

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Community Affairs

CS/CS/HB 423 — Building Regulation

by Commerce Committee; Regulatory Reform Subcommittee; and Rep. LaMarca and others (CS/CS/CS/SB 644 by Rules Committee; Regulated Industries Committee; Community Affairs Committee; and Senator Brodeur)

Private Providers

The bill makes several changes to current law pertaining to licensed individuals providing private building inspection services, known as “private providers.” Current law allows contractors and property owners to hire licensed building code administrators, engineers, and architects to review building plans, perform building inspections, and prepare certificates of completion. The bill makes the following changes:

- Specifies that if a person uses a private provider, the local government must provide equal access to all permitting and inspection documents and reports to the private provider, the owner, and the contractor;
- Specifies that the “reasonable administrative fee” a local government may charge for using a private provider must be based on the actual cost incurred by the local government for the clerical and supervisory assistance required;
- Allows a person with a provisional license (qualified to sit for the building official, plans examiner, or building inspector exam) to be a “duly authorized representative” for a private provider if under the direct supervision of a person licensed as a building code administrator. A duly authorized representative is an agent of a private provider authorized to review plans and perform inspections.
- Modifies the timeframe in which a building official must issue a certificate of occupancy or completion for certain types of permits, and provides that if a local building official does not provide a notice of deficiencies within the timeframes provided in the bill, the certificate of occupancy is automatically deemed issued the next day.

Building Inspector and Plans Examiner Licensure

The bill makes the following changes pertaining to building inspector and plans examiner licensure:

- Provides that a person may sit for the building inspector or plans examiner licensure test by completing a four-year internship with a private provider or private provider’s firm while under the direct supervision of a certified building official.
- Requires the Florida Building Code Administrators and Inspectors Board (FBCAIB) to adopt a rule establishing that partial completion of an internship program may be transferred among local jurisdictions, private providers, and private provider firms.
- Prohibits the FBCAIB from issuing a provisional license with a special condition or requirement that such licensee be employed by a municipality, county, or other local government agency.

Building Permits

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The bill provides that a local government may only make three requests for additional information from an applicant applying for certain types of building permits and requires the local government to review any requested additional information within a certain time-period. This change is consistent with the limitations provided in current law pertaining to applications for development permits and orders. An applicant may agree in writing to waive this limitation.

The bill also states that a local law, ordinance, or regulation may not prohibit or otherwise restrict the ability of a private property owner to obtain a building permit to demolish any single-family residential structure located in certain flood hazard areas. Additionally, local governments may not impose additional regulatory requirements on the replacement of the demolished structure not otherwise applicable to similarly situated parcels. The bill provides exceptions to this provision for certain historic buildings.

Building Code Enforcement Funds

The bill provides a cause of action for certain owners or builders or an association in Florida that has members with valid building permits to enforce the statutory provisions limiting the uses of a local government's excess Building Code enforcement funds. Current law limits the amount of Building Code enforcement funds a local government may carry forward each year and stipulates how such excess funds may be spent.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 38-0; House 113-0