



NOTICE TO INDUSTRY

05/15/2026

Change of Occupancy Applications / Contractor of Record Requirement

Effective Immediately

Purpose

This Notice to Industry (NTI) is issued by the Office of the Building Official to establish uniform intake and processing requirements for Change of Occupancy permit applications and to ensure consistent application of permit administration requirements, life-safety protections, and contractor accountability under the Florida Building Code and applicable Florida Statutes.

Authority

This Notice is issued under the authority of:

- Florida Building Code (FBC) Section 105.1 – Required Permits
- Florida Existing Building Code Section 1001.1 – Change of Occupancy
- Chapter 489, Florida Statutes – Construction Contracting
- Section 489.103, Florida Statutes – Owner-Builder Exemptions
- Section 489.105(3), Florida Statutes – Definition of Contractor
- Attorney General Opinions AGO 91-05, AGO 94-84, and Informal Opinion dated July 20, 2014
- Administrative authority of the Building Official to determine permit application completeness and sufficiency

Background and Findings

The Building Division has identified inconsistent intake and processing practices regarding Change of Occupancy permit applications. Applications have periodically proceeded without clear contractor accountability despite later requiring code evaluations and modifications involving life-safety systems, accessibility, means of egress, fire protection systems, plumbing fixture calculations, mechanical systems, and other regulated construction activities.

Findings further determined that this inconsistency created uncertainty regarding responsibility for permit compliance, required upgrades, and construction-related obligations associated with occupancy conversion.

Change of Occupancy Requirements

Pursuant to FBC Existing Building Code Section 1001.1, a permit is required for changes in occupancy where evaluation of the proposed use is necessary to determine compliance with applicable provisions of the Florida Building Code.

Change of Occupancy permits frequently require review and analysis of:

- Occupancy classifications
- Means of Egress
- Occupancy load calculations
- Accessibility compliance
- Fire protection and fire alarm systems
- Plumbing fixture requirements
- Mechanical systems
- Structural and life-safety requirements
- Other code provisions applicable to the proposed use

These evaluations frequently result in code-required alterations, modifications, or improvements necessary to establish compliance.

Permit Applicant Requirements

Pursuant to FBC Section 105.1, permit applications shall be submitted in accordance with Building Official requirements.

Commercial tenant applicants frequently consist of tenants, business entities, corporations, partnerships, or other legal entities that generally do not qualify under owner-builder exemptions provided by Section 489.103, Florida Statutes.

Attorney General Opinions AGO 91-05, AGO 94-84, and Informal Opinion July 20, 2014 recognize limitations associated with owner-builder exemptions and the inability of fictitious entities to claim exemptions intended to be personal in nature.

Accordingly, where statutory exemptions do not apply and where regulated construction activity, code compliance obligations, or construction services subject to Chapter 489 are implicated, a properly licensed contractor shall be designated as contractor of record.

Administrative Processing

Effective immediately:

- Change of Occupancy permit applications submitted without a properly qualified applicant or contractor of record, where required, shall be deemed incomplete for processing purposes.
- Applications currently in review may be placed into HOLD status pending designation of a contractor of record or approval of a lawful exemption.
- Existing applications may proceed without resubmittal upon completion of required contractor designation procedures.

Exceptions

Applicants asserting statutory exemption eligibility or unique circumstances may request review by the Building Official. Determinations shall be evaluated on a case-by-case basis.

This Notice constitutes an administrative completeness and intake standard and is not intended to deny permit rights otherwise available under Florida law.

Issued by:

Shane Kittendorf
Building Official