

By Senator Perry

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1 A bill to be entitled
2 An act relating to building plans; amending s. 553.79,
3 F.S.; specifying that local building code
4 administrators and certain marshals and inspectors do
5 not have discretionary authority to change certain
6 building plans under specified circumstances;
7 conforming provisions to changes made by the act;
8 providing an effective date.

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10 Be It Enacted by the Legislature of the State of Florida:

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12 Section 1. Paragraph (a) of subsection (1) and subsection
13 (2) of section 553.79, Florida Statutes, are amended to read:

14 553.79 Permits; applications; issuance; inspections.—

15 (1) (a) After the effective date of the Florida Building
16 Code adopted as herein provided, it is ~~shall be~~ unlawful for any
17 person, firm, corporation, or governmental entity to construct,
18 erect, alter, modify, repair, or demolish any building within
19 the ~~this~~ state without first obtaining a permit therefor from
20 the appropriate enforcing agency or from such persons as may, by
21 appropriate resolution or regulation of the authorized state or
22 local enforcing agency, be delegated authority to issue such
23 permits, upon the payment of such reasonable fees adopted by the
24 enforcing agency. The enforcing agency is empowered to revoke
25 any such permit upon a determination by the agency that the
26 construction, erection, alteration, modification, repair, or
27 demolition of the building for which the permit was issued is in
28 violation of, or does not conform ~~not in conformity~~ with, the
29 ~~provisions of the~~ Florida Building Code. If ~~Whenever~~ a permit

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30 required under this section is denied or revoked because the
31 plan, or the construction, erection, alteration, modification,
32 repair, or demolition of a building, is found by the local
33 enforcing agency to not comply ~~be not in compliance~~ with the
34 Florida Building Code, the local enforcing agency shall identify
35 the specific plan or project features that do not comply with
36 the applicable codes, identify the specific code chapters and
37 sections upon which the finding is based, and provide this
38 information to the permit applicant. A plans reviewer, local ~~or~~
39 building code administrator or inspector, or firesafety marshal
40 or inspector who is responsible for issuing a denial,
41 revocation, or modification request but fails to provide to the
42 permit applicant a reason for denying, revoking, or requesting a
43 modification, based on compliance with the Florida Building
44 Code, the Florida Fire Prevention Code and the Life Safety Code,
45 or local ordinance, is subject to disciplinary action against
46 his or her license pursuant to s. 468.621(1)(i). Installation,
47 replacement, removal, or metering of any load management control
48 device is exempt from and is shall not ~~be~~ subject to the permit
49 process and fees otherwise required by this section.

50 (2)(a) Except as provided in subsection (8), an enforcing
51 agency may not issue any permit for construction, erection,
52 alteration, modification, repair, or demolition of any building
53 or structure until the local building code administrator or
54 inspector has reviewed the plans and specifications required by
55 the Florida Building Code, or local amendment thereto, for such
56 proposal and found that the plans comply ~~to be in compliance~~
57 with the Florida Building Code. If the local building code
58 administrator or inspector finds that the plans do not comply

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59 ~~are not in compliance~~ with the Florida Building Code, the local
60 building code administrator or inspector shall identify the
61 specific plan features that do not comply with the applicable
62 codes, identify the specific code chapters and sections upon
63 which the finding is based, and provide this information to the
64 local enforcing agency. The local enforcing agency shall provide
65 this information to the permit applicant.

66 (b) In addition, An enforcing agency may not issue any
67 permit for construction, erection, alteration, modification,
68 repair, or demolition of any building or structure until the
69 appropriate firesafety marshal or inspector certified under
70 ~~pursuant to~~ s. 633.216 has reviewed the plans and specifications
71 required by the Florida Building Code, or local amendment
72 thereto, for such proposal and found that the plans comply with
73 the Florida Fire Prevention Code and the Life Safety Code. If a
74 firesafety marshal or inspector is required to approve the plans
75 of a commercial building or structure, and such plans have
76 already been approved and sealed by the local building
77 department, the local building code administrator or inspector
78 and the firesafety marshal or inspector do not have the
79 discretionary authority to change the plans. Any building or
80 structure that ~~which~~ is not subject to a firesafety code is
81 ~~shall not be~~ required to have its plans reviewed by the
82 firesafety marshal or inspector. If a firesafety marshal or
83 inspector is not required to approve the plans of a commercial
84 or residential building or structure, and such plans have
85 already been approved and sealed by the local building
86 department, the local building code administrator or inspector
87 does not have the discretionary authority to change the plans.

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88 Any building or structure that is exempt from the local building
89 permit process may not be required to have its plans reviewed by
90 the local building code administrator or inspector.

91 (c) Industrial construction on sites where design,
92 construction, and firesafety are supervised by appropriate
93 design and inspection professionals and which contain adequate
94 in-house fire departments and rescue squads is exempt, subject
95 to local government option, from review of plans and
96 inspections, providing owners certify that applicable codes and
97 standards have been met and supply appropriate approved drawings
98 to local building code administrators or inspectors and
99 firesafety marshals or inspectors.

100 (d) The enforcing agency shall issue a permit to construct,
101 erect, alter, modify, repair, or demolish any building or
102 structure when the plans and specifications for such proposal
103 comply with the Florida Building Code and the Florida Fire
104 Prevention Code and the Life Safety Code as determined by the
105 local authority in accordance with this chapter and chapter 633.

106 Section 2. This act shall take effect July 1, 2022.