

By the Committees on Rules; Fiscal Policy; and Community Affairs; and Senator DiCeglie

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1 A bill to be entitled
2 An act relating to residential building permits;
3 amending s. 553.73, F.S.; requiring the Florida
4 Building Commission to modify a specific provision of
5 the Florida Building Code to state that sealed
6 drawings by a design professional are not required for
7 replacement and installation of certain construction;
8 requiring replacement windows, doors, and garage doors
9 to be installed in accordance with the manufacturer's
10 instructions for appropriate wind zones and to meet
11 certain design pressures of the Florida Building Code;
12 requiring the manufacturer's instructions to be
13 submitted with the permit application for such
14 replacements; amending s. 553.79, F.S.; removing
15 provisions relating to acquiring building permits for
16 certain residential dwellings; amending s. 553.791,
17 F.S.; defining the term "private provider firm";
18 requiring a fee owner or the fee owner's contractor to
19 annually provide the local building official with
20 specified information and a specified acknowledgment;
21 requiring the local building official to issue a
22 permit or provide written notice to the applicant with
23 certain information if the private provider is a
24 licensed engineer or architect who affixes his or her
25 professional seal to the affidavit; providing that the
26 permit application is deemed approved, and must be
27 issued on the next business day, if the local building
28 official does not meet the prescribed deadline;
29 prohibiting a local building code enforcement agency

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30 from auditing the performance of building code
31 inspection services by private providers until the
32 agency has created a manual for standard operating
33 audit procedures for the agency's internal inspection
34 and review staff; providing requirements for the
35 manual; requiring that the manual be made publicly
36 available; requiring the agency to make publicly
37 available its audits for the two prior fiscal
38 quarters; revising the number of times a private
39 provider may be audited within a specified timeframe;
40 requiring the agency to notify, in writing, the
41 private provider or private provider firm of any
42 additional audits; conforming provisions to changes
43 made by the act; making technical changes; amending s.
44 553.792, F.S.; revising the timeframes for approving,
45 approving with conditions, or denying certain building
46 permits; prohibiting the local government from
47 requiring a waiver of such timeframes as a condition
48 precedent to reviewing an applicant's building permit
49 application; requiring the local government to follow
50 the prescribed timeframes unless those set by local
51 ordinance are more stringent; requiring a local
52 government to provide written notice to an applicant
53 under certain circumstances; requiring a local
54 government to reduce permit fees by a certain
55 percentage if certain deadlines are not met; providing
56 exceptions; specifying requirements for the written
57 notice to the permit applicant; specifying a timeframe
58 for the applicant to correct the application;

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59 specifying a timeframe for the local government and
60 local enforcement agency to approve or deny certain
61 building permits following revision; requiring a
62 reduction in the building permit fee if the approval
63 deadline is not met; providing an exception; amending
64 s. 553.80, F.S.; authorizing local governments to use
65 certain fees for certain technology upgrades; making
66 technical changes; amending s. 440.103, F.S.;

67 conforming a cross-reference; providing an effective
68 date.

69
70 Be It Enacted by the Legislature of the State of Florida:

71
72 Section 1. Paragraph (g) is added to subsection (7) of
73 section 553.73, Florida Statutes, to read:

74 553.73 Florida Building Code.—

75 (7)

76 (g) The Florida Building Commission shall modify section
77 505 of the Florida Building Code, 8th edition (2023) Existing
78 Building, to state that sealed drawings by a design professional
79 may not be required for the replacement of windows, doors, or
80 garage doors. Replacement windows, doors, and garage doors must
81 be installed in accordance with the manufacturer's instructions
82 for the appropriate wind zone and must meet the design pressure
83 and the current Florida Building Code. The manufacturer's
84 instructions must be submitted with the permit application for
85 replacement windows, doors, and garage doors. The manufacturer's
86 installation instructions may be printed or in digital format.

87 Section 2. Subsection (16) of section 553.79, Florida

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88 Statutes, is amended to read:

89 553.79 Permits; applications; issuance; inspections.—

90 ~~(16) Except as provided in paragraph (e), a building permit~~
91 ~~for a single-family residential dwelling must be issued within~~
92 ~~30 business days after receiving the permit application unless~~
93 ~~the permit application fails to satisfy the Florida Building~~
94 ~~Code or the enforcing agency's laws or ordinances.~~

95 ~~(a) If a local enforcement agency fails to issue a building~~
96 ~~permit for a single-family residential dwelling within 30~~
97 ~~business days after receiving the permit application, it must~~
98 ~~reduce the building permit fee by 10 percent for each business~~
99 ~~day that it fails to meet the deadline. Each 10-percent~~
100 ~~reduction shall be based on the original amount of the building~~
101 ~~permit fee.~~

102 ~~(b) A local enforcement agency does not have to reduce the~~
103 ~~building permit fee if it provides written notice to the~~
104 ~~applicant, by e-mail or United States Postal Service, within 30~~
105 ~~business days after receiving the permit application, that~~
106 ~~specifically states the reasons the permit application fails to~~
107 ~~satisfy the Florida Building Code or the enforcing agency's laws~~
108 ~~or ordinances. The written notice must also state that the~~
109 ~~applicant has 10 business days after receiving the written~~
110 ~~notice to submit revisions to correct the permit application and~~
111 ~~that failure to correct the application within 10 business days~~
112 ~~will result in a denial of the application.~~

113 ~~(c) The applicant has 10 business days after receiving the~~
114 ~~written notice to address the reasons specified by the local~~
115 ~~enforcement agency and submit revisions to correct the permit~~
116 ~~application. If the applicant submits revisions within 10~~

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117 ~~business days after receiving the written notice, the local~~
118 ~~enforcement agency has 10 business days after receiving such~~
119 ~~revisions to approve or deny the building permit unless the~~
120 ~~applicant agrees to a longer period in writing. If the local~~
121 ~~enforcement agency fails to issue or deny the building permit~~
122 ~~within 10 business days after receiving the revisions, it must~~
123 ~~reduce the building permit fee by 20 percent for the first~~
124 ~~business day that it fails to meet the deadline unless the~~
125 ~~applicant agrees to a longer period in writing. For each~~
126 ~~additional business day, but not to exceed 5 business days, that~~
127 ~~the local enforcement agency fails to meet the deadline, the~~
128 ~~building permit fee must be reduced by an additional 10 percent.~~
129 ~~Each reduction shall be based on the original amount of the~~
130 ~~building permit fee.~~

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

135 ~~(e) A building permit for a single-family residential~~
136 ~~dwelling applied for by a contractor licensed in this state on~~
137 ~~behalf of a property owner who participates in a Community~~
138 ~~Development Block Grant-Disaster Recovery program administered~~
139 ~~by the Department of Economic Opportunity must be issued within~~
140 ~~15 working days after receipt of the application unless the~~
141 ~~permit application fails to satisfy the Florida Building Code or~~
142 ~~the enforcing agency's laws or ordinances.~~

143 Section 3. Present paragraphs (o) through (r) of subsection
144 (1) and present subsections (10) through (21) of section
145 553.791, Florida Statutes, are redesignated as paragraphs (p)

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146 through (s) and subsections (11) through (22), respectively, a
147 new paragraph (o) is added to subsection (1) and a new
148 subsection (10) is added to that section, and present paragraph
149 (o) of subsection (1), paragraph (c) of subsection (4),
150 paragraphs (b) and (d) of subsection (7), paragraph (b) of
151 present subsection (13), paragraph (b) of present subsection
152 (16), and present subsection (19) of that section are amended,
153 to read:

154 553.791 Alternative plans review and inspection.-

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

156 (o) "Private provider firm" means a business organization,
157 including a corporation, partnership, business trust, or other
158 legal entity, which offers services under this chapter to the
159 public through licensees who are acting as agents, employees,
160 officers, or partners of the firm. A person who is licensed as a
161 building code administrator under part XII of chapter 468, as an
162 engineer under chapter 471, or as an architect under chapter 481
163 may act as a private provider for an agent, employee, or officer
164 of the private provider firm.

165 (p) ~~(o)~~ "Request for certificate of occupancy or certificate
166 of completion" means a properly completed and executed
167 application for:

- 168 1. A certificate of occupancy or certificate of completion.
- 169 2. A certificate of compliance from the private provider
170 required under subsection (13) ~~(12)~~.
- 171 3. Any applicable fees.
- 172 4. Any documents required by the local building official to
173 determine that the fee owner has secured all other government
174 approvals required by law.

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175 (4) A fee owner or the fee owner's contractor using a
176 private provider to provide building code inspection services
177 shall notify the local building official in writing at the time
178 of permit application, or by 2 p.m. local time, 2 business days
179 before the first scheduled inspection by the local building
180 official or building code enforcement agency that a private
181 provider has been contracted to perform the required inspections
182 of construction under this section, including single-trade
183 inspections, on a form to be adopted by the commission. This
184 notice shall include the following information:

185 (c) An acknowledgment from the fee owner or the fee owner's
186 contractor in substantially the following form:

187
188 I have elected to use one or more private providers to
189 provide building code plans review and/or inspection
190 services on the building or structure that is the
191 subject of the enclosed permit application, as
192 authorized by s. 553.791, Florida Statutes. I
193 understand that the local building official may not
194 review the plans submitted or perform the required
195 building inspections to determine compliance with the
196 applicable codes, except to the extent specified in
197 said law. Instead, plans review and/or required
198 building inspections will be performed by licensed or
199 certified personnel identified in the application. The
200 law requires minimum insurance requirements for such
201 personnel, but I understand that I may require more
202 insurance to protect my interests. By executing this
203 form, I acknowledge that I have made inquiry regarding

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204 the competence of the licensed or certified personnel
205 and the level of their insurance and am satisfied that
206 my interests are adequately protected. I agree to
207 indemnify, defend, and hold harmless the local
208 government, the local building official, and their
209 building code enforcement personnel from any and all
210 claims arising from my use of these licensed or
211 certified personnel to perform building code
212 inspection services with respect to the building or
213 structure that is the subject of the enclosed permit
214 application.

215
216 If the fee owner or the fee owner's contractor makes any changes
217 to the listed private providers or the services to be provided
218 by those private providers, the fee owner or the fee owner's
219 contractor shall, within 1 business day after any change or
220 within 2 business days before the next scheduled inspection,
221 update the notice to reflect such changes. A change of a duly
222 authorized representative named in the permit application does
223 not require a revision of the permit, and the building code
224 enforcement agency shall not charge a fee for making the change.

225 (7)

226 (b) If the local building official provides a written
227 notice of plan deficiencies to the permit applicant within the
228 prescribed 20-day period, the 20-day period shall be tolled
229 pending resolution of the matter. To resolve the plan
230 deficiencies, the permit applicant may elect to dispute the
231 deficiencies pursuant to subsection (15) ~~(14)~~ or to submit
232 revisions to correct the deficiencies.

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233 (d) If the local building official provides a second
234 written notice of plan deficiencies to the permit applicant
235 within the prescribed time period, the permit applicant may
236 elect to dispute the deficiencies pursuant to subsection (15)
237 ~~(14)~~ or to submit additional revisions to correct the
238 deficiencies. For all revisions submitted after the first
239 revision, the local building official has an additional 5
240 business days from the date of resubmittal to issue the
241 requested permit or to provide a written notice to the permit
242 applicant stating which of the previously identified plan
243 features remain in noncompliance with the applicable codes, with
244 specific reference to the relevant code chapters and sections.

245 (10) When the private provider is a person licensed as an
246 engineer under chapter 471 or as an architect under chapter 481
247 and affixes his or her professional seal to the affidavit
248 required under subsection (6), the local building official must
249 issue the requested permit or provide a written notice to the
250 permit applicant identifying the specific plan features that do
251 not comply with the applicable codes, as well as the specific
252 code chapters and sections, within 12 business days after
253 receipt of the permit application and affidavit. In such written
254 notice, the local building official shall provide with
255 specificity the plan's deficiencies, the reasons the permit
256 application failed, and the applicable codes being violated. If
257 the local building official does not provide specific written
258 notice to the permit applicant within the prescribed 12-day
259 period, the permit application is deemed approved as a matter of
260 law, and the permit must be issued by the local building
261 official on the next business day.

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262 (14)~~(13)~~

263 (b) If the local building official does not provide notice
264 of the deficiencies within the applicable time periods under
265 paragraph (a), the request for a certificate of occupancy or
266 certificate of completion is automatically granted and deemed
267 issued as of the next business day. The local building official
268 must provide the applicant with the written certificate of
269 occupancy or certificate of completion within 10 days after it
270 is automatically granted and issued. To resolve any identified
271 deficiencies, the applicant may elect to dispute the
272 deficiencies pursuant to subsection (15) ~~(14)~~ or to submit a
273 corrected request for a certificate of occupancy or certificate
274 of completion.

275 (17)~~(16)~~

276 (b) A local enforcement agency, local building official, or
277 local government may establish, for private provider firms,
278 private providers, and duly authorized representatives working
279 within that jurisdiction, a system of registration to verify
280 compliance with the licensure requirements of paragraph (1)(n)
281 and the insurance requirements of subsection (18) ~~(17)~~.

282 (20)~~(19)~~ A ~~Each~~ local building code enforcement agency may
283 not audit the performance of building code inspection services
284 by private providers operating within the local jurisdiction
285 until the agency has created a manual for standard operating
286 audit procedures for the agency's internal inspection and review
287 staff which includes, at a minimum, the audit purpose and scope,
288 audit criteria, an explanation of audit processes and
289 objectives, and detailed findings of areas of noncompliance. The
290 manual must be publicly available online or the printed manual

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291 must be readily accessible in building department offices, and
292 the audit results of the staff for the prior two quarters must
293 be publicly available. The agency's private provider audit
294 processes must adhere to the agency's posted standard operating
295 audit procedures. However, The same private provider may not be
296 audited more than four times in a year ~~month~~ unless the local
297 building official determines a condition of a building
298 constitutes an immediate threat to public safety and welfare,
299 which must be communicated in writing to the private provider or
300 private provider firm. Work on a building or structure may
301 proceed after inspection and approval by a private provider. ~~if~~
302 ~~the provider has given notice of the inspection pursuant to~~
303 ~~subsection (9) and, subsequent to such inspection and approval,~~
304 The work may ~~shall~~ not be delayed for completion of an
305 inspection audit by the local building code enforcement agency.

306 Section 4. Subsections (1) and (2) of section 553.792,
307 Florida Statutes, are amended to read:

308 553.792 Building permit application to local government.—

309 (1) (a) A local government shall approve, approve with
310 conditions, or deny a building permit application after receipt
311 of a completed and sufficient application within the following
312 timeframes, unless the applicant waives such timeframes in
313 writing:

314 1. Within 30 business days after receiving a complete and
315 sufficient application, for an applicant using a local
316 government plans reviewer to obtain the following building
317 permits for structures less than 7,500 square feet: residential
318 units including a single-family residential unit or a single-
319 family residential dwelling, accessory structure, alarm,

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320 electrical, irrigation, landscaping, mechanical, plumbing, or
321 roofing.

322 2. Within 60 business days after receiving a complete and
323 sufficient application, for an applicant using a local
324 government plans reviewer to obtain the following building
325 permits for structures of 7,500 square feet or greater:
326 residential units including a single-family residential unit or
327 a single-family residential dwelling, accessory structure,
328 alarm, electrical, irrigation, landscaping, mechanical,
329 plumbing, or roofing.

330 3. Within 60 business days after receiving a complete and
331 sufficient application, for an applicant using a local
332 government plans reviewer to obtain the following building
333 permits: signs or nonresidential buildings less than 25,000
334 square feet.

335 4. Within 120 business days after receiving a complete and
336 sufficient application, for an applicant using a local
337 government plans reviewer to obtain the following building
338 permits: multifamily residential not exceeding 50 units; site-
339 plan approvals and subdivision plats not requiring public
340 hearing or public notice; and lot grading and site alteration.

341 5. Within 15 business days after receiving a complete and
342 sufficient application, for an applicant using a master building
343 permit consistent with s. 553.794 to obtain a site-specific
344 building permit.

345 6. Within 10 business days after receiving a complete and
346 sufficient application, for an applicant for a single-family
347 residential dwelling applied for by a contractor licensed in
348 this state on behalf of a property owner who participates in a

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349 Community Development Block Grant-Disaster Recovery program
350 administered by the Department of Commerce, unless the permit
351 application fails to satisfy the Florida Building Code or the
352 enforcing agency's laws or ordinances.

353
354 However, the local government may not require the waiver as a
355 condition precedent to reviewing an applicant's building permit
356 application.

357 (b) A local government must meet the timeframes set forth
358 in this section for reviewing building permit applications
359 unless the timeframes set by local ordinance are more stringent
360 than those prescribed in this section.

361 (c) After ~~Within 10 days of~~ an applicant submits ~~submitting~~
362 an application to the local government, the local government
363 must provide written notice to the applicant within 5 business
364 days after receipt of the application advising ~~shall advise~~ the
365 applicant what information, if any, is needed to deem or
366 determine that the application is properly completed in
367 compliance with the filing requirements published by the local
368 government. If the local government does not provide timely
369 written notice that the applicant has not submitted the properly
370 completed application, the application is ~~shall be~~ automatically
371 deemed or determined to be properly completed and accepted.
372 ~~Within 45 days after receiving a completed application, a local~~
373 ~~government must notify an applicant if additional information is~~
374 ~~required for the local government to determine the sufficiency~~
375 ~~of the application, and shall specify the additional information~~
376 ~~that is required. The applicant must submit the additional~~
377 ~~information to the local government or request that the local~~

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378 ~~government act without the additional information. While the~~
379 ~~applicant responds to the request for additional information,~~
380 ~~the 120-day period described in this subsection is tolled. Both~~
381 ~~parties may agree to a reasonable request for an extension of~~
382 ~~time, particularly in the event of a force majeure or other~~
383 ~~extraordinary circumstance. The local government must approve,~~
384 ~~approve with conditions, or deny the application within 120 days~~
385 ~~following receipt of a completed application.~~

386 (d) A local government shall maintain on its website a
387 policy containing procedures and expectations for expedited
388 processing of those building permits and development orders
389 required by law to be expedited.

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

394 ~~2. If a local government requests additional information~~
395 ~~from an applicant and the applicant submits the requested~~
396 ~~additional information to the local government within 30 days~~
397 ~~after receiving the request, the local government must, within~~
398 ~~15 days after receiving such information:~~

399 ~~a. Determine if the application is properly completed;~~
400 ~~b. Approve the application;~~
401 ~~e. Approve the application with conditions;~~
402 ~~d. Deny the application; or~~
403 ~~e. Advise the applicant of information, if any, that is~~
404 ~~needed to deem the application properly completed or to~~
405 ~~determine the sufficiency of the application.~~

406 ~~3. If a local government makes a second request for~~

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407 ~~additional information from the applicant and the applicant~~
408 ~~submits the requested additional information to the local~~
409 ~~government within 30 days after receiving the request, the local~~
410 ~~government must, within 10 days after receiving such~~
411 ~~information:~~

- 412 ~~a. Determine if the application is properly completed;~~
- 413 ~~b. Approve the application;~~
- 414 ~~c. Approve the application with conditions;~~
- 415 ~~d. Deny the application; or~~
- 416 ~~e. Advise the applicant of information, if any, that is~~
417 ~~needed to deem the application properly completed or to~~
418 ~~determine the sufficiency of the application.~~

419 ~~4. Before a third request for additional information may be~~
420 ~~made, the applicant must be offered an opportunity to meet with~~
421 ~~the local government to attempt to resolve outstanding issues.~~
422 ~~If a local government makes a third request for additional~~
423 ~~information from the applicant and the applicant submits the~~
424 ~~requested additional information to the local government within~~
425 ~~30 days after receiving the request, the local government must,~~
426 ~~within 10 days after receiving such information unless the~~
427 ~~applicant waived the local government's limitation in writing,~~
428 ~~determine that the application is complete and:~~

- 429 ~~a. Approve the application;~~
- 430 ~~b. Approve the application with conditions; or~~
- 431 ~~c. Deny the application.~~

432 ~~5. If the applicant believes the request for additional~~
433 ~~information is not authorized by ordinance, rule, statute, or~~
434 ~~other legal authority, the local government, at the applicant's~~
435 ~~request, must process the application and either approve the~~

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436 application, ~~approve the application with conditions, or deny~~
437 ~~the application.~~

438 (e)~~(e)~~ If a local government fails to meet a deadline under
439 this subsection provided in paragraphs (a) and (b), it must
440 reduce the building permit fee by 10 percent for each business
441 day that it fails to meet the deadline, unless the parties agree
442 in writing to a reasonable extension of time, the delay is
443 caused by the applicant, or the delay is attributable to a force
444 majeure or other extraordinary circumstances. Each 10-percent
445 reduction shall be based on the original amount of the building
446 permit fee, unless the parties agree to an extension of time.

447 (f) A local enforcement agency does not have to reduce the
448 building permit fee if it provides written notice to the
449 applicant by e-mail or United States Postal Service within the
450 respective timeframes in paragraph (a) which specifically states
451 the reasons the permit application fails to satisfy the Florida
452 Building Code or the enforcing agency's laws or ordinances. The
453 written notice must also state that the applicant has 10
454 business days after receiving the written notice to submit
455 revisions to correct the permit application and that failure to
456 correct the application within 10 business days will result in a
457 denial of the application.

458 (g) If the applicant submits revisions within 10 business
459 days after receiving the written notice, the local enforcement
460 agency has 10 business days after receiving such revisions to
461 approve or deny the building permit unless the applicant agrees
462 to a longer period in writing. If the local enforcement agency
463 fails to issue or deny the building permit within 10 business
464 days after receiving the revisions, it must reduce the building

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465 permit fee by 20 percent for each business day that it fails to
466 meet the deadline unless the applicant agrees to a longer period
467 in writing.

468 ~~(2) (a) The procedures set forth in subsection (1) apply to~~
469 ~~the following building permit applications: accessory structure;~~
470 ~~alarm permit; nonresidential buildings less than 25,000 square~~
471 ~~feet; electric; irrigation permit; landscaping; mechanical;~~
472 ~~plumbing; residential units other than a single family unit;~~
473 ~~multifamily residential not exceeding 50 units; roofing; signs;~~
474 ~~site-plan approvals and subdivision plats not requiring public~~
475 ~~hearings or public notice; and lot grading and site alteration~~
476 ~~associated with the permit application set forth in this~~
477 ~~subsection. The procedures set forth in subsection (1) do not~~
478 ~~apply to permits for any wireless communications facilities or~~
479 ~~when a law, agency rule, or local ordinance specify different~~
480 ~~timeframes for review of local building permit applications.~~

481 ~~(b) If a local government has different timeframes than the~~
482 ~~timeframes set forth in subsection (1) for reviewing building~~
483 ~~permit applications described in paragraph (a), the local~~
484 ~~government must meet the deadlines established by local~~
485 ~~ordinance. If a local government does not meet an established~~
486 ~~deadline to approve, approve with conditions, or deny an~~
487 ~~application, it must reduce the building permit fee by 10~~
488 ~~percent for each business day that it fails to meet the~~
489 ~~deadline. Each 10-percent reduction shall be based on the~~
490 ~~original amount of the building permit fee, unless the parties~~
491 ~~agree to an extension of time. This paragraph does not apply to~~
492 ~~permits for any wireless communications facilities.~~

493 Section 5. Paragraph (a) of subsection (7) of section

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494 553.80, Florida Statutes, is amended to read:

495 553.80 Enforcement.—

496 (7) (a) The governing bodies of local governments may
497 provide a schedule of reasonable fees, as authorized by s.
498 125.56(2) or s. 166.222 and this section, for enforcing this
499 part. These fees, and any fines or investment earnings related
500 to the fees, may ~~shall~~ be used only ~~solely~~ for carrying out the
501 local government's responsibilities in enforcing the Florida
502 Building Code. When providing a schedule of reasonable fees, the
503 total estimated annual revenue derived from fees, and the fines
504 and investment earnings related to the fees, may not exceed the
505 total estimated annual costs of allowable activities. Any
506 unexpended balances must be carried forward to future years for
507 allowable activities or must be refunded at the discretion of
508 the local government. A local government may not carry forward
509 an amount exceeding the average of its operating budget for
510 enforcing the Florida Building Code for the previous 4 fiscal
511 years. For purposes of this subsection, the term "operating
512 budget" does not include reserve amounts. Any amount exceeding
513 this limit must be used as authorized in subparagraph 2.
514 However, a local government that established, as of January 1,
515 2019, a Building Inspections Fund Advisory Board consisting of
516 five members from the construction stakeholder community and
517 carries an unexpended balance in excess of the average of its
518 operating budget for the previous 4 fiscal years may continue to
519 carry such excess funds forward upon the recommendation of the
520 advisory board. The basis for a fee structure for allowable
521 activities must relate to the level of service provided by the
522 local government and must include consideration for refunding

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523 fees due to reduced services based on services provided as
524 prescribed by s. 553.791, but not provided by the local
525 government. Fees charged must be consistently applied.

526 1. As used in this subsection, the phrase "enforcing the
527 Florida Building Code" includes the direct costs and reasonable
528 indirect costs associated with review of building plans,
529 building inspections, reinspections, and building permit
530 processing; building code enforcement; and fire inspections
531 associated with new construction. The phrase may also include
532 training costs associated with the enforcement of the Florida
533 Building Code and enforcement action pertaining to unlicensed
534 contractor activity to the extent not funded by other user fees.

535 2. A local government must use any excess funds that it is
536 prohibited from carrying forward to rebate and reduce fees, to
537 upgrade hardware and software technology systems to enhance
538 service delivery, ~~or~~ to pay for the construction of a building
539 or structure that houses a local government's building code
540 enforcement agency, or for ~~the~~ training programs for building
541 officials, inspectors, or plans examiners associated with the
542 enforcement of the Florida Building Code. Excess funds used to
543 construct such a building or structure must be designated for
544 such purpose by the local government and may not be carried
545 forward for more than 4 consecutive years. An owner or builder
546 who has a valid building permit issued by a local government for
547 a fee, or an association of owners or builders located in the
548 state that has members with valid building permits issued by a
549 local government for a fee, may bring a civil action against the
550 local government that issued the permit for a fee to enforce
551 this subparagraph.

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

554 a. Planning and zoning or other general government
555 activities.

556 b. Inspections of public buildings for a reduced fee or no
557 fee.

558 c. Public information requests, community functions,
559 boards, and any program not directly related to enforcement of
560 the Florida Building Code.

561 d. Enforcement and implementation of any other local
562 ordinance, excluding validly adopted local amendments to the
563 Florida Building Code and excluding any local ordinance directly
564 related to enforcing the Florida Building Code as defined in
565 subparagraph 1.

566 4. A local government must use recognized management,
567 accounting, and oversight practices to ensure that fees, fines,
568 and investment earnings generated under this subsection are
569 maintained and allocated or used solely for the purposes
570 described in subparagraph 1.

571 5. The local enforcement agency, independent district, or
572 special district may not require at any time, including at the
573 time of application for a permit, the payment of any additional
574 fees, charges, or expenses associated with:

575 a. Providing proof of licensure under chapter 489;

576 b. Recording or filing a license issued under this chapter;

577 c. Providing, recording, or filing evidence of workers'
578 compensation insurance coverage as required by chapter 440; or

579 d. Charging surcharges or other similar fees not directly
580 related to enforcing the Florida Building Code.

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581 Section 6. Section 440.103, Florida Statutes, is amended to
582 read:

583 440.103 Building permits; identification of minimum premium
584 policy.—Every employer shall, as a condition to applying for and
585 receiving a building permit, show proof and certify to the
586 permit issuer that it has secured compensation for its employees
587 under this chapter as provided in ss. 440.10 and 440.38. Such
588 proof of compensation must be evidenced by a certificate of
589 coverage issued by the carrier, a valid exemption certificate
590 approved by the department, or a copy of the employer's
591 authority to self-insure and shall be presented, electronically
592 or physically, each time the employer applies for a building
593 permit. As provided in s. 553.79(23) ~~s. 553.79(24)~~, for the
594 purpose of inspection and record retention, site plans or
595 building permits may be maintained at the worksite in the
596 original form or in the form of an electronic copy. These plans
597 and permits must be open to inspection by the building official
598 or a duly authorized representative, as required by the Florida
599 Building Code. As provided in s. 627.413(5), each certificate of
600 coverage must show, on its face, whether or not coverage is
601 secured under the minimum premium provisions of rules adopted by
602 rating organizations licensed pursuant to s. 627.221. The words
603 "minimum premium policy" or equivalent language shall be typed,
604 printed, stamped, or legibly handwritten.

605 Section 7. This act shall take effect July 1, 2024.