

Amendment No.

CHAMBER ACTION

SenateHouse

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Representative Griffitts offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Section 255.0994, Florida Statutes, is created to read:

255.0994 Public works projects; unenforceability of certain contract provisions regarding delays.—

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

(a) "Concurrent delays" means two or more unrelated delays in the contractor's performance of a contract for a public works project which happen at the same time or overlap in time, each

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13 of which on its own would have delayed the contractor's
14 performance.

15 (b) "Governmental entity" has the same meaning as in s.
16 255.0993(1).

17 (c) "Public works project" has the same meaning as in s.
18 255.0992(1).

19 (2) Except as otherwise required by federal or state law,
20 a governmental entity that contracts for a public works project
21 may not take any of the following actions:

22 (a) Enforce any contract provisions that would eliminate
23 or limit the contractor's right to receive compensation for
24 damages and increased costs, equitable adjustments, or time
25 extensions due to a delay in performance of the contract, either
26 on its own behalf or on behalf of a subcontractor or supplier,
27 to the extent the delay was caused in whole or in part by the
28 acts or omissions of the governmental entity or of any agent,
29 employee, or person acting on its behalf.

30 (b) Enforce any contract provisions that would eliminate
31 or limit the contractor's right to receive time extensions due
32 to concurrent delays, either on its own behalf or on behalf of a
33 subcontractor or supplier, if at least one of those delays was
34 caused in whole or in part by the acts or omissions of the
35 governmental entity or of any agent, employee, or person acting
36 on its behalf.

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37 (3) This section may not be construed to render
38 unenforceable a provision of a contract for a public works
39 project which:

40 (a) Requires the party claiming a delay to give notice of
41 the acts or omissions giving rise to the delay;

42 (b) Allows a governmental entity to recover liquidated
43 damages for a delay if it was caused by the acts or omissions of
44 the contractor or its subcontractors, agents, or employees; or

45 (c) Provides for arbitration or any other procedure
46 designed to settle contract disputes.

47 (4) If a contract for a public works project contains a
48 provision that is unenforceable under this section, the
49 provision must be severed from the contract, and the remaining
50 provisions must remain in full force and effect.

51 (5) This section applies to any contract for a public
52 works project entered into on or after July 1, 2026.

53 **Section 2. Present subsections (1) through (12) of section**
54 **553.71, Florida Statutes, are redesignated as subsections (2)**
55 **through (13), respectively, and a new subsection (1) is added to**
56 **that section, to read:**

57 553.71 Definitions.—As used in this part, the term:

58 (1) "Commercial construction project" means the
59 construction, alteration, or repair of a building or structure
60 that is primarily intended for business, industrial,

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61 institutional, or mercantile use and is not classified as
62 residential under the Florida Building Code.

63 **Section 3. Section 553.789, Florida Statutes, is created**
64 **to read:**

65 553.789 Uniform commercial building permit application.—

66 (1) By December 31, 2026, the commission shall adopt rules
67 pursuant to ss. 120.536(1) and 120.54 which establish uniform
68 commercial building permit acceptance standards that identify
69 the information required for acceptance of a commercial building
70 permit application. The standards must be used statewide by all
71 enforcement agencies. The standards must include, at a minimum,
72 all of the following information:

73 (a) The name and contact information of the property
74 owner.

75 (b) The name, license number, and contact information of
76 the contractor, if known at the time of the application.

77 (c) The address and parcel identification number of the
78 construction project.

79 (d) The project type and occupancy classification under
80 the Florida Building Code.

81 (e) A description of the construction project, including
82 whether the project is new construction or an alteration, an
83 addition, or a repair.

84 (f) The total square footage and the declared value of the
85 construction project.

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86 (g) The architect or engineer of record, if applicable.

87 (h) The identification of any private provider services if
88 used pursuant to s. 553.791.

89 (2) The commission shall adopt rules pursuant to ss.
90 120.536(1) and 120.54 which create additional trade-specific
91 acceptance standards for trades that are often present on a
92 commercial construction project, including, but not limited to,
93 electric, HVAC, plumbing, and water and sewer.

94 (3) An enforcement agency must accept a completed
95 application if it provides the information set forth in the
96 uniform commercial building permit acceptance standards and any
97 other trade-specific acceptance standards that may be adopted by
98 the commission. However, an enforcement agency may require
99 submission of additional documentation or plans reasonably
100 necessary for the applicant to demonstrate compliance with the
101 Florida Building Code or applicable local ordinances and land
102 development code.

103 **Section 4. Paragraph (a) of subsection (5) and paragraph**
104 **(a) of subsection (24) of section 553.79, Florida Statutes, are**
105 **amended, and paragraph (g) is added to subsection (1) of that**
106 **section, to read:**

107 553.79 Permits; applications; issuance; inspections.—

108 (1)

109 (g) Permit fees imposed by a local enforcement agency must
110 be limited to the actual and reasonable costs incurred in

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111 reviewing, processing, and administering the permit and may not
112 be based on industry standards, market rates, or comparable
113 retail pricing. Such fees must be proportional to the work
114 performed in reviewing, processing, and administering the
115 permit.

116 (5) (a) During new construction or during repair or
117 restoration projects in which the structural system or
118 structural loading of a building is being modified, the
119 enforcing agency shall require a special inspector to perform
120 structural inspections on a threshold building pursuant to a
121 structural inspection plan prepared by the engineer or architect
122 of record. The structural inspection plan must be submitted to
123 and approved by the enforcing agency before the issuance of a
124 building permit for the construction of a threshold building.
125 The purpose of the structural inspection plan is to provide
126 specific inspection procedures and schedules so that the
127 building can be adequately inspected for compliance with the
128 permitted documents. The special inspector may not serve as a
129 surrogate in carrying out the responsibilities of the building
130 official, the architect, or the engineer of record. The
131 contractor's contractual or statutory obligations are not
132 relieved by any action of the special inspector. The special
133 inspector shall determine that a professional engineer who
134 specializes in shoring design has inspected the shoring and
135 reshoring for conformance with the shoring and reshoring plans

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submitted to the enforcing agency. A fee simple title owner of a building, which does not meet the minimum size, height, occupancy, occupancy classification, or number-of-stories criteria which would result in classification as a threshold building as defined in s. 553.71 ~~under s. 553.71(12)~~, may designate such building as a threshold building, subject to more than the minimum number of inspections required by the Florida Building Code.

(24) (a) A political subdivision of this state may not adopt or enforce any ordinance or impose any building permit or other development order requirement that:

1. Contains any building, construction, or aesthetic requirement or condition that conflicts with or impairs corporate trademarks, service marks, trade dress, logos, color patterns, design scheme insignia, image standards, or other features of corporate branding identity on real property or improvements thereon used in activities conducted under chapter 526 or in carrying out business activities defined as a franchise by Federal Trade Commission regulations in 16 C.F.R. ss. 436.1, et. seq.; ~~or~~

2. Imposes any requirement on the design, construction, or location of signage advertising the retail price of gasoline in accordance with the requirements of ss. 526.111 and 526.121 which prevents the signage from being clearly visible and legible to drivers of approaching motor vehicles from a vantage

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point on any lane of traffic in either direction on a roadway abutting the gas station premises and meets height, width, and spacing standards for Series C, D, or E signs, as applicable, published in the latest edition of Standard Alphabets for Highway Signs published by the United States Department of Commerce, Bureau of Public Roads, Office of Highway Safety; or

3. Imposes a glazing requirement that results in the glazing of more than 15 percent of the surface area of the primary facade for the first 10 feet above the ground floor for a proposed new commercial or mixed-use construction or restoration project. Such glazing requirements may not be imposed or enforced on any facade other than the primary facade, and such glazing requirements may not be imposed or enforced on any portion of the primary facade higher than the first 10 feet above the ground floor. For purposes of this subparagraph, the term:

a. "Glazing" means the installation of transparent or translucent materials, including glass or similar substances, in windows, doors, or storefronts. The term includes any actual or faux windows to be installed to a building facade.

b. "Primary facade" means the single building side housing the primary entrance to the building.

Section 5. Paragraph (b) of subsection (2) of section 553.791, Florida Statutes, is amended, and paragraph (d) is added to that subsection, to read:

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186 553.791 Alternative plans review and inspection.—

187 (2)

188 (b) If an owner or contractor retains a private provider
189 for purposes of plans review or building inspection services,
190 the local jurisdiction must reduce the permit fee by the amount
191 of cost savings realized by the local enforcement agency for not
192 having to perform such services. Such reduction may be
193 calculated on a flat fee or percentage basis, or any other
194 reasonable means by which a local enforcement agency assesses
195 the cost for its plans review or inspection services. The local
196 jurisdiction shall include the applicable reduction in the
197 permit fee on its schedule of fees which is posted on its
198 website. The local jurisdiction may not charge fees for building
199 inspections or plans review services if the fee owner or
200 contractor hires a private provider to perform such services;
201 however, the local jurisdiction may charge a reasonable
202 administrative fee, which shall be based on the cost that is
203 actually incurred, including the labor cost of the personnel
204 providing the service, by the local jurisdiction or attributable
205 to the local jurisdiction for the clerical and supervisory
206 assistance required, or both. The local jurisdiction shall
207 specify the services covered by the administrative fees on its
208 website.

209 (d) If an owner or a contractor retains a private provider
210 for purposes of plans review or building inspection services for

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a commercial construction project, the local enforcement agency must reduce the permit fee by at least 25 percent of the portion of the permit fee attributable to plans review or building inspection services, as applicable. If an owner or a contractor retains a private provider for all required plans review and building inspection services, the local enforcement agency must reduce the total permit fee by at least 50 percent of the amount otherwise charged for such services. If a local enforcement agency does not reduce its fees by at least the percentages provided in this paragraph, the local enforcement agency forfeits the ability to collect any fees for the commercial construction project. The surcharge required by s. 553.721 must be calculated based on the reduced permit fee. This paragraph does not prohibit a local enforcement agency from reducing its fees in excess of the percentages provided in this paragraph.

Section 6. Section 553.8411, Florida Statutes, is created to read:

553.8411 Nonresidential buildings; floodproofing.—A nonresidential structure constructed after July 1, 2026, which is located in a flood zone as designated by the Federal Emergency Management Agency must elevate its lowest floor above the required design flood elevation. As an alternative to this requirement, a nonresidential structure may be designed and constructed below the required design flood elevation if all structural areas below the required design flood elevation are

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substantially impermeable to water and capable of resisting the effects of the regulatory floodplain, including, but not limited to, flow velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, buoyancy, and debris impact.

Section 7. Subsection (5) of section 553.842, Florida Statutes, is amended to read:

553.842 Product evaluation and approval.—

(5) Statewide approval of products, methods, or systems of construction may be achieved by one of the following methods. One of these methods must be used by the commission to approve the following categories of products: panel walls, exterior doors, roofing, skylights, windows, shutters, impact protective systems, mitigation products, and structural components as established by the commission by rule. A product may not be advertised, sold, offered, provided, distributed, or marketed as hurricane, windstorm, or impact protection from wind-borne debris from a hurricane or windstorm unless it is approved pursuant to this section or s. 553.8425. Any person who advertises, sells, offers, provides, distributes, or markets a product as hurricane, windstorm, or impact protection from wind-borne debris without such approval is subject to the Florida Deceptive and Unfair Trade Practices Act under part II of chapter 501 brought by the enforcing authority as defined in s. 501.203.

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(a) Products for which the code establishes standardized testing or comparative or rational analysis methods shall be approved by submittal and validation of one of the following reports or listings indicating that the product or method or system of construction was in compliance with the Florida Building Code and that the product or method or system of construction is, for the purpose intended, at least equivalent to that required by the Florida Building Code:

1. A certification mark or listing of an approved certification agency, which may be used only for products for which the code designates standardized testing;

2. A test report from an approved testing laboratory;

3. A product evaluation report based upon testing or comparative or rational analysis, or a combination thereof, from an approved product evaluation entity; or

4. A product evaluation report based upon testing or comparative or rational analysis, or a combination thereof, developed and signed and sealed by a professional engineer or architect, licensed in this state.

A product evaluation report or a certification mark or listing of an approved certification agency which demonstrates that the product or method or system of construction complies with the Florida Building Code for the purpose intended is equivalent to a test report and test procedure referenced in the Florida

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Building Code. An application for state approval of a product under subparagraph 1. or subparagraph 3. must be approved by the department after the commission staff or a designee verifies that the application and related documentation are complete. This verification must be completed within 10 business days after receipt of the application. Upon approval by the department, the product shall be immediately added to the list of state-approved products maintained under subsection (13). Approvals by the department shall be reviewed and ratified by the commission's program oversight committee except for a showing of good cause that a review by the full commission is necessary. The commission shall adopt rules providing means to cure deficiencies identified within submittals for products approved under this paragraph.

(b) Products, methods, or systems of construction for which there are no specific standardized testing or comparative or rational analysis methods established in the code may be approved by submittal and validation of one of the following:

1. A product evaluation report based upon testing or comparative or rational analysis, or a combination thereof, from an approved product evaluation entity indicating that the product or method or system of construction was in compliance with the intent of the Florida Building Code and that the product or method or system of construction is, for the purpose

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intended, at least equivalent to that required by the Florida Building Code; or

2. A product evaluation report based upon testing or comparative or rational analysis, or a combination thereof, developed and signed and sealed by a professional engineer or architect, licensed in this state, who certifies that the product or method or system of construction is, for the purpose intended, at least equivalent to that required by the Florida Building Code.

Section 8. Section 553.8992, Florida Statutes, is created to read:

553.8992 Incorporation of standards into the Florida Building Code.—By December 31, 2026, the Florida Building Commission shall incorporate into the Florida Building Code pursuant to s. 553.73(1) standards for the adoption of sections 680.26(B)(1) Conductive Pool Shells and 680.26(B)(2) Perimeter Surfaces of the 2026 Edition of the National Electrical Code for all new construction of commercial or residential pools.

Section 9. Subsection (3) of section 497.271, Florida Statutes, is amended to read:

497.271 Standards for construction and significant alteration or renovation of mausoleums and columbaria.—

(3) The licensing authority shall transmit the rules as adopted under subsection (2), referred to as the "mausoleum standards," to the Florida Building Commission, which shall

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334 initiate rulemaking under chapter 120 to consider such mausoleum
335 standards. If such mausoleum standards are not deemed
336 acceptable, they must be returned by the Florida Building
337 Commission to the licensing authority with details of changes
338 needed to make them acceptable. If such mausoleum standards are
339 acceptable, the Florida Building Commission must adopt a rule
340 designating the mausoleum standards as an approved revision to
341 the State Minimum Building Codes under part IV of chapter 553.
342 When designated by the Florida Building Commission, such
343 mausoleum standards must ~~shall~~ become a required element of the
344 State Minimum Building Codes under s. 553.73(2)(a) and must
345 ~~shall~~ be transmitted to each local enforcement agency, as
346 defined in s. 553.71 ~~s. 553.71(5)~~. Such local enforcement agency
347 shall consider and inspect for compliance with such mausoleum
348 standards as if they were part of the local building code, but
349 shall have no continuing duty to inspect after final approval of
350 the construction pursuant to the local building code. Any
351 further amendments to the mausoleum standards must ~~shall~~ be
352 accomplished by the same procedure. Such designated mausoleum
353 standards, as from time to time amended, must ~~shall~~ be a part of
354 the State Minimum Building Codes under s. 553.73 until the
355 adoption and effective date of a new statewide uniform minimum
356 building code, which may supersede the mausoleum standards as
357 provided by the law enacting the new statewide uniform minimum
358 building code.

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Section 10. Subsection (5) of section 553.902, Florida Statutes, is amended to read:

553.902 Definitions.—As used in this part, the term:

(5) "Local enforcement agency" means the agency of local government which has the authority to make inspections of buildings and to enforce the Florida Building Code. The term includes any agency within the definition of s. 553.71 ~~s. 553.71(5)~~.

Section 11. This act shall take effect July 1, 2026.

T I T L E A M E N D M E N T

Remove everything before the enacting clause and insert:

A bill to be entitled

An act relating to construction regulations; creating s. 255.0994, F.S.; defining terms; prohibiting a governmental entity that contracts for a public works project from taking certain actions; providing construction; providing severability; providing applicability; amending s. 553.71, F.S.; defining the term "commercial construction project"; creating s. 553.789, F.S.; requiring the Florida Building Commission to adopt by rule uniform commercial building permit acceptance standards for a specified purpose by a specified date; specifying the

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information to be included in the acceptance standards; requiring the commission to adopt rules to create additional trade-specific acceptance standards for certain trades; requiring a local enforcement agency to accept a completed application if it provides the information set forth in such acceptance standards adopted by the Florida Building Commission; authorizing the local enforcement agency to require additional documentation or plans; amending s. 553.79, F.S.; requiring that permit fees that are imposed by a local enforcement agency be limited to the actual and reasonable costs incurred in reviewing, processing, and administering the permit; prohibiting such fees from being based on industry standards, market rates, or comparable retail pricing; requiring that such fees be proportional to the work performed in reviewing, processing, and administering such permits; prohibiting a political subdivision from imposing certain requirements for glazing on certain proposed construction or restoration projects; defining the terms "primary facade" and "glazing"; conforming a cross-reference; amending s. 553.791, F.S.; requiring a local jurisdiction to include a certain reduction in the permit fee on its schedule of fees posted on its website; prohibiting the local jurisdiction from

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charging fees for plans review services under certain circumstances; requiring the local jurisdiction to specify the services covered by the administrative fees on its website; requiring the local enforcement agency to reduce the permit fee by specified percentages for an owner or a contractor that retains a private provider for specified purposes; providing that a local enforcement agency forfeits its ability to collect any fees for a commercial construction project if it does not reduce its fees by such specified percentages; requiring that a certain surcharge be calculated based on the reduced permit fee; providing construction; creating s. 553.8411, F.S.; requiring nonresidential structures built in a flood zone after a specified date to have the lowest floor elevated above the required design flood elevation; authorizing the building of such a structure below the required design flood elevation if all structural areas below the required design flood elevation are substantially impermeable to water and capable of resisting certain effects of the regulatory floodplain; amending s. 553.842, F.S.; revising the products requiring statewide approval to include mitigation products; creating s. 553.8992, F.S.; requiring the Florida Building Commission to

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434 | incorporate into the Florida Building Code certain
435 | standards for all new construction commercial or
436 | residential pools by a specified date; amending ss.
437 | 497.271 and 553.902, F.S.; conforming cross-
438 | references; providing an effective date.

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