

1 A bill to be entitled
2 An act relating to building regulations; amending s.
3 553.73, F.S.; requiring the Florida Building
4 Commission to modify provisions in the Florida
5 Building Code relating to replacement windows, doors,
6 or garage doors in an existing building; providing
7 requirements for such modifications; defining the term
8 "windborne debris region"; amending s. 553.79, F.S.;
9 removing provisions relating to acquiring building
10 permits for certain residential dwellings; amending s.
11 553.792, F.S.; revising the timeframes for approving,
12 approving with conditions, or denying certain building
13 permits; requiring local governments to follow the
14 prescribed timeframes unless a local ordinance is more
15 stringent; requiring a local government to provide
16 written notice to an applicant under certain
17 circumstances; revising how many times a local
18 government may request additional information from an
19 applicant; specifying when a permit application is
20 deemed complete and approved; requiring the
21 opportunity for an in-person or virtual meeting before
22 a second request for additional information may be
23 made; requiring a local government to process an
24 application within a specified timeframe without
25 additional information upon written request by the

26 applicant; reducing permit fees by a certain
 27 percentage if certain timeframes are not met;
 28 providing exceptions; providing construction;
 29 conforming provisions to changes made by the act;
 30 amending s. 553.80, F.S.; authorizing local
 31 governments to use certain fees for certain technology
 32 upgrades; amending s. 440.103, F.S.; conforming a
 33 cross-reference; providing an effective date.
 34

35 Be It Enacted by the Legislature of the State of Florida:
 36

37 Section 1. Paragraphs (g) and (h) are added to subsection
 38 (7) of section 553.73, Florida Statutes, to read:

39 553.73 Florida Building Code.—

40 (7)

41 (g) The commission shall modify the Florida Building Code
 42 to state that sealed drawings by a design professional are not
 43 required for the replacement of windows, doors, or garage doors
 44 in an existing building if all of the following conditions are
 45 met:

46 1. The replacement windows, doors, or garage doors are
 47 installed in accordance with the manufacturer's instructions for
 48 the appropriate wind zone.

49 2. The replacement windows, doors, or garage doors meet
 50 the design pressure requirements in the most recent version of

51 the Florida Building Code.

52 3. A copy of the manufacturer's instructions is submitted
53 with the permit application in a printed or digital format.

54 (h) The term "windborne debris region" has the same
55 meaning as in the Florida Building Code, 7th Edition (2020)
56 Residential, until the adoption of the 9th Edition of the
57 Florida Building Code.

58 Section 2. Subsection (16) of section 553.79, Florida
59 Statutes, is amended to read:

60 553.79 Permits; applications; issuance; inspections.—

61 ~~(16) Except as provided in paragraph (c), a building~~
62 ~~permit for a single-family residential dwelling must be issued~~
63 ~~within 30 business days after receiving the permit application~~
64 ~~unless the permit application fails to satisfy the Florida~~
65 ~~Building Code or the enforcing agency's laws or ordinances.~~

66 ~~(a) If a local enforcement agency fails to issue a~~
67 ~~building permit for a single-family residential dwelling within~~
68 ~~30 business days after receiving the permit application, it must~~
69 ~~reduce the building permit fee by 10 percent for each business~~
70 ~~day that it fails to meet the deadline. Each 10-percent~~
71 ~~reduction shall be based on the original amount of the building~~
72 ~~permit fee.~~

73 ~~(b) A local enforcement agency does not have to reduce the~~
74 ~~building permit fee if it provides written notice to the~~
75 ~~applicant, by e-mail or United States Postal Service, within 30~~

76 ~~business days after receiving the permit application, that~~
77 ~~specifically states the reasons the permit application fails to~~
78 ~~satisfy the Florida Building Code or the enforcing agency's laws~~
79 ~~or ordinances. The written notice must also state that the~~
80 ~~applicant has 10 business days after receiving the written~~
81 ~~notice to submit revisions to correct the permit application and~~
82 ~~that failure to correct the application within 10 business days~~
83 ~~will result in a denial of the application.~~

84 ~~(c) The applicant has 10 business days after receiving the~~
85 ~~written notice to address the reasons specified by the local~~
86 ~~enforcement agency and submit revisions to correct the permit~~
87 ~~application. If the applicant submits revisions within 10~~
88 ~~business days after receiving the written notice, the local~~
89 ~~enforcement agency has 10 business days after receiving such~~
90 ~~revisions to approve or deny the building permit unless the~~
91 ~~applicant agrees to a longer period in writing. If the local~~
92 ~~enforcement agency fails to issue or deny the building permit~~
93 ~~within 10 business days after receiving the revisions, it must~~
94 ~~reduce the building permit fee by 20 percent for the first~~
95 ~~business day that it fails to meet the deadline unless the~~
96 ~~applicant agrees to a longer period in writing. For each~~
97 ~~additional business day, but not to exceed 5 business days, that~~
98 ~~the local enforcement agency fails to meet the deadline, the~~
99 ~~building permit fee must be reduced by an additional 10 percent.~~
100 ~~Each reduction shall be based on the original amount of the~~

101 ~~building permit fee.~~

102 ~~(d) If any building permit fees are refunded under this~~
 103 ~~subsection, the surcharges provided in s. 468.631 or s. 553.721~~
 104 ~~must be recalculated based on the amount of the building permit~~
 105 ~~fees after the refund.~~

106 ~~(e) A building permit for a single-family residential~~
 107 ~~dwelling applied for by a contractor licensed in this state on~~
 108 ~~behalf of a property owner who participates in a Community~~
 109 ~~Development Block Grant-Disaster Recovery program administered~~
 110 ~~by the Department of Economic Opportunity must be issued within~~
 111 ~~15 working days after receipt of the application unless the~~
 112 ~~permit application fails to satisfy the Florida Building Code or~~
 113 ~~the enforcing agency's laws or ordinances.~~

114 Section 3. Subsections (1) and (2) of section 553.792,
 115 Florida Statutes, are amended and subsection (4) is added to
 116 that section, to read:

117 553.792 Building permit application to local government.—

118 (1) (a) A local government must approve, approve with
 119 conditions, or deny a building permit application after receipt
 120 of a completed and sufficient application within the following
 121 timeframes, unless the applicant waives such timeframes in
 122 writing:

123 1. For an applicant using a local government plans
 124 reviewer to obtain a building permit, within 30 business days
 125 after receiving a complete and sufficient application.

126 2. For an applicant using a private provider consistent
127 with s. 553.791 to obtain a building permit, within 15 business
128 days after receiving a complete and sufficient application.

129 3. For an applicant for a master plan permit, within 10
130 business days after receiving a complete and sufficient
131 application.

132 4. For an applicant for a single-family residential
133 dwelling applied for by a contractor licensed in this state on
134 behalf of a property owner who participates in a Community
135 Development Block Grant-Disaster Recovery program administered
136 by the Department of Commerce, within 10 business days after
137 receipt of the application unless the permit application fails
138 to satisfy the Florida Building Code or the enforcing agency's
139 laws or ordinances.

140 5. For an applicant for a multifamily residential unit,
141 within 60 business days after receiving a complete and
142 sufficient application.

143
144 If the local government does not approve, approve with
145 conditions, or deny the completed and sufficient application
146 within the required timeframes in this paragraph, the
147 application is deemed or determined to be approved.

148 (b) A local government must meet the timeframes set forth
149 in this section for reviewing building permit applications
150 unless the timeframes set by local ordinance are more stringent

151 than those prescribed in this section.

152 (c) After ~~Within 10 days of~~ an applicant submits
 153 ~~submitting~~ an application to the local government, the local
 154 government must provide written notice to the applicant within 5
 155 business days after receipt of the application advising ~~shall~~
 156 ~~advise~~ the applicant what information, if any, is needed to deem
 157 or determine that the application is properly completed in
 158 compliance with the filing requirements published by the local
 159 government. If the local government does not provide timely
 160 written notice that the applicant has not submitted a the
 161 properly completed application, the application is ~~shall be~~
 162 automatically deemed or determined to be properly completed and
 163 accepted.

164 (d)1. Within 10 business ~~45~~ days after providing written
 165 notice to the applicant that his or her application is properly
 166 completed or upon receipt of any information needed to deem the
 167 application complete ~~receiving a completed application~~, a local
 168 government must provide written notice to ~~notify~~ an applicant if
 169 additional information is required for the local government to
 170 determine the sufficiency of the application, and the notice
 171 must ~~shall~~ specify the additional information that is required.
 172 The applicant may ~~must~~ submit the additional information to the
 173 local government or request that the local government act
 174 without the additional information. When reviewing an
 175 application for a building permit, a local government may not

176 request additional information from the applicant more than two
177 times unless the applicant waives such limitation in writing.
178 The local government's second request for information must be
179 made within 10 business days after the local government receives
180 the additional information indicated in the first request. The
181 local government must determine the sufficiency of the
182 application within 10 business days after receiving the
183 additional information from a second request. If the local
184 government does not provide to the applicant timely written
185 notice that the applicant must submit additional information to
186 determine whether the application is sufficient, the application
187 is automatically deemed or determined to be sufficient.

188 2. Before a second request for additional information may
189 be made, the local government must offer the applicant an
190 opportunity to meet in person or virtually with the local
191 government to attempt to resolve outstanding issues.

192 3. If an applicant believes a request for additional
193 information is not authorized by ordinance, rule, statute, or
194 other legal authority, the local government, at the applicant's
195 written request, must process the application within 10 business
196 days after receipt of such request and approve the application,
197 approve the application with conditions, or deny the application
198 and provide the applicant with sufficient reason for such
199 denial. While the applicant responds to the request for
200 additional information, the 120-day period described in this

201 ~~subsection is tolled. Both parties may agree to a reasonable~~
 202 ~~request for an extension of time, particularly in the event of a~~
 203 ~~force majeure or other extraordinary circumstance. The local~~
 204 ~~government must approve, approve with conditions, or deny the~~
 205 ~~application within 120 days following receipt of a completed~~
 206 ~~application.~~

207 (e) A local government shall maintain on its website a
 208 policy containing procedures and expectations for expedited
 209 processing of those building permits and development orders
 210 required by law to be expedited.

211 ~~(b)1. When reviewing an application for a building permit,~~
 212 ~~a local government may not request additional information from~~
 213 ~~the applicant more than three times, unless the applicant waives~~
 214 ~~such limitation in writing.~~

215 ~~2. If a local government requests additional information~~
 216 ~~from an applicant and the applicant submits the requested~~
 217 ~~additional information to the local government within 30 days~~
 218 ~~after receiving the request, the local government must, within~~
 219 ~~15 days after receiving such information:~~

220 ~~a. Determine if the application is properly completed;~~

221 ~~b. Approve the application;~~

222 ~~e. Approve the application with conditions;~~

223 ~~d. Deny the application; or~~

224 ~~e. Advise the applicant of information, if any, that is~~
 225 ~~needed to deem the application properly completed or to~~

226 ~~determine the sufficiency of the application.~~

227 ~~3. If a local government makes a second request for~~
228 ~~additional information from the applicant and the applicant~~
229 ~~submits the requested additional information to the local~~
230 ~~government within 30 days after receiving the request, the local~~
231 ~~government must, within 10 days after receiving such~~
232 ~~information:~~

233 ~~a. Determine if the application is properly completed;~~

234 ~~b. Approve the application;~~

235 ~~c. Approve the application with conditions;~~

236 ~~d. Deny the application; or~~

237 ~~e. Advise the applicant of information, if any, that is~~
238 ~~needed to deem the application properly completed or to~~
239 ~~determine the sufficiency of the application.~~

240 ~~4. Before a third request for additional information may~~
241 ~~be made, the applicant must be offered an opportunity to meet~~
242 ~~with the local government to attempt to resolve outstanding~~
243 ~~issues. If a local government makes a third request for~~
244 ~~additional information from the applicant and the applicant~~
245 ~~submits the requested additional information to the local~~
246 ~~government within 30 days after receiving the request, the local~~
247 ~~government must, within 10 days after receiving such information~~
248 ~~unless the applicant waived the local government's limitation in~~
249 ~~writing, determine that the application is complete and:~~

250 ~~a. Approve the application;~~

251 ~~b. Approve the application with conditions; or~~

252 ~~e. Deny the application.~~

253 ~~5. If the applicant believes the request for additional~~
254 ~~information is not authorized by ordinance, rule, statute, or~~
255 ~~other legal authority, the local government, at the applicant's~~
256 ~~request, must process the application and either approve the~~
257 ~~application, approve the application with conditions, or deny~~
258 ~~the application.~~

259 (f)~~(e)~~ If a local government fails to meet a deadline
260 under this subsection provided in paragraphs (a) and (b), it
261 must reduce the building permit fee by 10 percent for each
262 business day that it fails to meet the deadline, unless the
263 parties agree in writing to a reasonable extension of time, the
264 delay is caused by the applicant, or the delay is attributable
265 to a force majeure or other extraordinary circumstances. Each
266 10-percent reduction shall be based on the original amount of
267 the building permit fee, unless the parties agree to an
268 extension of time.

269 (2)~~(a)~~ The procedures set forth in subsection (1) apply to
270 the following building permit applications: accessory structure;
271 alarm permit; nonresidential buildings less than 25,000 square
272 feet; electric; irrigation permit; landscaping; mechanical;
273 plumbing; residential units including a single-family
274 residential ~~other than a single family unit~~ or a single-family
275 residential dwelling; multifamily residential not exceeding 50

276 units; roofing; signs; site-plan approvals and subdivision plats
277 not requiring public hearings or public notice; and lot grading
278 and site alteration associated with the permit application set
279 forth in this subsection. The procedures set forth in subsection
280 (1) do not apply to permits for any wireless communications
281 facilities ~~or when a law, agency rule, or local ordinance~~
282 ~~specify different timeframes for review of local building permit~~
283 ~~applications.~~

284 ~~(b) If A local government has different timeframes than~~
285 ~~the timeframes set forth in subsection (1) for reviewing~~
286 ~~building permit applications described in paragraph (a), the~~
287 ~~local government must meet the deadlines established by local~~
288 ~~ordinance. If a local government does not meet an established~~
289 ~~deadline to approve, approve with conditions, or deny an~~
290 ~~application, it must reduce the building permit fee by 10~~
291 ~~percent for each business day that it fails to meet the~~
292 ~~deadline. Each 10-percent reduction shall be based on the~~
293 ~~original amount of the building permit fee, unless the parties~~
294 ~~agree to an extension of time. This paragraph does not apply to~~
295 ~~permits for any wireless communications facilities.~~

296 Section 4. Paragraph (a) of subsection (7) of section
297 553.80, Florida Statutes, is amended to read:

298 553.80 Enforcement.—

299 (7) (a) The governing bodies of local governments may
300 provide a schedule of reasonable fees, as authorized by s.

301 125.56(2) or s. 166.222 and this section, for enforcing this
302 part. These fees, and any fines or investment earnings related
303 to the fees, may only ~~shall~~ be used ~~solely~~ for carrying out the
304 local government's responsibilities in enforcing the Florida
305 Building Code, including upgrading technology hardware and
306 software systems that are used in enforcement. When providing a
307 schedule of reasonable fees, the total estimated annual revenue
308 derived from fees, and the fines and investment earnings related
309 to the fees, may not exceed the total estimated annual costs of
310 allowable activities. Any unexpended balances must be carried
311 forward to future years for allowable activities or must be
312 refunded at the discretion of the local government. A local
313 government may not carry forward an amount exceeding the average
314 of its operating budget for enforcing the Florida Building Code
315 for the previous 4 fiscal years. For purposes of this
316 subsection, the term "operating budget" does not include reserve
317 amounts. Any amount exceeding this limit must be used as
318 authorized in subparagraph 2. However, a local government that
319 established, as of January 1, 2019, a Building Inspections Fund
320 Advisory Board consisting of five members from the construction
321 stakeholder community and carries an unexpended balance in
322 excess of the average of its operating budget for the previous 4
323 fiscal years may continue to carry such excess funds forward
324 upon the recommendation of the advisory board. The basis for a
325 fee structure for allowable activities must relate to the level

326 of service provided by the local government and must include
 327 consideration for refunding fees due to reduced services based
 328 on services provided as prescribed by s. 553.791, but not
 329 provided by the local government. Fees charged must be
 330 consistently applied.

331 1. As used in this subsection, the phrase "enforcing the
 332 Florida Building Code" includes the direct costs and reasonable
 333 indirect costs associated with review of building plans,
 334 building inspections, reinspections, and building permit
 335 processing; building code enforcement; and fire inspections
 336 associated with new construction. The phrase may also include
 337 training costs associated with the enforcement of the Florida
 338 Building Code and enforcement action pertaining to unlicensed
 339 contractor activity to the extent not funded by other user fees.

340 2. A local government must use any excess funds that it is
 341 prohibited from carrying forward to rebate and reduce fees, or
 342 to pay for the construction of a building or structure that
 343 houses a local government's building code enforcement agency or
 344 the training programs for building officials, inspectors, or
 345 plans examiners associated with the enforcement of the Florida
 346 Building Code. Excess funds used to construct such a building or
 347 structure must be designated for such purpose by the local
 348 government and may not be carried forward for more than 4
 349 consecutive years. An owner or builder who has a valid building
 350 permit issued by a local government for a fee, or an association

351 of owners or builders located in the state that has members with
352 valid building permits issued by a local government for a fee,
353 may bring a civil action against the local government that
354 issued the permit for a fee to enforce this subparagraph.

355 3. The following activities may not be funded with fees
356 adopted for enforcing the Florida Building Code:

357 a. Planning and zoning or other general government
358 activities.

359 b. Inspections of public buildings for a reduced fee or no
360 fee.

361 c. Public information requests, community functions,
362 boards, and any program not directly related to enforcement of
363 the Florida Building Code.

364 d. Enforcement and implementation of any other local
365 ordinance, excluding validly adopted local amendments to the
366 Florida Building Code and excluding any local ordinance directly
367 related to enforcing the Florida Building Code as defined in
368 subparagraph 1.

369 4. A local government must use recognized management,
370 accounting, and oversight practices to ensure that fees, fines,
371 and investment earnings generated under this subsection are
372 maintained and allocated or used solely for the purposes
373 described in subparagraph 1.

374 5. The local enforcement agency, independent district, or
375 special district may not require at any time, including at the

376 | time of application for a permit, the payment of any additional
 377 | fees, charges, or expenses associated with:

- 378 | a. Providing proof of licensure under chapter 489;
- 379 | b. Recording or filing a license issued under this
 380 | chapter;
- 381 | c. Providing, recording, or filing evidence of workers'
 382 | compensation insurance coverage as required by chapter 440; or
- 383 | d. Charging surcharges or other similar fees not directly
 384 | related to enforcing the Florida Building Code.

385 | Section 5. Section 440.103, Florida Statutes, is amended
 386 | to read:

387 | 440.103 Building permits; identification of minimum
 388 | premium policy.—Every employer shall, as a condition to applying
 389 | for and receiving a building permit, show proof and certify to
 390 | the permit issuer that it has secured compensation for its
 391 | employees under this chapter as provided in ss. 440.10 and
 392 | 440.38. Such proof of compensation must be evidenced by a
 393 | certificate of coverage issued by the carrier, a valid exemption
 394 | certificate approved by the department, or a copy of the
 395 | employer's authority to self-insure and shall be presented,
 396 | electronically or physically, each time the employer applies for
 397 | a building permit. As provided in s. 553.79(23) ~~s. 553.79(24)~~,
 398 | for the purpose of inspection and record retention, site plans
 399 | or building permits may be maintained at the worksite in the
 400 | original form or in the form of an electronic copy. These plans

401 and permits must be open to inspection by the building official
402 or a duly authorized representative, as required by the Florida
403 Building Code. As provided in s. 627.413(5), each certificate of
404 coverage must show, on its face, whether or not coverage is
405 secured under the minimum premium provisions of rules adopted by
406 rating organizations licensed pursuant to s. 627.221. The words
407 "minimum premium policy" or equivalent language shall be typed,
408 printed, stamped, or legibly handwritten.

409 Section 6. This act shall take effect January 1, 2025.