

By the Committee on Regulated Industries; and Senator DiCeglie

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A bill to be entitled

An act relating to building permits and inspections; amending s. 125.56, F.S.; providing for expiration of certain building permits issued by a county after a specified timeframe; providing construction; amending s. 489.129, F.S.; providing that certain persons are not subject to discipline for performing a job without applicable permits and inspections if otherwise provided by law; amending s. 553.73, F.S.; requiring the Florida Building Commission to modify the Florida Building Code to exempt from building permit requirements the installation of certain walls or barriers; authorizing the commission to adopt rules; providing that a local government has no legal duty to the owner, the contractor, or their successors or assigns for specified work performed; requiring the commission to modify the Florida Building Code to state that a permit is not required for each lot or parcel for installation of certain retaining walls; amending s. 553.79, F.S.; providing for expiration of certain building permits issued by a local government after a specified timeframe; providing construction; providing limits for inspection fees; prohibiting a local government from requiring building permits for certain projects; prohibiting a construction project from being divided into more than one project for a specified purpose; providing an exception; requiring certain persons to file a notice of work with the local enforcement agency; specifying what information

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is to be included in such notice; providing that a local government has no legal duty to the owner, the contractor, or their successors or assigns for specified work performed; amending s. 553.791, F.S.; revising definitions; requiring all permit applications be able to be submitted electronically; requiring certain services to be subject to an agreement, rather than a written contract; providing that such agreement is not required to be submitted as part of a permit application; prohibiting a local building official or local government entity from requesting such agreement or consent form as a condition for issuing a permit; specifying requirements for reduced permit fees; prohibiting a local jurisdiction from charging certain administrative fees or other additional fees; prohibiting local governmental entities and local building officials from requiring additional forms in certain circumstances; providing an exception; prohibiting local governmental entities and local building officials from altering a form adopted by the commission; deleting a requirement that a private provider's qualification statements or resumes be included in a certain notice; deleting time restrictions for electing to use a private provider; requiring that a certain affidavit have the ability to be submitted electronically; specifying which forms and documents a local building official may not review; providing that a local building official may

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review certain forms and documents for completeness only; requiring that written notice of incomplete forms be given to an applicant within a specified timeframe; requiring the written notice to state with specificity which forms or documents are incomplete; deleting a requirement that the local building official issue the requested permit or provide a written notice to the permit applicant with specific information within a specified timeframe; making technical changes; providing that certain permits are deemed approved and a local building official is required to issue the permit within a specified timeframe; specifying requirements for a private provider's duly authorized representatives; deleting provisions requiring a private provider to provide notice to the local building official to perform inspections; prohibiting the local jurisdiction from charging any fees related to the reinspection or any administrative matter related to the reinspection; providing that local building officials are not responsible for the administration or supervision of services performed by a private provider; providing that the responsibility to verify licensure and insurance requirements for a private provider firm's duly authorized representative is the private provider's management firm; prohibiting a local building official from verifying compliance or storing information relating to such verification; prohibiting local building officials from failing certain

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inspections under certain circumstances; revising the  
timeframe in which certain records must be provided;  
authorizing certain persons to sign certificates of  
compliance; authorizing a local building official to  
perform certain building inspections only if the local  
building official has actual knowledge that a private  
provider did not perform a required inspection;  
specifying requirements for local building officials  
under such circumstances; providing that a local  
building official may review certain forms and  
documents for completeness only; revising the  
timeframe in which a local building official must  
provide the applicant with the written certificate of  
occupancy or certificate of completion after it is  
automatically granted and issued; authorizing certain  
entities to establish a registration system;  
prohibiting a local building official from charging  
certain administrative fees; conforming a provision to  
changes made by the act; providing that certain  
virtual inspections may not be prohibited or limited;  
requiring the Department of Business and Professional  
Regulation to maintain a statewide registry of  
licensed persons and business organizations qualified  
to act as private providers; requiring a local  
enforcement agency to use the statewide registry to  
verify certain information; providing that a private  
provider's registration in the department's registry  
is deemed sufficient to satisfy any local registration  
requirements; prohibiting a local enforcement agency

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from requiring a private provider to submit a separate local registration or pay a registration fee for any project in its jurisdiction if the private provider is currently active in the statewide registry; requiring certain notice before an audit; prohibiting certain entities from discouraging the use of private providers; revising a provision authorizing a county, a municipality, a school district, or an independent special district to use a private provider firm or a licensed building inspector, or a person who holds the same licensure or certification as a private provider, to provide certain services; amending s. 553.792, F.S.; requiring the commission to develop a uniform building permit application for mandatory use by local governments; providing a requirement for the application; requiring that such building permit applications, to the extent feasible, be capable of integration with existing building permit software systems used by local governments and account for local amendments to the Florida Building Code; requiring a local government to make certain decisions relating to certain building permits within a specified timeframe; specifying that certain permit applications are deemed approved and must be issued within a certain timeframe; amending s. 720.3035, F.S.; prohibiting an association or certain committees from requiring a building permit as a prerequisite for a certain review; providing an effective date.

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

Section 1. Paragraph (d) of subsection (4) of section 125.56, Florida Statutes, is amended to read:

125.56 Enforcement and amendment of the Florida Building Code and the Florida Fire Prevention Code; inspection fees; inspectors; etc.—

(4)

(d) A county that issues building permits may send a written notice of expiration, by e-mail or United States Postal Service, to the owner of the property and the contractor listed on the permit, no less than 30 days before a building permit is set to expire. The written notice must identify the permit that is set to expire and the date the permit will expire. A building permit issued by a county for a single-family dwelling expires 1 year after the issuance of the permit or the effective date of the next edition of the Florida Building Code, whichever is later. This paragraph does not prevent a local government from extending the building permit beyond 1 year.

Section 2. Paragraph (o) of subsection (1) of section 489.129, Florida Statutes, is amended to read:

489.129 Disciplinary proceedings.—

(1) The board may take any of the following actions against any certificateholder or registrant: place on probation or reprimand the licensee, revoke, suspend, or deny the issuance or renewal of the certificate or registration, require financial restitution to a consumer for financial harm directly related to a violation of a provision of this part, impose an administrative fine not to exceed \$10,000 per violation, require

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continuing education, or assess costs associated with investigation and prosecution, if the contractor, financially responsible officer, or business organization for which the contractor is a primary qualifying agent, a financially responsible officer, or a secondary qualifying agent responsible under s. 489.1195 is found guilty of any of the following acts:

(o) Proceeding on any job without obtaining applicable local building department permits and inspections, unless otherwise provided by law.

For the purposes of this subsection, construction is considered to be commenced when the contract is executed and the contractor has accepted funds from the customer or lender. A contractor does not commit a violation of this subsection when the contractor relies on a building code interpretation rendered by a building official or person authorized by s. 553.80 to enforce the building code, absent a finding of fraud or deceit in the practice of contracting, or gross negligence, repeated negligence, or negligence resulting in a significant danger to life or property on the part of the building official, in a proceeding under chapter 120.

Section 3. Paragraphs (h) and (i) are added to subsection (7) of section 553.73, Florida Statutes, to read:

553.73 Florida Building Code.—

(7)

(h)1. The commission shall modify the Florida Building Code to exempt from building permit requirements the installation of temporary residential hurricane and flood protection walls or barriers that meet all of the following conditions:

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204       a. The wall or barrier is nonhabitable and nonload-bearing.

205       b. The wall or barrier is installed on the residential  
206 property of a single-family or two-family dwelling or townhouse.

207       c. The wall or barrier is constructed to mitigate or  
208 prevent storm surge or floodwaters from entering a structure or  
209 property.

210       d. The wall or barrier is installed by a contractor  
211 licensed under part I of chapter 489.

212       e. The wall or barrier complies with applicable local  
213 zoning, drainage, easement, and setback requirements.

214       2. The commission may adopt rules under s. 120.54 to  
215 incorporate necessary standards to implement this paragraph.

216       3. A local government has no legal duty to the owner, the  
217 contractor, or their successors or assigns for work performed  
218 pursuant to this paragraph.

219       (i) The commission shall modify the Florida Building Code  
220 to state that building permits for retaining walls installed on  
221 the residential property of a single-family or two-family  
222 dwelling or a townhouse are not required for each lot or parcel.

223       Section 4. Paragraphs (a), (c), and (d) of subsection (1)  
224 of section 553.79, Florida Statutes, are amended, and paragraph  
225 (g) is added to that subsection, to read:

226       553.79 Permits; applications; issuance; inspections.—

227       (1)(a) Unless otherwise provided by law, after the  
228 effective date of the Florida Building Code adopted as herein  
229 provided, it shall be unlawful for any person, firm,  
230 corporation, or governmental entity to construct, erect, alter,  
231 modify, repair, or demolish any building within this state  
232 without first obtaining a permit therefor from the appropriate



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enforcing agency or from such persons as may, by appropriate resolution or regulation of the authorized state or local enforcing agency, be delegated authority to issue such permits, upon the payment of such reasonable fees adopted by the enforcing agency. The enforcing agency is empowered to revoke any such permit upon a determination by the agency that the construction, erection, alteration, modification, repair, or demolition of the building for which the permit was issued is in violation of, or not in conformity with, the provisions of the Florida Building Code. Whenever a permit required under this section is denied or revoked because the plan, or the construction, erection, alteration, modification, repair, or demolition of a building, is found by the local enforcing agency to be not in compliance with the Florida Building Code, the local enforcing agency shall identify the specific plan or project features that do not comply with the applicable codes, identify the specific code chapters and sections upon which the finding is based, and provide this information to the permit applicant. A plans reviewer or building code administrator who is responsible for issuing a denial, revocation, or modification request but fails to provide to the permit applicant a reason for denying, revoking, or requesting a modification, based on compliance with the Florida Building Code or local ordinance, is subject to disciplinary action against his or her license pursuant to s. 468.621(1)(i). Installation, replacement, removal, or metering of any load management control device is exempt from and shall not be subject to the permit process and fees otherwise required by this section.

(c) A local government that issues building permits may

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send a written notice of expiration, by e-mail or United States Postal Service, to the owner of the property and the contractor listed on the permit, no less than 30 days before a building permit is set to expire. The written notice must identify the permit that is set to expire and the date the permit will expire. A building permit issued by a local government for a single-family dwelling expires 1 year after the issuance of the permit or the effective date of the next edition of the Florida Building Code, whichever is later. This paragraph does not prevent a local government from extending the building permit beyond 1 year.

(d) A local enforcement agency must allow requests for inspections to be submitted electronically to the local enforcement agency's appropriate building department. Acceptable methods of electronic submission include, but are not limited to, e-mail or fill-in forms ~~form~~ available on the website of the building department or through a third-party submission management software or application that can be downloaded on a mobile device. Requests for inspections may be submitted in a nonelectronic format, at the discretion of the building official. Inspection fees may not be based on the total cost of a project and may not exceed the actual inspection costs incurred by the local enforcement agency.

(g)1. A local government that issues building permits may not require an owner of a single-family dwelling or the owner's contractor to obtain a building permit to perform any work that is valued at less than \$7,500 on the single-family dwelling's lot. A construction project may not be divided into more than one project for the purpose of evading the requirements of this

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291 section. However, a local government may require a building  
292 permit for any electrical, plumbing, structural, mechanical, or  
293 gas work performed on a lot containing a single-family dwelling  
294 regardless of the value of the work.

295 2. For any work performed under this exemption by a person  
296 other than the property owner, the person performing the work  
297 shall file a notice of work with the local enforcement agency  
298 that includes the name and license number of the person or  
299 entity hired, the scope of the work performed, the property  
300 address at which the work was performed, and the value of such  
301 work as proof that such work complies with subparagraph 1. The  
302 notice is not required for work performed personally by the  
303 property owner. A local government has no legal duty to the  
304 owner, contractor, or their successors or assigns, for work  
305 performed pursuant to this paragraph.

306 Section 5. Section 553.791, Florida Statutes, is amended to  
307 read:

308 553.791 Alternative plans review and inspection.—

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

310 (a) "Applicable codes" means the Florida Building Code and  
311 any local technical amendments to the Florida Building Code but  
312 does not include the applicable minimum fire prevention and  
313 firesafety codes adopted pursuant to chapter 633.

314 (b) "Audit" means the process to confirm that the building  
315 code inspection services have been performed by the private  
316 provider, which is strictly limited to ~~including~~ ensuring that  
317 the required affidavit for the plan review has been properly  
318 completed and submitted with the permit documents and that the  
319 minimum mandatory inspections required under the Florida

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Building Code have been performed and properly recorded. The local building official may not replicate the plan review or inspection being performed by the private provider. The local building official may perform a site visit in connection with the audit only when the local building official has actual knowledge that the forms and documents submitted by the private provider are incomplete or incorrect, in which case the local building official must provide written notice to the private provider of the specific forms and documents that are incomplete or incorrect before performing a site visit, ~~unless expressly authorized by this section.~~

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

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

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

(f) "Duly authorized representative" means an agent of the

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private provider identified in the permit application who reviews plans or performs inspections as provided by this section and who is licensed as an engineer under chapter 471 or as an architect under chapter 481 or who holds a standard or provisional certificate under part XII of chapter 468. A duly authorized representative who only holds a provisional certificate under part XII of chapter 468 must be under the direct supervision of a person licensed as a building code administrator under part XII of chapter 468.

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

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

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

(j) "Immediate threat to public safety and welfare" means a building code violation that, if allowed to persist, constitutes an immediate hazard that could result in death, serious bodily

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injury, or significant property damage. This paragraph does not limit the authority of the local building official to issue a Notice of Corrective Action at any time during the construction of a building project or any portion of such project if the official determines that a condition of the building or portion thereof may constitute a hazard when the building is put into use following completion as long as the condition cited is shown to be in violation of the building code or approved plans.

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

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

1. The plans reviewed by the private provider, inclusive of site plans by a licensed reviewer, or in the case of a single-trade plans review where a private provider uses an automated or software-based plans review system pursuant to subsection (6), the information reviewed by the automated or software-based plans review system to determine compliance with one or more applicable codes.

2. The affidavit from the private provider required under subsection (6).

3. Any applicable fees.

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4. Any documents required by the local building official to determine that the fee owner has secured all other government approvals required by law.

All permit applications must be able to be submitted electronically.

(m) "Plans" means building plans, site engineering plans, or site plans, or their functional equivalent, submitted by a fee owner or fee owner's contractor to a private provider or duly authorized representative for review.

(n) "Private provider" means a person licensed as a building code administrator under part XII of chapter 468, as an engineer under chapter 471, or as an architect under chapter 481. For purposes of performing inspections under this section for additions and alterations that are limited to 2,500 ~~1,000~~ square feet or less to residential buildings, the term "private provider" also includes a person who holds a standard certificate under part XII of chapter 468.

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

(p) "Request for certificate of occupancy or certificate of completion" means a properly completed and executed application

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for:

1. A certificate of occupancy or certificate of completion.
2. A certificate of compliance from the private provider required under subsection (14) ~~(13)~~.
3. Any applicable fees.
4. Any documents required by the local building official to determine that the fee owner has secured all other government approvals required by law.

All applications must be able to be submitted electronically.

(q) "Single-trade inspection" or "single-trade plans review" means any inspection or plans review focused on a single construction trade, such as plumbing, mechanical, or electrical. The term includes, but is not limited to, inspections or plans reviews of door or window replacements; fences and block walls more than 6 feet high from the top of the wall to the bottom of the footing; stucco or plastering; reroofing with no structural alteration; solar energy and energy storage installations or alterations; HVAC replacements; ductwork or fan replacements; alteration or installation of wiring, lighting, and service panels; water heater changeouts; sink replacements; and repiping.

(r) "Site work" means the portion of a construction project that is not part of the building structure, including, but not limited to, grading, excavation, landscape irrigation, and installation of driveways.

(s) "Stop-work order" means the issuance of any written statement, written directive, or written order which states the reason for the order and the conditions under which the cited



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work will be permitted to resume.

(2)(a) Notwithstanding any other law or local government ordinance or local policy, the fee owner of a building or structure, or the fee owner's contractor upon ~~written~~ authorization from the fee owner, may choose at any time to use a private provider to provide building code inspection services with regard to such building or structure and may make payment directly to the private provider for the provision of such services. All such services shall be the subject of an agreement ~~a written contract~~ between the private provider, or the private provider's firm, and the fee owner or the fee owner's contractor, upon ~~written~~ authorization of the fee owner. The agreement is not required to be submitted as part of the permit application or as a condition for issuing a permit, and a local building official or local government entity may not request such agreement or consent form as a condition for issuing a permit. The fee owner may elect to use a private provider to provide plans review or required building inspections, or both. However, if the fee owner or the fee owner's contractor uses a private provider to provide plans review, the local building official, in his or her discretion and pursuant to duly adopted policies of the local enforcement agency, may require the fee owner or the fee owner's contractor to use a private provider to also provide required building inspections.

(b) If a fee ~~an~~ owner or the fee owner's contractor retains a private provider for purposes of plans review or building inspection services, the local jurisdiction must reduce the permit fee by the amount of cost savings realized by the local enforcement agency for not having to perform such services. Such

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reduction may be calculated on a flat fee or percentage basis, or any other reasonable means by which a local enforcement agency assesses the cost for its plans review or inspection services. The reduced permit fee must be based on the cost incurred by the local jurisdiction, including the labor cost of the personnel providing such services and the clerical and supervisory assistance required to comply with this section. The local jurisdiction may not charge any additional fees for building inspections or plans review if the fee owner or the fee owner's contractor hires a private provider to perform such services, and the local jurisdiction may not charge punitive administrative fees for working with a private provider; ~~however, the local jurisdiction may charge a reasonable administrative fee, which shall be based on the cost that is actually incurred, including the labor cost of the personnel providing the service, by the local jurisdiction or attributable to the local jurisdiction for the clerical and supervisory assistance required, or both.~~

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

(d) A local governmental entity or local building official may not require additional forms beyond those required at registration, except for the written notice required under subsection (4), if a fee owner or the fee owner's contractor

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523 uses a private provider.

524 (3) A private provider and any duly authorized  
525 representative may only perform building code inspection  
526 services that are within the disciplines covered by that  
527 person's licensure or certification under chapter 468, chapter  
528 471, or chapter 481, including single-trade inspections. A  
529 private provider may not provide building code inspection  
530 services pursuant to this section upon any building designed or  
531 constructed by the private provider or the private provider's  
532 firm.

533 (4) A fee owner or the fee owner's contractor using a  
534 private provider to provide building code inspection services  
535 shall notify the local building official in writing at the time  
536 of permit application, or by 2 p.m. local time, 2 business days  
537 before the first scheduled inspection by the local building  
538 official or building code enforcement agency that a private  
539 provider has been contracted to perform the required inspections  
540 of construction under this section, including single-trade  
541 inspections, on the exact ~~a form to be~~ adopted by the  
542 commission. Such form may not be altered by any local  
543 governmental entity or local building official. This notice must  
544 ~~shall~~ include the following information:

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

546 (b) The name, firm, address, telephone number, and e-mail  
547 address of each private provider who is performing or will  
548 perform such services, his or her professional license or  
549 certification number, ~~qualification statements or resumes,~~ and,  
550 if required by the local building official, a certificate of  
551 insurance demonstrating that professional liability insurance

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coverage is in place for the private provider's firm, the private provider, and any duly authorized representative in the amounts required by this section.

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

I have elected to use one or more private providers to provide building code plans review and/or inspection services on the building or structure that is the subject of the enclosed permit application, as authorized by s. 553.791, Florida Statutes. I understand that the local building official may not review the plans submitted or perform the required building inspections to determine compliance with the applicable codes, except to the extent specified in said law. Instead, plans review and/or required building inspections will be performed by licensed or certified personnel identified in the application. The law requires minimum insurance requirements for such personnel, but I understand that I may require more insurance to protect my interests. By executing this form, I acknowledge that I have made inquiry regarding the competence of the licensed or certified personnel and the level of their insurance and am satisfied that my interests are adequately protected. I agree to indemnify, defend, and hold harmless the local government, the local building official, and their building code enforcement personnel from any and all claims arising from my use of these licensed or

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certified personnel to perform building code inspection services with respect to the building or structure that is the subject of the enclosed permit application.

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

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

(6) A private provider performing plans review under this section shall review the plans to determine compliance with the applicable codes. For single-trade plans reviews, a private provider may use an automated or software-based plans review system designed to determine compliance with one or more

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applicable codes, including, but not limited to, the National Electrical Code and the Florida Building Code. Upon determining that the plans reviewed comply with the applicable codes, the private provider shall prepare an affidavit or affidavits certifying, under oath, that the following is true and correct to the best of the private provider's knowledge and belief:

(a) The plans were reviewed by the affiant, who is duly authorized to perform plans review pursuant to this section and holds the appropriate license or certificate.

(b) The plans comply with the applicable codes.

Such affidavit may bear a written or electronic signature and must have the ability to ~~may~~ be submitted electronically to the local building official.

(7)(a) The local building official may not review plans, construction drawings, or any other related documents determined by a private provider to be compliant with the applicable codes.

(b) The local building official may review other forms and documents required under this section for completeness only. The local building official must provide written notice to a permit applicant of any incomplete forms or documents required under this section no later than 10 days after receipt of a permit application and an affidavit from the private provider as required in subsection (6). The written notice must state with specificity which forms or documents are incomplete.

~~(7)(a) No more than 20 business days, or if the permit application is related to a single trade plans review for a single-family or two-family dwelling, no more than 5 business days, after receipt of a permit application and the affidavit~~

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639 ~~from the private provider required pursuant to subsection (6),~~  
640 ~~the local building official shall issue the requested permit or~~  
641 ~~provide a written notice to the permit applicant identifying the~~  
642 ~~specific plan features that do not comply with the applicable~~  
643 ~~codes, as well as the specific code chapters and sections. If~~  
644 the local building official does not provide such a written  
645 notice ~~of the plan deficiencies~~ within 10 days ~~the prescribed~~  
646 ~~time period~~, the permit ~~application~~ must be deemed approved as a  
647 matter of law, and the permit must be issued by the local  
648 building official on the next business day.

649 ~~(c)(b)~~ If the local building official provides a written  
650 notice ~~of plan deficiencies~~ to the permit applicant of any  
651 incomplete forms or documents required under this section at the  
652 time of plan submission within the 10-day ~~prescribed~~ time  
653 period, such ~~the~~ time period is tolled pending resolution of the  
654 matter. To resolve the issues raised in the notice ~~plan~~  
655 ~~deficiencies~~, the permit applicant may elect to dispute the  
656 issues ~~deficiencies~~ pursuant to subsection (16) ~~(15)~~ or to  
657 submit revisions to correct the issues ~~deficiencies~~.

658 ~~(d)(e)~~ If the permit applicant submits revisions, the local  
659 building official has the remainder of the tolled 10-day time  
660 period plus 5 business days ~~after the date of resubmittal~~ to  
661 issue the requested permit or to provide a second written notice  
662 to the permit applicant stating which of the previously  
663 identified forms or documents ~~plan features~~ remain incomplete ~~in~~  
664 ~~noncompliance with the applicable codes, with specific reference~~  
665 ~~to the relevant code chapters and sections. Any subsequent~~  
666 review by the local building official is limited to the issues  
667 ~~deficiencies~~ cited in the original written notice. If the local

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building official does not provide the second written notice within the prescribed time period, the permit must be deemed approved as a matter of law, and the local building official must issue the permit on the next business day.

(e) ~~(d)~~ If the local building official provides a second written notice ~~of plan deficiencies~~ to the permit applicant within the prescribed time period, the permit applicant may elect to dispute the issues raised in the second notice ~~deficiencies~~ pursuant to subsection (16) ~~(15)~~ or to submit additional revisions to correct the issues ~~deficiencies~~. For all revisions submitted after the first revision, the local building official has an additional 5 business days ~~after the date of resubmittal~~ to issue the requested permit or to provide a written notice to the permit applicant stating which of the previously identified forms or documents ~~plan features~~ remain incomplete. If the local building official does not provide the notice within the prescribed time period, the permit is deemed approved as a matter of law, and the local building official must issue the permit on the next business day ~~in noncompliance with the applicable codes, with specific reference to the relevant code chapters and sections.~~

(8) A private provider performing required inspections under this section shall inspect each phase of construction as required by the applicable codes. Such inspection, including a single-trade inspection, may be performed in person or virtually. The private provider may have a duly authorized representative perform the required inspections, provided all required reports are prepared by and bear the written or electronic signature of the private provider or the private



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697 provider's duly authorized representative. The duly authorized  
698 representative must be supervised by or be an employee of the  
699 private provider and be entitled to receive reemployment  
700 assistance benefits under chapter 443. The contractor's  
701 contractual or legal obligations are not relieved by any action  
702 of the private provider.

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

723 (10) A local building official is not responsible for the  
724 regulatory administration or supervision of building code  
725 inspection services performed by a private provider hired by a

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726 fee owner or the fee owner's contractor. Verification of  
727 licensure and insurance requirements for a private provider  
728 firm's duly authorized representative is the responsibility of  
729 the private provider firm's management, and the local building  
730 official may not verify compliance or store information relating  
731 to such verification as a result of the local jurisdiction's  
732 audit inspection occurring before the performance of the private  
733 provider's inspection or for any other administrative matter not  
734 involving the detection of a violation of the building code or a  
735 permit requirement.

736 (11)~~(10)~~ If the private provider is a person licensed as an  
737 engineer under chapter 471 or an architect under chapter 481 and  
738 affixes his or her professional seal to the affidavit required  
739 under subsection (6), the local building official must issue the  
740 requested permit or provide a written notice to the permit  
741 applicant identifying the specific plan features that do not  
742 comply with the applicable codes, as well as the specific code  
743 chapters and sections, within 10 business days after receipt of  
744 the permit application and affidavit. In such written notice,  
745 the local building official must provide with specificity the  
746 plan's deficiencies, the reasons the permit application failed,  
747 and the applicable codes being violated. If the local building  
748 official does not provide specific written notice to the permit  
749 applicant within the prescribed 10-day period, the permit  
750 application is deemed approved as a matter of law, and the local  
751 building official must issue the permit on the next business  
752 day.

753 (12)~~(11)~~ If equipment replacements and repairs must be  
754 performed in an emergency situation, subject to the emergency

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755 permitting provisions of the Florida Building Code, a private  
756 provider may perform emergency inspection services ~~without first~~  
757 ~~notifying the local building official pursuant to subsection~~  
758 ~~(9)~~. A private provider must conduct the inspection within 3  
759 business days after being contacted to conduct an emergency  
760 inspection and must submit the inspection report to the local  
761 building official within 1 day after the inspection is  
762 completed.

763 (13)~~(12)~~ Upon completing the required inspections at each  
764 applicable phase of construction, the private provider shall  
765 record such inspections on a form provided by the commission  
766 ~~acceptable to the local building official~~. The form must bear  
767 the written or electronic signature of the private provider or  
768 the private provider's duly authorized representative. These  
769 inspection records must ~~shall~~ reflect those inspections required  
770 by the applicable codes of each phase of construction for which  
771 permitting by a local enforcement agency is required. The  
772 private provider, upon completion of the required inspection,  
773 shall post each completed inspection record, indicating pass or  
774 fail, and provide the record to the local building official  
775 within 4 ~~2~~ business days. Such inspection record may be  
776 electronically posted by the private provider, or the private  
777 provider may post such inspection record physically at the  
778 project site. The private provider may electronically transmit  
779 the record to the local building official. The local building  
780 official may not fail any inspection that is performed by a  
781 private provider for not having the inspection records at the  
782 job site if the inspection records are transmitted within 4  
783 business days. The local building official may waive the

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requirement to provide a record of each inspection within 4 ~~2~~ business days if the record is electronically posted or posted at the project site and all such inspection records are submitted with the certificate of compliance. Unless the records have been electronically posted or transmitted, records of all required and completed inspections must ~~shall~~ be maintained at the building site at all times and made available for review by the local building official. The private provider shall report to the local enforcement agency any condition that poses an immediate threat to public safety and welfare.

~~(14)~~ ~~(13)~~ Upon completion of all required inspections, the private provider shall prepare a certificate of compliance, on a form provided by the commission ~~acceptable to the local building official~~, summarizing the inspections performed and including a written representation, under oath, that the stated inspections have been performed and that, to the best of the private provider's knowledge and belief, the building construction inspected complies with the approved plans and applicable codes. The certificate of compliance must be signed by the private provider and any duly authorized representative who physically performed the inspection, if applicable. The statement required of the private provider must ~~shall~~ be substantially in the following form and must ~~shall~~ be signed and sealed by a private provider as established in subsection (1) or may be electronically transmitted to the local building official:

To the best of my knowledge and belief, the building components and site improvements outlined herein and inspected under my authority have been completed in

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conformance with the approved plans and the applicable codes.

(15) (a) ~~(14) (a)~~ The local building official may perform building inspections of construction that a private provider has determined to be compliant with the applicable codes only if the local building official has actual knowledge that the private provider did not perform the required inspections. If the local building official has such knowledge, the local building official must provide to the private provider written notice of the facts and circumstances upon which the local building official relied for such actual knowledge before performing a required inspection. The local building official may review forms and documents required under this section for completeness only. No more than 10 business days, or if the permit is related to single-family or two-family dwellings then no more than 2 business days, after receipt of a request for a certificate of occupancy or certificate of completion and the applicant's presentation of a certificate of compliance and approval of all other government approvals required by law, including the payment of all outstanding fees, the local building official shall issue the certificate of occupancy or certificate of completion or provide a notice to the applicant of any incomplete forms or documents required under this section identifying the specific deficiencies, as well as the specific code chapters and sections.

(b) If the local building official does not provide notice of any incomplete forms or documents ~~the deficiencies~~ within the applicable time periods under paragraph (a), the request for a

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certificate of occupancy or certificate of completion is automatically granted and deemed issued as of the next business day. The local building official must provide the applicant with the written certificate of occupancy or certificate of completion within 2 ~~10~~ days after it is automatically granted and issued. To resolve any identified issues ~~deficiencies~~, the applicant may elect to dispute the issues ~~deficiencies~~ pursuant to subsection (16) ~~(15)~~ or to submit a corrected request for a certificate of occupancy or certificate of completion.

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

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

(b) If the local building official and private provider are unable to resolve the dispute, the matter must ~~shall~~ be referred to the local enforcement agency's board of appeals, if one exists, which must ~~shall~~ consider the matter at its next scheduled meeting or sooner. Any decisions by the local enforcement agency's board of appeals, or local building

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official if there is no board of appeals, may be appealed to the commission as provided by this chapter.

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

(17) ~~(16)~~ For the purposes of this section, any notice to be provided by the local building official is ~~shall be~~ deemed to be provided to the person or entity when successfully transmitted to the e-mail address listed for that person or entity in the permit application or revised permit application, or, if no e-mail address is stated, when actually received by that person or entity.

(18) (a) ~~(17) (a)~~ A local enforcement agency, local building official, or local government may not adopt or enforce any laws, rules, procedures, policies, qualifications, or standards more stringent than those prescribed by this section.

(b) A local enforcement agency, local building official, or local government may establish, for private providers and ~~private provider firms, and duly authorized representatives~~ working within that jurisdiction, a ~~system of~~ registration system for private providers to verify compliance with the ~~licensure~~ requirements of paragraph (1) (n) and the insurance requirements of subsection (19) ~~(18)~~. The local building official

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may not charge administrative fees for the registration process for a private provider, or for any updates to a private provider registration.

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

(d) A local enforcement agency, local building official, or local government may not prohibit or limit the use of virtual inspections by private providers and private provider firms for any type of construction such providers or firms have a license to inspect.

~~(19)-(18)~~ (19) A private provider may perform building code inspection services on a building project under this section only if the private provider maintains insurance for professional liability covering all services performed as a private provider. Such insurance must ~~shall~~ have minimum policy limits of \$1 million per occurrence and \$2 million in the aggregate for any project with a construction cost of \$5 million or less and \$2 million per occurrence and \$4 million in the aggregate for any project with a construction cost of over \$5 million. ~~Nothing in~~ This section does not limit ~~limits~~ the ability of a fee owner to require additional insurance or higher policy limits. For these purposes, the term "construction cost" means the total cost of building construction as stated in the building permit application. If the private provider chooses to



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929 secure claims-made coverage to fulfill this requirement, the  
930 private provider must also maintain coverage for a minimum of 5  
931 years after ~~subsequent to~~ the performance of building code  
932 inspection services. The insurance required under this  
933 subsection must ~~shall~~ be written only by insurers authorized to  
934 do business in this state with a minimum A.M. Best's rating of  
935 A. Before providing building code inspection services within a  
936 local building official's jurisdiction, a private provider must  
937 provide to the local building official a certificate of  
938 insurance evidencing that the coverages required under this  
939 subsection are in force.

940 (20) ~~(19)~~ When performing building code inspection services,  
941 a private provider is subject to the disciplinary guidelines of  
942 the applicable professional board with jurisdiction over his or  
943 her license or certification under chapter 468, chapter 471, or  
944 chapter 481. All private providers are ~~shall be~~ subject to the  
945 disciplinary guidelines of s. 468.621(1)(c)-(h). Any complaint  
946 processing, investigation, and discipline that arise out of a  
947 private provider's performance of building code inspection  
948 services must ~~shall~~ be conducted by the applicable professional  
949 board.

950 (21)(a) The department shall maintain a statewide registry  
951 of licensed persons and business organizations qualified to act  
952 as private providers under this section.

953 (b) A local enforcement agency shall use the statewide  
954 registry to verify the licensure and professional liability  
955 insurance of a private provider. A private provider's  
956 registration in the department's registry is deemed sufficient  
957 to satisfy any local registration requirements.

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958        (c) A local enforcement agency may not require a private  
959 provider to submit a separate local registration or pay a  
960 registration fee for any project in its jurisdiction if the  
961 private provider is currently active in the registry.

962        (22) ~~(20)~~ A local building code enforcement agency may not  
963 audit the performance of building code inspection services by  
964 private providers operating within the local jurisdiction until  
965 the agency has created standard operating ~~private provider audit~~  
966 procedures for the agency's internal inspection and review  
967 staff, which includes, at a minimum, the private provider audit  
968 purpose and scope, private provider audit criteria, an  
969 explanation of private provider audit processes and objections,  
970 and detailed findings of areas of noncompliance. Such private  
971 provider audit procedures must be publicly available online, and  
972 a printed version must be readily accessible in agency  
973 buildings. The private provider audit results of staff for the  
974 prior two quarters also must be publicly available. The agency's  
975 audit processes must adhere to the agency's posted standard  
976 operating audit procedures. The same private provider or private  
977 provider firm may not be audited more than four times in a year  
978 unless the local building official determines a condition of a  
979 building constitutes an immediate threat to public safety and  
980 welfare, which must be communicated in writing to the private  
981 provider or private provider firm. The private provider or  
982 private provider firm must be given notice of each audit to be  
983 performed at least 5 business days before the audit. Work on a  
984 building or structure may proceed after inspection and approval  
985 by a private provider. The work may not be delayed for  
986 completion of an inspection audit by the local building code

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enforcement agency.

~~(23)(21)~~ The local government, the local building official, and their building code enforcement personnel are ~~shall be~~ immune from liability to any person or party for any action or inaction by a fee owner of a building, or by a private provider or its duly authorized representative, in connection with building code inspection services as authorized in this act. The local government, local building official, and building code enforcement personnel may not prohibit or discourage the use of a private provider or a private provider firm.

~~(24)(22)~~ Notwithstanding any other law, a county, a municipality, a school district, or an independent special district may use a private provider or a private provider firm, or may employ a licensed building inspector as defined in s. 468.603(5), or a person who holds the same licensure or certification as a private provider, to provide building code inspection services for a public works project, an improvement, a building, or any other structure that is owned by the county, municipality, school district, or independent special district.

Section 6. Section 553.792, Florida Statutes, is amended to read:

553.792 Building permit application to local government.—

(1) The Florida Building Commission shall develop a uniform building permit application for mandatory use by local governments. The application must include a checklist by project type for permitted work. To the extent feasible, the uniform building permit applications adopted by the commission must be capable of integration with existing building permit software systems used by local governments and must account for local

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amendments to the Florida Building Code.

(2) (a) ~~(1) (a)~~ A local government must approve, approve with conditions, or deny a building permit application after receipt of a completed and sufficient application within the following timeframes, unless the applicant waives such timeframes in writing:

1. Within 5 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 an existing single-family residential dwelling if the value of the work is less than \$15,000: structural, accessory structure, alarm, electrical, irrigation, landscaping, mechanical, plumbing, or roofing.

2.1. ~~2.1.~~ 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 if the structure is 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.

3.2. ~~3.2.~~ 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 if the structure is 7,500 square feet or more: residential units, including a single-family residential unit or a single-family residential dwelling, accessory structure, alarm, electrical, irrigation, landscaping, mechanical, plumbing, or roofing.

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~~4.3.~~ 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 that are less than 25,000 square feet.

~~5.4.~~ 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.

~~6.5.~~ Within 12 business days after receiving a complete and sufficient application, for an applicant using a master building permit consistent with s. 553.794 to obtain a site-specific building permit.

~~7.6.~~ 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 Florida Building Code or the enforcing agency's laws or ordinances.

However, the local government may not require the waiver of the timeframes in this section as a condition precedent to reviewing an applicant's building permit application.

(b) A signed and sealed permit application and an attestation by an architect licensed under chapter 481 or an

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1074 engineer licensed under chapter 471 that the plans in the permit  
1075 application comply with the Florida Building Code for the  
1076 construction or renovation of a single-family dwelling located  
1077 in a jurisdiction for which a state of emergency was issued  
1078 within the 24 months before the submission of the application is  
1079 deemed approved. The local government shall issue such permit  
1080 within 2 days after approval.

1081 (c)~~(b)~~ A local government must meet the timeframes set  
1082 forth in this section for reviewing building permit applications  
1083 unless the timeframes set by local ordinance are more stringent  
1084 than those prescribed in this section.

1085 (d)~~(e)~~ After an applicant submits an application to the  
1086 local government, the local government must provide written  
1087 notice to the applicant within 5 business days after receipt of  
1088 the application advising the applicant what information, if any,  
1089 is needed to deem or determine that the application is properly  
1090 completed in compliance with the filing requirements published  
1091 by the local government. If the local government does not  
1092 provide timely written notice that the applicant has not  
1093 submitted the properly completed application, the application is  
1094 automatically deemed or determined to be properly completed and  
1095 accepted.

1096 (e)~~(d)~~ A local government shall maintain on its website a  
1097 policy containing procedures and expectations for expedited  
1098 processing of those building permits and development orders  
1099 required by law to be expedited.

1100 (f)~~(e)~~ If a local government fails to meet a deadline under  
1101 this subsection, it must reduce the building permit fee by 10  
1102 percent for each business day that it fails to meet the

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1103 deadline, unless the parties agree in writing to a reasonable  
1104 extension of time, the delay is caused by the applicant, or the  
1105 delay is attributable to a force majeure or other extraordinary  
1106 circumstances. Each 10-percent reduction must ~~shall~~ be based on  
1107 the original amount of the building permit fee, unless the  
1108 parties agree to an extension of time.

1109 (g) ~~(f)~~ A local enforcement agency does not have to reduce  
1110 the building permit fee if it provides written notice to the  
1111 applicant by e-mail or United States Postal Service within the  
1112 respective timeframes in paragraph (a) which specifically states  
1113 the reasons the permit application fails to satisfy the Florida  
1114 Building Code or the enforcing agency's laws or ordinances. The  
1115 written notice must also state that the applicant has 10  
1116 business days after receiving the written notice to submit  
1117 revisions to correct the permit application and that failure to  
1118 correct the application within 10 business days will result in a  
1119 denial of the application.

1120 (h) ~~(g)~~ If the applicant submits revisions within 10  
1121 business days after receiving the written notice, the local  
1122 enforcement agency has 10 business days after receiving such  
1123 revisions to approve or deny the building permit unless the  
1124 applicant agrees to a longer period in writing. If the local  
1125 enforcement agency fails to issue or deny the building permit  
1126 within 10 business days after receiving the revisions, it must  
1127 reduce the building permit fee by 20 percent for each business  
1128 day that it fails to meet the deadline unless the applicant  
1129 agrees to a longer period in writing.

1130 (3) ~~(2)~~ If any building permit fees are refunded under this  
1131 section, the surcharges provided in s. 468.631 or s. 553.721

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1132 must be recalculated based on the amount of the building permit  
1133 fees after the refund.

1134 Section 7. Paragraph (c) is added to subsection (1) of  
1135 section 720.3035, Florida Statutes, to read:

1136 720.3035 Architectural control covenants; parcel owner  
1137 improvements; rights and privileges.—

1138 (1)

1139 (c) An association or any architectural, construction  
1140 improvement, or other such similar committee of an association  
1141 may not require a building permit to be issued by a governmental  
1142 authority to a parcel owner as a prerequisite for review by the  
1143 association or committee concerning the construction of  
1144 structures or improvements on the parcel.

1145 Section 8. This act shall take effect July 1, 2026.