



LEGISLATIVE ACTION

Senate

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House

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Senator Brodeur moved the following:

**Senate Amendment (with directory and title amendments)**

Delete lines 251 - 456

and insert:

(5) Notwithstanding subsection (4), counties and municipalities may adopt by ordinance an administrative or technical amendment to the Florida Building Code relating to flood resistance in order to implement the National Flood Insurance Program or incentives. Specifically, an administrative amendment may assign the duty to enforce all or portions of flood-related code provisions to the appropriate agencies of the



12 local government and adopt procedures for variances and  
13 exceptions from flood-related code provisions other than  
14 provisions for structures seaward of the coastal construction  
15 control line consistent with the requirements in 44 C.F.R. s.  
16 60.6. A technical amendment is authorized to the extent it is  
17 more stringent than the code. A technical amendment is not  
18 subject to the requirements of subsection (4) and may not be  
19 rendered void when the code is updated if the amendment is  
20 adopted for the purpose of participating in the Community Rating  
21 System promulgated pursuant to 42 U.S.C. s. 4022, the amendment  
22 had already been adopted by local ordinance prior to July 1,  
23 2010, or the amendment requires a design flood elevation above  
24 the base flood elevation. Any amendment adopted under ~~pursuant~~  
25 ~~to~~ this subsection shall be transmitted to the commission within  
26 30 days after being adopted. A municipality, county, or special  
27 district may not use preliminary maps issued by the Federal  
28 Emergency Management Agency for any law, ordinance, rule, or  
29 other measure that has the effect of imposing land use changes  
30 or permits.

31 (8) Notwithstanding subsection (3) or subsection (7), the  
32 commission may address issues identified in this subsection by  
33 amending the code under ~~pursuant to~~ the rule adoption procedures  
34 in chapter 120. Updates to the Florida Building Code, including  
35 provisions contained in referenced standards and criteria which  
36 relate to wind resistance or the prevention of water intrusion,  
37 may not be amended under ~~pursuant to~~ this subsection to diminish  
38 those standards; however, the commission may amend the Florida  
39 Building Code to enhance such standards. Following the approval  
40 of any amendments to the Florida Building Code by the commission



41 and publication of the amendments on the commission's website,  
42 authorities having jurisdiction to enforce the Florida Building  
43 Code may enforce the amendments.

44 (a) The commission may approve amendments that are needed  
45 to address:

46 1.(a) Conflicts within the updated code;

47 2.(b) Conflicts between the updated code and the Florida  
48 Fire Prevention Code adopted under ~~pursuant to~~ chapter 633;

49 3.(c) Unintended results from the integration of previously  
50 adopted amendments with the model code;

51 4.(d) Equivalency of standards;

52 5.(e) Changes to or inconsistencies with federal or state  
53 law; or

54 6.(f) Adoption of an updated edition of the National  
55 Electrical Code if the commission finds that delay of  
56 implementing the updated edition causes undue hardship to  
57 stakeholders or otherwise threatens the public health, safety,  
58 and welfare.

59 (b) The commission may issue errata to the code pursuant to  
60 the rule adoption procedures in chapter 120 to list demonstrated  
61 errors in provisions contained within the Florida Building Code.  
62 The determination of such errors and the issuance of errata to  
63 the code must be approved by a 75 percent supermajority vote of  
64 the commission. For purposes of this paragraph, "errata to the  
65 code" means a list of errors on current and previous editions of  
66 the Florida Building Code.

67 Section 2. Present subsections (3) through (8) of section  
68 514.0115, Florida Statutes, are redesignated as subsections (4)  
69 through (9), respectively, and a new subsection (3) is added to



70 that section, to read:

71 514.0115 Exemptions from supervision or regulation;  
72 variances.—

73 (3) The department may not require compliance with rules  
74 relating to swimming pool lifeguard standards for pools serving  
75 assisted living facilities.

76 Section 3. Subsection (7) of section 553.77, Florida  
77 Statutes, is amended to read:

78 553.77 Specific powers of the commission.—

79 (7) Building officials shall recognize and enforce variance  
80 orders issued by the Department of Health under s. 514.0115(9)  
81 ~~pursuant to s. 514.0115(8)~~, including any conditions attached to  
82 the granting of the variance.

83 Section 4. Paragraph (d) is added to subsection (1) of  
84 section 553.79, Florida Statutes, to read:

85 553.79 Permits; applications; issuance; inspections.—

86 (1)

87 (d) A local government may not require a contract between a  
88 builder and an owner for the issuance of a building permit or as  
89 a requirement for the submission of a building permit  
90 application.

91 Section 5. Present subsections (10) through (19) of section  
92 553.791, Florida Statutes, are redesignated as subsections (11)  
93 through (20), respectively, a new subsection (10) and subsection  
94 (21) are added to that section, and subsection (1), paragraph  
95 (b) of subsection (2), subsections (3), (4), and (6), paragraphs  
96 (b) and (d) of subsection (7), subsections (8) and (9), and  
97 present subsections (10), (11), (12), (14), and (15) are  
98 amended, to read:



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99 553.791 Alternative plans review and inspection.—

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

101 (a) "Applicable codes" means the Florida Building Code and  
102 any local technical amendments to the Florida Building Code but  
103 does not include the applicable minimum fire prevention and  
104 firesafety codes adopted pursuant to chapter 633.

105 (b) "Audit" means the process to confirm that the building  
106 code inspection services have been performed by the private  
107 provider, including ensuring that the required affidavit for the  
108 plan review has been properly completed and submitted with  
109 ~~affixed to~~ the permit documents and that the minimum mandatory  
110 inspections required under the building code have been performed  
111 and properly recorded. The local building official may not  
112 replicate the plan review or inspection being performed by the  
113 private provider, unless expressly authorized by this section.

114 (c) "Building" means any construction, erection,  
115 alteration, demolition, or improvement of, or addition to, any  
116 structure or site work for which permitting by a local  
117 enforcement agency is required.

118 (d) "Building code inspection services" means those  
119 services described in s. 468.603(5) and (8) involving the review  
120 of building plans as well as those services involving the review  
121 of site plans and site work engineering plans or their  
122 functional equivalent, to determine compliance with applicable  
123 codes and those inspections required by law, conducted either in  
124 person or virtually, of each phase of construction for which  
125 permitting by a local enforcement agency is required to  
126 determine compliance with applicable codes.

127 (e) "Deliver" or "delivery" means any method of delivery



128 used in conventional business or commercial practice, including  
129 delivery by electronic transmissions.

130 (f) "Duly authorized representative" means an agent of the  
131 private provider identified in the permit application who  
132 reviews plans or performs inspections as provided by this  
133 section and who is licensed as an engineer under chapter 471 or  
134 as an architect under chapter 481 or who holds a standard  
135 certificate under part XII of chapter 468.

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

140 (h) "Electronic signature" means any letters, characters,  
141 or symbols manifested by electronic or similar means which are  
142 executed or adopted by a party with an intent to authenticate a  
143 writing or record.

144 (i) "Electronic transmission" or "submitted electronically"  
145 means any form or process of communication not directly  
146 involving the physical transfer of paper or another tangible  
147 medium which is suitable for the retention, retrieval, and  
148 reproduction of information by the recipient and is retrievable  
149 in paper form by the receipt through an automated process. All  
150 notices provided for in this section may be transmitted  
151 electronically and shall have the same legal effect as if  
152 physically posted or mailed.

153 (j)~~(f)~~ "Immediate threat to public safety and welfare"  
154 means a building code violation that, if allowed to persist,  
155 constitutes an immediate hazard that could result in death,  
156 serious bodily injury, or significant property damage. This



157 paragraph does not limit the authority of the local building  
158 official to issue a Notice of Corrective Action at any time  
159 during the construction of a building project or any portion of  
160 such project if the official determines that a condition of the  
161 building or portion thereof may constitute a hazard when the  
162 building is put into use following completion as long as the  
163 condition cited is shown to be in violation of the building code  
164 or approved plans.

165 (k)~~(g)~~ "Local building official" means the individual  
166 within the governing jurisdiction responsible for direct  
167 regulatory administration or supervision of plans review,  
168 enforcement, and inspection of any construction, erection,  
169 alteration, demolition, or substantial improvement of, or  
170 addition to, any structure for which permitting is required to  
171 indicate compliance with applicable codes and includes any duly  
172 authorized designee of such person.

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

- 176 1. The plans reviewed by the private provider.
- 177 2. The affidavit from the private provider required under  
178 subsection (6).
- 179 3. Any applicable fees.
- 180 4. Any documents required by the local building official to  
181 determine that the fee owner has secured all other government  
182 approvals required by law.

183 (m)~~(i)~~ "Plans" means building plans, site engineering  
184 plans, or site plans, or their functional equivalent, submitted  
185 by a fee owner or fee owner's contractor to a private provider



186 or duly authorized representative for review.

187 (n)~~(j)~~ "Private provider" means a person licensed as a  
188 building code administrator under part XII of chapter 468, as an  
189 engineer under chapter 471, or as an architect under chapter  
190 481. For purposes of performing inspections under this section  
191 for additions and alterations that are limited to 1,000 square  
192 feet or less to residential buildings, the term "private  
193 provider" also includes a person who holds a standard  
194 certificate under part XII of chapter 468.

195 (o)~~(k)~~ "Request for certificate of occupancy or certificate  
196 of completion" means a properly completed and executed  
197 application for:

- 198 1. A certificate of occupancy or certificate of completion.
- 199 2. A certificate of compliance from the private provider  
200 required under subsection (12) ~~(11)~~.
- 201 3. Any applicable fees.
- 202 4. Any documents required by the local building official to  
203 determine that the fee owner has secured all other government  
204 approvals required by law.

205 (p) "Single-trade inspection" means any inspection focused  
206 on a single construction trade, such as plumbing, mechanical, or  
207 electrical. The term includes, but is not limited to,  
208 inspections of door or window replacements; fences and block  
209 walls more than 6 feet high from the top of the wall to the  
210 bottom of the footing; stucco or plastering; reroofing with no  
211 structural alteration; HVAC replacements; ductwork or fan  
212 replacements; alteration or installation of wiring, lighting,  
213 and service panels; water heater changeouts; sink replacements;  
214 and repiping.





215        (q)~~(l)~~ "Site work" means the portion of a construction  
216 project that is not part of the building structure, including,  
217 but not limited to, grading, excavation, landscape irrigation,  
218 and installation of driveways.

219        (r)~~(m)~~ "Stop-work order" means the issuance of any written  
220 statement, written directive, or written order which states the  
221 reason for the order and the conditions under which the cited  
222 work will be permitted to resume.

223        (2)

224        (b) If an owner or contractor retains a private provider  
225 for purposes of plans review or building inspection services,  
226 the local jurisdiction must reduce the permit fee by the amount  
227 of cost savings realized by the local enforcement agency for not  
228 having to perform such services. Such reduction may be  
229 calculated on a flat fee or percentage basis, or any other  
230 reasonable means by which a local enforcement agency assesses  
231 the cost for its plans review or inspection services ~~It is the~~  
232 ~~intent of the Legislature that owners and contractors pay~~  
233 ~~reduced fees related to building permitting requirements when~~  
234 ~~hiring a private provider for plans review and building~~  
235 ~~inspections. A local jurisdiction must calculate the cost~~  
236 ~~savings to the local enforcement agency, based on a fee owner or~~  
237 ~~contractor hiring a private provider to perform plans reviews~~  
238 ~~and building inspections in lieu of the local building official,~~  
239 ~~and reduce the permit fees accordingly.~~ The local jurisdiction  
240 may not charge fees for building inspections if the fee owner or  
241 contractor hires a private provider to perform such services;  
242 however, the local jurisdiction may charge a reasonable  
243 administrative fee.



244 (3) A private provider and any duly authorized  
245 representative may only perform building code inspection  
246 services that are within the disciplines covered by that  
247 person's licensure or certification under chapter 468, chapter  
248 471, or chapter 481, including single-trade inspections. A  
249 private provider may not provide building code inspection  
250 services pursuant to this section upon any building designed or  
251 constructed by the private provider or the private provider's  
252 firm.

253 (4) A fee owner or the fee owner's contractor using a  
254 private provider to provide building code inspection services  
255 shall notify the local building official in writing at the time  
256 of permit application, or by 2 p.m. local time, 2 business days  
257 before the first scheduled inspection by the local building  
258 official or building code enforcement agency that ~~for~~ a private  
259 provider has been contracted to perform the ~~performing~~ required  
260 inspections of construction under this section, including  
261 single-trade inspections, on a form to be adopted by the  
262 commission. This notice shall include the following information:

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

264 (b) The name, firm, address, telephone number, and e-mail  
265 address ~~facsimile number~~ of each private provider who is  
266 performing or will perform such services, his or her  
267 professional license or certification number, qualification  
268 statements or resumes, and, if required by the local building  
269 official, a certificate of insurance demonstrating that  
270 professional liability insurance coverage is in place for the  
271 private provider's firm, the private provider, and any duly  
272 authorized representative in the amounts required by this



273 section.

274

275 However, the notice is not required to include such information  
276 for private providers who are qualified private providers within  
277 the local jurisdiction and have renewed such designation  
278 pursuant to this section.

279 (c) An acknowledgment from the fee owner in substantially  
280 the following form:

281

282 I have elected to use one or more private providers to  
283 provide building code plans review and/or inspection  
284 services on the building or structure that is the  
285 subject of the enclosed permit application, as  
286 authorized by s. 553.791, Florida Statutes. I  
287 understand that the local building official may not  
288 review the plans submitted or perform the required  
289 building inspections to determine compliance with the  
290 applicable codes, except to the extent specified in  
291 said law. Instead, plans review and/or required  
292 building inspections will be performed by licensed or  
293 certified personnel identified in the application. The  
294 law requires minimum insurance requirements for such  
295 personnel, but I understand that I may require more  
296 insurance to protect my interests. By executing this  
297 form, I acknowledge that I have made inquiry regarding  
298 the competence of the licensed or certified personnel  
299 and the level of their insurance and am satisfied that  
300 my interests are adequately protected. I agree to  
301 indemnify, defend, and hold harmless the local



302 government, the local building official, and their  
303 building code enforcement personnel from any and all  
304 claims arising from my use of these licensed or  
305 certified personnel to perform building code  
306 inspection services with respect to the building or  
307 structure that is the subject of the enclosed permit  
308 application.

309  
310 If the fee owner or the fee owner's contractor makes any changes  
311 to the listed private providers or the services to be provided  
312 by those private providers, the fee owner or the fee owner's  
313 contractor shall, within 1 business day after any change or  
314 within 2 business days before the next scheduled inspection,  
315 update the notice to reflect such changes. A change of a duly  
316 authorized representative named in the permit application does  
317 not require a revision of the permit, and the building code  
318 enforcement agency shall not charge a fee for making the change.  
319 ~~In addition, the fee owner or the fee owner's contractor shall~~  
320 ~~post at the project site, before the commencement of~~  
321 ~~construction and updated within 1 business day after any change,~~  
322 ~~on a form to be adopted by the commission, the name, firm,~~  
323 ~~address, telephone number, and facsimile number of each private~~  
324 ~~provider who is performing or will perform building code~~  
325 ~~inspection services, the type of service being performed, and~~  
326 ~~similar information for the primary contact of the private~~  
327 ~~provider on the project.~~

328 (6) A private provider performing plans review under this  
329 section shall review the plans to determine compliance with the  
330 applicable codes. Upon determining that the plans reviewed



331 comply with the applicable codes, the private provider shall  
332 prepare an affidavit or affidavits ~~on a form reasonably~~  
333 ~~acceptable to the commission~~ certifying, under oath, that the  
334 following is true and correct to the best of the private  
335 provider's knowledge and belief:

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

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

340

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

343 (7)

344 (b) If the local building official provides a written  
345 notice of plan deficiencies to the permit applicant within the  
346 prescribed 20-day period, the 20-day period shall be tolled  
347 pending resolution of the matter. To resolve the plan  
348 deficiencies, the permit applicant may elect to dispute the  
349 deficiencies pursuant to subsection (14) ~~(13)~~ or to submit  
350 revisions to correct the deficiencies.

351 (d) If the local building official provides a second  
352 written notice of plan deficiencies to the permit applicant  
353 within the prescribed time period, the permit applicant may  
354 elect to dispute the deficiencies pursuant to subsection (14)  
355 ~~(13)~~ or to submit additional revisions to correct the  
356 deficiencies. For all revisions submitted after the first  
357 revision, the local building official has an additional 5  
358 business days from the date of resubmittal to issue the  
359 requested permit or to provide a written notice to the permit



360 applicant stating which of the previously identified plan  
361 features remain in noncompliance with the applicable codes, with  
362 specific reference to the relevant code chapters and sections.

363 (8) A private provider performing required inspections  
364 under this section shall inspect each phase of construction as  
365 required by the applicable codes. Such inspection may be  
366 performed in-person or virtually. The private provider may have  
367 ~~shall be permitted to send~~ a duly authorized representative ~~to~~  
368 ~~the building site to~~ perform the required inspections, provided  
369 all required reports are prepared by and bear the written or  
370 electronic signature of the private provider or the private  
371 provider's duly authorized representative. The duly authorized  
372 representative must be an employee of the private provider  
373 entitled to receive reemployment assistance benefits under  
374 chapter 443. The contractor's contractual or legal obligations  
375 are not relieved by any action of the private provider.

376 (9) A private provider performing required inspections  
377 under this section shall provide notice to the local building  
378 official of the date and approximate time of any such inspection  
379 no later than the prior business day by 2 p.m. local time or by  
380 any later time permitted by the local building official in that  
381 jurisdiction. The local building official may not prohibit the  
382 private provider from performing any inspection outside the  
383 local building official's normal operating hours, including  
384 after hours, weekends, or holidays. The local building official  
385 may visit the building site as often as necessary to verify that  
386 the private provider is performing all required inspections. A  
387 deficiency notice must be posted ~~at the job site~~ by the private  
388 provider, the duly authorized representative of the private



389 provider, or the building department whenever a noncomplying  
390 item related to the building code or the permitted documents is  
391 found. Such notice may be physically posted at the job site or  
392 electronically posted. After corrections are made, the item must  
393 be reinspected by the private provider or representative before  
394 being concealed. Reinspection or reaudit fees shall not be  
395 charged by the local jurisdiction as a result of the local  
396 jurisdiction's audit inspection occurring before the performance  
397 of the private provider's inspection or for any other  
398 administrative matter not involving the detection of a violation  
399 of the building code or a permit requirement.

400 (10) If equipment replacements and repairs must be  
401 performed in an emergency situation, subject to the emergency  
402 permitting provisions of the Florida Building Code, a private  
403 provider may perform emergency inspection services without first  
404 notifying the local building official pursuant to subsection  
405 (9). A private provider must conduct the inspection within 3  
406 business days after being contacted to conduct an emergency  
407 inspection and must submit the inspection report to the local  
408 building official within 1 day after the inspection is  
409 completed.

410 (11)~~(10)~~ Upon completing the required inspections at each  
411 applicable phase of construction, the private provider shall  
412 record such inspections on a form acceptable to the local  
413 building official. The form must bear the written or electronic  
414 signature of ~~be signed by~~ the provider or the provider's duly  
415 authorized representative. These inspection records shall  
416 reflect those inspections required by the applicable codes of  
417 each phase of construction for which permitting by a local



418 enforcement agency is required. The private provider, upon  
419 completion of the required inspection before leaving the project  
420 site, shall post each completed inspection record, indicating  
421 pass or fail, ~~at the site~~ and provide the record to the local  
422 building official within 2 business days. Such inspection record  
423 may be electronically posted by the private provider or the  
424 private provider may post such inspection record physically at  
425 the project site. The private provider may electronically  
426 transmit the record to the local building official. The local  
427 building official may waive the requirement to provide a record  
428 of each inspection within 2 business days if the record is  
429 electronically posted or posted at the project site and all such  
430 inspection records are submitted with the certificate of  
431 compliance. Unless the records have been electronically posted,  
432 records of all required and completed inspections shall be  
433 maintained at the building site at all times and made available  
434 for review by the local building official. The private provider  
435 shall report to the local enforcement agency any condition that  
436 poses an immediate threat to public safety and welfare.

437 (12)-(11) Upon completion of all required inspections, the  
438 private provider shall prepare a certificate of compliance, on a  
439 form acceptable to the local building official, summarizing the  
440 inspections performed and including a written representation,  
441 under oath, that the stated inspections have been performed and  
442 that, to the best of the private provider's knowledge and  
443 belief, the building construction inspected complies with the  
444 approved plans and applicable codes. The statement required of  
445 the private provider shall be substantially in the following  
446 form and shall be signed and sealed by a private provider as





447 established in subsection (1) or may be electronically  
448 transmitted to the local building official:

449  
450 To the best of my knowledge and belief, the building  
451 components and site improvements outlined herein and  
452 inspected under my authority have been completed in  
453 conformance with the approved plans and the applicable  
454 codes.

455  
456 (13)~~(12)~~ No more than 2 business days after receipt of a  
457 request for a certificate of occupancy or certificate of  
458 completion and the applicant's presentation of a certificate of  
459 compliance and approval of all other government approvals  
460 required by law, the local building official shall issue the  
461 certificate of occupancy or certificate of completion or provide  
462 a notice to the applicant identifying the specific deficiencies,  
463 as well as the specific code chapters and sections. If the local  
464 building official does not provide notice of the deficiencies  
465 within the prescribed 2-day period, the request for a  
466 certificate of occupancy or certificate of completion shall be  
467 deemed granted and the certificate of occupancy or certificate  
468 of completion shall be issued by the local building official on  
469 the next business day. To resolve any identified deficiencies,  
470 the applicant may elect to dispute the deficiencies pursuant to  
471 subsection (14) ~~(13)~~ or to submit a corrected request for a  
472 certificate of occupancy or certificate of completion.

473 (15)~~(14)~~ For the purposes of this section, any notice to be  
474 provided by the local building official shall be deemed to be  
475 provided to the person or entity when successfully transmitted



476 to the e-mail address ~~facsimile number~~ listed for that person or  
477 entity in the permit application or revised permit application,  
478 or, if no e-mail address ~~facsimile number~~ is stated, when  
479 actually received by that person or entity.

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

484 (b) A local enforcement agency, local building official, or  
485 local government may establish, for private providers and duly  
486 authorized representatives working within that jurisdiction, a  
487 system of registration to verify compliance with the licensure  
488 requirements of paragraph (1) (n) ~~(1) (j)~~ and the insurance  
489 requirements of subsection (17) ~~(16)~~.

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

495 (21) Notwithstanding any other law, a county, a  
496 municipality, a school district, or an independent special  
497 district may use a private provider to provide building code  
498 inspection services for a public works project, an improvement,  
499 a building, or any other structure that is owned by the county,  
500 municipality, school district, or independent special district.

501 Section 6. Paragraph (a) of subsection (7) of section  
502 553.80, Florida Statutes, is amended to read:

503 553.80 Enforcement.—

504 (7) (a) The governing bodies of local governments may



505 provide a schedule of reasonable fees, as authorized by s.  
506 125.56(2) or s. 166.222 and this section, for enforcing this  
507 part. These fees, and any fines or investment earnings related  
508 to the fees, shall be used solely for carrying out the local  
509 government's responsibilities in enforcing the Florida Building  
510 Code. When providing a schedule of reasonable fees, the total  
511 estimated annual revenue derived from fees, and the fines and  
512 investment earnings related to the fees, may not exceed the  
513 total estimated annual costs of allowable activities. Any  
514 unexpended balances shall be carried forward to future years for  
515 allowable activities or shall be refunded at the discretion of  
516 the local government. A local government may not carry forward  
517 an amount exceeding the average of its operating budget for  
518 enforcing the Florida Building Code for the previous 4 fiscal  
519 years. For purposes of this subsection, the term "operating  
520 budget" does not include reserve amounts. Any amount exceeding  
521 this limit must be used as authorized in subparagraph 2.  
522 However, a local government which established, as of January 1,  
523 2019, a Building Inspections Fund Advisory Board consisting of  
524 five members from the construction stakeholder community and  
525 carries an unexpended balance in excess of the average of its  
526 operating budget for the previous 4 fiscal years may continue to  
527 carry such excess funds forward upon the recommendation of the  
528 advisory board. The basis for a fee structure for allowable  
529 activities shall relate to the level of service provided by the  
530 local government and shall include consideration for refunding  
531 fees due to reduced services based on services provided as  
532 prescribed by s. 553.791, but not provided by the local  
533 government. Fees charged shall be consistently applied.



534 1. As used in this subsection, the phrase "enforcing the  
535 Florida Building Code" includes the direct costs and reasonable  
536 indirect costs associated with review of building plans,  
537 building inspections, reinspections, and building permit  
538 processing; building code enforcement; and fire inspections  
539 associated with new construction. The phrase may also include  
540 training costs associated with the enforcement of the Florida  
541 Building Code and enforcement action pertaining to unlicensed  
542 contractor activity to the extent not funded by other user fees.

543 2. A local government must use any excess funds that it is  
544 prohibited from carrying forward to rebate and reduce fees, or  
545 to pay for the construction of a building or structure that  
546 houses a local government's building code enforcement agency or  
547 the training programs for building officials, inspectors, or  
548 plans examiners associated with the enforcement of the Florida  
549 Building Code. Excess funds used to construct such a building or  
550 structure must be designated for such purpose by the local  
551 government and may not be carried forward for more than 4  
552 consecutive years.

553 3. The following activities may not be funded with fees  
554 adopted for enforcing the Florida Building Code:

555 a. Planning and zoning or other general government  
556 activities.

557 b. Inspections of public buildings for a reduced fee or no  
558 fee.

559 c. Public information requests, community functions,  
560 boards, and any program not directly related to enforcement of  
561 the Florida Building Code.

562 d. Enforcement and implementation of any other local



563 ordinance, excluding validly adopted local amendments to the  
564 Florida Building Code and excluding any local ordinance directly  
565 related to enforcing the Florida Building Code as defined in  
566 subparagraph 1.

567 4. A local government shall use recognized management,  
568 accounting, and oversight practices to ensure that fees, fines,  
569 and investment earnings generated under this subsection are  
570 maintained and allocated or used solely for the purposes  
571 described in subparagraph 1.

572 5. The local enforcement agency, independent district, or  
573 special district may not require at any time, including at the  
574 time of application for a permit, the payment of any additional  
575 fees, charges, or expenses associated with:

576 a. Providing proof of licensure pursuant to chapter 489;

577 b. Recording or filing a license issued pursuant to this  
578 chapter;

579 c. Providing, recording, or filing evidence of workers'  
580 compensation insurance coverage as required by chapter 440; or

581 d. Charging surcharges or other similar fees not directly  
582 related to enforcing the Florida Building Code.

583 Section 7. Paragraph (a) of subsection (8) and subsection  
584 (14) of section 553.842, Florida Statutes, are amended to read:

585 553.842 Product evaluation and approval.—

586 (8) The commission may adopt rules to approve the following  
587 types of entities that produce information on which product  
588 approvals are based. All of the following entities, including  
589 engineers and architects, must comply with a nationally  
590 recognized standard demonstrating independence or no conflict of  
591 interest:



592 (a) Evaluation entities approved under ~~pursuant to~~ this  
593 paragraph or that meet the criteria for approval adopted by the  
594 commission by rule. The commission shall specifically approve  
595 the National Evaluation Service, the International Association  
596 of Plumbing and Mechanical Officials Evaluation Service, the  
597 International Code Council Evaluation Services, Underwriters  
598 Laboratories, LLC, Intertek Testing Services NA, Inc., and the  
599 Miami-Dade County Building Code Compliance Office Product  
600 Control Division. Architects and engineers licensed in this  
601 state are also approved to conduct product evaluations as  
602 provided in subsection (5).

603 (14) The commission shall by rule establish criteria for  
604 revocation of product approvals as well as suspension ~~revocation~~  
605 of approvals of product evaluation entities, including those  
606 approved in accordance with paragraph (8)(a), and suspension or  
607 revocation of approvals of testing laboratories, quality  
608 assurance entities, certification agencies, and validation  
609 entities. Suspension and revocation is governed by s. 120.60 and  
610 the uniform rules of procedure.

611 Section 8. Paragraph (bb) of subsection (1) of section  
612 125.01, Florida Statutes, is amended to read:

613 125.01 Powers and duties.—

614 (1) The legislative and governing body of a county shall  
615 have the power to carry on county government. To the extent not  
616 inconsistent with general or special law, this power includes,  
617 but is not restricted to, the power to:

618 (bb) Enforce the Florida Building Code~~7~~ as provided in s.  
619 553.80~~7~~ and adopt and enforce local technical amendments to the  
620 Florida Building Code as provided in s. 553.73(4), ~~pursuant to~~



621 ~~s. 553.73(4)(b) and (c).~~

622 Section 9. Subsection (1) of section 125.56, Florida  
623 Statutes, is amended to read:

624 125.56 Enforcement and amendment of the Florida Building  
625 Code and the Florida Fire Prevention Code; inspection fees;  
626 inspectors; etc.—

627 (1) The board of county commissioners of each of the  
628 several counties of the state may enforce the Florida Building  
629 Code and the Florida Fire Prevention Code~~7~~ as provided in ss.  
630 553.80, 633.206, and 633.208~~7~~ and, at its discretion, adopt  
631 local technical amendments to the Florida Building Code as  
632 provided in s. 553.73(4), ~~pursuant to s. 553.73(4)(b) and (c)~~  
633 and local technical amendments to the Florida Fire Prevention  
634 Code as provided in, ~~pursuant to~~ s. 633.202~~7~~ to provide for the  
635 safe construction, erection, alteration, repair, securing, and  
636 demolition of any building within its territory outside the  
637 corporate limits of any municipality. Upon a determination to  
638 consider amending the Florida Building Code or the Florida Fire  
639 Prevention Code by a majority of the members of the board of  
640 county commissioners of such county, the board shall call a  
641 public hearing and comply with the public notice requirements of  
642 s. 125.66(2). The board shall hear all interested parties at the  
643 public hearing and may then amend the building code or the fire  
644 code consistent with the terms and purposes of this act. Upon  
645 adoption, an amendment to the code shall be in full force and  
646 effect throughout the unincorporated area of such county until  
647 otherwise notified by the Florida Building Commission under  
648 ~~pursuant to~~ s. 553.73 or the State Fire Marshal under ~~pursuant~~  
649 ~~to~~ s. 633.202. This subsection does not ~~Nothing herein contained~~



650 ~~shall be construed to~~ prevent the board of county commissioners  
651 from repealing such amendment to the building code or the fire  
652 code at any regular meeting of such board.

653 Section 10. Effective December 1, 2021, subsection (8) is  
654 added to section 381.0065, Florida Statutes, to read:

655 381.0065 Onsite sewage treatment and disposal systems;  
656 regulation.-

657 (8) PRIVATE PROVIDER INSPECTION SERVICES.-

658 (a) Notwithstanding any other law, ordinance, or policy,  
659 the fee owner of an onsite sewage treatment and disposal system,  
660 or the fee owner's contractor upon written authorization from  
661 the fee owner, may select a private provider to provide  
662 inspection services for onsite sewage treatment and disposal  
663 systems and may pay the private provider directly for such  
664 services if such services are the subject of a written contract  
665 between the private provider, or the private provider's firm,  
666 and the fee owner or the fee owner's contractor, upon written  
667 authorization of the fee owner.

668 (b) The department may not charge inspection fees for any  
669 inspection performed by a private provider hired by the fee  
670 owner or fee owner's contractor.

671 (c) In addition to authorized and certified inspectors,  
672 onsite sewage treatment and disposal system inspection services  
673 may be performed by a private provider or a duly authorized  
674 representative of a private provider within the disciplines  
675 covered under such person's licensure or if the person is  
676 certified under s. 381.0101, is a master septic contractor  
677 licensed under chapter 489, is a professional engineer who has  
678 passed all three parts of the OSTDS Accelerated Certification





679 Training, or is a person working as staff under the supervision  
680 of a master septic tank contractor or a licensed professional  
681 engineer and has passed all three parts of the OSTDS Accelerated  
682 Certification Training.

683 (d)1. A fee owner or the fee owner's contractor using a  
684 private provider for onsite sewage treatment and disposal system  
685 inspection services must provide notice to the department at the  
686 time of permit application, or by 2 p.m. local time, 2 business  
687 days before the first scheduled inspection by the department.  
688 The notice must include the following information:

689 a. The name, firm, address, telephone number, and e-mail  
690 address of each private provider who is performing or will  
691 perform such services, the private provider's professional  
692 license or certification number, and qualification statements or  
693 resumes for each private provider; and

694 b. An acknowledgment from the fee owner in substantially  
695 the following form:

696  
697 I have elected to use one or more private providers to  
698 provide onsite sewage treatment and disposal system  
699 inspection services that are the subject of the  
700 enclosed permit application. I understand that the  
701 department may not perform the required onsite sewage  
702 treatment and disposal system inspections to determine  
703 compliance with the applicable codes, except to the  
704 extent authorized by law. Instead, inspections will be  
705 performed by the licensed or certified personnel  
706 identified in the application. By executing this form,  
707 I acknowledge that I have made inquiry regarding the



708 competence of the licensed or certified personnel and  
709 am satisfied that my interests are adequately  
710 protected. I agree to indemnify, defend, and hold  
711 harmless the department from any and all claims  
712 arising from my use of these licensed or certified  
713 personnel to perform onsite sewage treatment and  
714 disposal system inspections with respect to the onsite  
715 sewage treatment and disposal system that are the  
716 subject of the enclosed permit application.

717 Additionally, I understand that in the event that the  
718 onsite sewage treatment and disposal system does not  
719 comply with the applicable rules and laws, I will be  
720 responsible for remediating the system in accordance  
721 with existing law.

722  
723 2. If the fee owner or the fee owner's contractor makes any  
724 changes to the listed private providers or the services to be  
725 provided by the private providers, the fee owner or the fee  
726 owner's contractor must update the notice in writing to reflect  
727 the change within 1 business day after the change. A change of a  
728 duly authorized representative named in the permit application  
729 does not require a revision of the permit, and the department  
730 may not charge a fee for making such change.

731 (e) The department may audit the performance of onsite  
732 sewage treatment and disposal system inspection services by  
733 private providers. However, the same private provider may not be  
734 audited more than four times in a month unless the department  
735 determines that an onsite sewage treatment and disposal system  
736 inspected by the private provider should not have passed



737 inspection. Work on a building, a structure, or an onsite sewage  
738 treatment and disposal system may proceed after inspection and  
739 approval by a private provider if the fee owner or fee owner's  
740 contractor has given notice of the inspection pursuant to  
741 subsection (4) and, subsequent to such inspection and approval,  
742 may not be delayed for completion of an inspection audit by the  
743 department unless the department immediately notifies the fee  
744 owner or fee owner's contractor that the department is  
745 proceeding with enforcement activity against the private  
746 provider.

747       Section 11. The Department of Environmental Protection  
748 shall initiate rulemaking to implement the amendments made by  
749 this act to s. 381.0065, Florida Statutes, by August 1, 2021.

750       Section 12. Except as otherwise expressly provided in this  
751 act, this act shall take effect July 1, 2021.

752  
753 ===== D I R E C T O R Y   C L A U S E   A M E N D M E N T =====

754 And the directory clause is amended as follows:

755       Delete line 32

756 and insert:

757       Section 1. Subsections (4), (5), and (8) of section 553.73,

758

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

760 And the title is amended as follows:

761       Delete lines 11 - 28

762 and insert:

763       timeframe; prohibiting the use of preliminary maps

764       issued by the Federal Emergency Management Agency

765       under certain circumstances; authorizing the



766 commission to issue errata to the code; providing a  
767 definition for the term "errata to the code"; making  
768 technical changes; amending s. 514.0115, F.S.;  
769 prohibiting the Department of Health from requiring  
770 that pools serving assisted living facilities be  
771 compliant with rules relating to swimming pool  
772 lifeguards; amending s. 553.77, F.S.; conforming a  
773 cross-reference; amending s. 553.79, F.S.; prohibiting  
774 a local government from requiring certain contracts  
775 for the issuance of a building permit; amending s.  
776 553.791, F.S.; revising and defining terms; providing  
777 requirements for qualified private providers;  
778 requiring local jurisdictions to reduce permit fees  
779 under certain circumstances; deleting legislative  
780 intent; specifying that contractors using private  
781 providers to provide building code inspections  
782 services must notify local building officials in  
783 writing; revising notice requirements; deleting a  
784 provision requiring fee owners or fee owners'  
785 contractors to post certain information at a project  
786 site before commencing construction; authorizing  
787 certain affidavits to be signed with electronic  
788 signatures and be submitted to local building  
789 officials electronically; authorizing certain  
790 inspections to be performed in-person or virtually;  
791 authorizing certain reports to be signed with  
792 electronic signatures; authorizing certain notices to  
793 be electronically posted; authorizing private  
794 providers to perform certain replacements and repairs



795 without first notifying local building officials under  
796 certain circumstances; authorizing certain forms to be  
797 signed with electronic signatures; authorizing certain  
798 inspection records to be electronically posted and  
799 electronically submitted to local building officials;  
800 authorizing certificates of compliance to be  
801 electronically transmitted to local building  
802 officials; authorizing certain local entities to use a  
803 private provider for code inspection services under  
804 certain circumstances; conforming provisions to  
805 changes made by the act; amending s. 553.80, F.S.;  
806 revising how certain excess funds may be used by a  
807 local government; amending s. 553.842, F.S.; requiring  
808 evaluation entities that meet certain criteria to  
809 comply with certain standards; authorizing the  
810 commission to suspend or revoke certain approvals  
811 under certain circumstances; amending ss. 125.01 and  
812 125.56, F.S.; conforming cross-references to changes  
813 made by the act; making technical changes; amending s.  
814 381.0065, F.S.; authorizing fee owners or fee owners'  
815 contractors to select private providers to provide  
816 inspection services for onsite sewage treatment and  
817 disposal systems if certain requirements are met;  
818 prohibiting the department from charging inspection  
819 fees for inspections performed by private providers;  
820 providing requirements for private providers or duly  
821 authorized representatives of private providers  
822 performing such inspections; requiring fee owners or  
823 contractors to provide specified notice to the



824 department when using a private provider for such  
825 inspections; providing requirements for the contents  
826 of such notice; prohibiting the department from  
827 charging a fee for changing the duly authorized  
828 representative named in a permit application;  
829 authorizing the department to audit the performance of  
830 private providers; providing requirements relating to  
831 work on a building, a structure, or an onsite sewage  
832 treatment and disposal system relating to such audits;  
833 requiring the Department of Environmental Protection  
834 to initiate rulemaking by a specified date; providing  
835 effective dates.