



693118

LEGISLATIVE ACTION

Senate

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House

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Floor: 2/RE/2R

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04/22/2021 08:00 PM

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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



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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



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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



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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



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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



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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



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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.



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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.



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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



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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



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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



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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



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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



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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



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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



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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



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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



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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.



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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



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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:



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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~~



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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~~



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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



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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



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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



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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 Health shall initiate
748 rulemaking to implement the amendments made by this act to s.
749 381.0065, 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 13. Subsections (4), (5), and (8) of section
758 553.73,

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

761 And the title is amended as follows:

762 Delete lines 11 - 28

763 and insert:

764 timeframe; prohibiting the use of preliminary maps
765 issued by the Federal Emergency Management Agency



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



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



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