

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Community Affairs

BILL: CS/SB 1128

INTRODUCER: Community Affairs Committee and Senator Ingoglia

SUBJECT: Building Permits for a Single-family Dwelling

DATE: March 12, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hackett	Fleming	CA	Fav/CS
2.			RI	
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1128 provides that an approved building permit for a single-family dwelling may not expire before the effective date of the next edition of the Florida Building Code.

The bill also provides that a permit application for the construction of a single-family dwelling in a jurisdiction for which a state of emergency was issued within the preceding 24 months which is signed and sealed with certain attestations by an architect or engineer that the plans comply with the Florida Building Code is deemed to be in compliance as a matter of law upon submission. Certain conditions attach to such an application including an accelerated timeline for approval.

The bill takes effect July 1, 2025.

II. Present Situation:

The Florida Building Code

In 1974, Florida adopted legislation requiring all local governments to adopt and enforce a minimum building code that would ensure that Florida's minimum standards were met. Local governments could choose from four separate model codes. The state's role was limited to

adopting all or relevant parts of new editions of the four model codes. Local governments could amend and enforce their local codes, as they desired.¹

In 1992, Hurricane Andrew demonstrated that Florida's system of local codes did not work. Hurricane Andrew easily destroyed those structures that were allegedly built according to the strongest code. The Governor eventually appointed a study commission to review the system of local codes and make recommendations for modernizing the system. The 1998 Legislature adopted the study's commission recommendations for a single state building code and enhanced the oversight role of the state over local code enforcement. The 2000 Legislature authorized implementation of the Florida Building Code (Building Code), and that first edition replaced all local codes on March 1, 2002.² The current edition of the Building Code is the seventh edition, which is referred to as the 2020 Florida Building Code.³

Chapter 553, part IV, F.S., is known as the "Florida Building Codes Act" (Act). The purpose and intent of the Act is to provide a mechanism for the uniform adoption, updating, interpretation, and enforcement of a single, unified state building code. The Building Code must be applied, administered, and enforced uniformly and consistently from jurisdiction to jurisdiction.⁴

The Florida Building Commission (Commission) was statutorily created to implement the Building Code. The Commission, which is housed within the Department of Business and Professional Regulation (DBPR), is a 19-member technical body made up of design professionals, contractors, and government experts in various disciplines covered by the Building Code. The Commission reviews several International Codes published by the International Code Council,⁵ the National Electric Code, and other nationally adopted model codes to determine if the Building Code needs to be updated and adopts an updated Building Code every three years.⁶

Enforcement of the Florida Building Code: Permits

It is the intent of the Legislature that local governments have the power to inspect all buildings, structures, and facilities within their jurisdictions in protection of the public's health, safety, and welfare.⁷ Authorized state and local government agencies enforce the Florida Building Code and issue building permits.⁸

A building permit is an official document or certificate issued by the local building official that authorizes performance of a specific activity. It is unlawful for a person, firm, or corporation to construct, erect, alter, repair, secure, or demolish any building without first obtaining a permit from the local enforcing agency upon the payment of reasonable fees as set forth in a schedule of

¹ The Florida Building Commission Report to the 2006 Legislature, *Florida Department of Community Affairs*, p. 4, http://www.floridabuilding.org/fbc/publications/2006_Legislature_Rpt_rev2.pdf (last visited Feb. 5, 2024).

² *Id.*

³ Florida Building Commission Homepage, <https://floridabuilding.org/c/default.aspx> (last visited Feb. 5, 2024).

⁴ *See* s. 553.72(1), F.S.

⁵ The International Code Council (ICC) is an association that develops model codes and standards used in the design, building, and compliance process to "construct safe, sustainable, affordable and resilient structures." International Code Council, *About the ICC*, <https://www.iccsafe.org/about/who-we-are/> (last visited Mar. 6, 2025).

⁶ Section 553.73(7)(a), F.S.

⁷ Section 553.72(2), F.S.

⁸ *See* ss. 125.01(1)(bb), 125.56(1), 553.72(3), and 553.80(1) F.S.

fees adopted by the enforcing agency.⁹ A local building department or enforcement agency must post each type of building permit application on its website.¹⁰ Each application must be inscribed with the date of application and the Florida Building Code in effect as of that date.¹¹ All permits must contain a disclosure stating that there may be other permitting requirements from other governmental entities beyond the local building department or enforcement agency.¹²

Building Permit Application Review

Current law requires local governments to review certain building permit applications within a specific time-period of receiving the applications. When a local government receives an application for one of the above building permits, it must inform the applicant within 5 days of receiving the application, what information, if any, is needed to complete the application, and approve, approve with conditions, or deny the application within the following timeframes:¹³

- Within **30 business days** after receiving a complete and sufficient application, for an applicant using a local government plans reviewer to obtain the following building permits for structures less than 7,500 square feet: residential units including a single-family residential unit or a single-family residential dwelling, accessory structure, alarm, electrical, irrigation, landscaping, mechanical, plumbing, or roofing.
- Within **60 business days** after receiving a complete and sufficient application, for an applicant using a local government plans reviewer to obtain the following building permits for structures of 7,500 square feet or greater: residential units including a single-family residential unit or a single-family residential dwelling, accessory structure, alarm, electrical, irrigation, landscaping, mechanical, plumbing, or roofing.
- Within **60 business days** after receiving a complete and sufficient application, for an applicant using a local government plans reviewer to obtain the following building permits: signs or nonresidential buildings less than 25,000 square feet.
- Within **120 business days** after receiving a complete and sufficient application, for an applicant using a local government plans reviewer to obtain the following building permits: multifamily residential not exceeding 50 units; site-plan approvals and subdivision plats not requiring public hearing or public notice; and lot grading and site alteration.
- Within **15 business days** after receiving a complete and sufficient application, for an applicant using a master building permit consistent with s. 553.794 to obtain a site-specific building permit.
- Within **10 business days** after receiving a complete and sufficient application, for an applicant for a single-family residential dwelling applied for by a contractor licensed in this state on behalf of a property owner who participates in a Community Development Block Grant-Disaster Recovery program administered by the Department of Commerce, unless the permit application fails to satisfy the Florida Building Code or the enforcing agency's laws or ordinances.

⁹ See ss. 125.56(4)(a) and 553.79(1), F.S. Other entities may, by resolution or regulation, be directed to issue permits.

¹⁰ Section 553.79(1)(b), F.S.

¹¹ Section 105.3, 2023 Florida Building Code.

¹² Section 553.79(10), F.S.

¹³ Section 553.792(1), F.S.

If a local government fails to meet the timeframes above without an agreement for an extension of time, a local government must reduce the building permit fee by 10 percent for each business day that a local government fails to meet the deadline.¹⁴

Permit Expiration

Section 105 of the Florida Building Code provides certain activity-related characterizations of building permits, although it does not explicitly define open permits. An application for a building permit is deemed *abandoned* 180 days after the filing of the permit application unless the application has been pursued in good faith or an extension has been granted by the local building department.¹⁵ In addition, a permit becomes *invalid* if no work starts within six months after issuance of the permit or if work on the project ceases for a period of six months after work has commenced on the project.¹⁶ A new permit is required if a permit is revoked after work has commenced, becomes *null and void*, or *expires* because of a lack of progress on the project.¹⁷ If a new permit is not obtained within 180 days from the date the permit becomes null and void, the local enforcement agency may require the removal of all work that has been performed on the project.¹⁸ Work shall be considered to be in *active progress* when the permit has received an approved inspection within 180 days.¹⁹

III. Effect of Proposed Changes:

Sections 1 and 2 amend ss. 125.56 and 553.79, F.S., to provide that a building permit processed and approved for a single-family dwelling may not expire before the effective date of the next edition of the Florida Building Code regardless of whether the permit has been issued to or accepted by the applicant. Expiration of building permits is currently not regulated by statute, but the Florida Building Code provides that a permit becomes invalid if no work starts within six months after issuance of the permit.

Section 3 amends s. 553.792, F.S., to provide that, as an alternative to the permit application review timeline, a permit application for the construction of a single-family dwelling in a jurisdiction for which a state of emergency was issued within the preceding 24 months which is signed and sealed with an attestation by an architect or engineer that the plans comply with the Florida Building Code is deemed to be in compliance with the building code as a matter of law upon application. The attestation under this subsection must include proof of the architect or engineer's good standing with their applicable regulatory bodies and proof of insurance for professional liability covering services performed.

The local government is required to issue a permit so approved within two business days. The bill holds local governments harmless and indemnified from claims arising from plans review deemed in compliance without review under the bill's mechanism.

¹⁴ Section 553.792(1)(c), F.S.

¹⁵ Section 105.3.2, 2023 Florida Building Code.

¹⁶ Section 105.4.1, 2023 Florida Building Code.

¹⁷ Section 105.4.1.1, 2023 Florida Building Code.

¹⁸ Section 105.4.1.2, 2023 Florida Building Code.

¹⁹ Section 105.4.1.3, 2023 Florida Building Code.

Section 4 provides that the bill takes effect on July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 125.56, 553.79, and 553.792.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Community Affairs on March 11, 2025:

The committee substitute:

- Clarifies that the prohibition on building permit expiration is regardless of their status once approved;
- Clarifies the automatic approval mechanism to provide that the application is deemed in compliance with the building code;
- Specifies certain attestations that must be contained in the application; and
- Indemnifies the local government for work they are prohibited from reviewing prior to approval.

- B. **Amendments:**

None.