

**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 Committee on Community Affairs

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BILL: SB 1234

INTRODUCER: Senator DiCeglie

SUBJECT: Building Permits and Inspections

DATE: January 16, 2026

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

| ANALYST   | STAFF DIRECTOR | REFERENCE | ACTION      |
|-----------|----------------|-----------|-------------|
| 1. Shuler | Fleming        | CA        | Pre-meeting |
| 2.        |                | RI        |             |
| 3.        |                | RC        |             |

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## I. Summary:

SB 1234 amends provisions related to the Florida Building Code and local building permit requirements and requirements related to private providers, including:

- Providing that building permits for single-family dwellings expire after the latter of the issuance of the permit or the effective date of the next edition of the Building Code;
- Exempting residential hurricane and flood protection walls or barriers meeting certain requirements or certain work valued at \$7,500 or less from permitting requirements and providing that permits may not be required for retaining walls on single- or two-family dwellings or townhouses.
- Limiting inspection fees from exceeding actual costs by the local enforcement agency and prohibiting them from being based on the total cost of the project.
- Requiring the Florida Building Commission to develop a uniform building permit application.
- Adding a deadline of 5 days for local governments to respond to permit applications for work valued less than \$15,000.
- Deeming building permits approved for construction or renovation of single-family dwellings subject to a state of emergency within the previous 24 months and requiring issuance of permits for such projects within 2 days.
- Prohibiting homeowner associations from requiring the issuance of a building permit as a prerequisite for review of construction on a parcel.
- Substantially revising requirements related to private provider services, including:
  - Limitations on local government authority related to supervision; audits; and application reviews when private providers are used.
  - Requirements related to notifications related to applications and corrective actions.
  - Revisions of the calculation of fees charged by local governments when private provider services are used.

The bill provides an effective date of July 1, 2026.

## II. Present Situation:

### 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>1</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 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 commission's 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>2</sup> The current edition of the Building Code is the eighth edition, which is referred to as the 2023 Florida Building Code.<sup>3</sup>

Part IV of chapter 553, 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, amendment, 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>4</sup>

The Florida Building Commission (Commission) was 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.<sup>5</sup> The Commission reviews several International Codes published by the International Code Council,<sup>6</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>7</sup> Additionally, the Commission is required to adopt updates necessary to maintain eligibility for federal funding and discounts under the National Flood Insurance Program, the Federal

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<sup>1</sup> FLA. DEPT. OF CMTY AFFAIRS, THE FLORIDA BUILDING COMMISSION REPORT TO THE 2006 LEGISLATURE 4 (Jan 2006), [http://www.floridabuilding.org/fbc/publications/2006\\_Legislature\\_Rpt\\_rev2.pdf](http://www.floridabuilding.org/fbc/publications/2006_Legislature_Rpt_rev2.pdf) (last visited Jan. 14, 2026).

<sup>2</sup> *Id.*

<sup>3</sup> FLA. DEPT. OF BUS. & PRO. REGUL., *Florida Building Codes*, [https://floridabuilding.org/bc/bc\\_default.aspx](https://floridabuilding.org/bc/bc_default.aspx) (last visited Jan. 14, 2026).

<sup>4</sup> Section 553.72(1), F.S.

<sup>5</sup> Sections 553.73 and 553.74, F.S.

<sup>6</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. INT'L CODE COUNCIL, *Who We Are*, <https://www.iccsafe.org/about/who-we-are/> (last visited Jan. 14, 2026).

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

Emergency Management Agency, and the United States Department of Housing and Urban Development.<sup>8</sup>

### ***Amendments to the Building Code***

The Commission and local governments may adopt technical and administrative amendments to the Building Code.<sup>9</sup> The Commission may approve technical amendments to the Building Code once each year for statewide or regional application upon making certain findings.<sup>10</sup>

Local governments may adopt amendments to the Building Code that are more stringent than the Building Code that are limited to the local government's jurisdiction.<sup>11</sup> Amendments by local governments expire upon the adoption of the newest edition of the Building Code, and, thus, the local government would need to go through the amendment process every three years to maintain a local amendment to the Building Code.<sup>12</sup>

### ***Building Permits***

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.<sup>13</sup> Every local government must enforce the Building Code and issue building permits.<sup>14</sup>

A building permit is an official document or certificate issued by the local building official that authorizes performance of a specified activity.<sup>15</sup> It is unlawful for a person, firm, corporation, or governmental entity to construct, erect, alter, modify, repair, or demolish any building without first obtaining a building permit from the appropriate enforcing agency or from such persons as may, by resolution or regulation, be delegated authority to issue such permit.<sup>16</sup>

Current law requires local governments to post their building permit applications, including a list of all required attachments, drawings, and documents for each application, on its website.<sup>17</sup> The Act prescribes the information and format for applications for fire alarm permit applications.<sup>18</sup> The minimum application information and format requirements for other building permits issued by local governments are prescribed by s. 713.135, F.S.

Any construction work that requires a building permit also requires plans and inspections to ensure the work complies with the Building Code.<sup>19</sup> The Building Code requires certain building,

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<sup>8</sup> *Id.*

<sup>9</sup> Section 553.73, F.S.

<sup>10</sup> Section 553.73(9), F.S.

<sup>11</sup> Section 553.73(4), F.S.

<sup>12</sup> Section 553.73(4)(e), F.S.

<sup>13</sup> Section 553.72(2), F.S.

<sup>14</sup> Section 553.80(1), F.S. *See also* ss. 125.01(1)(bb) and 125.56(1), F.S.

<sup>15</sup> Florida Building Code, 2023 Florida Building Code: 8th Edition, s. 220 (2023), available at [https://codes.iccsafe.org/content/FLBC2023P1/chapter-2-definitions#FLBC2023P1\\_Ch02\\_Sec202](https://codes.iccsafe.org/content/FLBC2023P1/chapter-2-definitions#FLBC2023P1_Ch02_Sec202) (last visited Jan. 14, 2026).

<sup>16</sup> Section 553.79(1), F.S. *See also* s. 125.56(4)(a).

<sup>17</sup> Section 553.79(1), F.S.

<sup>18</sup> *See* s. 553.7921, F.S.

<sup>19</sup> *See* s. 533.79(2), F.S.

electrical, plumbing, mechanical, and gas inspections.<sup>20</sup> Construction work may not be done beyond a certain point until it passes an inspection.<sup>21</sup> Generally speaking, a permit for construction work that passes the required inspections are considered completed or closed.<sup>22</sup>

### ***Exemptions from Permitting Requirements***

A limited set of exemptions from the Building Code are specified in statute and the Building Code. The Act specifies the following buildings, structures, and facilities are exempt:<sup>23</sup>

- Installation, replacement, removal, or metering of any load management control device<sup>24</sup>.
- Federally regulated buildings and structures.
- Railroads and ancillary facilities.
- Nonresidential farm buildings on farms.
- Temporary buildings or sheds used exclusively for construction purposes.
- Mobile or modular structures used as temporary offices, except for accessibility by persons with disabilities requirements.
- Electric utility structures or facilities directly involved in electricity generation, transmission, or distribution.
- Temporary sets, assemblies, structures, or sound-recording equipment used in commercial motion picture or television production.
- Storage sheds not designed for human habitation with a floor area of 720 square feet or less are exempt from Building Code wind-borne-debris-impact standards. Such sheds that are 400 square feet or less used in conjunction with one- and two-family residences are exempt from Building Code door height and width requirements.
- Chickees constructed by the Miccosukee Tribe or the Seminole Tribe of Florida.
- Family mausoleums less than 250 square feet in area which are prefabricated or preassembled and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.
- Hunting buildings or structures less than 1,000 square feet and which are repaired or reconstructed to the same dimension and condition as existed on January 1, 2011, if the they are not rented or leased or used as a principal residence; not located in the 100-year floodplain; and not connected to electric or water supply.
- A drone port.
- Any system or equipment, whether affixed or movable, located on spaceport territory property and used for the activities related to space launch vehicles, payloads, or spacecraft.

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<sup>20</sup> Florida Building Code, *2023 Florida Building Code: 8th Edition*, s. 110.3 (2023), available at [https://codes.iccsafe.org/content/FLBC2023P1/chapter-1-scope-and-administration#FLBC2023P1\\_Ch01\\_SubCh02\\_Sec110](https://codes.iccsafe.org/content/FLBC2023P1/chapter-1-scope-and-administration#FLBC2023P1_Ch01_SubCh02_Sec110) (last visited Jan. 14, 2026).

<sup>21</sup> *Id.* at s. 110.6

<sup>22</sup> Section 553.79(16), F.S.

<sup>23</sup> Section 553.79(1) and (10), F.S.

<sup>24</sup> Load management control device” means any device installed by any electric utility or its contractors which temporarily interrupts electric service to major appliances, motors, or other electrical systems contained within the buildings or on the premises of consumers for the purpose of reducing the utility’s system demand as needed in order to prevent curtailment of electric service in whole or in part to consumers and thereby maintain the quality of service to consumers, provided the device is in compliance with a program approved by the Florida Public Service Commission. S. 553.71(4), F.S.

The Building Code provides that certain types of work do not require permits, though such exemption “shall not be deemed to grant authorization for any work to be done in any manner in violation of the” Building Code.<sup>25</sup> The Building Code does not require permits for work related to.<sup>26</sup>

- Gas:
  - Portable heating appliance.
  - Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
- Mechanical:
  - Portable heating appliance.
  - Portable ventilation equipment.
  - Portable cooling unit.
  - Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
  - Replacement of any part that does not alter its approval or make it unsafe.
  - Portable evaporative cooler.
  - Self-contained refrigeration system containing 10 pounds (4.54 kg) or less of refrigerant and actuated by motors of 1 horsepower (0.75 kW) or less.
  - The installation, replacement, removal or metering of any load management control device.
- Plumbing:
  - The stopping of leaks in drains, water, soil, waste or vent pipe, provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
  - The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

The Building Code allows for “ordinary minor repairs” to be made without a permit, but such repairs may not violate the technical code provisions of the Building Code.<sup>27</sup> Additionally, minor repairs may not include the cutting away of a wall or partition; the removal or cutting of a structural beam or load-bearing support; the removal, change, or rearrangement of parts of a structure affecting egress; the addition to, alteration of, replacement, or relocation of standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent, or similar piping, electric wiring systems or mechanical equipment or other work affecting public health or general safety.<sup>28</sup>

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<sup>25</sup> Florida Building Code, *2023 Florida Building Code: 8th Edition*, s. 105.2 (2023), available at [https://codes.iccsafe.org/content/FLBC2023P1/chapter-1-scope-and-administration#FLBC2023P1\\_Ch01\\_SubCh02\\_Sec105.2](https://codes.iccsafe.org/content/FLBC2023P1/chapter-1-scope-and-administration#FLBC2023P1_Ch01_SubCh02_Sec105.2) (last visited Jan. 15, 2026).

<sup>26</sup> *Id.*

<sup>27</sup> *Id.* at s. 105.2.2.

<sup>28</sup> *Id.*

### ***Required Information in Building Permit Application***

The minimum contents and format of building permit applications for every municipality and county that issues building permits for construction are specified s. 713.135, F.S. The form must include the following information.<sup>29</sup>

- The name and address of the owner of the property;
- The name and address of the contractor;
- A description sufficient to identify the property to be improved;
- The name and address of the bonding company, if any;
- The name and address of the architect/engineer, if any;
- The name and address of the mortgage company, if any; and
- The number or identifying symbol assigned to the building permit by the issuing authority.

The section also requires that the information must substantially be in the statutorily prescribed format.<sup>30</sup> In addition to the information that must be in the application, a government entity may require any additional information be included in the application.<sup>31</sup>

### ***Building Code Fees***

A local government may charge reasonable fees as set forth in a schedule of fees adopted by the enforcing agency for the issuance of a building permit.<sup>32</sup> Such fees shall be used solely for carrying out the local government's responsibilities in enforcing the Building Code.<sup>33</sup> Enforcing the Building Code includes the direct costs and reasonable indirect costs associated with training, enforcement action related to unlicensed contractors, review of building plans, building inspections, reinspections, building permit processing, and fire inspections associated with new construction.<sup>34</sup> Local governments must post all building permit and inspection fee schedules on their websites.<sup>35</sup>

When providing a schedule of reasonable fees, the total estimated annual revenue derived from fees, and the fines and investment earnings related to the fees, may not exceed the total estimated annual costs of allowable activities. Any unexpended balances must be carried forward to future years for allowable activities or must be refunded at the discretion of the local government. A local government may not carry forward an amount exceeding the average of its operating budget, not including reserve amounts, for enforcing the Building Code for the previous 4 fiscal years.<sup>36</sup>

### ***Building Permit Application Review***

Current law requires local governments to review certain building permit applications within a specific time-period of receiving the applications.<sup>37</sup> When a local government receives an

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<sup>29</sup> Sections 713.135(5) and (7), F.S.

<sup>30</sup> Section 713.135(7), F.S., specifies the format for applications.

<sup>31</sup> Section 713.135(7), F.S.

<sup>32</sup> Section 553.80(7)(a), F.S.

<sup>33</sup> *Id.*

<sup>34</sup> Section 553.80(7)(a)1., F.S.

<sup>35</sup> Sections 125.56(4)(c) and 166.222(2), F.S.

<sup>36</sup> Section 553.80(7)(a), F.S.

<sup>37</sup> Section 553.792, F.S.

application for a building permit, it must inform the applicant within 5 days of receiving the application, what information, if any, is needed to complete the application.<sup>38</sup> The application is automatically deemed completed and accepted if the local government does not provide written notice within 5 days that an application has not been properly completed.<sup>39</sup> The local government must approve, approve with conditions, or deny the application within the following timeframes:<sup>40</sup>

- Within **30 business days** after receiving a complete and sufficient application, for an applicant using a local government plans reviewer to obtain the following building permits for structures less than 7,500 square feet: residential units including a single-family residential unit or a single-family residential dwelling, accessory structure, alarm, electrical, irrigation, landscaping, mechanical, plumbing, or roofing.
- Within **60 business days** after receiving a complete and sufficient application, for an applicant using a local government plans reviewer to obtain the following building permits for structures of 7,500 square feet or greater: residential units including a single-family residential unit or a single-family residential dwelling, accessory structure, alarm, electrical, irrigation, landscaping, mechanical, plumbing, or roofing.
- Within **60 business days** after receiving a complete and sufficient application, for an applicant using a local government plans reviewer to obtain the following building permits: signs or nonresidential buildings less than 25,000 square feet.
- Within **60 business days** after receiving a complete and sufficient application, for an applicant using a local government plans reviewer to obtain the following building permits: multifamily residential not exceeding 50 units; site-plan approvals and subdivision plats not requiring public hearing or public notice; and lot grading and site alteration.
- Within **12 business days** after receiving a complete and sufficient application, for an applicant using a master building permit consistent with s. 553.794, F.S., to obtain a site-specific building permit.
- Within **10 business days** after receiving a complete and sufficient application, for an applicant for a single-family residential dwelling applied for by a contractor licensed in this state on behalf of a property owner who participates in a Community Development Block Grant-Disaster Recovery program administered by the Department of Commerce, unless the permit application fails to satisfy the Building Code or the enforcing agency's laws or ordinances.

A local government may set more stringent timeframes by local ordinance.<sup>41</sup> If a local government fails to meet the timeframes above without an agreement for an extension of time, or unless there is a delay caused by the applicant or is attributable to a force majeure, a local government must reduce the building permit fee by 10 percent for each business day that a local government fails to meet the deadline.<sup>42</sup>

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<sup>38</sup> Section 553.792(1)(c), F.S.

<sup>39</sup> *Id.*

<sup>40</sup> Section 553.792(1)(a), F.S.

<sup>41</sup> Section 553.792(1)(b), F.S.

<sup>42</sup> Section 553.792(1)(e), F.S.

### **Permit Expiration**

Section 105 of the Florida Building Code provides certain activity-related characterizations of building permits, although it does not explicitly define open permits. An application for a building permit is deemed *abandoned* 180 days after the filing of the permit application unless the application has been pursued in good faith, a permit has been issued, or an extension has been granted by the local building department.<sup>43</sup> In addition, a 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.<sup>44</sup> 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 or abandonment of the project.<sup>45</sup> If a new permit is not obtained within 180 days from the date the permit becomes null and void, the building official may require the removal of all work that has been performed on the project.<sup>46</sup> Work shall be considered to be in *active progress* when the permit has received an approved inspection within 180 days.<sup>47</sup>

### **Private Providers**

In 2002, s. 553.791, F.S., was created to allow property owners and contractors to hire licensed building code administrators, engineers, and architects, referred to as private providers, to review building plans, perform building inspections, and prepare certificates of completion.<sup>48</sup> “Private provider” means a person licensed as a building code administrator, engineer, or as an architect. Additionally, the term includes licensed building inspectors and plans examiners who perform inspections for additions and alterations that are limited to 1,000 square feet or less in residential buildings.<sup>49</sup>

Private providers and their duly authorized representatives<sup>50</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.<sup>51</sup> All private provider services must be subject to a written contract between the private provider or their firm and the owner or the owner’s contractor.<sup>52</sup> Counties, municipalities, school districts, or independent special districts are authorized to use private providers for building code inspection services.<sup>53</sup>

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<sup>43</sup> Florida Building Code, 2023 Florida Building Code: 8th Edition, s. 105.3.2 (2023) available at [https://codes.iccsafe.org/content/FLBC2023P1/chapter-1-scope-and-administration#FLBC2023P1\\_Ch01\\_SubCh02\\_Sec105](https://codes.iccsafe.org/content/FLBC2023P1/chapter-1-scope-and-administration#FLBC2023P1_Ch01_SubCh02_Sec105) (last visited Jan. 14, 2026).

<sup>44</sup> *Id.* at s. 105.4.1.

<sup>45</sup> *Id.* at s. 105.4.1.1.

<sup>46</sup> *Id.* at s. 105.4.1.2.

<sup>47</sup> *Id.* at s. 105.4.1.3.

<sup>48</sup> Ch. 2002-293, Laws of Fla.

<sup>49</sup> Section 553.791(1)(n), F.S.

<sup>50</sup> “Duly authorized representative” means an agent of a private provider identified in a permit application who reviews plans or performs inspections, and is licensed as an engineer, architect, building code administrator, inspector, or plans examiner.

Section 553.791(1)(f), F.S.

<sup>51</sup> Section 553.791(3), F.S.

<sup>52</sup> Section 553.791(2)(a), F.S.

<sup>53</sup> Section 553.791(22), F.S.

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>54</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 for not having to perform such services and reduce the building permit fees accordingly.<sup>55</sup> The reduction may be calculated on a flat fee or percentage basis, or any other reasonable means by which a building department assesses the cost for its plans review or inspection services.<sup>56</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>57</sup>

A local government that provides access to permitting and inspection documents and reports using a software that protects exempt documents from disclosure must provide equal access to private providers, owners, and contractors if a private provider is retained.<sup>58</sup>

An owner or contractor must notify the local government that a private provider has been contracted to perform building code inspection services, in writing on a form specifying the services to be provided, contact and licensure information, qualification statements or resumes, and an acknowledgement form from the owner or contractor. Such notice must be provided 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>59</sup> After construction has commenced, and if the local building official is unable to provide inspection services in a timely manner or the work subject to inspection is related to a single-trade inspection for a single-family or two-family dwelling, 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 schedule inspection.<sup>60</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. A duly authorized representative of the private provider may perform the inspections, but the representative must be an employee of the private provider and entitled to receive reemployment assistance benefits.<sup>61</sup>

Private providers are required to notify a building department of the approximate date and time of the inspection.<sup>62</sup> However, private providers may perform emergency inspections of equipment replacements and repairs in emergency situations without notifying the local building official.<sup>63</sup> Local building officials are prohibited from prohibiting private providers from

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<sup>54</sup> Section 553.791(17)(b), F.S.

<sup>55</sup> Section 553.791(2)(b), F.S.

<sup>56</sup> Section 553.791(2)(b), F.S.

<sup>57</sup> Section 553.791(2)(b), F.S.

<sup>58</sup> Section 553.791(2)(c), F.S.

<sup>59</sup> Section 553.791(4), F.S.

<sup>60</sup> Section 553.791(5), F.S.

<sup>61</sup> Section 553.791(8), F.S.

<sup>62</sup> Section 553.791(9), F.S.

<sup>63</sup> Section 553.791(11), F.S.

performing inspections outside of the local building official's normal operating hours. The local building official is allowed to visit a building site as often as necessary to verify a private provider's performance of required inspections.<sup>64</sup>

For plans review, a private provider must review the plans to determine compliance with the applicable codes and prepare an affidavit certifying, under oath, that the plans are in compliance and the private provider is duly authorized to perform plans review.<sup>65</sup> The affidavit may bear a written or electronic signature and be submitted electronically.<sup>66</sup> For single-trade plans reviews, a private provider may use an automated or software-based plans review system designed to determine compliance.<sup>67</sup>

Upon completion of the required inspections, a private provider is required to record the inspections on a form acceptable to the local building official which bears the provider's or their duly authorized representative's signature. The private provider must post and provide the inspection, indicating pass or fail to the local building official within 2 business days. The private provider may waive the requirements if the record is posted electronically or at the project site and all inspection records are submitted with the certificate of compliance. Unless the inspection records are posted electronically, they must be maintained at the building site and made available for review by the local building official.<sup>68</sup>

The private provider must also prepare a certificate of compliance on a form acceptable to the local building official upon completion of the required inspections which summarizes the inspections and represents that the inspections were performed and the construction complies with the approved plans and codes.<sup>69</sup>

Upon receipt of a building permit application and the required affidavit from the private provider, a building official has 20 business days, or 5 days if the permit application is related to single-trade plans review for a single- or two-family dwelling, to issue the permit or provide written notice of the plan features that do not comply with the codes.<sup>70</sup> If the local building official does not provide written notice of plan deficiencies within the prescribed time period, the permit application must be deemed approved and the permit must be issued on the next business day.<sup>71</sup> If the building official provides a written notice of plan deficiencies, the time period is tolled pending resolution of the matter.<sup>72</sup>

Deficiency notices must be posted by the private provider, their duly authorized representative, or the building department. Local governments may not charge reinspection or reaudit fees resulting from the local government audit that occurs before a private provider performs their inspection, or for any other administrative matter involving the detection of Building Code or

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<sup>64</sup> Section 553.791(9), F.S.

<sup>65</sup> Section 553.791(6), F.S.

<sup>66</sup> Section 553.791(6), F.S.

<sup>67</sup> Section 553.791(6), F.S.

<sup>68</sup> Section 553.791(12), F.S.

<sup>69</sup> Section 553.791 (13), F.S.

<sup>70</sup> Section 553.791(7)(a), F.S.

<sup>71</sup> Section 553.791(7)(a), F.S.

<sup>72</sup> Section 553.791(7)(b), F.S.

permit requirement violations.<sup>73</sup> The law further specifies the process for a private provider to submit revisions to correct the deficiencies and also allows the permit applicant to dispute the deficiencies.<sup>74</sup>

Upon receipt of a request for a certificate of occupancy or certificate of completion and approval of all governmental approvals, a building official has 10 business days, or 2 business days if the permit application is related to single-family or two-family dwellings, to issue the certificate of occupancy or certificate of completion or provide notice to the applicant identifying the specific deficiencies. If the local building official does not provide notice of the deficiencies within the required time period, the request is automatically granted the next business day, and the local building official must provide the written certificate of occupancy or certificate of completion within 10 days thereafter. Applicants are authorized to dispute an identified deficiencies or submit a corrected request.<sup>75</sup>

Local building officials are authorized to deny permits or requests for certificates of occupancy or certificates of completion if he or she determines the construction or plans do not comply with applicable codes, subject to conditions to work with the private provider to resolve the dispute.<sup>76</sup> Section 553.791, F.S., does not limit the authority of local building officials to issue stop-work orders for any building project or portion thereof, if the official determines that a condition onsite constitutes an immediate threat to public safety and welfare.<sup>77</sup>

A building department may audit private provider inspection services within its jurisdiction only after creating standard operating private provider audit procedures for internal staff. The same private provider or firm may not be audited more than four times per year unless the local building official determines the condition of a building is an immediate threat to public safety and welfare. Work may not be delayed for an audit by a building department.<sup>78</sup>

All notices provided for under the law related to the regulation of private providers may be transmitted electronically and have the same legal effect as if physically posted or mailed.<sup>79</sup>

### **National Flood Insurance Program**

The National Flood Insurance Program (NFIP) was created by the passage of the National Flood Insurance Act of 1968.<sup>80</sup> The NFIP is administered by the Federal Emergency Management Agency (FEMA) and enables homeowners, business owners, and renters in flood-prone areas to purchase flood insurance protection from the federal government.<sup>81</sup> Participation in the NFIP by

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<sup>73</sup> Section 553.791(9), F.S.

<sup>74</sup> Section 553.791, F.S.

<sup>75</sup> Section 553.791(14), F.S.

<sup>76</sup> Section 553.791(15), F.S.

<sup>77</sup> Section 553.791(17), F.S.

<sup>78</sup> Section 553.791(20), F.S.

<sup>79</sup> Section 553.791(1)(h), F.S.

<sup>80</sup> The National Flood Insurance Act of 1968, Pub. L. 90-448, 82 Stat. 572 (codified as amended at 42 U.S.C. 4001 et seq.). See also FEMA, *Laws and Regulations*, <https://www.fema.gov/flood-insurance/rules-legislation/laws> (last visited Jan. 15, 2026).

<sup>81</sup> See FEMA, *Flood Insurance*, <https://www.fema.gov/flood-insurance> (last visited Jan. 15, 2026).

a community is voluntary.<sup>82</sup> To join, a community must complete an application; adopt a resolution of intent to participate and cooperate with the FEMA; and adopt and submit a floodplain management ordinance that meets or exceeds the minimum NFIP criteria.<sup>83</sup>

In coordination with participating communities, FEMA develops flood maps called Flood Insurance Rate Maps (FIRMs) that depict the community's flood risk and floodplain.<sup>84</sup> An area of specific focus on the FIRM is the Special Flood Hazard Area (SFHA).<sup>85</sup> The SFHA is intended to distinguish the flood risk zones where properties have a risk of 1 percent or greater risk of flooding every year<sup>86</sup> and at least a 26 percent chance of flooding over the course of a 30-year mortgage.<sup>87</sup> In a community that participates in the NFIP, owners of properties in the mapped SFHA are required to purchase flood insurance as a condition of receiving a federally backed mortgage.<sup>88</sup>

### ***Community Floodplain Management***

Key conditions of the NFIP minimum floodplain management standards include, among things, that communities:

- Require permits for development in the SFHA;
- Require elevation of the lowest floor of all new residential buildings in the SFHA to or above the base flood elevation (BFE);<sup>89</sup>
- Restrict development in floodways to prevent increasing the risk of flooding; and
- Require certain construction materials and methods that minimize future flood damage.<sup>90</sup>

The NFIP regulations for floodplain management generally require permits for all proposed construction or other development in the community "so that it may determine whether such construction or other development is proposed within flood-prone areas."<sup>91</sup> Once a regulatory floodway has been designated, the community must prohibit encroachments, including fill, new construction, substantial improvements, and other development within the floodway unless data demonstrates that the encroachment would not result in flood levels in the community during a base flood discharge.<sup>92</sup> Once coastal high hazard areas or flood protection restoration areas have

<sup>82</sup> FEMA, *Participation in the NFIP*, <https://www.fema.gov/about/glossary/participation-nfip> (last visited Jan. 15, 2026).

<sup>83</sup> *Id.*

<sup>84</sup> See Congressional Research Service, *Introduction to the National Flood Insurance Program*, 3 (2023), available at <https://crsreports.congress.gov/product/pdf/R/R44593> (last visited Jan. 15, 2026).

<sup>85</sup> *Id.*

<sup>86</sup> *Id.*

<sup>87</sup> FEMA, *Coastal Hazards & Flood Mapping: A Visual Guide*, 6, available at [https://www.fema.gov/sites/default/files/documents/fema\\_coastal-glossary.pdf](https://www.fema.gov/sites/default/files/documents/fema_coastal-glossary.pdf) (last visited Jan. 15, 2026).

<sup>88</sup> Congressional Research Service, *Introduction to the National Flood Insurance Program*, 10 (2023), available at <https://crsreports.congress.gov/product/pdf/R/R44593> (last visited Jan. 15, 2026). Such lenders include federal agency lenders, such as the Department of Veterans Affairs, government-sponsored enterprises Fannie Mae, Freddie Mac, and federally regulated lending institutions, such as banks covered by the Federal Deposit Insurance Corporation or the Office of the Comptroller of the Currency. *Id.* at 10.

<sup>89</sup> The "base flood elevation" is the elevation of surface water resulting from a flood that has a 1 percent chance of equaling or exceeding that level in any given year. See FEMA, *Base Flood Elevation (BFE)*, (Mar. 5, 2020), <https://www.fema.gov/about/glossary/base-flood-elevation-bfe> (last visited Jan. 15, 2026).

<sup>90</sup> Congressional Research Service, *Introduction to the National Flood Insurance Program*, 6 (2023), available at <https://crsreports.congress.gov/product/pdf/R/R44593> (last visited Jan. 15, 2026).

<sup>91</sup> See 44 C.F.R. s. 60.3(a).

<sup>92</sup> 44 C.F.S. s. 60.3(d)(3).

been identified, the community must ensure that all new construction in certain zones are landward of the mean high tide.<sup>93</sup>

The Community Rating System (CRS) within the NFIP is a voluntary incentive program that rewards communities for implementing floodplain management practices that exceed the minimum requirements of the NFIP.<sup>94</sup> Property owners within communities that participate in the CRS program receive discounts on flood insurance premiums.<sup>95</sup> Premium discounts range from 5 to 45 percent based on a community's CRS credit points.<sup>96</sup> Communities earn credit points by implementing a variety of activities that fall into one of four categories: public information activities, mapping and regulations, flood damage reduction activities, and warning and response.<sup>97</sup> To receive credit, the activities must meet the criteria specified for each project.<sup>98</sup> A prerequisite for participation in the CRS is that communities obtain, review, correct, and maintain all floodplain-related construction certifications, make them available to the public, and have written procedures for such processes.<sup>99</sup>

## **Homeowners Associations and Architectural Control Covenants**

Chapter 720, F.S., provides statutory recognition to corporations that operate residential communities in Florida as well as procedures for operating homeowners' associations. A "homeowners' association" is defined as a:<sup>100</sup>

Florida corporation responsible for the operation of a community or a mobile home subdivision in which the voting membership is made up of parcel owners or their agents, or a combination thereof, and in which membership is a mandatory condition of parcel ownership, and which is authorized to impose assessments that, if unpaid, may become a lien on the parcel.

The governing documents of a homeowners' association are the recorded declaration of covenants and the articles of incorporation and association bylaws:<sup>101</sup> If the declaration of covenants allow, a homeowners' association or its architectural, construction improvement, or other similar committee may require review and approval of plans and specifications for the location, size, type, or appearance of any structure or other improvement on a parcel before a parcel owner makes such improvement or enforce standards for the external appearance of any structure or improvement located on a parcel.<sup>102</sup>

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<sup>93</sup> 44 C.F.R. s. 60.3(e)(3) and (f)(1).

<sup>94</sup> FEMA, *Community Rating System*, <https://www.fema.gov/floodplain-management/community-rating-system> (last visited Jan. 15, 2026).

<sup>95</sup> *Id.*

<sup>96</sup> *Id.*

<sup>97</sup> Florida Office of Insurance Regulation, *Cumulative Substantial Improvement Period Study Final Report*, (Nov. 26, 2024) 19, available at <https://floir.com/docs-sf/default-source/property-and-casualty/other-property-casualty-reports/final-report.pdf> (last visited Jan. 15, 2026).

<sup>98</sup> See FEMA, *Coordinator's Manual* (2025), available at [https://www.fema.gov/sites/default/files/documents/fema\\_crs\\_coordinators-manual\\_082025.pdf](https://www.fema.gov/sites/default/files/documents/fema_crs_coordinators-manual_082025.pdf) (last visited Jan. 15, 2025).

<sup>99</sup> *Id.* at 300-3.

<sup>100</sup> Section 720.301(9), F.S.

<sup>101</sup> Section 720.301(8), F.S.

<sup>102</sup> Section 720.3035(1), F.S.

### III. Effect of Proposed Changes:

#### Florida Building Code and Building Permits

**Section 1** amends s. 125.56, F.S., to provide that building permits for single family dwellings issued by a county expire 180 days after the latter of the issuance of the permit or the effective date of the next edition of the Building Code.

**Section 2** makes a conforming change to s. 489.129, F.S., to reflect the exemption of certain projects from the requirements to obtain building permits.

**Section 3** amends s. 553.73, F.S., to direct the Commission to modify the Building Code to exempt the installation of residential hurricane and flood protection walls or barriers from building permit requirements. To be exempt, the wall or barrier must be nonhabitable and nonload-bearing; be installed on residential property of single- or two-family dwellings or townhouses; be constructed to mitigate or prevent storm surge or floodwaters from entering a structure or property; be installed by a licensed contractor; and comply with local zoning, drainage, easement, and setback requirements. The Commission is authorized to adopt rules to incorporate standards to implement the exemption.

The Commission must also modify the Building Code to not require permits for each lot or parcel for retaining walls installed on residential property of single- or two family dwellings or townhouses.

**Section 4** adds several provisions to s. 553.79, F.S. It makes a conforming change to reflect the exemption of certain projects from the requirements to obtain building permits.

It also provides that building permits for single family dwellings issued by a local government expire 180 days after the latter of the issuance of the permit or the effective date of the next edition of the Building Code.

Under the bill, inspection fees are prohibited from being based on the total cost of the project and from exceeding the actual inspection costs incurred by the local enforcement agency.

The bill prohibits local governments from requiring owners of single-family dwellings to obtain permits on work valued at \$7,500 or less on such a dwelling's lot. Local governments may still require permits for electrical, plumbing, or structural work, except for the repair or replacement of exterior doors or windows, regardless of the value. Contractors performing such exempted work must keep written records of the work, the property address, and the value of such work as proof.

**Section 6** amends provisions in s. 553.792, F.S., related to the local government building permit application process.

The bill requires the Commission to develop a uniform building permit application which must include a checklist by project type for permitted work.

The bill adds a deadline for a local government to approve, approve with conditions, or deny a building permit application applicable to applications for permits for existing single-family residential dwellings, if the work is valued less than \$15,000. When such applications are for structural, accessory structure, alarm, electrical, irrigation, landscaping, mechanical, plumbing, or roofing work, the local government must respond within 5 days.

The bill provides that applications for building permits are deemed approved if they are for the construction or renovation of a single-family dwelling in a jurisdiction for which a state of emergency was declared within the 24 months before the submission of the application and include an attestation of compliance from a licensed architect or engineer. For such applications, the local government must issue the permit within 2 days.

**Section 7** amends 720.3035, F.S., to prohibit homeowner associations or their architectural, construction improvement, or other similar committees from requiring issuance of a building permit as a prerequisite for review by the association or committee concerning construction of structures or improvements on a parcel.

## Private Providers

**Section 5** substantially amends requirements related to the services of private providers in s. 553.791, F.S. These amendments:

- Revise local government audit of private provider services requirements to strictly limit them to ensuring affidavits have been properly completed and submitted and that inspections have been performed and properly recorded. Site visits by local building officials related to audits are only allowed under the bill when the official has actual knowledge that forms and documents submitted by private providers are incomplete or incorrect, and if the official provides notice of such to the private provider.
- Specify e-mail or any other form of electronic communication used to transmit information are examples of “deliveries”.
- No longer provide that all notices provided for under the section may be transmitted electronically and have the same legal effect as physically posted or mailed notices.
- Allow permit applications to include site plans reviewed by licensed reviewers and requires them to be allowed to be submitted electronically.
- Allow private providers to provide services by persons, rather than by licensees.
- Require all applications related to requests for certificate of occupancies or certificates of completion to be able to be submitted electronically.
- Define the term “system of registration” to mean the system used to verify compliance with the licensure and insurance requirements for a private provider firm under ch. 553, F.S.
- Allow owners or their contractors to choose at any time to use private providers. When owners or contractors choose to use private providers, only agreements are required; written authorizations and contracts are no longer required. Further, the agreement is not required to be submitted as a condition of the permit, and local building officials and local governments are prohibited from requesting the agreement or consent form as a condition for a permit.
- Require local government fee reductions for private provider plans review or inspection services to be based on the cost incurred by the local government, including labor cost of personnel providing such services and clerical and supervisory assistance. Local

governments are prohibited from charging additional fees for inspections or plans review and punitive administrative fees, and may no longer charge reasonable administrative fees, for the use of a private provider.

- Require local governments to immediately provide access to private providers, owners, and contractors for permitting and inspection documents when such access is provided by software that protects exempt records from disclosure.
- Prohibit local governments from requiring additional forms at the time of registration beyond the notice requirements for owners or contractors when using private providers. The bill requires such notice be on the exact form adopted by the Commission, which form may not be altered by local governments. A private provider's qualification statements or resumes are no longer required to be sent with the notice.
- When owners or contractors use private providers after construction has commenced, no longer allows private providers to be used when a local building official be unable to provide inspection services in a timely manner or that the owners or contractors notify local building officials by a certain time. Owners or contractors will still have to notify before the next scheduled inspection.
- Require private provider affidavits certifying plan reviews and compliance to have the ability to be submitted electronically.
- Revise restrictions and requirements related to local building officials after review by private providers. The bill prohibits local building officials from reviewing plans, construction drawings, or other related documents determined to be compliant by a private provider. Local building officials are limited to reviewing other forms and documents for completeness and any notification requirements related to deficiencies are revised to conform to this change. The bill standardizes notice and applicant corrective action requirements to require local building officials to notify all applicants, regardless of the type of review provided by the private provider, of an incomplete form or documents within 10 days. The permit is deemed approved and the local building official is required to issue the permit the next day if notice is not provided within the time period.
- Allow duly authorized representatives of private providers to be supervised by employees of the private provider in addition to the current requirement that they be employees.
- Revise provisions related to the timing of inspections by private providers to no longer require notice of the timing to local building officials. Local officials are no longer authorized to visit building sites to verify private provider performance of inspections.
- Expand the prohibition on local government fees related to reinspection when noncomplying items are found to include any fees related to the reinspection or any related administrative matter.
- Provide that local building officials are not responsible for regulatory administration or supervision of private providers and may not verify compliance of or store information relating to a private provider's licensure and insurance.
- No longer allow private providers to perform emergency inspection services of equipment replacement and repairs without first notifying local building officials.
- Revise private provider inspection form requirements to require the form be provided by the Commission and be posted and provided to the local building official within 4 business days. Local building officials are prohibited from failing inspections for not having records at the job site if the records are transmitted within 4 business days.

- Revise certificate of compliance requirements to require they be prepared on a form by the Commission. Any qualified individual employed by the private provider under whose authority an inspection was completed may sign a certificate of compliance.
- Allow local building officials to inspect construction deemed compliant by a private provider only if the official has actual knowledge that the private provider did not perform the inspections. In such case, the official must provide notice to the private provider of the facts and circumstances of such knowledge.
- Revise provisions related to local private provider systems of registration to no longer allow them to register duly authorized representatives and prohibit administrative fee charges.
- Revise the authority of local governments to issue stop-work orders related to immediate threats to safety or welfare to require that such orders strictly comply with notice requirements that otherwise apply to private providers when noncomplying items are found.
- Prohibit local enforcement agencies, local building officials, and local governments from prohibiting or limiting private providers from using virtual inspections.
- Require local governments to give notice to private providers of their firms 5 business days before audits.
- Prohibit local enforcement agencies, local building officials, and local governments from prohibiting or discouraging the use of private providers.
- Clarify that private provider firms, in addition to private providers, may also provide inspection services to counties, municipalities, school districts, or independent special districts.

Section 8 provides an effective date of July 1, 2026.

#### IV. Constitutional Issues:

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

Section 18 of Article VII of the Florida Constitution governs laws that require counties and municipalities to spend funds, limit the ability of counties and municipalities to raise revenue, or reduce the percentage of state tax shared with counties and municipalities.

Section 18(b) of Article VII of the Florida Constitution provides that except upon approval of each house of the Legislature by two-thirds vote of the membership, the legislature may not enact, amend, or repeal any general law if the anticipated effect of doing so would be to reduce the authority that municipalities or counties have to raise revenue in the aggregate, as such authority existed on February 1, 1989. However, the mandates requirements do not apply to laws having an insignificant impact,<sup>103,104</sup> which is \$2.4 million or less for Fiscal Year 2026-2027.<sup>105</sup>

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<sup>103</sup> FLA. CONST. art. VII, s. 18(d).

<sup>104</sup> An insignificant fiscal impact is the amount not greater than the average statewide population for the applicable fiscal year multiplied by \$0.10. See FLA. SENATE COMM. ON COMTY. AFFAIRS, *Interim Report 2012-115: Insignificant Impact*, (Sept. 2011), <http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-115ca.pdf> (last visited Jan. 15, 2026).

<sup>105</sup> Based on the Demographic Estimating Conference's estimated population adopted on June 30, 2025,

<https://edr.state.fl.us/Content/conferences/population/archives/250630demographic.pdf> (last visited Jan. 15, 2026).

The REC has not yet reviewed SB 1234 and the bill is likely to have a negative fiscal impact due to revisions related to the calculation of fees that local governments may charge when property owners use private providers and exemptions of certain projects from building permit requirements. If SB 1234 reduces the authority for counties and municipalities to raise revenue in an amount that exceeds the threshold for an insignificant impact, the mandates provision of section 18 of Article VII of the Florida Constitution may apply.

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

None.

**C. Trust Funds Restrictions:**

None.

**D. State Tax or Fee Increases:**

None.

**E. Other Constitutional Issues:**

None identified.

**V. Fiscal Impact Statement:**

**A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

Because of the revisions related to the calculation of fees that local governments may charge when property owners use private providers and the exemption of certain projects from building permit requirements, those going through the building permitting process may enjoy cost savings.

**C. Government Sector Impact:**

Local governments may receive reduced revenues from building permit fees due to the revisions related to the calculation of fees that local governments may charge when property owners use private providers and the exemption of certain projects from building permit requirements.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

The exemption of the installation of residential hurricane and flood protection walls or barriers; retaining walls on a parcel basis; and work with a value of less than \$7,500 could conflict with the general requirement for communities wishing to participate in the NFIP that they implement floodplain management standards, including that they require permits for new construction and development. Additionally, these exemptions could impact flood insurance discounts communities receive under the CRS, depending on the standards and activities participating communities have implemented.

**VIII. Statutes Affected:**

This bill substantially amends sections 125.56, 489.129, 553.73, 553.79, 553.791, 553.792, and 720.3035 of the Florida Statutes.

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

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

None.

**B. Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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