

By Senator Perry

8-01417-21

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1                   A bill to be entitled  
2       An act relating to building inspections; amending s.  
3       125.56, F.S.; requiring that certain counties allow  
4       requests for inspections to be submitted  
5       electronically; providing acceptable methods of  
6       electronic submission; amending s. 553.79, F.S.;  
7       requiring that local enforcement agencies allow  
8       requests for inspections to be submitted  
9       electronically; providing acceptable methods of  
10      electronic submission; authorizing enforcement  
11      agencies to perform virtual inspections; providing an  
12      exception; providing a definition; requiring a refund  
13      of certain fees in certain circumstances; requiring  
14      that certain surcharges be recalculated under certain  
15      conditions; amending ss. 440.103 and 553.80, F.S.;  
16      conforming cross-references; providing an effective  
17      date.

18  
19 Be It Enacted by the Legislature of the State of Florida:

20  
21       Section 1. Paragraph (f) is added to subsection (4) of  
22       section 125.56, Florida Statutes, to read:

23       125.56 Enforcement and amendment of the Florida Building  
24       Code and the Florida Fire Prevention Code; inspection fees;  
25       inspectors; etc.—

26       (4)

27       (f) A county that issues building permits must allow  
28       requests for inspections to be submitted electronically to the  
29       county building department. Acceptable methods of electronic

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30 submission include, but are not limited to, e-mail or fill-in  
31 form available on the website of the building department or  
32 through a third-party submission management software or  
33 application that can be downloaded on a mobile device. Requests  
34 for inspections may be submitted in person in a nonelectronic  
35 format, at the discretion of the building official.

36 Section 2. Present subsections (6) through (22) of section  
37 553.79, Florida Statutes, are redesignated as subsections (8)  
38 through (24), respectively, paragraph (d) is added to subsection  
39 (1) of that section, new subsections (6) and (7) are added to  
40 that section, and subsection (2) of that section is amended, to  
41 read:

42 553.79 Permits; applications; issuance; inspections.—

43 (1)

44 (d) A local enforcement agency must allow requests for  
45 inspections to be submitted electronically to the local  
46 enforcement agency's appropriate building department. Acceptable  
47 methods of electronic submission include, but are not limited  
48 to, e-mail or fill-in form available on the website of the  
49 building department or through a third-party submission  
50 management software or application that can be downloaded on a  
51 mobile device. Requests for inspections may be submitted in  
52 person in a nonelectronic format, at the discretion of the  
53 building official.

54 (2) Except as provided in subsection (8) ~~subsection (6)~~, an  
55 enforcing agency may not issue any permit for construction,  
56 erection, alteration, modification, repair, or demolition of any  
57 building or structure until the local building code  
58 administrator or inspector has reviewed the plans and

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59 specifications required by the Florida Building Code, or local  
60 amendment thereto, for such proposal and found the plans to be  
61 in compliance with the Florida Building Code. If the local  
62 building code administrator or inspector finds that the plans  
63 are not in compliance with the Florida Building Code, the local  
64 building code administrator or inspector shall identify the  
65 specific plan features that do not comply with the applicable  
66 codes, identify the specific code chapters and sections upon  
67 which the finding is based, and provide this information to the  
68 local enforcing agency. The local enforcing agency shall provide  
69 this information to the permit applicant. In addition, an  
70 enforcing agency may not issue any permit for construction,  
71 erection, alteration, modification, repair, or demolition of any  
72 building until the appropriate firesafety inspector certified  
73 pursuant to s. 633.216 has reviewed the plans and specifications  
74 required by the Florida Building Code, or local amendment  
75 thereto, for such proposal and found that the plans comply with  
76 the Florida Fire Prevention Code and the Life Safety Code. Any  
77 building or structure which is not subject to a firesafety code  
78 shall not be required to have its plans reviewed by the  
79 firesafety inspector. Any building or structure that is exempt  
80 from the local building permit process may not be required to  
81 have its plans reviewed by the local building code  
82 administrator. Industrial construction on sites where design,  
83 construction, and firesafety are supervised by appropriate  
84 design and inspection professionals and which contain adequate  
85 in-house fire departments and rescue squads is exempt, subject  
86 to local government option, from review of plans and  
87 inspections, providing owners certify that applicable codes and

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88 standards have been met and supply appropriate approved drawings  
89 to local building and firesafety inspectors. The enforcing  
90 agency shall issue a permit to construct, erect, alter, modify,  
91 repair, or demolish any building or structure when the plans and  
92 specifications for such proposal comply with the Florida  
93 Building Code and the Florida Fire Prevention Code and the Life  
94 Safety Code as determined by the local authority in accordance  
95 with this chapter and chapter 633.

96 (6) A state or local enforcement agency may perform virtual  
97 inspections at the discretion of the enforcement agency.

98 However, a state or local enforcement agency may not perform  
99 virtual inspections for structural inspections on a threshold  
100 building. For purposes of this subsection, the term "virtual  
101 inspection" means a form of visual inspection which uses visual  
102 or electronic aids to allow a building code administrator or an  
103 inspector, or team of inspectors, to perform an inspection  
104 without having to be physically present at the job site during  
105 the inspection.

106 (7) (a) A local enforcement agency must refund 10 percent of  
107 the permit and inspection fees to a permit holder if:

108 1. The inspector or building code administrator determines  
109 that the work, which requires the permit, fails an inspection.

110 2. The inspector or building code administrator fails to  
111 provide, within 3 days after the inspection, the permit holder  
112 or his or her agent with a reason, based on compliance with the  
113 Florida Building Code, Florida Fire Prevention Code, or local  
114 ordinance, for why the work failed the inspection.

115 (b) If any permit and inspection fees are refunded under  
116 paragraph (a), the surcharges provided in s. 553.721 must be

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117 recalculated based on the amount of the permit and inspection  
118 fees after the refund.

119 Section 3. Section 440.103, Florida Statutes, is amended to  
120 read:

121 440.103 Building permits; identification of minimum premium  
122 policy.—Every employer shall, as a condition to applying for and  
123 receiving a building permit, show proof and certify to the  
124 permit issuer that it has secured compensation for its employees  
125 under this chapter as provided in ss. 440.10 and 440.38. Such  
126 proof of compensation must be evidenced by a certificate of  
127 coverage issued by the carrier, a valid exemption certificate  
128 approved by the department, or a copy of the employer's  
129 authority to self-insure and shall be presented, electronically  
130 or physically, each time the employer applies for a building  
131 permit. As provided in s. 553.79(23) ~~s. 553.79(21)~~, for the  
132 purpose of inspection and record retention, site plans or  
133 building permits may be maintained at the worksite in the  
134 original form or in the form of an electronic copy. These plans  
135 and permits must be open to inspection by the building official  
136 or a duly authorized representative, as required by the Florida  
137 Building Code. As provided in s. 627.413(5), each certificate of  
138 coverage must show, on its face, whether or not coverage is  
139 secured under the minimum premium provisions of rules adopted by  
140 rating organizations licensed pursuant to s. 627.221. The words  
141 "minimum premium policy" or equivalent language shall be typed,  
142 printed, stamped, or legibly handwritten.

143 Section 4. Subsection (1) of section 553.80, Florida  
144 Statutes, is amended to read:

145 553.80 Enforcement.—

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146 (1) Except as provided in paragraphs (a)-(g), each local  
147 government and each legally constituted enforcement district  
148 with statutory authority shall regulate building construction  
149 and, where authorized in the state agency's enabling  
150 legislation, each state agency shall enforce the Florida  
151 Building Code required by this part on all public or private  
152 buildings, structures, and facilities, unless such  
153 responsibility has been delegated to another unit of government  
154 under s. 553.79(11) ~~pursuant to s. 553.79(9)~~.

155 (a) Construction regulations relating to correctional  
156 facilities under the jurisdiction of the Department of  
157 Corrections and the Department of Juvenile Justice are to be  
158 enforced exclusively by those departments.

159 (b) Construction regulations relating to elevator equipment  
160 under the jurisdiction of the Bureau of Elevators of the  
161 Department of Business and Professional Regulation shall be  
162 enforced exclusively by that department.

163 (c) In addition to the requirements of s. 553.79 and this  
164 section, facilities subject to the provisions of chapter 395 and  
165 parts II and VIII of chapter 400 shall have facility plans  
166 reviewed and construction surveyed by the state agency  
167 authorized to do so under the requirements of chapter 395 and  
168 parts II and VIII of chapter 400 and the certification  
169 requirements of the Federal Government. Facilities subject to  
170 the provisions of part IV of chapter 400 may have facility plans  
171 reviewed and shall have construction surveyed by the state  
172 agency authorized to do so under the requirements of part IV of  
173 chapter 400 and the certification requirements of the Federal  
174 Government.

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175 (d) Building plans approved under s. 553.77(3) and state-  
176 approved manufactured buildings, including buildings  
177 manufactured and assembled offsite and not intended for  
178 habitation, such as lawn storage buildings and storage sheds,  
179 are exempt from local code enforcing agency plan reviews except  
180 for provisions of the code relating to erection, assembly, or  
181 construction at the site. Erection, assembly, and construction  
182 at the site are subject to local permitting and inspections.  
183 Lawn storage buildings and storage sheds bearing the insignia of  
184 approval of the department are not subject to s. 553.842. Such  
185 buildings that do not exceed 400 square feet may be delivered  
186 and installed without need of a contractor's or specialty  
187 license.

188 (e) Construction regulations governing public schools,  
189 state universities, and Florida College System institutions  
190 shall be enforced as provided in subsection (6).

191 (f) The Florida Building Code as it pertains to toll  
192 collection facilities under the jurisdiction of the turnpike  
193 enterprise of the Department of Transportation shall be enforced  
194 exclusively by the turnpike enterprise.

195 (g) Construction regulations relating to secure mental  
196 health treatment facilities under the jurisdiction of the  
197 Department of Children and Families shall be enforced  
198 exclusively by the department in conjunction with the Agency for  
199 Health Care Administration's review authority under paragraph  
200 (c).

201  
202 The governing bodies of local governments may provide a schedule  
203 of fees, as authorized by s. 125.56(2) or s. 166.222 and this

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204 section, for the enforcement of the provisions of this part.  
205 Such fees shall be used solely for carrying out the local  
206 government's responsibilities in enforcing the Florida Building  
207 Code. The authority of state enforcing agencies to set fees for  
208 enforcement shall be derived from authority existing on July 1,  
209 1998. However, nothing contained in this subsection shall  
210 operate to limit such agencies from adjusting their fee schedule  
211 in conformance with existing authority.

212 Section 5. This act shall take effect July 1, 2021.