

After the Fact or Working without a permit

Revised June 2017

General:

Many properties currently exist with improvements upon them that have been completed without the issuance of a permit and the approval of inspections. Such improvements may affect property insurance, flood insurance, and attempts to transfer title or re-finance mortgages. Property improvements commenced or completed without the issuance of a permit, and the approval of inspections, are subject to enforcement of local ordinance and may be subject to current building code regulation.

Improvements made to buildings, structures, or properties must be in compliance with the Florida Building Code. The Florida Building Code (FBC) applies to the construction, erection, alteration, modification, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every public and private building, structure or facility, or any appurtenances connected or attached to such buildings, structures or facilities. Additions, alterations, repairs and changes of use or occupancy in all buildings and structures must comply with the applicable provisions provided in the FBC.

Improvements located in a flood zone must be in compliance with the federal flood regulations, technical bulletins, and applicable Flood Damage Prevention ordinance found in Chapter 16, Article VII, of the City's Municipal Code. Said improvements are required to be brought into compliance during this process.

DEFINITIONS:

After the Fact (ATF) - an improvement made to a property prior to March, 2002. The improvement has been existing, used, occupied, or otherwise known to the current owner as legal and is not shown, located or identified upon any property record within the permitting department of the city. [Learn more...](#)

Working Beyond Scope (WBS) - work identified, observed, or revealed during the course of an investigation or inspection of a valid permit; the work of which was not specifically described on the original permit application for which the permit was issued. WBS may require the permit applicant to stop their current improvement and obtain approval of their revisions from the building official prior to recommencing their project. Please submit [Revision Worksheet](#) including a cover letter summary of changes and pages to be revised.

Working Without a Permit (WWP) - commencement of an improvement made or completed to a property after March, 2002 and prior to the issuance of a permit; the improvement of which may include building, electrical, gas, mechanical, plumbing, or roofing work. Work commenced before the issuance of a permit is subject to a penalty of 100% the cost of the permit fee (double permit fee). [Learn More...](#)

Intent:

The ATF permit is intended to be a vehicle to document the existence of the improvement, legitimize existing improvements through inspections, and inform any current and future interested parties the result of our inspections.

The building official has determined that ATF permits can be considered as the grand-fathering of un-permitted improvements. The improvements of which have been existing, used, occupied, or otherwise known to the current owner as legal and not shown, located or identified upon any property record within the permitting department of the city.

While the ATF permit itself may be considered grand-fathered, other aspects of the project may be required to be brought into compliance with the current applicable code. This would be determined during the inspection process based on the condition of the building, structure, or any system component whether it is safe to utilize for its' intended use.

Improvements made to existing un-permitted improvements are not considered ATF, and will require the issuance of additional permits.

Purpose:

Categorizing ATF permits separate from WWP or WBS is important for the permit applicant to understand. The purpose of the ATF permit is not to verify compliance with the current code, but to observe if the current state of the building, structure, or any component is safe to utilize for its' intended use. Many of these un-permitted improvements were built years ago, and as such, they will not be in compliance with our current code.

An ATF permit does not grant permission to make alterations, changes, renovations, or any remodeling improvement. Separate permits may be required for additional WBS of permit.

Improvements made in a flood zone must be in compliance with the federal flood regulations, technical bulletins, and applicable Flood Damage Prevention ordinance found in Chapter 16, Article VII, of the City's Municipal Code.

To assist properties affected with un-permitted improvements the building official hereby establishes a policy to simplify the issuance of permits and the process of inspections for ATF work.

Permits:

Obtaining an ATF permit is similar to the process to obtain a permit for WWP which is documented in a handout titled "WORKING WITHOUT A PERMIT". The handout is available on-line at www.stpete.org under the Development Services Department, Construction Services and Permitting, or you may request the information at our Information Booth.

Improvements made to existing un-permitted improvements are not considered as ATF, and require the issuance of additional permits and filing a Notice of Commencement.

Our permit technicians will provide the permit applicant a job placard marked "ATF" to effectively communicate to any interested party what type of permit was issued.

WBS will require the permit applicant to obtain approval, or a separate permit for any improvement not included with the original description of work.

Inspections:

The building official has determined that ATF permits may be obtained without a contract or direct contract as defined in Florida Statute 713.01 therefore, the filing of a Notice of Commencement is not required prior to the first inspection. The improvements are assumed to have been existing, used, occupied, or otherwise known to the current owner as legal and not requiring any further improvements.

Our permit technicians will schedule your ATF inspections within 5 working days from the ATF issuance date. ATF inspections shall be limited to final inspections.

Appliances and equipment are considered approved if they are installed in a code-like manner, meaning the installation meets the intent of the code for life safety and fire resistance.

Inspectors assigned to inspect ATF permits are authorized to enforce current applicable, technical code requirements if their inspection reveals the current state of the building, structure, or any component is not safe to utilize for its' intended use. Additional work may require the issuance of separate permits.

WWP inspections require the removal of materials to sufficiently conduct inspections. The inspector may require removal of sufficient materials to expose the major elements.

If the building, structure, or any component has withstood the test of time, there's no evidence of hazard, rot or decay; the building system components are sufficiently operating without interruption, and the building or structure is structurally sound the improvement should be regarded as approved.

The building official may consider granting variations of this policy/procedure yet, variation from this policy/procedure will not be interpreted as setting a precedence.