

By the Committee on Governmental Oversight and Accountability; and Senator Grall

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A bill to be entitled

An act relating to construction regulations; 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 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;

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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 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

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59 floodplain; amending s. 553.842, F.S.; revising the
60 products requiring statewide approval to include
61 mitigation products; creating s. 553.8992, F.S.;
62 requiring the Florida Building Commission to
63 incorporate into the Florida Building Code certain
64 standards for all new construction commercial or
65 residential pools by a specified date; amending ss.
66 497.271 and 553.902, F.S.; conforming cross-
67 references; providing an effective date.

68

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

70

71 Section 1. Section 255.0994, Florida Statutes, is created
72 to read:

73 255.0994 Public works projects; unenforceability of certain
74 contract provisions regarding delays.—

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

76 (a) "Concurrent delays" means two or more unrelated delays
77 in the contractor's performance of a contract for a public works
78 project which happen at the same time or overlap in time, each
79 of which on its own would have delayed the contractor's
80 performance.

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

82 255.0993(1).

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

84 255.0992(1).

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

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

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

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

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

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

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

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

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

119 Section 2. Present subsections (1) through (12) of section
120 553.71, Florida Statutes, are redesignated as subsections (2)
121 through (13), respectively, and a new subsection (1) is added to
122 that section, to read:

123 553.71 Definitions.—As used in this part, the term:

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

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

131 553.789 Uniform commercial building permit application.—

132 (1) By December 31, 2026, the commission shall adopt rules
133 pursuant to ss. 120.536(1) and 120.54 which establish uniform
134 commercial building permit acceptance standards that identify
135 the information required for acceptance of a commercial building
136 permit application. The standards must be used statewide by all
137 enforcement agencies. The standards must include, at a minimum,
138 all of the following information:

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

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

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

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

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

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

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

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

154 (2) The commission shall adopt rules pursuant to ss.

155 120.536(1) and 120.54 which create additional trade-specific
156 acceptance standards for trades that are often present on a
157 commercial construction project, including, but not limited to,
158 electric, HVAC, plumbing, and water and sewer.

159 (3) An enforcement agency must accept a completed
160 application if it provides the information set forth in the
161 uniform commercial building permit acceptance standards and any
162 other trade-specific acceptance standards that may be adopted by
163 the commission. However, an enforcement agency may require
164 submission of additional documentation or plans reasonably
165 necessary for the applicant to demonstrate compliance with the
166 Florida Building Code or applicable local ordinances and land
167 development code.

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

172 553.79 Permits; applications; issuance; inspections.—

173 (1)

174 (g) Permit fees imposed by a local enforcement agency must

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175 be limited to the actual and reasonable costs incurred in
176 reviewing, processing, and administering the permit and may not
177 be based on industry standards, market rates, or comparable
178 retail pricing. Such fees must be proportional to the work
179 performed in reviewing, processing, and administering the
180 permit.

181 (5)(a) During new construction or during repair or
182 restoration projects in which the structural system or
183 structural loading of a building is being modified, the
184 enforcing agency shall require a special inspector to perform
185 structural inspections on a threshold building pursuant to a
186 structural inspection plan prepared by the engineer or architect
187 of record. The structural inspection plan must be submitted to
188 and approved by the enforcing agency before the issuance of a
189 building permit for the construction of a threshold building.
190 The purpose of the structural inspection plan is to provide
191 specific inspection procedures and schedules so that the
192 building can be adequately inspected for compliance with the
193 permitted documents. The special inspector may not serve as a
194 surrogate in carrying out the responsibilities of the building
195 official, the architect, or the engineer of record. The
196 contractor's contractual or statutory obligations are not
197 relieved by any action of the special inspector. The special
198 inspector shall determine that a professional engineer who
199 specializes in shoring design has inspected the shoring and
200 reshoring for conformance with the shoring and reshoring plans
201 submitted to the enforcing agency. A fee simple title owner of a
202 building, which does not meet the minimum size, height,
203 occupancy, occupancy classification, or number-of-stories

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204 criteria which would result in classification as a threshold
205 building as defined in s. 553.71 ~~under s. 553.71(12)~~, may
206 designate such building as a threshold building, subject to more
207 than the minimum number of inspections required by the Florida
208 Building Code.

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

212 1. Contains any building, construction, or aesthetic
213 requirement or condition that conflicts with or impairs
214 corporate trademarks, service marks, trade dress, logos, color
215 patterns, design scheme insignia, image standards, or other
216 features of corporate branding identity on real property or
217 improvements thereon used in activities conducted under chapter
218 526 or in carrying out business activities defined as a
219 franchise by Federal Trade Commission regulations in 16 C.F.R.
220 ss. 436.1, et. seq.; or

221 2. Imposes any requirement on the design, construction, or
222 location of signage advertising the retail price of gasoline in
223 accordance with the requirements of ss. 526.111 and 526.121
224 which prevents the signage from being clearly visible and
225 legible to drivers of approaching motor vehicles from a vantage
226 point on any lane of traffic in either direction on a roadway
227 abutting the gas station premises and meets height, width, and
228 spacing standards for Series C, D, or E signs, as applicable,
229 published in the latest edition of Standard Alphabets for
230 Highway Signs published by the United States Department of
231 Commerce, Bureau of Public Roads, Office of Highway Safety; or

232 3. Imposes a glazing requirement that results in the

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233 glazing of more than 15 percent of the surface area of the
234 primary facade for the first 10 feet above the ground floor for
235 a proposed new commercial or mixed-use construction or
236 restoration project. Such glazing requirements may not be
237 imposed or enforced on any facade other than the primary facade,
238 and such glazing requirements may not be imposed or enforced on
239 any portion of the primary facade higher than the first 10 feet
240 above the ground floor. For purposes of this subparagraph, the
241 term:

242 a. "Glazing" means the installation of transparent or
243 translucent materials, including glass or similar substances, in
244 windows, doors, or storefronts. The term includes any actual or
245 faux windows to be installed to a building facade.

246 b. "Primary facade" means the single building side housing
247 the primary entrance to the building.

248 Section 5. Paragraph (b) of subsection (2) of section
249 553.791, Florida Statutes, is amended, and paragraph (d) is
250 added to that subsection, to read:

251 553.791 Alternative plans review and inspection.—

252 (2)

253 (b) If an owner or contractor retains a private provider
254 for purposes of plans review or building inspection services,
255 the local jurisdiction must reduce the permit fee by the amount
256 of cost savings realized by the local enforcement agency for not
257 having to perform such services. Such reduction may be
258 calculated on a flat fee or percentage basis, or any other
259 reasonable means by which a local enforcement agency assesses
260 the cost for its plans review or inspection services. The local
261 jurisdiction shall include the applicable reduction in the

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262 permit fee on its schedule of fees which is posted on its
263 website. The local jurisdiction may not charge fees for building
264 inspections or plans review services if the fee owner or
265 contractor hires a private provider to perform such services;
266 however, the local jurisdiction may charge a reasonable
267 administrative fee, which shall be based on the cost that is
268 actually incurred, including the labor cost of the personnel
269 providing the service, by the local jurisdiction or attributable
270 to the local jurisdiction for the clerical and supervisory
271 assistance required, or both. The local jurisdiction shall
272 specify the services covered by the administrative fees on its
273 website.

274 (d) If an owner or a contractor retains a private provider
275 for purposes of plans review or building inspection services for
276 a commercial construction project, the local enforcement agency
277 must reduce the permit fee by at least 25 percent of the portion
278 of the permit fee attributable to plans review or building
279 inspection services, as applicable. If an owner or a contractor
280 retains a private provider for all required plans review and
281 building inspection services, the local enforcement agency must
282 reduce the total permit fee by at least 50 percent of the amount
283 otherwise charged for such services. If a local enforcement
284 agency does not reduce its fees by at least the percentages
285 provided in this paragraph, the local enforcement agency
286 forfeits the ability to collect any fees for the commercial
287 construction project. The surcharge required by s. 553.721 must
288 be calculated based on the reduced permit fee. This paragraph
289 does not prohibit a local enforcement agency from reducing its
290 fees in excess of the percentages provided in this paragraph.

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291 Section 6. Section 553.8411, Florida Statutes, is created
292 to read:

293 553.8411 Nonresidential buildings; floodproofing.—A
294 nonresidential structure constructed after July 1, 2026, which
295 is located in a flood zone as designated by the Federal
296 Emergency Management Agency must elevate its lowest floor above
297 the required design flood elevation. As an alternative to this
298 requirement, a nonresidential structure may be designed and
299 constructed below the required design flood elevation if all
300 structural areas below the required design flood elevation are
301 substantially impermeable to water and capable of resisting the
302 effects of the regulatory floodplain, including, but not limited
303 to, flow velocities, duration, rate of rise, hydrostatic and
304 hydrodynamic forces, buoyancy, and debris impact.

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

307 553.842 Product evaluation and approval.—

308 (5) Statewide approval of products, methods, or systems of
309 construction may be achieved by one of the following methods.
310 One of these methods must be used by the commission to approve
311 the following categories of products: panel walls, exterior
312 doors, roofing, skylights, windows, shutters, impact protective
313 systems, mitigation products, and structural components as
314 established by the commission by rule. A product may not be
315 advertised, sold, offered, provided, distributed, or marketed as
316 hurricane, windstorm, or impact protection from wind-borne
317 debris from a hurricane or windstorm unless it is approved
318 pursuant to this section or s. 553.8425. Any person who
319 advertises, sells, offers, provides, distributes, or markets a

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320 product as hurricane, windstorm, or impact protection from wind-
321 borne debris without such approval is subject to the Florida
322 Deceptive and Unfair Trade Practices Act under part II of
323 chapter 501 brought by the enforcing authority as defined in s.
324 501.203.

325 (a) Products for which the code establishes standardized
326 testing or comparative or rational analysis methods shall be
327 approved by submittal and validation of one of the following
328 reports or listings indicating that the product or method or
329 system of construction was in compliance with the Florida
330 Building Code and that the product or method or system of
331 construction is, for the purpose intended, at least equivalent
332 to that required by the Florida Building Code:

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

336 2. A test report from an approved testing laboratory;
337 3. A product evaluation report based upon testing or
338 comparative or rational analysis, or a combination thereof, from
339 an approved product evaluation entity; or

340 4. A product evaluation report based upon testing or
341 comparative or rational analysis, or a combination thereof,
342 developed and signed and sealed by a professional engineer or
343 architect, licensed in this state.

344
345 A product evaluation report or a certification mark or listing
346 of an approved certification agency which demonstrates that the
347 product or method or system of construction complies with the
348 Florida Building Code for the purpose intended is equivalent to

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349 a test report and test procedure referenced in the Florida
350 Building Code. An application for state approval of a product
351 under subparagraph 1. or subparagraph 3. must be approved by the
352 department after the commission staff or a designee verifies
353 that the application and related documentation are complete.
354 This verification must be completed within 10 business days
355 after receipt of the application. Upon approval by the
356 department, the product shall be immediately added to the list
357 of state-approved products maintained under subsection (13).
358 Approvals by the department shall be reviewed and ratified by
359 the commission's program oversight committee except for a
360 showing of good cause that a review by the full commission is
361 necessary. The commission shall adopt rules providing means to
362 cure deficiencies identified within submittals for products
363 approved under this paragraph.

364 (b) Products, methods, or systems of construction for which
365 there are no specific standardized testing or comparative or
366 rational analysis methods established in the code may be
367 approved by submittal and validation of one of the following:

368 1. A product evaluation report based upon testing or
369 comparative or rational analysis, or a combination thereof, from
370 an approved product evaluation entity indicating that the
371 product or method or system of construction was in compliance
372 with the intent of the Florida Building Code and that the
373 product or method or system of construction is, for the purpose
374 intended, at least equivalent to that required by the Florida
375 Building Code; or

376 2. A product evaluation report based upon testing or
377 comparative or rational analysis, or a combination thereof,

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378 developed and signed and sealed by a professional engineer or
379 architect, licensed in this state, who certifies that the
380 product or method or system of construction is, for the purpose
381 intended, at least equivalent to that required by the Florida
382 Building Code.

383 Section 8. Section 553.8992, Florida Statutes, is created
384 to read:

385 553.8992 Incorporation of standards into the Florida
386 Building Code.—By December 31, 2026, the Florida Building
387 Commission shall incorporate into the Florida Building Code
388 pursuant to s. 553.73(1) standards for the adoption of sections
389 680.26(B) (1) Conductive Pool Shells and 680.26(B) (2) Perimeter
390 Surfaces of the 2026 Edition of the National Electrical Code for
391 all new construction of commercial or residential pools.

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

394 497.271 Standards for construction and significant
395 alteration or renovation of mausoleums and columbaria.—

396 (3) The licensing authority shall transmit the rules as
397 adopted under subsection (2), referred to as the "mausoleum
398 standards," to the Florida Building Commission, which shall
399 initiate rulemaking under chapter 120 to consider such mausoleum
400 standards. If such mausoleum standards are not deemed
401 acceptable, they must be returned by the Florida Building
402 Commission to the licensing authority with details of changes
403 needed to make them acceptable. If such mausoleum standards are
404 acceptable, the Florida Building Commission must adopt a rule
405 designating the mausoleum standards as an approved revision to
406 the State Minimum Building Codes under part IV of chapter 553.

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407 When designated by the Florida Building Commission, such
408 mausoleum standards must ~~shall~~ become a required element of the
409 State Minimum Building Codes under s. 553.73(2)(a) and must
410 ~~shall~~ be transmitted to each local enforcement agency, as
411 defined in s. 553.71 ~~s. 553.71(5)~~. Such local enforcement agency
412 shall consider and inspect for compliance with such mausoleum
413 standards as if they were part of the local building code, but
414 shall have no continuing duty to inspect after final approval of
415 the construction pursuant to the local building code. Any
416 further amendments to the mausoleum standards must ~~shall~~ be
417 accomplished by the same procedure. Such designated mausoleum
418 standards, as from time to time amended, must ~~shall~~ be a part of
419 the State Minimum Building Codes under s. 553.73 until the
420 adoption and effective date of a new statewide uniform minimum
421 building code, which may supersede the mausoleum standards as
422 provided by the law enacting the new statewide uniform minimum
423 building code.

424 Section 10. Subsection (5) of section 553.902, Florida
425 Statutes, is amended to read:

426 553.902 Definitions.—As used in this part, the term:

427 (5) “Local enforcement agency” means the agency of local
428 government which has the authority to make inspections of
429 buildings and to enforce the Florida Building Code. The term
430 includes any agency within the definition of s. 553.71 ~~s.~~
431 ~~553.71(5)~~.

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