



26 section 553.791, Florida Statutes, are redesignated as  
27 paragraphs (p) through (s), respectively, subsections (2), (5),  
28 and (7) are amended, and a new paragraph (o) is added to  
29 subsection (1) of that section, to read:

30 553.791 Alternative plans review and inspection.—

31 (1) As used in this section, the term:

32 (o) "Private provider firm" means a business organization,  
33 including a corporation, partnership, business trust, or other  
34 legal entity, that offers services under this chapter to the  
35 public through licensees who are acting as agents, employees,  
36 officers, or partners of the firm. A person who is licensed as a  
37 building code administrator under part XII of chapter 468, as an  
38 engineer under chapter 471, or as an architect under chapter  
39 481, may act as a private provider as an agent, employee, or  
40 officer of the private provider firm.

41 (2) (a) Notwithstanding any other law or local government  
42 ordinance or local policy, the fee owner of a building or  
43 structure, or the fee owner's contractor upon written  
44 authorization from the fee owner, may choose to use a private  
45 provider to provide building code inspection services with  
46 regard to such building or structure and may make payment  
47 directly to the private provider for the provision of such  
48 services. All such services shall be the subject of a written  
49 contract between the private provider, or the private provider's  
50 firm, and the fee owner or the fee owner's contractor, upon

51 written authorization of the fee owner. A private provider firm  
52 that uses licensed architects and engineers as private providers  
53 acting as agents, employees, or officers of the firm must  
54 qualify as a business organization under s. 471.023 or s.  
55 481.219. The fee owner may elect to use a private provider to  
56 provide plans review or required building inspections, or both.  
57 However, if the fee owner or the fee owner's contractor uses a  
58 private provider to provide plans review, the local building  
59 official, in his or her discretion and pursuant to duly adopted  
60 policies of the local enforcement agency, may require the fee  
61 owner or the fee owner's contractor to use a private provider to  
62 also provide required building inspections.

63 (b)1. If a fee ~~an~~ owner or the fee owner's contractor  
64 retains a private provider for purposes of plans review or  
65 building inspection services, the local jurisdiction must reduce  
66 the permit fee by the amount of cost savings realized by the  
67 local enforcement agency for not having to perform such  
68 services. Such reduction may be calculated on a flat fee or  
69 percentage basis, or any other reasonable means by which a local  
70 enforcement agency assesses the cost for its plans review or  
71 inspection services. If the local jurisdiction does not reduce  
72 the permit fee as required under this subparagraph, a fee owner  
73 or the fee owner's contractor may file a complaint with the  
74 Department of Commerce against the local jurisdiction for such  
75 failure. If the Department of Commerce finds that a violation

76 occurred, the local jurisdiction must immediately refund to the  
77 fee owner or the fee owner's contractor all fees paid to the  
78 local jurisdiction, and the Department of Commerce shall assess  
79 a fine equal to the amount charged to the fee owner or the fee  
80 owner's contractor on the local jurisdiction to be deposited  
81 into the Florida Homeowners Construction Recovery Fund created  
82 under s. 489.140.

83 2. The local jurisdiction may not charge fees for building  
84 inspections if the fee owner or contractor hires a private  
85 provider to perform such services; however, the local  
86 jurisdiction may charge a reasonable administrative fee, which  
87 shall be based on the cost that is actually incurred, including  
88 the labor cost of the personnel providing the service, by the  
89 local jurisdiction or attributable to the local jurisdiction for  
90 the clerical and supervisory assistance required, or both.

91 (c)1. If a fee an owner or the fee owner's a contractor  
92 retains a private provider for purposes of plans review or  
93 building inspection services, the local jurisdiction must  
94 provide equal access to all permitting and inspection documents  
95 and reports to the private provider, owner, and contractor if  
96 such access is provided by software that protects exempt records  
97 from disclosure.

98 2. If a fee owner or the fee owner's contractor retains a  
99 private provider for purposes of plans review or building  
100 inspection services, the local enforcement agency, local

101 building official, or local jurisdiction may not conduct its own  
102 plans review for the project.

103 (5) After construction has commenced and if the local  
104 building official is unable to provide inspection services in a  
105 timely manner, the fee owner or the fee owner's contractor may  
106 elect to use a private provider to provide inspection services  
107 by notifying the local building official of the owner's or  
108 contractor's intention to do so by 2 p.m. local time, 2 business  
109 days before the next scheduled inspection using the notice  
110 provided for in paragraphs (4) (a) - (c). If the local building  
111 official is notified by the fee owner or the fee owner's  
112 contractor that a private provider is being used for inspection  
113 services, the local building official and the local enforcement  
114 agency may not send an inspector to the building or structure to  
115 conduct an inspection and may not charge the owner or contractor  
116 a fee for inspection services.

117 (7) (a) If the private provider is a person licensed as an  
118 engineer under chapter 471 or as an architect under chapter 481  
119 and affixes his or her industry seal to the affidavit required  
120 under subsection (6), the local building official must issue the  
121 requested permit or provide a written notice to the permit  
122 applicant identifying the specific plan features that do not  
123 comply with the applicable codes, as well as the specific code  
124 chapters and sections, within 12 business days after receipt of  
125 the permit application and affidavit. The local building

126 official must provide with specificity the plan's deficiencies,  
127 the reasons the permit application failed, and the applicable  
128 codes being violated in such written notice. If the local  
129 building official does not provide specific written notice to  
130 the permit applicant within the prescribed 12-day period, the  
131 permit application is deemed approved as a matter of law, and  
132 the permit must be issued by the local building official on the  
133 next business day.

134 (b) If the private provider is a person licensed as a  
135 building code administrator under part XII of chapter 468, as an  
136 engineer under chapter 471, or as an architect under chapter 481  
137 and the private provider does not affix his or her industry seal  
138 to the affidavit required under subsection (6), ~~No more than 20~~  
139 ~~business days after receipt of a permit application and the~~  
140 ~~affidavit from the private provider required pursuant to~~  
141 ~~subsection (6),~~ the local building official must ~~shall~~ issue the  
142 requested permit or provide a written notice to the permit  
143 applicant identifying the specific plan features that do not  
144 comply with the applicable codes, as well as the specific code  
145 chapters and sections, within 20 business days after receipt of  
146 the permit application and affidavit. If the local building  
147 official does not provide a written notice of the plan  
148 deficiencies within the prescribed 20-day period, the permit  
149 application is ~~shall be~~ deemed approved as a matter of law, and  
150 the permit must ~~shall~~ be issued by the local building official

HB 579

2024

151 on the next business day.

152 (c)~~(b)~~ If the local building official provides a written  
153 notice of plan deficiencies to the permit applicant within the  
154 time period prescribed in paragraphs (a) and (b) ~~20-day period~~,  
155 the time ~~20-day~~ period is ~~shall be~~ tolled pending resolution of  
156 the matter. To resolve the plan deficiencies, the permit  
157 applicant may elect to dispute the deficiencies pursuant to  
158 subsection (14) or to submit revisions to correct the  
159 deficiencies.

160 (d)~~(e)~~ If the permit applicant submits revisions, the  
161 local building official has the remainder of the tolled time ~~20-~~  
162 ~~day~~ period plus 5 business days after ~~from~~ the date of  
163 resubmittal to issue the requested permit or to provide a second  
164 written notice to the permit applicant stating which of the  
165 previously identified plan features remain in noncompliance with  
166 the applicable codes, with specific reference to the relevant  
167 code chapters and sections. Any subsequent review by the local  
168 building official is limited to the deficiencies cited in the  
169 written notice. If the local building official does not provide  
170 the second written notice within the prescribed time period, the  
171 permit is ~~shall be~~ deemed approved as a matter of law, and the  
172 local building official must issue the permit on the next  
173 business day.

174 (e)~~(d)~~ If the local building official provides a second  
175 written notice of plan deficiencies to the permit applicant

HB 579

2024

176 | within the prescribed time period, the permit applicant may  
177 | elect to dispute the deficiencies pursuant to subsection (14) or  
178 | to submit additional revisions to correct the deficiencies. For  
179 | all revisions submitted after the first revision, the local  
180 | building official has an additional 5 business days after ~~from~~  
181 | the date of resubmittal to issue the requested permit or to  
182 | provide a written notice to the permit applicant stating which  
183 | of the previously identified plan features remain in  
184 | noncompliance with the applicable codes, with specific reference  
185 | to the relevant code chapters and sections.

186 |       Section 2. This act shall take effect July 1, 2024.