

By Senator DiCeglie

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1 A bill to be entitled
2 An act relating to private provider building
3 inspection services; amending s. 468.605, F.S.;
4 requiring that the Florida Building Code
5 Administrators and Inspectors Board include a
6 specified number of members who are private providers
7 or who are employed by private provider firms; making
8 technical changes; amending s. 553.74, F.S.; requiring
9 that the Florida Building Commission include a
10 specified number of members who are private providers
11 or who are employed by private provider firms;
12 requiring that the commission include a specified
13 number of members who are licensed contractors that
14 use private providers or private provider firms;
15 encouraging the Private Provider Association of
16 Florida to recommend a list of candidates for
17 consideration; amending s. 553.791, F.S.; revising and
18 defining terms; requiring that building code
19 inspection services provided by a private provider be
20 the subject of an agreement, rather than a written
21 contract, between the provider or provider's firm and
22 the fee owner or fee owner's contractor; requiring
23 that the reduced permit fee not exceed the cost
24 incurred by the local jurisdiction, including labor
25 and personnel costs; prohibiting a local jurisdiction
26 from charging additional fees for building inspections
27 if the fee owner or contractor hires a private
28 provider to perform such services; deleting a
29 provision authorizing a local jurisdiction to charge

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30 specified administrative fees; requiring a local
31 jurisdiction to immediately provide a private
32 provider, owner, and contractor equal access to all
33 permitting and inspection documents and reports if
34 such access is provided by software that protects
35 exempt records from disclosure; revising the
36 information a fee owner or a fee owner's contractor
37 must provide to a local building official; revising
38 conditions under which a fee owner or fee owner's
39 contractor is authorized to use a private provider to
40 provide inspection services; revising the timeframe
41 within which a fee owner or a fee owner's contractor
42 must notify the local building official of the owner's
43 or contractor's intention to use a private provider;
44 prohibiting a local building official from performing
45 specified reviews of plans, drawings, or other related
46 documents determined by a private provider to be in
47 compliance with applicable codes; deleting a provision
48 requiring a local building official to issue a
49 requested permit or provide a specified notice within
50 a certain timeframe; authorizing a local building
51 official to review certain forms and documents only
52 for completeness; requiring a local building official
53 to send written notice of incomplete forms or
54 documents within a specified timeframe; providing that
55 a permit is deemed approved as a matter of law, and
56 requiring the local building official to issue the
57 permit by the next business day, if the local building
58 official fails to provide a specified notice within a

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59 specified timeframe; requiring that a duly authorized
60 representative be managed, rather than employed, by a
61 private provider to receive specified benefits;
62 deleting a requirement that a private provider
63 performing required inspections provide notice to the
64 local building official of the approximate date and
65 time of specified inspections; deleting a provision
66 prohibiting a local building official from preventing
67 a private provider from performing any inspection
68 outside a certain timeframe; deleting a provision
69 authorizing a local building official to visit a
70 building site as often as necessary to verify that a
71 private provider is performing required inspections;
72 deleting a provision authorizing a building department
73 to satisfy a requirement that a certain deficiency
74 notice be posted; revising the reinspection fees that
75 a local jurisdiction is prohibited from charging;
76 prohibiting a local building official from visiting a
77 job site without written approval from the private
78 provider doing the work on the site; providing that a
79 local building official is not responsible for the
80 regulatory administration or supervision of building
81 code inspection services performed by a private
82 provider; requiring that a private provider who is, or
83 private provider firm that employs a person licensed
84 as, a licensed building code administrator serve as
85 the local building official for such building code
86 inspection services; providing that such private
87 providers or private provider firms are vested with

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88 the authority of the local building official with
89 respect to certain inspection services; prohibiting a
90 local building official from interfering with the
91 actions or activities of such private providers or
92 private provider firms; providing that verification of
93 certain licensure and insurance requirements for a
94 private provider firm's duly authorized representative
95 is the responsibility of the private provider firm's
96 management; providing that a local building official
97 is not required to verify compliance or store
98 information of such verification; deleting a
99 requirement that the local building official, under
100 certain circumstances, issue a permit within a
101 specified timeframe; revising a provision authorizing
102 a private provider to perform emergency inspection
103 services; requiring a private provider to record
104 specified inspections on forms provided by the Florida
105 Building Commission, rather than on forms acceptable
106 to the local building official; revising the timeframe
107 within which a private provider must provide an
108 inspection record to the local building official;
109 providing that a private provider is not required to
110 upload notices or inspection results to a website or
111 portal; revising the timeframe within which a local
112 building official may waive the requirement to provide
113 a record of each inspection record; requiring a
114 private provider to prepare a certificate of
115 compliance on a form provided by the commission,
116 rather than on a form acceptable to the local building

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117 official; prohibiting a local building official from
118 performing building inspections of construction that a
119 private provider has determined to be compliant with
120 applicable codes; authorizing a local building
121 official to review specified forms and documents only
122 for completeness; revising the timeframe within which
123 a local building official must provide an applicant
124 with a written certificate of occupancy or certificate
125 of completion; authorizing a local building official
126 to deny a permit or a request for a certificate of
127 occupancy or a certificate of completion if required
128 forms or documents are incomplete; deleting a
129 provision authorizing a local enforcement agency, a
130 local building official, or a local government to
131 establish a system of registration to verify
132 compliance with specified licensure and insurance
133 requirements for duly authorized representatives;
134 revising the authority of a local building official to
135 issue a stop-work order for a building project or any
136 portion thereof; revising a prohibition against the
137 auditing by a local building code enforcement agency
138 of the performance of building code inspection
139 services by certain private providers; deleting an
140 exception to the limit on the number of times in a
141 year that a private provider or private provider firm
142 may be audited; requiring that a private provider or
143 private provider firm be given notice within a
144 specified timeframe before being audited; prohibiting
145 local governments, officials, and personnel from

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146 prohibiting or discouraging the use of a private
147 provider or a private provider firm; providing that
148 local governments, officials, and personnel are not
149 immune from liability for such prohibition or
150 discouragement or for violations of law or applicable
151 codes; providing that a person or a party may bring an
152 action for damages, declaratory and injunctive relief,
153 and the issuance of extraordinary writs remedies for
154 such violations; authorizing a private provider
155 licensed as a building code administrator to serve as
156 the local building official; authorizing such private
157 providers to issue building permits; requiring that
158 all information from a private provider be provided to
159 the property appraiser for the county or the
160 jurisdiction; requiring that drawings be delivered in
161 their original electronic format; requiring that
162 permits be publicly available and that their status be
163 available on the Private Provider Association of
164 Florida website for specified purposes; authorizing
165 the Private Provider Association of Florida, or a
166 similar nonprofit association, to require a fee or
167 subscription to upload such information to its website
168 or to use an applications programming interface;
169 requiring a private provider to update such
170 information within a specified timeframe under certain
171 circumstances; requiring that the format of private
172 provider permits meet a specified standard and include
173 specified information; providing legislative intent;
174 requiring that the permitting process be universally

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175 adopted as a standard for this state; prohibiting
176 local building officials and governments from
177 adopting, creating, or using certain forms;
178 prohibiting the use of custom procedures or standards;
179 authorizing the commission to implement such
180 permitting processes and review them for consistency
181 and relevance within a specified timeframe; making a
182 technical change; reenacting s. 633.216(6), F.S.,
183 relating to inspection of buildings and equipment,
184 orders, firesafety inspection training requirements,
185 certification, and disciplinary action, to incorporate
186 the amendment made to s. 468.605, F.S., in a reference
187 thereto; reenacting ss. 177.073(1)(c), 468.603(9),
188 468.621(1)(i) and (j), 471.033(1)(1), 481.225(1)(1),
189 553.79(11), and 553.80(7)(a), F.S., relating to
190 expedited approval of residential building permits
191 before a final plat is recorded; definitions;
192 disciplinary proceedings against building code
193 administrators and inspectors; disciplinary
194 proceedings against licensed engineers; disciplinary
195 proceedings against registered architects; permits,
196 applications, issuance, and inspections; and
197 enforcement, respectively, to incorporate the
198 amendment made to s. 553.791, F.S., in references
199 thereto; providing an effective date.

200

201 Be It Enacted by the Legislature of the State of Florida:

202

203 Section 1. Subsection (2) of section 468.605, Florida

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204 Statutes, is amended to read:

205 468.605 Florida Building Code Administrators and Inspectors
206 Board.—

207 (2) The board shall consist of nine members, as follows:

208 (a) One member who is an architect licensed pursuant to
209 chapter 481, an engineer licensed pursuant to chapter 471, or a
210 contractor licensed pursuant to chapter 489.

211 (b) Two members serving as building code administrators,
212 one of whom must be a private provider as defined in s. 553.791
213 or be employed by a private provider firm as defined in s.
214 553.791.

215 (c) Two members serving as building code inspectors, one of
216 whom must be a private provider as defined in s. 553.791 or be
217 employed by a private provider firm as defined in s. 553.791.

218 (d) One member serving as a plans examiner.

219 (e) One member who is a representative of a city or a
220 charter county.

221 (f) Two consumer members who are not, and have never been,
222 members of a profession regulated under this part, chapter 481,
223 chapter 471, or chapter 489. One of the consumer members must be
224 a person with a disability or a representative of an
225 organization which represents persons with disabilities.

226
227 ~~None of~~ The board members described in paragraph (a) or
228 paragraph (f) may not be an employee of a municipal, county, or
229 state governmental agency.

230 Section 2. Subsection (1) of section 553.74, Florida
231 Statutes, is amended to read:

232 553.74 Florida Building Commission.—

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233 (1) The Florida Building Commission is created and located
234 within the Department of Business and Professional Regulation
235 for administrative purposes. Members are appointed by the
236 Governor subject to confirmation by the Senate. The commission
237 is composed of 23 ~~19~~ members, consisting of the following
238 members:

239 (a) One architect licensed pursuant to chapter 481 with at
240 least 5 years of experience in the design and construction of
241 buildings designated for Group E or Group I occupancies by the
242 Florida Building Code. The American Institute of Architects,
243 Florida Section, is encouraged to recommend a list of candidates
244 for consideration.

245 (b) One structural engineer registered to practice in this
246 state and actively engaged in the profession. The Florida
247 Engineering Society is encouraged to recommend a list of
248 candidates for consideration.

249 (c) One air-conditioning contractor, mechanical contractor,
250 or mechanical engineer certified to do business in this state
251 and actively engaged in the profession. The Florida Air
252 Conditioning Contractors Association, the Florida Refrigeration
253 and Air Conditioning Contractors Association, the Mechanical
254 Contractors Association of Florida, and the Florida Engineering
255 Society are encouraged to recommend a list of candidates for
256 consideration.

257 (d) One electrical contractor or electrical engineer
258 certified to do business in this state and actively engaged in
259 the profession. The Florida Association of Electrical
260 Contractors; the National Electrical Contractors Association,
261 Florida Chapter; and the Florida Engineering Society are

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262 encouraged to recommend a list of candidates for consideration.

263 (e) One certified general contractor or one certified
264 building contractor certified to do business in this state and
265 actively engaged in the profession. The Associated Builders and
266 Contractors of Florida, the Florida Associated General
267 Contractors Council, the Florida Home Builders Association, and
268 the Union Contractors Association are encouraged to recommend a
269 list of candidates for consideration.

270 (f) One plumbing contractor licensed to do business in this
271 state and actively engaged in the profession. The Florida
272 Association of Plumbing, Heating, and Cooling Contractors is
273 encouraged to recommend a list of candidates for consideration.

274 (g) One roofing or sheet metal contractor certified to do
275 business in this state and actively engaged in the profession.
276 The Florida Roofing, Sheet Metal, and Air Conditioning
277 Contractors Association and the Sheet Metal and Air Conditioning
278 Contractors' National Association are encouraged to recommend a
279 list of candidates for consideration.

280 (h) One certified residential contractor licensed to do
281 business in this state and actively engaged in the profession.
282 The Florida Home Builders Association is encouraged to recommend
283 a list of candidates for consideration.

284 (i) Three members who are municipal, county, or district
285 codes enforcement officials, one of whom is also a fire
286 official. The Building Officials Association of Florida and the
287 Florida Fire Marshals and Inspectors Association are encouraged
288 to recommend a list of candidates for consideration.

289 (j) One member of a Florida-based organization of persons
290 with disabilities or a nationally chartered organization of

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291 persons with disabilities with chapters in this state which
292 complies with or is certified to be compliant with the
293 requirements of the Americans with Disabilities Act of 1990, as
294 amended.

295 (k) One member of the manufactured buildings industry who
296 is licensed to do business in this state and is actively engaged
297 in the industry. The Florida Manufactured Housing Association is
298 encouraged to recommend a list of candidates for consideration.

299 (l) One member of the building products manufacturing
300 industry who is authorized to do business in this state and is
301 actively engaged in the industry. The Florida Building Material
302 Association, the Florida Concrete and Products Association, and
303 the Fenestration Manufacturers Association are encouraged to
304 recommend a list of candidates for consideration.

305 (m) One member who is a representative of the building
306 owners and managers industry who is actively engaged in
307 commercial building ownership or management. The Building Owners
308 and Managers Association is encouraged to recommend a list of
309 candidates for consideration.

310 (n) One member who is a representative of the insurance
311 industry. The Florida Insurance Council is encouraged to
312 recommend a list of candidates for consideration.

313 (o) One member who is a swimming pool contractor licensed
314 to do business in this state and actively engaged in the
315 profession. The Florida Swimming Pool Association and the United
316 Pool and Spa Association are encouraged to recommend a list of
317 candidates for consideration.

318 (p) The Chief Resilience Officer or his or her designee.

319 (q) One member who is a representative of a natural gas

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320 distribution system and who is actively engaged in the
321 distribution of natural gas in this state. The Florida Natural
322 Gas Association is encouraged to recommend a list of candidates
323 for consideration.

324 (r) Two members who are private providers as defined in s.
325 553.791 or who are employed by private provider firms as defined
326 in s. 553.791. The Private Provider Association of Florida is
327 encouraged to recommend a list of candidates for consideration.

328 (s) Two members who are licensed contractors as defined in
329 s. 489.105(3) and who utilize private providers as defined in s.
330 553.791 or private provider firms as defined in s. 553.791 for
331 inspections or plan reviews. The Private Provider Association of
332 Florida is encouraged to recommend a list of candidates for
333 consideration.

334 Section 3. New subsections (21) and (22) are added to
335 section 553.791, Florida Statutes, and subsections (1), (2),
336 (4), (5), (7) through (10), present subparagraphs (11) through
337 (15), paragraphs (b) and (c) of present subsection (17), and
338 present subsections (20), (21), and (22) of that section are
339 amended, to read:

340 553.791 Alternative plans review and inspection.—

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

342 (a) "Applicable codes" means the Florida Building Code and
343 any local technical amendments to the Florida Building Code but
344 does not include the applicable minimum fire prevention and
345 firesafety codes adopted pursuant to chapter 633.

346 (b) ~~"Audit" means the process to confirm that the building~~
347 ~~code inspection services have been performed by the private~~
348 ~~provider, including ensuring that the required affidavit for the~~

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349 ~~plan review has been properly completed and submitted with the~~
350 ~~permit documents and that the minimum mandatory inspections~~
351 ~~required under the building code have been performed and~~
352 ~~properly recorded. The local building official may not replicate~~
353 ~~the plan review or inspection being performed by the private~~
354 ~~provider, unless expressly authorized by this section.~~

355 ~~(e)~~ "Building" means any construction, erection,
356 alteration, demolition, or improvement of, or addition to, any
357 structure or site work for which permitting by a local
358 enforcement agency is required.

359 ~~(c)~~~~(d)~~ "Building code inspection services" means those
360 services described in s. 468.603(5) and (8) involving the review
361 of building plans as well as those services involving the review
362 of site plans and site work engineering plans or their
363 functional equivalent, to determine compliance with applicable
364 codes and those inspections required by law, conducted either in
365 person or virtually, of each phase of construction for which
366 permitting by a local enforcement agency is required to
367 determine compliance with applicable codes.

368 ~~(d)~~ "Building official" means a local building official or
369 a private provider who holds a building code administrator
370 license.

371 ~~(e)~~ "Commission" means the Florida Building Commission.

372 ~~(f)~~ "Deliver" or "delivery" means any method of delivery
373 used in conventional business or commercial practice, including
374 delivery by electronic transmissions such as e-mail or any other
375 form of electronic communication used to transmit information.

376 ~~(g)~~~~(f)~~ "Duly authorized representative" means an agent of
377 the private provider identified in the permit application who

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378 reviews plans or performs inspections as provided by this
379 section and who is licensed as an engineer under chapter 471 or
380 as an architect under chapter 481 or who holds a standard or
381 provisional certificate under part XII of chapter 468. A duly
382 authorized representative who only holds a provisional
383 certificate under part XII of chapter 468 must be under the
384 direct supervision of a person licensed as a building code
385 administrator under part XII of chapter 468.

386 (h)~~(g)~~ "Electronic signature" means any letters,
387 characters, or symbols manifested by electronic or similar means
388 which are executed or adopted by a party with an intent to
389 authenticate a writing or record.

390 (i)~~(h)~~ "Electronic transmission" or "submitted
391 electronically" means any form or process of communication not
392 directly involving the physical transfer of paper or another
393 tangible medium which is suitable for the retention, retrieval,
394 and reproduction of information by the recipient and is
395 retrievable in paper form by the receipt through an automated
396 process. ~~All notices provided for in this section may be~~
397 ~~transmitted electronically and shall have the same legal effect~~
398 ~~as if physically posted or mailed.~~

399 (j)~~(i)~~ "Electronically posted" means providing notices of
400 decisions, results, or records, including inspection records,
401 through the use of a website or other form of electronic
402 communication used to transmit or display information.

403 (k) "Form" means any document or record that has been
404 adopted by the commission.

405 (l)~~(j)~~ "Immediate threat to public safety and welfare"
406 means a building code violation that, if allowed to persist,

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407 constitutes an immediate hazard that could result in death,
408 serious bodily injury, or significant property damage. This
409 paragraph does not limit the authority of the local building
410 official to issue a Notice of Corrective Action at any time
411 during the construction of a building project or any portion of
412 such project if the official determines that a condition of the
413 building or portion thereof may constitute a hazard when the
414 building is put into use following completion as long as the
415 condition cited is shown to be in violation of the building code
416 or approved plans.

417 (m) ~~(k)~~ "Local building official" means the individual
418 within the governing jurisdiction responsible for direct
419 regulatory administration or supervision of plans review,
420 enforcement, and inspection of any construction, erection,
421 alteration, demolition, or substantial improvement of, or
422 addition to, any structure for which permitting is required to
423 indicate compliance with applicable codes and includes any duly
424 authorized designee of such person.

425 (n) "Management" means the individuals or entities within a
426 private provider firm which are duly authorized to oversee,
427 direct, and make decisions on behalf of the firm in the conduct
428 of building inspection and building inspection-related services.
429 Such individuals or entities may include, but are not limited
430 to, the following:

431 1. Executive officers who hold senior positions within the
432 firm, such as the president, chief executive officer, chief
433 operating officer, chief financial officer, or other designated
434 executive who is responsible for the overall strategic direction
435 and operational management of the firm.

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436 2. Authorized representatives who have been officially
437 designated by the executive officers to act on behalf of the
438 private provider firm. An authorized representative must have
439 documented authorization to submit inspection reports,
440 correspond with regulatory authorities, and perform other
441 necessary duties as required by law or by contractual
442 obligation.

443 3. Licensed professionals who hold the requisite
444 professional licenses and are employed by the private provider
445 firm to carry out building code inspection services. Licensed
446 professionals are authorized to prepare, review, and certify
447 documents related to their scope of work.

448 (o) "Notice" means the submission, including submission by
449 electronic transmission, of any document, form, report, or
450 correspondence by a private provider firm to a local building
451 official. All notice provided for in this section shall have the
452 same legal effect as if physically posted or mailed.

453 (p)~~(l)~~ "Permit application" means a properly completed and
454 submitted application for the requested building or construction
455 permit, including:

- 456 1. The plans reviewed by the private provider.
- 457 2. The affidavit from the private provider required under
458 subsection (6).
- 459 3. Any applicable fees.
- 460 4. Any documents required by the local building official to
461 determine that the fee owner has secured all other government
462 approvals required by law.

463 (q)~~(m)~~ "Plans" means building plans, site engineering
464 plans, or site plans, or their functional equivalent, submitted

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465 by a fee owner or fee owner's contractor to a private provider
466 or duly authorized representative for review.

467 (r)~~(n)~~ "Private provider" means a person licensed as a
468 building code administrator under part XII of chapter 468, as an
469 engineer under chapter 471, or as an architect under chapter
470 481. ~~For purposes of performing inspections under this section~~
471 ~~for additions and alterations that are limited to 1,000 square~~
472 ~~feet or less to residential buildings, the term "private~~
473 ~~provider" also includes a person who holds a standard~~
474 ~~certificate under part XII of chapter 468.~~

475 (s)~~(e)~~ "Private provider firm" means a business
476 organization, including a corporation, partnership, business
477 trust, or other legal entity, which offers services under this
478 chapter to the public through licensees who are acting as
479 agents, employees, officers, or partners of the firm. A person
480 who is licensed as a building code administrator under part XII
481 of chapter 468, an engineer under chapter 471, or an architect
482 under chapter 481 may act as a private provider for an agent,
483 employee, or officer of the private provider firm.

484 (t)~~(p)~~ "Request for certificate of occupancy or certificate
485 of completion" means a properly completed and executed
486 application for:

- 487 1. A certificate of occupancy or certificate of completion.
- 488 2. A certificate of compliance from the private provider
489 required under subsection (13).
- 490 3. Any applicable fees.
- 491 4. Any documents required by the local building official to
492 determine that the fee owner has secured all other government
493 approvals required by law.

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494 (u)~~(s)~~ "Single-trade inspection" means any inspection
495 focused on a single construction trade, such as plumbing,
496 mechanical, or electrical. The term includes, but is not limited
497 to, inspections of door or window replacements; fences and block
498 walls more than 6 feet high from the top of the wall to the
499 bottom of the footing; stucco or plastering; reroofing with no
500 structural alteration; HVAC replacements; ductwork or fan
501 replacements; alteration or installation of wiring, lighting,
502 and service panels; water heater changeouts; sink replacements;
503 and repiping.

504 (v)~~(s)~~ "Site work" means the portion of a construction
505 project that is not part of the building structure, including,
506 but not limited to, grading, excavation, landscape irrigation,
507 and installation of driveways.

508 (w)~~(s)~~ "Stop-work order" means the issuance of any written
509 statement, written directive, or written order which states the
510 reason for the order and the conditions under which the cited
511 work will be permitted to resume.

512 (x) "System of registration" means the system used to
513 verify compliance with the licensure and insurance requirements
514 for a private provider firm under this chapter.

515 (2) (a) Notwithstanding any other law or local government
516 ordinance or local policy, the fee owner of a building or
517 structure, or the fee owner's contractor upon written
518 authorization from the fee owner, may choose to use a private
519 provider to provide building code inspection services with
520 regard to such building or structure and may make payment
521 directly to the private provider for the provision of such
522 services. All such services shall be the subject of an agreement

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523 ~~a written contract~~ between the private provider, or the private
524 provider's firm, and the fee owner or the fee owner's
525 contractor, upon ~~written~~ authorization of the fee owner. The fee
526 owner may elect to use a private provider to provide plans
527 review or required building inspections, or both. However, if
528 the fee owner or the fee owner's contractor uses a private
529 provider to provide plans review, the local building official,
530 in his or her discretion and pursuant to duly adopted policies
531 of the local enforcement agency, may require the fee owner or
532 the fee owner's contractor to use a private provider to also
533 provide required building inspections.

534 (b) If an owner or a contractor retains a private provider
535 for purposes of plans review or building inspection services,
536 the local jurisdiction must reduce the permit fee by the amount
537 of cost savings realized by the local enforcement agency for not
538 having to perform such services. Such reduction may be
539 calculated on a flat fee or percentage basis, or any other
540 reasonable means by which a local enforcement agency assesses
541 the cost for its plans review or inspection services. The
542 reduced permit fee may not exceed the cost incurred by the local
543 jurisdiction, including the labor cost of the personnel
544 providing such services, as well as the clerical and supervisory
545 assistance required to comply with this section. The local
546 jurisdiction may not charge any additional fees for building
547 inspections if the fee owner or contractor hires a private
548 provider to perform such services; ~~however, the local~~
549 ~~jurisdiction may charge a reasonable administrative fee, which~~
550 ~~shall be based on the cost that is actually incurred, including~~
551 ~~the labor cost of the personnel providing the service, by the~~

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552 ~~local jurisdiction or attributable to the local jurisdiction for~~
553 ~~the clerical and supervisory assistance required, or both.~~

554 (c) If an owner or a contractor retains a private provider
555 for purposes of plans review or building inspection services,
556 the local jurisdiction must immediately provide equal access to
557 all permitting and inspection documents and reports to the
558 private provider, owner, and contractor if such access is
559 provided by software that protects exempt records from
560 disclosure.

561 (4) A fee owner or the fee owner's contractor using a
562 private provider to provide building code inspection services
563 shall notify the local building official in writing at the time
564 of permit application, or by 2 p.m. local time, 2 business days
565 before the first scheduled inspection by the local building
566 official or building code enforcement agency that a private
567 provider has been contracted to perform the required inspections
568 of construction under this section, including single-trade
569 inspections, on a form to be adopted by the commission. This
570 notice shall include the following information:

571 (a) The services to be performed by the private provider.

572 (b) The name, firm, address, telephone number, and e-mail
573 address of each private provider who is performing or will
574 perform such services, his or her professional license or
575 certification number, ~~qualification statements or resumes,~~ and,
576 if required by the local building official, a certificate of
577 insurance demonstrating that professional liability insurance
578 coverage is in place for the private provider's firm, the
579 private provider, and any duly authorized representative in the
580 amounts required by this section.

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

583

584 I have elected to use one or more private providers to
585 provide building code plans review and/or inspection
586 services on the building or structure that is the
587 subject of the enclosed permit application, as
588 authorized by s. 553.791, Florida Statutes. I
589 understand that the local building official may not
590 review the plans submitted or perform the required
591 building inspections to determine compliance with the
592 applicable codes, except to the extent specified in
593 said law. Instead, plans review and/or required
594 building inspections will be performed by licensed or
595 certified personnel identified in the application. The
596 law requires minimum insurance requirements for such
597 personnel, but I understand that I may require more
598 insurance to protect my interests. By executing this
599 form, I acknowledge that I have made inquiry regarding
600 the competence of the licensed or certified personnel
601 and the level of their insurance and am satisfied that
602 my interests are adequately protected. I agree to
603 indemnify, defend, and hold harmless the local
604 government, the local building official, and their
605 building code enforcement personnel from any and all
606 claims arising from my use of these licensed or
607 certified personnel to perform building code
608 inspection services with respect to the building or
609 structure that is the subject of the enclosed permit

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610 application.

611
612 If the fee owner or the fee owner's contractor makes any changes
613 to the listed private providers or the services to be provided
614 by those private providers, the fee owner or the fee owner's
615 contractor shall, within 1 business day after any change or
616 within 2 business days before the next scheduled inspection,
617 update the notice to reflect such changes. A change of a duly
618 authorized representative named in the permit application does
619 not require a revision of the permit, and the building code
620 enforcement agency shall not charge a fee for making the change.

621 (5) After construction has commenced ~~and if the local~~
622 ~~building official is unable to provide inspection services in a~~
623 ~~timely manner,~~ the fee owner or the fee owner's contractor may
624 elect to use a private provider to provide inspection services
625 by notifying the local building official of the owner's or
626 contractor's intention to do so ~~by 2 p.m. local time, 2 business~~
627 ~~days~~ before the next scheduled inspection using the notice
628 provided for in paragraphs (4) (a)-(c).

629 (7) (a) The local building official may not perform reviews
630 of plans, construction drawings, or any other related documents
631 determined by a private provider to be compliant with the
632 applicable codes ~~No more than 20 business days after receipt of~~
633 ~~a permit application and the affidavit from the private provider~~
634 ~~required pursuant to subsection (6), the local building official~~
635 ~~shall issue the requested permit or provide a written notice to~~
636 ~~the permit applicant identifying the specific plan features that~~
637 ~~do not comply with the applicable codes, as well as the specific~~
638 ~~code chapters and sections. If the local building official does~~

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639 ~~not provide a written notice of the plan deficiencies within the~~
640 ~~prescribed 20-day period, the permit application shall be deemed~~
641 ~~approved as a matter of law, and the permit shall be issued by~~
642 ~~the local building official on the next business day.~~

643 (b) The local building official may review other forms and
644 documents required under this section for completeness only. The
645 local building official must provide written notice of any
646 incomplete forms or documents required under this section no
647 later than 10 days after receipt of a permit application and an
648 affidavit from the private provider as required in subsection
649 (6). If the local building official does not provide the written
650 notice within the prescribed 10-day period, the permit shall be
651 deemed approved as a matter of law, and the local building
652 official must issue the permit on the next business day.

653 (c) If the local building official provides a written
654 notice of any incomplete forms or documents required under this
655 section at the time of plan submission ~~plan deficiencies to the~~
656 ~~permit applicant~~ within the prescribed 10-day ~~20-day~~ period, the
657 10-day ~~20-day~~ period shall be tolled pending resolution of the
658 matter. To resolve the issues raised in the notice ~~plan~~
659 ~~deficiencies~~, the permit applicant may elect to dispute the
660 issues ~~deficiencies~~ pursuant to subsection (15) or to submit
661 revisions to correct the issues ~~deficiencies~~.

662 (d) ~~(e)~~ If the permit applicant submits revisions, the local
663 building official has the remainder of the tolled 10-day ~~20-day~~
664 period plus 5 business days ~~from the date of resubmittal~~ to
665 issue the requested permit or to provide a second written notice
666 to the permit applicant stating which of the previously
667 identified forms or documents ~~plan features~~ remain incomplete ~~in~~

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668 ~~noncompliance with the applicable codes, with specific reference~~
669 ~~to the relevant code chapters and sections.~~ Any subsequent
670 review by the local building official is limited to the issues
671 ~~deficiencies~~ cited in the original written notice. If the local
672 building official does not provide the second written notice
673 within the prescribed time period, the permit shall be deemed
674 approved as a matter of law, and the local building official
675 must issue the permit on the next business day.

676 (e) ~~(d)~~ If the local building official provides a second
677 written notice ~~of plan deficiencies~~ to the permit applicant
678 within the prescribed time period, the permit applicant may
679 elect to dispute the issues raised in the second notice pursuant
680 to subsection (15) deficiencies pursuant to subsection (15) or
681 to submit additional revisions to correct the issues
682 ~~deficiencies~~. For all revisions submitted after the first
683 revision, the local building official has an additional 5
684 business days ~~from the date of resubmittal~~ to issue the
685 requested permit or to provide a written notice to the permit
686 applicant stating which of the previously identified forms or
687 documents ~~plan features~~ remain incomplete. ~~in noncompliance~~ If
688 the local building official does not provide the notice within
689 the prescribed time period, the permit shall be deemed approved
690 as a matter of law, and the local building official must issue
691 the permit on the next business day ~~with the applicable codes,~~
692 ~~with specific reference to the relevant code chapters and~~
693 ~~sections.~~

694 (8) A private provider performing required inspections
695 under this section shall inspect each phase of construction as
696 required by the applicable codes. Such inspection may be

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697 performed in-person or virtually. The private provider may have
698 a duly authorized representative perform the required
699 inspections, provided all required reports are prepared by and
700 bear the written or electronic signature of the private provider
701 or the private provider's duly authorized representative. The
702 duly authorized representative must be managed by ~~an employee of~~
703 the private provider and be entitled to receive reemployment
704 assistance benefits under chapter 443. The contractor's
705 contractual or legal obligations are not relieved by any action
706 of the private provider.

707 (9) ~~A private provider performing required inspections~~
708 ~~under this section shall provide notice to the local building~~
709 ~~official of the approximate date and time of any such~~
710 ~~inspection. The local building official may not prohibit the~~
711 ~~private provider from performing any inspection outside the~~
712 ~~local building official's normal operating hours, including~~
713 ~~after hours, weekends, or holidays. The local building official~~
714 ~~may visit the building site as often as necessary to verify that~~
715 ~~the private provider is performing all required inspections. A~~
716 ~~deficiency notice must be posted by the private provider, or the~~
717 ~~duly authorized representative of the private provider, ~~or~~ the~~
718 ~~building department whenever a noncomplying item related to the~~
719 ~~building code or the permitted documents is found. Such notice~~
720 ~~may be physically posted at the job site or electronically~~
721 ~~posted. After corrections are made, the item must be reinspected~~
722 ~~by the private provider or its representative before being~~
723 ~~concealed. Reinspection or reaudit fees shall not be charged by~~
724 ~~The local jurisdiction may not charge any fees related to the~~
725 ~~reinspection or any other administrative matter related to the~~

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726 reinspection. The local building official may not visit the job
727 site without written approval from the private provider ~~as a~~
728 ~~result of the local jurisdiction's audit inspection occurring~~
729 ~~before the performance of the private provider's inspection or~~
730 ~~for any other administrative matter not involving the detection~~
731 ~~of a violation of the building code or a permit requirement.~~

732 (10) A local building official is not responsible for the
733 regulatory administration or supervision of building code
734 inspection services performed by a private provider hired by a
735 fee owner or a fee owner's contractor. A private provider who
736 is, or a private provider firm that employs a person licensed
737 as, a building code administrator under part XII of chapter 468,
738 shall serve as the local building official with respect to such
739 building code inspection services. Such individuals and entities
740 shall be vested with the authority of a local building official
741 with respect to such services, including, without limitation,
742 the authority to ensure compliance with applicable laws, rules,
743 regulations, and codes; the authority to communicate and
744 interact directly with public or government building officials
745 and utility and other service providers; the authority to submit
746 forms and documents to such officials and entities and to
747 authorize the connection and disconnection of utility services;
748 and the authority to otherwise take all actions that permit or
749 require action or authorization of a building official under
750 applicable laws, rules, regulations, and codes. The local
751 building official may not interfere with the actions or
752 activities of such individuals and entities in the performance
753 of such actions. Verification of licensure and insurance
754 requirements for a private provider firm's duly authorized

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755 representative is the responsibility of the private provider
756 firm's management, and the local building official is not
757 required to verify compliance or store information related to
758 such verification. ~~If the private provider is a person licensed~~
759 ~~as an engineer under chapter 471 or an architect under chapter~~
760 ~~481 and affixes his or her professional seal to the affidavit~~
761 ~~required under subsection (6), the local building official must~~
762 ~~issue the requested permit or provide a written notice to the~~
763 ~~permit applicant identifying the specific plan features that do~~
764 ~~not comply with the applicable codes, as well as the specific~~
765 ~~code chapters and sections, within 10 business days after~~
766 ~~receipt of the permit application and affidavit. In such written~~
767 ~~notice, the local building official must provide with~~
768 ~~specificity the plan's deficiencies, the reasons the permit~~
769 ~~application failed, and the applicable codes being violated. If~~
770 ~~the local building official does not provide specific written~~
771 ~~notice to the permit applicant within the prescribed 10-day~~
772 ~~period, the permit application is deemed approved as a matter of~~
773 ~~law, and the local building official must issue the permit on~~
774 ~~the next business day.~~

775 (11) If equipment replacements and repairs must be
776 performed in an emergency situation, subject to the emergency
777 permitting provisions of the Florida Building Code, a private
778 provider may perform emergency inspection services ~~without first~~
779 ~~notifying the local building official pursuant to subsection~~
780 ~~(9)~~. A private provider must conduct the inspection within 3
781 business days after being contacted to conduct an emergency
782 inspection and must submit the inspection report to the local
783 building official within 1 day after the inspection is

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784 completed.

785 (12) Upon completing the required inspections at each
786 applicable phase of construction, the private provider shall
787 record such inspections on a form provided by the commission
788 ~~acceptable to the local building official~~. The form must bear
789 the written or electronic signature of the private provider or
790 the private provider's duly authorized representative. These
791 inspection records must ~~shall~~ reflect those inspections required
792 by the applicable codes of each phase of construction for which
793 permitting by a local enforcement agency is required. The
794 private provider, upon completion of the required inspection,
795 shall post each completed inspection record, indicating pass or
796 fail, and provide the record to the local building official
797 within 4 ~~2~~ business days. Such inspection record may be
798 electronically posted by the private provider, or the private
799 provider may post such inspection record physically at the
800 project site. The private provider may electronically transmit
801 the record to the local building official. The private provider
802 is not required to upload notices or inspection results to any
803 website or portal. The local building official may waive the
804 requirement to provide a record of each inspection within 4 ~~2~~
805 business days if the record is electronically posted or posted
806 at the project site and all such inspection records are
807 submitted with the certificate of compliance. Unless the records
808 have been electronically posted, records of all required and
809 completed inspections shall be maintained at the building site
810 at all times and made available for review by the local building
811 official. The private provider shall report to the local
812 enforcement agency any condition that poses an immediate threat

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813 to public safety and welfare.

814 (13) Upon completion of all required inspections, the
815 private provider shall prepare a certificate of compliance, on a
816 form provided by the commission ~~acceptable to the local building~~
817 ~~official~~, summarizing the inspections performed and including a
818 written representation, under oath, that the stated inspections
819 have been performed and that, to the best of the private
820 provider's knowledge and belief, the building construction
821 inspected complies with the approved plans and applicable codes.
822 The statement required of the private provider shall be
823 substantially in the following form and shall be signed and
824 sealed by a private provider as established in subsection (1) or
825 may be electronically transmitted to the local building
826 official:

827

828 To the best of my knowledge and belief, the building
829 components and site improvements outlined herein and
830 inspected under my authority have been completed in
831 conformance with the approved plans and the applicable
832 codes.

833

834 (14) (a) The local building official may not perform
835 building inspections of construction that a private provider has
836 determined to be compliant with the applicable codes. The local
837 building official may review forms and documents required under
838 this section for completeness only. No more than 10 business
839 days, or if the permit is related to single-family or two-family
840 dwellings then no more than 2 business days, after receipt of a
841 request for a certificate of occupancy or certificate of

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842 completion and the applicant's presentation of a certificate of
843 compliance and approval of all other government approvals
844 required by law, including the payment of all outstanding fees,
845 the local building official shall issue the certificate of
846 occupancy or certificate of completion or provide a notice to
847 the applicant of any incomplete forms or documents required
848 under this section ~~identifying the specific deficiencies, as~~
849 ~~well as the specific code chapters and sections.~~

850 (b) If the local building official does not provide notice
851 of any incomplete forms or documents ~~the deficiencies~~ within the
852 applicable time periods under paragraph (a), the request for a
853 certificate of occupancy or certificate of completion is
854 automatically granted and deemed issued as of the next business
855 day. The local building official must provide the applicant with
856 the written certificate of occupancy or certificate of
857 completion within 2 ~~10~~ days after it is automatically granted
858 and issued. To resolve any identified issues ~~deficiencies~~, the
859 applicant may elect to dispute the issues ~~deficiencies~~ pursuant
860 to subsection (15) or to submit a corrected request for a
861 certificate of occupancy or certificate of completion.

862 (15) If the local building official determines that any
863 forms or documents required under this section are incomplete
864 ~~the building construction or plans do not comply with the~~
865 ~~applicable codes~~, the official may deny the permit or request
866 for a certificate of occupancy or certificate of completion, as
867 appropriate, or may issue a stop-work order for the project or
868 any portion thereof as provided by law, if the official
869 determines that the noncompliance poses an immediate threat to
870 public safety and welfare, subject to the following:

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871 (a) The local building official shall be available to meet
872 with the private provider within 2 business days to resolve any
873 dispute after issuing a stop-work order or providing notice to
874 the applicant denying a permit or request for a certificate of
875 occupancy or certificate of completion.

876 (b) If the local building official and private provider are
877 unable to resolve the dispute, the matter shall be referred to
878 the local enforcement agency's board of appeals, if one exists,
879 which shall consider the matter at its next scheduled meeting or
880 sooner. Any decisions by the local enforcement agency's board of
881 appeals, or local building official if there is no board of
882 appeals, may be appealed to the commission as provided by this
883 chapter.

884 (c) Notwithstanding any provision of this section, any
885 decisions regarding the issuance of a building permit,
886 certificate of occupancy, or certificate of completion may be
887 reviewed by the local enforcement agency's board of appeals, if
888 one exists. Any decision by the local enforcement agency's board
889 of appeals, or local building official if there is no board of
890 appeals, may be appealed to the commission as provided by this
891 chapter, which shall consider the matter at the commission's
892 next scheduled meeting.

893 (17)

894 (b) A local enforcement agency, local building official, or
895 local government may establish, for private providers and,
896 private provider firms, ~~and duly authorized representatives~~
897 working within that jurisdiction, a system of registration to
898 verify compliance with the licensure requirements of paragraph
899 (1) (r) ~~paragraph (1) (n)~~ and the insurance requirements of

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900 subsection (18).

901 (c) This section does not limit the authority of the local
902 building official to issue a stop-work order for a building
903 project or any portion of the project, as provided by law, if
904 the official determines that a condition on the building site
905 constitutes an immediate threat to public safety and welfare,
906 provided such orders are in strict compliance with the
907 deficiency notice provisions of subsection (9).

908 (20) A local building code enforcement agency may not audit
909 the performance of building code inspection services by private
910 providers operating within the local jurisdiction until the
911 agency has created standard operating ~~private provider audit~~
912 procedures for the agency's internal inspection and review
913 staff, which includes, at a minimum, the private provider audit
914 purpose and scope, private provider audit criteria, an
915 explanation of private provider audit processes and objections,
916 and detailed findings of areas of noncompliance. Such private
917 provider audit procedures must be publicly available online, and
918 a printed version must be readily accessible in agency
919 buildings. The private provider audit results of staff for the
920 prior two quarters also must be publicly available. The agency's
921 audit processes must adhere to the agency's posted standard
922 operating audit procedures. The same private provider or private
923 provider firm may not be audited more than four times in a year.
924 The private provider or private provider firm must be given
925 notice of each audit to be performed within 5 business days
926 before the audit ~~unless the local building official determines a~~
927 ~~condition of a building constitutes an immediate threat to~~
928 ~~public safety and welfare, which must be communicated in writing~~

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929 ~~to the private provider or private provider firm.~~ Work on a
930 building or structure may proceed after inspection and approval
931 by a private provider. The work may not be delayed for
932 completion of an inspection audit by the local building code
933 enforcement agency.

934 (21) The local government, the local building official, and
935 their building code enforcement personnel shall be immune from
936 liability to any person or party for any action or inaction by a
937 fee owner of a building, or by a private provider or its duly
938 authorized representative, in connection with building code
939 inspection services as authorized in this act. The local
940 government, the local building official, and their building code
941 enforcement personnel may not prohibit or discourage the use of
942 a private provider or a private provider firm. A local
943 government, a local building official, and their building code
944 enforcement personnel are not immune from liability or judicial
945 action related to violations of this section or their
946 obligations under applicable codes, including, without
947 limitation, interference with, disparagement of, or failure to
948 recognize the authority vested in private providers.
949 Notwithstanding any other available remedies, any person or
950 party, in an individual capacity or on behalf of a class of
951 persons or parties, may bring and maintain actions for damages,
952 declaratory and injunctive relief, and the issuance of
953 extraordinary writs for violations of this subsection.

954 (22) A private provider licensed as a building code
955 administrator under chapter 468 shall serve as the local
956 building official with respect to the building code inspection
957 services it has been hired to perform by the fee owner or the

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958 owner's contractor. Such private providers may issue building
959 permits. All information from the private provider, including,
960 but not limited to, building permits, inspection information,
961 and drawings, must be provided to the property appraiser for the
962 county or the jurisdiction. Drawings must be delivered in their
963 original electronic format. Permits must be made publicly
964 available, and the status of the permits must be made available
965 on the Private Provider Association of Florida website so that
966 code enforcement and other agencies and private entities may see
967 their status. The Private Provider Association of Florida, or a
968 similar nonprofit association, may require a fee or subscription
969 to upload the information to its site or to use an applications
970 programming interface. The private provider shall update such
971 information within 2 business days after issuing a permit or a
972 status change.

973 (23) The format of the permit must meet a recognized and
974 approved standard, as prescribed by this section, for use by
975 private providers. Private provider permits must include space
976 for acknowledgement of review and acceptance of the following:

- 977 (a) The application.
978 (b) Licensing.
979 (c) The notice of commencement.
980 (d) The plan review.
981 (e) Required inspections.
982 (f) The following lists of inspections:
983 1. Building.
984 2. Electric.
985 3. Mechanical.
986 4. Plumbing.

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987 (g) Permitting inspection.

988 (h) The placard card.

989 (i) The blower door test.

990 (j) The insulation certificate.

991 (k) The termite treatment certificate.

992 (l) The power release.

993 (m) The certificate of occupancy or certificate of
994 completion.

995 (24)-(22) Notwithstanding any other law, a county, a
996 municipality, a school district, or an independent special
997 district may use a private provider or a private provider firm
998 to provide building code inspection services for a public works
999 project, an improvement, a building, or any other structure that
1000 is owned by the county, municipality, school district, or
1001 independent special district.

1002
1003 It is the intent of the Legislature to provide permit applicants
1004 with a consistent and efficient user experience. The permitting
1005 process must be universally adopted as a standard for this
1006 state. Local building officials and local governments may not
1007 adopt, create, or use any form that is inconsistent with any
1008 applicable law, rule, or form of this state. The use of custom
1009 procedures or standards is prohibited. The commission shall
1010 implement the permitting process and may review it once every 3
1011 years thereafter for consistency and relevance.

1012 Section 4. For the purpose of incorporating the amendment
1013 made by this act to section 468.605, Florida Statutes, in a
1014 reference thereto, subsection (6) of section 633.216, Florida
1015 Statutes, is reenacted to read:

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1016 633.216 Inspection of buildings and equipment; orders;
1017 firesafety inspection training requirements; certification;
1018 disciplinary action.—The State Fire Marshal and her or his
1019 agents or persons authorized to enforce laws and rules of the
1020 State Fire Marshal shall, at any reasonable hour, when the State
1021 Fire Marshal has reasonable cause to believe that a violation of
1022 this chapter or s. 509.215, or a rule adopted thereunder, or a
1023 minimum firesafety code adopted by the State Fire Marshal or a
1024 local authority, may exist, inspect any and all buildings and
1025 structures which are subject to the requirements of this chapter
1026 or s. 509.215 and rules adopted thereunder. The authority to
1027 inspect shall extend to all equipment, vehicles, and chemicals
1028 which are located on or within the premises of any such building
1029 or structure.

1030 (6) The division and the Florida Building Code
1031 Administrators and Inspectors Board, established pursuant to s.
1032 468.605, shall enter into a reciprocity agreement to facilitate
1033 joint recognition of continuing education recertification hours
1034 for certificateholders licensed under s. 468.609 and firesafety
1035 inspectors certified under subsection (2).

1036 Section 5. For the purpose of incorporating the amendment
1037 made by this act to section 553.791, Florida Statutes, in a
1038 reference thereto, paragraph (c) of subsection (1) of section
1039 177.073, Florida Statutes, is reenacted to read:

1040 177.073 Expedited approval of residential building permits
1041 before a final plat is recorded.—

1042 (1) As used in this section, the term:

1043 (c) "Local building official" has the same meaning as in s.
1044 553.791(1).

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1045 Section 6. For the purpose of incorporating the amendment
1046 made by this act to section 553.791, Florida Statutes, in a
1047 reference thereto, subsection (9) of section 468.603, Florida
1048 Statutes, is reenacted to read:

1049 468.603 Definitions.—As used in this part:

1050 (9) "Private provider" has the same meaning as in s.
1051 553.791(1).

1052 Section 7. For the purpose of incorporating the amendment
1053 made by this act to section 553.791, Florida Statutes, in
1054 references thereto, paragraphs (i) and (j) of subsection (1) of
1055 section 468.621, Florida Statutes, are reenacted to read:

1056 468.621 Disciplinary proceedings.—

1057 (1) The following acts constitute grounds for which the
1058 disciplinary actions in subsection (2) may be taken:

1059 (i) Failing to lawfully execute the duties and
1060 responsibilities specified in this part and ss. 553.73, 553.781,
1061 553.79, and 553.791.

1062 (j) Performing building code inspection services under s.
1063 553.791 without satisfying the insurance requirements of that
1064 section.

1065 Section 8. For the purpose of incorporating the amendment
1066 made by this act to section 553.791, Florida Statutes, in a
1067 reference thereto, paragraph (1) of subsection (1) of section
1068 471.033, Florida Statutes, is reenacted to read:

1069 471.033 Disciplinary proceedings.—

1070 (1) The following acts constitute grounds for which the
1071 disciplinary actions in subsection (3) may be taken:

1072 (1) Performing building code inspection services under s.
1073 553.791, without satisfying the insurance requirements of that

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1074 section.

1075 Section 9. For the purpose of incorporating the amendment
1076 made by this act to section 553.791, Florida Statutes, in a
1077 reference thereto, paragraph (1) of subsection (1) of section
1078 481.225, Florida Statutes, is reenacted to read:

1079 481.225 Disciplinary proceedings against registered
1080 architects.—

1081 (1) The following acts constitute grounds for which the
1082 disciplinary actions in subsection (3) may be taken:

1083 (1) Performing building code inspection services under s.
1084 553.791, without satisfying the insurance requirements of that
1085 section.

1086 Section 10. For the purpose of incorporating the amendment
1087 made by this act to section 553.791, Florida Statutes, in a
1088 reference thereto, subsection (11) of section 553.79, Florida
1089 Statutes, is reenacted to read:

1090 553.79 Permits; applications; issuance; inspections.—

1091 (11) Any state agency whose enabling legislation authorizes
1092 it to enforce provisions of the Florida Building Code may enter
1093 into an agreement with any other unit of government to delegate
1094 its responsibility to enforce those provisions and may expend
1095 public funds for permit and inspection fees, which fees may be
1096 no greater than the fees charged others. Inspection services
1097 that are not required to be performed by a state agency under a
1098 federal delegation of responsibility or by a state agency under
1099 the Florida Building Code must be performed under the
1100 alternative plans review and inspection process created in s.
1101 553.791 or by a local governmental entity having authority to
1102 enforce the Florida Building Code.

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1103 Section 11. For the purpose of incorporating the amendment
1104 made by this act to section 553.791, Florida Statutes, in a
1105 reference thereto, paragraph (a) of subsection (7) of section
1106 553.80, Florida Statutes, is reenacted to read:

1107 553.80 Enforcement.—

1108 (7) (a) The governing bodies of local governments may
1109 provide a schedule of reasonable fees, as authorized by s.
1110 125.56(2) or s. 166.222 and this section, for enforcing this
1111 part. These fees, and any fines or investment earnings related
1112 to the fees, may only be used for carrying out the local
1113 government's responsibilities in enforcing the Florida Building
1114 Code. When providing a schedule of reasonable fees, the total
1115 estimated annual revenue derived from fees, and the fines and
1116 investment earnings related to the fees, may not exceed the
1117 total estimated annual costs of allowable activities. Any
1118 unexpended balances must be carried forward to future years for
1119 allowable activities or must be refunded at the discretion of
1120 the local government. A local government may not carry forward
1121 an amount exceeding the average of its operating budget for
1122 enforcing the Florida Building Code for the previous 4 fiscal
1123 years. For purposes of this subsection, the term "operating
1124 budget" does not include reserve amounts. Any amount exceeding
1125 this limit must be used as authorized in subparagraph 2.
1126 However, a local government that established, as of January 1,
1127 2019, a Building Inspections Fund Advisory Board consisting of
1128 five members from the construction stakeholder community and
1129 carries an unexpended balance in excess of the average of its
1130 operating budget for the previous 4 fiscal years may continue to
1131 carry such excess funds forward upon the recommendation of the

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1132 advisory board. The basis for a fee structure for allowable
1133 activities must relate to the level of service provided by the
1134 local government and must include consideration for refunding
1135 fees due to reduced services based on services provided as
1136 prescribed by s. 553.791, but not provided by the local
1137 government. Fees charged must be consistently applied.

1138 1. As used in this subsection, the phrase "enforcing the
1139 Florida Building Code" includes the direct costs and reasonable
1140 indirect costs associated with review of building plans,
1141 building inspections, reinspections, and building permit
1142 processing; building code enforcement; and fire inspections
1143 associated with new construction. The phrase may also include
1144 training costs associated with the enforcement of the Florida
1145 Building Code and enforcement action pertaining to unlicensed
1146 contractor activity to the extent not funded by other user fees.

1147 2. A local government must use any excess funds that it is
1148 prohibited from carrying forward to rebate and reduce fees, to
1149 upgrade technology hardware and software systems to enhance
1150 service delivery, to pay for the construction of a building or
1151 structure that houses a local government's building code
1152 enforcement agency, or for training programs for building
1153 officials, inspectors, or plans examiners associated with the
1154 enforcement of the Florida Building Code. Excess funds used to
1155 construct such a building or structure must be designated for
1156 such purpose by the local government and may not be carried
1157 forward for more than 4 consecutive years. An owner or builder
1158 who has a valid building permit issued by a local government for
1159 a fee, or an association of owners or builders located in the
1160 state that has members with valid building permits issued by a

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1161 local government for a fee, may bring a civil action against the
1162 local government that issued the permit for a fee to enforce
1163 this subparagraph.

1164 3. The following activities may not be funded with fees
1165 adopted for enforcing the Florida Building Code:

1166 a. Planning and zoning or other general government
1167 activities.

1168 b. Inspections of public buildings for a reduced fee or no
1169 fee.

1170 c. Public information requests, community functions,
1171 boards, and any program not directly related to enforcement of
1172 the Florida Building Code.

1173 d. Enforcement and implementation of any other local
1174 ordinance, excluding validly adopted local amendments to the
1175 Florida Building Code and excluding any local ordinance directly
1176 related to enforcing the Florida Building Code as defined in
1177 subparagraph 1.

1178 4. A local government must use recognized management,
1179 accounting, and oversight practices to ensure that fees, fines,
1180 and investment earnings generated under this subsection are
1181 maintained and allocated or used solely for the purposes
1182 described in subparagraph 1.

1183 5. The local enforcement agency, independent district, or
1184 special district may not require at any time, including at the
1185 time of application for a permit, the payment of any additional
1186 fees, charges, or expenses associated with:

1187 a. Providing proof of licensure under chapter 489;

1188 b. Recording or filing a license issued under this chapter;

1189 c. Providing, recording, or filing evidence of workers'

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1190 compensation insurance coverage as required by chapter 440; or

1191 d. Charging surcharges or other similar fees not directly

1192 related to enforcing the Florida Building Code.

1193 Section 12. This act shall take effect July 1, 2025.