



# Local Building Department Responsibilities<sup>1</sup>

The primary function of a building department is to review plans and inspect residential and commercial construction for compliance with the Florida Building Code and any other applicable construction requirements. Some building departments are also responsible for other (but related) functions such as zoning, housing code, fire, environmental, or other local code enforcement provisions.

Building officials are empowered to adopt local amendments to the state Florida Building Code. These amendments are very limited in scope. The use of particular types of designs and materials (generally called “product approval”) and whether these comply with construction codes are matters within the province of the building department.

For the consumer, the most common evidence of building department involvement is the issuance of a building permit. As part of this process, building departments typically are required to take action in two areas that are *not* their responsibility:

- Verification of compliance with Florida’s workers’ compensation requirements
- Provision of the consumer notice about Florida’s Construction Lien Law

Please do not look to your building department for advice relating to these topics—this is not their job (they have these responsibilities only because they are the first governmental point of entry). If you have questions or concerns in these areas, these should be directed to the appropriate government agency or your private attorney.

Under Florida law, there are several applicable titles or designations, including:

- **Building code administrator or building official:** person working for a municipal or county government who is directly responsible for plan review, enforcement, and inspection of construction, repairs, additions, alterations, remodeling, or

demolition requiring a permit to show compliance with construction codes as specified by state law or county or municipal ordinance.

- **Building code inspector:** government employee responsible for construction regulations and inspection of projects that require a permit to show compliance with construction codes. Categories of inspectors include building, coastal construction, commercial electrical, residential electrical, mechanical, plumbing, or one- and two-family dwelling.
- **Plans examiner:** person qualified to determine whether building or other plans submitted comply with applicable construction codes. Categories of plans examiners include building, plumbing, mechanical, and electrical.
- **Building code enforcement official or enforcement official:** licensed building code administrator, building code inspector, or plans examiner whose responsibilities are spelled out in section 468.604, Florida Statutes.

Because a number of determinations made by building departments are based on judgment and subjective in nature, there are two mechanisms in place to question or challenge a decision made by building department personnel. A less formal non-binding interpretation of any provision of the Florida Building Code may be requested from the Building Officials Association of Florida—any such interpretation is not required to be adopted by a building official but it can be persuasive. The more formal declaratory statement mechanism is available through the Florida Building Commission—this decision is binding on the building department in question. Please see below for further information on both.

<sup>1</sup>**DISCLAIMER** – This piece is intended to give the reader only general factual information current at the time of publication. This piece is **not** a substitute for professional advice and should not be used for guidance or decisions related to a specific design or construction project. This piece is not intended to reflect the opinion of any of the entities, agencies or organizations identified in the materials and, if any opinions appear, are those of the individual author and should not be relied upon in any event. Applicable to 2004 Florida Building Code.

## Cautions:

- The responsibility of any local building department does not automatically extend beyond building codes (into areas such as zoning or land use requirements)—please separately verify compliance with all requirements before starting construction.
- Compliance with building codes is *not* the same as compliance with design or construction licensure standards—please separately verify that licensure requirements are met.
- Construction codes do not address quality of workmanship—this needs to be handled separately.
- Building department review applies to compliance with minimum requirements and must not be relied on for a determination of the best or most efficient standards – this decision is a matter of choice left up to you, your needs, and your budget.
- Building department inspections are performed as required by law—you may want to obtain additional inspections (at your expense) as construction progresses for your own peace of mind.
- Before you make any decisions or enter into any contract, you may want to:
  - Obtain from your local building department a copy of a permit application or any available checklist(s) for education and review
  - Contact your property insurance agent to learn of any possible premium credits for construction at standards higher than minimum required
  - Consult an attorney to assist in verification of compliance with all requirements

## Government Agencies/Offices:

Department of Community Affairs/Florida Building Commission: 850-487-1824 / [www.floridabuilding.org](http://www.floridabuilding.org)

Florida Department of Business and Professional Regulation—several contacts, all can be reached at 850-487-1395 / [www.myflorida.com/dbpr](http://www.myflorida.com/dbpr)

- Building Code Administrators and Inspectors Board
- Construction Industry Licensing Board
- Electrical Contractors Licensing Board
- Board of Architecture and Interior Design
- Board of Landscape Architecture

Florida Board of Professional Engineers: 850-521-0500 / [www.fbpe.org](http://www.fbpe.org)

Florida Department of Business and Professional Regulation, Office of Unlicensed Activity: 850-487-1395 / [www.myflorida.com/dbpr](http://www.myflorida.com/dbpr)

Florida Department of Financial Services, Division of Workers' Compensation: 850-413-1601 / [www.fldfs.com/WC](http://www.fldfs.com/WC)

Florida Department of Financial Services, Division of Consumer Services: 800-342-2762 / [www.fldfs.com/consumers](http://www.fldfs.com/consumers)

Your county or municipal building department (please see the government section of your telephone book—look under “building,” “plans,” “inspections,” or “zoning.”)

## Other Resources:

Building Officials Association of Florida: [www.boaf.net](http://www.boaf.net)

Florida Association of Counties: 850-922-4300 / [www.fl-counties.com](http://www.fl-counties.com)

Florida League of Cities: 850-222-9684 / [www.flcities.com](http://www.flcities.com)

The Florida Bar: 850-561-5600 / [www.flabar.org](http://www.flabar.org)

Your local bar association (listing generally found in the business section under your city or county name in your local telephone book)

International Code Council: [www.iccsafe.org](http://www.iccsafe.org)

Building A Safer Florida, Inc.: 1-850-222-2772 or [www.buildingasafeflorida.org](http://www.buildingasafeflorida.org)

## Don't know where to go for an answer to a specific question?

Contact: Building A Safer Florida, Inc. toll-free 1-866-881-3221 or check the Web site listed above.

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