

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u> (Y/N)
ADOPTED AS AMENDED	<u> </u> (Y/N)
ADOPTED W/O OBJECTION	<u> </u> (Y/N)
FAILED TO ADOPT	<u> </u> (Y/N)
WITHDRAWN	<u> </u> (Y/N)
OTHER	<u> </u>

1 Committee/Subcommittee hearing bill: Industries & Professional
2 Activities Subcommittee

3 Representative Trabulsky offered the following:

4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 **Section 1. Paragraph (d) of subsection (4) of section**

8 **125.56, Florida Statutes, is amended to read:**

9 125.56 Enforcement and amendment of the Florida Building
10 Code and the Florida Fire Prevention Code; inspection fees;
11 inspectors; etc.-

12 (4)

13 (d) A county that issues building permits may send a
14 written notice of expiration, by e-mail or United States Postal
15 Service, to the owner of the property and the contractor listed
16 on the permit, no less than 30 days before a building permit is

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17 set to expire. The written notice must identify the permit that
18 is set to expire and the date the permit will expire. A building
19 permit issued by a county for a single-family dwelling expires 1
20 year after the issuance of the permit or on the effective date
21 of the next edition of the Florida Building Code, whichever is
22 later.

23

24 **Section 2. Paragraph (o) of subsection (1) of section**
25 **489.129, Florida Statutes, is amended to read:**

26 489.129 Disciplinary proceedings.—
27 (1) The board may take any of the following actions
28 against any certificateholder or registrant: place on probation
29 or reprimand the licensee, revoke, suspend, or deny the issuance
30 or renewal of the certificate or registration, require financial
31 restitution to a consumer for financial harm directly related to
32 a violation of a provision of this part, impose an
33 administrative fine not to exceed \$10,000 per violation, require
34 continuing education, or assess costs associated with
35 investigation and prosecution, if the contractor, financially
36 responsible officer, or business organization for which the
37 contractor is a primary qualifying agent, a financially
38 responsible officer, or a secondary qualifying agent responsible
39 under s. 489.1195 is found guilty of any of the following acts:

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40 (o) Proceeding on any job without obtaining applicable
41 local building department permits and inspections, unless
42 otherwise provided by law.

43
44 For the purposes of this subsection, construction is considered
45 to be commenced when the contract is executed and the contractor
46 has accepted funds from the customer or lender. A contractor
47 does not commit a violation of this subsection when the
48 contractor relies on a building code interpretation rendered by
49 a building official or person authorized by s. 553.80 to enforce
50 the building code, absent a finding of fraud or deceit in the
51 practice of contracting, or gross negligence, repeated
52 negligence, or negligence resulting in a significant danger to
53 life or property on the part of the building official, in a
54 proceeding under chapter 120.

55 Section 3. **Section 553.79(1), Florida Statutes, is amended to**
56 **read:**

57
58 1) (a) Unless otherwise provided by law, after the effective
59 date of the Florida Building Code adopted as herein provided, it
60 shall be unlawful for any person, firm, corporation, or
61 governmental entity to construct, erect, alter, modify, repair,
62 or demolish any building within this state without first
63 obtaining a permit therefor from the appropriate enforcing
64 agency or from such persons as may, by appropriate resolution or

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65 regulation of the authorized state or local enforcing agency, be
66 delegated authority to issue such permits, upon the payment of
67 such reasonable fees adopted by the enforcing agency. The
68 enforcing agency is empowered to revoke any such permit upon a
69 determination by the agency that the construction, erection,
70 alteration, modification, repair, or demolition of the building
71 for which the permit was issued is in violation of, or not in
72 conformity with, the provisions of the Florida Building Code.
73 Whenever a permit required under this section is denied or
74 revoked because the plan, or the construction, erection,
75 alteration, modification, repair, or demolition of a building,
76 is found by the local enforcing agency to be not in compliance
77 with the Florida Building Code, the local enforcing agency shall
78 identify the specific plan or project features that do not
79 comply with the applicable codes, identify the specific code
80 chapters and sections upon which the finding is based, and
81 provide this information to the permit applicant. A plans
82 reviewer or building code administrator who is responsible for
83 issuing a denial, revocation, or modification request but fails
84 to provide to the permit applicant a reason for denying,
85 revoking, or requesting a modification, based on compliance with
86 the Florida Building Code or local ordinance, is subject to
87 disciplinary action against his or her license pursuant to s.
88 468.621(1)(i). Installation, replacement, removal, or metering
89 of any load management control device is exempt from and shall

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90 not be subject to the permit process and fees otherwise required
91 by this section.

92 b) A local enforcement agency shall post each type of
93 building permit application, as adopted by the commission,
94 including a list of all required attachments, drawings, or other
95 requirements for each type of application, on its website. A
96 local enforcement agency must post and update the status of
97 every received application on its website until the issuance of
98 the building permit. Local enforcement agencies must allow
99 applicants to submit completed applications, including payments,
100 attachments, drawings, or other requirements or parts of the
101 ~~completed~~ permit application, ~~must be able to be submitted~~
102 electronically to the appropriate building department. Accepted
103 methods of electronic submission include, but are not limited
104 to, e-mail submission of applications in Portable Document
105 Format or submission of applications through an electronic fill-
106 in form available on the building department's website or
107 through a third-party submission management software. Building
108 officials, at their discretion, may also accept completed
109 ~~Completed~~ applications, including payments, attachments,
110 drawings, or other requirements or parts of the completed permit
111 application, ~~may also be submitted~~ in person in a nonelectronic
112 format, ~~at the discretion of the building official~~.

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115 (c) A local government that issues building permits may
116 send a written notice of expiration, by e-mail or United States
117 Postal Service, to the owner of the property and the contractor
118 listed on the permit, no less than 30 days before a building
119 permit is set to expire. The written notice must identify the
120 permit that is set to expire and the date the permit will
121 expire. A building permit issued by a county for a single-family
122 dwelling expires 1 year after the issuance of the permit or on
123 the effective date of the next edition of the Florida Building
124 Code, whichever is later.

125 (d) A local enforcement agency must allow requests for
126 inspections to be submitted electronically to the local
127 enforcement agency's appropriate building department. Acceptable
128 methods of electronic submission include, but are not limited
129 to, e-mail or fill-in form available on the website of the
130 building department or through a third-party submission
131 management software or application that can be downloaded on a
132 mobile device. Requests for inspections may be submitted in a
133 nonelectronic format, at the discretion of the building
134 official.

135 (e) A local enforcement agency must post its procedures
136 for processing, reviewing, and approving submitted building
137 permit applications on its website.

138 (f) A local government may not require a contract between
139 a builder and an owner, any copies of such contract, or any

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140 associated document, including, but not limited to, letters of
141 intent, material costs lists, labor costs, or overhead or profit
142 statements, for the issuance of a building permit or as a
143 requirement for the submission of a building permit application.
144 Inspection fees may not be based on the total cost of a project
145 and may not exceed the actual inspection costs incurred by the
146 local enforcement agency.

147 (g) 1. A local government that issues building permits may
148 not require an owner of a single-family dwelling or the owner's
149 contractor to obtain a building permit to perform any work that
150 is valued at less than \$7,500 on the single-family dwelling's
151 lot. However, a local government may require a building permit
152 for any electrical, plumbing, or structural work, not including
153 the repair or replacement of exterior doors or windows,
154 performed on a lot containing a single-family dwelling
155 regardless of the value of the work.

156 2. A contractor who performs work that does not require a
157 building permit under this paragraph must keep for a minimum of
158 five years a written record of the work performed, the property
159 address at which the work was performed, and the value of such
160 work as proof that such work complies with subparagraph 1.

161 (h) 1. A local government that issues building permits may
162 not require an owner of a single-family dwelling or the owner's
163 contractor to obtain a building permit for the installation of

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164 temporary residential hurricane and flood protection walls or
165 barriers that meet all of the following conditions:

166 a. The wall or barrier is nonhabitable and nonload-
167 bearing.

168 b. The wall or barrier is installed on the residential
169 property of a single-family or two-family dwelling or townhouse.

170 c. The wall or barrier is constructed to mitigate or
171 prevent storm surge or floodwaters from entering a structure or
172 property.

173 d. The wall or barrier is installed by a contractor
174 licensed under part I of chapter 489.

175 e. The wall or barrier complies with applicable local
176 zoning, drainage, easement, and setback requirements.

177 2. The commission may adopt rules under s. 120.54 to
178 incorporate necessary standards to implement this paragraph.

179 (i) A local government that issues building permits may
180 not require a building permit for retaining walls installed on
181 the residential property of a single-family or two-family
182 dwelling or a townhouse for each lot or parcel.

183 **Section 4. Section 553.791, Florida Statutes, is amended**
184 **to read:**

185 553.791 Alternative plans review and inspection.—

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

187 (a) "Applicable codes" means the Florida Building Code and
188 any local technical amendments to the Florida Building Code but

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189 does not include the applicable minimum fire prevention and
190 firesafety codes adopted pursuant to chapter 633.

191 (b) "Audit" means the process to confirm that the building
192 code inspection services have been performed by the private
193 provider, including ensuring that the required affidavit for the
194 plan review has been properly completed and submitted with the
195 permit documents and that the minimum mandatory inspections
196 required under the building code have been performed and
197 properly recorded. The local building official may not replicate
198 the plan review or inspection being performed by the private
199 provider, unless expressly authorized by this section.

200 (c) "Building" means any construction, erection,
201 alteration, demolition, or improvement of, or addition to, any
202 structure or site work for which permitting by a local
203 enforcement agency is required.

204 (d) "Building code inspection services" means those
205 services described in s. 468.603(5) and (8) involving the review
206 of building plans as well as those services involving the review
207 of site plans and site work engineering plans or their
208 functional equivalent, to determine compliance with applicable
209 codes and those inspections required by law, conducted either in
210 person or virtually, of each phase of construction for which
211 permitting by a local enforcement agency is required to
212 determine compliance with applicable codes.

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213 (e) "Deliver" or "delivery" means any method of delivery
214 used in conventional business or commercial practice, including
215 delivery by electronic transmissions including e-mail or
216 submission through an electronic fill-in form available on the
217 building department's website or through a third-party
218 submission management software.

219 (f) "Duly authorized representative" means an agent of the
220 private provider identified in the permit application who
221 reviews plans or performs inspections as provided by this
222 section and who is licensed as an engineer under chapter 471 or
223 as an architect under chapter 481 or who holds a standard or
224 provisional certificate under part XII of chapter 468. A duly
225 authorized representative who only holds a provisional
226 certificate under part XII of chapter 468 must be under the
227 direct supervision of a person licensed as a building code
228 administrator under part XII of chapter 468.

229 (g) "Electronic signature" means any letters, characters,
230 or symbols manifested by electronic or similar means which are
231 executed or adopted by a party with an intent to authenticate a
232 writing or record.

233 (h) "Electronic transmission" or "submitted
234 electronically" means any form or process of communication not
235 directly involving the physical transfer of paper or another
236 tangible medium which is suitable for the retention, retrieval,
237 and reproduction of information by the recipient and is

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238 retrievable in paper form by the receipt through an automated
239 process. All notices, documents, and applications provided for
240 in this section may be transmitted electronically and shall have
241 the same legal effect as if physically posted or mailed.

242 (i) "Electronically posted" means providing notices of
243 decisions, results, or records, including inspection records,
244 through the use of a website or other form of electronic
245 communication used to transmit or display information.

246 (j) "Immediate threat to public safety and welfare" means
247 a building code violation that, if allowed to persist,
248 constitutes an immediate hazard that could result in death,
249 serious bodily injury, or significant property damage. This
250 paragraph does not limit the authority of the local building
251 official to issue a Notice of Corrective Action at any time
252 during the construction of a building project or any portion of
253 such project if the official determines that a condition of the
254 building or portion thereof may constitute a hazard when the
255 building is put into use following completion as long as the
256 condition cited is shown to be in violation of the building code
257 or approved plans.

258 (k) "Local building official" means the individual within
259 the governing jurisdiction responsible for direct regulatory
260 administration or supervision of plans review, enforcement, and
261 inspection of any construction, erection, alteration,
262 demolition, or substantial improvement of, or addition to, any

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263 structure for which permitting is required to indicate
264 compliance with applicable codes and includes any duly
265 authorized designee of such person.

266 (1) "Permit application" means a properly completed and
267 submitted application for the requested building or construction
268 permit, including:

269 1. The plans reviewed by the private provider, or in the
270 case of a single-trade plans review where a private provider
271 uses an automated or software-based plans review system pursuant
272 to subsection (6), the information reviewed by the automated or
273 software-based plans review system to determine compliance with
274 one or more applicable codes.

275 2. The affidavit from the private provider required under
276 subsection (6).

277 3. Any applicable fees.

278 4. Any documents required by the local building official
279 to determine that the fee owner has secured all other government
280 approvals required by law.

281 (m) "Plans" means building plans, site engineering plans,
282 or site plans, or their functional equivalent, submitted by a
283 fee owner or fee owner's contractor to a private provider or
284 duly authorized representative for review.

285 (n) "Private provider" means a person licensed as a
286 building code administrator under part XII of chapter 468, as an
287 engineer under chapter 471, or as an architect under chapter

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288 481. For purposes of performing inspections under this section
289 for additions and alterations that are limited to 1,000 square
290 feet or less to residential buildings, the term "private
291 provider" also includes a person who holds a standard
292 certificate under part XII of chapter 468.

293 (o) "Private provider firm" means a business organization,
294 including a corporation, partnership, business trust, or other
295 legal entity, which offers services under this chapter to the
296 public through licensees who are acting as agents, employees,
297 officers, or partners of the firm. A person who is licensed as a
298 building code administrator under part XII of chapter 468, an
299 engineer under chapter 471, or an architect under chapter 481
300 may act as a private provider for an agent, employee, or officer
301 of the private provider firm.

302 (p) "Request for certificate of occupancy or certificate
303 of completion" means a properly completed and executed
304 application for:

305 1. A certificate of occupancy or certificate of
306 completion.

307 2. A certificate of compliance from the private provider
308 required under subsection (13).

309 3. Any applicable fees.

310 4. Any documents required by the local building official
311 to determine that the fee owner has secured all other government
312 approvals required by law.

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313 (q) "Registration" means the roster of authorized private
314 provider firms held by each local enforcement agency.

315 (r) (q) "Single-trade inspection" or "single-trade plans
316 review" means any inspection or plans review focused on a single
317 construction trade, such as plumbing, mechanical, or electrical.
318 The term includes, but is not limited to, inspections or plans
319 reviews of door or window replacements; fences and block walls
320 more than 6 feet high from the top of the wall to the bottom of
321 the footing; stucco or plastering; reroofing with no structural
322 alteration; solar energy and energy storage installations or
323 alterations; HVAC replacements; ductwork or fan replacements;
324 alteration or installation of wiring, lighting, and service
325 panels; water heater changeouts; sink replacements; and
326 repiping.

327 (s) (r) "Site work" means the portion of a construction
328 project that is not part of the building structure, including,
329 but not limited to, grading, excavation, landscape irrigation,
330 and installation of driveways.

331 (t) (s) "Stop-work order" means the issuance of any written
332 statement, written directive, or written order which states the
333 reason for the order and the conditions under which the cited
334 work will be permitted to resume.

335 (2) (a) Notwithstanding any other law or local government
336 ordinance or local policy, the fee owner of a building or
337 structure, or the fee owner's contractor upon written

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338 authorization from the fee owner, may choose to use a private
339 provider to provide plans review or building code inspection
340 services with regard to such building or structure and may make
341 payment directly to the private provider for the provision of
342 such services. All such services shall be the subject of a
343 ~~written~~ contract between the private provider, or the private
344 provider's firm, and the fee owner or the fee owner's
345 contractor, upon written authorization of the fee owner. The
346 local enforcement agency may not require the contract be
347 provided as part of the permit application or as a condition for
348 issuing a permit. The fee owner may elect to use a private
349 provider to provide plans review or required building
350 inspections, or both. However, if the fee owner or the fee
351 owner's contractor uses a private provider to provide plans
352 review, the local building official, in his or her discretion
353 and pursuant to duly adopted policies of the local enforcement
354 agency, may require the fee owner or the fee owner's contractor
355 to use a private provider to also provide required building
356 inspections.

357 (b) If a fee an owner or the fee owner's contractor
358 retains a private provider for purposes of plans review or
359 building inspection services, the local jurisdiction must reduce
360 the permit fee by the amount of cost savings realized by the
361 local enforcement agency for not having to perform such
362 services. Such reduction may be calculated on a flat fee or

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percentage basis, or any other reasonable means by which a local enforcement agency assesses the cost for its plans review or inspection services. The permit fee must be based on the cost incurred by the local jurisdiction, including the labor cost of the personnel providing such services and the clerical and supervisory assistance required to comply with this section. The local jurisdiction may not charge fees for plans review or building inspections if the fee owner or the fee owner's contractor hires a private provider to perform such services; however, the local jurisdiction may charge a reasonable administrative fee, which shall be based on the cost that is actually incurred, including the labor cost of the personnel providing the service, by the local jurisdiction or attributable to the local jurisdiction for the clerical and supervisory assistance required, or both. The local enforcement agency may not charge punitive administrative fees when an owner has chosen to work with a private provider.

(c) If an owner or a contractor retains a private provider for purposes of plans review or building inspection services, the local jurisdiction must provide equal access to all permitting and inspection documents and reports to the private provider, owner, and contractor if such access is provided by software that protects exempt records from disclosure. Access to these documents must be provided promptly.

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387 (d) A local government or local building official may not
388 require additional forms beyond those required at registration,
389 except for the written notice required under subsection (5), if
390 a fee owner or the fee owner's contractor uses a private
391 provider.

392 (3) A private provider and any duly authorized
393 representative may only perform building code inspection
394 services that are within the disciplines covered by that
395 person's licensure or certification under chapter 468, chapter
396 471, or chapter 481, including single-trade inspections. A
397 private provider may not provide building code inspection
398 services pursuant to this section upon any building designed or
399 constructed by the private provider or the private provider's
400 firm.

401 (4) A local enforcement agency must create a registration
402 system for private providers and private provider firms working
403 in their jurisdiction. Local enforcement agencies must have a
404 method to register and update registration electronically. Local
405 enforcement agencies may not charge administrative fees for
406 registration or registration updates. Private provider firms
407 must provide contact information and verify compliance with the
408 licensure requirements of (1) (n) and the insurance requirements
409 of (21). Private provider firms working in the jurisdiction must
410 register with the local enforcement agency before contracting to
411 provide services in the jurisdiction. Private provider firms

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412 must update their registration within 5 business days of any
413 change to contact information, licensure, or insurance coverage.

414 (5)-(4) A fee owner or the fee owner's contractor using a
415 private provider to provide building code inspection services
416 shall notify the local building official in writing at the time
417 of permit application, or by 2 p.m. local time, 2 business days
418 before the first scheduled inspection by the local building
419 official or building code enforcement agency that a private
420 provider has been contracted to perform the required inspections
421 of construction under this section, including single-trade
422 inspections, on a form ~~to be~~ adopted by the commission. The
423 local enforcement agency may not alter the form. This notice
424 must shall include the following information:

425 (a) The services to be performed by the private provider.

426 (b) The name, firm, address, telephone number, and e-mail
427 address of each private provider who is performing or will
428 perform such services, his or her professional license or
429 certification number, ~~qualification statements or resumes~~, and,
430 if required by the local building official, a certificate of
431 insurance demonstrating that professional liability insurance
432 coverage is in place for the private provider's firm, the
433 private provider, and any duly authorized representative in the
434 amounts required by this section.

435 (c) An acknowledgment from the fee owner or the fee
436 owner's contractor in substantially the following form:

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437 I have elected to use one or more private providers to provide
438 building code plans review and/or inspection services on the
439 building or structure that is the subject of the enclosed permit
440 application, as authorized by s. 553.791, Florida Statutes. I
441 understand that the local building official may not review the
442 plans submitted or perform the required building inspections to
443 determine compliance with the applicable codes, except to the
444 extent specified in said law. Instead, plans review and/or
445 required building inspections will be performed by licensed or
446 certified personnel identified in the application. The law
447 requires minimum insurance requirements for such personnel, but
448 I understand that I may require more insurance to protect my
449 interests. By executing this form, I acknowledge that I have
450 made inquiry regarding the competence of the licensed or
451 certified personnel and the level of their insurance and am
452 satisfied that my interests are adequately protected. I agree to
453 indemnify, defend, and hold harmless the local government, the
454 local building official, and their building code enforcement
455 personnel from any and all claims arising from my use of these
456 licensed or certified personnel to perform building code
457 inspection services with respect to the building or structure
458 that is the subject of the enclosed permit application.

459
460 If the fee owner or the fee owner's contractor makes any changes
461 to the listed private providers or the services to be provided

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462 by those private providers, the fee owner or the fee owner's
463 contractor shall, within 1 business day after any change or
464 within 2 business days before the next scheduled inspection,
465 update the notice to reflect such changes. A change of a duly
466 authorized representative named in the permit application does
467 not require a revision of the permit, and the building code
468 enforcement agency shall not charge a fee for making the change.

469 (6)(5) After construction has commenced ~~and if either the local building official is unable to provide inspection services in a timely manner or the work subject to inspection is related to a single-trade inspection for a single-family or two-family dwelling~~, the fee owner or the fee owner's contractor may elect
470 to use a private provider to provide inspection services for a single-trade inspection for a single-family or two-family dwelling by notifying the local building official of the owner's
471 or contractor's intention to do so ~~by 2 p.m. local time, 2 business days~~ before the next scheduled inspection using the
472 notice provided for in paragraphs (5)(4)(a)-(c).

473 (7)(6) A private provider performing plans review under
474 this section shall review the plans to determine compliance with
475 the applicable codes. For single-trade plans reviews, a private
476 provider may use an automated or software-based plans review
477 system designed to determine compliance with one or more
478 applicable codes, including, but not limited to, the National
479 Electrical Code and the Florida Building Code. Upon determining

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487 that the plans reviewed comply with the applicable codes, the
488 private provider shall prepare an affidavit or affidavits
489 certifying, under oath, that the following is true and correct
490 to the best of the private provider's knowledge and belief:

491 (a) The plans were reviewed by the affiant, who is duly
492 authorized to perform plans review pursuant to this section and
493 holds the appropriate license or certificate.

494 (b) The plans comply with the applicable codes.

495

496 Such affidavit may bear a written or electronic signature and
497 may be submitted electronically to the local building official.
498 Local enforcement agencies must accept electronic affidavits.

499 (8) (a) The local building official may not review plans,
500 construction drawings, or any other related documents determined
501 by a private provider to be compliant with the applicable codes.

502 (b) The local building official may review other forms and
503 documents required under this section for completeness only. The
504 local building official must provide written notice to a permit
505 applicant of any incomplete forms or documents required under
506 this section no later than 10 days after receipt of a permit
507 application and an affidavit from the private provider as
508 required in subsection (6). The written notice must state with
509 specificity which forms or documents are incomplete.

510 ~~(7) (a) No more than 20 business days, or if the permit~~
511 ~~application is related to a single trade plans review for a~~

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512 ~~single family or two family dwelling, no more than 5 business~~
513 ~~days, after receipt of a permit application and the affidavit~~
514 ~~from the private provider required pursuant to subsection (6),~~
515 ~~the local building official shall issue the requested permit or~~
516 ~~provide a written notice to the permit applicant identifying the~~
517 ~~specific plan features that do not comply with the applicable~~
518 ~~codes, as well as the specific code chapters and sections. If~~
519 ~~the local building official does not provide such a written~~
520 ~~notice of the plan deficiencies within 10 days the prescribed~~
521 ~~time period, the permit application must be deemed approved as a~~
522 ~~matter of law, and the permit must be issued by the local~~
523 ~~building official on the next business day.~~

524 (c) (b) If the local building official provides a written
525 notice ~~of plan deficiencies~~ to the permit applicant of any
526 incomplete forms or documents required under this section at the
527 time of plan submission within the 10-day ~~prescribed~~ time
528 period, such ~~the~~ time period is tolled pending resolution of the
529 matter. To resolve the issues raised in the notice plan
530 deficiencies, the permit applicant may elect to dispute the
531 issues deficiencies pursuant to subsection (16) ~~(15)~~ or to
532 submit revisions to correct the issues deficiencies.

533 (d) (e) If the permit applicant submits revisions, the
534 local building official has the remainder of the tolled 10-day
535 time period plus 5 business days ~~after the date of resubmittal~~
536 to issue the requested permit or to provide a second written

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537 notice to the permit applicant stating which of the previously
538 identified forms or documents plan features remain incomplete in
539 noncompliance with the applicable codes, with specific reference
540 to the relevant code chapters and sections. Any subsequent
541 review by the local building official is limited to the issues
542 deficiencies cited in the original written notice. If the local
543 building official does not provide the second written notice
544 within the prescribed time period, the permit must be deemed
545 approved as a matter of law, and the local building official
546 must issue the permit on the next business day.

547 (e) (d) If the local building official provides a second
548 written notice ~~of plan deficiencies~~ to the permit applicant
549 within the prescribed time period, the permit applicant may
550 elect to dispute the issues raised in the second notice
551 deficiencies pursuant to subsection (16) ~~(15)~~ or to submit
552 additional revisions to correct the issues deficiencies. For all
553 revisions submitted after the first revision, the local building
554 official has an additional 5 business days ~~after the date of~~
555 ~~resubmittal~~ to issue the requested permit or to provide a
556 written notice to the permit applicant stating which of the
557 previously identified forms or documents plan features remain
558 incomplete. If the local building official does not provide the
559 notice within the prescribed time period, the permit shall be
560 deemed approved as a matter of law, and the local building
561 official must issue the permit on the next business day ~~in~~

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562 ~~noncompliance with the applicable codes, with specific reference~~
563 ~~to the relevant code chapters and sections.~~

564 ~~(9) (8) A private provider performing required inspections~~
565 under this section shall inspect each phase of construction as
566 required by the applicable codes. Such inspection, including a
567 single-trade inspection, may be performed in person or
568 virtually. The private provider may have a duly authorized
569 representative perform the required inspections, provided all
570 required reports are prepared by and bear the written or
571 electronic signature of the private provider or the private
572 provider's duly authorized representative. The duly authorized
573 representative must be an employee of the private provider
574 entitled to receive reemployment assistance benefits under
575 chapter 443. The contractor's contractual or legal obligations
576 are not relieved by any action of the private provider.

577 ~~(10) (9) A private provider performing required inspections~~
578 ~~under this section shall provide notice to the local building~~
579 ~~official of the approximate date and time of any such~~
580 ~~inspection.~~ The local building official may not prohibit the
581 private provider from performing any inspection outside the
582 local building official's normal operating hours, including
583 after hours, weekends, or holidays. ~~The local building official~~
584 ~~may visit the building site as often as necessary to verify that~~
585 ~~the private provider is performing all required inspections.~~ A
586 deficiency notice must be posted by the private provider, the

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587 duly authorized representative of the private provider, or the
588 building department whenever a noncomplying item related to the
589 building code or the permitted documents is found. Such notice
590 may be physically posted at the job site or electronically
591 posted. After corrections are made, the item must be reinspected
592 by the private provider or representative of the private
593 provider before being concealed. The Reinspection or reaudit
594 fees shall not be charged by the local jurisdiction may not
595 charge reinspection or reaudit fees as a result of the local
596 jurisdiction's audit inspection occurring before the performance
597 of the private provider's inspection or for any other
598 administrative matter not involving the detection of a violation
599 of the building code or a permit requirement.

600 (11) A local enforcement agency is not responsible for the
601 regulatory administration or supervision of building code
602 inspection services performed by a private provider hired by a
603 fee owner or a fee owner's contractor. A local enforcement
604 agency may not require additional verification of licensure or
605 insurance beyond that which is required at registration.

606 (12) (10) If the private provider is a person licensed as
607 an engineer under chapter 471 or an architect under chapter 481
608 and affixes his or her professional seal to the affidavit
609 required under subsection (6), the local building official must
610 issue the requested permit or provide a written notice to the
611 permit applicant identifying the specific plan features that do

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612 not comply with the applicable codes, as well as the specific
613 code chapters and sections, within 10 business days after
614 receipt of the permit application and affidavit. In such written
615 notice, the local building official must provide with
616 specificity the plan's deficiencies, the reasons the permit
617 application failed, and the applicable codes being violated. If
618 the local building official does not provide specific written
619 notice to the permit applicant within the prescribed 10-day
620 period, the permit application is deemed approved as a matter of
621 law, and the local building official must issue the permit on
622 the next business day.

623 (13) (11) If equipment replacements and repairs must be
624 performed in an emergency situation, subject to the emergency
625 permitting provisions of the Florida Building Code, a private
626 provider may perform emergency inspection services without first
627 notifying the local building official pursuant to subsection
628 (9). A private provider must conduct the inspection within 3
629 business days after being contacted to conduct an emergency
630 inspection and must submit the inspection report to the local
631 building official within 1 day after the inspection is
632 completed.

633 (14) (12) Upon completing the required inspections at each
634 applicable phase of construction, the private provider shall
635 record such inspections on a form provided by the commission
636 ~~acceptable to the local building official~~. The form must bear

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637 the written or electronic signature of the private provider or
638 the provider's duly authorized representative. These inspection
639 records must ~~shall~~ reflect those inspections required by the
640 applicable codes of each phase of construction for which
641 permitting by a local enforcement agency is required. The
642 private provider, upon completion of the required inspection,
643 shall post each completed inspection record, indicating pass or
644 fail, and provide the record to the local building official
645 within 4 ~~2~~ business days. Such inspection record may be
646 electronically posted by the private provider, or the private
647 provider may post such inspection record physically at the
648 project site. The private provider may electronically transmit
649 the record to the local building official. The local building
650 official may waive the requirement to provide a record of each
651 inspection within 4 ~~2~~ business days if the record is
652 electronically posted or posted at the project site and all such
653 inspection records are submitted with the certificate of
654 compliance. Unless the records have been electronically posted
655 and transmitted, records of all required and completed
656 inspections shall be maintained at the building site at all
657 times and made available for review by the local building
658 official. A local building official may not fail any inspection
659 performed by a private provider due to the inspection records
660 not being at the job site if the inspection records have been
661 electronically transmitted to the local building official within

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662 the 4 business day requirement. The private provider shall
663 report to the local enforcement agency any condition that poses
664 an immediate threat to public safety and welfare.

665 (15) (13) Upon completion of all required inspections, the
666 private provider firm shall prepare a certificate of compliance,
667 on a form provided by the commission acceptable to the local
~~building official~~, summarizing the inspections performed and
668 including a written representation, under oath, that the stated
669 inspections have been performed and that, to the best of the
670 private provider's knowledge and belief, the building
671 construction inspected complies with the approved plans and
672 applicable codes. The certificate of compliance may be signed by
673 any qualified licensed individual employed full time by the
674 private provider firm under whose authority the inspection was
675 completed. The statement required of the private provider shall
676 be substantially in the following form and shall be signed and
677 sealed by a private provider as established in subsection (1) or
678 may be electronically transmitted to the local building
679 official:

681
682 To the best of my knowledge and belief, the building components
683 and site improvements outlined herein and inspected under my
684 authority have been completed in conformance with the approved
685 plans and the applicable codes.

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686 (16)(14)(a) The local building official may only perform
687 building inspections of construction that a private provider has
688 determined to be compliant with the applicable codes if the
689 local building official has actual knowledge that the private
690 provider did not perform the required inspections. If the local
691 building official has such knowledge, the local building
692 official must provide to the private provider written notice of
693 the facts and circumstances upon which the local building
694 official relied for such actual knowledge before performing a
695 required inspection. The local building official may review
696 forms and documents required under this section for completeness
697 only. No more than 10 business days, or if the permit is related
698 to single-family or two-family dwellings then no more than 2
699 business days, after receipt of a request for a certificate of
700 occupancy or certificate of completion and the applicant's
701 presentation of a certificate of compliance and approval of all
702 other government approvals required by law, including the
703 payment of all outstanding fees, the local building official
704 shall issue the certificate of occupancy or certificate of
705 completion or provide a notice to the applicant of any
706 incomplete forms or documents required under this section
707 identifying the specific deficiencies, as well as the specific
708 code chapters and sections.

709 (17)(15) If the local building official determines that
710 the building construction or plans do not comply with the

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711 applicable codes, the official may deny the permit or request
712 for a certificate of occupancy or certificate of completion, as
713 appropriate, or may issue a stop-work order for the project or
714 any portion thereof as provided by law, if the official
715 determines that the noncompliance poses an immediate threat to
716 public safety and welfare, subject to the following:

717 (a) The local building official shall be available to meet
718 with the private provider within 2 business days to resolve any
719 dispute after issuing a stop-work order or providing notice to
720 the applicant denying a permit or request for a certificate of
721 occupancy or certificate of completion.

722 (b) If the local building official and private provider
723 are unable to resolve the dispute, the matter shall be referred
724 to the local enforcement agency's board of appeals, if one
725 exists, which shall consider the matter at its next scheduled
726 meeting or sooner. Any decisions by the local enforcement
727 agency's board of appeals, or local building official if there
728 is no board of appeals, may be appealed to the commission as
729 provided by this chapter.

730 (c) Notwithstanding any provision of this section, any
731 decisions regarding the issuance of a building permit,
732 certificate of occupancy, or certificate of completion may be
733 reviewed by the local enforcement agency's board of appeals, if
734 one exists. Any decision by the local enforcement agency's board
735 of appeals, or local building official if there is no board of

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736 appeals, may be appealed to the commission as provided by this
737 chapter, which shall consider the matter at the commission's
738 next scheduled meeting.

739 (18)(16) For the purposes of this section, any notice to
740 be provided by the local building official shall be deemed to be
741 provided to the person or entity when successfully transmitted
742 to the e-mail address listed for that person or entity in the
743 permit application or revised permit application, or, if no e-
744 mail address is stated, when actually received by that person or
745 entity.

746 (19)(17)(a) A local enforcement agency, local building
747 official, or local government may not adopt or enforce any laws,
748 rules, procedures, policies, qualifications, or standards more
749 stringent than those prescribed by this section.

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

756 (b)(e) This section does not limit the authority of the
757 local building official to issue a stop-work order for a
758 building project or any portion of the project, as provided by
759 law, if the official determines that a condition on the building

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760 site constitutes an immediate threat to public safety and
761 welfare.

762 (c) A local enforcement agency may not prohibit or limit private
763 providers from using virtual inspections if the virtual
764 inspections are not prohibited by the applicable codes.

765 (20) (18) A private provider may perform building code
766 inspection services on a building project under this section
767 only if the private provider maintains insurance for
768 professional liability covering all services performed as a
769 private provider. Such insurance shall have minimum policy
770 limits of \$1 million per occurrence and \$2 million in the
771 aggregate for any project with a construction cost of \$5 million
772 or less and \$2 million per occurrence and \$4 million in the
773 aggregate for any project with a construction cost of over \$5
774 million. Nothing in this section limits the ability of a fee
775 owner to require additional insurance or higher policy limits.
776 For these purposes, the term "construction cost" means the total
777 cost of building construction as stated in the building permit
778 application. If the private provider chooses to secure claims-
779 made coverage to fulfill this requirement, the private provider
780 must also maintain coverage for a minimum of 5 years after
781 ~~subsequent to~~ the performance of building code inspection

782 services. The insurance required under this subsection shall be
783 written only by insurers authorized to do business in this state
784 with a minimum A.M. Best's rating of A. Before providing

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785 building code inspection services within a local building
786 official's jurisdiction, a private provider must provide to the
787 local building official a certificate of insurance evidencing
788 that the coverages required under this subsection are in force.

789 (21) (19) When performing building code inspection
790 services, a private provider is subject to the disciplinary
791 guidelines of the applicable professional board with
792 jurisdiction over his or her license or certification under
793 chapter 468, chapter 471, or chapter 481. All private providers
794 shall be subject to the disciplinary guidelines of s.
795 468.621(1)(c)-(h). Any complaint processing, investigation, and
796 discipline that arise out of a private provider's performance of
797 building code inspection services shall be conducted by the
798 applicable professional board.

799 (22) (20) A local building code enforcement agency may not
800 audit the performance of building code inspection services by
801 private providers operating within the local jurisdiction until
802 the agency has created standard operating private provider audit
803 procedures for the agency's internal inspection and review
804 staff, which includes, at a minimum, the private provider audit
805 purpose and scope, private provider audit criteria, an
806 explanation of private provider audit processes and objections,
807 and detailed findings of areas of noncompliance. Such private
808 provider audit procedures must be publicly available online, and
809 a printed version must be readily accessible in agency

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810 buildings. The private provider audit results of staff for the
811 prior two quarters also must be publicly available. The agency's
812 audit processes must adhere to the agency's posted standard
813 operating audit procedures. The same private provider or private
814 provider firm may not be audited more than four times in a year
815 unless the local building official determines a condition of a
816 building constitutes an immediate threat to public safety and
817 welfare, which must be communicated in writing to the private
818 provider or private provider firm. The private provider or
819 private provider firm must be given notice of each audit to be
820 performed at least 5 business days before the audit. Work on a
821 building or structure may proceed after inspection and approval
822 by a private provider. The work may not be delayed for
823 completion of an inspection audit by the local building code
824 enforcement agency.

825 (23) ~~(21)~~ The local government, the local building
826 official, and their building code enforcement personnel shall be
827 immune from liability to any person or party for any action or
828 inaction by a fee owner of a building, or by a private provider
829 or its duly authorized representative, in connection with
830 building code inspection services as authorized in this act. A
831 local government, local enforcement agency, local building
832 official, and building code enforcement personnel may not
833 prohibit or discourage the use of a private provider or a
834 private provider firm.

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835 (24) (22) Notwithstanding any other law, a county, a
836 municipality, a school district, or an independent special
837 district may use a private provider, private provider firm or
838 employ a licensed building inspector, as described in s.
839 468.603(5)(a) or a person who holds the same licensure as or
840 certificate as a private provider, to provide building code
841 inspection services for a public works project, an improvement,
842 a building, or any other structure that is owned by the county,
843 municipality, school district, or independent special district.

844 **Section 5. Paragraph (a) of subsection (1) of section**
845 **553.792, Florida Statutes, is amended to read:**

846 553.792 Building permit application to local government.—
847 (1) (a) A local government must approve, approve with
848 conditions, or deny a building permit application after receipt
849 of a completed and sufficient application within the following
850 timeframes, unless the applicant waives such timeframes in
851 writing:

852 1. Within 5 business days after receiving a complete and
853 sufficient application, for an applicant using a local
854 government plans reviewer to obtain the following building
855 permits for an existing single-family residential dwelling if
856 the value of the work is less than \$15,000: structural,
857 accessory structure, alarm, electrical, irrigation, landscaping,
858 mechanical, plumbing, or roofing.

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859 2.1. Within 30 business days after receiving a complete
860 and sufficient application, for an applicant using a local
861 government plans reviewer to obtain the following building
862 permits if the structure is less than 7,500 square feet:
863 residential units, including a single-family residential unit or
864 a single-family residential dwelling, accessory structure,
865 alarm, electrical, irrigation, landscaping, mechanical,
866 plumbing, or roofing.

867 3.2. Within 60 business days after receiving a complete
868 and sufficient application, for an applicant using a local
869 government plans reviewer to obtain the following building
870 permits if the structure is 7,500 square feet or more:
871 residential units, including a single-family residential unit or
872 a single-family residential dwelling, accessory structure,
873 alarm, electrical, irrigation, landscaping, mechanical,
874 plumbing, or roofing.

875 4.3. Within 60 business days after receiving a complete
876 and sufficient application, for an applicant using a local
877 government plans reviewer to obtain the following building
878 permits: signs or nonresidential buildings that are less than
879 25,000 square feet.

880 5.4. Within 60 business days after receiving a complete
881 and sufficient application, for an applicant using a local
882 government plans reviewer to obtain the following building
883 permits: multifamily residential, not exceeding 50 units; site-

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884 plan approvals and subdivision plats not requiring public
885 hearing or public notice; and lot grading and site alteration.

886 6.5. Within 12 business days after receiving a complete
887 and sufficient application, for an applicant using a master
888 building permit consistent with s. 553.794 to obtain a site-
889 specific building permit.

890 7.6. Within 10 business days after receiving a complete
891 and sufficient application, for an applicant for a single-family
892 residential dwelling applied for by a contractor licensed in
893 this state on behalf of a property owner who participates in a
894 Community Development Block Grant-Disaster Recovery program
895 administered by the Department of Commerce, unless the permit
896 application fails to satisfy the Florida Building Code or the
897 enforcing agency's laws or ordinances.

898
899 However, the local government may not require the waiver of the
900 timeframes in this section as a condition precedent to reviewing
901 an applicant's building permit application.

902 **Section 6. Subsection (1) of section 553.77, Florida
903 Statutes, is amended to read:**

904 553.77 Specific powers of the commission.—

905 (1) The commission shall:

906 (a) Adopt and update the Florida Building Code or
907 amendments thereto, pursuant to ss. 120.536(1) and 120.54.

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908 (b) By July 1, 2027, adopt pursuant to ss. 120.536(1) and
909 120.54 a uniform commercial building permit application to be
910 used statewide for commercial construction projects and a
911 uniform residential building permit application to be used
912 statewide for residential construction projects.

913 (c) (b) Make a continual study of the operation of the
914 Florida Building Code and other laws relating to the design,
915 construction, erection, alteration, modification, repair, or
916 demolition of public or private buildings, structures, and
917 facilities, including manufactured buildings, and code
918 enforcement, to ascertain their effect upon the cost of building
919 construction and determine the effectiveness of their
920 provisions. Upon updating the Florida Building Code every 3
921 years, the commission shall review existing provisions of law
922 and make recommendations to the Legislature for the next regular
923 session of the Legislature regarding provisions of law that
924 should be revised or repealed to ensure consistency with the
925 Florida Building Code at the point the update goes into effect.
926 State agencies and local jurisdictions shall provide such
927 information as requested by the commission for evaluation of and
928 recommendations for improving the effectiveness of the system of
929 building code laws for reporting to the Legislature annually.
930 Failure to comply with this or other requirements of this act
931 must be reported to the Legislature for further action. Any
932 proposed legislation providing for the revision or repeal of

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933 existing laws and rules relating to technical requirements
934 applicable to building structures or facilities should expressly
935 state that such legislation is not intended to imply any repeal
936 or sunset of existing general or special laws governing any
937 special district that are not specifically identified in the
938 legislation.

939 (d) (e) Upon written application by any substantially
940 affected person or a local enforcement agency, issue declaratory
941 statements pursuant to s. 120.565 relating to new technologies,
942 techniques, and materials which have been tested where necessary
943 and found to meet the objectives of the Florida Building Code.
944 This paragraph does not apply to the types of products,
945 materials, devices, or methods of construction required to be
946 approved under paragraph (f).

947 (e) (d) Make recommendations to, and provide assistance
948 upon the request of, the Florida Commission on Human Relations
949 regarding rules relating to accessibility for persons with
950 disabilities.

951 (f) (e) Participate with the Florida Fire Code Advisory
952 Council created under s. 633.204, to provide assistance and
953 recommendations relating to firesafety code interpretations. The
954 administrative staff of the commission shall attend meetings of
955 the Florida Fire Code Advisory Council and coordinate efforts to
956 provide consistency between the Florida Building Code and the
957 Florida Fire Prevention Code and the Life Safety Code.

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958 (g)-(f) Determine the types of products which may be
959 approved by the commission for statewide use and shall provide
960 for the evaluation and approval of such products, materials,
961 devices, and method of construction for statewide use. The
962 commission may prescribe by rule a schedule of reasonable fees
963 to provide for evaluation and approval of products, materials,
964 devices, and methods of construction. Evaluation and approval
965 shall be by action of the commission or delegated pursuant to s.
966 553.842. This paragraph does not apply to products approved by
967 the State Fire Marshal.

968 (h)-(g) Appoint experts, consultants, technical advisers,
969 and advisory committees for assistance and recommendations
970 relating to the major areas addressed in the Florida Building
971 Code.

972 (i)-(h) Establish and maintain a mutual aid program,
973 organized through the department, to provide an efficient supply
974 of various levels of code enforcement personnel, design
975 professionals, commercial property owners, and construction
976 industry individuals, to assist in the rebuilding effort in an
977 area which has been hit with disaster. The program shall include
978 provisions for:

979 1. Minimum postdisaster structural, electrical, and
980 plumbing inspections and procedures.

981 2. Emergency permitting and inspection procedures.

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982 3. Establishing contact with emergency management
983 personnel and other state and federal agencies.

984 (j) (i) Maintain a list of interested parties for noticing
985 rulemaking workshops and hearings, disseminating information on
986 code adoption, revisions, amendments, and all other such actions
987 which are the responsibility of the commission.

988 (k) (j) Coordinate with the state and local governments,
989 industry, and other affected stakeholders in the examination of
990 legislative provisions and make recommendations to fulfill the
991 responsibility to develop a consistent, single code.

992 (l) (k) Provide technical assistance to local building
993 departments in order to implement policies, procedures, and
994 practices which would produce the most cost-effective property
995 insurance ratings.

996 (m) (l) Develop recommendations for local governments to
997 use when pursuing partial or full privatization of building
998 department functions. The recommendations shall include, but not
999 be limited to, provisions relating to equivalency of service,
1000 conflict of interest, requirements for competency, liability,
1001 insurance, and long-term accountability.

1002 (n) (m) Develop recommendations that increase residential
1003 and commercial recycling and composting and strongly encourage
1004 the use of recyclable materials and the recycling of
1005 construction and demolition debris.

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1007
1008
1009 **Section 7. Paragraph (c) is added to subsection (1) of**
1010 **section 720.3035, Florida Statutes, to read:**

1011 720.3035 Architectural control covenants; parcel owner
1012 improvements; rights and privileges.—

1013 (1)

1014 (c) An association or any architectural, construction
1015 improvement, or other such similar committee of an association
1016 may not require a building permit to be issued by a governmental
1017 authority to a parcel owner as a prerequisite for review by the
1018 association or committee concerning the construction of
1019 structures or improvements on the parcel.

1020 **Section 8.** This act shall take effect July 1, 2026.

1021
1022 -----
1023 **T I T L E A M E N D M E N T**

1024 Remove everything before the enacting clause and insert:
1025 An act relating to building permits and inspections;
1026 amending s. 125.56, F.S.; providing for expiration of
1027 certain building permits issued by a county; amending
1028 s. 489.129, F.S.; providing that certain persons are
1029 not subject to discipline for performing a job without
1030 applicable permits and inspections if otherwise
1031 authorized by law; amending s. 553.79, F.S.; providing

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1032 for expiration of certain building permits issued by a
1033 local government; providing prohibitions for
1034 inspection fees; prohibiting a local government from
1035 requiring building permits for certain projects;
1036 providing an exception; requiring certain contractors
1037 to maintain certain records; amending s. 553.791,
1038 F.S.; revising and providing definitions; requiring
1039 certain services to be subject to an agreement, rather
1040 than a written contract; providing that such agreement
1041 does not need to be submitted as part of a permit
1042 application; providing requirements for reduced permit
1043 fees; prohibiting a local jurisdiction from charging
1044 administrative fees or other additional fees;
1045 requiring that local enforcement agencies create a
1046 registration system for private providers and private
1047 provider firms; prohibiting local government entities
1048 and local building officials from requiring additional
1049 forms; prohibiting local government entities and local
1050 building officials from altering a form adopted by the
1051 commission; removing the requirement that a private
1052 provider's qualification statements or resumes be
1053 included in a certain notice; removing time
1054 restrictions for electing to use a private provider;
1055 requiring a certain affidavit be able to be submitted
1056 electronically; providing that the timeline for review

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1057 may not be extended; providing that certain permits
1058 are deemed approved; providing that local building
1059 officials are not responsible for the administration
1060 or supervision of services performed by a private
1061 provider; prohibiting local building officials from
1062 failing certain inspections; revising the timeframe in
1063 which certain records must be provided; authorizing
1064 certain persons to sign certificates of compliance;
1065 providing requirements for local building officials
1066 who have reasonable suspicion that a private provider
1067 failed to perform an inspection; providing that
1068 virtual inspections may not be prohibited; requiring
1069 certain notice before an audit; prohibiting certain
1070 entities from discouraging the use of private
1071 providers; amending s. 553.792, F.S.; amending s.
1072 553.77, F.S.; requiring the commission to develop a
1073 uniform building permit application; requiring a local
1074 government to make certain decisions relating to
1075 certain building permits within a specified timeframe;
1076 amending s. 720.3035, F.S.; prohibiting an association
1077 or certain committees from requiring a building permit
1078 as a prerequisite for a certain review; providing an
1079 effective date.