

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: SB 1134

INTRODUCER: Senator Calatayud

SUBJECT: Alternative Plans Review and Inspections

DATE: March 14, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hackett	Fleming	CA	Pre-meeting
2.	_____	_____	RI	_____
3.	_____	_____	RC	_____

I. Summary:

SB 1134 allows private providers to perform “single-trade plans review,” an analogous concept to single-trade inspections provided for in current law, authorizing private provider plans review for single construction trades such as plumbing, mechanical, or electrical. Single-trade plans review can be conducted using an automated or software-based system and qualifies for expedited permit processing, from 20 days to five, for single-family and two-family dwellings.

The bill also expands the universe of valid trade work for which private providers can perform inspections, and now plans review, to include solar energy and energy storage installations or alterations, and specifically allows private providers to conduct single-trade inspections virtually.

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

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 Mar. 11, 2025).

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

Private Providers Alternative Plans Review and Inspection

In 2002, s. 553.791, F.S., was created to allow property owners and contractors to hire licensed building code officials, engineers, and architects, referred to as private providers, to review building plans, perform building inspections, and prepare certificates of completion.

"Private provider" means a person licensed as a building official, engineer, or as an architect. Licensed building inspectors and plans examiners may perform inspections for additions and alterations that are limited to 1,000 square feet or less in residential buildings.⁷

Private providers and their duly authorized representatives⁸ are able to approve building plans and perform building code inspections, including single-trade inspections, as long as the plans approval and building inspections are within the scope of the provider's or representative's license. "Single-trade inspection" is defined as:

"...any inspection focused on a single construction trade, such as plumbing, mechanical, or electrical. The term includes, but is not limited to, inspections of door or window replacements; fences and block walls more than 6 feet high from

² *Id.*

³ Florida Building Commission Homepage, <https://floridabuilding.org/c/default.aspx> (last visited Mar. 11, 2025).

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. 11, 2025).

⁶ Section 553.73(7)(a), F.S.

⁷ Section 553.791(1)(n) and (3), F.S.

⁸ "Duly authorized representative" means an employee of a private provider identified in a permit application who reviews plans or performs inspections, and is licensed as an engineer, architect, building official, inspector, or plans examiner. Section 553.791(1)(f), F.S.

the top of the wall to the bottom of the footing; stucco or plastering; reroofing with no structural alteration; HVAC replacements; ductwork or fan replacements; alteration or installation of wiring, lighting, and service panels; water heater changeouts; sink replacements; and repiping.”⁹

A local government may establish, for private providers and duly authorized representatives working within the local government’s jurisdiction, a system of registration to verify compliance with the license and insurance requirements for private providers.¹⁰

If an owner or contractor opts to use a private provider for purposes of plans review or building inspection services, the local government must calculate the cost savings to its building department and reduce the building permit fees accordingly.¹¹ Additionally, a local government may not charge a fee for building inspections when an owner or contractor uses a private provider but may charge a reasonable administrative fee for the clerical and supervisory assistance required.¹²

Current law specifies a process for an owner or contractor to notify the local government that a private provider has been contracted to perform building code inspection services, including single-trade inspections. Such notice must be provided in writing at the time of permit application, or by 2 p.m., two business days before the first scheduled inspection by the local building official.¹³

After construction has commenced, and if the local building official is unable to provide inspection services in a timely manner, the owner or contractor may elect to use a private provider to provide inspection services by notifying the local building official by 2 p.m., two days before the next schedule inspection.¹⁴

A private provider performing required inspections must inspect each phase of construction as required by the applicable codes, and such inspection may be performed in-person or virtually.¹⁵

For plans review, a private provider must review the plans¹⁶ to determine compliance with the applicable codes¹⁷ and prepare an affidavit¹⁸ certifying, under oath, that the plans are in compliance and the private provider is duly authorized to perform plans review.¹⁹

⁹ Section 553.791(1)(q), F.S.

¹⁰ Section 553.791(16)(b), F.S.

¹¹ “Such reduction may be calculated on a flat fee or percentage basis, or any other reasonable means by which a local enforcement agency assesses the cost for its plans review or inspection services.” Section 553.791(2)(b), F.S.

¹² Section 553.791(2)(b), F.S.

¹³ Section 553.791(4), F.S.

¹⁴ Section 553.791(5), F.S.

¹⁵ Section 553.791(8), F.S.

¹⁶ “Plans” means building plans, site engineering plans, or site plans, or their functional equivalent, submitted by a fee owner or fee owner’s contractor to a private provider or duly authorized representative for review. Section 553.791(1)(m), F.S.

¹⁷ “Applicable codes” means the Florida Building Code and any local technical amendments to the Florida Building Code but does not include the applicable minimum fire prevention and firesafety codes adopted pursuant to ch. 633, F.S. Section 553.791(1)(a), F.S.

¹⁸ The affidavit may bear a written or electronic signature and may be submitted electronically to the local building official.

¹⁹ Section 553.791(6), F.S.

Upon receipt of a building permit application and the required affidavit from the private provider, a building official has 20 business days to issue the permit or provide written notice of the plan deficiencies.²⁰ If the local building official does not provide written notice of plan deficiencies within the prescribed 20-day period, the permit application shall be deemed approved and shall be issued on the next business day.²¹ If the building official provides a written notice of plan deficiencies, the 20-day period is tolled pending resolution of the matter.²² The law further specifies the process for a private provider to correct the deficiencies and also allows the permit applicant to dispute the deficiencies.

III. Effect of Proposed Changes:

The bill amends s. 553.791, F.S., to allow private providers to perform “single-trade plans review,” an analogous concept to the existing single-trade inspections provided for in current law. Such single-trade plans review may be conducted using an automated or software-based plans review system to determine compliance with applicable codes, provided that the provider specifies in the required affidavit any such system used. Additionally, where the local building official must issue a permit within 20 business days after receipt of an application and private provider affidavit, the bill requires action within 5 business days if the permit is related to single-trade plans review for single-family or two-family dwellings.

The bill also expands the universe of valid trade work for which private providers can perform inspections, and now plans review, to include solar energy and energy storage installations or alterations.

Finally, the bill specifically allows private providers to perform single-trade inspections virtually and requires the notice to the building official pursuant to s. 553.791(5), F.S., include whether inspections will be conducted virtually or in person.

The bill reenacts various statutes for the purpose of incorporation.

The bill takes effect July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

²⁰ Section 553.791(7)(a), F.S.

²¹ *Id.*

²² Section 553.791(7)(b), F.S.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

On line 83, the word “application” should be inserted after “permit.”

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 553.791, Florida Statutes.

This bill reenacts for incorporation sections 177.073, 468.621, 471.033, 481.225, 553.79, and 553.80 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
