

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 387 Electronic Filing of Construction Plans and Other Related Documents

SPONSOR(S): Economic Affairs Committee and Ahern

TIED BILLS: **IDEN./SIM. BILLS:** SB 600

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Community & Military Affairs Subcommittee	14 Y, 0 N	Gibson	Hoagland
2) Economic Affairs Committee	16 Y, 0 N, As CS	Gibson	Tinker

SUMMARY ANALYSIS

This bill provides that if a local building code administrator or building official provides for electronic filing, then

- construction plans,
- drawings,
- specifications,
- reports,
- final documents, or
- documents prepared or issued by a licensee,

may be transmitted electronically to the building code administrator or building official for approval and may be dated and electronically signed and sealed by the licensee in accordance with the "Electronic Signature Act of 1996."¹

This bill has an effective date of July 1, 2012.

¹ See ss. 668.001- 668.006, F.S.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation:

Section 468.604(1), F.S., requires the local building code administrator or building official:

“to administrate, supervise, direct, enforce, or perform the permitting and inspection of construction, alteration, repair, remodeling, or demolition of structures and the installation of building systems within the boundaries of their governmental jurisdiction, when permitting is required, to ensure compliance with the Florida Building Code and any applicable local technical amendment to the Florida Building Code.”

Part of this responsibility includes the review of construction plans before any building, system installation, or other construction permit is issued in order to ensure that the plans comply with the Florida Building Code.² The plans examiner is given the responsibility, under the supervision and authority of the building code administrator or building official, of reviewing construction plans submitted in the permit application for compliance with the Florida Building Code and any local technical amendment to the Code.³

Currently, the manner in which construction documents are submitted varies based on the jurisdiction. However, the general practice is for design professionals to hand-deliver hard copies of construction documents to the local building code administrator or building official for review. This practice requires many local building departments to maintain considerable physical storage space for the retention of these documents.⁴

The Legislature has previously granted certain professions the statutory authority to electronically submit documents and to utilize electronic seals. Engineers,⁵ architects,⁶ landscape architects,⁷ interior designers,⁸ and land surveyors and mappers⁹ have all been previously authorized to submit documents electronically and to utilize electronic seals and signatures. In addition, in 2009, the Legislature required each clerk of court to implement an electronic filing process in order to reduce costs, increase timeliness, and improve judicial case management.¹⁰

Part 1 of ch. 668, F.S.,¹¹ cited as the “Electronic Signature Act of 1996” provides guidelines for electronic signatures and gives the head of each agency the responsibility of adopting and implementing control processes and procedures to ensure integrity, security, confidentiality, and auditability of business transactions done through electronic commerce. Part II of ch. 668, F.S.,¹² contains the “Uniform Electronic Transaction Act” that was originally enacted to remove barriers to electronic commerce by validating and effectuating electronic records and signatures.¹³

² S. 468.604(1)(a), F.S.

³ S. 468.604(3), F.S.

⁴ Nov. 7, 2011, staff conversation with Doug Harvey, Executive Director, Building Officials Association of Florida.

⁵ S. 471.025, F.S.

⁶ S. 481.221, F.S.

⁷ S. 481.321, F.S.

⁸ S. 481.221, F.S.

⁹ S. 472.025, F.S.

¹⁰ S. 28.22205, F.S.

¹¹ Ss. 668.001-668.006, F.S.

¹² S. 668.50, F.S.

¹³ See Fla. S. Comm. on Utilities & Communications, CS for CS for SB 1334 (2000) Final Staff Analysis (July 27, 2000), *available at* (<http://archive.flsenate.gov>).

Effect of Proposed Changes:

CS/HB 387 provides that if a local building code administrator or building official provides for electronic filing, then

- construction plans,
- drawings,
- specifications,
- reports,
- final documents, or
- documents prepared or issued by a licensee,

may be transmitted electronically to the building code administrator or building official for approval and may be dated and electronically signed and sealed by the licensee in accordance with the "Electronic Signature Act of 1996."¹⁴

This bill does not require the electronic submission of construction documents or the use of electronic signatures and seals, but instead provides the building code administrator or building official the authority to allow for the electronic submission of construction documents.

Allowing for the electronic submission of construction documents is anticipated to result in a number of benefits for design professionals and local building departments including reduced costs and storage requirements as a result of being able to store files electronically, increased timeliness of processing building permits, and improved efficiency and access to construction documents especially at the construction job site for contractors and inspectors. It is also anticipated that the electronic transmission of documents will allow for instant modifications to construction plans.

This bill does not specifically address security, tracking, and storage issues related to the electronic filing of construction documents. The Building Officials Association of Florida has formed an ad hoc committee comprised of architects, engineers, and building officials to further address these types of issues related to the electronic transmittal of construction documents including the use of electronic seals and signatures. The ad hoc committee is developing a set of recommended guidelines and standards for local government building departments and design professionals to adopt when implementing the electronic transmission of construction documents and the use of electronic signatures and seals. In creating these recommended guidelines, the ad hoc committee is closely examining guidelines already in statute and the best practices and uniform standards used by various professions authorized to electronically transmit documents and use electronic signatures and seals.

B. SECTION DIRECTORY:

Section 1: Subsection (4) is added to s. 468.604, F.S., to grant statutory authority for the electronic submission of construction plans and other related documents and the use of electronic signatures and seals in accordance with ss. 668.001- 668.006, F.S.

Section 2: Provides an effective date of July 1, 2012.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

¹⁴ See ss. 668.001- 668.006, F.S.

2. Expenditures:
None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:
None.

2. Expenditures:

Local governments that implement electronic transmission of construction documents may see cost savings associated with increased government efficiency in the processing and review of construction documents submitted electronically and the reduced need for increased physical storage space for hard copy documents. However, the amount of cost savings is indeterminate at this time.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Design professionals, and perhaps their clients, may experience cost savings due to increased government efficiency in the review of construction plans, and therefore, increased timeliness in the processing of building permits. The amount of cost savings is indeterminate at this time.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not require local governments to implement the electronic transmission of construction documents or the use of electronic signatures and seals, but instead allows the building code administrator or building official the authority to choose whether or not to allow for the electronic transmission of construction documents and the use of electronic signatures and seals.

Therefore, this bill does not appear to: require counties or municipalities to spend funds or to take an action requiring the expenditure of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with counties or municipalities.

2. Other:
None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On December 8, 2011, the Economic Affairs Committee adopted a strike-all amendment that removed the whereas clause and conformed the House bill to the language in the Senate companion bill (CS/SB 600). The amendment did not substantively change the bill.