

Amendment No. 1.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Regulatory Reform
2 Subcommittee

3 Representative Mooney offered the following:

4
5 **Amendment**

6 Remove everything after the enacting clause and insert:

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

9 125.56 Enforcement and amendment of the Florida Building
10 Code and the Florida Fire Prevention Code; inspection fees;
11 inspectors; etc.—

12 (4)

13 (f) A county that issues building permits must allow
14 requests for inspections to be submitted electronically to the
15 county building department. Acceptable methods of electronic
16 submission include, but are not limited to, e-mail or fill-in

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17 form available on the website of the building department or
18 through a third-party submission management software or
19 application that can be downloaded on a mobile device. Requests
20 for inspections may be submitted in a nonelectronic format, at
21 the discretion of the building official.

22 Section 2. Subsections (6) through (22) of section 553.79,
23 Florida Statutes, are renumbered as subsections (8) through
24 (24), respectively, subsection (2) of that section is amended,
25 paragraph (d) is added to subsection (1) and subsections (6) and
26 (7) are added to that section, to read:

27 553.79 Permits; applications; issuance; inspections.—

28 (1)

29 (d) A local enforcement agency must allow requests for
30 inspections to be submitted electronically to the local
31 enforcement agency's appropriate building department. Acceptable
32 methods of electronic submission include, but are not limited
33 to, e-mail or fill-in form available on the website of the
34 building department or through a third-party submission
35 management software or application that can be downloaded on a
36 mobile device. Requests for inspections may be submitted in a
37 nonelectronic format, at the discretion of the building
38 official.

39 (2) Except as provided in subsection (8) ~~subsection (6)~~,
40 an enforcing agency may not issue any permit for construction,
41 erection, alteration, modification, repair, or demolition of any

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42 building or structure until the local building code
43 administrator or inspector has reviewed the plans and
44 specifications required by the Florida Building Code, or local
45 amendment thereto, for such proposal and found the plans to be
46 in compliance with the Florida Building Code. If the local
47 building code administrator or inspector finds that the plans
48 are not in compliance with the Florida Building Code, the local
49 building code administrator or inspector shall identify the
50 specific plan features that do not comply with the applicable
51 codes, identify the specific code chapters and sections upon
52 which the finding is based, and provide this information to the
53 local enforcing agency. The local enforcing agency shall provide
54 this information to the permit applicant. In addition, an
55 enforcing agency may not issue any permit for construction,
56 erection, alteration, modification, repair, or demolition of any
57 building until the appropriate firesafety inspector certified
58 pursuant to s. 633.216 has reviewed the plans and specifications
59 required by the Florida Building Code, or local amendment
60 thereto, for such proposal and found that the plans comply with
61 the Florida Fire Prevention Code and the Life Safety Code. Any
62 building or structure which is not subject to a firesafety code
63 shall not be required to have its plans reviewed by the
64 firesafety inspector. Any building or structure that is exempt
65 from the local building permit process may not be required to
66 have its plans reviewed by the local building code

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67 administrator. Industrial construction on sites where design,
68 construction, and firesafety are supervised by appropriate
69 design and inspection professionals and which contain adequate
70 in-house fire departments and rescue squads is exempt, subject
71 to local government option, from review of plans and
72 inspections, providing owners certify that applicable codes and
73 standards have been met and supply appropriate approved drawings
74 to local building and firesafety inspectors. The enforcing
75 agency shall issue a permit to construct, erect, alter, modify,
76 repair, or demolish any building or structure when the plans and
77 specifications for such proposal comply with the Florida
78 Building Code and the Florida Fire Prevention Code and the Life
79 Safety Code as determined by the local authority in accordance
80 with this chapter and chapter 633.

81 (6) A state or local enforcement agency may perform
82 virtual inspections at the discretion of the enforcement agency.
83 However, a state or local enforcement agency may not perform
84 virtual inspections for structural inspections on a threshold
85 building. For purposes of this subsection, the term "virtual
86 inspection" means a form of visual inspection which uses visual
87 or electronic aids to allow a building code administrator or an
88 inspector, or team of inspectors, to perform an inspection
89 without having to be physically present at the job site during
90 the inspection.

91 (7) (a) A local enforcement agency must refund 10 percent

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92 of the permit and inspection fees to a permit holder if:

93 1. The inspector or building code administrator determines
94 that the work, which requires the permit, fails an inspection.

95 2. The inspector or building code administrator fails to
96 provide, within 3 business days after the inspection, the permit
97 holder or his or her agent with a reason, based on compliance
98 with the Florida Building Code, Florida Fire Prevention Code, or
99 local ordinance, for why the work failed the inspection.

100 (b) If any permit and inspection fees are refunded under
101 paragraph (a), the surcharges provided in s. 553.721 or s.
102 468.631 must be recalculated based on the amount of the permit
103 and inspection fees after the refund.

104 Section 3. Section 440.103, Florida Statutes, is amended
105 to read:

106 440.103 Building permits; identification of minimum
107 premium policy.—Every employer shall, as a condition to applying
108 for and receiving a building permit, show proof and certify to
109 the permit issuer that it has secured compensation for its
110 employees under this chapter as provided in ss. 440.10 and
111 440.38. Such proof of compensation must be evidenced by a
112 certificate of coverage issued by the carrier, a valid exemption
113 certificate approved by the department, or a copy of the
114 employer's authority to self-insure and shall be presented,
115 electronically or physically, each time the employer applies for
116 a building permit. As provided in s. 553.79(23) ~~s. 553.79(21)~~,

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117 for the purpose of inspection and record retention, site plans
118 or building permits may be maintained at the worksite in the
119 original form or in the form of an electronic copy. These plans
120 and permits must be open to inspection by the building official
121 or a duly authorized representative, as required by the Florida
122 Building Code. As provided in s. 627.413(5), each certificate of
123 coverage must show, on its face, whether or not coverage is
124 secured under the minimum premium provisions of rules adopted by
125 rating organizations licensed pursuant to s. 627.221. The words
126 "minimum premium policy" or equivalent language shall be typed,
127 printed, stamped, or legibly handwritten.

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

130 553.80 Enforcement.—

131 (1) Except as provided in paragraphs (a)-(g), each local
132 government and each legally constituted enforcement district
133 with statutory authority shall regulate building construction
134 and, where authorized in the state agency's enabling
135 legislation, each state agency shall enforce the Florida
136 Building Code required by this part on all public or private
137 buildings, structures, and facilities, unless such
138 responsibility has been delegated to another unit of government
139 under s. 553.79(11) ~~pursuant to s. 553.79(9)~~.

140 (a) Construction regulations relating to correctional
141 facilities under the jurisdiction of the Department of

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142 Corrections and the Department of Juvenile Justice are to be
143 enforced exclusively by those departments.

144 (b) Construction regulations relating to elevator
145 equipment under the jurisdiction of the Bureau of Elevators of
146 the Department of Business and Professional Regulation shall be
147 enforced exclusively by that department.

148 (c) In addition to the requirements of s. 553.79 and this
149 section, facilities subject to the provisions of chapter 395 and
150 parts II and VIII of chapter 400 shall have facility plans
151 reviewed and construction surveyed by the state agency
152 authorized to do so under the requirements of chapter 395 and
153 parts II and VIII of chapter 400 and the certification
154 requirements of the Federal Government. Facilities subject to
155 the provisions of part IV of chapter 400 may have facility plans
156 reviewed and shall have construction surveyed by the state
157 agency authorized to do so under the requirements of part IV of
158 chapter 400 and the certification requirements of the Federal
159 Government.

160 (d) Building plans approved under s. 553.77(3) and state-
161 approved manufactured buildings, including buildings
162 manufactured and assembled offsite and not intended for
163 habitation, such as lawn storage buildings and storage sheds,
164 are exempt from local code enforcing agency plan reviews except
165 for provisions of the code relating to erection, assembly, or
166 construction at the site. Erection, assembly, and construction

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167 at the site are subject to local permitting and inspections.
168 Lawn storage buildings and storage sheds bearing the insignia of
169 approval of the department are not subject to s. 553.842. Such
170 buildings that do not exceed 400 square feet may be delivered
171 and installed without need of a contractor's or specialty
172 license.

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

176 (f) The Florida Building Code as it pertains to toll
177 collection facilities under the jurisdiction of the turnpike
178 enterprise of the Department of Transportation shall be enforced
179 exclusively by the turnpike enterprise.

180 (g) Construction regulations relating to secure mental
181 health treatment facilities under the jurisdiction of the
182 Department of Children and Families shall be enforced
183 exclusively by the department in conjunction with the Agency for
184 Health Care Administration's review authority under paragraph
185 (c).

186
187 The governing bodies of local governments may provide a schedule
188 of fees, as authorized by s. 125.56(2) or s. 166.222 and this
189 section, for the enforcement of the provisions of this part.
190 Such fees shall be used solely for carrying out the local
191 government's responsibilities in enforcing the Florida Building

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192 Code. The authority of state enforcing agencies to set fees for
193 enforcement shall be derived from authority existing on July 1,
194 1998. However, nothing contained in this subsection shall
195 operate to limit such agencies from adjusting their fee schedule
196 in conformance with existing authority.

197 Section 5. This act shall take effect July 1, 2021.

198