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LEGISLATIVE ACTION

Senate

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House

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The Committee on Appropriations (Brodeur) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 425 - 428

and insert:

Section 6. Present subsections (10) through (19) of section 553.791, Florida Statutes, are redesignated as subsections (11) through (20), respectively, a new subsection (10) and subsection (21) are added to that section, and subsection (1), paragraph (b) of subsection (2), subsections (3), (4), and (6), paragraphs (b) and (d) of subsection (7), subsections (8) and (9), and



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11 present subsections (10), (11), (12), (14), and (15) are  
12 amended, to read:

13 553.791 Alternative plans review and inspection.—

14 (1) As used in this section, the term:

15 (a) "Applicable codes" means the Florida Building Code and  
16 any local technical amendments to the Florida Building Code but  
17 does not include the applicable minimum fire prevention and  
18 firesafety codes adopted pursuant to chapter 633.

19 (b) "Audit" means the process to confirm that the building  
20 code inspection services have been performed by the private  
21 provider, including ensuring that the required affidavit for the  
22 plan review has been properly completed and submitted with  
23 ~~affixed to~~ the permit documents and that the minimum mandatory  
24 inspections required under the building code have been performed  
25 and properly recorded. The local building official may not  
26 replicate the plan review or inspection being performed by the  
27 private provider, unless expressly authorized by this section.

28 (c) "Building" means any construction, erection,  
29 alteration, demolition, or improvement of, or addition to, any  
30 structure or site work for which permitting by a local  
31 enforcement agency is required.

32 (d) "Building code inspection services" means those  
33 services described in s. 468.603(5) and (8) involving the review  
34 of building plans as well as those services involving the review  
35 of site plans and site work engineering plans or their  
36 functional equivalent, to determine compliance with applicable  
37 codes and those inspections required by law, conducted either in  
38 person or virtually, of each phase of construction for which  
39 permitting by a local enforcement agency is required to



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40 determine compliance with applicable codes.

41 (e) "Deliver" or "delivery" means any method of delivery  
42 used in conventional business or commercial practice, including  
43 delivery by electronic transmissions.

44 (f) "Duly authorized representative" means an agent of the  
45 private provider identified in the permit application who  
46 reviews plans or performs inspections as provided by this  
47 section and who is licensed as an engineer under chapter 471 or  
48 as an architect under chapter 481 or who holds a standard  
49 certificate under part XII of chapter 468.

50 (g) "Electronically posted" means providing notices of  
51 decisions, results, or records, including inspection records,  
52 through the use of a website or other form of electronic  
53 communication used to transmit or display information.

54 (h) "Electronic signature" means any letters, characters,  
55 or symbols manifested by electronic or similar means which are  
56 executed or adopted by a party with an intent to authenticate a  
57 writing or record.

58 (i) "Electronic transmission" or "submitted electronically"  
59 means any form or process of communication not directly  
60 involving the physical transfer of paper or another tangible  
61 medium which is suitable for the retention, retrieval, and  
62 reproduction of information by the recipient and is retrievable  
63 in paper form by the receipt through an automated process. All  
64 notices provided for in this section may be transmitted  
65 electronically and shall have the same legal effect as if  
66 physically posted or mailed.

67 (j)~~(f)~~ "Immediate threat to public safety and welfare"  
68 means a building code violation that, if allowed to persist,



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69 constitutes an immediate hazard that could result in death,  
70 serious bodily injury, or significant property damage. This  
71 paragraph does not limit the authority of the local building  
72 official to issue a Notice of Corrective Action at any time  
73 during the construction of a building project or any portion of  
74 such project if the official determines that a condition of the  
75 building or portion thereof may constitute a hazard when the  
76 building is put into use following completion as long as the  
77 condition cited is shown to be in violation of the building code  
78 or approved plans.

79 (k)~~(g)~~ "Local building official" means the individual  
80 within the governing jurisdiction responsible for direct  
81 regulatory administration or supervision of plans review,  
82 enforcement, and inspection of any construction, erection,  
83 alteration, demolition, or substantial improvement of, or  
84 addition to, any structure for which permitting is required to  
85 indicate compliance with applicable codes and includes any duly  
86 authorized designee of such person.

87 (l)~~(h)~~ "Permit application" means a properly completed and  
88 submitted application for the requested building or construction  
89 permit, including:

- 90 1. The plans reviewed by the private provider.
- 91 2. The affidavit from the private provider required under  
92 subsection (6).
- 93 3. Any applicable fees.
- 94 4. Any documents required by the local building official to  
95 determine that the fee owner has secured all other government  
96 approvals required by law.

97 (m)~~(i)~~ "Plans" means building plans, site engineering



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98 plans, or site plans, or their functional equivalent, submitted  
99 by a fee owner or fee owner's contractor to a private provider  
100 or duly authorized representative for review.

101 (n)~~(j)~~ "Private provider" means a person licensed as a  
102 building code administrator under part XII of chapter 468, as an  
103 engineer under chapter 471, or as an architect under chapter  
104 481. For purposes of performing inspections under this section  
105 for additions and alterations that are limited to 1,000 square  
106 feet or less to residential buildings, the term "private  
107 provider" also includes a person who holds a standard  
108 certificate under part XII of chapter 468.

109 (o) "Qualified private provider" means a private provider  
110 who has previously performed plans review and inspection  
111 services in the local jurisdiction and has registered with the  
112 local enforcing agency by providing the local building official  
113 with the private provider's name, firm, address, telephone  
114 number, and e-mail address; his or her professional license or  
115 certification number, qualification statements, or resumes; and,  
116 if required by the local building official, a certificate of  
117 insurance demonstrating that professional liability insurance  
118 coverage is in place for the private provider's firm, the  
119 private provider, and any duly authorized representative in the  
120 amounts required by this section. This information must be  
121 submitted on an annual basis to the local jurisdiction in order  
122 to maintain qualifying status. If at any time any of the  
123 information submitted to the local jurisdiction changes, the  
124 private provider must contact the local jurisdiction and update  
125 the information within 10 business days after the change. The  
126 local jurisdiction is required to keep a registry of active



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127 qualified private providers.

128 (p)~~(k)~~ "Request for certificate of occupancy or certificate  
129 of completion" means a properly completed and executed  
130 application for:

131 1. A certificate of occupancy or certificate of completion.

132 2. A certificate of compliance from the private provider  
133 required under subsection (12) ~~(11)~~.

134 3. Any applicable fees.

135 4. Any documents required by the local building official to  
136 determine that the fee owner has secured all other government  
137 approvals required by law.

138 (q) "Single-trade inspection" means any inspection focused  
139 on a single construction trade, such as plumbing, mechanical, or  
140 electrical. The term includes, but is not limited to,  
141 inspections of door or window replacements; fences and block  
142 walls more than 6 feet high from the top of the wall to the  
143 bottom of the footing; stucco or plastering; reroofing with no  
144 structural alteration; HVAC replacements; ductwork or fan  
145 replacements; alteration or installation of wiring, lighting,  
146 and service panels; water heater changeouts; sink replacements;  
147 and repiping.

148 (r)~~(l)~~ "Site work" means the portion of a construction  
149 project that is not part of the building structure, including,  
150 but not limited to, grading, excavation, landscape irrigation,  
151 and installation of driveways.

152 (s)~~(m)~~ "Stop-work order" means the issuance of any written  
153 statement, written directive, or written order which states the  
154 reason for the order and the conditions under which the cited  
155 work will be permitted to resume.



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156 (2)  
157 (b) If an owner or contractor retains a private provider  
158 for purposes of plans review or building inspection services,  
159 the local jurisdiction must reduce the permit fee by the amount  
160 of cost savings realized by the local enforcement agency for not  
161 having to perform such services. Such reduction may be  
162 calculated on a flat fee or percentage basis, or any other  
163 reasonable means by which a local enforcement agency assesses  
164 the cost for its plans review or inspection services ~~It is the~~  
165 ~~intent of the Legislature that owners and contractors pay~~  
166 ~~reduced fees related to building permitting requirements when~~  
167 ~~hiring a private provider for plans review and building~~  
168 ~~inspections. A local jurisdiction must calculate the cost~~  
169 ~~savings to the local enforcement agency, based on a fee owner or~~  
170 ~~contractor hiring a private provider to perform plans reviews~~  
171 ~~and building inspections in lieu of the local building official,~~  
172 ~~and reduce the permit fees accordingly.~~ The local jurisdiction  
173 may not charge fees for building inspections if the fee owner or  
174 contractor hires a private provider to perform such services;  
175 however, the local jurisdiction may charge a reasonable  
176 administrative fee.

177 (3) A private provider and any duly authorized  
178 representative may only perform building code inspection  
179 services that are within the disciplines covered by that  
180 person's licensure or certification under chapter 468, chapter  
181 471, or chapter 481, including single-trade inspections. A  
182 private provider may not provide building code inspection  
183 services pursuant to this section upon any building designed or  
184 constructed by the private provider or the private provider's



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185 firm.

186 (4) A fee owner or the fee owner's contractor using a  
187 private provider to provide building code inspection services  
188 shall notify the local building official in writing at the time  
189 of permit application, or by 2 p.m. local time, 2 business days  
190 before the first scheduled inspection by the local building  
191 official or building code enforcement agency that for a private  
192 provider has been contracted to perform the performing required  
193 inspections of construction under this section, including  
194 single-trade inspections, on a form to be adopted by the  
195 commission. This notice shall include the following information:

196 (a) The services to be performed by the private provider.

197 (b) The name, firm, address, telephone number, and e-mail  
198 address ~~facsimile number~~ of each private provider who is  
199 performing or will perform such services, his or her  
200 professional license or certification number, qualification  
201 statements or resumes, and, if required by the local building  
202 official, a certificate of insurance demonstrating that  
203 professional liability insurance coverage is in place for the  
204 private provider's firm, the private provider, and any duly  
205 authorized representative in the amounts required by this  
206 section.

207  
208 However, the notice is not required to include such information  
209 for private providers who are qualified private providers within  
210 the local jurisdiction and have renewed such designation  
211 pursuant to this section.

212 (c) An acknowledgment from the fee owner in substantially  
213 the following form:





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I have elected to use one or more private providers to provide building code plans review and/or inspection services on the building or structure that is the subject of the enclosed permit application, as authorized by s. 553.791, Florida Statutes. I understand that the local building official may not review the plans submitted or perform the required building inspections to determine compliance with the applicable codes, except to the extent specified in said law. Instead, plans review and/or required building inspections will be performed by licensed or certified personnel identified in the application. The law requires minimum insurance requirements for such personnel, but I understand that I may require more insurance to protect my interests. By executing this form, I acknowledge that I have made inquiry regarding the competence of the licensed or certified personnel and the level of their insurance and am satisfied that my interests are adequately protected. I agree to indemnify, defend, and hold harmless the local government, the local building official, and their building code enforcement personnel from any and all claims arising from my use of these licensed or certified personnel to perform building code inspection services with respect to the building or structure that is the subject of the enclosed permit application.



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243 If the fee owner or the fee owner's contractor makes any changes  
244 to the listed private providers or the services to be provided  
245 by those private providers, the fee owner or the fee owner's  
246 contractor shall, within 1 business day after any change or  
247 within 2 business days before the next scheduled inspection,  
248 update the notice to reflect such changes. A change of a duly  
249 authorized representative named in the permit application does  
250 not require a revision of the permit, and the building code  
251 enforcement agency shall not charge a fee for making the change.  
252 ~~In addition, the fee owner or the fee owner's contractor shall~~  
253 ~~post at the project site, before the commencement of~~  
254 ~~construction and updated within 1 business day after any change,~~  
255 ~~on a form to be adopted by the commission, the name, firm,~~  
256 ~~address, telephone number, and facsimile number of each private~~  
257 ~~provider who is performing or will perform building code~~  
258 ~~inspection services, the type of service being performed, and~~  
259 ~~similar information for the primary contact of the private~~  
260 ~~provider on the project.~~

261 (6) A private provider performing plans review under this  
262 section shall review the plans to determine compliance with the  
263 applicable codes. Upon determining that the plans reviewed  
264 comply with the applicable codes, the private provider shall  
265 prepare an affidavit or affidavits ~~on a form reasonably~~  
266 ~~acceptable to the commission~~ certifying, under oath, that the  
267 following is true and correct to the best of the private  
268 provider's knowledge and belief:

269 (a) The plans were reviewed by the affiant, who is duly  
270 authorized to perform plans review pursuant to this section and  
271 holds the appropriate license or certificate.



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272 (b) The plans comply with the applicable codes.

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274 Such affidavit may bear a written or electronic signature and  
275 may be submitted electronically to the local building official.

276 (7)

277 (b) If the local building official provides a written  
278 notice of plan deficiencies to the permit applicant within the  
279 prescribed 20-day period, the 20-day period shall be tolled  
280 pending resolution of the matter. To resolve the plan  
281 deficiencies, the permit applicant may elect to dispute the  
282 deficiencies pursuant to subsection (14) ~~(13)~~ or to submit  
283 revisions to correct the deficiencies.

284 (d) If the local building official provides a second  
285 written notice of plan deficiencies to the permit applicant  
286 within the prescribed time period, the permit applicant may  
287 elect to dispute the deficiencies pursuant to subsection (14)  
288 ~~(13)~~ or to submit additional revisions to correct the  
289 deficiencies. For all revisions submitted after the first  
290 revision, the local building official has an additional 5  
291 business days from the date of resubmittal to issue the  
292 requested permit or to provide a written notice to the permit  
293 applicant stating which of the previously identified plan  
294 features remain in noncompliance with the applicable codes, with  
295 specific reference to the relevant code chapters and sections.

296 (8) A private provider performing required inspections  
297 under this section shall inspect each phase of construction as  
298 required by the applicable codes. Such inspection may be  
299 performed in-person or virtually. The private provider may have  
300 ~~shall be permitted to send~~ a duly authorized representative ~~to~~



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301 ~~the building site~~ to perform the required inspections, provided  
302 all required reports are prepared by and bear the written or  
303 electronic signature of the private provider or the private  
304 provider's duly authorized representative. The duly authorized  
305 representative must be an employee of the private provider  
306 entitled to receive reemployment assistance benefits under  
307 chapter 443. The contractor's contractual or legal obligations  
308 are not relieved by any action of the private provider.

309 (9) A private provider performing required inspections  
310 under this section shall provide notice to the local building  
311 official of the date and approximate time of any such inspection  
312 no later than the prior business day by 2 p.m. local time or by  
313 any later time permitted by the local building official in that  
314 jurisdiction. The local building official may not prohibit the  
315 private provider from performing any inspection outside the  
316 local building official's normal operating hours, including  
317 after hours, weekends, or holidays. The local building official  
318 may visit the building site as often as necessary to verify that  
319 the private provider is performing all required inspections. A  
320 deficiency notice must be posted ~~at the job site~~ by the private  
321 provider, the duly authorized representative of the private  
322 provider, or the building department whenever a noncomplying  
323 item related to the building code or the permitted documents is  
324 found. Such notice may be physically posted at the job site or  
325 electronically posted. After corrections are made, the item must  
326 be reinspected by the private provider or representative before  
327 being concealed. Reinspection or reaudit fees shall not be  
328 charged by the local jurisdiction as a result of the local  
329 jurisdiction's audit inspection occurring before the performance



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330 of the private provider's inspection or for any other  
331 administrative matter not involving the detection of a violation  
332 of the building code or a permit requirement.

333 (10) If equipment replacements and repairs must be  
334 performed in an emergency situation, subject to the emergency  
335 permitting provisions of the Florida Building Code, a private  
336 provider may perform emergency inspection services without first  
337 notifying the local building official pursuant to subsection  
338 (9). A private provider must conduct the inspection within 3  
339 business days after being contacted to conduct an emergency  
340 inspection and must submit the inspection report to the local  
341 building official within 1 day after the inspection is  
342 completed.

343 (11)~~(10)~~ Upon completing the required inspections at each  
344 applicable phase of construction, the private provider shall  
345 record such inspections on a form acceptable to the local  
346 building official. The form must bear the written or electronic  
347 signature of ~~be signed by~~ the provider or the provider's duly  
348 authorized representative. These inspection records shall  
349 reflect those inspections required by the applicable codes of  
350 each phase of construction for which permitting by a local  
351 enforcement agency is required. The private provider, upon  
352 completion of the required inspection ~~before leaving the project~~  
353 ~~site,~~ shall post each completed inspection record, indicating  
354 pass or fail, ~~at the site~~ and provide the record to the local  
355 building official within 2 business days. Such inspection record  
356 may be electronically posted by the private provider or the  
357 private provider may post such inspection record physically at  
358 the project site. The private provider may electronically



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359 transmit the record to the local building official. The local  
360 building official may waive the requirement to provide a record  
361 of each inspection within 2 business days if the record is  
362 electronically posted or posted at the project site and all such  
363 inspection records are submitted with the certificate of  
364 compliance. Unless the records have been electronically posted,  
365 records of all required and completed inspections shall be  
366 maintained at the building site at all times and made available  
367 for review by the local building official. The private provider  
368 shall report to the local enforcement agency any condition that  
369 poses an immediate threat to public safety and welfare.

370 (12) ~~(11)~~ Upon completion of all required inspections, the  
371 private provider shall prepare a certificate of compliance, on a  
372 form acceptable to the local building official, summarizing the  
373 inspections performed and including a written representation,  
374 under oath, that the stated inspections have been performed and  
375 that, to the best of the private provider's knowledge and  
376 belief, the building construction inspected complies with the  
377 approved plans and applicable codes. The statement required of  
378 the private provider shall be substantially in the following  
379 form and shall be signed and sealed by a private provider as  
380 established in subsection (1) or may be electronically  
381 transmitted to the local building official:

382  
383 To the best of my knowledge and belief, the building  
384 components and site improvements outlined herein and  
385 inspected under my authority have been completed in  
386 conformance with the approved plans and the applicable  
387 codes.



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~~(13)-(12)~~ No more than 2 business days after receipt of a request for a certificate of occupancy or certificate of completion and the applicant's presentation of a certificate of compliance and approval of all other government approvals required by law, the local building official shall issue the certificate of occupancy or certificate of completion or provide a notice to the applicant identifying the specific deficiencies, as well as the specific code chapters and sections. If the local building official does not provide notice of the deficiencies within the prescribed 2-day period, the request for a certificate of occupancy or certificate of completion shall be deemed granted and the certificate of occupancy or certificate of completion shall be issued by the local building official on the next business day. To resolve any identified deficiencies, the applicant may elect to dispute the deficiencies pursuant to subsection (14) ~~(13)~~ or to submit a corrected request for a certificate of occupancy or certificate of completion.

~~(15)-(14)~~ For the purposes of this section, any notice to be provided by the local building official shall be deemed to be provided to the person or entity when successfully transmitted to the e-mail address ~~facsimile number~~ listed for that person or entity in the permit application or revised permit application, or, if no e-mail address ~~facsimile number~~ is stated, when actually received by that person or entity.

~~(16) (a) (15) (a)~~ A local enforcement agency, local building official, or local government may not adopt or enforce any laws, rules, procedures, policies, qualifications, or standards more stringent than those prescribed by this section.



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417 (b) A local enforcement agency, local building official, or  
418 local government may establish, for private providers and duly  
419 authorized representatives working within that jurisdiction, a  
420 system of registration to verify compliance with the licensure  
421 requirements of paragraph (1)(n) ~~(1)(j)~~ and the insurance  
422 requirements of subsection (17). Such registration must be  
423 distinct from the registry of qualified private providers ~~(16)~~.

424 (c) This section does not limit the authority of the local  
425 building official to issue a stop-work order for a building  
426 project or any portion of the project, as provided by law, if  
427 the official determines that a condition on the building site  
428 constitutes an immediate threat to public safety and welfare.

429 (21) Notwithstanding any other law, a county, a  
430

431 ===== T I T L E A M E N D M E N T =====

432 And the title is amended as follows:

433 Between lines 43 and 44

434 insert:

435 revising and defining terms; providing requirements  
436 for qualified private providers; requiring local  
437 jurisdictions to reduce permit fees under certain  
438 circumstances; deleting legislative intent; specifying  
439 that contractors using private providers to provide  
440 building code inspections services must notify local  
441 building officials in writing; revising notice  
442 requirements; deleting a provision requiring fee  
443 owners or fee owners' contractors to post certain  
444 information at a project site before commencing  
445 construction; authorizing certain affidavits to be





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446 signed with electronic signatures and be submitted to  
447 local building officials electronically; authorizing  
448 certain inspections to be performed in-person or  
449 virtually; authorizing certain reports to be signed  
450 with electronic signatures; authorizing certain  
451 notices to be electronically posted; authorizing  
452 private providers to perform certain replacements and  
453 repairs without first notifying local building  
454 officials under certain circumstances; authorizing  
455 certain forms to be signed with electronic signatures;  
456 authorizing certain inspection records to be  
457 electronically posted and electronically submitted to  
458 local building officials; authorizing certificates of  
459 compliance to be electronically transmitted to local  
460 building officials; specifying that a certain registry  
461 must be distinct from the registry of qualified  
462 private providers; conforming provisions to changes  
463 made by the act;