

FLORIDA HOUSE OF REPRESENTATIVES

BILL ANALYSIS

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BILL #: [CS/HB 803](#)

TITLE: Building Permits and Inspections

SPONSOR(S): Trabulsky and Overdorf

COMPANION BILL: [SB 1234](#) (DiCeglie)

LINKED BILLS: None

RELATED BILLS: None

Committee References

[Industries & Professional](#)

[Activities](#)

14 Y, 0 N, As CS

[Intergovernmental Affairs](#)

[Commerce](#)

SUMMARY

Effect of the Bill:

The bill revises provisions relating to building code inspection services provided by private provider & private provider firms including but not limited to permit fees, administrative fees, and responsibilities of private providers. It also revises the authority of local building officials, and mandates the adoption of a uniform permitting system.

Fiscal or Economic Impact:

The bill may have an indeterminate positive fiscal impact on the private sector.

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ANALYSIS

EFFECT OF THE BILL:

The bill:

- revises Florida law governing the expiration date of building permits issued by counties and local governments, providing for expiration one year after issuance or the effective date of the next edition of the [Florida Building Code](#), whichever is later. (Section [1.3](#))
- exempts the installation of certain temporary flood protection walls from [building permit](#) requirements. To be eligible for an permit exemption, a flood protection wall must meet all of these requirements: 1) be nonhabitable and not load bearing, 2) installed for a residential property that is a single or two-family dwelling or townhouse, 3) constructed to mitigate storm surge or floodwaters from entering a property, 4) installed by a contractor properly licensed by the Board under Chapter 489, F.S., and 5) the wall must be compliant with applicable local zoning, drainage, easement, and setback requirements. The bill states that building permits for retaining walls for residential single-family or two-family dwellings are not required for each lot or parcel. (Section [3](#))

The bill:

- prohibits [local enforcement agencies](#) from charging inspection fees exceeding the actual cost incurred by the agency to perform and approve the inspection required for a permit.
- prohibits local governments from requiring building permits for any work valued at less than \$7,500 done on a single-family home. However, local governments may require a permit for any electrical, plumbing, or structural work no matter the cost, with the exception of the repair or replacement of exterior doors and windows. Contractors are required to keep for at least 5 years a written record of work performed that does not require a permit, and the record must include the property address at which the work was performed and the value of the work as proof that the work complies with the statute. (Section [3](#))

The bill:

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- Officials may only perform building inspections of construction that a [private provider](#) has deemed compliant when they have “actual knowledge” that the inspection forms submitted by the private provider were incomplete or incorrect. If they plan to perform a site visit, officials must provide written notice to the private provider of the specific forms that are incomplete or incorrect before performing the site visit. (Section [4](#))
- amends the definitions of “deliver” and “delivery” to specifically include email or submission through an electronic fill-in form or through submission management software. (Section [4](#))
- creates a definition for “registration” as the system used by officials to verify compliance with licensure and insurance requirements for private provider firms under Chapter 553. (Section [4](#))
- removes the requirement that an owner or contractor have a written contract with a private provider and adds that agreements for private provider services are not required to be submitted as part of a permit application or in order to be issued a permit. Officials are prohibited from requesting a written agreement or consent form as a condition for issuing a permit. (Section [4](#))
- requires local jurisdictions to reduce [permit fees](#) to the actual cost incurred by the local jurisdiction when an owner retains a private provider for building inspection services. Officials may not charge punitive, administrative, or additional fees, including fees for building inspections or site review, when an owner uses a private provider. (Section [4](#))
- limits the information that a local government can request from a private provider to that which it collects at registration, other than written notice from the owner or owner’s contractor that a private provider has been contracted. The bill mandates the form be the version adopted by the commission and that it may not be altered by the local government. The bill removes the requirement that the form include “qualification statements or resumes” of private providers. (Section [4](#))
- removes the allowance for a private provider to be used after construction has commenced if the local building official is unable to provide inspection services in a timely manner and the time by which the owner or owner’s contractor must provide notice. (Section [4](#))
- forbids the review by a local building official of plans, construction drawings, or any other related documents that has been determined by a private provider to be compliant with the applicable codes. The local building official may review other forms and documents only for completeness and must notice an applicant of any incomplete forms or documents not later than 10 days after receipt of a permit application with the private provider affidavit. If the notice is not provided within 10 days the permit must be deemed approved. The bill removes a requirement for review within 20 business days, or 5 business days for single-trade plan for single family residential, for review and notice to the applicant of specific plan features that do not comply with the applicable codes. The bill changes “plan deficiencies” to only apply to incomplete forms or documents. (Section [4](#))
- removes the requirement that private providers performing required inspections give notice to the local building official. (Section [4](#))

The bill indicates that a local building official is not required for the regulatory administration or supervision of inspection services performed by a private provider. Private providers are responsible for verification of licensure and insurance requirements for the firm’s authorized representative. (Section [4](#))

The bill:

- adds a requirement that private providers record inspections on a form provided by the commission. The bill expands the amount of time that private providers have to post the completed inspection record from 2 to 4 days, and specifies that local building officials may not fail inspections as long as they are transmitted within 4 days even if they are not posted at the job site. (Section [4](#))
- requires that certificates of compliance be on a form provided by the commission. The certificate of compliance may be signed by any qualified licensed individual employed full time by the private provider. (Section [4](#))
- limits a local building official’s ability to perform building inspections of construction that a private provider has determined to be compliant with the applicable codes to when the building official has “actual knowledge” that the private provider did not perform the required inspections. When they have that actual

knowledge, they must give the private provider written notice of the facts and circumstances before performing an inspection. The building official may only review forms and documents for completeness. If the local building official does not provide notice of any incomplete forms or documents within the time period, the request for a certificate of occupancy or certificated of completion is automatically granted. (Section 4)

- changes the standard for which a local building official may deny a permit or a request for certificate of occupancy or completion from “the building construction or plans do not comply with the applicable codes” to “forms or documents are incomplete”. (Section 4)
- removes the option and makes mandatory that local governments establish a system of registration for private providers and prohibits local governments from charging administrative fees for registration or updating registration. (Section 4)
- prohibits a local government from prohibiting or limiting the use of virtual inspections by private providers. (Section 4)
- requires local governments to give private providers notice of audits at least 5 business days before an audit. (Section 4)

The bill sets the timeframe at 5 business days for review of a completed application for an applicant using a local government reviewer for building permits for an existing single-family residential dwelling if the value of the work is less than \$15,000 for structural, accessory structure, alarm, electrical, irrigation, landscaping, mechanical, plumbing, or roofing. (Section 5)

The bill requires the Florida Building Commission develop a residential and commercial uniform building permit application that must be used by local governments. (Section 6)

The bill prohibits homeowners' associations from requiring a building permit as a prerequisite of its review of the construction of structures or improvements (Section 7)

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Florida Building Code

In 1974, Florida adopted legislation requiring all local governments to adopt and enforce a minimum building code that would ensure that Florida's minimum standards were met. Local governments could choose from four separate model codes. The state's role was limited to adopting all or relevant parts of new editions of the four model codes. Local governments could amend and enforce their local codes, as they desired.¹

In 1992, Hurricane Andrew demonstrated that Florida's system of local codes did not work. Hurricane Andrew easily destroyed those structures that were allegedly built according to the strongest code. The Governor eventually appointed a study commission to review the system of local codes and make recommendations for modernizing the system. The 1998 Legislature adopted the study's commission recommendations for a single state building code and enhanced the oversight role of the state over local code enforcement. The 2000 Legislature authorized implementation of the [Florida Building Code](#) (Building Code), and that first edition replaced all local codes on March 1, 2002.² The current edition of the Building Code is the eighth edition, which is referred to as the 2023 Florida Building Code.³

Chapter 553, part IV, F.S., is known as the “[Florida Building Codes Act](#)” (Act). The purpose and intent of the Act is to provide a mechanism for the uniform adoption, updating, interpretation, and enforcement of a single, unified state

¹ Florida Department of Community Affairs, *The Florida Building Commission Report to the 2006 Legislature*, p. 4, http://www.floridabuilding.org/fbc/publications/2006_Legislature_Rpt_rev2.pdf (last visited Jan. 15, 2026).

² *Id.*

³ Florida Building Commission Homepage, <https://floridabuilding.org/c/default.aspx> (last visited Jan. 15, 2026).

building code. The Building Code must be applied, administered, and enforced uniformly and consistently from jurisdiction to jurisdiction.⁴

The [Florida Building Commission](#) (Commission) was created to implement the Building Code. The Commission, which is housed within the Department of Business and Professional Regulation (DBPR), is a 19-member technical body made up of design professionals, contractors, and government experts in various disciplines covered by the Building Code. The Commission reviews several International Codes published by the International Code Council,⁵ the National Electric Code, and other nationally adopted model codes to determine if the Building Code needs to be updated and adopts an updated Building Code every three years.⁶

[Building Permits](#)

It is the intent of the Legislature that local governments have the power to inspect all buildings, structures, and facilities within their jurisdiction in protection of the public's health, safety, and welfare.⁷ Every local government must enforce the Florida Building Code and issue building permits.⁸

A building permit is an official document or certificate issued by the local building official that authorizes performance of a specific activity.⁹ It is unlawful for a person, firm, or corporation to construct, erect, alter, repair, secure, or demolish any building without first obtaining a building permit from the [local enforcement agency](#) or from such persons as may, by resolution or regulation, be directed to issue such permit.¹⁰

Current law requires local governments to post their building permit applications, including a list of all required attachments, drawings, and documents for each application, on its website. However, other than fire alarm building permit applications, local governments are not required to have uniform building permit applications, and they are free to create their own applications with their own requirements.¹¹

Any construction work that requires a building permit also requires plans and inspections to ensure the work complies with the Florida Building Code. The Florida Building Code requires certain building, electrical, plumbing, mechanical, and gas inspections. Construction work may not be done beyond a certain point until it passes an inspection. Generally speaking, a permit for construction work that passes the required inspections are considered completed or closed.¹²

[Building Permit Fees](#)

A local government may charge reasonable fees as set forth in a schedule of fees adopted by the enforcing agency for the issuance of a building permit.¹³ Such fees shall be used solely for carrying out the local government's responsibilities in enforcing the Building Code.¹⁴ Enforcing the Building Code includes the direct costs and reasonable indirect costs associated with training, review of building plans, building inspections, re-inspections, building permit processing, and fire inspections.¹⁵ Local governments must post all building permit and inspection fee schedules on their website.¹⁶

⁴ See [s. 553.72\(1\), F.S.](#)

⁵ The International Code Council (ICC) is an association that develops model codes and standards used in the design, building, and compliance process to "construct safe, sustainable, affordable and resilient structures." International Code Council, *About the ICC*, <https://www.iccsafe.org/about/who-we-are/> (last visited Jan. 15, 2026).

⁶ [S. 553.73\(7\)\(a\), F.S.](#)

⁷ [S. 553.72, F.S.](#)

⁸ Ss. [125.01\(1\)\(bb\)](#), [125.56\(1\)](#), and [553.80\(1\), F.S.](#)

⁹ S. [468.603, F.S.](#); [S. 202 of the Eighth edition of the Florida Building Code \(Building\)](#).

¹⁰ Ss. [125.56\(4\)\(a\)](#) and [553.79\(1\), F.S.](#)

¹¹ Ss. [553.79\(1\)](#), and [553.7921, F.S.](#)

¹² [S. 110 of the Eighth Edition of the Florida Building Code \(Building\)](#).

¹³ S. [553.80 F.S.](#)

¹⁴ *Id.*

¹⁵ S. [553.80\(7\)\(a\)1., F.S.](#)

¹⁶ Ss. [125.56 \(4\)\(c\) F.S.](#), and [166.222\(2\), F.S.](#)

Local governments are only allowed to collect building permit fees that are sufficient to cover their costs in enforcing the Building Code. When providing a schedule of reasonable fees, the total estimated annual revenue derived from fees, and the fines and investment earnings related to the fees, may not exceed the total estimated annual costs of allowable activities. Any unexpended balances must be carried forward to future years for allowable activities or must be refunded at the discretion of the local government. A local government may not carry forward an amount exceeding the average of its operating budget, not including reserve amounts, for enforcing the Building Code for the previous 4 fiscal years.¹⁷

DBPR Surcharges

Current law requires all local governments to assess and collect a 1% surcharge on any building permit issued by their enforcement agency for the purpose of enforcing the Building Code. The local jurisdictions collect the assessment and remit the surcharge fees to DBPR to fund the activities of the Commission, DBPR's Building Code Compliance and Mitigation Program, and the Florida Fire Prevention Code informal interpretations.¹⁸

Current law also requires all local governments to assess and collect a separate 1.5% surcharge on any building permit issued by their enforcement agency for the purpose of enforcing the Building Code. The local governments collect the assessment and remit the surcharge fees to DBPR, where it is divided equally to fund the activities of the Building Code Administrators and Inspectors Board (BCAIB) and the Florida Homeowners' Construction Recovery Fund.¹⁹

Local government building departments are permitted to retain 10% of the amount of the surcharges they collect to fund participation by their agencies in the national and state building code adoption processes and to provide education related to enforcement of the Building Code.²⁰

Private Providers

Private providers and their duly authorized representatives are able to approve building plans and perform building code inspections as long as the plans approval and building inspections are within the scope of the provider's or representative's license.

A "private provider" is defined as a person licensed as a building official, engineer, or architect. Additionally, the term includes licensed building inspectors and plans examiners who perform inspections for additions and alterations that are limited to 1,000 square feet or less in residential buildings.²¹

An owner or contractor must notify a local government that the owner or contractor hired a private provider to perform building code inspection services, including single-trade inspections. If an owner or contractor retains a private provider for purposes of plans review or building inspection services, the local jurisdiction must reduce the permit fee by the amount of cost savings realized by the local enforcement agency for not having to perform such services. Such reduction may be calculated on a flat fee or percentage basis, or any other reasonable means by which a local enforcement agency assesses the cost for its plans review or inspection services. The local jurisdiction may not charge fees for building inspections if the fee owner or 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.²²

¹⁷ [S. 553.80\(7\)\(a\), F.S.](#)

¹⁸ [S. 553.721, F.S.](#)

¹⁹ [S. 468.631, F.S.](#); The Florida Homeowners' Construction Recovery Fund is used to compensate homeowners who have suffered a covered financial loss at the hands of state-licensed general, building and residential contractors. Claims are filed with the DBPR, who reviews for completeness and statutory eligibility. The DBPR then presents the claim to the Construction Industry Licensing Board for review. [S. 489.1401\(2\), F.S.](#)

²⁰ Ss. [468.631](#), and [553.721, F.S.](#)

²¹ S. [553.791\(1\)\(n\), F.S.](#)

²² S. [553.791\(2\)\(b\), F.S.](#)

A local government may not charge a fee for building inspections when an owner or contractor uses a private provider but may charge a “reasonable administrative fee.” A “reasonable administrative fee” must be based on the cost that is actually incurred by the local government, including the labor cost of the personnel providing the service, or the cost attributable to the local government for the clerical and supervisory assistance required, or both.²³

Upon receipt of a building permit application and the required affidavit from the private provider, a building official has 20 business days to issue the permit or provide written notice of the plan deficiencies.²⁴ If the local building official does not provide written notice of plan deficiencies within the prescribed 20-day period, the permit application shall be deemed approved and must be issued on the next business day.²⁵

Stop Work Order

The Florida Building Code authorizes a building official to issue a stop work order when the official finds any work regulated by the code being performed in a manner either contrary to the code or dangerous or unsafe. It requires that the order be in writing and given to the owner of the property, the owner's authorized agent, or the person performing the work, and shall state the reason for the order and the conditions under which the work may resume.²⁶

²³ *Id.*

²⁴ S. [553.791\(7\)\(a\), F.S.](#)

²⁵ *Id.*

²⁶ [S. 115 of the Eighth Edition of the Florida Building Code, Building.](#)

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Industries & Professional Activities Subcommittee	14 Y, 0 N, As CS	1/20/2026	Anstead	Miralia

THE CHANGES ADOPTED BY THE COMMITTEE:

- Required contractors to retain documents related to certain construction projects completed without a permit for a minimum of five years.
- Moved language related to flood protection walls and barriers, and retaining walls to the correct section of Florida Statutes. Also, clarified that local governments may not require building permits for temporary residential hurricane and flood protection walls.
- Removed the notice requirement before a stop work order can be issued due to an immediate threat to public safety and welfare.
- Removed overly broad language that prohibited requiring a permit after a state of emergency for two years.
- Moved the provision related to the Florida Building Commission creating a uniform application system to the correct section of Florida Statutes, clarified that the commission has rulemaking authority, set a date for completion, and specified that both residential and commercial applications be created.
- Clarified language related to private provider service contracts.
- Clarified definitions, and makes technical and clarifying edits throughout.

[Intergovernmental Affairs
Subcommittee](#)
[Commerce Committee](#)

THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.
