

By Senator Grall

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A bill to be entitled

An act relating to commercial construction projects; creating s. 287.05702, F.S.; defining the term "awarding body"; providing that provisions contained in public construction contracts which purport to waive, release, or extinguish certain rights of a contractor are void and unenforceable under specified circumstances; providing construction; providing that certain contract provisions that are void and unenforceable are severable from the contract; providing applicability; creating s. 553.789, F.S.; requiring the Florida Building Commission, in consultation with the Department of Business and Professional Regulation, to create a uniform commercial building permit application; requiring that such application include certain information and be accepted statewide; prohibiting such application from being modified; authorizing local enforcement agencies to require supplemental forms or additional documentation or plans for specified commercial construction projects; providing requirements for the use and standardization of such supplemental forms; requiring local enforcement agencies to allow certain reviews to take place simultaneously; requiring the commission to publish on its website and make available to local enforcement agencies and applicants the uniform commercial building application by a specified date; amending s. 553.791, F.S.; defining the term "commercial construction project"; requiring

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local enforcement agencies to reduce permit fees for commercial construction projects by certain percentages under certain circumstances; prohibiting local enforcement agencies from collecting any fees for commercial construction projects under certain circumstances; providing construction; amending s. 553.842, F.S.; revising the products requiring statewide approval to include mitigation products; providing an effective date.

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

Section 1. Section 287.05702, Florida Statutes, is created to read:

287.05702 Public construction contract provisions barring delay or time extensions declared void.—

(1) As used in this section, the term "awarding body" has the same meaning as in s. 287.05701(1).

(2) A provision contained in a public construction contract which purports to waive, release, or extinguish the rights of a contractor to recover costs, damages, or equitable adjustments, or to obtain a time extension, for delays in performing such contract, either on his or her own behalf or on behalf of a subcontractor, is void and unenforceable as against public policy if the delay is caused, in whole or in part, by acts or omissions of the awarding body, its agents or employees, or any person acting on its behalf.

(3) A provision contained in a public construction contract which purports to deny or restrict a contractor's right to a

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time extension for a concurrent delay is void and unenforceable as against public policy if the awarding body contributed to the delay through acts or omissions of the awarding body, its agents or employees, or any person acting on its behalf.

(4) This section may not be construed to render void or unenforceable a provision of a public construction contract which:

(a) Requires notice of any delay by the party claiming the delay;

(b) Allows an awarding body to recover liquidated damages for a delay 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.

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

(6) This section applies to all public construction contracts entered into on or after July 1, 2026.

Section 2. Section 553.789, Florida Statutes, is created to read:

553.789 Uniform commercial building permit application.—

(1) The commission, in consultation with the department, shall create a uniform commercial building permit application. The uniform commercial building permit application must, at a minimum, require all of the following information:

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

(b) The name, license number, and contact information of

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the contractor.

(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 service if used pursuant to s. 553.791.

(2) The uniform commercial building permit application must be accepted statewide and may not be modified.

(3) A local enforcement agency may require supplemental forms for commercial construction projects based on the scope of the project. The use of supplemental forms may not expand the applicable timelines during which plans must be reviewed and permits must be issued. Supplemental forms must be standardized and used statewide, but local enforcement agencies may not replace or alter the format, content, or substance of the uniform commercial building permit application. Supplemental forms may be used for any of the following commercial construction projects:

(a) High-rise construction.

(b) Health care facilities.

(c) Industrial or warehouse facilities.

(d) Mixed-use occupancies.

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117 (4) A local enforcement agency may require additional
118 documentation or plans reasonably necessary to demonstrate
119 compliance with the Florida Building Code or local zoning
120 ordinances. Such additional documentation or plans may not alter
121 the format, content, or substance of the uniform commercial
122 building permit application.

123 (5) A local enforcement agency shall allow relevant plan
124 reviews to take place simultaneously.

125 (6) The commission shall publish on its website and make
126 available to all local enforcement agencies and applicants the
127 uniform commercial building permit application by July 1, 2026.

128 Section 3. Present paragraphs (e) through (s) of subsection
129 (1) of section 553.791, Florida Statutes, are redesignated as
130 paragraphs (f) through (t), respectively, a new paragraph (e) is
131 added to that subsection, paragraph (d) is added to subsection
132 (2) of that section, and paragraph (b) of subsection (17) of
133 that section is amended, to read:

134 553.791 Alternative plans review and inspection.—

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

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

141 (2)

142 (d) If an owner or a contractor retains a private provider
143 for purposes of plans review or building inspection services for
144 a commercial construction project, the local enforcement agency
145 must reduce the permit fee by at least 50 percent of the portion

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of the permit fee attributable to plans review or building inspection services, as applicable. If an owner or a contractor retains a private provider for all required plans review and building inspection services, the local enforcement agency must reduce the total permit fee by at least 75 percent of the amount otherwise charged for such services. If a local enforcement agency does not reduce its fees by at least the applicable percentage provided in this paragraph, the local enforcement agency forfeits the ability to collect any fees for the commercial construction project. This paragraph does not prohibit a local enforcement agency from reducing its fees in excess of the percentages provided in this paragraph.

(17)

(b) A local enforcement agency, local building official, or local government may establish, for private providers, private provider firms, and duly authorized representatives working within that jurisdiction, a system of registration to verify compliance with the licensure requirements of paragraph (1) (o) ~~(1) (n)~~ and the insurance requirements of subsection (18).

Section 4. 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 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, and structural components as established by the commission by rule. A product may not be advertised, sold,

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175 offered, provided, distributed, or marketed as hurricane,
176 windstorm, or impact protection from wind-borne debris from a
177 hurricane or windstorm unless it is approved pursuant to this
178 section or s. 553.8425. Any person who advertises, sells,
179 offers, provides, distributes, or markets a product as
180 hurricane, windstorm, or impact protection from wind-borne
181 debris without such approval is subject to the Florida Deceptive
182 and Unfair Trade Practices Act under part II of chapter 501
183 brought by the enforcing authority as defined in s. 501.203.

184 (a) Products for which the code establishes standardized
185 testing or comparative or rational analysis methods shall be
186 approved by submittal and validation of one of the following
187 reports or listings indicating that the product or method or
188 system of construction was in compliance with the Florida
189 Building Code and that the product or method or system of
190 construction is, for the purpose intended, at least equivalent
191 to that required by the Florida Building Code:

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

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

196 3. A product evaluation report based upon testing or
197 comparative or rational analysis, or a combination thereof, from
198 an approved product evaluation entity; or

199 4. A product evaluation report based upon testing or
200 comparative or rational analysis, or a combination thereof,
201 developed and signed and sealed by a professional engineer or
202 architect, licensed in this state.
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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 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

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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 5. This act shall take effect July 1, 2026.