

Bulletin 25: Change of Occupancy/Use Guidelines

Date: March 21, 2023

Effective date: March 21, 2023

Amended: Aug 1st, 2023

To: All Staff

From: Fred Clum, Chief Building Official

Subject: Change of Occupancy/Use Guidelines

The State of Florida requires a new Certificate of Occupancy to be issued when an existing building changes its use or occupancy type. All Changes in Occupancy or Use types requires completion of a Building Permit Application and receipt of a Change of Occupancy Permit even if no alterations are being done. Following issuance of the Change of Occupancy Permit, Building and Fire Safety Inspections will be necessary prior to issuance of a New Certificate of Occupancy.

If there is a change in the occupancy classification or use, as defined in the Florida Building Code, the proposed building or space shall be made to comply with all current codes including accessibility provisions. [Ref: Florida Building Code - Existing Building Chapter 10, State Fire Codes NFPA 1, NFPA 101]

Examples of changes of building uses and occupancies:

Print shop (business) to retail store (mercantile) or House (Residential) to daycare (institutional)

Alterations to the following building occupancy or use classifications may require signed and sealed drawings when associated with commercial occupancy types as found in *Florida Building Code – Building Chapter 3*.

A (Assembly) **B** (Business) **E** (Educational) **F** (Factory) **H** (Hazardous) **I** (Institutional) **M** (Mercantile) **R** (Residential) **S** (Storage) **U** (Utilities)

These requirements are applicable to a Change of Occupancy/Use:

1. Planning and Zoning must confirm that your new proposed change for the building or space is approved for the type of business use. **A change in use may require amendment and approval of the site plan (even if no physical changes are planned).**
2. A permit application must be completed along with design drawings showing current and proposed floor plan with construction type, occupant loads and neighboring tenant occupancies.
3. The Change of Occupancy/Use permit may require a contractor and additional documentation including signed and sealed plans may be required to make modification to the space to comply with current codes.
4. After the permit is issued, an inspection of the property by Collier County Building Department and Fire Safety District must be requested by the owner or owners' representative. If the inspections reveal deficiencies or code violations, they must be corrected before the new Certificate of Occupancy will be issued.
5. Signs require a separate permit application.
6. Additional permits or revisions may be required for electrical, mechanical, plumbing or fire work. The work must be performed by State of Florida licensed contractors in those fields.
7. Changes of Occupancy may result in handicapped accessibility requirements related to entrances, accessible route to altered areas, at least one accessible restroom for each sex, accessible telephones, and drinking fountains, and when possible, accessible parking.

8. Fire Safety Inspections must be called in prior to calling for the Building Inspection. Building Inspections should be scheduled for the following day. All inspections can be made by access to the portal.
9. All violations/corrections shall be corrected prior to re-inspection or issuance of Certificate of Occupancy.

POLICY/PROCEDURE:

In granting a Change of Occupancy Permit, the following steps indicate the sequence of approvals before a new Certificate of Occupancy can be issued:

1. Land Use **and Site Plan** Verification Compliance
2. Change of Occupancy/Use Permit
3. Fire Safety Field Inspections
4. Building Field Inspections

WHEN THE ABOVE IS COMPLETED AND THE BUILDING SPACE IS READY TO BE OCCUPIED BY THE NEW TENANT, SCHEDULE THE FINAL BUILDING INSPECTION. NO OCCUPANCY MAY OCCUR UNTIL AFTER THE INSPECTIONS ARE COMPLETE AND THE BUILDING IS IN COMPLIANCE.

History: Amended (7/25/23) for clarification that the alteration work can be performed on the same permit as the change of occupancy and providing a process when no contractor is required.

Fred Clum, Chief Building Official