

A bill to be entitled
An act relating to commercial construction projects; creating s. 255.0994, F.S.; providing definitions; prohibiting a governmental entity from enforcing certain contract provisions for a public works project; providing construction; providing for 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 a uniform commercial building permit application by a specified date; providing requirements for such application; requiring the commission to adopt by rule certain trade-specific forms; requiring a local enforcement agency to accept the uniform application and standardized forms adopted by the commission; authorizing a local enforcement agency to require additional documentation or plans under certain circumstances; amending s. 553.79, F.S.; limiting permit fees imposed by a local enforcement agency to the actual and reasonable costs incurred in performing certain functions; prohibiting a political subdivision from adopting or enforcing an ordinance that imposes certain glazing requirements; defining the terms "glazing" and "primary facade"; amending s. 553.791,

26 F.S.; requiring a local jurisdiction to include
27 specified information on its website; prohibiting a
28 local jurisdiction from charging fees for plans review
29 services performed by a private provider; requiring
30 the local enforcement agency to reduce permit fees for
31 commercial construction projects by certain
32 percentages under certain circumstances; prohibiting
33 the local enforcement agency from collecting any fees
34 for a commercial construction project under certain
35 circumstances; requiring a specified surcharge to be
36 calculated based on the reduced permit fee; providing
37 construction; amending ss. 497.271 and 553.902, F.S.;
38 conforming cross-references; providing an effective
39 date.

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

42
43 **Section 1. Section 255.0994, Florida Statutes, is created
44 to read:**

45 255.0994 Public works projects; unenforceability of
46 certain contract provisions regarding delays.—
47 (1) As used in this section, the term:
48 (a) "Concurrent delays" means two or more unrelated delays
49 in a contractor's performance of a contract for a public works
50 project which happen at the same time or overlap in time, each

51 of which on its own would have delayed the contractor's
52 performance.

53 (b) "Governmental entity" has the same meaning as in s.
54 255.0993(1).

55 (c) "Public works project" has the same meaning as in s.
56 255.0992(1).

57 (2) Except as otherwise required by federal or state law,
58 a governmental entity that contracts for a public works project
59 may not:

60 (a) Enforce any contract provision that eliminates or
61 limits a contractor's right to receive compensation for damages
62 and increased costs, equitable adjustments, and time extensions
63 due to a delay in performance of the contract, either on the
64 contractor's own behalf or on behalf of a subcontractor or
65 supplier, to the extent the delay was caused in whole or in part
66 by the acts or omissions of the governmental entity or an agent,
67 an employee, or a person acting on behalf of the governmental
68 entity.

69 (b) Enforce any contract provision that eliminates or
70 limits a contractor's right to receive time extensions due to
71 concurrent delays, either on the contractor's own behalf or on
72 behalf of a subcontractor or supplier, if at least one of the
73 delays is caused in whole or in part by the acts or omissions of
74 the governmental entity or an agent, an employee, or a person
75 acting on behalf of the governmental entity.

76 (3) This section may not be construed to render
77 unenforceable a provision of a contract for a public works
78 project which:

79 (a) Requires the party claiming a delay to give notice of
80 the acts or omissions giving rise to the delay; or
81 (b) Provides for arbitration or any other procedure
82 designed to settle contract disputes.

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

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

89 **Section 2. Subsections (1) through (12) of section 553.71,**
90 **Florida Statutes, are renumbered as subsections (2) through**
91 **(13), respectively, and a new subsection (1) is added to that**
92 **section, to read:**

93 553.71 Definitions.—As used in this part, the term:

94 (1) "Commercial construction project" means the
95 construction, alteration, or repair of a building or structure
96 that is primarily intended for business, industrial,
97 institutional, or mercantile use and is not classified as
98 residential under the Florida Building Code.

99 **Section 3. Section 553.789, Florida Statutes, is created**
100 **to read:**

101 553.789 Uniform commercial building permit application.—

102 (1) By December 31, 2027, the commission shall adopt by
103 rule a uniform commercial building permit application to be used
104 statewide for commercial construction projects. The application
105 must include, at a minimum, the following information:

106 (a) The name and contact information of the property
107 owner.

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

110 (c) The address and parcel identification number of the
111 construction project.

112 (d) The project type and occupancy classification under
113 the Florida Building Code.

114 (e) A description of the construction project, including
115 whether the project is new construction or an alteration, an
116 addition, or a repair.

117 (f) The total square footage and declared value of the
118 construction project.

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

120 (h) The identification of private provider services used
121 under s. 553.791, if any.

122 (2) The commission shall adopt by rule additional trade-
123 specific forms for trades that are often present on a project,
124 including, but not limited to, electric, HVAC, plumbing, and
125 water and sewer.

126 (3) A local enforcement agency must accept the uniform
127 commercial building permit application and other standardized
128 forms as adopted by the commission. However, a local enforcement
129 agency may require additional documentation or plans reasonably
130 necessary for the applicant to demonstrate compliance with the
131 Florida Building Code or local zoning ordinances.

132 **Section 4. Paragraph (a) of subsection (5) and paragraph**
133 **(a) of subsection (24) of section 553.79, Florida Statutes, are**
134 **amended, and paragraph (g) is added to subsection (1) of that**
135 **section, to read:**

136 553.79 Permits; applications; issuance; inspections.—

137 (1)

138 (g) Permit fees imposed by a local enforcement agency are
139 limited to the actual and reasonable costs incurred in
140 reviewing, processing, and administering the permit and may not
141 be based on industry standards, market rates, or comparable
142 retail pricing. Permit fees must be proportional to the work
143 performed reviewing, processing, and administering the permit.

144 (5) (a) During new construction or during repair or
145 restoration projects in which the structural system or
146 structural loading of a building is being modified, the
147 enforcing agency shall require a special inspector to perform
148 structural inspections on a threshold building pursuant to a
149 structural inspection plan prepared by the engineer or architect
150 of record. The structural inspection plan must be submitted to

151 and approved by the enforcing agency before the issuance of a
152 building permit for the construction of a threshold building.
153 The purpose of the structural inspection plan is to provide
154 specific inspection procedures and schedules so that the
155 building can be adequately inspected for compliance with the
156 permitted documents. The special inspector may not serve as a
157 surrogate in carrying out the responsibilities of the building
158 official, the architect, or the engineer of record. The
159 contractor's contractual or statutory obligations are not
160 relieved by any action of the special inspector. The special
161 inspector shall determine that a professional engineer who
162 specializes in shoring design has inspected the shoring and
163 reshoring for conformance with the shoring and reshoring plans
164 submitted to the enforcing agency. A fee simple title owner of a
165 building, which does not meet the minimum size, height,
166 occupancy, occupancy classification, or number-of-stories
167 criteria which would result in classification as a threshold
168 building under s. 553.71(13) ~~s. 553.71(12)~~, may designate such
169 building as a threshold building, subject to more than the
170 minimum number of inspections required by the Florida Building
171 Code.

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

175 1. Contains any building, construction, or aesthetic

176 requirement or condition that conflicts with or impairs
177 corporate trademarks, service marks, trade dress, logos, color
178 patterns, design scheme insignia, image standards, or other
179 features of corporate branding identity on real property or
180 improvements thereon used in activities conducted under chapter
181 526 or in carrying out business activities defined as a
182 franchise by Federal Trade Commission regulations in 16 C.F.R.
183 ss. 436.1, et. seq.; or

184 2. Imposes any requirement on the design, construction, or
185 location of signage advertising the retail price of gasoline in
186 accordance with the requirements of ss. 526.111 and 526.121
187 which prevents the signage from being clearly visible and
188 legible to drivers of approaching motor vehicles from a vantage
189 point on any lane of traffic in either direction on a roadway
190 abutting the gas station premises and meets height, width, and
191 spacing standards for Series C, D, or E signs, as applicable,
192 published in the latest edition of Standard Alphabets for
193 Highway Signs published by the United States Department of
194 Commerce, Bureau of Public Roads, Office of Highway Safety; or

195 3. Imposes a glazing requirement that results in the
196 glazing of more than 15 percent of the surface area of the
197 primary facade for up to, and including, 10 feet above the
198 ground floor for a proposed commercial or mixed-use new
199 construction or restoration project. A glazing requirement may
200 not be imposed or enforced on any facade other than the primary

201 facade and may not be imposed or enforced on any portion of the
202 primary facade that is higher than 10 feet above the ground
203 floor. For purposes of this subparagraph, the term:

204 a. "Glazing" means the installation of transparent or
205 translucent materials, including glass or similar substances, in
206 windows, doors, or storefronts, and includes the addition of
207 actual or faux windows to a building facade.

208 b. "Primary facade" means the single building side on
209 which the primary entrance to a building is located.

210 **Section 5. Paragraph (b) of subsection (2) of section**
211 **553.791, Florida Statutes, is amended, and paragraph (d) is**
212 **added to that subsection, to read:**

213 553.791 Alternative plans review and inspection.—

214 (2)

215 (b) If an owner or contractor retains a private provider
216 for purposes of plans review or building inspection services,
217 the local jurisdiction must reduce the permit fee by the amount
218 of cost savings realized by the local enforcement agency for not
219 having to perform such services. Such reduction may be
220 calculated on a flat fee or percentage basis, or any other
221 reasonable means by which a local enforcement agency assesses
222 the cost for its plans review or inspection services. The local
223 jurisdiction must include the applicable reduction in the permit
224 fee on its schedule of fees posted on the local jurisdiction's
225 website. The local jurisdiction may not charge fees for plans

226 review or building inspections if the fee owner or contractor
227 hires a private provider to perform such services; however, the
228 local jurisdiction may charge a reasonable administrative fee,
229 which shall be based on the cost that is actually incurred,
230 including the labor cost of the personnel providing the service,
231 by the local jurisdiction or attributable to the local
232 jurisdiction for the clerical and supervisory assistance
233 required, or both. The local jurisdiction shall specify on its
234 website the services covered by the administrative fee.

235 (d) If an owner or a contractor retains a private provider
236 for purposes of plans review or building inspection services for
237 a commercial construction project, the local enforcement agency
238 must reduce the permit fee by at least 25 percent of the portion
239 of the permit fee attributable to plans review or building
240 inspection services, as applicable. If an owner or a contractor
241 retains a private provider for all required plans review and
242 building inspection services, the local enforcement agency must
243 reduce the total permit fee by at least 50 percent of the amount
244 otherwise charged for such services. If a local enforcement
245 agency does not reduce its fees by at least the percentages
246 provided in this paragraph, the local enforcement agency
247 forfeits the ability to collect any fees for the commercial
248 construction project. The surcharge required by s. 553.721 shall
249 be calculated based on the reduced permit fee. This paragraph
250 does not prohibit a local enforcement agency from reducing its

251 fees in excess of the percentages provided in this paragraph.

252 **Section 6. Subsection (3) of section 497.271, Florida**

253 **Statutes, is amended to read:**

254 497.271 Standards for construction and significant
255 alteration or renovation of mausoleums and columbaria.—

256 (3) The licensing authority shall transmit the rules as
257 adopted under subsection (2), referred to as the "mausoleum
258 standards," to the Florida Building Commission, which shall
259 initiate rulemaking under chapter 120 to consider such mausoleum
260 standards. If such mausoleum standards are not deemed
261 acceptable, they must be returned by the Florida Building
262 Commission to the licensing authority with details of changes
263 needed to make them acceptable. If such mausoleum standards are
264 acceptable, the Florida Building Commission must adopt a rule
265 designating the mausoleum standards as an approved revision to
266 the State Minimum Building Codes under part IV of chapter 553.
267 When designated by the Florida Building Commission, such
268 mausoleum standards shall become a required element of the State
269 Minimum Building Codes under s. 553.73(2)(a) and shall be
270 transmitted to each local enforcement agency, as defined in s.
271 553.71 ~~s. 553.71(5)~~. Such local enforcement agency shall
272 consider and inspect for compliance with such mausoleum
273 standards as if they were part of the local building code, but
274 shall have no continuing duty to inspect after final approval of
275 the construction pursuant to the local building code. Any

276 further amendments to the mausoleum standards shall be
277 accomplished by the same procedure. Such designated mausoleum
278 standards, as from time to time amended, shall be a part of the
279 State Minimum Building Codes under s. 553.73 until the adoption
280 and effective date of a new statewide uniform minimum building
281 code, which may supersede the mausoleum standards as provided by
282 the law enacting the new statewide uniform minimum building
283 code.

284 **Section 7. Subsection (5) of section 553.902, Florida
285 Statutes, is amended to read:**

286 553.902 Definitions.—As used in this part, the term:

287 (5) "Local enforcement agency" means the agency of local
288 government which has the authority to make inspections of
289 buildings and to enforce the Florida Building Code. The term
290 includes any agency within the definition of s. 553.71(6) ~~s.~~
291 ~~553.71(5)~~.

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