

By the Committees on Rules; and Community Affairs; and Senator Hooper

595-04206-23

2023512c2

1 A bill to be entitled
2 An act relating to building construction; amending s.
3 553.79, F.S.; requiring local building code
4 administrators, plans examiners, or inspectors to
5 provide certain information to the local enforcing
6 agency under certain circumstances; prohibiting local
7 enforcing agencies from making or requiring
8 substantive changes to plans or specifications after a
9 permit has been issued; providing exceptions;
10 requiring local enforcing agencies that require
11 substantive changes to plans or specifications after a
12 permit has been issued to provide certain information
13 to the permitholder in writing; providing that a plans
14 examiner, inspector, or building code administrator is
15 subject to disciplinary action under certain
16 circumstances; amending s. 633.208, F.S.; requiring
17 local fire officials to provide certain information to
18 a permit applicant if building plans do not comply
19 with the Florida Fire Prevention Code or the Life
20 Safety Code; prohibiting a municipality, county, or
21 special district from making or requiring substantive
22 changes to building plans after a permit has been
23 issued; providing exceptions; requiring a local fire
24 official to provide certain information to the
25 permitholder if a municipality, county, or special
26 district requires substantive changes to building
27 plans after a permit is issued; providing that a local
28 fire official who is a certified firesafety inspector
29 is subject to disciplinary action under certain

595-04206-23

2023512c2

30 circumstances; providing an effective date.

31
32 Be It Enacted by the Legislature of the State of Florida:

33
34 Section 1. Subsection (2) of section 553.79, Florida
35 Statutes, is amended to read:

36 553.79 Permits; applications; issuance; inspections.—

37 (2) (a)1. Except as provided in subsection (8), an enforcing
38 agency may not issue any permit for construction, erection,
39 alteration, modification, repair, or demolition of any building
40 or structure until the local building code administrator or
41 inspector has reviewed the plans and specifications required by
42 the Florida Building Code, or local amendment thereto, for such
43 proposal and found the plans to be in compliance with the
44 Florida Building Code. If the local building code administrator
45 or inspector finds that the plans are not in compliance with the
46 Florida Building Code, the local building code administrator or
47 inspector shall identify the specific plan features that do not
48 comply with the applicable codes, identify the specific code
49 chapters and sections upon which the finding is based, and
50 provide this information to the local enforcing agency. If the
51 building code administrator, plans examiner, or inspector
52 requests another local enforcing agency employee or a person
53 contracted by the local enforcing agency to review the plans and
54 that employee or person identifies specific plan features that
55 do not comply with the applicable codes, the building code
56 administrator, plans examiner, or inspector must provide this
57 information to the local enforcing agency. The local enforcing
58 agency shall provide this information to the permit applicant.

595-04206-23

2023512c2

59 ~~2. In addition,~~ An enforcing agency may not issue any
60 permit for construction, erection, alteration, modification,
61 repair, or demolition of any building until the appropriate
62 firesafety inspector certified pursuant to s. 633.216 has
63 reviewed the plans and specifications required by the Florida
64 Building Code, or local amendment thereto, for such proposal and
65 found that the plans comply with the Florida Fire Prevention
66 Code and the Life Safety Code. Any building or structure which
67 is not subject to a firesafety code shall not be required to
68 have its plans reviewed by the firesafety inspector.

69 3. Any building or structure that is exempt from the local
70 building permit process may not be required to have its plans
71 reviewed by the local building code administrator. Industrial
72 construction on sites where design, construction, and firesafety
73 are supervised by appropriate design and inspection
74 professionals and which contain adequate in-house fire
75 departments and rescue squads is exempt, subject to local
76 government option, from review of plans and inspections,
77 providing owners certify that applicable codes and standards
78 have been met and supply appropriate approved drawings to local
79 building and firesafety inspectors.

80 4. The enforcing agency shall issue a permit to construct,
81 erect, alter, modify, repair, or demolish any building or
82 structure when the plans and specifications for such proposal
83 comply with the Florida Building Code and the Florida Fire
84 Prevention Code and the Life Safety Code as determined by the
85 local authority in accordance with this chapter and chapter 633.

86 (b) After the local enforcing agency issues a permit, the
87 local enforcing agency may not make or require any substantive

595-04206-23

2023512c2

88 changes to the plans or specifications except changes required
89 for compliance with the Florida Building Code, the Florida Fire
90 Prevention Code, or the Life Safety Code, or local amendments
91 thereto. If a local enforcing agency makes or requires
92 substantive changes to the plans or specifications after a
93 permit is issued, the local enforcing agency must identify the
94 specific plan features that do not comply with the applicable
95 codes, identify the specific code chapters and sections upon
96 which the finding is based, and provide the information to the
97 permitholder in writing.

98 (c)1. A plans examiner or inspector who fails to provide
99 the building code administrator with the reasons for making or
100 requiring substantive changes to the plans or specifications is
101 subject to disciplinary action against his or her certificate
102 under s. 468.621(1)(i).

103 2. A building code administrator who fails to provide a
104 permit applicant or permitholder with the reasons for making or
105 requiring substantive changes to the plans or specifications is
106 subject to disciplinary action against his or her certificate
107 under s. 468.621(1)(i).

108 Section 2. Subsection (2) of section 633.208, Florida
109 Statutes, is amended to read:

110 633.208 Minimum firesafety standards.—

111 (2)(a) Pursuant to subsection (1), each municipality,
112 county, and special district with firesafety responsibilities
113 shall enforce the Florida Fire Prevention Code as the minimum
114 firesafety code required by this section.

115 (b) If a municipality, county, or special district
116 determines that the building plans for a building permit

595-04206-23

2023512c2

117 application do not comply with the Florida Fire Prevention Code
118 or the Life Safety Code, or local amendments thereto, the local
119 fire official must identify the specific plan features that do
120 not comply with the applicable codes, identify the specific code
121 chapters and sections upon which the determination is based, and
122 provide this information to the permit applicant.

123 (c) After a municipality, county, or special district
124 issues a building permit, it may not make or require any
125 substantive changes to the building plans except those required
126 for compliance with the Florida Fire Prevention Code or the Life
127 Safety Code, or local amendments thereto. If a municipality,
128 county, or special district makes or requires substantive
129 changes to building plans after a permit is issued, the local
130 fire official must identify the specific plan features that do
131 not comply with the Florida Fire Prevention Code or the Life
132 Safety Code, or local amendments thereto, identify the specific
133 code chapters and sections upon which the finding is based, and
134 provide this information to the permitholder.

135 (d) A local fire official who is also a certified
136 firesafety inspector and who fails to comply with paragraph (b)
137 or paragraph (c) is subject to disciplinary action against his
138 or her certificate under s. 633.216(5) (f).

139 Section 3. This act shall take effect July 1, 2023.