

**By** the Committees on Appropriations; Governmental Oversight and Accountability; and Community Affairs; and Senator Perry

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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 a declaration  
17      of important state interest; providing an effective  
18      date.

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

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

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

27       (4)

28       (f) A county that issues building permits must allow  
29      requests for inspections to be submitted electronically to the

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

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

43 553.79 Permits; applications; issuance; inspections.-

44 (1)

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

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

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

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88 applicable codes and standards have been met and supply  
89 appropriate approved drawings to local building and firesafety  
90 inspectors. The enforcing agency shall issue a permit to  
91 construct, erect, alter, modify, repair, or demolish any  
92 building or structure when the plans and specifications for such  
93 proposal comply with the Florida Building Code and the Florida  
94 Fire Prevention Code and the Life Safety Code as determined by  
95 the local authority in accordance with this chapter and chapter  
96 633.

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

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

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

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

112 2. The inspector or building code administrator fails to  
113 provide, within 5 business days after the inspection, the  
114 permitholder or his or her agent with a reason, based on  
115 compliance with the Florida Building Code, Florida Fire  
116 Prevention Code, or local ordinance, for why the work failed the

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117 inspection.

118 (b) If any permit and inspection fees are refunded under  
119 paragraph (a), the surcharges provided in s. 468.631 or s.  
120 553.721 must be recalculated based on the amount of the permit  
121 and inspection fees after the refund.

122 Section 3. Section 440.103, Florida Statutes, is amended to  
123 read:

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

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

148 553.80 Enforcement.—

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

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

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

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

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175 agency authorized to do so under the requirements of part IV of  
176 chapter 400 and the certification requirements of the Federal  
177 Government.

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

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

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

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

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205 The governing bodies of local governments may provide a schedule  
206 of fees, as authorized by s. 125.56(2) or s. 166.222 and this  
207 section, for the enforcement of the provisions of this part.

208 Such fees shall be used solely for carrying out the local  
209 government's responsibilities in enforcing the Florida Building  
210 Code. The authority of state enforcing agencies to set fees for  
211 enforcement shall be derived from authority existing on July 1,  
212 1998. However, nothing contained in this subsection shall  
213 operate to limit such agencies from adjusting their fee schedule  
214 in conformance with existing authority.

215 Section 5. The Legislature determines and declares that  
216 this act fulfills an important state interest.

217 Section 6. This act shall take effect July 1, 2021.