

Code Admin Technical Advisory Committee – Glitch

8th Edition (2023) Florida Building Code, Building

CHAPTER 1 SCOPE AND ADMINISTRATION

CA-FBC-B - Ch. 1 – Glitch #1

Staff

SECTION 105 PERMITS

Revise 105.3.4 to read as follows:

~~105.3.4 A building permit for a single-family residential dwelling must be issued within 30 working days of application therefor unless unusual circumstances require a longer time for processing the application or unless the permit application fails to satisfy the *Florida Building Code* or the enforcing agency's laws or ordinances.~~

Building permit application to local government.

105.3.4.1 (a) A local government must approve, approve with conditions, or deny a building permit application after receipt of a completed and sufficient application within the following timeframes, unless the applicant waives such timeframes in writing:

1. Within 30 business days after receiving a complete and sufficient application, for an applicant using a local government plans reviewer 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.
2. Within 60 business days after receiving a complete and sufficient application, 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.
3. Within 60 business days after receiving a complete and sufficient application, 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.
4. Within 60 business days after receiving a complete and sufficient application, 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.

5. Within 12 business days after receiving a complete and sufficient application, for an applicant using a master building permit consistent with s. 553.794 to obtain a site-specific building permit.

6. Within 10 business days after receiving a complete and sufficient application, 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 Commerce, unless the permit application fails to satisfy the Florida Building Code or the enforcing agency's laws or ordinances.

However, the local government may not require the waiver of the timeframes in this section as a condition precedent to reviewing an applicant's building permit application.

105.3.4.2 A local government must meet the timeframes set forth in this section for reviewing building permit applications unless the timeframes set by local ordinance are more stringent than those prescribed in this section.

105.3.4.3 After an applicant submits an application to the local government, the local government must provide written notice to the applicant within 5 business days after receipt of the application advising the applicant what information, if any, is needed to deem or determine that the application is properly completed in compliance with the filing requirements published by the local government. 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 properly completed and accepted.

105.3.4.4 A local government shall maintain on its website a policy containing procedures and expectations for expedited processing of those building permits and development orders required by law to be expedited.

105.3.4.5 If a local government fails to meet a deadline under this subsection, it must reduce the building permit fee by 10 percent 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. Each 10-percent reduction shall be based on the original amount of the building permit fee, unless the parties agree to an extension of time.

105.3.4.6 A local enforcement agency does not have to reduce the building permit fee if it provides written notice to the applicant by e-mail or United States Postal Service within the respective timeframes in paragraph (a) which specifically states the reasons the permit application fails to satisfy the Florida Building Code or the enforcing agency's laws or ordinances. The written notice must also state that the applicant has 10 business days after receiving the written notice to submit revisions to correct the permit application and that failure to correct the application within 10 business days will result in a denial of the application.

105.3.4.7 If the applicant submits revisions within 10 business days after receiving the written notice, the local enforcement agency has 10 business days after receiving such revisions to

approve or deny the building permit unless the applicant agrees to a longer period in writing. If the local enforcement agency fails to issue or deny the building permit within 10 business days after receiving the revisions, it must reduce the building permit fee by 20 percent for each business day that it fails to meet the deadline unless the applicant agrees to a longer period in writing.

105.17 Streamlined low-voltage alarm system installation permitting.

Revise section 105.17(3) to read as follows:

(3) A low-voltage electric fence must meet all of the following requirements to be permitted as a low-voltage alarm system project and no further permit shall be required for the low-voltage alarm system project other than as provided in this section:

(a) The electric charge produced by the fence upon contact must not exceed energizer characteristics set forth in paragraph 22.108 and depicted in Figure 102 of International Electrotechnical Commission Standard No. 60335-2-76, Current Edition.

(b) A nonelectric fence or wall must completely enclose the outside perimeter of the low-voltage electric fence. The low-voltage electric fence must ~~may be up to~~ 2 feet higher than the perimeter nonelectric fence or wall.

(c) The low-voltage electric fence must be identified using warning signs attached to the fence at intervals of not more than 60 feet.

(d) ~~The~~ low-voltage electric fence is allowed ~~shall not be installed in any an area unless the area is zoned exclusively for single-family or multifamily residential use. An area is not considered to be zoned exclusively for single-family or multifamily residential use if the area is within more than one zoning category.~~

(e) The low-voltage electric fence shall not enclose the portions of a property which are used for residential purposes.

Revise section 105.17(10) to read as follows:

(10) A municipality, county, district, or other entity of local government may not adopt or maintain in effect any ordinance or rule regarding a low-voltage alarm system project that provides additional requirements beyond those set out in this section for the installation or maintenance of a low-voltage alarm system project or that is otherwise is inconsistent with this section.

SECTION 107 SUBMITTAL DOCUMENTS

Add a new section 107.1.1 to read as follows:

107.1.1 Replacement of windows, doors, or garage doors. Sealed drawings by a design professional are not 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:

1. The replacement windows, doors, or garage doors are installed in accordance with the manufacturer's instructions for the appropriate wind zone.
2. The replacement windows, doors, or garage doors meet the design pressure requirements in the most recent version of the Florida Building Code, Residential.
3. A copy of the manufacturer's instructions is submitted with the permit application in a printed or digital format.
4. 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.

(Code language for consistency with HB 267 – bill effective date – January 1, 2025)

(Code language for consistency with HB 535 – bill effective date – July 1, 2024)

SECTION 110 INSPECTIONS

110.9 Mandatory structural inspections for condominium and cooperative buildings.

Revise section 110.9.4 to read as follows:

110.9.4 The milestone inspection report must be arranged by a condominium or cooperative association and any owner of any portion of the building which is not subject to the condominium or cooperative form of ownership. The condominium association or cooperative association and any owner of any portion of the building which is not subject to the condominium or cooperative form of ownership are each responsible for ensuring compliance with the requirements of this section. The condominium association or cooperative association is responsible for all costs associated with the milestone inspection attributable to the portions of a building which the association is responsible to maintain under the governing documents of the association. This section does not apply to a single-family, two-family, ~~or~~ three-family, or four-family dwelling with three or fewer habitable stories above ground.

(Code language for consistency with HB 1021 – bill effective date – July 1, 2024)

CHAPTER 33 SAFEGUARDS DURING CONSTRUCTION

SECTION 3303 DEMOLITION

Add new section 3303.8 to read as follows:

3303.8 Resiliency and Safe Structures.

3303.8.1 Definitions. As used in this section, the term:

Coastal construction control line. Means the boundary established under s. 161.053.

Law. Means any statute, ordinance, rule, regulation, policy, resolution, code enforcement order, agreement, or other governmental act.

Local government. Means a municipality, county, special district, or any other political subdivision of the state.

Nonconforming structure. Means a structure or building that does not conform to the base flood elevation requirements for new construction issued by the National Flood Insurance Program for the applicable flood zone.

Replacement structure. Means a new structure or building built on a property where a structure or building was demolished or will be demolished in accordance with this section.

3303.8.2 Qualifying structures and buildings.

(a) Subject to paragraph (b), this section applies to any structure or building on a property in which all or a portion of such property is seaward of the coastal construction control line and the structure or building is:

1. A nonconforming structure;
2. A structure or building determined to be unsafe by a local building official; or
3. A structure or building ordered to be demolished by a local government that has proper jurisdiction.

(b) This section does not apply to any of the following structures or buildings:

1. A structure or building individually listed in the National Register of Historic Places.
2. A single-family home.

3. A contributing structure or building within a historic district which was listed in the National Register of Historic Places before January 1, 2000.

4. A structure or building located on a barrier island in a municipality with a population of less than 10,000 according to the most recent decennial census and which has at least six city blocks that are not located in zones V, VE, AO, or AE, as identified in the Flood Insurance Rate Map issued by the Federal Emergency Management Agency.

3303.8.3 Restrictions on demolition prohibited. A local government may not prohibit, restrict, or prevent the demolition of any structure or building identified in paragraph 3303.8.2(a) for any reason other than public safety. A local government may only administratively review an application for a demolition permit sought under this section for compliance with the Florida Building Code, the Florida Fire Prevention Code, and the Life Safety Code, or local amendments thereto, and any regulation applicable to a similarly situated parcel. The local government may not impose additional local land development regulations or public hearings on an applicant for a permit under this section.

3303.8.4 Restrictions on redevelopment prohibited. A local government shall authorize replacement structures for qualifying buildings identified in paragraph 3303.8.2(a) to be developed to the maximum height and overall building size authorized by local development regulations for a similarly situated parcel within the same zoning district. A local government may not do any of the following:

(a) Limit, for any reason, the development potential of replacement structures below the maximum development potential allowed by local development regulations for a similarly situated parcel within the same zoning district.

(b) Require replication of a demolished structure.

(c) Require the preservation of any elements of a demolished structure.

(d) Impose additional regulatory or building requirements on replacement structures which would not otherwise be applicable to a similarly situated vacant parcel located in the same zoning district.

(e) Impose additional public hearings or administrative processes that would not otherwise be applicable to a similarly situated vacant parcel within the same zoning district.

3303.8.5 Development applications. Development applications submitted for replacement structures for qualifying buildings identified in paragraph 3303.8.2(a) must be processed in accordance with the process outlined in local land development regulations including any required public hearings in front of the local historic board. However, a local government may not impose additional public hearings or administrative processes that would not otherwise be applicable to a similarly situated vacant parcel within the same zoning district.

3303.8.6 Application and construction. This section applies retroactively to any law adopted contrary to this section or its intent and must be liberally construed to effectuate its intent. This section does not apply to or affect s. 553.79(26), Florida Statutes.

3303.8.7 Preemption. A local government may not adopt or enforce a law that in any way limits the demolition of a structure identified in paragraph (3)(a) or that limits the development of a replacement structure in violation of subsection (5). A local government may not penalize an owner or a developer of a replacement structure for a demolition pursuant to this section or otherwise enact laws that defeat the intent of this section. Any local government law contrary to this section is void.

(Code language for consistency with SB 1526 – bill effective date – upon becoming a law)

TAC Recommendation:

Commission Action: