

1 A bill to be entitled
2 An act relating to property development; amending s.
3 125.01055, F.S.; prohibiting a county from adopting or
4 imposing a requirement in any form relating to
5 affordable housing which has specified effects;
6 providing construction; amending s. 125.022, F.S.;
7 requiring that a county review certain applications
8 for completeness and issue a certain letter within a
9 specified time period after receiving an application
10 for approval of a development permit or development
11 order; providing procedures for addressing
12 deficiencies in, and for approving or denying, the
13 application; conforming provisions to changes made by
14 the act; defining the term "development order";
15 amending s. 166.033, F.S.; requiring that a
16 municipality review certain applications for
17 completeness and issue a certain letter within a
18 specified time period after receiving an application
19 for approval of a development permit or development
20 order; providing procedures for addressing
21 deficiencies in, and for approving or denying, the
22 application; conforming provisions to changes made by
23 the act; defining the term "development order";
24 amending s. 166.04151, F.S.; prohibiting a
25 municipality from adopting or imposing a requirement

26 | in any form relating to affordable housing which has
27 | specified effects; providing construction; amending s.
28 | 163.31801, F.S.; providing minimum requirements to be
29 | satisfied by certain entities before adopting an
30 | impact fee; requiring local government to credit
31 | against the collection of impact fees certain
32 | contributions related to public education facilities;
33 | specifying the calculation; requiring a local
34 | government to increase certain impact or mobility fee
35 | credits previously awarded if it increases its impact
36 | fee or mobility fee rates; amending s. 163.3215, F.S.;
37 | specifying use of summary procedure in certain
38 | development order cases; amending s. 553.791, F.S.;
39 | providing and revising definitions; revising the
40 | timeframe an owner or contractor must notify the
41 | building official that he or she is using a private
42 | provider; revising the type of affidavit form to be
43 | used by private providers under certain circumstances;
44 | revising the timeframe within which a building
45 | official has to approve or deny a permit application;
46 | limiting a building official's review of a resubmitted
47 | permit application to previously identified
48 | deficiencies; authorizing a contractor to petition the
49 | circuit court to enforce the terms of certain building
50 | code inspection service laws; limiting the number of

51 times a building official may audit a private
 52 provider, with exceptions; providing an effective
 53 date.

54
 55 Be It Enacted by the Legislature of the State of Florida:

56
 57 Section 1. Section 125.01055, Florida Statutes, is amended
 58 to read:

59 125.01055 Affordable housing.—

60 (1) Notwithstanding any other provision of law, a county
 61 may adopt and maintain in effect any law, ordinance, rule, or
 62 other measure that is adopted for the purpose of increasing the
 63 supply of affordable housing using land use mechanisms such as
 64 inclusionary housing ordinances. A county may not, however,
 65 adopt or impose a requirement in any form, including, without
 66 limitation, by way of a comprehensive plan amendment, ordinance,
 67 or land development regulation or as a condition of a
 68 development order or development permit, which has any of the
 69 following effects:

70 (a) Mandating or establishing a maximum sales price or
 71 lease rental for privately produced dwelling units.

72 (b) Requiring the allocation or designation, whether
 73 directly or indirectly, of privately produced dwelling units for
 74 sale or rental to any particular class or group of purchasers or
 75 tenants.

76 (c) Requiring the provision of any onsite or offsite
 77 workforce or affordable housing units or a contribution of land
 78 or money for such housing, including, but not limited to, the
 79 payment of any flat or percentage-based fee, whether calculated
 80 on the basis of the number of approved dwelling units, the
 81 amount of approved square footage, or otherwise.

82 (2) This section does not limit the authority of a county
 83 to create or implement a voluntary density bonus program or any
 84 other voluntary incentive-based program designed to increase the
 85 supply of workforce or affordable housing units.

86 Section 2. Section 125.022, Florida Statutes, is amended
 87 to read:

88 125.022 Development permits and development orders.-

89 (1) Within 30 days after receiving an application for a
 90 development permit or development order, a county must review
 91 the application for completeness and issue a letter indicating
 92 all required information is submitted or specifying with
 93 particularity any areas that are deficient. If deficient, the
 94 applicant has 30 days to address the deficiencies by submitting
 95 the required additional information. Within 90 days after the
 96 initial submission, if complete, or the supplemental submission,
 97 whichever is later, the county shall approve, approve with
 98 conditions, or deny the application for a development permit or
 99 development order. The time periods contained in this section
 100 may be waived in writing by the applicant. An approval, approval

101 with conditions, or denial of the application for a development
102 permit or development order must include written findings
103 supporting the county's decision.

104 (2)~~(1)~~ When reviewing an application for a development
105 permit or development order that is certified by a professional
106 listed in s. 403.0877, a county may not request additional
107 information from the applicant more than three times, unless the
108 applicant waives the limitation in writing. Before a third
109 request for additional information, the applicant must be
110 offered a meeting to attempt to resolve outstanding issues.
111 Except as provided in subsection (5)~~(4)~~, if the applicant
112 believes the request for additional information is not
113 authorized by ordinance, rule, statute, or other legal
114 authority, the county, at the applicant's request, shall proceed
115 to process the application for approval or denial.

116 (3)~~(2)~~ When a county denies an application for a
117 development permit or development order, the county shall give
118 written notice to the applicant. The notice must include a
119 citation to the applicable portions of an ordinance, rule,
120 statute, or other legal authority for the denial of the permit
121 or order.

122 (4)~~(3)~~ As used in this section, the terms ~~term~~
123 "development permit" and "development order" have ~~has~~ the same
124 meaning as in s. 163.3164, but do ~~does~~ not include building
125 permits.

126 ~~(5)~~(4) For any development permit application filed with
127 the county on or after July 1, 2012, a county may not require as
128 a condition of processing or issuing a development permit or
129 development order that an applicant obtain a permit or approval
130 from any state or federal agency unless the agency has issued a
131 final agency action that denies the federal or state permit
132 before the county action on the local development permit.

133 ~~(6)~~(5) Issuance of a development permit or development
134 order by a county does not in any way create any rights on the
135 part of the applicant to obtain a permit from a state or federal
136 agency and does not create any liability on the part of the
137 county for issuance of the permit if the applicant fails to
138 obtain requisite approvals or fulfill the obligations imposed by
139 a state or federal agency or undertakes actions that result in a
140 violation of state or federal law. A county shall attach such a
141 disclaimer to the issuance of a development permit and shall
142 include a permit condition that all other applicable state or
143 federal permits be obtained before commencement of the
144 development.

145 ~~(7)~~(6) This section does not prohibit a county from
146 providing information to an applicant regarding what other state
147 or federal permits may apply.

148 Section 3. Section 166.033, Florida Statutes, is amended
149 to read:

150 166.033 Development permits and development orders.-

151 (1) Within 30 days after receiving an application for a
152 development permit or development order, a municipality must
153 review the application for completeness and issue a letter
154 indicating all required information is submitted or specifying
155 with particularity any areas that are deficient. If deficient,
156 the applicant has 30 days to address the deficiencies by
157 submitting the required additional information. Within 90 days
158 after the initial submission, if complete, or the supplemental
159 submission, whichever is later, the municipality shall approve,
160 approve with conditions, or deny the application for a
161 development permit or development order. The time periods
162 contained in this section may be waived in writing by the
163 applicant. An approval, approval with conditions, or denial of
164 the application for a development permit or development order
165 must include written findings supporting the municipality's
166 decision.

167 (2)~~(1)~~ When reviewing an application for a development
168 permit or development order that is certified by a professional
169 listed in s. 403.0877, a municipality may not request additional
170 information from the applicant more than three times, unless the
171 applicant waives the limitation in writing. Before a third
172 request for additional information, the applicant must be
173 offered a meeting to attempt to resolve outstanding issues.
174 Except as provided in subsection (5)~~(4)~~, if the applicant
175 believes the request for additional information is not

176 authorized by ordinance, rule, statute, or other legal
177 authority, the municipality, at the applicant's request, shall
178 proceed to process the application for approval or denial.

179 ~~(3)-(2)~~ When a municipality denies an application for a
180 development permit or development order, the municipality shall
181 give written notice to the applicant. The notice must include a
182 citation to the applicable portions of an ordinance, rule,
183 statute, or other legal authority for the denial of the permit
184 or order.

185 ~~(4)-(3)~~ As used in this section, the terms ~~term~~
186 "development permit" and "development order" have ~~has~~ the same
187 meaning as in s. 163.3164, but do ~~does~~ not include building
188 permits.

189 ~~(5)-(4)~~ For any development permit application filed with
190 the municipality on or after July 1, 2012, a municipality may
191 not require as a condition of processing or issuing a
192 development permit or development order that an applicant obtain
193 a permit or approval from any state or federal agency unless the
194 agency has issued a final agency action that denies the federal
195 or state permit before the municipal action on the local
196 development permit.

197 ~~(6)-(5)~~ Issuance of a development permit or development
198 order by a municipality does not in any way create any right on
199 the part of an applicant to obtain a permit from a state or
200 federal agency and does not create any liability on the part of

201 the municipality for issuance of the permit if the applicant
 202 fails to obtain requisite approvals or fulfill the obligations
 203 imposed by a state or federal agency or undertakes actions that
 204 result in a violation of state or federal law. A municipality
 205 shall attach such a disclaimer to the issuance of development
 206 permits and shall include a permit condition that all other
 207 applicable state or federal permits be obtained before
 208 commencement of the development.

209 (7)~~(6)~~ This section does not prohibit a municipality from
 210 providing information to an applicant regarding what other state
 211 or federal permits may apply.

212 Section 4. Section 166.04151, Florida Statutes, is amended
 213 to read:

214 166.04151 Affordable housing.—

215 (1) Notwithstanding any other provision of law, a
 216 municipality may adopt and maintain in effect any law,
 217 ordinance, rule, or other measure that is adopted for the
 218 purpose of increasing the supply of affordable housing using
 219 land use mechanisms such as inclusionary housing ordinances. A
 220 municipality may not, however, adopt or impose a requirement in
 221 any form, including, without limitation, by way of a
 222 comprehensive plan amendment, ordinance, or land development
 223 regulation or as a condition of a development order or
 224 development permit, which has any of the following effects:

225 (a) Mandating or establishing a maximum sales price or

226 | lease rental for privately produced dwelling units,

227 | (b) Requiring the allocation or designation, whether
 228 | directly or indirectly, of privately produced dwelling units for
 229 | sale or rental to any particular class or group of purchasers or
 230 | tenants.

231 | (c) Requiring the provision of any onsite or offsite
 232 | workforce or affordable housing units or a contribution of land
 233 | or money for such housing, including, but not limited to, the
 234 | payment of any flat or percentage-based fee, whether calculated
 235 | on the basis of the number of approved dwelling units, the
 236 | amount of approved square footage, or otherwise.

237 | (2) This section does not limit the authority of a
 238 | municipality to create or implement a voluntary density bonus
 239 | program or any other voluntary incentive-based program designed
 240 | to increase the supply of workforce or affordable housing units.

241 | Section 5. Section 163.31801, Florida Statutes, is amended
 242 | to read:

243 | 163.31801 Impact fees; short title; intent; minimum
 244 | requirements; audits; challenges ~~definitions; ordinances levying~~
 245 | ~~impact fees.~~-

246 | (1) This section may be cited as the "Florida Impact Fee
 247 | Act."

248 | (2) The Legislature finds that impact fees are an
 249 | important source of revenue for a local government to use in
 250 | funding the infrastructure necessitated by new growth. The

251 Legislature further finds that impact fees are an outgrowth of
252 the home rule power of a local government to provide certain
253 services within its jurisdiction. Due to the growth of impact
254 fee collections and local governments' reliance on impact fees,
255 it is the intent of the Legislature to ensure that, when a
256 county or municipality adopts an impact fee by ordinance or a
257 special district adopts an impact fee by resolution, the
258 governing authority complies with this section.

259 (3) At a minimum, an impact fee adopted by ordinance of a
260 county or municipality or by resolution of a special district
261 must satisfy all of the following conditions, ~~at minimum:~~

262 (a) The local government must calculate ~~require that the~~
263 ~~calculation of~~ the impact fee ~~be~~ based on the most recent and
264 localized data.

265 (b) The local government must provide for accounting and
266 reporting of impact fee collections and expenditures. If a local
267 government ~~governmental entity~~ imposes an impact fee to address
268 its infrastructure needs, the local government must ~~entity shall~~
269 account for the revenues and expenditures of such impact fee in
270 a separate accounting fund.

271 (c) The local government must limit administrative charges
272 for the collection of impact fees to actual costs.

273 (d) The local government must provide ~~Require that~~ notice
274 ~~be provided~~ no less than 90 days before the effective date of an
275 ordinance or resolution imposing a new or increased impact fee.

276 A county or municipality is not required to wait 90 days to
277 decrease, suspend, or eliminate an impact fee.

278 (e) The local government may not require payment of the
279 impact fee before the date of issuance of the building permit
280 for the property that is subject to the fee.

281 (f) The impact fee must be reasonably connected to, or
282 have a rational nexus with, the need for additional capital
283 facilities and the increased impact generated by the new
284 residential or commercial construction.

285 (g) The impact fee must be reasonably connected to, or
286 have a rational nexus with, the expenditures of the funds
287 collected and the benefits accruing to the new residential or
288 commercial construction.

289 (h) The local government must specifically earmark
290 revenues generated by the impact fee to acquire, construct, or
291 improve capital facilities to benefit new users.

292 (i) The local government may not use revenues generated by
293 the impact fee to pay existing debt or for previously approved
294 projects unless the expenditure is reasonably connected to, or
295 has a rational nexus with, the increased impact generated by the
296 new residential or commercial construction.

297 (4) The local government must credit against the
298 collection of the impact fee any contribution, whether
299 identified in a proportionate share agreement or other form of
300 exaction, related to public education facilities, including land

301 dedication, site planning and design, or construction. Any
 302 contribution must be applied to reduce impact fees on a dollar-
 303 for-dollar basis at fair market value. If the local government
 304 adjusts the amount of the impact fees, outstanding and unused
 305 credits must be adjusted accordingly.

306 (5) If a local government increases its impact fee or
 307 mobility fee rates, then the holder of any impact or mobility
 308 fee credits, whether such credits are granted under s. 163.3180,
 309 s. 380.06, or otherwise, which were in existence before the
 310 increase, is entitled to a proportionate increase in the credit
 311 balance.

312 (6)~~(4)~~ Audits of financial statements of local
 313 governmental entities and district school boards which are
 314 performed by a certified public accountant pursuant to s. 218.39
 315 and submitted to the Auditor General must include an affidavit
 316 signed by the chief financial officer of the local governmental
 317 entity or district school board stating that the local
 318 governmental entity or district school board has complied with
 319 this section.

320 (7)~~(5)~~ In any action challenging an impact fee, the
 321 government has the burden of proving by a preponderance of the
 322 evidence that the imposition or amount of the fee meets the
 323 requirements of state legal precedent or this section. The court
 324 may not use a deferential standard.

325 (8) Notwithstanding any provision to the contrary in this

326 chapter, if a local government does not provide the credits
327 required in paragraph (4) for a project, the local government
328 may not impose concurrency mitigation conditions on the project.

329 Section 6. Subsections (8) and (9) of section 163.3215,
330 Florida Statutes, are renumbered as subsections (9) and (10)
331 respectively, and a new subsection (8) is added to that section,
332 to read:

333 163.3215 Standing to enforce local comprehensive plans
334 through development orders.—

335 (8)(a) In any proceeding under subsection (3), either
336 party is entitled to the summary procedure provided in s.
337 51.011, and the court shall advance the cause on the calendar,
338 subject to paragraph (b).

339 (b) Upon a showing by either party by clear and convincing
340 evidence that summary procedure is inappropriate, the court may
341 determine that summary procedure does not apply.

342 Section 7. Subsections (1), (4), (5), (6), (7), and (18)
343 of section 553.791, Florida Statutes, are amended, and paragraph
344 (d) is added to subsection (15), to read:

345 553.791 Alternative plans review and inspection.—

346 (1) As used in this section, the term:

347 (a) "Applicable codes" means the Florida Building Code and
348 any local technical amendments to the Florida Building Code but
349 does not include the applicable minimum fire prevention and
350 firesafety codes adopted pursuant to chapter 633.

351 (b) "Audit" means the process to confirm that the building
352 code inspection services have been performed by the private
353 provider, including ensuring that the required affidavit for the
354 plan review has been properly completed and affixed to the
355 permit documents and that the minimum mandatory inspections
356 required under the building code have been performed and
357 properly recorded. The ~~term does not mean that the local~~
358 building official may not ~~is required to~~ replicate the plan
359 review or inspection being performed by the private provider,
360 unless expressly authorized by this section.

361 (c) "Building" means any construction, erection,
362 alteration, demolition, or improvement of, or addition to, any
363 structure or site work for which permitting by a local
364 enforcement agency is required.

365 (d) "Building code inspection services" means those
366 services described in s. 468.603(5) and (8) involving the review
367 of building plans as well as those services involving the review
368 of site plans and site work engineering plans or their
369 functional equivalent, to determine compliance with applicable
370 codes and those inspections required by law of each phase of
371 construction for which permitting by a local enforcement agency
372 is required to determine compliance with applicable codes.

373 (e) "Duly authorized representative" means an agent of the
374 private provider identified in the permit application who
375 reviews plans or performs inspections as provided by this

376 section and who is licensed as an engineer under chapter 471 or
377 as an architect under chapter 481 or who holds a standard
378 certificate under part XII of chapter 468.

379 (f) "Immediate threat to public safety and welfare" means
380 a building code violation that, if allowed to persist,
381 constitutes an immediate hazard that could result in death,
382 serious bodily injury, or significant property damage. This
383 paragraph does not limit the authority of the local building
384 official to issue a Notice of Corrective Action at any time
385 during the construction of a building project or any portion of
386 such project if the official determines that a condition of the
387 building or portion thereof may constitute a hazard when the
388 building is put into use following completion as long as the
389 condition cited is shown to be in violation of the building code
390 or approved plans.

391 (g) "Local building official" means the individual within
392 the governing jurisdiction responsible for direct regulatory
393 administration or supervision of plans review, enforcement, and
394 inspection of any construction, erection, alteration,
395 demolition, or substantial improvement of, or addition to, any
396 structure for which permitting is required to indicate
397 compliance with applicable codes and includes any duly
398 authorized designee of such person.

399 (h) "Permit application" means a properly completed and
400 submitted application for the requested building or construction

401 permit, including:

- 402 1. The plans reviewed by the private provider.
- 403 2. The affidavit from the private provider required under
404 subsection (6).
- 405 3. Any applicable fees.
- 406 4. Any documents required by the local building official
407 to determine that the fee owner has secured all other government
408 approvals required by law.

409 (i) "Plans" means building plans, site engineering plans,
410 or site plans, or their functional equivalent, submitted by a
411 fee owner or fee owner's contractor to a private provider or
412 duly authorized representative for review.

413 (j)~~(i)~~ "Private provider" means a person licensed as a
414 building code administrator under part XII of chapter 468, as an
415 engineer under chapter 471, or as an architect under chapter
416 481. For purposes of performing inspections under this section
417 for additions and alterations that are limited to 1,000 square
418 feet or less to residential buildings, the term "private
419 provider" also includes a person who holds a standard
420 certificate under part XII of chapter 468.

421 (k)~~(j)~~ "Request for certificate of occupancy or
422 certificate of completion" means a properly completed and
423 executed application for:

- 424 1. A certificate of occupancy or certificate of
425 completion.

426 2. A certificate of compliance from the private provider
427 required under subsection (11).

428 3. Any applicable fees.

429 4. Any documents required by the local building official
430 to determine that the fee owner has secured all other government
431 approvals required by law.

432 (1) "Site work" means the portion of a construction
433 project that is not part of the building structure, including,
434 but not limited to, grading, excavation, landscape irrigation,
435 and installation of driveways.

436 (m)~~(k)~~ "Stop-work order" means the issuance of any written
437 statement, written directive, or written order which states the
438 reason for the order and the conditions under which the cited
439 work will be permitted to resume.

440 (4) A fee owner or the fee owner's contractor using a
441 private provider to provide building code inspection services
442 shall notify the local building official at the time of permit
443 application, or no less than 2 7 business days before ~~prior to~~
444 the first scheduled inspection by the local building official or
445 building code enforcement agency for a private provider
446 performing required inspections of construction under this
447 section, on a form to be adopted by the commission. This notice
448 shall include the following information:

449 (a) The services to be performed by the private provider.

450 (b) The name, firm, address, telephone number, and

451 facsimile number of each private provider who is performing or
452 will perform such services, his or her professional license or
453 certification number, qualification statements or resumes, and,
454 if required by the local building official, a certificate of
455 insurance demonstrating that professional liability insurance
456 coverage is in place for the private provider's firm, the
457 private provider, and any duly authorized representative in the
458 amounts required by this section.

459 (c) An acknowledgment from the fee owner in substantially
460 the following form:

461 I have elected to use one or more private providers to provide
462 building code plans review and/or inspection services on the
463 building or structure that is the subject of the enclosed permit
464 application, as authorized by s. 553.791, Florida Statutes. I
465 understand that the local building official may not review the
466 plans submitted or perform the required building inspections to
467 determine compliance with the applicable codes, except to the
468 extent specified in said law. Instead, plans review and/or
469 required building inspections will be performed by licensed or
470 certified personnel identified in the application. The law
471 requires minimum insurance requirements for such personnel, but
472 I understand that I may require more insurance to protect my
473 interests. By executing this form, I acknowledge that I have
474 made inquiry regarding the competence of the licensed or
475 certified personnel and the level of their insurance and am

476 satisfied that my interests are adequately protected. I agree to
477 indemnify, defend, and hold harmless the local government, the
478 local building official, and their building code enforcement
479 personnel from any and all claims arising from my use of these
480 licensed or certified personnel to perform building code
481 inspection services with respect to the building or structure
482 that is the subject of the enclosed permit application.

483 If the fee owner or the fee owner's contractor makes any changes
484 to the listed private providers or the services to be provided
485 by those private providers, the fee owner or the fee owner's
486 contractor shall, within 1 business day after any change, update
487 the notice to reflect such changes. A change of a duly
488 authorized representative named in the permit application does
489 not require a revision of the permit, and the building code
490 enforcement agency shall not charge a fee for making the change.
491 In addition, the fee owner or the fee owner's contractor shall
492 post at the project site, before ~~prior to~~ the commencement of
493 construction and updated within 1 business day after any change,
494 on a form to be adopted by the commission, the name, firm,
495 address, telephone number, and facsimile number of each private
496 provider who is performing or will perform building code
497 inspection services, the type of service being performed, and
498 similar information for the primary contact of the private
499 provider on the project.

500 (5) After construction has commenced and if the local

501 building official is unable to provide inspection services in a
502 timely manner, the fee owner or the fee owner's contractor may
503 elect to use a private provider to provide inspection services
504 by notifying the local building official of the owner's or
505 contractor's intention to do so no less than 27 business days
506 before ~~prior to~~ the next scheduled inspection using the notice
507 provided for in paragraphs (4) (a)-(c).

508 (6) A private provider performing plans review under this
509 section shall review the ~~construction~~ plans to determine
510 compliance with the applicable codes. Upon determining that the
511 plans reviewed comply with the applicable codes, the private
512 provider shall prepare an affidavit or affidavits on a form
513 reasonably acceptable to ~~adopted by~~ the commission certifying,
514 under oath, that the following is true and correct to the best
515 of the private provider's knowledge and belief:

516 (a) The plans were reviewed by the affiant, who is duly
517 authorized to perform plans review pursuant to this section and
518 holds the appropriate license or certificate.

519 (b) The plans comply with the applicable codes.

520 (7) (a) No more than 5 ~~30~~ business days after receipt of a
521 permit application and the affidavit from the private provider
522 required pursuant to subsection (6), the local building official
523 shall issue the requested permit or provide a written notice to
524 the permit applicant identifying the specific plan features that
525 do not comply with the applicable codes, as well as the specific

526 code chapters and sections. If the local building official does
527 not provide a written notice of the plan deficiencies within the
528 prescribed 5-day ~~30-day~~ period, the permit application shall be
529 deemed approved as a matter of law, and the permit shall be
530 issued by the local building official on the next business day.

531 (b) If the local building official provides a written
532 notice of plan deficiencies to the permit applicant within the
533 prescribed 5-day ~~30-day~~ period, the 5-day ~~30-day~~ period shall be
534 tolled pending resolution of the matter. To resolve the plan
535 deficiencies, the permit applicant may elect to dispute the
536 deficiencies pursuant to subsection (13) or to submit revisions
537 to correct the deficiencies.

538 (c) If the permit applicant submits revisions, the local
539 building official has 3 ~~the remainder of the tolled 30-day~~
540 ~~period plus 5~~ business days from the date of resubmittal to
541 issue the requested permit or to provide a second written notice
542 to the permit applicant stating which of the previously
543 identified plan features remain in noncompliance with the
544 applicable codes, with specific reference to the relevant code
545 chapters and sections. Any subsequent review by the local
546 building official is limited to the deficiencies cited in the
547 written notice. If the local building official does not provide
548 the second written notice within the prescribed time period, the
549 permit shall be deemed approved as a matter of law, and issued
550 by the local building official must issue the permit on the next

551 business day.

552 (d) If the local building official provides a second
553 written notice of plan deficiencies to the permit applicant
554 within the prescribed time period, the permit applicant may
555 elect to dispute the deficiencies pursuant to subsection (13) or
556 to submit additional revisions to correct the deficiencies. For
557 all revisions submitted after the first revision, the local
558 building official has 3 ~~an additional 5~~ business days from the
559 date of resubmittal to issue the requested permit or to provide
560 a written notice to the permit applicant stating which of the
561 previously identified plan features remain in noncompliance with
562 the applicable codes, with specific reference to the relevant
563 code chapters and sections.

564 (15)

565 (d) If the local jurisdiction fails to comply with the
566 provisions set forth in this section, the fee owner's contractor
567 that has requested to use a private provider to provide building
568 code inspection services under this section may petition the
569 circuit court for the local jurisdiction to enforce the terms of
570 this section by writ of injunctive or other equitable relief.

571 (18) Each local building code enforcement agency may audit
572 the performance of building code inspection services by private
573 providers operating within the local jurisdiction. However, the
574 same private provider may not be audited more than four times in
575 a calendar year unless the local building official determines a

576 | condition of a building constitutes an immediate threat to
577 | public safety and welfare. Work on a building or structure may
578 | proceed after inspection and approval by a private provider if
579 | the provider has given notice of the inspection pursuant to
580 | subsection (9) and, subsequent to such inspection and approval,
581 | the work shall not be delayed for completion of an inspection
582 | audit by the local building code enforcement agency.

583 | Section 8. This act shall take effect July 1, 2019.