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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/02/2026	.	
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The Committee on Governmental Oversight and Accountability  
(Grall) recommended the following:

**Senate Amendment (with title amendment)**

Delete 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



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in the contractor's performance of a contract for a public works project which happen at the same time or overlap in time, each of which on its own would have delayed the contractor's performance.

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

553.789 Uniform commercial building permit application.—

(1) By December 31, 2026, the commission shall adopt rules pursuant to ss. 120.536(1) and 120.54, which establish uniform commercial building permit acceptance standards that identify



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the information required for acceptance of a commercial building permit application. The standards must be used statewide by all enforcement agencies. The standards must include, at a minimum, all of the following information:

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

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

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

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

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

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

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

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

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

(3) An enforcement agency must accept a completed application if it provides the information set forth in the uniform commercial building permit acceptance standards and any other trade-specific acceptance standards that may be adopted by the commission. However, an enforcement agency may require



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submission of additional documentation or plans reasonably necessary for the applicant to demonstrate compliance with the Florida Building Code or applicable local ordinances and land development code.

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

553.79 Permits; applications; issuance; inspections.—

(1)

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

(5)(a) During new construction or during repair or restoration projects in which the structural system or structural loading of a building is being modified, the enforcing agency shall require a special inspector to perform structural inspections on a threshold building pursuant to a structural inspection plan prepared by the engineer or architect of record. The structural inspection plan must be submitted to and approved by the enforcing agency before the issuance of a building permit for the construction of a threshold building. The purpose of the structural inspection plan is to provide specific inspection procedures and schedules so that the building can be adequately inspected for compliance with the



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permitted documents. The special inspector may not serve as a surrogate in carrying out the responsibilities of the building official, the architect, or the engineer of record. The contractor's contractual or statutory obligations are not relieved by any action of the special inspector. The special inspector shall determine that a professional engineer who specializes in shoring design has inspected the shoring and reshoring for conformance with the shoring and reshoring plans 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



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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 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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553.791 Alternative plans review and inspection.-

(2)

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

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





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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 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



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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.

(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



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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  
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



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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 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.—



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

Section 10. Subsection (5) of section 553.902, Florida



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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 =====

And the title is amended as follows:

Delete everything before the enacting clause  
and insert:

A bill to be entitled

An act relating to commercial construction projects;  
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  
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



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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 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



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