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LEGISLATIVE ACTION

Senate

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House

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Floor: 2/AE/3R

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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. Paragraph (d) is added to subsection (1) of
68 section 553.79, Florida Statutes, to read:

69 553.79 Permits; applications; issuance; inspections.-



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70 (1)
71 (d) A local government may not require a contract between a
72 builder and an owner for the issuance of a building permit or as
73 a requirement for the submission of a building permit
74 application.

75 Section 3. Present subsections (10) through (19) of section
76 553.791, Florida Statutes, are redesignated as subsections (11)
77 through (20), respectively, a new subsection (10) and subsection
78 (21) are added to that section, and subsection (1), paragraph
79 (b) of subsection (2), subsections (3), (4), and (6), paragraphs
80 (b) and (d) of subsection (7), subsections (8) and (9), and
81 present subsections (10), (11), (12), (14), and (15) are
82 amended, to read:

83 553.791 Alternative plans review and inspection.—

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

85 (a) "Applicable codes" means the Florida Building Code and
86 any local technical amendments to the Florida Building Code but
87 does not include the applicable minimum fire prevention and
88 firesafety codes adopted pursuant to chapter 633.

89 (b) "Audit" means the process to confirm that the building
90 code inspection services have been performed by the private
91 provider, including ensuring that the required affidavit for the
92 plan review has been properly completed and submitted with
93 ~~affixed to~~ the permit documents and that the minimum mandatory
94 inspections required under the building code have been performed
95 and properly recorded. The local building official may not
96 replicate the plan review or inspection being performed by the
97 private provider, unless expressly authorized by this section.

98 (c) "Building" means any construction, erection,



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99 alteration, demolition, or improvement of, or addition to, any
100 structure or site work for which permitting by a local
101 enforcement agency is required.

102 (d) "Building code inspection services" means those
103 services described in s. 468.603(5) and (8) involving the review
104 of building plans as well as those services involving the review
105 of site plans and site work engineering plans or their
106 functional equivalent, to determine compliance with applicable
107 codes and those inspections required by law, conducted either in
108 person or virtually, of each phase of construction for which
109 permitting by a local enforcement agency is required to
110 determine compliance with applicable codes.

111 (e) "Deliver" or "delivery" means any method of delivery
112 used in conventional business or commercial practice, including
113 delivery by electronic transmissions.

114 (f) "Duly authorized representative" means an agent of the
115 private provider identified in the permit application who
116 reviews plans or performs inspections as provided by this
117 section and who is licensed as an engineer under chapter 471 or
118 as an architect under chapter 481 or who holds a standard
119 certificate under part XII of chapter 468.

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

124 (h) "Electronic signature" means any letters, characters,
125 or symbols manifested by electronic or similar means which are
126 executed or adopted by a party with an intent to authenticate a
127 writing or record.



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128 (i) "Electronic transmission" or "submitted electronically"
129 means any form or process of communication not directly
130 involving the physical transfer of paper or another tangible
131 medium which is suitable for the retention, retrieval, and
132 reproduction of information by the recipient and is retrievable
133 in paper form by the receipt through an automated process. All
134 notices provided for in this section may be transmitted
135 electronically and shall have the same legal effect as if
136 physically posted or mailed.

137 (j)~~(f)~~ "Immediate threat to public safety and welfare"
138 means a building code violation that, if allowed to persist,
139 constitutes an immediate hazard that could result in death,
140 serious bodily injury, or significant property damage. This
141 paragraph does not limit the authority of the local building
142 official to issue a Notice of Corrective Action at any time
143 during the construction of a building project or any portion of
144 such project if the official determines that a condition of the
145 building or portion thereof may constitute a hazard when the
146 building is put into use following completion as long as the
147 condition cited is shown to be in violation of the building code
148 or approved plans.

149 (k)~~(g)~~ "Local building official" means the individual
150 within the governing jurisdiction responsible for direct
151 regulatory administration or supervision of plans review,
152 enforcement, and inspection of any construction, erection,
153 alteration, demolition, or substantial improvement of, or
154 addition to, any structure for which permitting is required to
155 indicate compliance with applicable codes and includes any duly
156 authorized designee of such person.



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157 (1)~~(h)~~ "Permit application" means a properly completed and
158 submitted application for the requested building or construction
159 permit, including:

- 160 1. The plans reviewed by the private provider.
161 2. The affidavit from the private provider required under
162 subsection (6).
163 3. Any applicable fees.
164 4. Any documents required by the local building official to
165 determine that the fee owner has secured all other government
166 approvals required by law.

167 (m)~~(i)~~ "Plans" means building plans, site engineering
168 plans, or site plans, or their functional equivalent, submitted
169 by a fee owner or fee owner's contractor to a private provider
170 or duly authorized representative for review.

171 (n)~~(j)~~ "Private provider" means a person licensed as a
172 building code administrator under part XII of chapter 468, as an
173 engineer under chapter 471, or as an architect under chapter
174 481. For purposes of performing inspections under this section
175 for additions and alterations that are limited to 1,000 square
176 feet or less to residential buildings, the term "private
177 provider" also includes a person who holds a standard
178 certificate under part XII of chapter 468.

179 (o)~~(k)~~ "Request for certificate of occupancy or certificate
180 of completion" means a properly completed and executed
181 application for:

- 182 1. A certificate of occupancy or certificate of completion.
183 2. A certificate of compliance from the private provider
184 required under subsection (12) ~~(11)~~.
185 3. Any applicable fees.



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186 4. Any documents required by the local building official to
187 determine that the fee owner has secured all other government
188 approvals required by law.

189 (p) "Single-trade inspection" means any inspection focused
190 on a single construction trade, such as plumbing, mechanical, or
191 electrical. The term includes, but is not limited to,
192 inspections of door or window replacements; fences and block
193 walls more than 6 feet high from the top of the wall to the
194 bottom of the footing; stucco or plastering; reroofing with no
195 structural alteration; HVAC replacements; ductwork or fan
196 replacements; alteration or installation of wiring, lighting,
197 and service panels; water heater changeouts; sink replacements;
198 and repiping.

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

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

207 (2)

208 (b) If an owner or contractor retains a private provider
209 for purposes of plans review or building inspection services,
210 the local jurisdiction must reduce the permit fee by the amount
211 of cost savings realized by the local enforcement agency for not
212 having to perform such services. Such reduction may be
213 calculated on a flat fee or percentage basis, or any other
214 reasonable means by which a local enforcement agency assesses



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215 the cost for its plans review or inspection services ~~It is the~~
216 ~~intent of the Legislature that owners and contractors pay~~
217 ~~reduced fees related to building permitting requirements when~~
218 ~~hiring a private provider for plans review and building~~
219 ~~inspections. A local jurisdiction must calculate the cost~~
220 ~~savings to the local enforcement agency, based on a fee owner or~~
221 ~~contractor hiring a private provider to perform plans reviews~~
222 ~~and building inspections in lieu of the local building official,~~
223 ~~and reduce the permit fees accordingly.~~ The local jurisdiction
224 may not charge fees for building inspections if the fee owner or
225 contractor hires a private provider to perform such services;
226 however, the local jurisdiction may charge a reasonable
227 administrative fee.

228 (3) A private provider and any duly authorized
229 representative may only perform building code inspection
230 services that are within the disciplines covered by that
231 person's licensure or certification under chapter 468, chapter
232 471, or chapter 481, including single-trade inspections. A
233 private provider may not provide building code inspection
234 services pursuant to this section upon any building designed or
235 constructed by the private provider or the private provider's
236 firm.

237 (4) A fee owner or the fee owner's contractor using a
238 private provider to provide building code inspection services
239 shall notify the local building official in writing at the time
240 of permit application, or by 2 p.m. local time, 2 business days
241 before the first scheduled inspection by the local building
242 official or building code enforcement agency that ~~for~~ a private
243 provider has been contracted to perform the ~~performing~~ required



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244 inspections of construction under this section, including
245 single-trade inspections, on a form to be adopted by the
246 commission. This notice shall include the following information:

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

248 (b) The name, firm, address, telephone number, and e-mail
249 address ~~facsimile number~~ of each private provider who is
250 performing or will perform such services, his or her
251 professional license or certification number, qualification
252 statements or resumes, and, if required by the local building
253 official, a certificate of insurance demonstrating that
254 professional liability insurance coverage is in place for the
255 private provider's firm, the private provider, and any duly
256 authorized representative in the amounts required by this
257 section.

258 (c) An acknowledgment from the fee owner in substantially
259 the following form:

260

261 I have elected to use one or more private providers to
262 provide building code plans review and/or inspection
263 services on the building or structure that is the
264 subject of the enclosed permit application, as
265 authorized by s. 553.791, Florida Statutes. I
266 understand that the local building official may not
267 review the plans submitted or perform the required
268 building inspections to determine compliance with the
269 applicable codes, except to the extent specified in
270 said law. Instead, plans review and/or required
271 building inspections will be performed by licensed or
272 certified personnel identified in the application. The



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273 law requires minimum insurance requirements for such
274 personnel, but I understand that I may require more
275 insurance to protect my interests. By executing this
276 form, I acknowledge that I have made inquiry regarding
277 the competence of the licensed or certified personnel
278 and the level of their insurance and am satisfied that
279 my interests are adequately protected. I agree to
280 indemnify, defend, and hold harmless the local
281 government, the local building official, and their
282 building code enforcement personnel from any and all
283 claims arising from my use of these licensed or
284 certified personnel to perform building code
285 inspection services with respect to the building or
286 structure that is the subject of the enclosed permit
287 application.

288
289 If the fee owner or the fee owner's contractor makes any changes
290 to the listed private providers or the services to be provided
291 by those private providers, the fee owner or the fee owner's
292 contractor shall, within 1 business day after any change or
293 within 2 business days before the next scheduled inspection,
294 update the notice to reflect such changes. A change of a duly
295 authorized representative named in the permit application does
296 not require a revision of the permit, and the building code
297 enforcement agency shall not charge a fee for making the change.
298 ~~In addition, the fee owner or the fee owner's contractor shall~~
299 ~~post at the project site, before the commencement of~~
300 ~~construction and updated within 1 business day after any change,~~
301 ~~on a form to be adopted by the commission, the name, firm,~~



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302 ~~address, telephone number, and facsimile number of each private~~
303 ~~provider who is performing or will perform building code~~
304 ~~inspection services, the type of service being performed, and~~
305 ~~similar information for the primary contact of the private~~
306 ~~provider on the project.~~

307 (6) A private provider performing plans review under this
308 section shall review the plans to determine compliance with the
309 applicable codes. Upon determining that the plans reviewed
310 comply with the applicable codes, the private provider shall
311 prepare an affidavit or affidavits ~~on a form reasonably~~
312 ~~acceptable to the commission~~ certifying, under oath, that the
313 following is true and correct to the best of the private
314 provider's knowledge and belief:

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

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

319
320 Such affidavit may bear a written or electronic signature and
321 may be submitted electronically to the local building official.

322 (7)

323 (b) If the local building official provides a written
324 notice of plan deficiencies to the permit applicant within the
325 prescribed 20-day period, the 20-day period shall be tolled
326 pending resolution of the matter. To resolve the plan
327 deficiencies, the permit applicant may elect to dispute the
328 deficiencies pursuant to subsection (14) ~~(13)~~ or to submit
329 revisions to correct the deficiencies.

330 (d) If the local building official provides a second



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331 written notice of plan deficiencies to the permit applicant
332 within the prescribed time period, the permit applicant may
333 elect to dispute the deficiencies pursuant to subsection (14)
334 ~~(13)~~ or to submit additional revisions to correct the
335 deficiencies. For all revisions submitted after the first
336 revision, the local building official has an additional 5
337 business days from the date of resubmittal to issue the
338 requested permit or to provide a written notice to the permit
339 applicant stating which of the previously identified plan
340 features remain in noncompliance with the applicable codes, with
341 specific reference to the relevant code chapters and sections.

342 (8) A private provider performing required inspections
343 under this section shall inspect each phase of construction as
344 required by the applicable codes. Such inspection may be
345 performed in-person or virtually. The private provider may have
346 ~~shall be permitted to send~~ a duly authorized representative ~~to~~
347 ~~the building site to~~ perform the required inspections, provided
348 all required reports are prepared by and bear the written or
349 electronic signature of the private provider or the private
350 provider's duly authorized representative. The duly authorized
351 representative must be an employee of the private provider
352 entitled to receive reemployment assistance benefits under
353 chapter 443. The contractor's contractual or legal obligations
354 are not relieved by any action of the private provider.

355 (9) A private provider performing required inspections
356 under this section shall provide notice to the local building
357 official of the date and approximate time of any such inspection
358 no later than the prior business day by 2 p.m. local time or by
359 any later time permitted by the local building official in that



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360 jurisdiction. The local building official may not prohibit the
361 private provider from performing any inspection outside the
362 local building official's normal operating hours, including
363 after hours, weekends, or holidays. The local building official
364 may visit the building site as often as necessary to verify that
365 the private provider is performing all required inspections. A
366 deficiency notice must be posted ~~at the job site~~ by the private
367 provider, the duly authorized representative of the private
368 provider, or the building department whenever a noncomplying
369 item related to the building code or the permitted documents is
370 found. Such notice may be physically posted at the job site or
371 electronically posted. After corrections are made, the item must
372 be reinspected by the private provider or representative before
373 being concealed. Reinspection or reaudit fees shall not be
374 charged by the local jurisdiction as a result of the local
375 jurisdiction's audit inspection occurring before the performance
376 of the private provider's inspection or for any other
377 administrative matter not involving the detection of a violation
378 of the building code or a permit requirement.

379 (10) If equipment replacements and repairs must be
380 performed in an emergency situation, subject to the emergency
381 permitting provisions of the Florida Building Code, a private
382 provider may perform emergency inspection services without first
383 notifying the local building official pursuant to subsection
384 (9). A private provider must conduct the inspection within 3
385 business days after being contacted to conduct an emergency
386 inspection and must submit the inspection report to the local
387 building official within 1 day after the inspection is
388 completed.



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389 ~~(11)-(10)~~ Upon completing the required inspections at each
390 applicable phase of construction, the private provider shall
391 record such inspections on a form acceptable to the local
392 building official. The form must bear the written or electronic
393 signature of ~~be signed by~~ the provider or the provider's duly
394 authorized representative. These inspection records shall
395 reflect those inspections required by the applicable codes of
396 each phase of construction for which permitting by a local
397 enforcement agency is required. The private provider, upon
398 completion of the required inspection ~~before leaving the project~~
399 site, shall post each completed inspection record, indicating
400 pass or fail, ~~at the site~~ and provide the record to the local
401 building official within 2 business days. Such inspection record
402 may be electronically posted by the private provider or the
403 private provider may post such inspection record physically at
404 the project site. The private provider may electronically
405 transmit the record to the local building official. The local
406 building official may waive the requirement to provide a record
407 of each inspection within 2 business days if the record is
408 electronically posted or posted at the project site and all such
409 inspection records are submitted with the certificate of
410 compliance. Unless the records have been electronically posted,
411 records of all required and completed inspections shall be
412 maintained at the building site at all times and made available
413 for review by the local building official. The private provider
414 shall report to the local enforcement agency any condition that
415 poses an immediate threat to public safety and welfare.

416 ~~(12)-(11)~~ Upon completion of all required inspections, the
417 private provider shall prepare a certificate of compliance, on a



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418 form acceptable to the local building official, summarizing the
419 inspections performed and including a written representation,
420 under oath, that the stated inspections have been performed and
421 that, to the best of the private provider's knowledge and
422 belief, the building construction inspected complies with the
423 approved plans and applicable codes. The statement required of
424 the private provider shall be substantially in the following
425 form and shall be signed and sealed by a private provider as
426 established in subsection (1) or may be electronically
427 transmitted to the local building official:

428
429 To the best of my knowledge and belief, the building
430 components and site improvements outlined herein and
431 inspected under my authority have been completed in
432 conformance with the approved plans and the applicable
433 codes.

434
435 (13) ~~(12)~~ No more than 2 business days after receipt of a
436 request for a certificate of occupancy or certificate of
437 completion and the applicant's presentation of a certificate of
438 compliance and approval of all other government approvals
439 required by law, the local building official shall issue the
440 certificate of occupancy or certificate of completion or provide
441 a notice to the applicant identifying the specific deficiencies,
442 as well as the specific code chapters and sections. If the local
443 building official does not provide notice of the deficiencies
444 within the prescribed 2-day period, the request for a
445 certificate of occupancy or certificate of completion shall be
446 deemed granted and the certificate of occupancy or certificate



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447 of completion shall be issued by the local building official on
448 the next business day. To resolve any identified deficiencies,
449 the applicant may elect to dispute the deficiencies pursuant to
450 subsection (14) ~~(13)~~ or to submit a corrected request for a
451 certificate of occupancy or certificate of completion.

452 (15) ~~(14)~~ For the purposes of this section, any notice to be
453 provided by the local building official shall be deemed to be
454 provided to the person or entity when successfully transmitted
455 to the e-mail address ~~facsimile number~~ listed for that person or
456 entity in the permit application or revised permit application,
457 or, if no e-mail address ~~facsimile number~~ is stated, when
458 actually received by that person or entity.

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

463 (b) A local enforcement agency, local building official, or
464 local government may establish, for private providers and duly
465 authorized representatives working within that jurisdiction, a
466 system of registration to verify compliance with the licensure
467 requirements of paragraph (1) (n) ~~(1) (j)~~ and the insurance
468 requirements of subsection (17) ~~(16)~~.

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

474 (21) Notwithstanding any other law, a county, a
475 municipality, a school district, or an independent special



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476 district may use a private provider to provide building code
477 inspection services for a public works project, an improvement,
478 a building, or any other structure that is owned by the county,
479 municipality, school district, or independent special district.

480 Section 6. Paragraph (a) of subsection (7) of section
481 553.80, Florida Statutes, is amended to read:

482 553.80 Enforcement.—

483 (7) (a) The governing bodies of local governments may
484 provide a schedule of reasonable fees, as authorized by s.
485 125.56(2) or s. 166.222 and this section, for enforcing this
486 part. These fees, and any fines or investment earnings related
487 to the fees, shall be used solely for carrying out the local
488 government's responsibilities in enforcing the Florida Building
489 Code. When providing a schedule of reasonable fees, the total
490 estimated annual revenue derived from fees, and the fines and
491 investment earnings related to the fees, may not exceed the
492 total estimated annual costs of allowable activities. Any
493 unexpended balances shall be carried forward to future years for
494 allowable activities or shall be refunded at the discretion of
495 the local government. A local government may not carry forward
496 an amount exceeding the average of its operating budget for
497 enforcing the Florida Building Code for the previous 4 fiscal
498 years. For purposes of this subsection, the term "operating
499 budget" does not include reserve amounts. Any amount exceeding
500 this limit must be used as authorized in subparagraph 2.
501 However, a local government which established, as of January 1,
502 2019, a Building Inspections Fund Advisory Board consisting of
503 five members from the construction stakeholder community and
504 carries an unexpended balance in excess of the average of its



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505 operating budget for the previous 4 fiscal years may continue to
506 carry such excess funds forward upon the recommendation of the
507 advisory board. The basis for a fee structure for allowable
508 activities shall relate to the level of service provided by the
509 local government and shall include consideration for refunding
510 fees due to reduced services based on services provided as
511 prescribed by s. 553.791, but not provided by the local
512 government. Fees charged shall be consistently applied.

513 1. As used in this subsection, the phrase "enforcing the
514 Florida Building Code" includes the direct costs and reasonable
515 indirect costs associated with review of building plans,
516 building inspections, reinspections, and building permit
517 processing; building code enforcement; and fire inspections
518 associated with new construction. The phrase may also include
519 training costs associated with the enforcement of the Florida
520 Building Code and enforcement action pertaining to unlicensed
521 contractor activity to the extent not funded by other user fees.

522 2. A local government must use any excess funds that it is
523 prohibited from carrying forward to rebate and reduce fees, or
524 to pay for the construction of a building or structure that
525 houses a local government's building code enforcement agency or
526 the training programs for building officials, inspectors, or
527 plans examiners associated with the enforcement of the Florida
528 Building Code. Excess funds used to construct such a building or
529 structure must be designated for such purpose by the local
530 government and may not be carried forward for more than 4
531 consecutive years.

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



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- 534 a. Planning and zoning or other general government
535 activities.
- 536 b. Inspections of public buildings for a reduced fee or no
537 fee.
- 538 c. Public information requests, community functions,
539 boards, and any program not directly related to enforcement of
540 the Florida Building Code.
- 541 d. Enforcement and implementation of any other local
542 ordinance, excluding validly adopted local amendments to the
543 Florida Building Code and excluding any local ordinance directly
544 related to enforcing the Florida Building Code as defined in
545 subparagraph 1.
- 546 4. A local government shall use recognized management,
547 accounting, and oversight practices to ensure that fees, fines,
548 and investment earnings generated under this subsection are
549 maintained and allocated or used solely for the purposes
550 described in subparagraph 1.
- 551 5. The local enforcement agency, independent district, or
552 special district may not require at any time, including at the
553 time of application for a permit, the payment of any additional
554 fees, charges, or expenses associated with:
- 555 a. Providing proof of licensure pursuant to chapter 489;
556 b. Recording or filing a license issued pursuant to this
557 chapter;
- 558 c. Providing, recording, or filing evidence of workers'
559 compensation insurance coverage as required by chapter 440; or
560 d. Charging surcharges or other similar fees not directly
561 related to enforcing the Florida Building Code.
- 562 Section 7. Paragraph (a) of subsection (8) and subsection



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563 (14) of section 553.842, Florida Statutes, are amended to read:
564 553.842 Product evaluation and approval.—

565 (8) The commission may adopt rules to approve the following
566 types of entities that produce information on which product
567 approvals are based. All of the following entities, including
568 engineers and architects, must comply with a nationally
569 recognized standard demonstrating independence or no conflict of
570 interest:

571 (a) Evaluation entities approved under ~~pursuant to~~ this
572 paragraph or that meet the criteria for approval adopted by the
573 commission by rule. The commission shall specifically approve
574 the National Evaluation Service, the International Association
575 of Plumbing and Mechanical Officials Evaluation Service, the
576 International Code Council Evaluation Services, Underwriters
577 Laboratories, LLC, Intertek Testing Services NA, Inc., and the
578 Miami-Dade County Building Code Compliance Office Product
579 Control Division. Architects and engineers licensed in this
580 state are also approved to conduct product evaluations as
581 provided in subsection (5).

582 (14) The commission shall by rule establish criteria for
583 revocation of product approvals as well as suspension ~~revocation~~
584 of approvals of product evaluation entities, including those
585 approved in accordance with paragraph (8) (a), and suspension or
586 revocation of approvals of testing laboratories, quality
587 assurance entities, certification agencies, and validation
588 entities. Suspension and revocation is governed by s. 120.60 and
589 the uniform rules of procedure.

590 Section 8. Paragraph (bb) of subsection (1) of section
591 125.01, Florida Statutes, is amended to read:



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592 125.01 Powers and duties.—

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

597 (bb) Enforce the Florida Building Code~~7~~ as provided in s.
598 553.80~~7~~ and adopt and enforce local technical amendments to the
599 Florida Building Code as provided in s. 553.73(4)~~7~~, ~~pursuant to~~
600 ~~s. 553.73(4)(b) and (c)~~.

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

603 125.56 Enforcement and amendment of the Florida Building
604 Code and the Florida Fire Prevention Code; inspection fees;
605 inspectors; etc.—

606 (1) The board of county commissioners of each of the
607 several counties of the state may enforce the Florida Building
608 Code and the Florida Fire Prevention Code~~7~~ as provided in ss.
609 553.80, 633.206, and 633.208~~7~~ and, at its discretion, adopt
610 local technical amendments to the Florida Building Code as
611 provided in s. 553.73(4)~~7~~, ~~pursuant to s. 553.73(4)(b) and (c)~~
612 and local technical amendments to the Florida Fire Prevention
613 Code as provided in~~7~~, ~~pursuant to~~ s. 633.202~~7~~ to provide for the
614 safe construction, erection, alteration, repair, securing, and
615 demolition of any building within its territory outside the
616 corporate limits of any municipality. Upon a determination to
617 consider amending the Florida Building Code or the Florida Fire
618 Prevention Code by a majority of the members of the board of
619 county commissioners of such county, the board shall call a
620 public hearing and comply with the public notice requirements of



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621 s. 125.66(2). The board shall hear all interested parties at the
622 public hearing and may then amend the building code or the fire
623 code consistent with the terms and purposes of this act. Upon
624 adoption, an amendment to the code shall be in full force and
625 effect throughout the unincorporated area of such county until
626 otherwise notified by the Florida Building Commission under
627 ~~pursuant to~~ s. 553.73 or the State Fire Marshal under ~~pursuant~~
628 ~~to~~ s. 633.202. This subsection does not ~~Nothing herein contained~~
629 ~~shall be construed to~~ prevent the board of county commissioners
630 from repealing such amendment to the building code or the fire
631 code at any regular meeting of such board.

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

634 381.0065 Onsite sewage treatment and disposal systems;
635 regulation.—

636 (8) PRIVATE PROVIDER INSPECTION SERVICES.—

637 (a) Notwithstanding any other law, ordinance, or policy,
638 the fee owner of an onsite sewage treatment and disposal system,
639 or the fee owner's contractor upon written authorization from
640 the fee owner, may select a private provider to provide
641 inspection services for onsite sewage treatment and disposal
642 systems and may pay the private provider directly for such
643 services if such services are the subject of a written contract
644 between the private provider, or the private provider's firm,
645 and the fee owner or the fee owner's contractor, upon written
646 authorization of the fee owner.

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



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650 (c) In addition to authorized and certified inspectors,
651 onsite sewage treatment and disposal system inspection services
652 may be performed by a private provider or a duly authorized
653 representative of a private provider within the disciplines
654 covered under such person's licensure or if the person is
655 certified under s. 381.0101, is a master septic contractor
656 licensed under chapter 489, is a professional engineer who has
657 passed all three parts of the OSTDS Accelerated Certification
658 Training, or is a person working as staff under the supervision
659 of a master septic tank contractor or a licensed professional
660 engineer and has passed all three parts of the OSTDS Accelerated
661 Certification Training.

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

668 a. The name, firm, address, telephone number, and e-mail
669 address of each private provider who is performing or will
670 perform such services, the private provider's professional
671 license or certification number, and qualification statements or
672 resumes for each private provider; and

673 b. An acknowledgment from the fee owner in substantially
674 the following form:

675
676 I have elected to use one or more private providers to
677 provide onsite sewage treatment and disposal system
678 inspection services that are the subject of the



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679 enclosed permit application. I understand that the
680 department may not perform the required onsite sewage
681 treatment and disposal system inspections to determine
682 compliance with the applicable codes, except to the
683 extent authorized by law. Instead, inspections will be
684 performed by the licensed or certified personnel
685 identified in the application. By executing this form,
686 I acknowledge that I have made inquiry regarding the
687 competence of the licensed or certified personnel and
688 am satisfied that my interests are adequately
689 protected. I agree to indemnify, defend, and hold
690 harmless the department from any and all claims
691 arising from my use of these licensed or certified
692 personnel to perform onsite sewage treatment and
693 disposal system inspections with respect to the onsite
694 sewage treatment and disposal system that are the
695 subject of the enclosed permit application.
696 Additionally, I understand that in the event that the
697 onsite sewage treatment and disposal system does not
698 comply with the applicable rules and laws, I will be
699 responsible for remediating the system in accordance
700 with existing law.

701
702 2. If the fee owner or the fee owner's contractor makes any
703 changes to the listed private providers or the services to be
704 provided by the private providers, the fee owner or the fee
705 owner's contractor must update the notice in writing to reflect
706 the change within 1 business day after the change. A change of a
707 duly authorized representative named in the permit application



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708 does not require a revision of the permit, and the department
709 may not charge a fee for making such change.

710 (e) The department may audit the performance of onsite
711 sewage treatment and disposal system inspection services by
712 private providers. However, the same private provider may not be
713 audited more than four times in a month unless the department
714 determines that an onsite sewage treatment and disposal system
715 inspected by the private provider should not have passed
716 inspection. Work on a building, a structure, or an onsite sewage
717 treatment and disposal system may proceed after inspection and
718 approval by a private provider if the fee owner or fee owner's
719 contractor has given notice of the inspection pursuant to
720 subsection (4) and, subsequent to such inspection and approval,
721 may not be delayed for completion of an inspection audit by the
722 department unless the department immediately notifies the fee
723 owner or fee owner's contractor that the department is
724 proceeding with enforcement activity against the private
725 provider.

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

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

731
732 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

733 And the directory clause is amended as follows:

734 Delete line 32

735 and insert:

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



737
738 ===== T I T L E A M E N D M E N T =====

739 And the title is amended as follows:

740 Delete lines 11 - 28

741 and insert:

742 timeframe; prohibiting the use of preliminary maps
743 issued by the Federal Emergency Management Agency
744 under certain circumstances; authorizing the
745 commission to issue errata to the code; providing a
746 definition for the term "errata to the code"; making
747 technical changes; amending s. 553.79, F.S.;
748 prohibiting a local government from requiring certain
749 contracts for the issuance of a building permit;
750 amending s. 553.791, F.S.; revising and defining
751 terms; providing requirements for qualified private
752 providers; requiring local jurisdictions to reduce
753 permit fees under certain circumstances; deleting
754 legislative intent; specifying that contractors using
755 private providers to provide building code inspections
756 services must notify local building officials in
757 writing; revising notice requirements; deleting a
758 provision requiring fee owners or fee owners'
759 contractors to post certain information at a project
760 site before commencing construction; authorizing
761 certain affidavits to be signed with electronic
762 signatures and be submitted to local building
763 officials electronically; authorizing certain
764 inspections to be performed in-person or virtually;
765 authorizing certain reports to be signed with



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766 electronic signatures; authorizing certain notices to
767 be electronically posted; authorizing private
768 providers to perform certain replacements and repairs
769 without first notifying local building officials under
770 certain circumstances; authorizing certain forms to be
771 signed with electronic signatures; authorizing certain
772 inspection records to be electronically posted and
773 electronically submitted to local building officials;
774 authorizing certificates of compliance to be
775 electronically transmitted to local building
776 officials; authorizing certain local entities to use a
777 private provider for code inspection services under
778 certain circumstances; conforming provisions to
779 changes made by the act; amending s. 553.80, F.S.;
780 revising how certain excess funds may be used by a
781 local government; amending s. 553.842, F.S.; requiring
782 evaluation entities that meet certain criteria to
783 comply with certain standards; authorizing the
784 commission to suspend or revoke certain approvals
785 under certain circumstances; amending ss. 125.01 and
786 125.56, F.S.; conforming cross-references to changes
787 made by the act; making technical changes; amending s.
788 381.0065, F.S.; authorizing fee owners or fee owners'
789 contractors to select private providers to provide
790 inspection services for onsite sewage treatment and
791 disposal systems if certain requirements are met;
792 prohibiting the department from charging inspection
793 fees for inspections performed by private providers;
794 providing requirements for private providers or duly



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795 authorized representatives of private providers
796 performing such inspections; requiring fee owners or
797 contractors to provide specified notice to the
798 department when using a private provider for such
799 inspections; providing requirements for the contents
800 of such notice; prohibiting the department from
801 charging a fee for changing the duly authorized
802 representative named in a permit application;
803 authorizing the department to audit the performance of
804 private providers; providing requirements relating to
805 work on a building, a structure, or an onsite sewage
806 treatment and disposal system relating to such audits;
807 requiring the Department of Environmental Protection
808 to initiate rulemaking by a specified date; providing
809 effective dates.