

HOUSE AMENDMENT

Bill No. CS/CS/HB 405 (2026)

Amendment No.

CHAMBER ACTION

Senate

House

1 Representative Griffitts offered the following:

2

3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

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

7 255.0994 Public works projects; unenforceability of
8 certain contract provisions regarding delays.—

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

10 (a) "Concurrent delays" means two or more unrelated delays
11 in the contractor's performance of a contract for a public works
12 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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136 submitted to the enforcing agency. A fee simple title owner of a
137 building, which does not meet the minimum size, height,
138 occupancy, occupancy classification, or number-of-stories
139 criteria which would result in classification as a threshold
140 building as defined in s. 553.71 under s. 553.71(12), may
141 designate such building as a threshold building, subject to more
142 than the minimum number of inspections required by the Florida
143 Building Code.

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

147 1. Contains any building, construction, or aesthetic
148 requirement or condition that conflicts with or impairs
149 corporate trademarks, service marks, trade dress, logos, color
150 patterns, design scheme insignia, image standards, or other
151 features of corporate branding identity on real property or
152 improvements thereon used in activities conducted under chapter
153 526 or in carrying out business activities defined as a
154 franchise by Federal Trade Commission regulations in 16 C.F.R.
155 ss. 436.1, et. seq.; or

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

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

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

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

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

183 **Section 5. Paragraph (b) of subsection (2) of section**
184 **553.791, Florida Statutes, is amended, and paragraph (d) is**
185 **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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236 substantially impermeable to water and capable of resisting the
237 effects of the regulatory floodplain, including, but not limited
238 to, flow velocities, duration, rate of rise, hydrostatic and
239 hydrodynamic forces, buoyancy, and debris impact.

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

242 553.842 Product evaluation and approval.—

243 (5) Statewide approval of products, methods, or systems of
244 construction may be achieved by one of the following methods.
245 One of these methods must be used by the commission to approve
246 the following categories of products: panel walls, exterior
247 doors, roofing, skylights, windows, shutters, impact protective
248 systems, mitigation products, and structural components as
249 established by the commission by rule. A product may not be
250 advertised, sold, offered, provided, distributed, or marketed as
251 hurricane, windstorm, or impact protection from wind-borne
252 debris from a hurricane or windstorm unless it is approved
253 pursuant to this section or s. 553.8425. Any person who
254 advertises, sells, offers, provides, distributes, or markets a
255 product as hurricane, windstorm, or impact protection from wind-
256 borne debris without such approval is subject to the Florida
257 Deceptive and Unfair Trade Practices Act under part II of
258 chapter 501 brought by the enforcing authority as defined in s.
259 501.203.

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

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

271 2. A test report from an approved testing laboratory;

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

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

279
280 A product evaluation report or a certification mark or listing
281 of an approved certification agency which demonstrates that the
282 product or method or system of construction complies with the
283 Florida Building Code for the purpose intended is equivalent to
284 a test report and test procedure referenced in the Florida

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

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

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

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

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

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

320 553.8992 Incorporation of standards into the Florida
321 Building Code.—By December 31, 2026, the Florida Building
322 Commission shall incorporate into the Florida Building Code
323 pursuant to s. 553.73(1) standards for the adoption of sections
324 680.26(B) (1) Conductive Pool Shells and 680.26(B) (2) Perimeter
325 Surfaces of the 2026 Edition of the National Electrical Code for
326 all new construction of commercial or residential pools.

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

329 497.271 Standards for construction and significant
330 alteration or renovation of mausoleums and columbaria.—

331 (3) The licensing authority shall transmit the rules as
332 adopted under subsection (2), referred to as the "mausoleum
333 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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359 **Section 10. Subsection (5) of section 553.902, Florida**
360 **Statutes, is amended to read:**

361 553.902 Definitions.—As used in this part, the term:

362 (5) "Local enforcement agency" means the agency of local
363 government which has the authority to make inspections of
364 buildings and to enforce the Florida Building Code. The term
365 includes any agency within the definition of s. 553.71 s.
366 553.71(5).

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

368

369 -----

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

371 Remove everything before the enacting clause and insert:

372 A bill to be entitled
373 An act relating to construction regulations; creating
374 s. 255.0994, F.S.; defining terms; prohibiting a
375 governmental entity that contracts for a public works
376 project from taking certain actions; providing
377 construction; providing severability; providing
378 applicability; amending s. 553.71, F.S.; defining the
379 term "commercial construction project"; creating s.
380 553.789, F.S.; requiring the Florida Building
381 Commission to adopt by rule uniform commercial
382 building permit acceptance standards for a specified
383 purpose by a specified date; specifying the

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

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409 charging fees for plans review services under certain
410 circumstances; requiring the local jurisdiction to
411 specify the services covered by the administrative
412 fees on its website; requiring the local enforcement
413 agency to reduce the permit fee by specified
414 percentages for an owner or a contractor that retains
415 a private provider for specified purposes; providing
416 that a local enforcement agency forfeits its ability
417 to collect any fees for a commercial construction
418 project if it does not reduce its fees by such
419 specified percentages; requiring that a certain
420 surcharge be calculated based on the reduced permit
421 fee; providing construction; creating s. 553.8411,
422 F.S.; requiring nonresidential structures built in a
423 flood zone after a specified date to have the lowest
424 floor elevated above the required design flood
425 elevation; authorizing the building of such a
426 structure below the required design flood elevation if
427 all structural areas below the required design flood
428 elevation are substantially impermeable to water and
429 capable of resisting certain effects of the regulatory
430 floodplain; amending s. 553.842, F.S.; revising the
431 products requiring statewide approval to include
432 mitigation products; creating s. 553.8992, F.S.;
433 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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