

ENROLLED

CS/CS/HB 89, Engrossed 1

2023 Legislature

1
 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

ENROLLED

CS/CS/HB 89, Engrossed 1

2023 Legislature

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
 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
 38 enforcing agency may not issue any permit for construction,
 39 erection, alteration, modification, repair, or demolition of any
 40 building or structure until the local building code
 41 administrator or inspector has reviewed the plans and
 42 specifications required by the Florida Building Code, or local
 43 amendment thereto, for such proposal and found the plans to be
 44 in compliance with the Florida Building Code. If the local
 45 building code administrator or inspector finds that the plans
 46 are not in compliance with the Florida Building Code, the local
 47 building code administrator or inspector shall identify the
 48 specific plan features that do not comply with the applicable
 49 codes, identify the specific code chapters and sections upon
 50 which the finding is based, and provide this information to the

ENROLLED

CS/CS/HB 89, Engrossed 1

2023 Legislature

51 | local enforcing agency. If the building code administrator,
52 | plans examiner, or inspector requests another local enforcing
53 | agency employee or a person contracted by the local enforcing
54 | agency to review the plans and that employee or person
55 | identifies specific plan features that do not comply with the
56 | applicable codes, the building code administrator, plans
57 | examiner, or inspector must provide this information to the
58 | local enforcing agency. The local enforcing agency shall provide
59 | this information to the permit applicant.

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

70 | 3. Any building or structure that is exempt from the local
71 | building permit process may not be required to have its plans
72 | reviewed by the local building code administrator. Industrial
73 | construction on sites where design, construction, and firesafety
74 | are supervised by appropriate design and inspection
75 | professionals and which contain adequate in-house fire

ENROLLED

CS/CS/HB 89, Engrossed 1

2023 Legislature

76 departments and rescue squads is exempt, subject to local
 77 government option, from review of plans and inspections,
 78 providing owners certify that applicable codes and standards
 79 have been met and supply appropriate approved drawings to local
 80 building and firesafety inspectors.

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

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

99 (c)1. A plans examiner or inspector who fails to provide
 100 the building code administrator with the reasons for making or

ENROLLED

CS/CS/HB 89, Engrossed 1

2023 Legislature

101 requiring substantive changes to the plans or specifications is
 102 subject to disciplinary action against his or her certificate
 103 under s. 468.621(1)(i).

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

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

111 633.208 Minimum firesafety standards.—

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

116 (b) If a municipality, county, or special district
 117 determines that the building plans for a building permit
 118 application do not comply with the Florida Fire Prevention Code
 119 or the Life Safety Code, or local amendments thereto, the local
 120 fire official must identify the specific plan features that do
 121 not comply with the applicable codes, identify the specific code
 122 chapters and sections upon which the determination is based, and
 123 provide this information to the permit applicant.

124 (c) After a municipality, county, or special district
 125 issues a building permit, it may not make or require any

ENROLLED

CS/CS/HB 89, Engrossed 1

2023 Legislature

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

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

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