

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 Rules

BILL: CS/CS/SB 1260

INTRODUCER: Appropriations Committee on Agriculture, Environment, and General Government;
Regulated Industries Committee; and Senator DiCeglie

SUBJECT: Services During a State of Emergency

DATE: March 2, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Oxamendi</u>	<u>Imhof</u>	<u>RI</u>	<u>Fav/CS</u>
2.	<u>Davis</u>	<u>Betta</u>	<u>AEG</u>	<u>Fav/CS</u>
3.	<u>Oxamendi</u>	<u>Kruse</u>	<u>RC</u>	<u>Favorable</u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1260 requires the Department of Management Services to enter into and maintain one or more contracts with private providers of building code inspection services under s. 553.791, F.S., relating to alternative plans review and inspection.

The bill authorizes a person that is qualified for work in any state that has entered into a state term contract or a mutual aid agreement or who has held a valid license in any state for the five years immediately preceding the date of the declaration, to act under the direction of the local building official in certain positions relating to building inspections for up to one year from the declaration of a state of emergency for a natural, a manmade, or a technological emergency issued by the Governor.

The bill is not expected to negatively impact state government revenues and expenditures. See Section V., Fiscal Impact Statement.

The bill takes effect July 1, 2026.

II. Present Situation:

The Division of Emergency Management (division) within the Executive Office of the Governor is the agency responsible for carrying out the provisions of ss. 252.31-252.90, F.S., relating to the implementation of the State Emergency Management Act (the act).

The division's duties include implementing "training programs to maintain this state's status as a national leader in emergency management."¹ These training programs may be provided by the division or, for county personnel, by a foundation that is a not-for-profit corporation under s. 501(c)(3) of the Internal Revenue Code and has a governing board that includes in its membership county commissioners and professional county staff (foundation). If training is provided by a foundation, the division must approve the training.²

Each county and municipality is required to develop a poststorm permitting plan to expedite recovery and rebuilding by providing special building permit and inspection procedures after a hurricane or tropical storm. Such plans must include training requirements and protocols for supplemental personnel to ensure compliance with local floodplain management requirements that apply within the county or municipality.³

Building Code Inspectors

The Florida Building Code Administrators and Inspectors Board within the Department of Business and Professional Regulation regulates and certifies inspectors and plans examiners under part XII of ch. 468, F.S.

To qualify for certification as an inspector or plans examiner, a person must be at least 18 years of age, be of good moral character, and meet the experience and education requirements set forth in s. 468.609, F.S., which includes passing an examination.

Section 468.603(4), F.S., defines the term "building code inspector" to mean:

...any of those employees of local governments or state agencies, or any person contracted, with building construction regulation responsibilities who themselves conduct inspections of building construction, erection, repair, addition, or alteration projects that require permitting indicating compliance with building, plumbing, mechanical, electrical, gas, fire prevention, energy, accessibility, and other construction codes as required by state law or municipal or county ordinance.

Building code inspectors include professionals in the following categories:⁴

- "Building inspector," which means a person who is qualified to inspect and determine that buildings and structures are constructed in accordance with the provisions of the governing building codes and state accessibility laws.

¹ Section 252.35(2)(n), F.S.

² *Id.*

³ Section 252.381(2)(a), F.S.

⁴ Section 468.603(5), F.S.

- “Coastal construction inspector,” which means a person who is qualified to inspect and determine that buildings and structures are constructed to resist near-hurricane and hurricane velocity winds in accordance with the provisions of the governing building code.
- “Commercial electrical inspector,” which means a person who is qualified to inspect and determine the electrical safety of commercial buildings and structures by inspecting for compliance with the provisions of the National Electrical Code.
- “Electrical inspector,” which means a person who is qualified to inspect and determine the electrical safety of commercial and residential buildings and accessory structures by inspecting for compliance with the provisions of the National Electrical Code.
- “Mechanical inspector,” which means a person who is qualified to inspect and determine that the mechanical installations and systems for buildings and structures are in compliance with the provisions of the governing mechanical code.
- “Plumbing inspector,” which means a person who is qualified to inspect and determine that the plumbing installations and systems for buildings and structures are in compliance with the provisions of the governing plumbing code.
- “Residential electrical inspector,” which means a person who is qualified to inspect and determine the electrical safety of one-family and two-family dwellings and accessory structures by inspecting for compliance with the applicable provisions of the governing electrical code.
- “Residential inspector,” which means a person who is qualified to inspect and determine that one-family, two-family, or three-family residences not exceeding two habitable stories above no more than one uninhabitable story and accessory use structures in connection therewith are constructed in accordance with the provisions of the governing building, plumbing, mechanical, accessibility, and electrical codes.

Section 468.603(8), F.S., defines the term “plans examiner” to mean:

...a person who is qualified to determine that plans submitted for purposes of obtaining building and other permits comply with the applicable building, plumbing, mechanical, electrical, gas, fire prevention, energy, accessibility, and other applicable construction codes. The term includes a residential plans examiner who is qualified to determine that plans submitted for purposes of obtaining building and other permits comply with the applicable residential building, plumbing, mechanical, electrical, gas, energy, accessibility, and other applicable construction codes.

Plans examiners include professionals in the following categories:

- Building plans examiner.
- Plumbing plans examiner.
- Mechanical plans examiner.
- Electrical plans examiner.

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.⁵ “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.⁶

A private provider and their duly authorized representative⁷ 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.⁸ 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.⁹ Counties, municipalities, school districts, or independent special districts are authorized to use private providers for building code inspection services.¹⁰

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.¹¹

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.¹² 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.¹³ 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.¹⁴

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.¹⁵

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

⁵ Chapter 2002-293, Laws of Fla.

⁶ Section 553.791(1)(n), F.S.

⁷ 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.

⁸ Section 553.791(3), F.S.

⁹ Section 553.791(2)(a), F.S.

¹⁰ Section 553.791(22), F.S.

¹¹ Section 553.791(17)(b), F.S.

¹² Section 553.791(2)(b), F.S.

¹³ Section 553.791(2)(b), F.S.

¹⁴ Section 553.791(2)(b), F.S.

¹⁵ Section 553.791(2)(c), F.S.

time of permit application, or by 2 p.m., two business days before the first scheduled inspection by the local building official.¹⁶ 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.¹⁷

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.¹⁸

Private providers are required to notify a building department of the approximate date and time of the inspection.¹⁹ However, private providers may perform emergency inspections of equipment replacements and repairs in emergency situations without notifying the local building official.²⁰ 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.²¹

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.²² The affidavit may bear a written or electronic signature and be submitted electronically.²³ For single-trade plans reviews, a private provider may use an automated or software-based plans review system designed to determine compliance.²⁴

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 two business days. The private provider may waive the requirements if the record is posted electronically or at the project site and all inspection records are submitted with the certificate of compliance. Unless the inspection records are posted electronically, the inspection records must be maintained at the building site and made available for review by the local building official.²⁵

¹⁶ Section 553.791(4), F.S.

¹⁷ Section 553.791(5), F.S.

¹⁸ Section 553.791(8), F.S.

¹⁹ Section 553.791(9), F.S.

²⁰ Section 553.791(11), F.S.

²¹ Section 553.791(9), F.S.

²² Section 553.791(6), F.S.

²³ *Id.*

²⁴ *Id.*

²⁵ Section 553.791(12), F.S.

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.²⁶

Upon receipt of a building permit application and the required affidavit from the private provider, a building official has 20 business days, or five 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.²⁷ 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.²⁸ If the building official provides a written notice of plan deficiencies, the time period is tolled pending resolution of the matter.²⁹

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.³⁰ 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.³¹

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 two 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.³²

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.³³ 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.³⁴

²⁶ Section 553.791 (13), F.S.

²⁷ Section 553.791(7)(a), F.S.

²⁸ *Id.*

²⁹ Section 553.791(7)(b), F.S.

³⁰ Section 553.791(9), F.S.

³¹ Section 553.791, F.S.

³² Section 553.791(14), F.S.

³³ Section 553.791(15), F.S.

³⁴ Section 553.791(17), F.S.

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.³⁵

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.³⁶

Procurement of Commodities and Services

Chapter 287, F.S., regulates state agency procurement of personal property and services. The term “agency” is defined broadly to mean any unit of the executive branch of state government.³⁷ The Department of Management Services (DMS) is responsible for overseeing state purchasing activity, including professional and contractual services, as well as commodities needed to support agency activities.³⁸

The DMS is authorized to evaluate contracts let by the federal government, another state, or a political subdivision for the provision of commodities and contract services and, when it is determined to be cost effective and in the best interest of the state, to enter into written agreement authorizing a state agency to make purchases under such contract.³⁹ The DMS negotiates contracts and purchasing agreements that are intended to leverage the state’s buying power.

Section 287.056, F.S., requires agencies and permits eligible users⁴⁰ to purchase commodities and contractual services from purchasing agreements and state term contracts⁴¹ procured by the DMS.

III. Effect of Proposed Changes:

The bill amends s. 287.056, F.S., which relates to state agency purchases from purchasing agreement and state term contracts, to require the DMS to enter into and maintain one or more contracts with private providers of building code inspection services under s. 553.791, F.S., relating to alternative plans review and inspection.

³⁵ Section 553.791(20), F.S.

³⁶ Section 553.791(1)(h), F.S.

³⁷ Section 287.012(1), F.S. The term “agency” is defined as “any of the various state officers, departments, boards, commissions, divisions, bureaus, and councils and any other unit of organization, however designated, of the executive branch of state government. “Agency” does not include the university and college boards of trustees or the state universities and colleges.”

³⁸ See ss. 287.032 and 287.042, F.S.

³⁹ Section 287.042(16), F.S.

⁴⁰ Section 287.012(11), F.S., defines “eligible user” to mean any person or entity authorized by the Department of Management Services (DMS) pursuant to rule to purchase from state term contracts or to use the online procurement system.

⁴¹ Section 287.012(28), F.S., defines “state term contract” to mean a term contract that is competitively procured by the DMS pursuant to s. 287.057, F.S., and that is used by agencies and eligible users pursuant to s. 287.056, F.S.

The bill authorizes a person that is qualified for work in any state that has entered into a state term contract or a mutual aid agreement or who has held a valid license in any state for the five years immediately preceding the date of the declaration, to act under the direction of the local building official in the following positions for up to one year from the declaration of a state of emergency for a natural, a manmade, or a technological emergency issued by the Governor:

- Building code inspector.
- Building inspector.
- Coastal construction inspector.
- Commercial electrical inspector.
- Electrical inspector.
- Mechanical inspector.
- Plumbing inspector.
- Residential electrical inspector.
- Residential inspector.
- Plans examiner.
- Building plans examiner.
- Plumbing plans examiner.
- Mechanical plans examiner.
- Electrical plans examiner.

The bill takes effect July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

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:

None.

C. Government Sector Impact:

The bill is not expected to negatively impact state government revenues and expenditures. The bill allows the DMS and other state agencies to purchase building code inspection services without additional procurements.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 287.056 of the Florida Statutes.

The bill creates section 468.634 of the Florida Statutes.

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

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

CS/CS by Appropriations Committee on Agriculture, Environment, and General Government on February 25, 2026:

The committee substitute:

Allows persons to act in the certain positions relating to building inspections under the direction of the local building official for a period of one year from the date of a declaration of a state of emergency issued by the Governor for a natural, manmade, or technological emergency, if such person has entered into a state term contract, is qualified for such work in any state that has a mutual aid agreement, or has held a valid license for such work in any state for five years immediately before the date of the declaration.

CS by Regulated Industries on February 10, 2026:

The committee substitute (CS):

- Requires the Department of Management Services to enter and maintain one or more contracts with private providers of building code inspection services under s. 553.791, F.S.
- Changes the title of the bill from an act relating to building inspections during an emergency to an act relating to building code inspection services.

The CS deletes from the bill the provisions that:

- Amend s. 252.35(2)(n), F.S., to require the Division of Emergency Management to approve the training of the professionals listed in s. 468.634(2), F.S., if the training is provided by a foundation.
- Amend s. 252.381(2)(a), F.S., to require that the poststorm permitting plan that each county and municipality is required to develop include training programs for the professionals listed in s. 468.634(2), F.S.
- Create s. 468.634, F.S., to authorize the Governor to allow the listed professional to act in specified positions, if such persons are qualified for such work in a state that has a mutual aid agreement entered into pursuant to s. 252.40(2), F.S., and have taken a training program as described in the bill.

B. Amendments:

None.