

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.)

Prepared By: The Professional Staff of the Committee on Regulated Industries

BILL: CS/SB 1234

INTRODUCER: Regulated Industries Committee and Senator DiCeglie

SUBJECT: Building Permits and Inspections

DATE: February 12, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Shuler</u>	<u>Fleming</u>	<u>CA</u>	Favorable
2.	<u>Oxamendi</u>	<u>Imhof</u>	<u>RI</u>	Fav/CS
3.	_____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1234 amends provisions related to the Florida Building Code (Building Code), local building permit requirements, and requirements for private providers of Building Code and plans review services, including:

- Providing that building permits for single-family dwellings expire one year after the latter of the issuance of the permit or the effective date of the next edition of the Building Code, and that local governments may extend a building permit beyond one year.
- Exempting temporary residential hurricane and flood protection walls or barriers meeting certain requirements, and providing that a local government has no legal obligation to the owner, the contractor, or their successors or assigns for work performed under this exemption.
- Exempting from permitting requirements for work valued at \$7,500 or less on a single-family dwelling's lot, except that a local government may require a building permit for any electrical, plumbing, structural, mechanical, or gas work, and requiring that the person other than the property who performs the exempted work must file a notice with the local enforcement agency containing specified information.
- Providing that permits may not be required for retaining walls on single-family or two-family dwellings or townhouses.
- Limiting inspection fees from exceeding the local enforcement agency's actual costs and prohibiting permit costs from being based on the total cost of the project.
- Requiring the Florida Building Commission (commission) to develop a uniform building permit application that must include a checklist by project type for permitted work, and be

capable, to the extent feasible, of integration with existing building permit software systems utilized by local governments and must account for local amendments to the Florida Building Code.

- Repeal the requirement for local enforcement agencies, local building officials, or local governments, as applicable, to provide a registration system for private providers; however, under the bill, local enforcement agencies could maintain a voluntary registration system.
- Prohibit administrative fees for the registration of a private provider, or any updates to a private provider registration.
- Require the Department of Business and Professional Regulation to maintain a statewide registry of licensed persons and business organizations qualified to act as a private provider, which local enforcement agencies must utilize to verify the licensure and professional liability insurance of a private provider.
- 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 homeowners' 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 The Florida Building Code (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.¹

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 Building Code, and that first edition replaced all local codes on March 1,

¹ 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 (last visited Feb. 4, 2026).

2002.² The current edition of the Building Code is the eighth edition, which is referred to as the 2023 Florida Building Code.³

Part IV of ch. 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.⁴

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, is a 19-member technical body made up of design professionals, contractors, and government experts in various disciplines covered by the Building Code.⁵ The commission reviews several International Codes published by the International Code Council,⁶ the National Electric Code, and other nationally adopted model codes to determine if the Building Code needs to be updated. The commission adopts an updated Building Code every three years.⁷ 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 Emergency Management Agency, and the United States Department of Housing and Urban Development.⁸

Amendments to the Building Code

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

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.¹¹ 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.¹²

² *Id.*

³ FLA. DEPT. OF BUS. & PRO. REGUL., *Florida Building Codes*, https://floridabuilding.org/bc/bc_default.aspx (last visited Feb. 4, 2026).

⁴ Section 553.72(1), F.S.

⁵ Sections 553.73 and 553.74, F.S.

⁶ 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 Feb. 4, 2026).

⁷ Section 553.73(7)(a), F.S.

⁸ *Id.*

⁹ Section 553.73, F.S.

¹⁰ Section 553.73(9), F.S.

¹¹ Section 553.73(4), F.S.

¹² Section 553.73(4)(e), F.S.

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 for the protection of the public's health, safety, and welfare.¹³ Every local government must enforce the Building Code and issue building permits.¹⁴

A building permit is an official document or certificate issued by the local building official that authorizes performance of a specified activity.¹⁵ 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, delegated the authority to issue such permit.¹⁶

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 their website.¹⁷ The act prescribes the information and format of applications for fire alarm permit applications.¹⁸ 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.¹⁹ The Building Code requires certain building, electrical, plumbing, mechanical, and gas inspections.²⁰ Construction work may not be performed beyond a certain point until it passes an inspection.²¹ Generally speaking, a permit for construction work that passes the required inspections are considered completed or closed.²²

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:²³

- Installation, replacement, removal, or metering of any load management control device.²⁴

¹³ Section 553.72(2), F.S.

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

¹⁵ 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 (last visited Feb. 4, 2026).

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

¹⁷ Section 553.79(1), F.S.

¹⁸ *See* s. 553.7921, F.S.

¹⁹ *See* s. 533.79(2), F.S.

²⁰ 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 (last visited Feb. 4, 2026).

²¹ *Id.* at s. 110.6

²² Section 553.79(16), F.S.

²³ Sections 553.79(1) and (10), F.S.

²⁴ Section 553.71(4), F.S., defines the term “load management control device” to mean “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.”

- 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-family 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 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.

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.²⁵ The Building Code does not require permits for work related to:²⁶

- 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.

²⁵ 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 (last visited Feb. 4, 2026).

²⁶ *Id.*

- 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.²⁷ 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.²⁸

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:²⁹

- 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.³⁰ A government entity may require additional information to be included in the application.³¹

²⁷ *Id.* at s. 105.2.2.

²⁸ *Id.*

²⁹ Sections 713.135(5) and (7), F.S.

³⁰ Section 713.135(7), F.S., specifies the format for applications.

³¹ Section 713.135(7), F.S.

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.³² Such fees shall be used solely for carrying out the local government's responsibilities in enforcing the Building Code.³³ 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.³⁴ Local governments must post all building permit and inspection fee schedules on their websites.³⁵

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 during the previous 4 fiscal years.³⁶

Building Permit Application Review

Current law requires local governments to review certain building permit applications within a specific time-period after receiving the applications.³⁷ When a local government receives an 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.³⁸ 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.³⁹ The local government must approve, approve with conditions, or deny the application within the following timeframes:⁴⁰

- 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.

³² Section 553.80(7)(a), F.S.

³³ *Id.*

³⁴ Section 553.80(7)(a)1., F.S.

³⁵ Sections 125.56(4)(c) and 166.222(2), F.S.

³⁶ Section 553.80(7)(a), F.S.

³⁷ Section 553.792, F.S.

³⁸ Section 553.792(1)(c), F.S.

³⁹ *Id.*

⁴⁰ Section 553.792(1)(a), F.S.

- 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.⁴¹ 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 the delay 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.⁴²

Permit Expiration

Section 105 of the Building Code provides certain activity-related characterizations of building permits, but 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.⁴³ 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.⁴⁴ 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.⁴⁵ 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.⁴⁶ Work shall be considered to be in *active progress* when the permit has received an approved inspection within 180 days.⁴⁷

⁴¹ Section 553.792(1)(b), F.S.

⁴² Section 553.792(1)(e), F.S.

⁴³ 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 (last visited Feb. 4, 2026).

⁴⁴ *Id.* at s. 105.4.1.

⁴⁵ *Id.* at s. 105.4.1.1.

⁴⁶ *Id.* at s. 105.4.1.2.

⁴⁷ *Id.* at s. 105.4.1.3.

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.⁴⁸ “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.⁴⁹

A private provider and their duly authorized representative⁵⁰ may 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.⁵¹ 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.⁵² Counties, municipalities, school districts, or independent special districts are authorized to use private providers for building code inspection services.⁵³

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.⁵⁴

If an owner or contractor opts to use a private provider for 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.⁵⁵ 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.⁵⁶ 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.⁵⁷

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

⁴⁸ Ch. 2002-293, Laws of Fla.

⁴⁹ Section 553.791(1)(n), F.S.

⁵⁰ Section 553.791(1)(f), F.S., defines the term “duly authorized representative” to mean 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.

⁵¹ Section 553.791(3), F.S.

⁵² Section 553.791(2)(a), F.S.

⁵³ Section 553.791(22), F.S.

⁵⁴ Section 553.791(17)(b), F.S.

⁵⁵ Section 553.791(2)(b), F.S.

⁵⁶ Section 553.791(2)(b), F.S.

⁵⁷ Section 553.791(2)(b), F.S.

⁵⁸ Section 553.791(2)(c), F.S.

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.⁵⁹ 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 perform inspection services by notifying the local building official by 2 p.m., two days before the next scheduled inspection.⁶⁰

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 under ch. 443, F.S, relating to reemployment assistance.⁶¹

Private providers are required to notify a building department of the approximate date and time of the inspection.⁶² However, private providers may perform emergency inspections of equipment replacements and repairs in emergency situations without notifying the local building official.⁶³ Local building officials may not prohibit private providers from 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.⁶⁴

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.⁶⁵ The affidavit may bear a written or electronic signature and be submitted electronically.⁶⁶ For single-trade plans reviews, a private provider may use an automated or software-based plans review system designed to determine compliance.⁶⁷

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

⁵⁹ Section 553.791(4), F.S.

⁶⁰ Section 553.791(5), F.S.

⁶¹ Section 553.791(8), F.S.

⁶² Section 553.791(9), F.S.

⁶³ Section 553.791(11), F.S.

⁶⁴ Section 553.791(9), F.S.

⁶⁵ Section 553.791(6), F.S.

⁶⁶ Section 553.791(6), F.S.

⁶⁷ Section 553.791(6), F.S.

inspection records are posted electronically, the inspection records must be maintained at the building site and made available for review by the local building official.⁶⁸

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.⁶⁹

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-family or two-family dwelling, to issue the permit or provide written notice of the plan features that do not comply with the codes.⁷⁰ 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.⁷¹ If the building official provides a written notice of plan deficiencies, the time period is tolled pending resolution of the matter.⁷²

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 permit requirement violations.⁷³ 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.⁷⁴

Upon receipt of a request for a certificate of occupancy or certificate of completion and approval of all governmental approvals required by law, 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 any identified deficiencies or submit a corrected request.⁷⁵

Local building officials are authorized to deny permits or requests for certificates of occupancy or certificates of completion if they determine the construction or plans do not comply with applicable codes, subject to conditions to work with the private provider to resolve the dispute.⁷⁶

⁶⁸ Section 553.791(12), F.S.

⁶⁹ Section 553.791 (13), F.S.

⁷⁰ Section 553.791(7)(a), F.S.

⁷¹ Section 553.791(7)(a), F.S.

⁷² Section 553.791(7)(b), F.S.

⁷³ Section 553.791(9), F.S.

⁷⁴ Section 553.791, F.S.

⁷⁵ Section 553.791(14), F.S.

⁷⁶ Section 553.791(15), F.S.

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.⁷⁷

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.⁷⁸

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.⁷⁹

National Flood Insurance Program

The National Flood Insurance Program (NFIP) was created by the passage of the National Flood Insurance Act of 1968.⁸⁰ 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.⁸¹ Participation in the NFIP by a community is voluntary.⁸² 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.⁸³

In coordination with participating communities, FEMA develops flood maps called Flood Insurance Rate Maps (FIRMs) that depict the community's flood risk and floodplain.⁸⁴ An area of specific focus on the FIRM is the Special Flood Hazard Area (SFHA).⁸⁵ The SFHA is intended to distinguish the flood risk zones where properties have a risk of 1 percent or greater risk of flooding every year⁸⁶ and at least a 26 percent chance of flooding over the course of a 30-year mortgage.⁸⁷ 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.⁸⁸

⁷⁷ Section 553.791(17), F.S.

⁷⁸ Section 553.791(20), F.S.

⁷⁹ Section 553.791(1)(h), F.S.

⁸⁰ 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 Feb. 4, 2026).

⁸¹ See FEMA, *Flood Insurance*, <https://www.fema.gov/flood-insurance> (last visited Feb. 6, 2026).

⁸² FEMA, *Participation in the NFIP*, <https://www.fema.gov/about/glossary/participation-nfip> (last visited Feb. 4, 2026).

⁸³ *Id.*

⁸⁴ 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 Feb. 4, 2026).

⁸⁵ *Id.*

⁸⁶ *Id.*

⁸⁷ FEMA, *Coastal Hazards & Flood Mapping: A Visual Guide*, 6, available at https://www.fema.gov/sites/default/files/documents/fema_coastal-glossary.pdf (last visited Feb. 6, 2026).

⁸⁸ 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). Flood insurance lenders include federal agency lenders, such as the Department of Veterans Affairs, government-sponsored enterprises Fannie Mae and Freddie Mac,

Community Floodplain Management

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

- 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);⁸⁹
- Restrict development in floodways to prevent increasing the risk of flooding; and
- Require certain construction materials and methods that minimize future flood damage.⁹⁰

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.”⁹¹ 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.⁹² Once coastal high hazard areas or flood protection restoration areas have been identified, the community must ensure that all new construction in certain zones is landward of the mean high tide.⁹³

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.⁹⁴ Property owners within communities that participate in the CRS program receive discounts on flood insurance premiums.⁹⁵ Premium discounts range from 5 percent to 45 percent based on a community’s CRS credit points.⁹⁶ 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.⁹⁷ To receive credit, the activities must meet the criteria specified for each project.⁹⁸ A prerequisite for participation in the CRS is that communities obtain, review, correct, and

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.

⁸⁹ 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).

⁹⁰ 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).

⁹¹ See 44 C.F.R. s. 60.3(a).

⁹² 44 C.F.S. s. 60.3(d)(3).

⁹³ 44 C.F.R. s. 60.3(e)(3) and (f)(1).

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

⁹⁵ *Id.*

⁹⁶ *Id.*

⁹⁷ 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).

⁹⁸ See FEMA, *Coordinator’s Manual* (2025), available at https://www.fema.gov/sites/default/files/documents/fema_crs_coordinators-manual_082025.pdf (last visited Jan. 15, 2025).

maintain all floodplain-related construction certifications, make them available to the public, and have written procedures for such processes.⁹⁹

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:¹⁰⁰

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.¹⁰¹ If the declaration of covenants allows, 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.¹⁰²

Section 720.3035(6), F.S., requires homeowners' associations, or any architectural, construction improvement, or similar committee (committee) to adopt hurricane protection specifications for each structure or other improvement on a parcel governed by the homeowners' association.

The specifications may include the color and style of hurricane protection products and any other factor deemed relevant by the board. All specifications adopted by the homeowners' association must comply with the applicable building code.¹⁰³

Regardless of any other provision in association governing documents, the homeowners' associations and committees may not deny an application for the installation, enhancement, or replacement of hurricane protection by a parcel owner which conforms to the specifications adopted by the homeowners' association or committee. The homeowners' association or committee may require parcel owners to adhere to an existing unified building scheme regarding the external appearance of the structure or other improvement on the parcel.¹⁰⁴

The term "hurricane protection" is defined to include, but not be limited to, roof systems recognized by the Building Code that meet ASCE 7-22 standards, which are standards adopted by the American Society of Civil Engineers, permanent fixed storm shutters, roll-down track storm shutters, impact-resistant windows and doors, polycarbonate panels, reinforced garage

⁹⁹ *Id.* at 300-3.

¹⁰⁰ Section 720.301(9), F.S.

¹⁰¹ Section 720.301(8), F.S.

¹⁰² Section 720.3035(1), F.S.

¹⁰³ Section 720.3035(6)(a), F.S.

¹⁰⁴ Section 720.3035(6)(b), F.S.

doors, erosion controls, exterior fixed generators, fuel storage tanks and other hurricane protection products used to preserve and protect the structures or improvements on a parcel governed by the homeowners' association.¹⁰⁵

III. Effect of Proposed Changes:

Florida Building Code and Building Permits

Section 1 amends s. 125.56(4)(d), F.S., to provide that building permits issued by a county for single-family dwellings expire one year after the latter of the issuance of the permit or the effective date of the next edition of the Florida Building Code (Building Code). The bill provides that s. 125.56(4)(d), F.S., does not prevent local governments from extending a building permit beyond one year.

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 creates s. 553.73(7)(h), F.S., to direct the Florida Building Commission (commission) to modify the Building Code to exempt the installation of temporary 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-family 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 bill provides that a local government has no legal obligation to the owner, the contractor, or their successors or assigns for work performed pursuant to s. 553.73(7)(h), F.S.

The commission must also modify the Building Code to state that permits for retaining walls on the residential property of single-family or two-family dwellings or townhouses are not required for each lot or parcel.

Section 4 revises s. 553.79, F.S., to reflect the exemption of certain projects from requirements to obtain building permits.

It provides that building permits for single-family dwellings issued by a local government expire one year after the latter of the issuance of the permit or the effective date of the next edition of the Building Code. The provision does not prevent local governments from extending a building permit beyond one year.

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.

¹⁰⁵ Section 720.3035(6)(c), F.S.

The bill creates s. 553.79(11)(g), F.S., to prohibit local governments from requiring owners of single-family dwellings to obtain permits for work valued at less than \$7,500 on such a dwelling's lot. A construction project may not be divided into more than one project for the purpose of evading the requirements of this section. Local governments may require permits for electrical, plumbing, structural, mechanical, or gas work.

If any work is performed under this exemption to the permit requirement by a person other than the property owner, the person performing the work must file a notice of work with the local enforcement agency that includes the name and license number of the person or entity hired, the scope of the work performed, the property address at which the work was performed, and the value of such work as proof that such work complies with the exemption. The notice is not required for work performed personally by the property owner. The bill provides that a local government has no legal duty to the owner, contractor, or their successors or assigns, for work performed pursuant under this exemption to permit requirements.

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 also provides that uniform building permit applications adopted by the commission must, to the extent feasible, be capable of integration with existing building permit software systems utilized by local governments and must account for local amendments to the Building Code.

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. Under the bill, when such applications are submitted for structural, accessory structure, alarm, electrical, irrigation, landscaping, mechanical, plumbing, or roofing work, the local government must respond within 5 days of the application.

The bill provides that an application for building permits is deemed approved if it is 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 the application includes an attestation of compliance with the Building Code from a licensed architect or engineer. For such applications, the local government must issue the permit within 2 days.

Section 7 amends s. 720.3035, F.S., to prohibit homeowners' 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 s. 553.791, F.S., related to the requirements for private providers to:

- Revise the meaning of the term “audit” to strictly limit local government audits of private provider services requirements to ensure that affidavits have been properly completed and submitted and that inspections have been performed and properly recorded. Under the bill, site visits by local building officials related for the purpose of an audit are only allowed 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 the specific forms or documents to the private provider.
- Revise the meaning of the term “deliver” or “delivery” to include e-mail or any other form of electronic communication used to transmit information.
- Revise the meaning of the term “electronic transmission” or “submitted electronically” to delete the provision stating that all notices provided for under s. 553.791, F.S., 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 to require permit application to be able to be submitted electronically.
- Allow private providers to provide services by persons who are acting as agents, employees, officers, or partners of a private provider firm, rather than by licensees.
- Require all applications related to requests for certificates of occupancy or certificates of completion to be able to be submitted electronically.
- Delete the requirement for a written agreement when owners or their contractors choose to use private providers. 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 jurisdiction, including labor cost of personnel providing such services and clerical and supervisory assistance.
- Prohibit local jurisdictions from charging additional fees for inspections or plans review and punitive administrative fees.
- Delete the provision allowing local jurisdiction to charge reasonable administrative fees, for the use of a private provider.
- Require local governments to immediately provide access to private providers, owners, and contractors to 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 to 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.
- Allow owners or contractors to use private providers after construction has commenced without the prerequisite that a local building official is unable to provide inspection services in a timely manner or for the owners or contractors to 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 be able to be submitted electronically.

- Revise restrictions and requirements related to local building officials after review by private providers:
 - Prohibit local building officials from reviewing plans, construction drawings, or other related documents determined to be compliant by a private provider.
 - Limit local building officials to reviewing forms and documents for completeness only.
 - Standardize 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.
 - Provide that 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 10 days.
- 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.
- 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 and prohibit local building officials from failing inspections for not having records at the job site if the records are transmitted within 4 business days.
- Require certificates of compliance to be on a form provided by the commission, and provide that the certificate of compliance must be signed by the private provider and any duly authorized representative who physically performed the inspection, if applicable.
- 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.
- Repeal the requirement for local enforcement agencies, local building officials, or local governments, as applicable, to provide a registration system for private providers. Under the bill, local enforcement agencies could maintain a voluntary registration system.
- Prohibit administrative fees for the registration of a private provider, or any updates to a private provider registration.
- Require the department to maintain a statewide registry of licensed persons and business organizations qualified to act as a private provider. Under the bill, A local enforcement agency shall utilize the statewide registry to verify the licensure and professional liability insurance of a private provider. A private provider's registration in the department's registry shall be deemed sufficient to satisfy any local registration requirements. Additionally, a local enforcement agency may not require a private provider to submit a separate local registration

or pay a registration fee for any project in a jurisdiction if the provider is currently active in the statewide registry.

- 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 for any type of construction.
- Require local governments to give notice to private providers or their firms at least 5 business days before an audit.
- Prohibit local enforcement agencies, local building officials, and local governments from prohibiting or discouraging the use of private providers.
- Provide that a county, a municipality, or an independent special district may use a private provider firm, in addition to a private provider, or to employ a licensed building inspector or a person who has the same licensure or certification as a private provider, to provide building code inspection services.

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

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The Revenue Estimating Conference 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 of 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.

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.

The Department of Business and Professional Regulation may incur costs related to the creation and maintenance of a statewide registry for private providers as required by the bill in s. 553.791(21), F.S. Under the bill, private provider may not be required to pay a registration fee.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The exemption in the bill for the installation of temporary 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 National Flood Insurance Program 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 Community Rating System, depending on the standards and activities participating communities have implemented.

VIII. Statutes Affected:

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

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)**CS by Regulated Industries on February 10, 2026:**

The committee substitute:

- Amends ss. 125.56(4)(d) and 553.79, F.S., to provide that permits for single-family one year (instead of 180 days) after the latter of the issuance of the permit or the effective date of the next edition of the Florida Building Code (Building Code), and that local governments may extend a building permit beyond one year.
- Amends s. 553.73(7)(h), F.S., to limit the permitting exemption in this paragraph to temporary hurricane and flood protection walls and barriers, and to provide a local government has no legal obligation to the owner, the contractor, or their successors or assigns for work performed pursuant to exemption in this paragraph.
- Amends s. 553.79(11)(g), F.S., to:
 - Provide that a construction project may not be divided into more than one project for the purpose of evading the requirements of this section, and to provide that local governments may require permits for electrical, plumbing, structural, mechanical, or gas work, delete from the bill the provision allowing local governments to requiring a permit for any electrical, plumbing, or structural work, not including the repair or replacement of exterior doors or windows;
 - Provide written notice requirements for work performed under the permitting exemption in this paragraph by a person other than the property owner; and
 - Provide that a local government has no legal duty to the owner, contractor, or their successors or assigns, for work performed pursuant under this exemption to permit requirements.
- Revises the s. 553.791, F.S., to:
 - Delete from the bill a definition for the term “system of registration;”
 - Provide that a certificate of compliance must be signed by the private provider and any duly authorized representative who physically performed the inspection, if applicable, instead of signed by any qualified individual employed by the private provider under whose authority an inspection was completed;
 - Repeal the requirement for local enforcement agencies, local building officials, or local governments, as applicable, to provide a registration system for private providers;
 - Require the Department of Business and Professional Regulation to maintain a statewide registry of licensed persons and business organizations qualified to act as a private provider, which local enforcement agencies must utilize to verify the licensure and professional liability insurance of a private provider.
 - Provide that a private provider’s registration in the department’s registry shall be deemed sufficient to satisfy any local registration requirements, and that local enforcement agencies may not require a private provider to submit a separate local registration or pay a registration fee for any project in a jurisdiction if the provider is currently active in the statewide registry; and

- Provide that a county, a municipality, or an independent special district may employ a licensed building inspector or a person who has the same licensure or certification as a private provider, to provide building code inspection services.
- Amends s. 553.792, F.S., to provide that the uniform building permit applications adopted by the commission must, to the extent feasible, be capable of integration with existing building permit software systems utilized by local governments and must account for local amendments to the Building Code.

B. Amendments:

None.