

By the Committee on Community Affairs; and 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 application and affidavit, the local building
84 official shall issue the requested permit or provide a written
85 notice to the permit applicant identifying the specific plan
86 features that do not comply with the applicable codes, as well
87 as the specific code chapters and sections. If the local

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

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

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

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

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

127 Section 2. For the purpose of incorporating the amendment
128 made by this act to section 553.791, Florida Statutes, in a
129 reference thereto, paragraph (a) of subsection (4) of section
130 177.073, Florida Statutes, is reenacted to read:

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

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

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

140 468.621 Disciplinary proceedings.—

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

143 (i) Failing to lawfully execute the duties and
144 responsibilities specified in this part and ss. 553.73, 553.781,
145 553.79, and 553.791.

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146 (j) Performing building code inspection services under s.
147 553.791 without satisfying the insurance requirements of that
148 section.

149 Section 4. For the purpose of incorporating the amendment
150 made by this act to section 553.791, Florida Statutes, in a
151 reference thereto, paragraph (1) of subsection (1) of section
152 471.033, Florida Statutes, is reenacted to read:

153 471.033 Disciplinary proceedings.—

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

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

159 Section 5. For the purpose of incorporating the amendment
160 made by this act to section 553.791, Florida Statutes, in a
161 reference thereto, paragraph (1) of subsection (1) of section
162 481.225, Florida Statutes, is reenacted to read:

163 481.225 Disciplinary proceedings against registered
164 architects.—

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

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

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

174 553.79 Permits; applications; issuance; inspections.—

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

187 Section 7. For the purpose of incorporating the amendment
188 made by this act to section 553.791, Florida Statutes, in a
189 reference thereto, paragraph (a) of subsection (7) of section
190 553.80, Florida Statutes, is reenacted to read:

191 553.80 Enforcement.—

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

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

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

231 2. A local government must use any excess funds that it is
232 prohibited from carrying forward to rebate and reduce fees, to

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

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

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

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

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

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

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262 4. A local government must use recognized management,
263 accounting, and oversight practices to ensure that fees, fines,
264 and investment earnings generated under this subsection are
265 maintained and allocated or used solely for the purposes
266 described in subparagraph 1.

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

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

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