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Attachments:

Chair letter to Mayor

Minutes of All Meetings

Documents Submitted

Chair Letter to Attorney General

Mayor Letter to Attorney General

Robert Brown's weekly permit reports

Letter to Mayor and Commission:

November 14, 2007

Honorable Mayor and Commissioners:

The Committee and Chair wish to thank you for the opportunity to work with Neil Melick and his staff at the Department of Construction and Management Services.

Many individuals appeared at the task force meetings and much public testimony was taken. Consideration was given to all input from all participating parties.

Per our charge, we have spent many hours discussing and reviewing the permitting process. Accordingly, we have a number of recommendations to make that we believe will strengthen the process and help work flow more smoothly.

We are recommending many changes. Following this letter, you will find a long list. We did find that some functions are presently working well, such as on-site inspections. They are generally conducted in a timely manner.

Some progress has already been made. We worked with Neil to create a checklist, so that professionals can review their own documents thoroughly before being submitted. This is on the City website and is being utilized. Also, Neil has agreed to work with CAPRI and GFA, two firms currently offering private provider services, to begin drafting language to create a city ordinance.

Fast tracking / early release should be utilized on a regular basis. This is currently authorized. See: The Florida Building Code, 2004 Edition, Section 105.12.

We urge you to postpone consideration of any fee increase until after this report has been received and acted upon.

This report is unanimously supported by the committee, many attendees, and many other interested community leaders in the construction industry.

Sincerely,

Sharon J. Merchant
Chair

_____, Committee Member
Kevin Butler, Butler Construction Company

_____, Committee Member
Gary Hennings, Weitz

_____, Committee Member
Calvin Campbell, Campbell Branch

_____, Committee Member
Wayne Johnson, JLRD

_____, Committee Member
Ron Davis, Hardie Industries

_____, Committee Member
Neil Melick, Director, Constr. Services

_____, Committee Member
Neyita Fuentes-Leiva, License Permit
Services, Inc.

_____, Committee Member
Keith Spina, Oliver Glidden Spina & Partners

_____, Committee Member
Dennis Grady, Chamber of Commerce

_____, Committee Member
Paul Twitty, STH Architectural Group, Inc.

Dan Shaw, President, Associated Builders and Contractors

Michelle Anaya, Executive Director, Associated General Contractors

Chris Roog, Government Relations, Gold Coast Homebuilders Association

_____, Committee Attendee

_____, Committee Attendee

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Time line Issues:

1. Permits shall be issued for minor projects within 1-2 days. The cost is generally under \$5,000.
2. Permits shall be issued for swimming pools and screen enclosures within 30 calendar days maximum, including both planning and construction services
3. Foundation only permits shall be issued within 14 business days.
4. "Prototype" permits shall be issued for a twelve month term within 30 calendar days. Sewer connection and power review to take place within the field within 2 to 3 days.
5. Annual facility permits shall be issued for the 12-month term.
6. Plan review shall be for code compliance not design review.
7. Constructability reviews are not covered by the FBC. Specifically at FBC ¶ 106.3 it is stated that; "The building official shall examine or cause to be examined *(this is where private providers can come into play and this is an editorial commentary not code language)* the accompanying construction documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this code and other pertinent laws and ordinances." NOTE: Nothing is stated about constructability reviews.
8. Constructability is defined as means, methods, techniques, sequences, and procedures of construction and they are purely the purview of the design professionals and contractor not the building official.
9. Generators should be able to be placed in set backs as long as they meet reasonable requirements for noise and exhaust gases.
10. The assertion that the department is the "gatekeeper" of the professions is untrue. It is not the duty of Construction Services, but rather is solely the statutory responsibility of the professional regulatory boards. It is the responsibility of construction services to report to the proper regulatory board any activities which they believe to be irregular. This is covered under FS Chap. 481 for architects, Chap. 471 for engineers and Chap. 489 for contractors.
11. Commercial and multi home property shall be issued permits within 30 business days, and final approval within 15 days from re-submittal.
12. Threshold projects shall be reviewed by private providers and permits shall be issued within accordance to Florida Statute.

13. Plan review staff must be available to meet with applicant upon first review and prior to re-submittal.
14. Set hours must be established for reviews.
15. When plan reviewers are unable to meet required timelines, private providers should be used as staff.

Footnote: Whenever the term “day” is found within these recommendations, it shall mean a normal business day.

Private Provider (Florida Statute §553.791 titled “Alternative Plans Review and Inspection”

The “Private Provider Law” , Enacted on October 1, 2002, allows the owner of a building the option of using a Private Provider, such as an Architect or Engineer, to provide the mandatory building code compliance plans review and inspections for the structural, mechanical, electrical, and plumbing components of a building.

Qualified private sector inspection and plan review firms are now able to take on the responsibility of processing compliance paperwork in a timely manner while freeing up municipal resources that can be better utilized for more important services such as hurricane rehabilitation.

This change is welcome in the industry as it promotes the municipal economy, eliminates economic waste, aides overwhelmed building departments and helps developers and contractors meet important deadlines.

Private Provider plan review and inspection services are particularly popular in jurisdictions where significant growth impacts developers’ and contractors’ abilities to obtain building permits and inspection services in a timely manner.

Many cities and counties in Florida are currently using Private Provider very successfully. Some of these include:

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| Port St. Lucie Building Department | St. Lucie County Building Department |
| Palm Beach County Building Department | The City of Stuart Building Department |
| The Village of Royal Palm Beach Building Dept. | Martin County Building Department |
| City of Miami Building Department | Miami Dade County Building Department |
| City of Fort Lauderdale Building Department | City of Plantation Building Department |
| Monroe County Building Department | Volusia County Building Department |
| Indian River County Building Department | City of Palm Bay Building Department |
| Brevard County Building Department | City of Fellsmere Building Department |
| The City of Orlando Building Department | The City of Holly Hill Building Department |
| The City of Oviedo Building Department | Indian River County Building Department |
| Orange County Building Department | The City of Kissimmee Building Department |
| The City of Winter Garden Building Department | Osceola County Building Department |
| The City of Lake County Building Department | Polk County Building Department |
| Pasco County Building Department | Hillsborough County Building Department |
| City of Tampa Building Department | City of St. Petersburg Building Department |
| Sarasota County Building Department | Manatee County Building Department |
| Charlotte County Building Department | Collier County Building Department |
| St. Johns County Building Department | City of St. Augustine Building Department |
| Duval County Building Department | City of Jacksonville Building Department |
| City of Jacksonville Beach Building Department | |

For private provider to work, the city must off-set the expense by reducing fees.

Consumer Friendly Service

Develop a customer service course through FAU or a similar venue, customized to be specific to our service and business operation. All CSD staff will be required to attend the course.

Acknowledge the obligation to the customers to perform services within the targeted time durations for the overall permitting process including plan review and turnaround of re-submittals. This must be agreed upon by all stakeholders, from the Mayor to the Building Officials to the Plan Reviewers and Technicians. Until the emphasis on meeting these expectations is displayed and reinforced at **all** levels, the current problems regarding timeliness will most likely continue.

Develop a Process and Information Packet. This packet will cover the whole process (including Planning, Engineering, Fire and Construction Services Departments), from site plan application to certificate of occupancy. This will include flow charts and detailed process narratives.

The submission and approval of Notice of Acceptance (NOA) documentation has created a time-consuming paperwork shuffle. It's understood that this is a State Building Code regulation, however it is counterproductive to the intent of this legislation when an initial submission of specific manufacturers' NOA paperwork is made during permit review, then a re-submission is made during construction after it's determined which manufacturers will actually be used. A survey of various Building Departments within the State of Florida would be useful to determine how and when other municipalities address this requirement.

Permits are routinely issued in other jurisdictions with proviso to resolve minor outstanding issues. Attorney General has been asked for his opinion as to what constitutes frivolous and about the reduction of duplicative material reviews.

Once the timeline and private provider strategies and implemented and costs have been reduced, we recommend that some of the savings be used to purchase and implement a plan overlay comparison software program. This will allow electronic submittals of plans. When revised plans are submitted, they can be compared to the previous version. This comparison will only show/highlight the changes made to the plans from the previous version. This will save a tremendous amount of time in the plan review process, as the plan reviewers will not have to take the time to review the *entire* plan again.

Summary of recommendations

1. We strongly urge the Mayor and Commission to hire a knowledgeable outside consultant to review all current practices at the Department of Construction Services.
2. We strongly urge the Mayor and Commission to adopt the permit timeline as recommended. Once the timeline is adopted, we urge the adoption of consequences for failure to meet the required schedule.
3. In the event staff can not keep meet the permit timeline, we strongly recommend using private providers as staff to meet deadlines.
4. We strongly urge the Mayor and Commission to consider hiring an outside consultant to work with the Construction Services Department to improve customer service and promote a more user friendly attitude.
5. We strongly urge the Mayor and Commission to adopt a Private Provider ordinance that encourages its use. Such an ordinance must recognize that it must be cost effective for both the City and the professional engineer, architect, developer or citizen owner using it. Thus the City should reduce fees to off-set the expense of hiring a private provider. We strongly believe that both the City and the citizens will benefit tremendously.
6. We recommend no fee increases.
7. We request that the Mayor follow up with the Attorney General for his opinion on what constitutes minor, non-life threatening issues. Many counties and municipalities issue permits with proviso once all major items have been addressed.
8. We recommend that a "reviewer of the day" slot be established so that applicants can walk in and get a review immediately, hours should be posted and strictly performed.

Additional items that are noteworthy, but not unanimous

1. Many members recommend an immediate change of management and that local design and building professionals be a part of the search team, act as their advisors and assist in the repair of the department.
2. Many members suggested that private provider be used for all projects beyond renovations and that all single family homes be private provider.
3. Many members advised that consequences must be included for failure to meet the new timelines.