¹⁶ *Id.*; Institute for Market Transformation, *Streamlining Compliance Processes*, (Winter 2012) <https://www.imt.org/wp-content/uploads/2018/02/CaseStudy5.pdf> (last visited Jan. 28, 2024).

¹⁷ S. 553.792(2), F.S.

¹⁸ S. 553.792(1), F.S.

These time-periods do not apply when a law, agency rule, or local ordinance specify different timeframes for review of local building permit applications, for permits for wireless communication facilities, or when both parties agree to an extension.¹⁹

Additional Information Standards²⁰

A local government may only make **three** requests for additional information. However, an applicant may agree in writing to waive the limitation that local governments may only make three requests for additional information for such permits.

If a local government makes a request for additional information from an applicant for one the above building permits, and the applicant provides the information within **30 days** of receiving the request, the local government must²¹:

- **First Request** – Review the additional information and determine the application is complete, approve the application, approve the application with conditions, deny the application, or specify the remaining deficiencies **within 15 days** of receiving the information from the applicant, if the request is the local government's **first request**.
- **Second Request** – Review the additional information and determine the application is complete, approve the application, approve the application with conditions, deny the application, or specify the remaining deficiencies **within 10 days** of receiving the information from the applicant, if the request is the local government's **second request**.
- **Third Request** – Deem the application complete and approve the application, approve the application with conditions, or deny the application **within 10 days** of receiving the information from the applicant, if the request is the local government's **third request**.

Prior to making a third request for information the local government must **offer to meet** with the permit applicant to attempt to resolve outstanding issues.

If the applicant believes the request for additional information is not authorized by ordinance, rule, statute, or other legal authority, the local government, at the applicant's request, shall proceed to process the application for approval, approval with conditions, or denial.

Fee Reductions for Failure to Meet Timeframes

If a local government fails to meet these deadlines it must reduce the building permit fee by 10% for each **business day** that it fails to meet the deadline. However, these time limitations do not apply when a law, agency rule, or local ordinance specifies different timeframes for review of local building permit applications, for permits for wireless communication facilities, or when both parties agree to an extension.

If any permit fees are refunded because a local government fails to meet an established deadline for reviewing a building permit application, the Department of Business and Professional Regulation (DBPR) surcharges for funding the Commission, the Florida Building Code Administrators and Inspectors Board (BCAIB), and the Florida Homeowners' Recovery Fund must be recalculated based on the amount of the permit fees after the refund.²²

¹⁹ S. 553.792(1)(a), F.S.

²⁰ S. 553.792(1)(b), F.S.

²¹ *Id.*

²² S. 553.79(16)(d), F.S.

Time-Period to Review Single-Family Residential Dwelling Building Permit Applications

Single-family residential dwelling permits must be issued within:

- **30 business days** of receiving the application, unless the application fails to satisfy the Building Code or the enforcing agency's laws or ordinances, or unusual circumstances require a longer time-period for processing the application.²³
- If the local enforcing agency does not issue a building permit for a single-family residential dwelling, within **30 business days** after receiving the permit application, it must reduce the building permit fee by 10% for each **business day** that it fails to meet the deadline. Each 10% reduction is based on the original amount of the building permit fee.
- The enforcing agency does not have to reduce the building permit fee if it provides notice to the applicant, by e-mail or United States Postal Service, within **30 business days** after receiving the permit application, that specifically states the reasons the permit application fails to satisfy the Building Code or the enforcing agency's laws or ordinances.²⁴
- After receiving the written notice, the applicant has **10 business days** to correct the specifications written by the local enforcing agency and submit revisions to correct the permit application.
- If the applicant submits the revisions within 10 business days, the local enforcing agency has **10 business days** after receiving such revisions to approve or deny the building permit unless the applicant agrees to a longer permit in writing.²⁵

If a government entity fails to approve or deny the single-family residential dwelling building permit within **10 business days** of receiving the applicant's revisions, it must:²⁶

- Reduce the permit fee by 20% of the original permit fee for the first business day that it fails to meet the deadline; and
- An additional 10% of the original permit fee for each business day that it fails to meet the deadline, for up to five business days.

A government entity does not have to reduce the fee for a single-family residential dwelling building permit, if:²⁷

- It provides written notice to the applicant, by email or USPS mail within **30 business days** of receiving the application; and
- The written notice specifically states how the application fails to satisfy the Building Code or the government entity's laws or ordinances, and that the applicant has **10 business days** after receiving the notice to remedy the deficiencies in their application or it will be denied.

A building permit for a single-family residential dwelling applied for by a contractor licensed in this state on behalf of a property owner who participates in a Community Development Block Grant-Disaster Recovery program administered by the Department of Economic Opportunity must be issued within **15 business days** after receipt of the application unless the permit application fails to satisfy the Building Code or the enforcing agency's laws or ordinances.²⁸

Private Providers

In 2002, s. 553.791, F.S., was created to allow property owners and contractors to hire licensed building code officials, engineers, and architects, referred to as private providers, to review building plans, perform building inspections, and prepare certificates of completion.

²³ S. 553.79(16), F.S.

²⁴ S. 553.79(16)(a)-(b), F.S.

²⁵ S. 553.79(16)(c), F.S.

²⁶ S. 553.79(16)(c), F.S.

²⁷ S. 553.79(16)(b), F.S.

²⁸ S. 553.79(16)(e), F.S.

Private providers and their duly authorized representatives are able to approve building plans and perform building code inspections as long as the plans approval and building inspections are within the scope of the provider's or representative's license.

Current law defines "private provider" as person licensed as a building official, engineer, or architect. Additionally, the term includes licensed building inspectors and plans examiners who perform inspections for additions and alterations that are limited to 1,000 square feet or less in residential buildings.²⁹

If an owner or contractor opts to use a private provider, the local government must calculate the cost savings to its building department and reduce the building permit fees accordingly.³⁰

A local government may not charge a fee for building inspections when an owner or contractor uses a private provider but may charge a "reasonable administrative fee."³¹ A "reasonable administrative fee" must be based on the cost that is actually incurred by the local government, including the labor cost of the personnel providing the service, or the cost attributable to the local government for the clerical and supervisory assistance required, or both.

A building official may audit a private provider to ensure the private provider and their duly authorized agent has reviewed the building plans and is performing the required inspections. A building official may deny a building permit or a request for a certificate of completion if the building construction or plans do not comply with the Building Code. The same private provider may not be audited more than four times in a **month** unless the local building official determines a condition of a building constitutes an immediate threat to public safety and welfare. A building official may also issue a stop work order at any time if he or she determines any condition of the construction poses an immediate threat to public safety and welfare. Work on a building or structure may proceed after inspection and approval by a private provider if the provider has given notice of the inspection and, subsequent to such inspection and approval, the work shall not be delayed for completion of an inspection audit by the local building code enforcement agency.³²

A private provider performing required inspections must provide notice to the local building official of the date and approximate time of any such inspection, no later than the prior business day by 2 p.m. local time or by any later time permitted by the local building official in that jurisdiction.³³

A private provider who approves building plans must sign a sworn affidavit that the plans comply with the Building Code. The private provider or their duly authorized representative is authorized to review the plans.³⁴ Upon receipt of a building permit application from a private provider, a building official has **20 business days** to grant the permit or provide a written notice to the permit applicant identifying the specific plan features that do not comply with the applicable codes.³⁵ If the local building official provides a written notice of plan deficiencies to the permit applicant within the prescribed 20-day period, the 20-day period is tolled pending resolution of the matter.³⁶

If the permit applicant submits revisions, the local building official has the remainder of the tolled 20-day period plus 5 business days from the date of resubmittal to issue the requested permit or to provide a second written notice to the permit applicant stating which of the previously identified plan features remain in noncompliance with the applicable codes, with specific reference to the relevant code chapters and sections. Any subsequent review by the local building official is limited to the deficiencies

²⁹ S. 553.791(1)(n) and (3), F.S.

³⁰ S. 553.791(2)(b), F.S.

³¹ *Id.*

³² S. 553.791(1), (14), and (19), F.S.

³³ S. 553.791(9), F.S.

³⁴ S. 553.791(6), F.S.

³⁵ S. 553.791(7)(a), F.S.

³⁶ S. 553.791(7)(b), F.S.

cited in the written notice. If the local building official does not provide the second written notice within the prescribed time period, the permit shall be deemed approved as a matter of law, and the local building official must issue the permit on the next business day.³⁷

For all revisions submitted after the first revision, the local building official has an additional 5 business days from the date of resubmittal to issue the requested permit or to provide a written notice to the permit applicant stating which of the previously identified plan features remain in noncompliance with the applicable codes.³⁸

Construction Documents

Professional Engineers

Professional engineers and related qualified business organizations are regulated by Ch. 471, F.S., and by the Florida Board of Professional Engineers under DBPR.³⁹

“Engineering” includes the term “professional engineering” and means any service or creative work, the adequate performance of which requires engineering education, training, and experience in the application of special knowledge of the mathematical, physical, and engineering sciences to such services or creative work as consultation, investigation, evaluation, planning, and design of engineering works and systems, planning the use of land and water, teaching of the principles and methods of engineering design, engineering surveys, and the inspection of construction for the purpose of determining in general if the work is proceeding in compliance with drawings and specifications, any of which embraces such services or work, either public or private, in connection with any utilities, structures, buildings, machines, equipment, processes, work systems, projects, and industrial or consumer products or equipment of a mechanical, electrical, hydraulic, pneumatic, or thermal nature, insofar as they involve safeguarding life, health, or property; and includes such other professional services as may be necessary to the planning, progress, and completion of any engineering services....⁴⁰

All final drawings, specifications, plans, reports, or documents prepared or issued by the professional engineer and being filed for **public record**, including for a building permit, and all final documents provided to the owner or the owner’s representative must be signed by the licensee, dated, and sealed with said seal. Such signature, date, and seal shall be evidence of the authenticity of that to which they are affixed.⁴¹

Architects

Architects and related qualified business organizations in the state are regulated by part I of Ch. 481, F.S., and by the Board of Architecture and Interior Design under DBPR.

“Architecture services” means the rendering or offering to render services in connection with the design and construction of a structure or group of structures which have as their principal purpose human habitation or use, and the utilization of space within and surrounding such structures. These services include planning, providing preliminary study designs, drawings and specifications, job-site inspection, and administration of construction contracts.⁴²

All final construction documents and instruments of service which include drawings, plans, specifications, or reports prepared or issued by the registered architect or qualified architecture

³⁷ S. 553.791(7)(c), F.S.

³⁸ S. 553.791(7)(d), F.S.

³⁹ S. 20.165(4)(a)11., F.S.

⁴⁰ S. 471.005(7), F.S.

⁴¹ S. 471.025(1), F.S.

⁴² S. 481.206(6), F.S.

business and being filed for **public record**, including for a building permit, must bear the signature and seal of the registered architect who prepared or approved the document and the date on which they were sealed. The signature, date, and seal shall be evidence of the authenticity of that to which they are affixed.⁴³

Building Code Requirements

The Building Code, Building, requires applicants for a permit to submit construction documents, a statement of special inspections, a geotechnical report, and other data in two or more sets with each permit application. The construction documents must be prepared by a registered design professional⁴⁴ where required by Ch. 471, F.S., or Ch. 481, F.S.⁴⁵

Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional. However, the building official may waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with the Building Code.⁴⁶

Threshold Buildings

A “threshold building” is a building that is greater than 3 stories or 50 feet in height, or that has an assembly occupancy classification that exceeds 5,000 square feet in area and an occupant content of greater than 500 persons.⁴⁷

A “special inspector” is a licensed architect or engineer who is certified under Ch. 471, F.S., or Ch. 481, F.S. to conduct inspections of threshold buildings.⁴⁸

During new construction or during repair or restoration projects in which the structural system or structural loading of a threshold building is being modified, including windows and doors, the enforcing agency must require a special inspector to perform structural inspections on a threshold building pursuant to a structural inspection plan prepared by the engineer or architect of record.⁴⁹

The structural inspection plan must be submitted to the enforcing agency prior to the issuance of a building permit for the construction of a threshold building.

The purpose of the structural inspection plans is to provide specific inspection procedures and schedules so that the building can be adequately inspected for compliance with the permitted documents.⁵⁰

Unvented Attic Requirements

Building Thermal Envelope

⁴³ Ss. 481.219(4) and 481.221(2), F.S.

⁴⁴ The Building Code, Building, defines “registered design professional” as an individual who is registered or licensed to practice their respective design profession as defined by the statutory requirements of the professional registration laws of the state or jurisdiction in which the project is to be constructed. This includes any registered design professional so long as they are practicing within the scope of their license, which includes those licensed under Chs. 471 (professional engineers) and 481, F.S. (architects, interior designers, and landscape architects). S. 202, FBS, Building (8th Ed. 2023).

⁴⁵ S. 553.71(12), F.S.; S. 107.1, FBC, Building (8th Ed. 2023).

⁴⁶ *Id.*

⁴⁷ S. 202, FBS, Building (8th Ed. 2023).

⁴⁸ S. 553.71(9), F.S.

⁴⁹ 553.79(5)(a), F.S.; s. 110.8.1, FBC, Building (8th Ed. 2023).

⁵⁰ *Id.*

The Florida Building Code, Energy Conservation (EC Code), regulates the design and construction of buildings for the effective use and conservation of energy over the useful life of each building. The EC Code is intended to provide flexibility to permit the use of innovative approaches and techniques to achieve this objective.⁵¹

The EC Code defines:⁵²

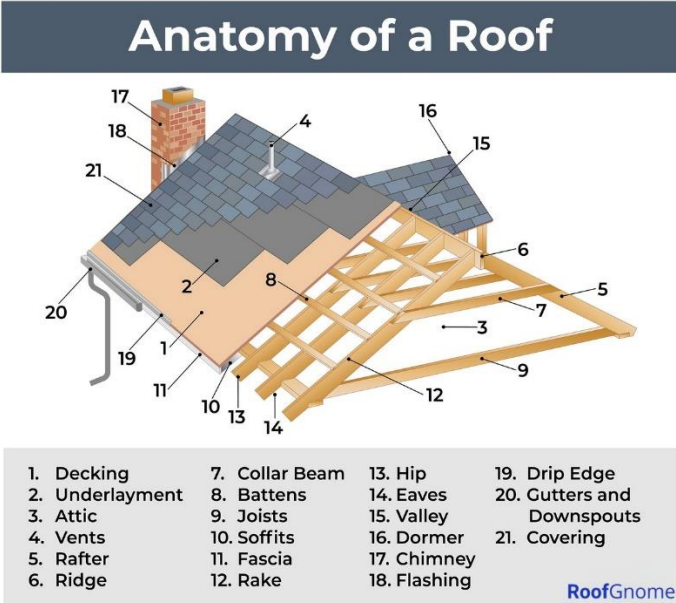
- “Building thermal envelope” as the basement walls, exterior walls, floors, ceilings, roofs and any other building element assemblies that enclose conditioned space or provide a boundary between conditioned space and exempt or unconditioned space.
- “Conditioned space” as an area, room or space that is enclosed within the building thermal envelope and that is directly or indirectly heated or cooled. Spaces are indirectly heated or cooled where they communicate through openings with conditioned spaces; where they are separated from conditioned spaces by uninsulated walls, floors or ceilings; or where they contain uninsulated ducts, piping or other sources of heating or cooling.

The building thermal envelope for residential buildings must meet the requirements of ss. R402.1.1 through R402.1.5 of the EC Code, except the following low-energy buildings, or portions thereof, separated from the remainder of the building by EC Code-compliant building thermal envelope assemblies:⁵³

- Those with a peak design rate of energy usage less than 3.4 Btu/h · ft2 (10.7 W/m2) or 1.0 watt/ft2 of floor area for space-conditioning purposes.
- Those that do not contain conditioned space.
- Log homes designed in accordance with ICC-400.

Parts of a Roof

In general, a roof is composed of the following structures:⁵⁴



⁵¹ S. R101.1-101.3, FBC, Energy Conservation (8th Ed. 2023).

⁵² S. R202, FBC, Energy Conservation (8th Ed. 2023).

⁵³ S. R402.1, FBC, Energy Conservation (8th Ed. 2023).

⁵⁴ Kimberly Magerl, *21 Different Parts of a Roof*, Roof Gnome, Oct. 9, 2023, <https://roofgnome.com/blog/roofing/different-parts-of-a-roof/> (last visited Feb. 4, 2024).

Roof sheathing, also called roof decking, are the wooden boards that make up the framing of a roof system. These boards are what shingles and other roofing components are installed directly on.⁵⁵

Roof rafters are structural components of a roof on a building. Traditional rafters frame out the roof and connect to the exterior walls, and land on a ridge board, which runs across the length of the building. The result is a vaulted ceiling that can be filled with insulation and drywall to finish the space or be left as open space in an attic.⁵⁶

Unvented Attics

Residences may be constructed with either a:⁵⁷

- Vented attic: With openings for outside air to ventilate the space underneath the roof with insulation above the ceiling finish.
- Unvented attic: Without any opening underneath the roof—creating an unvented attic space with insulation at the roof deck. The unvented attic is completely within the building thermal envelope.

Unvented roof assemblies, such as conditioned attics and unvented cathedral ceilings, are created by eliminating ventilation openings and moving the thermal (or insulation), moisture, and air control boundaries to the plane of the roof deck.⁵⁸ Unvented attics are also typically built with the HVAC system completely within the building thermal envelope. Insulation is usually a spray foam product that also provides air sealing to create a semi-conditioned space.⁵⁹

Although the rationale for attic ventilation is for moisture control, this was historically based on needs in cold climates and to prevent ice dams. However, vented attics can introduce additional moisture loads into Florida homes by allowing moisture laden air in the attic that may come indoors. Unvented attics can help to reduce moisture condensation on attic mounted ducts and air handlers by reducing the moisture level of the air around the ducts and on the back side of ceiling drywall when low thermostat set points are used.

Unvented attics offer the following potential advantages over vented attics:⁶⁰

- Energy Savings - An unvented attic is warmer in winter and cooler in summer, reducing the HVAC load. The equipment will be more durable and more efficient, especially if ductwork is in the attic.
- Moisture Resistance - The attic will stay dry, avoiding problems with mold and wood rot, and thus can serve as living or storage space.
- Disaster Resistance - Roofs over unvented attics are less likely to be blown off in high winds because the wind cannot readily enter the attic. In addition, a house in wildfire zones is less likely to catch fire from floating embers since there are no soffit vents for the embers to enter. In coastal areas, an unvented roof keeps out wind-driven rain and better protects metal connectors in the roof assembly against salt spray and corrosion.

⁵⁵ Bill Ragan, What is Roof Sheathing? (What You Need to Know About It), Bill Ragan Roofing Company, Aug. 31, 2022, <https://www.billraganroofing.com/blog/what-roof-sheathing> (last visited Feb. 4, 2024).

⁵⁶ MT Copeland, *What Are Rafters?*, Dec. 22, 2021, <https://mtcopeland.com/blog/what-are-rafters/> (last visited Feb. 4, 2024).

⁵⁷ University of Central Florida, Florida Solar Energy Center, *Attic Insulation and Ventilation*, <https://energyresearch.ucf.edu/research/buildings-research/roof-assembly/attic-insulation-ventilation/> (last visited Feb. 4, 2024).

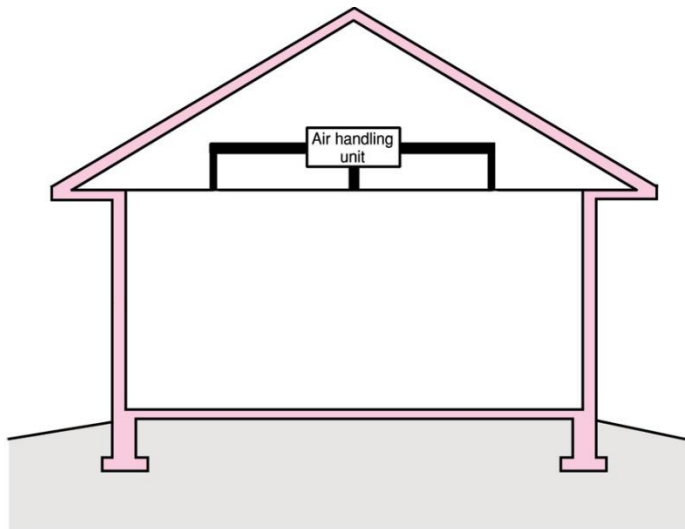
⁵⁸ U.S. Department of Energy, *Unvented, Conditioned Attics*, [https://www.energy.gov/eere/buildings/articles/unvented-conditioned-attics-building-america-top-innovation#:~:text=Insulating%20and%20air%20sealing%20along,insulating%20along%20the%20ceiling%20deck%3A&text=Energy%20Savings%20%2D%20An%20unvented%20attic,the%20attic%20\(Rudd%202005\)](https://www.energy.gov/eere/buildings/articles/unvented-conditioned-attics-building-america-top-innovation#:~:text=Insulating%20and%20air%20sealing%20along,insulating%20along%20the%20ceiling%20deck%3A&text=Energy%20Savings%20%2D%20An%20unvented%20attic,the%20attic%20(Rudd%202005)). (last visited Feb. 4, 2024)

⁵⁹ UCF, *supra* note 14.

⁶⁰ US Dept. of Energy, *supra* note 15.

However, an unvented attic system can be more expensive than a vented attic, as it requires more spray foam insulation, which means more cost.⁶¹

An example of an unvented attic is pictured below:⁶²



Note: Colored shading depicts the building's thermal barrier and pressure boundary. The thermal barrier and pressure boundary enclose the conditioned space.

Air-impermeable Insulation

Permeable and impermeable air barrier membranes differ in their ability to block moisture:⁶³

- Impermeable air barriers block water vapor and air.
- Permeable air barriers block air but allow water vapor to move through the membrane, promoting diffusion out of the wall system. Permeable air barriers offer varying permeability rates and come as either sheet or fluid-applied membranes.

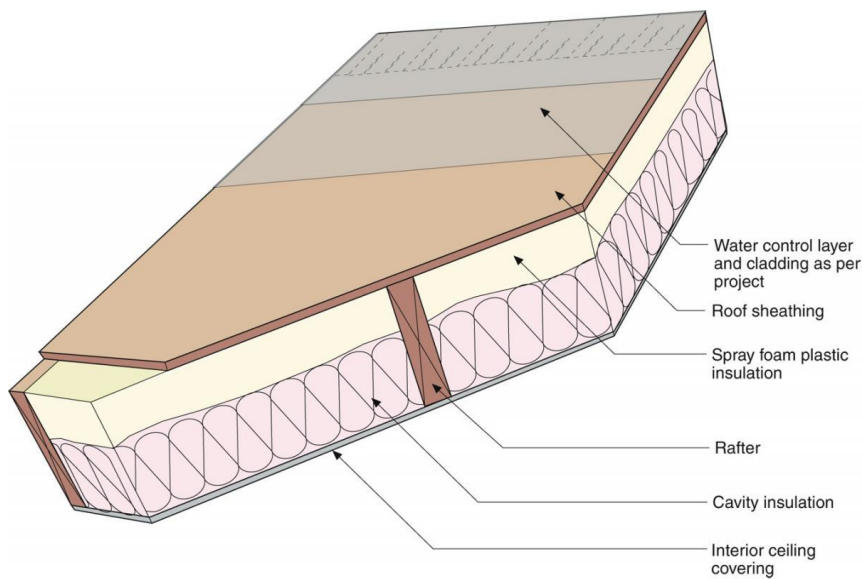
Air-impermeable insulation that is installed to the underside of the roof sheathing of an unvented roof is typically spray foam. Air-impermeable spray foam insulation for unvented attics applied under the sheathing is typically installed as follows:⁶⁴

⁶¹ Amanda Ringler, *Vented vs. Unvented Attic: Which is Better?*, RetroFoam of Michigan Inc., July 13, 2020, <https://www.retrofoamofmichigan.com/blog/vented-vs-unvented-attic-which-is-better> (last visited Feb. 4, 2024).

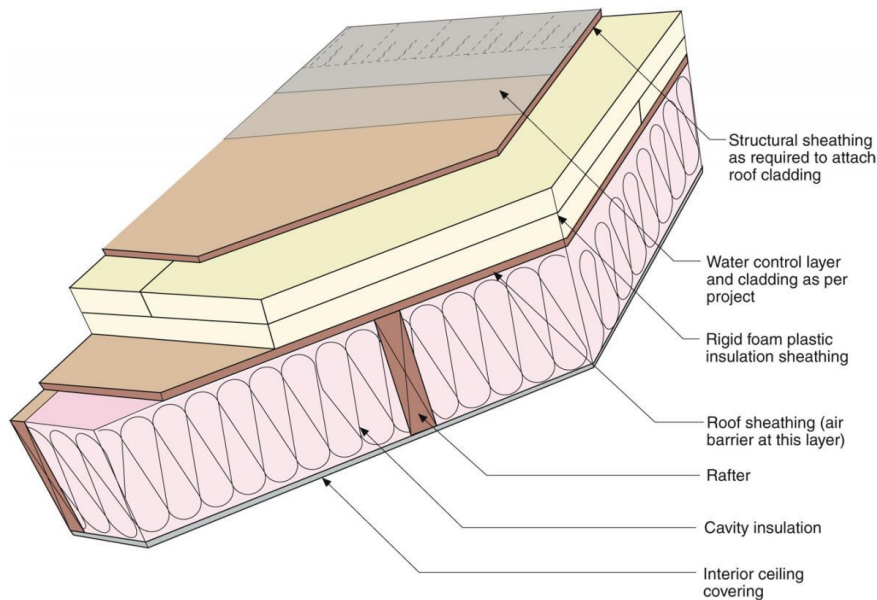
⁶² U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, *Unvented Attic Insulation*, <https://basc.pnnl.gov/resource-guides/unvented-attic-insulation#edit-group-description> (last visited Feb. 4, 2024).

⁶³ Cory Bendokas, *Impermeable vs. Permeable Air Barriers: Main Differences*, Build Meets World by Tremco CPG Inc., <https://blog.buildmeetsworld.com/impermeable-vs-permeable-air-barriers> (last visited Feb. 4, 2024).

⁶⁴ US Dept. of Energy, *supra* note 19.



Florida generally requires insulation to be installed under the roof sheathing,⁶⁵ but elsewhere, air-impermeable insulating sheathing applied over the roof deck may be used for unvented attics, and is typically installed as follows:⁶⁶



R-Value

R-value is a measure of how much resistance insulation has to heat flow. The higher the R-value, the more the resistance and the better the material is at insulating a home. Generally, insulation materials with higher R-values cost more when compared to those with lower R-values.⁶⁷

Blower Door Tests

⁶⁵ S. R806.5, FBC, Residential (8th Ed. 2023).

⁶⁶ To meet durability goals in most applications, the airtightness must be provided by a continuous membrane—preferably adhered to the top surface of the structural roof deck and under rigid insulation that provides condensation control. *Id.*

⁶⁷ Emily Glover and Samantha Allen, *What Is Insulation R Value? Everything You Need To Know*, Forbes, Jan, 20, 2022, <https://www.forbes.com/home-improvement/home/what-is-insulation-r-value/> (last visited Feb. 4, 2024).

Blower door tests determine to what degree a home is airtight. A temporary “blower door” equipped with a powerful fan is fitted into the frame of an existing front or back door, and when the fan is turned on, it sucks the air out of the house and blows it outside. Digital gauges compare the difference in air pressure between the inside air and the outside air to determine how much air is leaking into the house.⁶⁸

The standard way to determine air tightness of a building is to measure air leakage at 50 Pascals (ACH50) to the conditioned volume of the building. Air Change per Hour at 50 Pa (ACH50) is calculated by dividing air flow per hour by the volume of the building. ACH50 tells us how many times per hour the entire volume of air in the building is replaced when the building envelope is subjected to a 50 Pascal pressure. The airtightness of existing homes can vary dramatically based on the construction style, age and region.⁶⁹

Proper, tight air sealing of unvented attics is important for proper function.⁷⁰ Whole-house mechanical ventilation is required for homes with a high air-tightness.⁷¹

The chart below shows the relative tightness of homes based on the ACH50:⁷²

0 - 1.5 ACH	Very tight
1.5 - 3 ACH	Tight
3 - 5 ACH	Moderately tight
5 - 7 ACH	Loose
7 - 10 ACH	Very loose
10 + ACH	Extremely loose

Unvented Attics and Unvented Enclosed Roof Framing Assemblies

Section 806.5, Florida Building Code, Residential, for residential buildings, requires that unvented attics and unvented enclosed roof framing assemblies created by ceilings that are applied directly to the underside of the roof framing members and structural roof sheathing applied directly to the top of the roof framing members or rafters, must be allowed if certain conditions are met, including:⁷³

- The unvented attic space is completely within the building thermal envelope.
- No interior Class I vapor retarders are installed on the ceiling side (attic floor) of the unvented attic assembly or on the ceiling side of the unvented enclosed roof framing assembly.
- Insulation must comply with Item 5.1 and Item 5.3. As an alternative, where air-permeable insulation is located on top of the attic floor or on top of the attic ceiling, insulation must comply with Item 5.3 and Item 5.2.

Item 5.1. provides requirements insulation depending on the air permeability of the insulation directly under the structural roof sheathing. The following requirements are applicable to air-impermeable insulation:

- Where only **air-impermeable insulation** is provided, it must be applied in direct contact with the **underside** of the structural roof sheathing.

⁶⁸ Glenda Taylor and Bob Vila, *All You Need to Know About Blower Door Tests*, BobVila.com, Oct. 23, 2020, <https://www.bobvila.com/articles/blower-door-tests/> (last visited Feb. 4, 2024); Tyler Vanzo, *Air Changes Per Hour (ACH): What is it & How to Calculate it*, SmartAir, Jan. 16, 2024, <https://smartairfilters.com/en/blog/what-is-air-changes-per-hour-ach-how-to-calculate/> (last visited Feb. 4, 2024).

⁶⁹ The Energy Conservatory, TEST RESULTS AND SAMPLE TEST FORMS, <https://energyconservatory.com/wp-content/uploads/2017/08/Test-Results-and-Sample-Test-Forms-Guide-.pdf> (last visited Feb. 4, 2024).

⁷⁰ UCF, *supra* note 14.

⁷¹ Eric Martin and Charles Withers, Jr., *Survey of Unvented Attics in Climate Zone 2A*, University of Central Florida, Florida Solar Energy Center, Mar. 17, 2021, <https://publications.energyresearch.ucf.edu/wp-content/uploads/2021/02/FSEC-CR-2106-21.pdf> (last visited Feb. 4, 2024).

⁷² UCF, *supra* note 14.

⁷³ S. R806.5, FBC, Residential (8th Ed. 2023).

- Alternatively, sufficient rigid board or sheet insulation must be installed directly above the structural roof sheathing to maintain the monthly average temperature of the underside of the structural roof sheathing above 45°F (7°C). For calculation purposes, an interior air temperature of 68°F (20°C) is assumed and the exterior air temperature is assumed to be the monthly average outside air temperature of the three coldest months.

Item 5.2. provides requirements for air-permeable insulation, and Item 5.3.requires, where preformed insulation board is used as the air-impermeable insulation layer, it must be sealed at the perimeter of each individual sheet interior surface to form a continuous layer.

Section R402 of the EC Code

Insulation Requirements

In general, the EC Code requires residential ceilings, including ceilings with attics, to be built using **R-30 insulation** in Climate Zone 1, and **R-38 insulation** in Climate Zone 2.⁷⁴

However, s. R402.1.2 of the EC Code, where R-38 insulation is required in the ceiling or attic, allows installing R-30 over 100 percent of the ceiling or attic area requiring insulation to satisfy the requirement for R-38 insulation wherever the full height of uncompressed R-30 insulation extends over the wall top plate at the eaves.

Mechanical Requirements

Section R402 requires that a mechanical system of a residential building or dwelling unit must be blower door tested in accordance with ANSI/RESNET/ICC 380, reported at a pressure of 50 pascals, and verified as having an air leakage rate not exceeding seven air changes per hour (**7 ACH50**) in Climate Zones 1 and 2.

Homes with an air leakage rate less than three air changes per hour (**3 ACH50**) must be provided with **whole-house mechanical ventilation**.⁷⁵ All counties in Florida are either Climate Zone 1 or 2.⁷⁶

Types of Whole-house Ventilation Systems

Whole-house mechanical ventilation is the intentional exchange of indoor air with fresh outdoor air at a controlled rate using fans. The purpose of whole-house mechanical ventilation is to improve indoor air quality. Historically, mechanical ventilation was limited to local-exhaust (kitchen and bath exhaust fans) for spot control of moisture and odors. Houses commonly had enough natural ventilation, through leaky building enclosures, that whole-house mechanical ventilation was not necessary. Houses have become significantly tighter during the past 15-20 years as a result of changing codes, energy efficiency programs, and an overall desire to reduce energy use. Above-code programs and more recently the building codes have generally made controlled whole-house mechanical ventilation a requirement.⁷⁷

Balanced

The exhaust-only ventilation method is when a fan, commonly an efficient bath fan, exhausts indoor air, and outdoor makeup air is drawn into the house through leaks in the building enclosure. The supply-

⁷⁴ Table R402.1.2, FBC, Energy Conservation (8th Ed. 2023).

⁷⁵ S. R402.4.1.2, FBC, Energy Conservation (8th Ed. 2023).

⁷⁶ Table R301.1, FBC, Energy Conservation (8th Ed. 2023).

⁷⁷ Home Innovation Research Labs, *Whole-House Mechanical Ventilation Code: Safety and Performance Considerations*, International Code Council and National Association of Home Builders, October 2013, https://www.iccsafe.org/wp-content/uploads/proclamations/TN01-Whole-House-Ventilation_pdf.pdf (last visited Feb. 3, 2024).

only ventilation method is when a fan draws outdoor air into the house, and indoor air escapes through the building enclosure and exhaust fan ducts.⁷⁸

A balanced whole-house mechanical ventilation system is a combination of exhaust and supply methods providing approximately equal indoor exhaust and outdoor supply air flows, e.g., an exhaust fan combined with a supply fan or passive inlet vents. A balanced system may include a heat recovery ventilator (HRV) or an energy recovery ventilator (ERV).⁷⁹

Hybrid

A hybrid ventilation whole-house mechanical ventilation system is a recent concept that consists in using the components and sizing of natural ventilation ducts coupled with non-constant low-pressure mechanical assistance. Mechanical assistance is only used to supplement natural forces when necessary. Natural forces means three different kinds of natural phenomena that cause air to move:⁸⁰

- Wind that can penetrate the dwelling through entrances and exists.
- Thermal draught where the airflow is produced by the density difference between the hot air and the cold air, where the less dense hot air tends to rise and the denser cold air tends to go down.
- Aeraulic draught caused by the pressure difference linked to height, where the lower upright pression creates a depression that enables the air to circulate in the dwelling.

The hybrid ventilation start is automatic; it can be activated by a temperature sensor, a wind vane or a pressure switch. Fresh air is admitted through the humidity-controlled air inlets located in the dry rooms (e.g., bedrooms and living room), and stale air is evacuated through the wet rooms (e.g., bathrooms and kitchen) by humidity-controlled extraction grilles linked to the ventilation duct connected to the fan.⁸¹

Positive Input

A positive input ventilation system generally addresses ventilation issues in existing properties, such as condensation, damp and mold. Positive input ventilation pumps and circulates fresh filtered air into a house, forcing stale air out of the gaps and cracks in the fabric of the building. The unit is installed in the loft area, and a distribution diffuser is mounted in the ceiling in the room below. The continual supply and slight positive pressure result in the air in the property being continually diluted, displaced and replaced to create a healthier indoor air quality.⁸²

Building Officials, Inspectors, Plans Examiners

Building officials, inspectors, and plans examiners are regulated by the BCAIB within DBPR.⁸³

A building code administrator, otherwise known as a building official, is a local government employee or a person contracted by a local government who supervises building code activities, including plans review, enforcement, and inspection.⁸⁴

⁷⁸ *Id.*

⁷⁹ *Id.*

⁸⁰ Aereco, *How does hybrid ventilation work?*, <https://www.aereco.com/ventilation/ventilation-systems/hybrid-ventilation/> (last visited Feb. 3, 2024).

⁸¹ *Id.*

⁸² Hugh Metcalf, *Positive Input Ventilation Explained: Pros, Cons, Costs and More*, Homebuilding & Renovating, Sep. 9, 2021, <https://www.homebuilding.co.uk/advice/positive-input-ventilation> (last visited Feb. 3, 2024).

⁸³ S. 468.605, F.S.

⁸⁴ S. 468.603(2), F.S.

A building code inspector (inspector) inspects construction that requires permits to determine compliance with the Building Code and state accessibility laws. Inspectors are divided into several different categories. An inspector's ability to practice is limited to the category or categories under which the inspector has been licensed. The inspector categories are:⁸⁵

- Building inspector
- Coastal construction inspector
- Commercial electrical inspector
- Residential electrical inspector
- Mechanical inspector
- Plumbing inspector
- Residential inspector
- Electrical inspector

A plans examiner reviews plans submitted for building permits to determine design compliance with construction codes. The term includes a residential plans examiner who is qualified to determine that plans submitted for building permits comply with the applicable residential building, plumbing, mechanical, electrical, gas, energy, accessibility, and other applicable construction codes. A plans examiner's ability to practice is limited to the category or categories under which the plans examiner has been licensed. The plans examiner categories are:⁸⁶

- Building plans examiner
- Plumbing plans examiner
- Mechanical plans examiner
- Electrical plans examiner

Residential Inspector Licensing

In order to sit for the plans examiner or inspector exam a person must be at least 18 years of age, be of good moral character, and meet one of the following eligibility requirements:⁸⁷

- Have 4 years of combined relevant experience;
- Have 3 years of combined postsecondary education and relevant experience;
- Have 3 years of combined technical education and relevant experience;
- Complete an approved cross-training program and have at least 2 years of experience;
- Hold a standard certificate issued by the BCAIB or a firesafety inspector license; and
 - Have at least 4 years of relevant experience as an inspector or plans examiner;
 - Have a minimum of 3 years of experience in firesafety inspection or firesafety plan review and have completed a training program of not less than 100 hours in the new category sought;
 - Complete an approved training program of not less than 200 hours in inspection or plans review except for residential training programs, which may not be less than 500 hours; or
- Complete a 4-year **internship certification program**.

A person who is qualified to sit for the building official, plans examiner, or inspector exam but has not taken the exam may be granted a provisional license by the BCAIB. A provisional license allows a person to engage in the duties of a building official, inspector, or plans examiner.⁸⁸

Provisional licenses are valid for two years, but may be renewed by the BCAIB for just cause. A provisional license is not valid for more than three years. However, an applicant who is obtaining licensure as an inspector or plans examiner through an internship may apply to the BCAIB for a provisional license that is valid for the duration of the internship.⁸⁹

⁸⁵ See s. 468.603(5), F.S.

⁸⁶ See s. 468.603(8), F.S.

⁸⁷ S. 468.609(2), F.S.

⁸⁸ S. 468.609(7) and (10), F.S.

⁸⁹ *Id.*

Currently, residential inspector applicants may not use an internship program as a basis for eligibility to take the licensing examination.⁹⁰

Effect of the Bill

Building Permit Application Review

The bill removes a provision in Ch. 553, the Building Code, which requires single-family residential dwelling permits to be issued within 30 days unless the application does not conform to the Building Code or local laws or ordinances. However, the bill incorporates the time period to review single-family residential dwellings into the general section related to building permit applications.⁹¹

The bill reduces current timelines and revises procedures for applying for and obtaining a building permit. The new procedures set out below apply to the following building permit applications:

- Accessory structure;
- Alarm permit;
- Nonresidential buildings less than 25,000 square feet;
- Electric;
- Irrigation;
- Landscaping;
- Mechanical;
- Plumbing;
- Residential units **including a single-family residential unit or a single-family residential dwelling**;
- Multifamily residential not exceeding 50 units;
- Roofing;
- Signs;
- Site-plan approvals and subdivision plats not requiring public hearings or public notice; and
- Lot grading and site alteration associated with a permit application set forth above.

Timelines to Approve or Deny a Completed and Sufficient Building Permit Application

The bill reduces the time that a local government has to approve, approve with conditions, or deny a building permit application following receipt of a **completed and sufficient** application to the following timelines, unless the applicant waives such limitation in writing:

- For an applicant using local government plans review to obtain the following building permits if the structure is less than 7,500 square feet: residential units, including a single-family residential unit or a single-family residential dwelling, accessory structure, alarm, electrical, irrigation, landscaping, mechanical, plumbing, or roofing:
 - Within **30 business days** after receiving a complete and sufficient application (**currently 120 days, or 30 days for single-family residential dwellings**).
- For an applicant using a local government plans reviewer to obtain the following building permits if the structure is 7,500 square feet or more: residential units, including a single-family residential unit or a single-family residential dwelling, accessory structure, alarm, electrical, irrigation, landscaping, mechanical, plumbing, or roofing:
 - Within **60 business days** after receiving a complete and sufficient application (**currently 120 days, or 30 days for single-family residential dwellings**).

⁹⁰ R. 61G19-6.017, F.A.C.; DBPR BCAIB 7 - Application for Internship Certification Training Program Approval/Renewal and Provider, available at http://www.myfloridalicense.com/dbpr/pro/build/documents/BCAIB7_Application_Internship_Certification_Training_Program_Approval_Renewal_and_Provider.pdf (last visited Feb. 16, 2024).

⁹¹ See, s. 553.792, F.S.

- For an applicant using a local government plans reviewer to obtain the following building permits: signs or nonresidential buildings that are less than 25,000 square feet:
 - Within **60 business days** after receiving a complete and sufficient application (**currently 120 days**).
- For an applicant using a local government plans reviewer to obtain the following building permits: multifamily residential, not exceeding 50 units; site-plan approvals and subdivision plats not requiring public hearing or public notice; and lot grading and site alteration:
 - Within **60 business days** after receiving a complete and sufficient application (**currently 120 days**)
- For an applicant using a master building permit to obtain a site-specific building permit:
 - Within **12 business days** after receiving a complete and sufficient application (**currently dependent on the local program, or 30 days for single-family residential dwellings**)
- For an applicant for a single-family residential dwelling applied for by a contractor licensed in this state on behalf of a property owner who participates in a Community Development Block Grant–Disaster Recovery program administered by the Department of Economic Opportunity:
 - Within **10 business days** after receipt of the application, unless the permit application fails to satisfy the Building Code or the enforcing agency's laws or ordinances (**currently 15 days**).

If the local government does not approve, approve with conditions, or deny the completed and sufficient application within the required timeframes, the application is **deemed or determined to be approved**.

The bill provides that a local government may not require a waiver of such timeframes as a condition to review an application for a building permit. Also, a local government must meet such timeframes for reviewing building permit applications unless the timeframes set by local ordinance are more stringent.

Timelines to Determine a Complete Application

The bill requires a local government to provide written notice to a building permit applicant within **5 business days**, from 10 days, after receipt of the application advising the applicant what information, if any, is needed to deem or determine that the application is properly complete. If the local government does not provide timely written notice that the applicant has not submitted the properly completed application, the application is automatically deemed or determined to be property **completed and accepted**.

Timelines to Determine Permit Fees

If a local government fails to meet a deadline provided in the bill, it must reduce the building permit fee by 10 percent, based on the original amount of the permit fee, for each business day that it fails to meet the deadline, unless the parties agree in writing to a reasonable extension of time, the delay is caused by the applicant, or the delay is attributable to a force majeure or other extraordinary circumstances.

However, a local government does not need to reduce building permit fees if the local government provides written notice to the applicant within the applicable timeframes specifically stating the reasons the permit application is deficient:

- If the applicant submits revisions within **10 business days** after receiving the written notice, the local government has **10 business days** after receiving such revisions to approve or deny the permit unless the applicant agrees to a longer period in writing.
- If the local government fails to issue or deny the permit within **10 business days** after receiving revisions, it must reduce the building permit fee by 20 percent for each business day it fails to meet the deadline unless the applicant agrees to a longer period in writing.

The bill provides exceptions for local governments who fail to meet deadlines if:

- The parties involved agreed, in writing, to a reasonable extension of time.
- The delay is caused by the applicant.

- The delay is caused by a force majeure or other extraordinary circumstance.

The bill removes from current law the schedule for which local governments may make up to three requests for additional information from an applicant and the requirement that an application must be determined to be sufficient within 45 days.

Private Providers

The bill provides that "private provider firm" means a business organization, including a corporation, partnership, business trust, or other legal entity, which offers private provider services to the public through licensees who are acting as agents, employees, officers, or partners of the firm. A person who is licensed as a building code administrator, an engineer, or an architect may act as a private provider for an agent, employee, or officer of the private provider firm.

The bill shortens the timeframe that a local government has to issue a permit or notify the applicant of the specific plan features that do not comply with the Building Code to **10 business days**, from 20 business days, if the private provider is a person licensed as a professional engineer or an architect and affixes his or her professional seal to the affidavit certifying that the plans comply with the Building Code and the private provider or their duly authorized representative is authorized to review the plans.

The bill provides that if the local building official does not provide specific written notice to the permit applicant within the 10-day period, the permit application is deemed approved as a matter of law, and the local building official must issue the permit on the next business day.

The bill removes the specific time period for which a private provider must notify the local building official before performing required inspections on a specific date and approximate time, and instead requires the private provider to notify the building official of the approximate date and time of the inspections with no specific notice period.

The bill provides that a local building code enforcement agency may not audit the performance of building code inspection services by private providers operating within the local jurisdiction until the agency has created standard operating private provider audit procedures for the agency's internal inspection and review staff, which includes, at a minimum:

- The private provider audit purpose and scope,
- Private provider audit criteria,
- An explanation of private provider audit processes and objections, and
- Detailed findings of areas of noncompliance.

Such private provider audit procedures must be publicly available online and a printed version must be readily accessible in agency buildings. The private provider audit results for the prior two quarters also must be publicly available. The agency's audit processes must adhere to the agency's posted standard operating audit procedures.

The bill limits the number of times a private provider may be audited to four times in a **year**, from four times in a month. A local building official is required to communicate in writing to the private provider when an audit will be performed in excess of four times in a year due to a condition of a building constituting an immediate threat to public safety and welfare.

Use of Building Code Enforcement Fees

The bill clarifies that local governments may use fees, and any related fines or investment earnings, they have collected for enforcing the Building Code to upgrade technology hardware and software systems used to enforce the Building Code.

Construction Documents for Windows and Doors

The bill requires the Commission to modify the Building Code to provide that sealed drawings by a design professional will not be required for the replacement of windows, doors, or garage doors in an existing one-family or two-family dwelling or townhouse if all of the following conditions are met:

- The replacement windows, doors, or garage doors are installed in accordance with the manufacturer's instructions for the appropriate wind zone.
- The replacement windows, doors, or garage doors meet the design pressure requirements in the most recent version of the Florida Building Code, Residential.
- A copy of the manufacturer's instructions is submitted with the permit application in a printed or digital format.
- The replacement windows, doors, or garage doors are the same size and are installed in the same opening as the existing windows, doors, or garage doors.

Unvented Attic Requirements

The bill provides thermal efficiency standards for unvented attic and unvented enclosed rafter assemblies.

The bill provides that, effective July 1, 2025, unvented attic and unvented enclosed rafter assemblies that are insulated and air sealed with a minimum of **R-20 air-impermeable insulation**⁹² meet the requirements of sections R402 of the Florida Building Code, 8th Edition (2023), Energy Conservation, if all of the following apply:

- The building has a blower door test result of less than **3 ACH50**.
- The building has a positive input ventilation system or a balanced or hybrid **whole-house mechanical ventilation system**.
- If the insulation is installed **below the roof deck** and the exposed portion of roof rafters is not already covered by the **R-20 air-impermeable insulation**, the exposed portion of the roof rafters is insulated by a minimum of **R-3 air-impermeable insulation** unless directly covered by a finished ceiling. Roof rafters are not required to be covered by a minimum of **R-3 air-impermeable insulation** if continuous insulation is installed **above the roof deck**.
- All indoor heating, cooling, and ventilation equipment and ductwork is inside the building thermal envelope.

The bill requires the Commission to review and consider these requirements and any needed technical changes, and report such findings to the Legislature by December 31, 2024.

Residential Inspector Licensing

The bill allows a residential inspector applicant to use an internship program as a basis for eligibility to take the licensing examination.

The bill has an effective date of January 1, 2025, except as otherwise stated.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

⁹² Current law requires R-30 or R-38, depending on Climate Zone.

For a similar bill in 2023, DBPR stated that surcharge collections pursuant to s. 553.791, F.S., and s. 468.631, F.S., could be impacted by the bill.⁹³

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

For a similar bill in 2023, DBPR stated that this bill may reduce the amount of permit fees that could be collected by local governments in certain circumstances.⁹⁴

2. Expenditures:

This bill may impact local governments because they may have to hire more employees to meet the prescribed timeframes.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

For a similar bill in 2023, DBPR stated that the bill may reduce the cost of permit fees paid by the private sector to local governments based on the local governments failure to meet time requirements.⁹⁵ On the other hand, the local jurisdiction may raise permit fees so that they can hire employees to meet the time requirements in the bill.

D. FISCAL COMMENTS:

None.

⁹³ Department of Business & Professional Regulation, Agency Analysis of 2023 Senate Bill 682, p. 4 (February 14, 2023).

⁹⁴ *Id.*, at 5.

⁹⁵ *Id.*