HB 423 is a bill sponsored by Representative LaMarca pertaining to Building Regulation. The bill passed unanimously, both in the Senate and the House, and is currently awaiting to be sent to the Governor for his signature. The bill’s effective date is July 1, 2022. The intentions of the bill are to have permits from municipal building officials issued more quickly and to limit the number of hoops through which applicants are required to jump. The bill makes several changes to building regulations, including changes concerning internships and licensing of building inspectors and plans examiners, private providers, demolition building permits, and request for information by building departments regarding the review of applications for building permits.

**Building Permits – Requests from Local Government**

The bill addresses the process of building permits applications under s. 553.792, F.S. 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. Specifically, a local government:

- May not request additional information more than three times from an applicant unless the applicant waives the limitation in writing. The local government must:
  - First request: If the applicant provides the requested information within 30 days, the local government must review the information and take certain actions within 15 days after receiving the additional information;
  - Second request: If the Local governments makes a second request for additional information to complete the application, the applicant provides such information within 30 days, the local government must review the information and take action within 10 days;
  - Before making a third request for additional information, the local government must meet with the applicant to resolve any outstanding issues. If the local government makes a third request for additional information, and the applicant provides the information within 30 days, the local government must within 10 days, deem the application complete and either approve the application, approve the application with conditions, or deny the applications; unless the application has waived the limitation writing.
  - If the applicant believes a request for additional information to be unauthorized, the local government must, at the applicant's request, process the application and either approve the application, approve the application with conditions, or deny the application.

**Building Permits - Demolition**

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. More specifically, relating to “demolition” building permits, the bill adds a new subsection (25) to s. 553.79, F.S., that:

- Provides that a local government may not prohibit or restrict a private property owner from obtaining a demolition permit for a single-family building located in a coastal high-hazard area, moderate flood zoned, or special flood hazard area according to a Flood Insurance Rate Map issued by FEMA for purposes of participating in the National Flood Insurance Program in certain flood elevations and if the flood zones and the permit complies with other provisions of the Florida Building Code, Florida Fire Prevention Code, and Life Safety Code requirements and applicable local amendments.
- Limits the review process of an application for such demolition permit. Specifically, the permit application may only be reviewed administratively for compliance with the Florida Building Code, Florida Fire Prevention Code, and Life Safety Code requirements, local amendments, and other regulation applicable to similarly situated parcel. The application of additional land development regulations or public hearings are prohibited. In addition, a property owner may be penalized for a demolition that complied with the demolition permit.
- Prohibits a local government from imposing additional regulatory or building requirements on any new single-family residential structure constructed on the site of the demolished structure that would not be applicable to a similarly situated vacant parcel.
- Exempts certain historic buildings from such demolition permits.

**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 when an owner or contractor retains 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, if access is provided using software that protects exempt records from disclosure.
- Defining that the “reasonable administrative fee” a local government may charge, for when an owner or contractor retains a private provider for plans review or building code services, must be based on the actual cost incurred by the local government for the clerical and supervisory assistance required.
- Allows a person holding a provisional certificate under Part XII of Chapter 468 (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.
  o Increasing the amount of time from 2 to 10 business days, local building officials have to issue a certificate of occupancy or a notice of deficiencies for permits unrelated to single- or two-family dwellings.
  o Providing that if a notice of deficiency is not issued within the required time-period (10 business days or 2 business days):
    - A certificate of occupancy or certificate of completion is “automatically” granted, and “deemed” issued as of the next business day; and
    - Local building officials must provide the applicant with a certificate of occupancy or certificate of completion within 10 days it is automatically granted and issued.

**Building Inspectors 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 certification test by completing a four-year internship with a private provider or private provider’s firm that performs building code inspector or plans review services, while under the direct supervision of a licensed building official.
- Requires the Florida Building Code Administrators and Inspectors Board (FBCAIB) to create a rule establishing that partial completion of an internship program may be transferred to any authorized internship among other local jurisdictions, private providers, and private provider firms.
- Prohibits the FBCAIB from issuing a provisional certificate with a special condition or requirement that such certificate holder be employed by a municipality, county, or other local government agency.
- Increases the minimum hours of training required in multifamily training programs for a fire safety inspector to qualify to take the building inspector or plans examiner certification exam.
  o The bill does this by amending language that previously required at least 200 but not more than 300 hours, from “one-family and two-family dwellings” to all “residential.”

**Building Code Enforcement Funds**

The bill provides a cause of action against the local government issuing the building permit, that authorizes for certain owners or builders or an association in Florida that has members with valid building permits issued by a local government for a fee, to enforce, through civil action, 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 pursuant to s. 553.80(7)(a)2, F.S.