



LEGISLATIVE ACTION

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

1 **Senate Amendment (with title amendment)**

2
3 Delete everything after the enacting clause
4 and insert:

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

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

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

10 (a) “Concurrent delays” means two or more unrelated delays



865572

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

30 (b) Enforce any contract provisions that would eliminate or
31 limit the contractor's right to receive time extensions due to
32 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.

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 remain in full force and effect.
51 (5) This section applies to any contract for a public works
52 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,
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 to
64 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



865572

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 owner.

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

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

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

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

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

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

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

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

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



865572

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

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

106 553.79 Permits; applications; issuance; inspections.—

107 (1)

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

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



865572

127 permitted documents. The special inspector may not serve as a
128 surrogate in carrying out the responsibilities of the building
129 official, the architect, or the engineer of record. The
130 contractor's contractual or statutory obligations are not
131 relieved by any action of the special inspector. The special
132 inspector shall determine that a professional engineer who
133 specializes in shoring design has inspected the shoring and
134 reshoring for conformance with the shoring and reshoring plans
135 submitted to the enforcing agency. A fee simple title owner of a
136 building, which does not meet the minimum size, height,
137 occupancy, occupancy classification, or number-of-stories
138 criteria which would result in classification as a threshold
139 building as defined in s. 553.71 under s. 553.71(12), may
140 designate such building as a threshold building, subject to more
141 than the minimum number of inspections required by the Florida
142 Building Code.

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

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

155 2. Imposes any requirement on the design, construction, or



865572

156 location of signage advertising the retail price of gasoline in
157 accordance with the requirements of ss. 526.111 and 526.121
158 which prevents the signage from being clearly visible and
159 legible to drivers of approaching motor vehicles from a vantage
160 point on any lane of traffic in either direction on a roadway
161 abutting the gas station premises and meets height, width, and
162 spacing standards for Series C, D, or E signs, as applicable,
163 published in the latest edition of Standard Alphabets for
164 Highway Signs published by the United States Department of
165 Commerce, Bureau of Public Roads, Office of Highway Safety; or
166 3. Imposes a glazing requirement that results in the
167 glazing of more than 15 percent of the surface area of the
168 primary facade for the first 10 feet above the ground floor for
169 a proposed new commercial or mixed-use construction or
170 restoration project. Such glazing requirements may not be
171 imposed or enforced on any facade other than the primary facade,
172 and such glazing requirements may not be imposed or enforced on
173 any portion of the primary facade higher than the first 10 feet
174 above the ground floor. For purposes of this subparagraph, the
175 term:

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

180 b. “Primary facade” means the single building side housing
181 the primary entrance to the building.

182 Section 5. Paragraph (b) of subsection (2) of section
183 553.791, Florida Statutes, is amended, and paragraph (d) is
184 added to that subsection, to read:



865572

185 553.791 Alternative plans review and inspection.—
186 (2)
187 (b) If an owner or contractor retains a private provider
188 for purposes of plans review or building inspection services,
189 the local jurisdiction must reduce the permit fee by the amount
190 of cost savings realized by the local enforcement agency for not
191 having to perform such services. Such reduction may be
192 calculated on a flat fee or percentage basis, or any other
193 reasonable means by which a local enforcement agency assesses
194 the cost for its plans review or inspection services. The local
195 jurisdiction shall include the applicable reduction in the
196 permit fee on its schedule of fees which is posted on its
197 website. The local jurisdiction may not charge fees for building
198 inspections or plans review services if the fee owner or
199 contractor hires a private provider to perform such services;
200 however, the local jurisdiction may charge a reasonable
201 administrative fee, which shall be based on the cost that is
202 actually incurred, including the labor cost of the personnel
203 providing the service, by the local jurisdiction or attributable
204 to the local jurisdiction for the clerical and supervisory
205 assistance required, or both. The local jurisdiction shall
206 specify the services covered by the administrative fees on its
207 website.
208 (d) If an owner or a contractor retains a private provider
209 for purposes of plans review or building inspection services for
210 a commercial construction project, the local enforcement agency
211 must reduce the permit fee by at least 25 percent of the portion
212 of the permit fee attributable to plans review or building
213 inspection services, as applicable. If an owner or a contractor



865572

214 retains a private provider for all required plans review and
215 building inspection services, the local enforcement agency must
216 reduce the total permit fee by at least 50 percent of the amount
217 otherwise charged for such services. If a local enforcement
218 agency does not reduce its fees by at least the percentages
219 provided in this paragraph, the local enforcement agency
220 forfeits the ability to collect any fees for the commercial
221 construction project. The surcharge required by s. 553.721 must
222 be calculated based on the reduced permit fee. This paragraph
223 does not prohibit a local enforcement agency from reducing its
224 fees in excess of the percentages provided in this paragraph.

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

227 553.8411 Nonresidential buildings; floodproofing.—A
228 nonresidential structure constructed after July 1, 2026, which
229 is located in a flood zone as designated by the Federal
230 Emergency Management Agency must elevate its lowest floor above
231 the required design flood elevation. As an alternative to this
232 requirement, a nonresidential structure may be designed and
233 constructed below the required design flood elevation if all
234 structural areas below the required design flood elevation are
235 substantially impermeable to water and capable of resisting the
236 effects of the regulatory floodplain, including, but not limited
237 to, flow velocities, duration, rate of rise, hydrostatic and
238 hydrodynamic forces, buoyancy, and debris impact.

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

241 553.842 Product evaluation and approval.—
242 (5) Statewide approval of products, methods, or systems of



865572

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

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

- 267 1. A certification mark or listing of an approved
268 certification agency, which may be used only for products for
269 which the code designates standardized testing;
- 270 2. A test report from an approved testing laboratory;
- 271 3. A product evaluation report based upon testing or



865572

272 comparative or rational analysis, or a combination thereof, from
273 an approved product evaluation entity; or

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

278
279 A product evaluation report or a certification mark or listing
280 of an approved certification agency which demonstrates that the
281 product or method or system of construction complies with the
282 Florida Building Code for the purpose intended is equivalent to
283 a test report and test procedure referenced in the Florida
284 Building Code. An application for state approval of a product
285 under subparagraph 1. or subparagraph 3. must be approved by the
286 department after the commission staff or a designee verifies
287 that the application and related documentation are complete.
288 This verification must be completed within 10 business days
289 after receipt of the application. Upon approval by the
290 department, the product shall be immediately added to the list
291 of state-approved products maintained under subsection (13).
292 Approvals by the department shall be reviewed and ratified by
293 the commission's program oversight committee except for a
294 showing of good cause that a review by the full commission is
295 necessary. The commission shall adopt rules providing means to
296 cure deficiencies identified within submittals for products
297 approved under this paragraph.

298 (b) Products, methods, or systems of construction for which
299 there are no specific standardized testing or comparative or
300 rational analysis methods established in the code may be



865572

301 approved by submittal and validation of one of the following:
302 1. A product evaluation report based upon testing or
303 comparative or rational analysis, or a combination thereof, from
304 an approved product evaluation entity indicating that the
305 product or method or system of construction was in compliance
306 with the intent of the Florida Building Code and that the
307 product or method or system of construction is, for the purpose
308 intended, at least equivalent to that required by the Florida
309 Building Code; or

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

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

319 553.8992 Incorporation of standards into the Florida
320 Building Code.—By December 31, 2026, the Florida Building
321 Commission shall incorporate into the Florida Building Code
322 pursuant to s. 553.73(1) standards for the adoption of sections
323 680.26(B) (1) Conductive Pool Shells and 680.26(B) (2) Perimeter
324 Surfaces of the 2026 Edition of the National Electrical Code for
325 all new construction of commercial or residential pools.

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

328 497.271 Standards for construction and significant
329 alteration or renovation of mausoleums and columbaria.—



865572

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

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



865572

359 Statutes, is amended to read:

360 553.902 Definitions.—As used in this part, the term:

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

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

367

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

369 And the title is amended as follows:

370 Delete everything before the enacting clause
371 and insert:

372 A bill to be entitled

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



865572

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
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



865572

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
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.