

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Governmental Oversight and Accountability

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BILL: CS/SB 526

INTRODUCER: Governmental Oversight and Accountability Committee and Senator Grall

SUBJECT: Commercial Construction Projects

DATE: February 3, 2026      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Shuler</u>	<u>Fleming</u>	<u>CA</u>	<b>Favorable</b>
2.	<u>Harmsen</u>	<u>McVaney</u>	<u>GO</u>	<b>Fav/CS</b>
3.	_____	_____	<u>RC</u>	_____

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 526 creates provisions governing public works projects construction contracts to render void and unenforceable contract provisions that bar certain remedies or contractor’s rights to extensions when the governmental entity that has awarded the contract causes or contributes to a delay.

The bill also amends the Florida Building Codes Act to require the Florida Building Commission, in consultation with the Department of Business and Professional Regulation, to create uniform commercial building permit acceptance standards to identify the information required for acceptance of a commercial building application for statewide use by enforcing agencies. The minimum contents of the standards are specified. Local enforcement agencies are allowed to require supplemental plans and documentation to demonstrate compliance with the Building Code or applicable ordinances and land development code.

For commercial construction projects, the bill requires local enforcement agencies to reduce permit fees by at least 25 percent of the amount attributable to plans review or building inspection services when a private provider is used, and at least 50 percent of the amount otherwise charged if a private provider performs all required plans review or building inspection services. A local enforcement agency is allowed to reduce its fees more than the required reductions, and an agency that doesn’t reduce its fees forfeits the ability to collect any fees for the commercial construction project.

The bill expands the list of categories of products for which the Florida Building Commission must develop an approval system for statewide use in construction to include mitigation products.

The bill may have a negative impact on local fees as a result of the reduction in permitted fees for services performed by private providers. See Section V. Fiscal Impact Statement.

The bill takes effect on July 1, 2026.

## II. Present Situation:

### Public Procurement of Personal Property and Services

Chapter 287, F.S., sets out provisions governing agency procurement of personal property and services. Section 287.012(1), F.S., defines “agency” as “any of the various state officers, departments, boards, commissions, divisions, bureaus, and councils and any other unit of organization, however designated, of the executive branch of state government,” but “does not include the university and college boards of trustees or the state universities and colleges.” Section 287.05701, F.S., defines the term “awarding body” as a state agency for state contracts or as a county, municipality, special district, or other political subdivision for local government contracts.

Agencies may use different methods, depending on the cost and characteristics of the goods or services being procured, which include:

- Invitations to bid, used when an agency is capable of specifically defining the scope of work for which a contractual service is required or of establishing precise specifications defining the actual commodity or group of commodities required.<sup>1</sup>
- Requests for proposals, used when the purposes and uses for which the commodity, group of commodities, or contractual service being sought can be specifically defined and the agency is capable of identifying necessary deliverables. Responsive vendors may propose various combinations or versions of commodities or contractual services to meet the agency’s specifications.<sup>2</sup>
- Invitations to negotiate, used to determine the best method for achieving a specific goal or solving a particular problem. This procurement method identifies one or more responsive vendors with which the agency may negotiate to receive the best value.<sup>3</sup>
- Single source contracts, used when an agency determines that only one vendor is available to provide a commodity or service at the time of purchase and which may be excepted from competitive-solicitation requirements.<sup>4</sup>

Statutes specifically relating to use and construction of public property and publicly owned buildings, including competitive solicitation of construction services, are located in ch. 255, F.S., though additional provisions related to public construction services are included in ch. 287, F.S.<sup>5</sup>

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<sup>1</sup> Section 287.057(1)(a), F.S.

<sup>2</sup> Section 287.057(1)(b), F.S.

<sup>3</sup> Section 287.057(1)(c), F.S.

<sup>4</sup> Section 287.057(3)(c), F.S.

<sup>5</sup> See, e.g., s. 287.05705, F.S., relating to procurements of road, bridge, and other specified public construction services.

Provisions specifically related to transportation construction contract requirements are found in ch. 339, F.S.

### ***Competitive Solicitation of Construction Services***

State contracts for construction projects that are projected to cost in excess of \$200,000 must be competitively bid.<sup>6</sup> A county, municipality, special district, or other political subdivision seeking to construct or improve a public building must competitively bid the project if the estimated cost is in excess of \$300,000.<sup>7</sup>

The Department of Management Services (DMS) is responsible for establishing by rule requirements related to construction contracts, including procedures:<sup>8</sup>

- For determining the qualifications and responsibility of potential bidders prior to advertising for and receiving bids for building construction contracts.
- For awarding each state agency construction project to the lowest qualified bidder.
- To govern negotiations for construction contracts and contract modifications when such negotiations are determined to be in the best interest of the state.
- For entering into performance-based contracts for the development of public facilities when those contracts are determined to be in the best interest of the state.

### ***Public Works Projects***

A public works project is an activity that is paid for with any state-appropriated funds and that consists of the construction, maintenance, repair, renovation, remodeling, or improvement of a building, road, street, sewer, storm drain, water system, site development, irrigation system, reclamation project, gas or electrical distribution system, gas or electrical substation, or other facility, project, or portion thereof owned in whole or in part by any political subdivision.<sup>9</sup>

### **Florida Building Code**

In 1974, Florida adopted legislation requiring all local governments to adopt and enforce a minimum building code that would ensure that Florida's minimum standards were met. Local governments could choose from four separate model codes. The state's role was limited to adopting all or relevant parts of new editions of the four model codes. Local governments could amend and enforce their local codes, as they desired.<sup>10</sup>

In 1992, Hurricane Andrew demonstrated that Florida's system of local codes did not work. Hurricane Andrew easily destroyed those structures that were allegedly built according to the strongest code. The Governor eventually appointed a study commission to review the system of

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<sup>6</sup> See s. 255.0525, F.S.; see also Fla. Admin. Code R. 60D-5.002 and 60D-5.0073.

<sup>7</sup> Section 255.20(1), F.S. For electrical work, local governments must competitively bid projects estimated to cost over \$75,000. *Id.* Certain projects are exempted from these requirements, including projects to replace, reconstruct, or repair existing public buildings, structures, or other construction works that have been damaged or destroyed by sudden turns of events. *Id.*

<sup>8</sup> Section 255.29, F.S.

<sup>9</sup> Section 255.0992(1)(b), F.S.

<sup>10</sup> FLA. DEPT. OF CMTY AFFAIRS, THE FLORIDA BUILDING COMMISSION REPORT TO THE 2006 LEGISLATURE 4 (Jan 2006), [http://www.floridabuilding.org/fbc/publications/2006\\_Legislature\\_Rpt\\_rev2.pdf](http://www.floridabuilding.org/fbc/publications/2006_Legislature_Rpt_rev2.pdf) (last visited Jan. 9, 2026).

local codes and make recommendations for modernizing the system. The 1998 Legislature adopted the study commission’s recommendations for a single state building code and enhanced the oversight role of the state over local code enforcement. The 2000 Legislature authorized implementation of the Florida Building Code (Building Code), and that first edition replaced all local codes on March 1, 2002.<sup>11</sup> The current edition of the Building Code is the eighth edition, which is referred to as the 2023 Florida Building Code.<sup>12</sup>

Part IV of chapter 553, F.S., is known as the “Florida Building Codes Act” (Act). The purpose and intent of the Act is to provide a mechanism for the uniform adoption, updating, amendment, interpretation, and enforcement of a single, unified state building code. The Building Code must be applied, administered, and enforced uniformly and consistently from jurisdiction to jurisdiction.<sup>13</sup>

The Florida Building Commission (Commission) was created to implement the Building Code. The Commission, which is housed within the Department of Business and Professional Regulation (DBPR), is a 19-member technical body made up of design professionals, contractors, and government experts in various disciplines covered by the Building Code.<sup>14</sup> The Commission reviews several International Codes published by the International Code Council,<sup>15</sup> the National Electric Code, and other nationally adopted model codes to determine if the Building Code needs to be updated and adopts an updated Building Code every three years.<sup>16</sup>

### ***Amendments to the Building Code***

The Commission and local governments may adopt technical and administrative amendments to the Building Code.<sup>17</sup> The Commission may approve technical amendments to the Building Code once each year for statewide or regional application upon making certain findings.<sup>18</sup>

Local governments may adopt amendments to the Building Code that are more stringent than the Building Code that are limited to the local government’s jurisdiction.<sup>19</sup> Amendments by local governments expire upon the adoption of the newest edition of the Building Code, and, thus, the local government would need to go through the amendment process every three years to maintain a local amendment to the Building Code.<sup>20</sup>

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<sup>11</sup> *Id.*

<sup>12</sup> FLA. DEPT. OF BUS. & PRO. REGUL., *Florida Building Codes*, [https://floridabuilding.org/bc/bc\\_default.aspx](https://floridabuilding.org/bc/bc_default.aspx) (last visited Jan. 9, 2026).

<sup>13</sup> Section 553.72(1), F.S.

<sup>14</sup> Sections 553.73 and 553.74, F.S.

<sup>15</sup> The International Code Council (ICC) is an association that develops model codes and standards used in the design, building, and compliance process to construct safe, sustainable, affordable and resilient structures. INT’L CODE COUNCIL, *Who We Are*, <https://www.iccsafe.org/about/who-we-are/> (last visited Jan. 9, 2026).

<sup>16</sup> Section 553.73(7)(a), F.S.

<sup>17</sup> Section 553.73, F.S.

<sup>18</sup> Section 553.73(9), F.S.

<sup>19</sup> Section 553.73(4), F.S.

<sup>20</sup> Section 553.73(4)(e), F.S.

### ***Building Permits***

It is the intent of the Legislature that local governments have the power to inspect all buildings, structures, and facilities within their jurisdiction in protection of the public's health, safety, and welfare.<sup>21</sup> Every local government must enforce the Building Code and issue building permits.<sup>22</sup>

A building permit is an official document or certificate issued by the local building official that authorizes performance of a specific activity.<sup>23</sup> It is unlawful for a person, firm, corporation, or governmental entity to construct, erect, alter, modify, repair, or demolish any building without first obtaining a building permit from the appropriate enforcing agency or from such persons as may, by resolution or regulation, be delegated authority to issue such permit.<sup>24</sup>

Current law requires local governments to post their building permit applications, including a list of all required attachments, drawings, and documents for each application, on its website.<sup>25</sup> However, other than fire alarm building permit applications, local governments are not required to have uniform building permit applications, and they are free to create their own applications with their own requirements.<sup>26</sup>

Any construction work that requires a building permit also requires plans and inspections to ensure the work complies with the Building Code. The Building Code requires certain building, electrical, plumbing, mechanical, and gas inspections. Construction work may not be done beyond a certain point until it passes an inspection. Generally speaking, a permit for construction work that passes the required inspections are considered completed or closed.<sup>27</sup>

### ***Required Information in Building Permit Application***

The minimum contents and format of building permit applications for every municipality and county that issues building permits for construction are prescribed by s. 713.135, F.S. The form must include the following information:<sup>28</sup>

- The name and address of the owner of the property;
- The name and address of the contractor;
- A description sufficient to identify the property to be improved;
- The name and address of the bonding company, if any;
- The name and address of the architect/engineer, if any;
- The name and address of the mortgage company, if any; and
- The number or identifying symbol assigned to the building permit by the issuing authority.

<sup>21</sup> Section 553.72(2), F.S.

<sup>22</sup> Sections 125.01(1)(bb), 125.56(1), and 553.80(1), F.S.

<sup>23</sup> Florida Building Code, *2023 Florida Building Code: 8th Edition*, s. 220 (2023), available at [https://codes.iccsafe.org/content/FLBC2023P1/chapter-2-definitions#FLBC2023P1\\_Ch02\\_Sec202](https://codes.iccsafe.org/content/FLBC2023P1/chapter-2-definitions#FLBC2023P1_Ch02_Sec202) (last visited Jan. 10, 2026).

<sup>24</sup> Section 553.79(1), F.S. *See also* s. 125.56(4)(a).

<sup>25</sup> Section 553.79(1), F.S.

<sup>26</sup> *See* s. 553.7921, F.S.

<sup>27</sup> Florida Building Code, *2023 Florida Building Code: 8th Edition*, s. 110 (2023), available at [https://codes.iccsafe.org/content/FLBC2023P1/chapter-1-scope-and-administration#FLBC2023P1\\_Ch01\\_SubCh02\\_Sec110](https://codes.iccsafe.org/content/FLBC2023P1/chapter-1-scope-and-administration#FLBC2023P1_Ch01_SubCh02_Sec110) (last visited Jan. 10, 2026).

<sup>28</sup> Sections 713.135(5) and (7), F.S.

In addition to the information that must be in the application, a government entity may require any additional information be included in the application.<sup>29</sup>

### ***Building Code Fees***

A local government may charge reasonable fees as set forth in a schedule of fees adopted by the enforcing agency for the issuance of a building permit.<sup>30</sup> Such fees shall be used solely for carrying out the local government's responsibilities in enforcing the Building Code.<sup>31</sup> Enforcing the Building Code includes the direct costs and reasonable indirect costs associated with training, enforcement action related to unlicensed contractors, review of building plans, building inspections, reinspections, building permit processing, and fire inspections associated with new construction.<sup>32</sup> A local government must post all building permit and inspection fee schedules on its websites.<sup>33</sup>

A local government is allowed to collect only building permit fees that are sufficient to cover its costs in enforcing the Building Code. When providing a schedule of reasonable fees, the total estimated annual revenue derived from fees, and the fines and investment earnings related to the fees, may not exceed the total estimated annual costs of allowable activities. Any unexpended balances must be carried forward to future years for allowable activities or must be refunded at the discretion of the local government. A local government may not carry forward an amount exceeding the average of its operating budget, not including reserve amounts, for enforcing the Building Code for the previous 4 fiscal years.<sup>34</sup>

### ***DBPR Surcharges***

Current law requires each local government to assess and collect a 1 percent surcharge on the permit fees for any building permit issued by its enforcement agency for the purpose of enforcing the Building Code. The local jurisdiction collects the assessment and remits the surcharge fees to DBPR to fund the activities of the Commission, DBPR's Building Code Compliance and Mitigation Program, and the Florida Fire Prevention Code informal interpretations.<sup>35</sup>

Current law also requires each local government to assess and collect a separate 1.5 percent surcharge on the permit fees on any building permit issued by its enforcement agency for the purpose of enforcing the Building Code. The local government collects the assessment and remits the surcharge fees to DBPR, where it is divided equally to fund the activities of the Building Code Administrators and Inspectors Board and the Florida Homeowners' Construction Recovery Fund.<sup>36</sup>

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<sup>29</sup> Section 713.135(7), F.S.

<sup>30</sup> Section 553.80(7)(a), F.S.

<sup>31</sup> *Id.*

<sup>32</sup> Section 553.80(7)(a)1., F.S.

<sup>33</sup> Sections 125.56(4)(c) and 166.222(2), F.S.

<sup>34</sup> Section 553.80(7)(a), F.S.

<sup>35</sup> Section 553.721, F.S.

<sup>36</sup> Section 468.631, F.S. The Florida Homeowners' Construction Recovery Fund is used to compensate homeowners who have suffered a covered financial loss at the hands of state-licensed general, building and residential contractors. *See ss.* 489.140-489.144, F.S.

Each local government building department is permitted to retain 10 percent of the amount of the surcharges it collects to fund participation by its agencies in the national and state building code adoption processes and to provide education related to enforcement of the Building Code.<sup>37</sup>

### **Private Providers**

Property owners or their contractors pursuant to written authorization may use a private provider to provide plans review or building inspection services.<sup>38</sup> Private providers and their duly authorized representatives may only provide such services that are within the scope of the provider's or representative's license.<sup>39</sup>

A "private provider" is defined as a person licensed as a building code administrator, engineer, or architect. Additionally, the term includes licensed building inspectors and plans examiners who perform inspections for additions and alterations that are limited to 1,000 square feet or less in residential buildings.<sup>40</sup> An owner or contractor must notify a local government that the owner or contractor hired a private provider to perform building code inspection services, including single-trade inspections.<sup>41</sup>

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.<sup>42</sup>

A local government may not charge a fee for building inspections when an owner or contractor uses a private provider but may charge a "reasonable administrative fee." A "reasonable administrative fee" must be based on the cost that is actually incurred by the local government, including the labor cost of the personnel providing the service, or the cost attributable to the local government for the clerical and supervisory assistance required, or both.<sup>43</sup>

### **Product Evaluation and Approval**

Current law requires the Commission to develop and implement an approval system of products for statewide use in construction.<sup>44</sup> The Commission has created a product approval system for products and systems that make up the building envelope and structural frame of a building.<sup>45</sup> To gain approval, products must have been evaluated using specified methods for compliance with or equivalency with the Building Code.<sup>46</sup> The Commission is required to approve the following categories of products:

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<sup>37</sup> Sections 468.631 and 553.721, F.S.

<sup>38</sup> Section 553.791(2), F.S.

<sup>39</sup> Section 553.791(3), F.S.

<sup>40</sup> Section 553.791(1)(n), F.S.

<sup>41</sup> Section 553.791(4), F.S.

<sup>42</sup> Section 553.791(2)(b), F.S.

<sup>43</sup> *Id.*

<sup>44</sup> Section 553.842(1), F.S.

<sup>45</sup> Fla. Admin. Code R. 61G20-3.001.

<sup>46</sup> Section 553.842(5), F.S.

- Panel walls,
- Exterior doors,
- Roofing,
- Skylights,
- Windows,
- Shutters,
- Impact protective systems, and
- Structural components as established by the Commission by rule.<sup>47</sup>

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 for statewide use pursuant to s. 553.842, F.S., or for local approval pursuant to s. 553.8425, F.S.<sup>48</sup> 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 ch. 501, F.S.<sup>49</sup>

### III. Effect of Proposed Changes:

#### Public Construction Contracts

**Section 1** creates s. 255.0994, F.S., to make provisions in construction contracts for a public works project void and unenforceable, unless otherwise required by federal or state law, which purport to eliminate or limit the rights of a contractor to:

- Recover costs, damages, or equitable adjustments, or to obtain a time extension, for delays in performance of the contract caused by the awarding body or an extension thereof.
- Obtain a time extension for a concurrent delay<sup>50</sup> if the governmental entity, its agent, employee, or other person acting on its behalf contributed to the delay.

Such void and unenforceable provisions must be severed from public construction contracts, and the remaining provisions remain effective.

The term “governmental entity” is defined as the state, or any office, board, bureau, commission, department, branch, division, or institution thereof, or a separate agency or unit of local government created or established by law or ordinance and the officers thereof. The term includes, but is not limited to, a county; a city, a town, or other municipality; or a department, a commission, an authority, a school district, a taxing district, a water management district, a board, a public corporation, an institution of higher education, or other public agency or body thereof authorized to expend public funds for the construction, maintenance, repair, renovation, remodeling, or improvement of public works.

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<sup>47</sup> Section 553.842, F.S.

<sup>48</sup> *Id.*

<sup>49</sup> *Id.*

<sup>50</sup> A “concurrent delay” is defined in the bill as two or more unrelated delays in the contractor’s performance of a contract for a public works project which happen at the same time or overlap in time, each of which would have delayed the contractor’s performance on its own.



The bill provides that the following do not render a contract void or unenforceable:

- Requiring notice of delay (and the acts or omissions that give rise to the delay) by the party claiming a delay.
- Allowing a governmental entity to recover liquidated damages for delays caused by contractors, or their subcontractors, agents, or employees.
- Providing for arbitration or other dispute settlement procedures to settle contract disputes.

The newly created section applies to public construction contracts entered into on or after July 1, 2026.

## **The Florida Building Code**

### ***Commercial Construction Projects***

**Section 2** amends s. 553.71, F.S., to define the term “commercial construction project” to mean 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. This term applies to the Florida Building Code and is used in sections 3-5 of the bill.

**Section 3** creates s. 553.789, F.S., to require the Commission, in consultation with DBPR, to establish by rule uniform commercial building permit acceptance standards to identify the information required for acceptance of a commercial building application. The Commission must also adopt rules which create additional trade-specific acceptance standards for trades that are often present on a commercial construction project, including electric, HVAC, plumbing, and water and sewer.

All enforcement agencies in the state must apply these standards to their permit applications, and must accept a completed application if it provides the required information and any other trade-specific acceptance standards adopted by the Commission. However, an enforcement agency may require additional documentation or plans that are reasonably necessary for the applicant to demonstrate compliance with the Florida Building Code or applicable local ordinances and land development code.

The application must, at a minimum, include:

- The property owner’s name and contact information;
- The contractor’s name, license number, and contact information;
- The construction project’s address and parcel identification number;
- The project type and occupancy classification under the Building Code;
- A description of the construction project, including whether the project is new construction or an alteration, an addition, or a repair;
- The total square footage and declared value of the construction project;
- The architect or engineer of record, if applicable; and
- The identification of any private provider services, if used.

### ***Incorporation of Standards for Pool Construction***

**Section 8** creates s. 553.8992, F.S., to require the Commission to incorporate into the Florida Building Code by December 31, 2026, 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. These standards apply to the new construction of commercial or residential pools.

### **Permit Fees**

**Section 4** amends s. 553.79, F.S., to specify that 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, and must be proportional to the work performed.

**Section 5** amends s. 553.791, F.S., relating to the use of private providers for plans review or building inspection services for commercial construction projects. Each local enforcement agency must reduce its permit fees by at least 25 percent of the amount attributable to plans review or building inspection services if the property owner or contractor uses a private provider. If the property owner or contractor uses a private provider for all of the required plans review and building inspection services, the local enforcement agency must reduce the permit fee by at least 50 percent of the amount otherwise charged. A local enforcement agency is allowed to reduce its fees more than the required reductions. Although currently required to reduce its permit fee as a result of the use of a private provider, this bill assigns a specific amount by which the local government must reduce the fee.

The local jurisdiction must post on its website the applicable reduction in permit fees, and must specify the services that are covered by the administrative fees (which are distinct from inspection or plans review fees).

Local enforcement agencies that do not reduce fees as required are penalized by forfeiting the ability to collect any fees for the commercial construction project.

The surcharge required to be transmitted to the Department of Business and Professional Regulation must be calculated based on the reduced permit fee.

### **Glazing Requirements**

**Section 4** also amends s. 553.79(24)(a), to prohibit a political subdivision from adopting or enforcing an ordinance or imposing a building permit or development order that imposes a glazing requirement of more than 15 percent of the surface area of the primary façade of the first 10 feet above the ground floor on a proposed new commercial, or mixed-use construction or restoration project. The bill prohibits a glazing requirement for any façade other than the primary façade, which is defined as the single building side with the primary entrance. The bill defines glazing as the installation of transparent or translucent materials, including glass or similar substances, in windows, doors, or storefronts and includes the addition of actual or faux windows to a building façade.

## **Floodproofing**

**Section 6** creates s. 553.8411, F.S., to require specific building and design specifications for a nonresidential structure constructed after July 1, 2026, in a Federal Emergency Management Agency-designated flood zone. The building must have a first floor that is elevated above the required design flood elevation, or if it is designed and constructed below that elevation, must ensure that all structural areas at or below the flood elevation are substantially impermeable to water and capable of resisting the effects of the regulatory floodplain.

## **Product Evaluation and Approval**

**Section 7** amends s. 553.842, F.S., relating to construction product evaluation and approval. In addition to the categories of products already specified in law, the Commission will be required to approve products related to mitigation products. This may include several types of mitigation products, including those relating to radon, flood, windstorm, or other natural disasters. Such product evaluation and approval is performed as prescribed by rule, and generally requires the submission of test or evaluation reports from specific testing laboratories or approved evaluation entities.<sup>51</sup>

## **Miscellaneous**

**Sections 9 and 10** amend ss. 497.271 and 553.902, F.S., to make non-substantive, conforming changes.

**Section 11** provides that the bill takes effect on July 1, 2026.

## **IV. Constitutional Issues:**

### **A. Municipality/County Mandates Restrictions:**

Section 18 of Article VII of the Florida Constitution governs laws that require counties and municipalities to spend funds, limit the ability of counties and municipalities to raise revenue, or reduce the percentage of state tax shared with counties and municipalities.

Section 18(b) of Article VII of the Florida Constitution provides that except upon approval of each house of the Legislature by two-thirds vote of the membership, the legislature may not enact, amend, or repeal any general law if the anticipated effect of doing so would be to reduce the authority that municipalities or counties have to raise revenue in the aggregate, as such authority existed on February 1, 1989. However, the mandates requirements do not apply to laws having an insignificant impact,<sup>52,53</sup> which is \$2.4 million or less for Fiscal Year 2026-2027.<sup>54</sup>

<sup>51</sup> See, r. 61G-20.3, Fla. Admin. Code.

<sup>52</sup> FLA. CONST. art. VII, s. 18(d).

<sup>53</sup> An insignificant fiscal impact is the amount not greater than the average statewide population for the applicable fiscal year multiplied by \$0.10. See FLA. SENATE COMM. ON COMTY. AFFAIRS, *Interim Report 2012-115: Insignificant Impact*, (Sept. 2011), <http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-115ca.pdf> (last visited Jan. 10, 2026).

<sup>54</sup> Based on the Demographic Estimating Conference's estimated population adopted on June 30, 2025, <https://edr.state.fl.us/Content/conferences/population/archives/250630demographic.pdf> (last visited Jan. 10, 2026).

The REC has not yet reviewed the bill and it is not known if the required reduction in permit fees for the use of private providers for commercial construction projects exceeds the amount by which local governments reduce their permit fees pursuant to current law. If the bill reduces the authority for counties and municipalities to raise revenue in an amount that exceeds the threshold for an insignificant impact, the mandates provision of section 18 of Article VII of the Florida Constitution may apply.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**D. State Tax or Fee Increases:**

Article VII, s. 19 of the State Constitution requires that legislation that increases or creates taxes or fees be passed by a 2/3 vote of each chamber in a bill with no other subject. The bill does not increase or create new taxes or fees. Thus, the constitutional requirements related to new or increased taxes or fees do not apply.

**E. Other Constitutional Issues:**

None identified.

**V. Fiscal Impact Statement:**

**A. Tax/Fee Issues:**

None identified.

**B. Private Sector Impact:**

If the required reduction in permit fees for the use of private providers for public works construction projects exceeds the amount by which local governments reduce their permit fees pursuant to current law, then those requesting permits may enjoy savings for permit fees.

**C. Government Sector Impact:**

The Commission and the DBPR may experience a negative fiscal impact for the resources required to develop uniform commercial building permit acceptance standards. However, they likely would be able to absorb the impact with existing resources.

If the required reduction of permit fees for the use of private providers for commercial construction projects exceeds the amount by which local governments reduce their permit

fees pursuant to current law, then local governments may experience a reduction in revenue from permit fees.

The DBPR may be required to update its rules that relate to the approval of mitigation products, methods, or systems of construction.

**VI. Technical Deficiencies:**

None identified.

**VII. Related Issues:**

None identified.

**VIII. Statutes Affected:**

This bill substantially amends sections 497.271, 553.71, 553.79, 553.791 553.842, and 553.902 of the Florida Statutes.

This bill creates sections 255.0994 553.789, 553.8411, and 553.8992 of the Florida Statutes.

**IX. Additional Information:**

**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Governmental Oversight and Accountability on February 2, 2026:**

- Relocates to ch. 255, F.S., (relating to public works projects) and clarifies the provision that dictates certain contract terms that would eliminate or limit a contractor’s rights in the case of a delay unenforceable.
- Defines a “commercial construction project” in the Florida Building Codes Act.
- Provides rulemaking authority to the Florida Building Commission to establish uniform commercial building permit acceptance standards, which must identify information required on a commercial building permit application, and trade-specific acceptance standards for supplemental forms.
- Removes the requirement that a local enforcement agency allow simultaneous plan reviews.
- Clarifies that permit fees must be based on the costs incurred by the local enforcement agency in reviewing, processing, and administering the permit.
- Adds a limitation to the ability of local governments to impose glazing requirements on commercial or mixed-use new development or restorations.
- Changes the amount by which an enforcement authority must reduce its permit fees if a private provider is used for a plans review or building inspection (from 75-50 percent to 50-25 percent, depending on the level of services performed by the private provider). These fee reductions only apply to the portion of the permit fee attributable to the actual plan review or building inspection service, as applicable.
- Specifies that the surcharge that local governments are required to assess on permit fees (by s. 553.721, F.S.) will be based on the reduced fee.

- Amends the Building Construction Standards in ch. 553, F.S., to provide that nonresidential structures constructed after July 1, 2026, that are located in a flood zone must meet specified design and construction standards.
- Requires the Florida Building Commission to incorporate, by December 31, 2026, specific standards for all new construction of commercial or residential pools.

**B. Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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