

By Senator Calatayud

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1                   A bill to be entitled  
2       An act relating to alternative plans review and  
3       inspections; amending s. 553.791, F.S.; revising and  
4       defining terms; requiring that a notice of private  
5       inspection services specify whether any scheduled  
6       inspection by a private provider will be conducted  
7       virtually or in person; authorizing a private provider  
8       to use an automated or software-based plans review  
9       system designed to make specific determinations;  
10      revising the requirements needed for an affidavit from  
11      a private provider regarding his or her plans review;  
12      requiring the local building official to issue the  
13      requested permit or provide written notice of  
14      noncompliance within a specified timeframe for permits  
15      related to single-trade plans reviews for single-  
16      family or two-family dwellings; reenacting ss.  
17      177.073(4)(a), 468.621(1)(i) and (j), 471.033(1)(l),  
18      481.225(1)(l), 553.79(11), and 553.80(7)(a), F.S.,  
19      relating to expedited approval of residential building  
20      permits before a final plat is recorded; disciplinary  
21      proceedings; disciplinary proceedings; disciplinary  
22      proceedings against registered architects; permits,  
23      applications, issuance, and inspections; and  
24      enforcement, respectively, to incorporate the  
25      amendment made to s. 553.791, F.S., in references  
26      thereto; providing an effective date.

27  
28   Be It Enacted by the Legislature of the State of Florida:  
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30 Section 1. Paragraph (q) of subsection (1), subsections (5)  
31 and (6), paragraphs (a), (b), and (c) of subsection (7), and  
32 subsection (8) of section 553.791, Florida Statutes, are amended  
33 to read:

34 553.791 Alternative plans review and inspection.—

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

36 (q) "Single-trade inspection" or "single-trade plans  
37 review" means any inspection or plans review focused on a single  
38 construction trade, such as plumbing, mechanical, or electrical.  
39 The term includes, but is not limited to, inspections and plans  
40 reviews of door or window replacements; fences and block walls  
41 more than 6 feet high from the top of the wall to the bottom of  
42 the footing; stucco or plastering; reroofing with no structural  
43 alteration; HVAC replacements; ductwork or fan replacements;  
44 solar energy and energy storage installations or alterations;  
45 alteration or installation of wiring, lighting, and service  
46 panels; water heater changeouts; sink replacements; and  
47 repiping.

48 (5) After construction has commenced and if the local  
49 building official is unable to provide inspection services in a  
50 timely manner, the fee owner or the fee owner's contractor may  
51 elect to use a private provider to provide inspection services  
52 by notifying the local building official of the owner's or  
53 contractor's intention to do so by 2 p.m. local time, 2 business  
54 days before the next scheduled inspection using the notice  
55 provided for in paragraphs (4) (a)-(c). Such notice must specify  
56 whether any scheduled inspection will be conducted virtually or  
57 in person as provided in subsection (8).

58 (6) A private provider performing plans review under this

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59 section shall review the plans to determine compliance with the  
60 applicable codes. For single-trade plans review, a private  
61 provider may use an automated or software-based plans review  
62 system designed to determine compliance with one or more  
63 applicable codes, such as the National Electrical Code. Upon  
64 determining that the plans reviewed comply with the applicable  
65 codes, the private provider shall prepare an affidavit or  
66 affidavits certifying, under oath, that the following is true  
67 and correct to the best of the private provider's knowledge and  
68 belief:

69 (a) The plans were reviewed by the affiant, who is duly  
70 authorized to perform plans review pursuant to this section and  
71 holds the appropriate license or certificate. The affiant must  
72 specify any automated or software-based plans review system used  
73 for such review.

74 (b) The plans comply with the applicable codes.

75  
76 Such affidavit may bear a written or electronic signature and  
77 may be submitted electronically to the local building official.

78 (7) (a) No more than 20 business days after receipt of a  
79 permit application and the affidavit from the private provider  
80 required pursuant to subsection (6), or if the permit is related  
81 to single-trade plans review for single-family or two-family  
82 dwelling, then no more than 5 business days after receipt of  
83 such permit and affidavit, the local building official shall  
84 issue the requested permit or provide a written notice to the  
85 permit applicant identifying the specific plan features that do  
86 not comply with the applicable codes, as well as the specific  
87 code chapters and sections. If the local building official does

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88 not provide a written notice of the plan deficiencies within the  
89 prescribed 20-day period, the permit application shall be deemed  
90 approved as a matter of law, and the permit shall be issued by  
91 the local building official on the next business day.

92 (b) If the local building official provides a written  
93 notice of plan deficiencies to the permit applicant within the  
94 prescribed 20-day or 5-day period, the ~~20-day~~ period is ~~shall be~~  
95 tolled pending resolution of the matter. To resolve the plan  
96 deficiencies, the permit applicant may elect to dispute the  
97 deficiencies pursuant to subsection (15) or to submit revisions  
98 to correct the deficiencies.

99 (c) If the permit applicant submits revisions, the local  
100 building official has the remainder of the tolled ~~20-day~~ period  
101 plus 5 business days from the date of resubmittal to issue the  
102 requested permit or to provide a second written notice to the  
103 permit applicant stating which of the previously identified plan  
104 features remain in noncompliance with the applicable codes, with  
105 specific reference to the relevant code chapters and sections.  
106 Any subsequent review by the local building official is limited  
107 to the deficiencies cited in the written notice. If the local  
108 building official does not provide the second written notice  
109 within the prescribed time period, the permit shall be deemed  
110 approved as a matter of law, and the local building official  
111 must issue the permit on the next business day.

112 (8) A private provider performing required inspections  
113 under this section shall inspect each phase of construction as  
114 required by the applicable codes. Such inspection may be  
115 performed in person ~~in-person~~ or virtually, including single-  
116 trade inspections. The private provider may have a duly

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117 authorized representative perform the required inspections,  
118 provided all required reports are prepared by and bear the  
119 written or electronic signature of the private provider or the  
120 private provider's duly authorized representative. The duly  
121 authorized representative must be an employee of the private  
122 provider entitled to receive reemployment assistance benefits  
123 under chapter 443. The contractor's contractual or legal  
124 obligations are not relieved by any action of the private  
125 provider.

126 Section 2. For the purpose of incorporating the amendment  
127 made by this act to section 553.791, Florida Statutes, in a  
128 reference thereto, paragraph (a) of subsection (4) of section  
129 177.073, Florida Statutes, is reenacted to read:

130 177.073 Expedited approval of residential building permits  
131 before a final plat is recorded.—

132 (4) (a) An applicant may use a private provider pursuant to  
133 s. 553.791 to expedite the application process for building  
134 permits after a preliminary plat is approved under this section.

135 Section 3. For the purpose of incorporating the amendment  
136 made by this act to section 553.791, Florida Statutes, in  
137 references thereto, paragraphs (i) and (j) of subsection (1) of  
138 section 468.621, Florida Statutes, are reenacted to read:

139 468.621 Disciplinary proceedings.—

140 (1) The following acts constitute grounds for which the  
141 disciplinary actions in subsection (2) may be taken:

142 (i) Failing to lawfully execute the duties and  
143 responsibilities specified in this part and ss. 553.73, 553.781,  
144 553.79, and 553.791.

145 (j) Performing building code inspection services under s.

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146 553.791 without satisfying the insurance requirements of that  
147 section.

148 Section 4. For the purpose of incorporating the amendment  
149 made by this act to section 553.791, Florida Statutes, in a  
150 reference thereto, paragraph (1) of subsection (1) of section  
151 471.033, Florida Statutes, is reenacted to read:

152 471.033 Disciplinary proceedings.—

153 (1) The following acts constitute grounds for which the  
154 disciplinary actions in subsection (3) may be taken:

155 (1) Performing building code inspection services under s.  
156 553.791, without satisfying the insurance requirements of that  
157 section.

158 Section 5. For the purpose of incorporating the amendment  
159 made by this act to section 553.791, Florida Statutes, in a  
160 reference thereto, paragraph (1) of subsection (1) of section  
161 481.225, Florida Statutes, is reenacted to read:

162 481.225 Disciplinary proceedings against registered  
163 architects.—

164 (1) The following acts constitute grounds for which the  
165 disciplinary actions in subsection (3) may be taken:

166 (1) Performing building code inspection services under s.  
167 553.791, without satisfying the insurance requirements of that  
168 section.

169 Section 6. For the purpose of incorporating the amendment  
170 made by this act to section 553.791, Florida Statutes, in a  
171 reference thereto, subsection (11) of section 553.79, Florida  
172 Statutes, is reenacted to read:

173 553.79 Permits; applications; issuance; inspections.—

174 (11) Any state agency whose enabling legislation authorizes

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175 it to enforce provisions of the Florida Building Code may enter  
176 into an agreement with any other unit of government to delegate  
177 its responsibility to enforce those provisions and may expend  
178 public funds for permit and inspection fees, which fees may be  
179 no greater than the fees charged others. Inspection services  
180 that are not required to be performed by a state agency under a  
181 federal delegation of responsibility or by a state agency under  
182 the Florida Building Code must be performed under the  
183 alternative plans review and inspection process created in s.  
184 553.791 or by a local governmental entity having authority to  
185 enforce the Florida Building Code.

186 Section 7. For the purpose of incorporating the amendment  
187 made by this act to section 553.791, Florida Statutes, in a  
188 reference thereto, paragraph (a) of subsection (7) of section  
189 553.80, Florida Statutes, is reenacted to read:

190 553.80 Enforcement.—

191 (7) (a) The governing bodies of local governments may  
192 provide a schedule of reasonable fees, as authorized by s.  
193 125.56(2) or s. 166.222 and this section, for enforcing this  
194 part. These fees, and any fines or investment earnings related  
195 to the fees, may only be used for carrying out the local  
196 government's responsibilities in enforcing the Florida Building  
197 Code. When providing a schedule of reasonable fees, the total  
198 estimated annual revenue derived from fees, and the fines and  
199 investment earnings related to the fees, may not exceed the  
200 total estimated annual costs of allowable activities. Any  
201 unexpended balances must be carried forward to future years for  
202 allowable activities or must be refunded at the discretion of  
203 the local government. A local government may not carry forward

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204 an amount exceeding the average of its operating budget for  
205 enforcing the Florida Building Code for the previous 4 fiscal  
206 years. For purposes of this subsection, the term "operating  
207 budget" does not include reserve amounts. Any amount exceeding  
208 this limit must be used as authorized in subparagraph 2.  
209 However, a local government that established, as of January 1,  
210 2019, a Building Inspections Fund Advisory Board consisting of  
211 five members from the construction stakeholder community and  
212 carries an unexpended balance in excess of the average of its  
213 operating budget for the previous 4 fiscal years may continue to  
214 carry such excess funds forward upon the recommendation of the  
215 advisory board. The basis for a fee structure for allowable  
216 activities must relate to the level of service provided by the  
217 local government and must include consideration for refunding  
218 fees due to reduced services based on services provided as  
219 prescribed by s. 553.791, but not provided by the local  
220 government. Fees charged must be consistently applied.

221 1. As used in this subsection, the phrase "enforcing the  
222 Florida Building Code" includes the direct costs and reasonable  
223 indirect costs associated with review of building plans,  
224 building inspections, reinspections, and building permit  
225 processing; building code enforcement; and fire inspections  
226 associated with new construction. The phrase may also include  
227 training costs associated with the enforcement of the Florida  
228 Building Code and enforcement action pertaining to unlicensed  
229 contractor activity to the extent not funded by other user fees.

230 2. A local government must use any excess funds that it is  
231 prohibited from carrying forward to rebate and reduce fees, to  
232 upgrade technology hardware and software systems to enhance



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233 service delivery, to pay for the construction of a building or  
234 structure that houses a local government's building code  
235 enforcement agency, or for training programs for building  
236 officials, inspectors, or plans examiners associated with the  
237 enforcement of the Florida Building Code. Excess funds used to  
238 construct such a building or structure must be designated for  
239 such purpose by the local government and may not be carried  
240 forward for more than 4 consecutive years. An owner or builder  
241 who has a valid building permit issued by a local government for  
242 a fee, or an association of owners or builders located in the  
243 state that has members with valid building permits issued by a  
244 local government for a fee, may bring a civil action against the  
245 local government that issued the permit for a fee to enforce  
246 this subparagraph.

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

249 a. Planning and zoning or other general government  
250 activities.

251 b. Inspections of public buildings for a reduced fee or no  
252 fee.

253 c. Public information requests, community functions,  
254 boards, and any program not directly related to enforcement of  
255 the Florida Building Code.

256 d. Enforcement and implementation of any other local  
257 ordinance, excluding validly adopted local amendments to the  
258 Florida Building Code and excluding any local ordinance directly  
259 related to enforcing the Florida Building Code as defined in  
260 subparagraph 1.

261 4. A local government must use recognized management,

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262 accounting, and oversight practices to ensure that fees, fines,  
263 and investment earnings generated under this subsection are  
264 maintained and allocated or used solely for the purposes  
265 described in subparagraph 1.

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

- 270 a. Providing proof of licensure under chapter 489;  
271 b. Recording or filing a license issued under this chapter;  
272 c. Providing, recording, or filing evidence of workers'  
273 compensation insurance coverage as required by chapter 440; or  
274 d. Charging surcharges or other similar fees not directly  
275 related to enforcing the Florida Building Code.

276 Section 8. This act shall take effect July 1, 2025.