

FLORIDA HOUSE OF REPRESENTATIVES

BILL ANALYSIS

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BILL #: [HB 1049](#)

TITLE: Building Permit Requirements

SPONSOR(S): Esposito

COMPANION BILL: [SB 968](#) (McClain)

LINKED BILLS: None

RELATED BILLS: None

Committee References

[Intergovernmental Affairs](#)

10 Y, 6 N

[Industries & Professional Activities](#)

[State Affairs](#)

SUMMARY

Effect of the Bill:

The bill creates the following exemptions from building permit requirements for residential properties:

- Certain work valued at less than \$7,500 that is performed on a single-family dwelling lot by the owner of the residence or the owner's contractor. The bill requires the contractor to keep records of such work performed.
- The design, installation, relocation, replacement, or repair of backup power systems installed at or serving a one-family or two-family dwelling or townhome for the purpose of providing on-site electrical power if the work is performed by a licensed contractor or a public utility.

The bill prohibits local governments from adopting:

- Any local review or approval process for backup power systems that is the functional equivalent of the permitting processes prohibited by the bill; and
- Standards that regulate backup power systems beyond what is provided in the Florida Building Code and Florida Fire Prevention Code.

The bill allows local governments to require inspections of backup power systems and allows for the use of private providers to conduct the inspection.

Fiscal or Economic Impact:

The bill may have an indeterminate fiscal impact on local governments by prohibiting them from requiring building permits for certain work, which will reduce the amount of permit fees they collect but may also reduce their workload.

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ANALYSIS

EFFECT OF THE BILL:

Work Valued at Less than \$7,500

The bill provides that a local government may not require a single-family dwelling owner or the owner's contractor to pull a [building permit](#) for work that is valued at less than \$7,500, on the lot containing the single-family dwelling, however:

- A local government may require a building permit for electrical, plumbing, or structural work, not including the repair or replacement of exterior doors or windows, regardless of the value of such work.
- A contractor who performs work that is exempt from needing a building permit must keep a record in writing of the work he or she performed, the property address where the work was performed, and the value of such work. (Section 2)

[Backup Power Systems](#)

STORAGE NAME: h1049b.IPA

DATE: 1/26/2026

The bill provides an exemption from building permit requirements for ["backup power systems."](#) which the bill defines as equipment and associated components installed at or serving a one-family or two-family dwelling or townhouse for the purpose of providing on-site electrical power during utility outages, load management, resiliency, or other similar purposes that is capable of providing no more than 50 kilowatts of output to a dwelling or townhome or with an aggregate storage capacity of no more than 100 kilowatt hours, if the system includes energy storage. (Section [3](#))

The bill prohibits local governments from requiring a building permit, or having a local review or approval process that mirrors the building permit process, for the design, installation, relocation, replacement, or repair of a backup power system installed by a licensed contractor or public utility. The bill further specifies owner installation or other unlicensed contracting is excluded from this exemption. (Section [3](#))

The bill prohibits local governments from adopting technical amendments to the [Florida Building Code \(Building Code\)](#) that mirror the permitting process for exempt backup power systems. (Section [1](#))

The bill prohibits a county, municipality, or special district from adopting or enforcing any ordinance, rule, or other measure that regulates the installation, relocation, replacement, or repair beyond enforcing the standards contained in the Building Code and the Florida Fire Prevention Code (FFPC). (Section [3](#))

The bill provides a local enforcement agency may conduct inspections in person or virtually to ensure compliance with the Building Code and FFPC, but prohibits local governments from conditioning inspection on obtaining a building permit or undergoing an equivalent review process and from requiring a plans review. An owner or the owner's contractor may choose to have the inspection performed by a [private provider](#). The private provider must meet the timelines for emergency inspections and submission requirements of inspection reports and prepare a certificate of compliance to submit to the local building official that all applicable work has been performed to code. (Section [3](#))

The bill provides that if a local enforcement agency finds an owner or owner's contractor out of compliance, a written notice of correction must be sent that cites the specific code sections out of compliance and required remedy to achieve compliance. Stop-work orders may only be issued to address immediate dangers to life or safety for the affected area. Upon request after the noncompliance correction, the local enforcement agency must offer a reinspection date within two business days after the request or on the next day inspections are being conducted, whichever is earlier. If a reinspection does not take place within this timeframe, a private provider inspection report constitutes acceptance by the local enforcement agency. (Section [3](#))

The bill provides that a failed inspection report may not be the sole basis for a local enforcement agency to withhold or revoke a certificate of occupancy. The enforcement agency can withhold authorization to energize the backup power system until corrections take place. (Section [3](#))

The bill specifies that it does not alter or abridge the jurisdiction of the Public Service Commission or the exemptions for utilities and cooperatives relating to interconnection and net metering. The bill does not affect any tariff, service policy, or interconnection requirements of a utility or cooperative. (Section [4](#))

The bill provides an effective date of July 1, 2026. (Section [5](#))

FISCAL OR ECONOMIC IMPACT:

LOCAL GOVERNMENT:

The bill may have an indeterminate fiscal impact on local governments by prohibiting them from requiring building permits for certain work, which will reduce the amount of permit fees they collect but may also reduce their workload.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Florida Building Code

Chapter 553, part IV, F.S., is known as the “Florida Building Codes 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.¹

The Florida Building Commission (Commission) implements the Building Code. The Commission, which is housed within the Department of Business and Professional Regulation, 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 updates and adopts a new edition of the Building Code every three years.² The current edition of the Building Code is the eighth edition, which is referred to as the 2023 Building Code.³

It is the intent of the Legislature that local governments have the power to inspect all buildings, structures, and facilities within their jurisdiction in protection of the public’s health, safety, and welfare.⁴

Building Permits

Every local government must enforce the Building Code and issue building permits.⁵ A building permit is an official document or certificate issued by the local building official that authorizes performance of a specific activity.⁶ It is unlawful for a person to construct, erect, alter, repair, secure, or demolish any building without first obtaining a building permit.⁷

Current law requires local governments to review building permit applications for single-family dwellings within a specific time-period of receiving the applications.⁸ When a local government receives an application for a single-family dwelling building permit, it must approve, approve with conditions, or deny a building permit application following receipt of a completed and sufficient application to the following timelines, unless the applicant waives such limitation in writing:

- Within 30 business days if the structure is less than 7,500 square feet.
- Within 60 business days if the structure is more than 7,500 square feet.
- Within 12 business days after receiving a complete and sufficient application, for an applicant using a master building permit to obtain a site-specific building permit.
- Within 10 business days for a single-family residential dwelling applied for by a licensed contractor on behalf of a property owner who participates in a Community Development Block Grant-Disaster Recovery program administered by the Department of Commerce.⁹

A building permit becomes invalid if no work starts within six months after issuance of the permit or if work on the project ceases for a period of six months after work has commenced on the project. Work shall be considered to be in active progress when the permit has received an approved inspection within 180 days.¹⁰

¹ [S. 553.72\(1\), F.S.](#)

² [Ss. 553.73\(7\), and 553.74, F.S.](#)

³ ICC Digital Codes, [2023 Florida Building Code, Building, Eighth Edition](#) (last visited Jan. 15, 2026).

⁴ [S. 553.72, F.S.](#)

⁵ [Ss. 125.01\(1\)\(bb\), 125.56\(1\), and 553.80\(1\), F.S.](#)

⁶ See [s. 468.603\(2\), F.S.](#) and [Florida Building Code \(Building\), Eighth Edition, s. 202](#).

⁷ [S. 553.79\(1\), F.S.](#)

⁸ [S. 553.792\(1\), F.S.](#)

⁹ *Id.*

A new permit is required if a permit is revoked after work has commenced, becomes null and void, or expires because of a lack of progress on the project. If a new permit is not obtained within 180 days from the date the permit becomes null and void, the local enforcement agency may require the removal of all work that has been performed on the project.¹¹

Backup Power Systems

Onsite backup systems use local generation at the facility site to provide power when the utility is not available. The backup power system may or may not be interconnected with the utility grid. Onsite electrical power generating systems are available in a wide variety of designs for specific uses and customer applications.¹² This type of power system consists of a power source and a means to transfer power from that source to the load when an outage occurs. The generator's primary fuel source can be natural gas, propane, or diesel.¹³

Current law requires a permit for the installation of a residential backup system or whole house generator.¹⁴ Various municipalities and counties provide more specific guidance on their requirements for generator permits. Some entities include checklists of requirements to assist with the installation of backup power systems. For example, Hillsborough County requires all of the following:¹⁵

- A licensed contractor to apply for a residential electrical trade permit.
- Receive two inspections (electrical rough in and electrical final). A notice of commencement submitted prior to the first inspection. Provide a digitally signed and sealed site plan, including verification the project will not encroach into an easement, wetland or wetland setback. Verify the applicable zoning district, flood hazard areas and Base Flood Elevation on the site plan.

Private Providers

Private providers and their duly authorized representatives are able to approve building plans and perform building code inspections as long as the plans approval and building inspections are within the scope of the provider's or representative's license.¹⁶

A private provider must be licensed as a building official, engineer, or architect or be licensed as building inspector or plans examiner who perform inspections for additions and alterations that are limited to 1,000 square feet or less in residential buildings.¹⁷

A single-trade inspection is an 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.¹⁸

¹⁰ [Florida Building Code \(Building\), Eighth Edition, s. 105.4.](#)

¹¹ *Id.*

¹² National Electrical Manufacturers Association, [Backup Power Systems](#) (last visited Jan. 15, 2026).

¹³ *Id.*

¹⁴ See [s. 553.79\(1\), F.S.](#)

¹⁵ Hillsborough County, [Residential Backup Generators Requirements](#) (last visited Jan. 15, 2026).

¹⁶ [S. 553.791, F.S.](#)

¹⁷ [S. 553.791\(1\)\(n\), F.S.](#)

¹⁸ [S. 553.791\(1\)\(q\), F.S.](#)

An owner or contractor must notify a local government that the owner or contract hired a private provider to perform building code inspection services. Such notice must be provided in writing at the time of permit application, or by 2 p.m. local time two business days before the first scheduled inspection by the local building official.¹⁹

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. local time two business days before the first scheduled inspection.²⁰

For plans review, a private provider must review the plans²¹ to determine compliance with the applicable codes²² and prepare an affidavit certifying, under oath, that the plans comply, and the private provider is duly authorized to perform plans review.²³

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 or 5 business days for a single-trade plans review for a single-family or two-family dwelling.²⁴ If the local building official does not provide written notice of plan deficiencies within the prescribed period, the permit application shall be deemed approved and must be issued on the next business day.²⁵

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Intergovernmental Affairs Subcommittee	10 Y, 6 N	1/20/2026	Darden	Burgess
Industries & Professional Activities Subcommittee			Anstead	Miralia
State Affairs Committee				

¹⁹ [S. 553.791\(4\), F.S.](#)

²⁰ [S. 553.791\(5\), F.S.](#)

²¹ "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. [S. 553.791\(1\)\(m\), F.S.](#)

²² "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 fire safety codes adopted pursuant to ch. 633, F.S. [S. 553.791\(1\)\(a\), F.S.](#)

²³ [S. 553.791\(6\), F.S.](#)

²⁴ [S. 553.791\(7\)\(a\), F.S.](#)

²⁵ *Id.*