

Subject: Provision of Guidelines for the Requirement of a Cash Surety with a Temporary/Partial Certificate of Occupancy or Certificate of Completion

▸ Section 110.1.3 of the Florida Building Code allows a temporary/partial Certificate of Occupancy or Certificate of Completion to be issued for a portion or portions of a building that may be safely occupied prior to final completion of the building. Further, the building official may require the applicant to provide adequate cash surety for unfinished work or revision of plans until a permanent Certificate of Occupancy or Certificate of Completion is granted.

▸ This section is not intended to require that an applicant must provide a cash surety in all cases where a temporary/partial Certificate of Occupancy or Certificate of Completion is issued.

▸ Cases where the requirement of a cash surety would be appropriate are those similar to the following examples:

▸ A situation where the incomplete work or revision of plans represents a significant financial responsibility or possible liability, if the work or plan revision is not completed in good faith, or is unable to be completed by the permitted contractor.

▸ The contractor has one or more existing temporary/partial Certificate of Occupancy (C/O) or Certificate of Completion (C/C) issued on another permit, that when viewed in combination with the newly requested temporary C/O or C/C, represents a significant financial responsibility or possible liability, if the work or plan revision is not completed in good faith, or is unable to be completed by the permitted contractor.

▸ The permitted contractor has a documented history of not completing the work associated with an issued temporary C/O or C/C.

▸ The permitted contractor has a documented history of not completing permits.

This Technical Advisory is not intended to limit the building official's authority granted by Section 110.1.3 of the Florida Building Code, but rather to provide guidelines for its consistent utilization. The requirement of a cash surety is an action that is viewed by the board as being appropriate when needing to assure the successful completion of work and plan revisions that are substantial in nature, or that may be in jeopardy of being completed based on the contractor's performance history.

Robert S. Tamm, Chairman