



**NOTICE TO INDUSTRY**  
**TEMPORARY CERTIFICATE OF OCCUPANCY REQUEST**  
**REMOVAL FOR ONE- AND TWO-FAMILY RESIDENCES**  
**Effective 11/02/2023**

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STATE OF FLORIDA  
CITY OF CAPE CORAL

The Building Division is adjusting its current process with the removal of Temporary Certificate of Occupancies (further known as TCO's) for One-Family and Two-Family Residences (Principal Structure). There are two positions for the required adjustment.

**Intent of the code**

**Florida Building Code – Building Chapter 1**

**111.1 Use and occupancy.**

A building or structure shall not be used or occupied, and a change in the existing use or occupancy classification of a building or structure or portion thereof shall not be made, until the building official has issued a certificate of occupancy therefore as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction.

**111.3 Temporary occupancy.**

The building official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The building official shall set a period during which the temporary certificate of occupancy is valid.

**Position of Findings**

1. There are challenges faced with an issuance of a TCO for One-Family and Two-Family Residences. A TCO comes with a restriction on the property, which provides for TEMPORARY ALLOWANCE TO OCCUPY A BUILDING FOR 30-DAYS. If the Contractor/Owner fails to

complete the outstanding items within the TCO 30-day window of time. The property shall be posted with a Notice of Violation to Vacate the premises. This isn't a chosen path as there are laws in place to prevent the immediate removal of any homesteaded property. This creates an issue and conflict of law for the Issuance of a TCO for One-Family and Two-Family Residences and the enforcement for the protection of life and property.

2. The second position is focused on the separation of Accessory Structures (Children Permits) from the Principal Structure (Primary/Parent Permit) which are not directly affecting the Principal Structure's opportunity for Occupancy without restrictions.

Accessory Structures include but are not limited to, based on the Building Official's determination:

- Pools
- Screen Enclosures
- Fencing
- Docks
- Generators
- Fuel Storage Tanks (Solely used for the Generator)
- Sheds
- Detached Trellis/Gazebo systems.
- Etc.

Even though the Certificate of Occupancy would be issued for the Principal Structure, this doesn't alleviate the responsibility of the contractor from completing and closing out any open accessory permits.

The CO request team shall list on the Certificate of Occupancy all pending accessory permits not part of the CO request pending action by the contractor.

Based on the information presented above, the adjustment will provide for a more efficient process by removing constant follow up and oversight with the Contractor. It will also provide clear separation and distinction of Accessory Structures against the principal structure and will remove the concern of a Homeowner being noticed after 30-days to vacate the premises and the laws that restrict an immediate removal from said premises.

Shane Kittendorf  
Building Official