

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 inspectors and firesafety marshals
5 and inspectors do not have discretionary authority to
6 change certain building plans under specified
7 circumstances; conforming provisions to changes made
8 by the act; making technical changes; providing an
9 effective date.

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

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

15 553.79 Permits; applications; issuance; inspections.-

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

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

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

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

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

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

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

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

107 Section 2. This act shall take effect July 1, 2023.