



751792

LEGISLATIVE ACTION

Senate

.

House

.

.

Floor: 2a/RE/3R

.

04/26/2021 01:14 PM

.

.

Senator Brodeur moved the following:

1 **Senate Amendment to Amendment (577214) (with title**
2 **amendment)**

3
4 Delete lines 67 - 278

5 and insert:

6 Section 2. Paragraph (d) is added to subsection (1) of
7 section 553.79, Florida Statutes, to read:

8 553.79 Permits; applications; issuance; inspections.-

9 (1)

10 (d) A local government may not require a contract between a
11 builder and an owner for the issuance of a building permit or as



751792

12 a requirement for the submission of a building permit
13 application.

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

22 553.791 Alternative plans review and inspection.-

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

24 (a) "Applicable codes" means the Florida Building Code and
25 any local technical amendments to the Florida Building Code but
26 does not include the applicable minimum fire prevention and
27 firesafety codes adopted pursuant to chapter 633.

28 (b) "Audit" means the process to confirm that the building
29 code inspection services have been performed by the private
30 provider, including ensuring that the required affidavit for the
31 plan review has been properly completed and submitted with
32 ~~affixed to~~ the permit documents and that the minimum mandatory
33 inspections required under the building code have been performed
34 and properly recorded. The local building official may not
35 replicate the plan review or inspection being performed by the
36 private provider, unless expressly authorized by this section.

37 (c) "Building" means any construction, erection,
38 alteration, demolition, or improvement of, or addition to, any
39 structure or site work for which permitting by a local
40 enforcement agency is required.



751792

41 (d) "Building code inspection services" means those
42 services described in s. 468.603(5) and (8) involving the review
43 of building plans as well as those services involving the review
44 of site plans and site work engineering plans or their
45 functional equivalent, to determine compliance with applicable
46 codes and those inspections required by law, conducted either in
47 person or virtually, of each phase of construction for which
48 permitting by a local enforcement agency is required to
49 determine compliance with applicable codes.

50 (e) "Deliver" or "delivery" means any method of delivery
51 used in conventional business or commercial practice, including
52 delivery by electronic transmissions.

53 (f) "Duly authorized representative" means an agent of the
54 private provider identified in the permit application who
55 reviews plans or performs inspections as provided by this
56 section and who is licensed as an engineer under chapter 471 or
57 as an architect under chapter 481 or who holds a standard
58 certificate under part XII of chapter 468.

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

63 (h) "Electronic signature" means any letters, characters,
64 or symbols manifested by electronic or similar means which are
65 executed or adopted by a party with an intent to authenticate a
66 writing or record.

67 (i) "Electronic transmission" or "submitted electronically"
68 means any form or process of communication not directly
69 involving the physical transfer of paper or another tangible



751792

70 medium which is suitable for the retention, retrieval, and
71 reproduction of information by the recipient and is retrievable
72 in paper form by the receipt through an automated process. All
73 notices provided for in this section may be transmitted
74 electronically and shall have the same legal effect as if
75 physically posted or mailed.

76 (j)~~(f)~~ "Immediate threat to public safety and welfare"
77 means a building code violation that, if allowed to persist,
78 constitutes an immediate hazard that could result in death,
79 serious bodily injury, or significant property damage. This
80 paragraph does not limit the authority of the local building
81 official to issue a Notice of Corrective Action at any time
82 during the construction of a building project or any portion of
83 such project if the official determines that a condition of the
84 building or portion thereof may constitute a hazard when the
85 building is put into use following completion as long as the
86 condition cited is shown to be in violation of the building code
87 or approved plans.

88 (k)~~(g)~~ "Local building official" means the individual
89 within the governing jurisdiction responsible for direct
90 regulatory administration or supervision of plans review,
91 enforcement, and inspection of any construction, erection,
92 alteration, demolition, or substantial improvement of, or
93 addition to, any structure for which permitting is required to
94 indicate compliance with applicable codes and includes any duly
95 authorized designee of such person.

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



751792

- 99 1. The plans reviewed by the private provider.
- 100 2. The affidavit from the private provider required under
101 subsection (6).
- 102 3. Any applicable fees.
- 103 4. Any documents required by the local building official to
104 determine that the fee owner has secured all other government
105 approvals required by law.
- 106 (m)~~(i)~~ "Plans" means building plans, site engineering
107 plans, or site plans, or their functional equivalent, submitted
108 by a fee owner or fee owner's contractor to a private provider
109 or duly authorized representative for review.
- 110 (n)~~(j)~~ "Private provider" means a person licensed as a
111 building code administrator under part XII of chapter 468, as an
112 engineer under chapter 471, or as an architect under chapter
113 481. For purposes of performing inspections under this section
114 for additions and alterations that are limited to 1,000 square
115 feet or less to residential buildings, the term "private
116 provider" also includes a person who holds a standard
117 certificate under part XII of chapter 468.
- 118 (o)~~(k)~~ "Request for certificate of occupancy or certificate
119 of completion" means a properly completed and executed
120 application for:
- 121 1. A certificate of occupancy or certificate of completion.
- 122 2. A certificate of compliance from the private provider
123 required under subsection (12) ~~(11)~~.
- 124 3. Any applicable fees.
- 125 4. Any documents required by the local building official to
126 determine that the fee owner has secured all other government
127 approvals required by law.



751792

128 (p) "Single-trade inspection" means any inspection focused
129 on a single construction trade, such as plumbing, mechanical, or
130 electrical. The term includes, but is not limited to,
131 inspections of door or window replacements; fences and block
132 walls more than 6 feet high from the top of the wall to the
133 bottom of the footing; stucco or plastering; reroofing with no
134 structural alteration; HVAC replacements; ductwork or fan
135 replacements; alteration or installation of wiring, lighting,
136 and service panels; water heater changeouts; sink replacements;
137 and repiping.

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

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

146 (2)

147 (b) If an owner or contractor retains a private provider
148 for purposes of plans review or building inspection services,
149 the local jurisdiction must reduce the permit fee by the amount
150 of cost savings realized by the local enforcement agency for not
151 having to perform such services. Such reduction may be
152 calculated on a flat fee or percentage basis, or any other
153 reasonable means by which a local enforcement agency assesses
154 the cost for its plans review or inspection services ~~It is the~~
155 ~~intent of the Legislature that owners and contractors pay~~
156 ~~reduced fees related to building permitting requirements when~~



751792

157 ~~hiring a private provider for plans review and building~~
158 ~~inspections. A local jurisdiction must calculate the cost~~
159 ~~savings to the local enforcement agency, based on a fee owner or~~
160 ~~contractor hiring a private provider to perform plans reviews~~
161 ~~and building inspections in lieu of the local building official,~~
162 ~~and reduce the permit fees accordingly.~~ The local jurisdiction
163 may not charge fees for building inspections if the fee owner or
164 contractor hires a private provider to perform such services;
165 however, the local jurisdiction may charge a reasonable
166 administrative fee.

167 (3) A private provider and any duly authorized
168 representative may only perform building code inspection
169 services that are within the disciplines covered by that
170 person's licensure or certification under chapter 468, chapter
171 471, or chapter 481, including single-trade inspections. A
172 private provider may not provide building code inspection
173 services pursuant to this section upon any building designed or
174 constructed by the private provider or the private provider's
175 firm.

176 (4) A fee owner or the fee owner's contractor using a
177 private provider to provide building code inspection services
178 shall notify the local building official in writing at the time
179 of permit application, or by 2 p.m. local time, 2 business days
180 before the first scheduled inspection by the local building
181 official or building code enforcement agency that for a private
182 provider has been contracted to perform the performing required
183 inspections of construction under this section, including
184 single-trade inspections, on a form to be adopted by the
185 commission. This notice shall include the following information:



751792

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

187 (b) The name, firm, address, telephone number, and e-mail
188 address ~~facsimile number~~ of each private provider who is
189 performing or will perform such services, his or her
190 professional license or certification number, qualification
191 statements or resumes, and, if required by the local building
192 official, a certificate of insurance demonstrating that
193 professional liability insurance coverage is in place for the
194 private provider's firm, the private provider, and any duly
195 authorized representative in the amounts required by this
196 section.

197

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

199 And the title is amended as follows:

200 Delete lines 768 - 773

201 and insert:

202 technical changes; amending s. 553.79, F.S.;
203 prohibiting