

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

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Prepared By: The Professional Staff of the Appropriations Committee on Agriculture, Environment, and General Government

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BILL: CS/CS/SB 712

INTRODUCER: Appropriations Committee on Agriculture, Environment and General Government;  
Community Affairs Committee; and Senator Grall

SUBJECT: Construction Regulations

DATE: April 17, 2025

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Hackett</u>	<u>Fleming</u>	<u>CA</u>	<b>Fav/CS</b>
2.	<u>Reagan</u>	<u>Betta</u>	<u>AEG</u>	<b>Fav/CS</b>
3.	_____	_____	<u>RC</u>	_____

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/CS/SB 712 contains a variety of provisions related to construction and development. The bill:

- Requires the Department of Environmental Protection (DEP) to adopt standards for the installation of synthetic turf on residential property and prohibits local governments from adopting regulations inconsistent with those.
- Requires local governments to approve or deny change orders from their contractors within 30 days.
- Prohibits the state and political subdivisions from penalizing large volume construction bidders or rewarding small volume bidders in the bidding process for public works projects.
- Prohibits local building departments from requiring copies of contracts and associated documents in order to apply for or receive a building permit.
- Adds surveillance cameras to the scope of certification for alarm system contractors.
- Requires that standards for mass timber as construction materials be amended to the Florida Building Code.
- Exempts systems and equipment on spaceport territory involved in space launch vehicles, payloads, or spacecraft from the Building Code.

The bill specifies that only one interior support rail in an elevator must be continuous and at least 42 inches long, instead of requiring all interior support rails in an elevator to meet these requirements.

The bill amends the definition of commercial pool/spa contractor to include renovation, remodel and deconstruction of swimming pools, hot tubs, and spas (swimming pools) and includes splash pads, other interactive features, decorative water features, public bathing places and swimming pool and spa appurtenances.

It substantially amends the scope of work for swimming pool/spa servicing contractors.

The bill provides that the scope of work does not include the installation or upgrade of dedicated electrical disconnect or electrical circuits, or any work inside a main electrical panel.

The bill provides that the use of swimming pool equipment for the purposes of water treatment or cleaning do not require licensure unless such use involves installation, modification, or replacement of such equipment.

The bill amends the definition of a swimming pool/spa servicing contractor to include all aspects of the repair, renovation, remodeling, or servicing of a swimming pool.

It provides that the scope of work includes the installation, repair, and replacement of all swimming pool equipment, including, but not limited to pumps, filters, feeders, controllers, and heaters, whether electric, gas, or solar. It substantially amends the scope of work to include connection activities for power wiring on the load side electrical circuit lighting for swimming pool equipment.

It includes the repair, replacement, and sanitizing of lighting equipment, including partial dismantling of equipment. It also includes the repair of equipment rooms and the repair and replacement of perimeter and filter piping.

The scope includes draining the swimming pools for renovation or repair, the removal and reapplication of finishes and the installation, repair, or replacement of all tile and coping.

The bill provides that a swimming pool/spa servicing contractor's scope of work does not include the installation or upgrade of dedicated electrical disconnect or electrical circuits, or any work inside a main electrical panel.

The bill provides that the use of swimming pools for the purposes of water treatment or cleaning do not require a license under certain circumstances. The bill clarifies that water treatment, filter media changes, or the cleaning of a swimming pool or its associated equipment, which does not affect the structural integrity of the swimming pool, does not require a license.

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

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

The bill has no impact on state revenue or expenditures. See Section V., Fiscal Impact Statement below.

The bill takes effect July 1, 2025.

## **II. Present Situation:**

### **Synthetic Turf**

Synthetic turf, also known as “artificial grass,” is a surface that closely replicates the look and feel of natural grass. Synthetic turf is a type of landscaping that eliminates the potentially unpredictable growth of natural grass.<sup>1</sup> Current law prohibits homeowners’ associations from restricting property owners or their tenants from installing, displaying, or storing synthetic turf that is not visible from the parcel’s frontage or an adjacent parcel.<sup>2</sup> However, there is no law restricting local governments from regulating synthetic turf.

### **Home Rule Authority**

The Florida Constitution grants local governments broad home rule authority. Non-charter county governments may exercise those powers of self-government that are provided by general or special law.<sup>3</sup> Counties operating under a county charter have all powers of self-government not inconsistent with general law or special law approved by the vote of the electors.<sup>4</sup> Municipalities have governmental, corporate, and proprietary powers that enable them to conduct municipal government, perform municipal functions and provide municipal services, and exercise any power for municipal purposes except when expressly prohibited by law.<sup>5</sup>

### **Preemption**

Preemption refers to the principle that a federal or state statute can supersede or supplant state or local law that stands as an obstacle to accomplishing the full purposes and objectives of the overriding federal or state law.<sup>6</sup>

Where state preemption applies, a local government may not exercise authority in that area.<sup>7</sup> Whether a local government ordinance or other measure violates preemption is ultimately decided by a court. If a local government improperly enacts an ordinance or other measure on a

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<sup>1</sup> Kevin Sullivan, *Artificial Turf 101: A Comprehensive Guide to Synthetic Grass*, Turf Network Directory & Information Hub, available at <https://turfnetwork.org/artificial-turf-101/> (last visited Mar. 26, 2025).

<sup>2</sup> Section 720.3045, F.S.

<sup>3</sup> Art. VIII, s. 1(f), Fla. Const.

<sup>4</sup> Art. VIII, s. 1(g), Fla. Const.

<sup>5</sup> Art. VIII, s. 2(b); *see also* Section 166.021(1), F.S.

<sup>6</sup> Preemption Definition, Black’s Law Dictionary (12th ed. 2024).

<sup>7</sup> *D’Agastino v. City of Miami*, 220 So. 3d 410 (Fla. 2017); Judge James R. Wolf and Sarah Harley Bolinder, *The Effectiveness of Home Rule: A Preemptions and Conflict Analysis*, 83 Fla. B.J. 92 (June 2009).

matter preempted to the state, a person may challenge the ordinance by filing a lawsuit. A court ruling against the local government may declare the preempted ordinance void.<sup>8</sup>

### **Prompt Payments for Public Construction Contracts**

Contracts between local governments and private contractors for construction of public projects are subject to prompt payment requirements. The Local Government Prompt Payment Act<sup>9</sup> provides for timely payment by local governmental entities<sup>10</sup> to construction contractors.<sup>11</sup> The collection of statutes provides timelines for payment, schedules for interest on late payments, and dispute resolution processes.<sup>12</sup>

### ***Change Orders***

A “change order” is an amendment to a construction contract that changes the contractor’s scope of work. Most change orders modify the work required by the contract or adjust the amount of time the contractor has to complete the work, or both.<sup>13</sup>

### **Competitive Solicitation of Construction Services**

Current law specifies construction services procurement procedures for public property and public owned buildings.<sup>14</sup> The Department of Management Services (DMS) is responsible for establishing by rule procedures to:<sup>15</sup>

- Determine the qualifications and responsibility of potential bidders prior to advertising for and receiving bids for building construction contracts.<sup>16</sup>
- Award each state agency construction project to the lowest qualified bidder.<sup>17</sup>
- Govern negotiations for construction contracts and contract modifications when such negotiations are determined to be in the best interest of the state.<sup>18</sup>
- Enter into performance-based contracts for the development of public facilities when those contracts are determined to be in the best interest of the state.<sup>19</sup>

State contracts for construction projects that are projected to cost in excess of \$200,000 must be competitively bid.<sup>20</sup> A county, municipality, special district, or other political subdivision

<sup>8</sup> See, e.g., *Nat’l Rifle Ass’n of Am., Inc. v. City of S. Miami*, 812 So. 2d 504 (Fla. 3d DCA 2002).

<sup>9</sup> Part VII, Ch. 218, F.S.

<sup>10</sup> A county or municipal government, school board, school district, authority, special taxing district, other political subdivision, or any office, board, bureau, commission, department, branch, division, or institution thereof. Section 218.72(5), F.S.

<sup>11</sup> A contractor is one who contracts directly with a local government to provide construction services. Section 218.72(3), F.S.

<sup>12</sup> Section 218.71, F.S.

<sup>13</sup> Luke J. Farley, Sr., *Construction 101: The Basics of Change Orders*, American Bar Association (October 8, 2018) [https://www.americanbar.org/groups/construction\\_industry/publications/under\\_construction/2018/fall/construction-101/](https://www.americanbar.org/groups/construction_industry/publications/under_construction/2018/fall/construction-101/) (last visited Mar. 26, 2025).

<sup>14</sup> See ch. 255, F.S.

<sup>15</sup> Section 255.29, F.S.

<sup>16</sup> Rules 60D-5.004 and F.A.C.

<sup>17</sup> Rule 60D-5.007, F.A.C.

<sup>18</sup> Rule 60D-5.008, F.A.C.

<sup>19</sup> Rule 60D-5.0082, F.A.C.

<sup>20</sup> See s. 255.0525, F.S.; see also Rules 60D-5.002 and 60D-5.0073, F.A.C.

seeking to construct or improve a public building must competitively bid the project if the estimated cost is in excess of \$300,000.<sup>21</sup>

### **Prohibited Local Government Preferences in Contracts for Construction Services**

In a competitive solicitation<sup>22</sup> for construction services that is paid for with state-appropriated funds, a local government may not use a local ordinance or regulation that provides a preference based upon a contractor, subcontractor, or material supplier or carrier:<sup>23</sup>

- Maintaining an office or place of business within a particular local jurisdiction;
- Hiring employees or subcontractors from within a particular local jurisdiction; or
- Prior payment of local taxes, assessments, or duties within a particular local jurisdiction.

A local government that will use state-appropriated funds to pay for construction services must disclose in the solicitation document that any of the aforementioned preferences will be prohibited.<sup>24</sup>

### **Public Works Projects**

A public works project is an activity that is paid for with any state-appropriated funds and that consists of the construction, maintenance, repair, renovation, remodeling, or improvement of a building, road, street, sewer, storm drain, water system, site development, irrigation system, reclamation project, gas or electrical distribution system, gas or electrical substation, or other facility, project, or portion thereof owned in whole or in part by any political subdivision.<sup>25</sup>

### ***Prohibited Local Government Preferences in Public Works Projects***

Except as required by federal or state law, the state or any political subdivision<sup>26</sup> that contracts for a public works project may not:<sup>27</sup>

- Prevent a certified, licensed, or registered contractor, subcontractor, or material supplier or carrier, from participating in the bidding process based on the geographic location of the headquarters or offices of the party, unless the local government is the sole source of funding for the project;
- Require a contractor, subcontractor, or material supplier or carrier engaged in the project to:
  - Pay employees a predetermined amount of wages or prescribe any wage rate;
  - Provide employees a specified type, amount, or rate of employee benefits;

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<sup>21</sup> Section 255.20(1), F.S. For electrical work, local governments must competitively bid projects estimated to cost over \$75,000.

<sup>22</sup> “Competitive solicitation” means an invitation to bid, a request for proposals, or an invitation to negotiate. Section 255.248, F.S.

<sup>23</sup> Section 255.0991(2), F.S.

<sup>24</sup> Section 255.0991(3), F.S.

<sup>25</sup> Section 255.0992(1)(b), F.S.

<sup>26</sup> “Political subdivision” means a separate agency or unit of local government created or established by law or ordinance and the officers thereof. The term includes, but is not limited to, a county; a city, town, or other municipality; or a department, commission, authority, school district, taxing district, water management district, board, public corporation, institution of higher education, or other public agency or body thereof authorized to expend public funds for construction, maintenance, repair, or improvement of public works. *See s. 255.0992(1)(a), F.S.*

<sup>27</sup> Section 255.0992, F.S.

- Control, limit, or expand staffing; or
- Recruit, train, or hire employees from a designated, restricted, or single source.
- Prohibit any contractor, subcontractor, or material supplier or carrier from submitting a bid on the project if such individual is able to perform the work described and is qualified, licensed, or certified as required by state law.

### **Enforcement of the Florida Building Code: Permits**

It is the intent of the Legislature that local governments have the power to inspect all buildings, structures, and facilities within their jurisdictions in protection of the public's health, safety, and welfare.<sup>28</sup> Authorized state and local government agencies enforce the Florida Building Code and issue building permits.<sup>29</sup>

A building permit is an official document or certificate issued by the local building official that authorizes performance of a specific activity. It is unlawful for a person, firm, or corporation to construct, erect, alter, repair, secure, or demolish any building without first obtaining a permit from the local enforcing agency upon the payment of reasonable fees as set forth in a schedule of fees adopted by the enforcing agency.<sup>30</sup> A local building department or enforcement agency must post each type of building permit application on its website.<sup>31</sup> Each application must be inscribed with the date of application and the Florida Building Code in effect as of that date.<sup>32</sup>

A local government may not require a contract between a builder and an owner for the issuance of a building permit, or as a requirement for the submission of a building permit application.<sup>33</sup>

### **Elevator Regulation**

The Elevator Safety Act (the act), located in ch. 399, F.S., establishes the minimum standards for elevator personnel in order “to provide for the safety of life and limb and to promote public safety awareness.”<sup>34</sup> The Elevator Safety Act broadly defines the term “elevator” to include:<sup>35</sup>

- Hoisting Mechanical Devices;
- Escalators;
- Dumbwaiters;
- Moving Walks;
- Inclined Stairway Chairlifts; and
- Inclined or Vertical Wheelchair Lifts.

The Division of Hotels and Restaurants (division) within the Department of Business and Professional Regulation (DBPR) has both rulemaking and enforcement authority under

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<sup>28</sup> Section 553.72(2), F.S.

<sup>29</sup> See ss. 125.01(1)(bb), 125.56(1), 553.72(3), and 553.80(1) F.S.

<sup>30</sup> See ss. 125.56(4)(a) and 553.79(1), F.S. Other entities may, by resolution or regulation, be directed to issue permits.

<sup>31</sup> Section 553.79(1)(b), F.S.

<sup>32</sup> Section 105.3, 2023 Florida Building Code.

<sup>33</sup> Section 553.79(1)(f), F.S.

<sup>34</sup> Section 399.001, F.S.

<sup>35</sup> Section 399.01(6), F.S.

ch. 399, F.S. The division is also responsible for issuing elevator permits and certificates of operation for companies or individuals to install, service, or inspect elevators.<sup>36</sup>

The act prohibits an elevator from being “erected, constructed, installed or altered” until a permit is issued from the DBPR. The act further requires each elevator to have a certificate of operation from the DBPR before being operated.<sup>37</sup>

Section 399.061, F.S., requires an annual inspection of elevators by a certified elevator inspector. The certified elevator inspector may be a private elevator inspector, a state-employed elevator inspector, or an inspector for a municipality or country under contract with the DBPR.<sup>38</sup>

Section 399.02(6)(b), F.S., provides that the division may enter and have reasonable access to all buildings and rooms or spaces in which an existing or newly installed conveyance and equipment are located.

### **Interior Support Rails**

The act requires every elevator, except elevators in private residences, to have at least one support rail to assist persons with physical handicaps.<sup>39</sup>

Support rails must be continuous and have a minimum length of 42 inches. Support rails must also be:<sup>40</sup>

- Smooth and have no sharp edges;
- Not more than 1.5 inches thick or 2.5 inches in diameter;
- Between 31-33 inches off the ground; and
- 1.5 inches from the elevator’s wall.

The railing requirements are also provided in section 3009.2 of the Florida Building Code which provides that “[e]ach elevator car interior must have a support rail on at least one wall. All support rails must be smooth and have no sharp edges and must not be more than 1 1/2 inches (38 mm) thick or 2 1/2 inches (63 mm) in diameter. Support rails must be continuous and a minimum length of 42 inches (1067 mm) overall.”

### **Contractors**

Contractors are regulated by ch. 489, F.S., which outlines the law pertaining to contractors in the state of Florida. Part I of ch. 489, F.S., covers construction contracting regulated by the Construction Industry Licensing Board (CILB) and pt. II of ch. 489, F.S., covers electrical/alarm system contracting regulated by the Electrical Contractors’ Licensing Board. Both boards are housed in the Department of Business and Professional Regulation (DBPR).

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<sup>36</sup> Section 399.10, F.S.

<sup>37</sup> Section 399.03(1) and (5), F.S.

<sup>38</sup> See S: 399.061, F.S. In 2000, the Legislature amended s. 399.061, F.S., (ch. 2000-356 s. 4, Laws of Fla.) to provide for the use of private elevator inspectors.

<sup>39</sup> Sections 399.02, and 399.035, F.S.

<sup>40</sup> Section 399.035, F.S.

Construction contractors are either certified or registered by the CILB. The CILB consists of 18 members who are appointed by the Governor and confirmed by the Senate. The CILB meets to approve or deny applications for licensure, review disciplinary cases, and to conduct informal hearings relating to discipline.<sup>41</sup>

"Certified contractors" are individuals who pass the state competency examination and obtain a certificate of competency issued by the DBPR. Certified contractors are able to obtain a certificate of competency for a specific license category and are permitted to practice in that category in any jurisdiction in the state.<sup>42</sup>

"Registered contractors" are individuals who have taken and passed a local competency examination and can practice the specific category of contracting for which he or she is approved, only in the local jurisdiction for which the license is issued. Registered contractors must register their license with the CILB after obtaining a local license.<sup>43</sup>

In order to perform construction contracting in the state, a person must be certified or registered as a contractor, be an employee<sup>44</sup> of a certified or registered contractor, or fall under an exemption provided in current law.<sup>45</sup> The construction industry, in general, received 2,464 unlicensed activity complaints in the year fiscal year 2022-2023.<sup>46</sup>

Currently, a "general contractor" is required to subcontract all swimming pool work except for structural swimming pool work.<sup>47</sup>

### ***Swimming Pool/Spa Contractors***

"Commercial pool/spa contractors" are individuals who are certified or registered to construct, repair, and service any public or private swimming pool, hot tub, or spa including:<sup>48</sup>

- Installing, repairing, or replacing existing equipment;
- Cleaning or equipment sanitizing that requires at least a partial disassembling, excluding filter changes;
- Installing new pool/spa equipment, interior finishes, package pool heaters, and perimeter piping and filter piping;
- Constructing equipment rooms or housing for pool/spa equipment; and
- The scope of work of a swimming pool/spa servicing contractor.

"Residential pool/spa contractors" are individuals who are certified or registered to construct repair, and service any residential swimming pool, hot tub, or spa. The scope of work is identical

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<sup>41</sup> Section 489.107, F.S.

<sup>42</sup> Section 489.105, F.S.

<sup>43</sup> Sections 489.105, and 489.117, F.S.

<sup>44</sup> "Employee" means a person who receives compensation from and is under the supervision and control of an employer who regularly deducts the F.I.C.A. and withholding tax and provides workers' compensation, all as prescribed by law. Section 489.103(2)(b), F.S.

<sup>45</sup> Section 489.103(2), and 489.113, F.S.

<sup>46</sup> DBPR, *Fiscal Year 2022-2023 Annual Report on Unlicensed Activity*, <https://www2.myfloridalicense.com/reg/documents/ULA%20Report%20FY22-23.pdf>, (last visited March 11, 2025).

<sup>47</sup> Section 489.113(3)(c).

<sup>48</sup> Section 489.105(3)(j), F.S.



to the scope of work for commercial pool/spa contractors; however, residential pool/spa contractors may only work on residential swimming pools, hot tubs, and spas.<sup>49</sup>

“Swimming pool/spa servicing contractors” are individuals who are certified or registered to repair and service any public or private swimming pool, hot tub, or spa including:<sup>50</sup>

- Repairing or replacing existing equipment;
- Cleaning or equipment sanitizing that requires at least a partial disassembling, excluding filter changes;
- Installing new pool/spa equipment and interior refinishing;
- Reinstalling or adding pool heaters;
- Repairing or replacing perimeter piping and filter piping;
- Repairing equipment rooms or housing for pool/spa equipment; and
- Substantially or completely draining a swimming pool, or hot tub or spa, for the purpose of repair or renovation.

The scope of work for all three types of swimming pool/spa contractors does not include direct connections to a sanitary sewer system or to potable water lines.<sup>51</sup>

Water treatment or cleaning a pool or spa does not require a license unless the structural integrity of the pool or spa is affected, or equipment attached to the pool or spa must be substantially or completely disassembled or replaced in order to treat the water or clean the pool. Installing an aboveground pool also does not require a license.<sup>52</sup>

A contractor, including pool/spa contractors, must subcontract all electrical, mechanical, plumbing, roofing, sheet metal, and air-conditioning work, to a contractor certified or registered in the respective category, unless the pool/spa contractor also holds a state certificate or registration in the respective category.<sup>53</sup>

In order to obtain certification as a swimming pool/spa contractor, a person must:<sup>54</sup>

- Apply to the DBPR in writing;
- Be 18 years of age;
- Be of good moral character;
- Pass the examination for the certification sought; and
- Have one of the following:
  - A bachelor degree from a four year college in the appropriate field of engineering, architecture, or building construction, and one year of proven experience;
  - Four years of experience as a foreman or a skilled worker with at least one year as a foreman;

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<sup>49</sup> Section 489.105(3)(k), F.S.

<sup>50</sup> Section 489.105(3)(l), F.S.

<sup>51</sup> Section 489.105, F.S.

<sup>52</sup> Sections 489.103(6), and 489.105, F.S.; DBPR, *Trust but Verify*, [http://www.myfloridalicense.com/dbpr/reg/documents/trustbutverify\\_000.pdf?x40199](http://www.myfloridalicense.com/dbpr/reg/documents/trustbutverify_000.pdf?x40199) (last visited March 11, 2025).

<sup>53</sup> Section 489.113(3), F.S.

<sup>54</sup> Sections 489.111, & 489.113, F.S.

- A combination of college and experience as a foreman or skilled worker that equals four years with at least one of the years as a foreman; or
- One year of experience and 60 hours of instruction courses approved by the CILB; however, this only applies to swimming pool/spa servicing contractors.

### ***Swimming Pool/Spa Specialty Contractors***

“Certified specialty contractors” are contractors whose scope of work is limited to a particular phase of construction that is a subset of a certified contractor’s scope of work, such as a drywall specialty license or a demolition specialty license. Certified specialty contractor licenses are created by the CILB through rulemaking. Certified specialty contractors are permitted to practice in any jurisdiction in the state.<sup>55</sup>

The CILB has created eight types of pool/spa specialty contractor certifications. Pool/spa specialty contractors, except residential swimming pool/spa servicing specialty contractors, must work under contract with and under the supervision of a licensed swimming pool/spa contractor. However, they are not required to be employees of a licensed pool/spa contractor.<sup>56</sup>

In order to obtain certification as a certified specialty pool/spa contractor a person must:<sup>57</sup>

- Submit a written application to the CILB;
- Be at least 18 years of age;
- Be of good moral character;
- Pass a written examination for the specialty pool/spa contractor category sought; and
- Demonstrate four years of experience in the specialty pool/spa contractor category sought, or one year of experience and 60 hours of instruction courses approved by the CILB; however, the one year of experience only applies to residential swimming pool/spa servicing contractors.

Additionally, a pool/spa contractor (commercial, residential, and servicing) is required to complete 14 hours of continuing education and pay a renewal fee of \$205 per year.<sup>58</sup>

### **The Florida Building Code**

In 1974, Florida adopted legislation requiring all local governments to adopt and enforce a minimum building code that would ensure that Florida’s minimum standards were met. Local governments could choose from four separate model codes. The state’s role was limited to adopting all or relevant parts of new editions of the four model codes. Local governments could amend and enforce their local codes, as they desired.<sup>59</sup>

In 1992, Hurricane Andrew demonstrated that Florida’s system of local codes did not work. Hurricane Andrew easily destroyed those structures that were allegedly built according to the

<sup>55</sup> Section 489.105(3)(q), F.S.

<sup>56</sup> Fla. Admin. Code R. 61G4-15.032; Rule 61G4-15.040.

<sup>57</sup> *Id.*

<sup>58</sup> DBPR, *Getting Started in the Construction Industry*, CE Requirements, <https://www2.myfloridalicense.com/construction-industry/#ce> (last visited March 11, 2025).

<sup>59</sup> The Florida Building Commission Report to the 2006 Legislature, *Florida Department of Community Affairs*, p. 4, [http://www.floridabuilding.org/fbc/publications/2006\\_Legislature\\_Rpt\\_rev2.pdf](http://www.floridabuilding.org/fbc/publications/2006_Legislature_Rpt_rev2.pdf) (last visited Mar. 11, 2025).

strongest code. The Governor eventually appointed a study commission to review the system of local codes and make recommendations for modernizing the system. The 1998 Legislature adopted the study's commission recommendations for a single state building code and enhanced the oversight role of the state over local code enforcement. The 2000 Legislature authorized implementation of the Florida Building Code (Building Code), and that first edition replaced all local codes on March 1, 2002.<sup>60</sup> The current edition of the Building Code is the seventh edition, which is referred to as the 2020 Florida Building Code.<sup>61</sup>

Chapter 553, part IV, F.S., is known as the "Florida Building Codes Act" (Act). The purpose and intent of the Act is to provide a mechanism for the uniform adoption, updating, interpretation, and enforcement of a single, unified state building code. The Building Code must be applied, administered, and enforced uniformly and consistently from jurisdiction to jurisdiction.<sup>62</sup>

The Florida Building Commission (Commission) was statutorily created to implement the Building Code. The Commission, which is housed within the Department of Business and Professional Regulation (DBPR), is a 19-member technical body made up of design professionals, contractors, and government experts in various disciplines covered by the Building Code. The Commission reviews several International Codes published by the International Code Council,<sup>63</sup> the National Electric Code, and other nationally adopted model codes to determine if the Building Code needs to be updated and adopts an updated Building Code every three years.<sup>64</sup>

### **Private Providers Alternative Plans Review and Inspection**

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

"Private provider" means a person licensed as a building official, engineer, or as an architect. Licensed building inspectors and plans examiners may perform inspections for additions and alterations that are limited to 1,000 square feet or less in residential buildings.<sup>65</sup>

Private providers and their duly authorized representatives<sup>66</sup> are able to approve building plans and perform building code inspections, including single-trade inspections, as long as the plans approval and building inspections are within the scope of the provider's or representative's license. "Single-trade inspection" is defined as:

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<sup>60</sup> *Id.*

<sup>61</sup> Florida Building Commission Homepage, <https://floridabuilding.org/c/default.aspx> (last visited Mar. 11, 2025).

<sup>62</sup> See s. 553.72(1), F.S.

<sup>63</sup> The International Code Council (ICC) is an association that develops model codes and standards used in the design, building, and compliance process to "construct safe, sustainable, affordable and resilient structures." International Code Council, *About the ICC*, <https://www.iccsafe.org/about/who-we-are/> (last visited Mar. 11, 2025).

<sup>64</sup> Section 553.73(7)(a), F.S.

<sup>65</sup> Section 553.791(1)(n) and (3), F.S.

<sup>66</sup> "Duly authorized representative" means an employee of a private provider identified in a permit application who reviews plans or performs inspections, and is licensed as an engineer, architect, building official, inspector, or plans examiner. Section 553.791(1)(f), F.S.

“...any inspection focused on a single construction trade, such as plumbing, mechanical, or electrical. The term includes, but is not limited to, inspections of door or window replacements; fences and block walls more than 6 feet high from the top of the wall to the bottom of the footing; stucco or plastering; reroofing with no structural alteration; HVAC replacements; ductwork or fan replacements; alteration or installation of wiring, lighting, and service panels; water heater changeouts; sink replacements; and repiping.”<sup>67</sup>

A local government may establish, for private providers and duly authorized representatives working within the local government’s jurisdiction, a system of registration to verify compliance with the license and insurance requirements for private providers.<sup>68</sup>

If an owner or contractor opts to use a private provider for purposes of plans review or building inspection services, the local government must calculate the cost savings to its building department and reduce the building permit fees accordingly.<sup>69</sup> Additionally, a local government may not charge a fee for building inspections when an owner or contractor uses a private provider but may charge a reasonable administrative fee for the clerical and supervisory assistance required.<sup>70</sup>

Current law specifies a process for an owner or contractor to notify the local government that a private provider has been contracted to perform building code inspection services, including single-trade inspections. Such notice must be provided in writing at the time of permit application, or by 2 p.m., two business days before the first scheduled inspection by the local building official.<sup>71</sup>

After construction has commenced, and if the local building official is unable to provide inspection services in a timely manner, the owner or contractor may elect to use a private provider to provide inspection services by notifying the local building official by 2 p.m., two days before the next scheduled inspection.<sup>72</sup>

A private provider performing required inspections must inspect each phase of construction as required by the applicable codes, and such inspection may be performed in-person or virtually.<sup>73</sup>

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<sup>67</sup> Section 553.791(1)(q), F.S.

<sup>68</sup> Section 553.791(16)(b), F.S.

<sup>69</sup> “Such reduction may be calculated on a flat fee or percentage basis, or any other reasonable means by which a local enforcement agency assesses the cost for its plans review or inspection services.” Section 553.791(2)(b), F.S.

<sup>70</sup> Section 553.791(2)(b), F.S.

<sup>71</sup> Section 553.791(4), F.S.

<sup>72</sup> Section 553.791(5), F.S.

<sup>73</sup> Section 553.791(8), F.S.

For plans review, a private provider must review the plans<sup>74</sup> to determine compliance with the applicable codes<sup>75</sup> and prepare an affidavit<sup>76</sup> certifying, under oath, that the plans are in compliance and the private provider is duly authorized to perform plans review.<sup>77</sup>

Upon receipt of a building permit application and the required affidavit from the private provider, a building official has 20 business days to issue the permit or provide written notice of the plan deficiencies.<sup>78</sup> If the local building official does not provide written notice of plan deficiencies within the prescribed 20-day period, the permit application shall be deemed approved and shall be issued on the next business day.<sup>79</sup> If the building official provides a written notice of plan deficiencies, the 20-day period is tolled pending resolution of the matter.<sup>80</sup> The law further specifies the process for a private provider to correct the deficiencies and also allows the permit applicant to dispute the deficiencies.

### III. Effect of Proposed Changes:

**Section 1** creates s. 125.572, F.S., to direct the Department of Environmental Protection (DEP) to adopt minimum standards for the installation of synthetic turf on single-family residential properties one acre or less in size. These standards must take into account material type, permeability, stormwater management, potable water conservation, water quality, proximity to vegetation, and other environmental conditions.

Upon the adoption of such standards, the section prohibits local governments from adopting or enforcing any ordinance, resolution, order, rule, or policy that prohibits, or is enforced to prohibit, a property owner from installing synthetic turf on his or her land that complies with these standards.

The section also prohibits a local government from adopting or enforcing any ordinance, resolution, order, rule, or policy that regulates synthetic turf which is inconsistent to the standards adopted.

The term “synthetic turf” is defined to mean “a manufactured product that resembles natural grass and is used as a surface for landscaping and recreational areas.”

The bill directs the DEP to adopt rules to implement the section.

**Section 2** creates s. 218.755, F.S., to provide that if a local government receives a price quote for a change order from its contractor, which meets all statutory and contractual requirements, the

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<sup>74</sup> “Plans” means building plans, site engineering plans, or site plans, or their functional equivalent, submitted by a fee owner or fee owner’s contractor to a private provider or duly authorized representative for review. Section 553.791(1)(m), F.S.

<sup>75</sup> “Applicable codes” means the Florida Building Code and any local technical amendments to the Florida Building Code but does not include the applicable minimum fire prevention and firesafety codes adopted pursuant to ch. 633, F.S. Section 553.791(1)(a), F.S.

<sup>76</sup> The affidavit may bear a written or electronic signature and may be submitted electronically to the local building official.

<sup>77</sup> Section 553.791(6), F.S.

<sup>78</sup> Section 553.791(7)(a), F.S.

<sup>79</sup> *Id.*

<sup>80</sup> Section 553.791(7)(b), F.S.

local government must provide written notice to the contractor approving or denying the price quote within 35 days.

If a local government denies the price quote, the written notice must specify the alleged deficiencies in the quote and list the actions necessary to remedy the deficiencies. If a local government fails to provide such information in the written denial notice then it is liable to the contractor for any additional labor, staffing, materials, supplies, equipment, and overhead associated with the change order.

A contract between a local government and a contractor may not alter these provisions.

**Section 3** amends s. 255.0992, F.S., to provide that the state or any political subdivision which contracts for public works may not, when scoring or evaluating bids for a public works project, penalize a bidder for performing a larger volume of construction work for the state or political subdivision or reward a bidder for performing a smaller volume of construction work for the state or political subdivision.

**Section 4** amends s. 399.035, F.S., to provide that only one interior support rail in an elevator must be continuous and at least 42 inches long, instead of requiring all interior support rails in an elevator to meet these requirements.

**Section 5** amends s. 489.105, F.S., to revise the scope of allowable work for commercial, residential, and servicing swimming pool contractors in the following ways:

**Commercial Pool/Spa Contractor:**

- Expands the definition of a commercial pool/spa contractor to provide that a commercial pool/spa contractor's scope of work involves but is not limited to:
  - All phases of construction repair, renovation, remodel, deconstruction, and servicing of a swimming pool, hot tub, or spa, splash pad, or other interactive water feature, decorative water feature, public bathing place, or a swimming pool or spa appurtenance.
- Expands the scope of work to:
  - The connection, replacement, disconnection, or reconnection of power wiring on the load side of the dedicated existing electrical circuit disconnect means for swimming pool, spa, hot tub, or interactive water feature equipment.
  - The installation of equipotential bonding; swimming pool, spa, or hot tub lighting; light transformers; light conduit; and any cleaning or sanitizing equipment that requires at least partial disassembling.
  - The construction of uninhabitable equipment rooms or housing for swimming pool, spa, hot tub, or interactive water feature equipment for the protection of the equipment from outside elements or preventing unauthorized access.
  - The excavation and earthmoving required for the installation of swimming pools, spas, hot tubs, or interactive water features and the operation of construction pumps for dewatering purposes for swimming pool, spa, hot tub, or interactive water feature excavation sites and draining swimming pools, spas, hot tubs, or interactive water features.

- The installation of rebar or similar support materials for swimming pool, spa, hot tub, or interactive water feature structures, and the shaping and shooting of gunite dry mix and wet mix, concrete, or similar product mix used in the construction of swimming pools, spas, hot tubs, or interactive water features.
- The installation of fiberglass swimming pool, spa, or hot tub shells and vinyl swimming pool, spa, or hot tub liners.
- The application and removal of all interior swimming pool, spa, hot tub, or interactive water feature finishes.
- The construction, maintenance, or remodel of decorative or interactive water features, displays, or areas that use recirculated water, including fountains, waterfalls, and spray nozzles.
- The installation of all swimming pool, spa, hot tub, or interactive water feature piping, including, but not limited to, drain piping, perimeter piping, and circulation or filter piping used in the construction of swimming pools, spas, hot tubs, or decorative or interactive water feature displays or areas.
- The construction and installation of retaining walls, concrete flatwork, pavers and bricks, and footings for the construction of a swimming pool, spa, hot tub, or interactive water feature, whether newly constructed or additions to or remodels of existing swimming pools, spas, hot tubs, or interactive water features.
- Limits the scope of work by providing that the installation or upgrade of dedicated electrical disconnect or electrical circuits, or any work inside a main electrical panel, is not included within the scope of work.
- Clarifies that licensure is not required when using equipment for:
  - Treating or cleaning a swimming pool, spa, hot tub, or interactive water feature unless such use involves installation, modification, or replacement of the equipment.
  - Treating water, filter media changes, or the cleaning of a swimming pool, spa, hot tub, or interactive water feature, or its associated equipment, which does not affect the structural integrity of the swimming pool, spa, hot tub, or interactive water feature.

**Residential Pool/Spa Contractor:**

- Revises the definition of a residential pool/spa contractor to mean:
  - A contractor whose scope of work is the same as a commercial pool/spa contractor under paragraph (j), except a residential pool/spa contractor may not construct any new commercial swimming pool, spa, hot tub, or public bathing place.

**Swimming Pool/Spa Servicing Contractor:**

- Revises the definition of a swimming pool/spa servicing contractor to include:
  - All aspects of the repair, renovation, remodeling, or servicing of a swimming pool, hot tub, spa, splash pad, or other interactive water feature, decorative water feature, public bathing place, or swimming pool or spa appurtenance.
- Clarifies a swimming pool/spa servicing contractor's scope of work by including but not limiting to:
  - The installation, repair, or replacement of all swimming pool, spa, hot tub, or interactive water feature equipment, including, but not limited to, pool pumps; filters; feeders; controllers; and swimming pool, spa, or hot tub heaters, whether electric, gas, or solar.

- The connection, replacement, disconnection, or reconnection of power wiring on the load side of the dedicated existing electrical circuit disconnect means for swimming pool, spa, hot tub, or interactive water feature equipment.
- The repair or replacement of equipotential bonding; swimming pool, spa, or hot tub lighting; light transformers; light conduit; and any cleaning or sanitizing equipment that requires at least partial disassembling.
- The repair of uninhabitable equipment rooms or housing for swimming pool, spa, hot tub, or interactive water feature equipment.
- The repair or replacement of all perimeter piping and filter piping.
- The substantial or complete draining of a swimming pool, spa, or hot tub for repair or renovation and the operation of construction pumps for dewatering purposes for drained swimming pools, spas, hot tubs, or interactive water features.
- The removal and reapplication of all interior swimming pool, spa, hot tub, or interactive water feature finishes.
- The installation, repair, or replacement of all tile and coping for a swimming pool, spa, hot tub, or interactive water feature.
- Clarifies a swimming pool/spa servicing contractor's scope of work does not include:
  - The installation or upgrade of dedicated electrical disconnect or electrical circuits, or any work inside a main electrical panel.

**Section 6** amends s. 489.113, F.S., to provide that a building contractor may not be required to subcontract structural swimming pool or pool wet deck area work. It further defines the term “pool wet deck area” as the four-foot-wide unobstructed pool deck area around the outside of the pool water perimeter, curb, ladders, handrails, diving boards, diving towers, pool slides, waterfalls, water features, starting blocks, planters, or lifeguard chairs.

**Section 7** amends s. 489.505, F.S., to include surveillance cameras in the scope of work used to define certified alarm system contractors. Specifically, the bill provides that the scope of certification for alarm system contractors newly includes the installation, repair, fabrication, erection, alteration, addition, or design of electrical wiring, fixtures, appliances, thermostats, apparatus, raceways, and conduit, or any part thereof not to exceed 98 volts, when those items are for the purpose of providing surveillance cameras.

**Section 8** amends s. 553.73, F.S., to provide that, by January 1, 2026, or the next update of the Florida Building Code (currently scheduled for the end of 2026), the Florida Building Commission must amend the Florida Building Code to be consistent with the International Building Code provisions recognizing tall mass timber as allowable material for construction types IV-A, IV-B, IV-C, and IV-HT.<sup>81</sup>

The section also provides total exemption from the Florida Building Code for any system or equipment, whether affixed or movable, which is located on property within a spaceport

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<sup>81</sup> Mass timber is a category of engineered wood products designed to be strong and fire-resistant enough for use in large-scale construction. The International Building Code maintains regulations specifying fire-resistance ratings, maximum heights and floor areas for construction using mass timber products, and classification of construction types using mass timber.



territory,<sup>82</sup> and which is used for the production, erection, alteration, modification, repair, launch, processing, recovery, transport, integration, fueling, conditioning, or equipping of a space launch vehicle, payload, or spacecraft.

**Section 9** amends s. 553.79, F.S., to provide that a local enforcement agency may not require a copy of a contract between a builder and an owner or any ancillary documents such as letters of intent, material costs lists, labor costs, or overhead or profit statements, as a requirement to apply for or receive a building permit.

**Section 10** amends s. 553.791, F.S., to allow private providers to perform “single-trade plans review,” an analogous concept to the existing single-trade inspections provided for in current law. Such single-trade plans review may be conducted using an automated or software-based plans review system to determine compliance with applicable codes, provided that the provider specifies in the required affidavit any such system used. Additionally, where the local building official must issue a permit within 20 business days after receipt of an application and private provider affidavit, the bill requires action within five business days if the permit application is related to single-trade plans review for single-family or two-family dwellings.

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

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

**Section 11** amends s. 497.271, F.S., to correct a cross-reference and make technical changes.

**Sections 12 -25** reenact various statutes for the purpose of incorporation.

**Section 26** provides an effective date of July 1, 2025.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

None.

##### **B. Public Records/Open Meetings Issues:**

None.

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<sup>82</sup> Section 331.304, F.S., provides areas that are designated as spaceport territory. The list includes Patrick Space Force Base, Cape Canaveral Space Force Station, John F. Kennedy Space Center, Eglin Air Force Base, Cecil Airport in Duval County, Homestead Air Force Base, Tyndall Air Force Base, and certain other properties.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Requiring local governments to process change orders within 30 days may lead to a decrease in construction time.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 255.0992, 399.035, 489.105, 489.113, 489.505, 553.73, 553.79, 553.791, and 497.271.

This bill creates the following sections of the Florida Statutes: 125.572 and 218.755.

This bill reenacts the following sections of the Florida Statutes: 489.107, 489.117, 489.118, 489.131, 489.141, 514.0315, 514.075, 201.21, 177.073, 468.621, 471.033, 481.225, and 553.80.

**IX. Additional Information:****A. Committee Substitute – Statement of Substantial Changes:**

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

**CS/CS by Appropriations Committee on Agriculture, Environment, and General Government on April 15, 2025:**

The committee substitute:

- Requires one continuous interior support rail in elevators;
- Revises the scope of allowable work for swimming pool contractors;
- Allows private providers to perform single-trade plans reviews, provides for expedited permit processing, and expands the work for which private providers can perform inspections;
- Extends the timeline for local governments to approve or deny the price quote for a contractor change order from 30 days to 35 days, and;
- Includes clarifying language for prohibited governmental actions on public works projects.

**CS by Community Affairs on March 31, 2025:**

The committee substitute:

- Revises the turf preemption to require that the Department of Environmental Protection adopt standards for installation on residential properties smaller than one acre. The general preemption takes effect when those standards are adopted.
- Introduces three new subjects to the bill: adding surveillance cameras to the scope of certification for certified alarm system contractors; requiring that the Florida Building Commission include certain standards for mass timber in the Florida Building Code; and exempting systems and equipment involved in the launch of spacecraft from the Florida Building Code.

**B. Amendments:**

None.