

1 A bill to be entitled
2 An act relating to building permits and inspections;
3 amending s. 125.56, F.S.; providing for expiration of
4 certain building permits issued by a county; amending
5 s. 489.129, F.S.; providing that certain persons are
6 not subject to discipline for performing a job without
7 applicable permits and inspections if otherwise
8 authorized by law; amending s. 553.73, F.S.; requiring
9 the Florida Building Commission to modify the Florida
10 Building Code to exempt from building permit
11 requirements installation of certain walls or
12 barriers; requiring the commission to modify the
13 Florida Building Code to not require a permit for
14 installation of certain retaining walls; amending s.
15 553.79, F.S.; providing for expiration of certain
16 building permits issued by a local government;
17 providing prohibitions for inspection fees;
18 prohibiting a local government from requiring building
19 permits for certain projects; providing an exception;
20 requiring certain contractors to maintain certain
21 records; amending s. 553.791, F.S.; revising and
22 providing definitions; requiring certain services to
23 be subject to an agreement, rather than a written
24 contract; providing that such agreement does not need
25 to be submitted as part of a permit application;

26 providing requirements for reduced permit fees;
27 prohibiting a local jurisdiction from charging
28 administrative fees or other additional fees;
29 prohibiting local government entities and local
30 building officials from requiring additional forms;
31 prohibiting local government entities and local
32 building officials from altering a form adopted by the
33 commission; removing the requirement that a private
34 provider's qualification statements or resumes be
35 included in a certain notice; removing time
36 restrictions for electing to use a private provider;
37 requiring a certain affidavit be able to be submitted
38 electronically; providing which forms and documents a
39 local building official may and may not review;
40 requiring written notice of incomplete forms to an
41 applicant within a specified timeframe; revising the
42 timeframes in which certain notices must be sent;
43 providing that certain permits are deemed approved;
44 providing requirements for a private provider's duly
45 authorized representatives; removing provisions
46 requiring a private provider to provide notice to the
47 local building official to perform inspections;
48 providing that local building officials are not
49 responsible for the administration or supervision of
50 services performed by a private provider; prohibiting

51 local building officials from failing certain
52 inspections; revising the timeframe in which certain
53 records must be provided; authorizing certain persons
54 to sign certificates of compliance; providing
55 requirements for local building officials who have
56 actual knowledge that a private provider failed to
57 perform an inspection; requiring certain entities to
58 establish a system of registration; prohibiting
59 certain administrative fees; providing that virtual
60 inspections may not be prohibited; requiring certain
61 notice before an audit; prohibiting certain entities
62 from discouraging the use of private providers;
63 amending s. 553.792, F.S.; requiring the commission to
64 develop a uniform building permit application;
65 requiring a local government to make certain decisions
66 relating to certain building permits within a
67 specified timeframe; specifying that certain permit
68 applications are deemed approved and must be issued
69 within a certain timeframe; amending s. 720.3035,
70 F.S.; prohibiting an association or certain committees
71 from requiring a building permit as a prerequisite for
72 a certain review; providing an effective date.

73
74 Be It Enacted by the Legislature of the State of Florida:
75

76 **Section 1. Paragraph (d) of subsection (4) of section**
77 **125.56, Florida Statutes, is amended to read:**

78 125.56 Enforcement and amendment of the Florida Building
79 Code and the Florida Fire Prevention Code; inspection fees;
80 inspectors; etc.—

81 (4)

82 (d) A county that issues building permits may send a
83 written notice of expiration, by e-mail or United States Postal
84 Service, to the owner of the property and the contractor listed
85 on the permit, no less than 30 days before a building permit is
86 set to expire. The written notice must identify the permit that
87 is set to expire and the date the permit will expire. A building
88 permit issued by a county for a single-family dwelling expires 1
89 year after the issuance of the permit or the effective date of
90 the next edition of the Florida Building Code, whichever is
91 later.

92 **Section 2. Paragraph (o) of subsection (1) of section**
93 **489.129, Florida Statutes, is amended to read:**

94 489.129 Disciplinary proceedings.—

95 (1) The board may take any of the following actions
96 against any certificateholder or registrant: place on probation
97 or reprimand the licensee, revoke, suspend, or deny the issuance
98 or renewal of the certificate or registration, require financial
99 restitution to a consumer for financial harm directly related to
100 a violation of a provision of this part, impose an

administrative fine not to exceed \$10,000 per violation, require continuing education, or assess costs associated with investigation and prosecution, if the contractor, financially responsible officer, or business organization for which the contractor is a primary qualifying agent, a financially responsible officer, or a secondary qualifying agent responsible under s. 489.1195 is found guilty of any of the following acts:

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

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

Section 3. Paragraphs (h) and (i) are added to subsection (7) of section 553.73, Florida Statutes, to read:

553.73 Florida Building Code.—

(7)

(h)1. The commission shall modify the Florida Building Code to exempt from building permit requirements the installation of residential hurricane and flood protection walls or barriers that meet all of the following conditions:

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

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

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

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

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

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

(i) The commission shall modify the Florida Building Code to state that building permits for retaining walls installed on the residential property of a single-family or two-family dwelling or a townhouse are not required for each lot or parcel.

Section 4. Paragraphs (a), (c), and (d) of subsection (1) of section 553.79, Florida Statutes, are amended, and paragraph (g) is added to that subsection, to read:

553.79 Permits; applications; issuance; inspections.—

(1)(a) Unless otherwise provided by law, after the effective date of the Florida Building Code adopted as herein provided, it shall be unlawful for any person, firm, corporation, or governmental entity to construct, erect, alter, modify, repair, or demolish any building within this state without first obtaining a permit therefor from the appropriate enforcing agency or from such persons as may, by appropriate resolution or regulation of the authorized state or local enforcing agency, be delegated authority to issue such permits, upon the payment of such reasonable fees adopted by the enforcing agency. The enforcing agency is empowered to revoke any such permit upon a determination by the agency that the construction, erection, alteration, modification, repair, or demolition of the building for which the permit was issued is in violation of, or not in conformity with, the provisions of the Florida Building Code. Whenever a permit required under this section is denied or revoked because the plan, or the construction, erection, alteration, modification, repair, or demolition of a building, is found by the local enforcing agency to be not in compliance with the Florida Building Code, the local enforcing agency shall identify the specific plan or project features that do not comply with the applicable codes, identify the specific code chapters and sections upon which the finding is based, and provide this information to the permit

176 applicant. A plans reviewer or building code administrator who
177 is responsible for issuing a denial, revocation, or modification
178 request but fails to provide to the permit applicant a reason
179 for denying, revoking, or requesting a modification, based on
180 compliance with the Florida Building Code or local ordinance, is
181 subject to disciplinary action against his or her license
182 pursuant to s. 468.621(1)(i). Installation, replacement,
183 removal, or metering of any load management control device is
184 exempt from and shall not be subject to the permit process and
185 fees otherwise required by this section.

186 (c) A local government that issues building permits may
187 send a written notice of expiration, by e-mail or United States
188 Postal Service, to the owner of the property and the contractor
189 listed on the permit, no less than 30 days before a building
190 permit is set to expire. The written notice must identify the
191 permit that is set to expire and the date the permit will
192 expire. A building permit issued by a local government for a
193 single-family dwelling expires 1 year after the issuance of the
194 permit or the effective date of the next edition of the Florida
195 Building Code, whichever is later.

196 (d) A local enforcement agency must allow requests for
197 inspections to be submitted electronically to the local
198 enforcement agency's appropriate building department. Acceptable
199 methods of electronic submission include, but are not limited
200 to, e-mail or fill-in form available on the website of the

building department or through a third-party submission management software or application that can be downloaded on a mobile device. Requests for inspections may be submitted in a nonelectronic format, at the discretion of the building official. Inspection fees may not be based on the total cost of a project and may not exceed the actual inspection costs incurred by the local enforcement agency.

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

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

Section 5. Section 553.791, Florida Statutes, is amended to read:

553.791 Alternative plans review and inspection.—

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

226 (a) "Applicable codes" means the Florida Building Code and
227 any local technical amendments to the Florida Building Code but
228 does not include the applicable minimum fire prevention and
229 firesafety codes adopted pursuant to chapter 633.

230 (b) "Audit" means the process to confirm that the building
231 code inspection services have been performed by the private
232 provider, which is strictly limited to ~~including~~ ensuring that
233 the required affidavit for the plan review has been properly
234 completed and submitted with the permit documents and that the
235 minimum mandatory inspections required under the Florida
236 Building Code have been performed and properly recorded. The
237 local building official may not replicate the plan review or
238 inspection being performed by the private provider. The local
239 building official may only perform a site visit in connection
240 with the audit when the local building official has actual
241 knowledge that the forms and documents submitted by the private
242 provider are incomplete or incorrect, in which case the local
243 building official must provide written notice to the private
244 provider of the specific forms and documents that are incomplete
245 or incorrect before performing a site visit, ~~unless expressly~~
246 ~~authorized by this section.~~

247 (c) "Building" means any construction, erection,
248 alteration, demolition, or improvement of, or addition to, any
249 structure or site work for which permitting by a local
250 enforcement agency is required.

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

(e) "Deliver" or "delivery" means any method of delivery used in conventional business or commercial practice, including delivery by electronic transmissions such as e-mail or any other form of electronic communication used to transmit information.

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

(g) "Electronic signature" means any letters, characters, or symbols manifested by electronic or similar means which are

executed or adopted by a party with an intent to authenticate a writing or record.

(h) "Electronic transmission" or "submitted electronically" means any form or process of communication not directly involving the physical transfer of paper or another tangible medium which is suitable for the retention, retrieval, and reproduction of information by the recipient and is retrievable in paper form by the receipt through an automated process. ~~All notices provided for in this section may be transmitted electronically and shall have the same legal effect as if physically posted or mailed.~~

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

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

condition cited is shown to be in violation of the building code or approved plans.

(k) "Local building official" means the individual within the governing jurisdiction responsible for direct regulatory administration or supervision of plans review, enforcement, and inspection of any construction, erection, alteration, demolition, or substantial improvement of, or addition to, any structure for which permitting is required to indicate compliance with applicable codes and includes any duly authorized designee of such person.

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

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

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

3. Any applicable fees.

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

326 | approvals required by law.

327 |
328 | All permit applications must be able to be submitted
329 | electronically.

330 | (m) "Plans" means building plans, site engineering plans,
331 | or site plans, or their functional equivalent, submitted by a
332 | fee owner or fee owner's contractor to a private provider or
333 | duly authorized representative for review.

334 | (n) "Private provider" means a person licensed as a
335 | building code administrator under part XII of chapter 468, as an
336 | engineer under chapter 471, or as an architect under chapter
337 | 481. For purposes of performing inspections under this section
338 | for additions and alterations that are limited to 2,500 ~~1,000~~
339 | square feet or less to residential buildings, the term "private
340 | provider" also includes a person who holds a standard
341 | certificate under part XII of chapter 468.

342 | (o) "Private provider firm" means a business organization,
343 | including a corporation, partnership, business trust, or other
344 | legal entity, which offers services under this chapter to the
345 | public through persons ~~licensees~~ who are acting as agents,
346 | employees, officers, or partners of the firm. A person who is
347 | licensed as a building code administrator under part XII of
348 | chapter 468, an engineer under chapter 471, or an architect
349 | under chapter 481 may act as a private provider for an agent,
350 | employee, or officer of the private provider firm.

351 (p) "Request for certificate of occupancy or certificate
352 of completion" means a properly completed and executed
353 application for:

354 1. A certificate of occupancy or certificate of
355 completion.

356 2. A certificate of compliance from the private provider
357 required under subsection (14) ~~(13)~~.

358 3. Any applicable fees.

359 4. Any documents required by the local building official
360 to determine that the fee owner has secured all other government
361 approvals required by law.

362
363 All applications must be able to be submitted electronically.

364 (q) "Single-trade inspection" or "single-trade plans
365 review" means any inspection or plans review focused on a single
366 construction trade, such as plumbing, mechanical, or electrical.
367 The term includes, but is not limited to, inspections or plans
368 reviews of door or window replacements; fences and block walls
369 more than 6 feet high from the top of the wall to the bottom of
370 the footing; stucco or plastering; reroofing with no structural
371 alteration; solar energy and energy storage installations or
372 alterations; HVAC replacements; ductwork or fan replacements;
373 alteration or installation of wiring, lighting, and service
374 panels; water heater changeouts; sink replacements; and
375 repiping.

376 (r) "Site work" means the portion of a construction
377 project that is not part of the building structure, including,
378 but not limited to, grading, excavation, landscape irrigation,
379 and installation of driveways.

380 (s) "Stop-work order" means the issuance of any written
381 statement, written directive, or written order which states the
382 reason for the order and the conditions under which the cited
383 work will be permitted to resume.

384 (t) "System of registration" means the system used to
385 verify compliance with the licensure and insurance requirements
386 for a private provider firm under this chapter.

387 (2) (a) Notwithstanding any other law or local government
388 ordinance or local policy, the fee owner of a building or
389 structure, or the fee owner's contractor upon ~~written~~
390 authorization from the fee owner, may choose at any time to use
391 a private provider to provide building code inspection services
392 with regard to such building or structure and may make payment
393 directly to the private provider for the provision of such
394 services. All such services shall be the subject of an agreement
395 ~~a written contract~~ between the private provider, or the private
396 provider's firm, and the fee owner or the fee owner's
397 contractor, upon ~~written~~ authorization of the fee owner. The
398 agreement is not required to be submitted as part of the permit
399 application or as a condition for issuing a permit, and a local
400 building official or local government entity may not request

401 such agreement or consent form as a condition for issuing a
402 permit. The fee owner may elect to use a private provider to
403 provide plans review or required building inspections, or both.
404 However, if the fee owner or the fee owner's contractor uses a
405 private provider to provide plans review, the local building
406 official, in his or her discretion and pursuant to duly adopted
407 policies of the local enforcement agency, may require the fee
408 owner or the fee owner's contractor to use a private provider to
409 also provide required building inspections.

410 (b) If a fee ~~an~~ owner or the fee owner's contractor
411 retains a private provider for purposes of plans review or
412 building inspection services, the local jurisdiction must reduce
413 the permit fee by the amount of cost savings realized by the
414 local enforcement agency for not having to perform such
415 services. Such reduction may be calculated on a flat fee or
416 percentage basis, or any other reasonable means by which a local
417 enforcement agency assesses the cost for its plans review or
418 inspection services. The reduced permit fee must be based on the
419 cost incurred by the local jurisdiction, including the labor
420 cost of the personnel providing such services and the clerical
421 and supervisory assistance required to comply with this section.
422 The local jurisdiction may not charge any additional fees for
423 building inspections or plans review if the fee owner or the fee
424 owner's contractor hires a private provider to perform such
425 services and the local jurisdiction may not charge punitive

426 administrative fees for working with a private provider,
427 ~~however, the local jurisdiction may charge a reasonable~~
428 ~~administrative fee, which shall be based on the cost that is~~
429 ~~actually incurred, including the labor cost of the personnel~~
430 ~~providing the service, by the local jurisdiction or attributable~~
431 ~~to the local jurisdiction for the clerical and supervisory~~
432 ~~assistance required, or both.~~

433 (c) If a fee an owner or the fee owner's a contractor
434 retains a private provider for purposes of plans review or
435 building inspection services, the local jurisdiction must
436 immediately provide equal access to all permitting and
437 inspection documents and reports to the private provider, owner,
438 and contractor if such access is provided by software that
439 protects exempt records from disclosure.

440 (d) A local governmental entity or local building official
441 may not require additional forms beyond those required at
442 registration, except for the written notice required under
443 subsection (4), if a fee owner or the fee owner's contractor
444 uses a private provider.

445 (3) A private provider and any duly authorized
446 representative may only perform building code inspection
447 services that are within the disciplines covered by that
448 person's licensure or certification under chapter 468, chapter
449 471, or chapter 481, including single-trade inspections. A
450 private provider may not provide building code inspection

451 services pursuant to this section upon any building designed or
452 constructed by the private provider or the private provider's
453 firm.

454 (4) A fee owner or the fee owner's contractor using a
455 private provider to provide building code inspection services
456 shall notify the local building official in writing at the time
457 of permit application, or by 2 p.m. local time, 2 business days
458 before the first scheduled inspection by the local building
459 official or building code enforcement agency that a private
460 provider has been contracted to perform the required inspections
461 of construction under this section, including single-trade
462 inspections, on the exact ~~a~~ form ~~to be~~ adopted by the
463 commission. Such form may not be altered by any local
464 governmental entity or local building official. This notice must
465 ~~shall~~ include the following information:

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

467 (b) The name, firm, address, telephone number, and e-mail
468 address of each private provider who is performing or will
469 perform such services, his or her professional license or
470 certification number, ~~qualification statements or resumes,~~ and,
471 if required by the local building official, a certificate of
472 insurance demonstrating that professional liability insurance
473 coverage is in place for the private provider's firm, the
474 private provider, and any duly authorized representative in the
475 amounts required by this section.

476 (c) An acknowledgment from the fee owner or the fee
477 owner's contractor in substantially the following form:
478

479 I have elected to use one or more private providers to
480 provide building code plans review and/or inspection
481 services on the building or structure that is the
482 subject of the enclosed permit application, as
483 authorized by s. 553.791, Florida Statutes. I
484 understand that the local building official may not
485 review the plans submitted or perform the required
486 building inspections to determine compliance with the
487 applicable codes, except to the extent specified in
488 said law. Instead, plans review and/or required
489 building inspections will be performed by licensed or
490 certified personnel identified in the application. The
491 law requires minimum insurance requirements for such
492 personnel, but I understand that I may require more
493 insurance to protect my interests. By executing this
494 form, I acknowledge that I have made inquiry regarding
495 the competence of the licensed or certified personnel
496 and the level of their insurance and am satisfied that
497 my interests are adequately protected. I agree to
498 indemnify, defend, and hold harmless the local
499 government, the local building official, and their
500 building code enforcement personnel from any and all

claims arising from my use of these licensed or certified personnel to perform building code inspection services with respect to the building or structure that is the subject of the enclosed permit application.

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

(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 to use a private provider to provide inspection services by notifying the local building official of the owner's or contractor's intention to do so ~~by 2 p.m. local time, 2 business days~~ before the next scheduled inspection using the notice provided for in paragraphs (4) (a) - (c).

(6) A private provider performing plans review under this section shall review the plans to determine compliance with the applicable codes. For single-trade plans reviews, a private provider may use an automated or software-based plans review system designed to determine compliance with one or more applicable codes, including, but not limited to, the National Electrical Code and the Florida Building Code. Upon determining that the plans reviewed comply with the applicable codes, the private provider shall prepare an affidavit or affidavits certifying, under oath, that the following is true and correct to the best of the private provider's knowledge and belief:

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

(b) The plans comply with the applicable codes.

Such affidavit may bear a written or electronic signature and must have the ability to ~~may~~ be submitted electronically to the local building official.

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

(b) The local building official may review other forms and documents required under this section for completeness only. The local building official must provide written notice to a permit

551 applicant of any incomplete forms or documents required under
552 this section no later than 10 days after receipt of a permit
553 application and an affidavit from the private provider as
554 required in subsection (6). The written notice must state with
555 specificity which forms or documents are incomplete.

556 ~~(7)(a) No more than 20 business days, or if the permit~~
557 ~~application is related to a single-trade plans review for a~~
558 ~~single-family or two-family dwelling, no more than 5 business~~
559 ~~days, after receipt of a permit application and the affidavit~~
560 ~~from the private provider required pursuant to subsection (6),~~
561 ~~the local building official shall issue the requested permit or~~
562 ~~provide a written notice to the permit applicant identifying the~~
563 ~~specific plan features that do not comply with the applicable~~
564 ~~codes, as well as the specific code chapters and sections. If~~
565 ~~the local building official does not provide such a written~~
566 ~~notice of the plan deficiencies within 10 days the prescribed~~
567 ~~time period, the permit application must be deemed approved as a~~
568 ~~matter of law, and the permit must be issued by the local~~
569 ~~building official on the next business day.~~

570 ~~(c)(b)~~ If the local building official provides a written
571 ~~notice of plan deficiencies to the permit applicant of any~~
572 ~~incomplete forms or documents required under this section at the~~
573 ~~time of plan submission within the 10-day ~~prescribed~~ time~~
574 ~~period, such ~~the~~ time period is tolled pending resolution of the~~
575 ~~matter. To resolve the issues raised in the notice ~~plan~~~~

576 ~~deficiencies~~, the permit applicant may elect to dispute the
577 issues ~~deficiencies~~ pursuant to subsection (16) ~~(15)~~ or to
578 submit revisions to correct the issues ~~deficiencies~~.

579 (d) ~~(e)~~ If the permit applicant submits revisions, the
580 local building official has the remainder of the tolled 10-day
581 time period plus 5 business days ~~after the date of resubmittal~~
582 to issue the requested permit or to provide a second written
583 notice to the permit applicant stating which of the previously
584 identified forms or documents ~~plan features~~ remain incomplete ~~in~~
585 ~~noncompliance with the applicable codes, with specific reference~~
586 ~~to the relevant code chapters and sections~~. Any subsequent
587 review by the local building official is limited to the issues
588 ~~deficiencies~~ cited in the original written notice. If the local
589 building official does not provide the second written notice
590 within the prescribed time period, the permit must be deemed
591 approved as a matter of law, and the local building official
592 must issue the permit on the next business day.

593 (e) ~~(d)~~ If the local building official provides a second
594 written notice ~~of plan deficiencies~~ to the permit applicant
595 within the prescribed time period, the permit applicant may
596 elect to dispute the issues raised in the second notice
597 ~~deficiencies~~ pursuant to subsection (16) ~~(15)~~ or to submit
598 additional revisions to correct the issues ~~deficiencies~~. For all
599 revisions submitted after the first revision, the local building
600 official has an additional 5 business days ~~after the date of~~

601 ~~resubmittal~~ to issue the requested permit or to provide a
602 written notice to the permit applicant stating which of the
603 previously identified forms or documents ~~plan features~~ remain
604 incomplete. If the local building official does not provide the
605 notice within the prescribed time period, the permit shall be
606 deemed approved as a matter of law, and the local building
607 official must issue the permit on the next business day in
608 ~~noncompliance with the applicable codes, with specific reference~~
609 ~~to the relevant code chapters and sections.~~

610 (8) A private provider performing required inspections
611 under this section shall inspect each phase of construction as
612 required by the applicable codes. Such inspection, including a
613 single-trade inspection, may be performed in person or
614 virtually. The private provider may have a duly authorized
615 representative perform the required inspections, provided all
616 required reports are prepared by and bear the written or
617 electronic signature of the private provider or the private
618 provider's duly authorized representative. The duly authorized
619 representative must be supervised by or be an employee of the
620 private provider and be entitled to receive reemployment
621 assistance benefits under chapter 443. The contractor's
622 contractual or legal obligations are not relieved by any action
623 of the private provider.

624 (9) ~~A private provider performing required inspections~~
625 ~~under this section shall provide notice to the local building~~

~~official of the approximate date and time of any such inspection. The local building official may not prohibit the private provider from performing any inspection outside the local building official's normal operating hours, including after hours, weekends, or holidays. The local building official may visit the building site as often as necessary to verify that the private provider is performing all required inspections. A deficiency notice must be posted by the private provider or, the duly authorized representative of the private provider, ~~or the building department~~ whenever a noncomplying item related to the building code or the permitted documents is found. Such notice may be physically posted at the job site or electronically posted. After corrections are made, the item must be reinspected by the private provider or his or her representative before being concealed. ~~Reinspection or reaudit fees shall not be charged by~~ The local jurisdiction may not charge any fees related to the reinspection or any administrative matter related to the reinspection.~~

(10) A local building official is not responsible for the regulatory administration or supervision of building code inspection services performed by a private provider hired by a fee owner or the fee owner's contractor. Verification of licensure and insurance requirements for a private provider firm's duly authorized representative is the responsibility of the private provider firm's management, and the local building

651 official may not verify compliance or store information relating
652 to such verification ~~as a result of the local jurisdiction's~~
653 ~~audit inspection occurring before the performance of the private~~
654 ~~provider's inspection or for any other administrative matter not~~
655 ~~involving the detection of a violation of the building code or a~~
656 ~~permit requirement.~~

657 (11)~~(10)~~ If the private provider is a person licensed as
658 an engineer under chapter 471 or an architect under chapter 481
659 and affixes his or her professional seal to the affidavit
660 required under subsection (6), the local building official must
661 issue the requested permit or provide a written notice to the
662 permit applicant identifying the specific plan features that do
663 not comply with the applicable codes, as well as the specific
664 code chapters and sections, within 10 business days after
665 receipt of the permit application and affidavit. In such written
666 notice, the local building official must provide with
667 specificity the plan's deficiencies, the reasons the permit
668 application failed, and the applicable codes being violated. If
669 the local building official does not provide specific written
670 notice to the permit applicant within the prescribed 10-day
671 period, the permit application is deemed approved as a matter of
672 law, and the local building official must issue the permit on
673 the next business day.

674 (12)~~(11)~~ If equipment replacements and repairs must be
675 performed in an emergency situation, subject to the emergency

676 permitting provisions of the Florida Building Code, a private
677 provider may perform emergency inspection services ~~without first~~
678 ~~notifying the local building official pursuant to subsection~~
679 ~~(9)~~. A private provider must conduct the inspection within 3
680 business days after being contacted to conduct an emergency
681 inspection and must submit the inspection report to the local
682 building official within 1 day after the inspection is
683 completed.

684 (13)~~(12)~~ Upon completing the required inspections at each
685 applicable phase of construction, the private provider shall
686 record such inspections on a form provided by the commission
687 ~~acceptable to the local building official~~. The form must bear
688 the written or electronic signature of the private provider or
689 the private provider's duly authorized representative. These
690 inspection records must ~~shall~~ reflect those inspections required
691 by the applicable codes of each phase of construction for which
692 permitting by a local enforcement agency is required. The
693 private provider, upon completion of the required inspection,
694 shall post each completed inspection record, indicating pass or
695 fail, and provide the record to the local building official
696 within 4 ~~2~~ business days. Such inspection record may be
697 electronically posted by the private provider, or the private
698 provider may post such inspection record physically at the
699 project site. The private provider may electronically transmit
700 the record to the local building official. The local building

701 official may not fail any inspection that is performed by a
702 private provider for not having the inspection records at the
703 job site if the inspection records are transmitted within 4
704 business days. The local building official may waive the
705 requirement to provide a record of each inspection within 4 2
706 business days if the record is electronically posted or posted
707 at the project site and all such inspection records are
708 submitted with the certificate of compliance. Unless the records
709 have been electronically posted and transmitted, records of all
710 required and completed inspections shall be maintained at the
711 building site at all times and made available for review by the
712 local building official. The private provider shall report to
713 the local enforcement agency any condition that poses an
714 immediate threat to public safety and welfare.

715 (14) ~~(13)~~ Upon completion of all required inspections, the
716 private provider shall prepare a certificate of compliance, on a
717 form provided by the commission ~~acceptable to the local building~~
718 ~~official~~, summarizing the inspections performed and including a
719 written representation, under oath, that the stated inspections
720 have been performed and that, to the best of the private
721 provider's knowledge and belief, the building construction
722 inspected complies with the approved plans and applicable codes.
723 The certificate of compliance may be signed by any qualified
724 licensed individual employed full time by the private provider
725 firm under whose authority the inspection was completed. The

statement required of the private provider shall be substantially in the following form and shall be signed and sealed by a private provider as established in subsection (1) or may be electronically transmitted to the local building official:

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

(15) (a) ~~(14) (a)~~ The local building official may only perform building inspections of construction that a private provider has determined to be compliant with the applicable codes if the local building official has actual knowledge that the private provider did not perform the required inspections. If the local building official has such knowledge, the local building official must provide to the private provider written notice of the facts and circumstances upon which the local building official relied for such actual knowledge before performing a required inspection. The local building official may review forms and documents required under this section for completeness only. No more than 10 business days, or if the permit is related to single-family or two-family dwellings then

751 no more than 2 business days, after receipt of a request for a
752 certificate of occupancy or certificate of completion and the
753 applicant's presentation of a certificate of compliance and
754 approval of all other government approvals required by law,
755 including the payment of all outstanding fees, the local
756 building official shall issue the certificate of occupancy or
757 certificate of completion or provide a notice to the applicant
758 of any incomplete forms or documents required under this section
759 ~~identifying the specific deficiencies, as well as the specific~~
760 ~~code chapters and sections.~~

761 (b) If the local building official does not provide notice
762 of any incomplete forms or documents ~~the deficiencies~~ within the
763 applicable time periods under paragraph (a), the request for a
764 certificate of occupancy or certificate of completion is
765 automatically granted and deemed issued as of the next business
766 day. The local building official must provide the applicant with
767 the written certificate of occupancy or certificate of
768 completion within 2 ~~10~~ days after it is automatically granted
769 and issued. To resolve any identified issues ~~deficiencies~~, the
770 applicant may elect to dispute the issues ~~deficiencies~~ pursuant
771 to subsection (16) ~~(15)~~ or to submit a corrected request for a
772 certificate of occupancy or certificate of completion.

773 (16) ~~(15)~~ If the local building official determines that
774 any forms or documents required under this section are
775 incomplete ~~the building construction or plans do not comply with~~

776 ~~the applicable codes,~~ the official may deny the permit or
777 request for a certificate of occupancy or certificate of
778 completion, as appropriate, or may issue a stop-work order for
779 the project or any portion thereof as provided by law, if the
780 official determines that the noncompliance poses an immediate
781 threat to public safety and welfare, subject to the following:

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

787 (b) If the local building official and private provider
788 are unable to resolve the dispute, the matter shall be referred
789 to the local enforcement agency's board of appeals, if one
790 exists, which shall consider the matter at its next scheduled
791 meeting or sooner. Any decisions by the local enforcement
792 agency's board of appeals, or local building official if there
793 is no board of appeals, may be appealed to the commission as
794 provided by this chapter.

795 (c) Notwithstanding any provision of this section, any
796 decisions regarding the issuance of a building permit,
797 certificate of occupancy, or certificate of completion may be
798 reviewed by the local enforcement agency's board of appeals, if
799 one exists. Any decision by the local enforcement agency's board
800 of appeals, or local building official if there is no board of

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

804 (17)~~(16)~~ For the purposes of this section, any notice to
805 be provided by the local building official shall be deemed to be
806 provided to the person or entity when successfully transmitted
807 to the e-mail address listed for that person or entity in the
808 permit application or revised permit application, or, if no e-
809 mail address is stated, when actually received by that person or
810 entity.

811 (18) (a)~~(17) (a)~~ A local enforcement agency, local building
812 official, or local government may not adopt or enforce any laws,
813 rules, procedures, policies, qualifications, or standards more
814 stringent than those prescribed by this section.

815 (b) A local enforcement agency, local building official,
816 or local government must ~~may~~ establish, for private providers
817 and, private provider firms, ~~and duly authorized representatives~~
818 working within that jurisdiction, a system of registration to
819 verify compliance with the ~~license~~ requirements of paragraph
820 (1) (n) and the insurance requirements of subsection (19) ~~(18)~~.
821 The local building official may not charge administrative fees
822 for the registration process for a private provider or for any
823 updates to a private provider registration.

824 (c) This section does not limit the authority of the local
825 building official to issue a stop-work order for a building

project or any portion of the project, as provided by law, if the official determines that a condition on the building site constitutes an immediate threat to public safety and welfare, provided such orders are in strict compliance with the deficiency notice provisions of subsection (9).

(d) A local enforcement agency, local building official, or local government may not prohibit or limit the use of virtual inspections by private providers and private provider firms for any type of construction such providers or firms have a license to inspect.

(19) ~~(18)~~ A private provider may perform building code inspection services on a building project under this section only if the private provider maintains insurance for professional liability covering all services performed as a private provider. Such insurance shall have minimum policy limits of \$1 million per occurrence and \$2 million in the aggregate for any project with a construction cost of \$5 million or less and \$2 million per occurrence and \$4 million in the aggregate for any project with a construction cost of over \$5 million. Nothing in this section limits the ability of a fee owner to require additional insurance or higher policy limits. For these purposes, the term "construction cost" means the total cost of building construction as stated in the building permit application. If the private provider chooses to secure claims-made coverage to fulfill this requirement, the private provider

851 must also maintain coverage for a minimum of 5 years after
852 ~~subsequent to~~ the performance of building code inspection
853 services. The insurance required under this subsection shall be
854 written only by insurers authorized to do business in this state
855 with a minimum A.M. Best's rating of A. Before providing
856 building code inspection services within a local building
857 official's jurisdiction, a private provider must provide to the
858 local building official a certificate of insurance evidencing
859 that the coverages required under this subsection are in force.

860 (20) ~~(19)~~ When performing building code inspection
861 services, a private provider is subject to the disciplinary
862 guidelines of the applicable professional board with
863 jurisdiction over his or her license or certification under
864 chapter 468, chapter 471, or chapter 481. All private providers
865 shall be subject to the disciplinary guidelines of s.
866 468.621(1)(c)-(h). Any complaint processing, investigation, and
867 discipline that arise out of a private provider's performance of
868 building code inspection services shall be conducted by the
869 applicable professional board.

870 (21) ~~(20)~~ A local building code enforcement agency may not
871 audit the performance of building code inspection services by
872 private providers operating within the local jurisdiction until
873 the agency has created standard operating ~~private provider audit~~
874 procedures for the agency's internal inspection and review
875 staff, which includes, at a minimum, the private provider audit

876 purpose and scope, private provider audit criteria, an
877 explanation of private provider audit processes and objections,
878 and detailed findings of areas of noncompliance. Such private
879 provider audit procedures must be publicly available online, and
880 a printed version must be readily accessible in agency
881 buildings. The private provider audit results of staff for the
882 prior two quarters also must be publicly available. The agency's
883 audit processes must adhere to the agency's posted standard
884 operating audit procedures. The same private provider or private
885 provider firm may not be audited more than four times in a year
886 unless the local building official determines a condition of a
887 building constitutes an immediate threat to public safety and
888 welfare, which must be communicated in writing to the private
889 provider or private provider firm. The private provider or
890 private provider firm must be given notice of each audit to be
891 performed at least 5 business days before the audit. Work on a
892 building or structure may proceed after inspection and approval
893 by a private provider. The work may not be delayed for
894 completion of an inspection audit by the local building code
895 enforcement agency.

896 (22) ~~(21)~~ The local government, the local building
897 official, and their building code enforcement personnel shall be
898 immune from liability to any person or party for any action or
899 inaction by a fee owner of a building, or by a private provider
900 or its duly authorized representative, in connection with

901 building code inspection services as authorized in this act. The
902 local government, local building official, and building code
903 enforcement personnel may not prohibit or discourage the use of
904 a private provider or a private provider firm.

905 (23)(22) Notwithstanding any other law, a county, a
906 municipality, a school district, or an independent special
907 district may use a private provider or a private provider firm
908 to provide building code inspection services for a public works
909 project, an improvement, a building, or any other structure that
910 is owned by the county, municipality, school district, or
911 independent special district.

912 **Section 6. Section 553.792, Florida Statutes, is amended**
913 **to read:**

914 553.792 Building permit application to local government.—

915 (1) The Florida Building Commission shall develop a
916 uniform building permit application for mandatory use by local
917 governments. The application must include a checklist by project
918 type for permitted work.

919 (2)(a)(1)(a) A local government must approve, approve with
920 conditions, or deny a building permit application after receipt
921 of a completed and sufficient application within the following
922 timeframes, unless the applicant waives such timeframes in
923 writing:

924 1. Within 5 business days after receiving a complete and
925 sufficient application, for an applicant using a local

926 government plans reviewer to obtain the following building
927 permits for an existing single-family residential dwelling if
928 the value of the work is less than \$15,000: structural,
929 accessory structure, alarm, electrical, irrigation, landscaping,
930 mechanical, plumbing, or roofing.

931 ~~2.4.~~ Within 30 business days after receiving a complete
932 and sufficient application, for an applicant using a local
933 government plans reviewer to obtain the following building
934 permits if the structure is less than 7,500 square feet:
935 residential units, including a single-family residential unit or
936 a single-family residential dwelling, accessory structure,
937 alarm, electrical, irrigation, landscaping, mechanical,
938 plumbing, or roofing.

939 ~~3.2.~~ Within 60 business days after receiving a complete
940 and sufficient application, for an applicant using a local
941 government plans reviewer to obtain the following building
942 permits if the structure is 7,500 square feet or more:
943 residential units, including a single-family residential unit or
944 a single-family residential dwelling, accessory structure,
945 alarm, electrical, irrigation, landscaping, mechanical,
946 plumbing, or roofing.

947 ~~4.3.~~ Within 60 business days after receiving a complete
948 and sufficient application, for an applicant using a local
949 government plans reviewer to obtain the following building
950 permits: signs or nonresidential buildings that are less than

25,000 square feet.

~~5.4.~~ Within 60 business days after receiving a complete and sufficient application, for an applicant using a local government plans reviewer to obtain the following building permits: multifamily residential, not exceeding 50 units; site-plan approvals and subdivision plats not requiring public hearing or public notice; and lot grading and site alteration.

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

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

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

(b) A signed and sealed permit application and an attestation by an architect licensed under chapter 481 or an

976 engineer licensed under chapter 471 that the plans in the permit
977 application comply with the Florida Building Code for the
978 construction or renovation of a single-family dwelling located
979 in a jurisdiction for which a state of emergency was issued
980 within the 24 months before the submission of the application is
981 deemed approved. The local government shall issue such permit
982 within 2 days after approval.

983 (c)~~(b)~~ A local government must meet the timeframes set
984 forth in this section for reviewing building permit applications
985 unless the timeframes set by local ordinance are more stringent
986 than those prescribed in this section.

987 (d)~~(e)~~ After an applicant submits an application to the
988 local government, the local government must provide written
989 notice to the applicant within 5 business days after receipt of
990 the application advising the applicant what information, if any,
991 is needed to deem or determine that the application is properly
992 completed in compliance with the filing requirements published
993 by the local government. If the local government does not
994 provide timely written notice that the applicant has not
995 submitted the properly completed application, the application is
996 automatically deemed or determined to be properly completed and
997 accepted.

998 (e)~~(d)~~ A local government shall maintain on its website a
999 policy containing procedures and expectations for expedited
1000 processing of those building permits and development orders

1001 required by law to be expedited.

1002 (f)~~(e)~~ If a local government fails to meet a deadline
1003 under this subsection, it must reduce the building permit fee by
1004 10 percent for each business day that it fails to meet the
1005 deadline, unless the parties agree in writing to a reasonable
1006 extension of time, the delay is caused by the applicant, or the
1007 delay is attributable to a force majeure or other extraordinary
1008 circumstances. Each 10-percent reduction shall be based on the
1009 original amount of the building permit fee, unless the parties
1010 agree to an extension of time.

1011 (g)~~(f)~~ A local enforcement agency does not have to reduce
1012 the building permit fee if it provides written notice to the
1013 applicant by e-mail or United States Postal Service within the
1014 respective timeframes in paragraph (a) which specifically states
1015 the reasons the permit application fails to satisfy the Florida
1016 Building Code or the enforcing agency's laws or ordinances. The
1017 written notice must also state that the applicant has 10
1018 business days after receiving the written notice to submit
1019 revisions to correct the permit application and that failure to
1020 correct the application within 10 business days will result in a
1021 denial of the application.

1022 (h)~~(g)~~ If the applicant submits revisions within 10
1023 business days after receiving the written notice, the local
1024 enforcement agency has 10 business days after receiving such
1025 revisions to approve or deny the building permit unless the

applicant agrees to a longer period in writing. If the local enforcement agency fails to issue or deny the building permit within 10 business days after receiving the revisions, it must reduce the building permit fee by 20 percent for each business day that it fails to meet the deadline unless the applicant agrees to a longer period in writing.

~~(3)(2)~~ If any building permit fees are refunded under this section, the surcharges provided in s. 468.631 or s. 553.721 must be recalculated based on the amount of the building permit fees after the refund.

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

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

(1)

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

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