Senator Lee moved the following:

**Senate Amendment to Amendment (155860) (with title amendment)**

Between lines 413 and 414 insert:

Section 9. Subsection (1), paragraph (b) of subsection (2), and subsections (4) through (7) and (18) of section 553.791, Florida Statutes, are amended to read:

553.791 Alternative plans review and inspection.—

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

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

(b) “Audit” means the process to confirm that the building
code inspection services have been performed by the private
provider, including ensuring that the required affidavit for the
plan review has been properly completed and affixed to the
permit documents and that the minimum mandatory inspections
required under the building code have been performed and
properly recorded. The term does not mean that the local
building official may not is required to replicate the plan
review or inspection being performed by the private provider,
unless expressly authorized by this section.

(c) “Building” means any construction, erection,
alteration, demolition, or improvement of, or addition to, any
structure or site work for which permitting by a local
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 of each phase of
construction for which permitting by a local enforcement agency
is required to determine compliance with applicable codes.

(e) “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
certificate under part XII of chapter 468.

(f) “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.

(g) “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.

(h) “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.

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 approvals required by law.

  (i) “Plans” means building plans, site engineering plans, or site plans, or their functional equivalent, submitted by a fee owner or fee owner’s contractor to a private provider or duly authorized representative for review.

  (j) “Private provider” means a person licensed as a building code administrator under part XII of chapter 468, as an engineer under chapter 471, or as an architect under chapter 481. For purposes of performing inspections under this section for additions and alterations that are limited to 1,000 square feet or less to residential buildings, the term “private provider” also includes a person who holds a standard certificate under part XII of chapter 468.

  (k) “Request for certificate of occupancy or certificate of completion” means a properly completed and executed application for:

  1. A certificate of occupancy or certificate of completion.
  2. A certificate of compliance from the private provider required under subsection (11).
  3. Any applicable fees.
  4. Any documents required by the local building official to determine that the fee owner has secured all other government approvals required by law.

  (l) “Site work” means the portion of a construction project that is not part of the building structure, including, but not limited to, grading, excavation, landscape irrigation, and installation of driveways.

  (m) “Stop-work order” means the issuance of any written
statement, written directive, or written order which states the
reason for the order and the conditions under which the cited
work will be permitted to resume.

(2)

(b) It is the intent of the Legislature that owners and
contractors pay reduced fees not be required to pay extra costs
related to building permitting requirements when hiring a
private provider for plans review and building inspections. A
local jurisdiction must calculate the cost savings to the local
enforcement agency, based on a fee owner or contractor hiring a
private provider to perform plans reviews and building
inspections in lieu of the local building official, and reduce
the permit fees accordingly. The local jurisdiction may not
charge fees for building inspections if the fee owner or
contractor hires a private provider; however, the local
jurisdiction may charge a reasonable administrative fee.

(4) A fee owner or the fee owner’s contractor using a
private provider to provide building code inspection services
shall notify the local building official at the time of permit
application, or by 2 p.m. local time, 2 no less than 7 business
days before prior to the first scheduled inspection by the local
building official or building code enforcement agency for a
private provider performing required inspections of construction
under this section, on a form to be adopted by the commission.
This notice shall include the following information:

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

(b) The name, firm, address, telephone number, and
facsimile number of each private provider who is performing or
will perform such services, his or her professional license or
certification number, qualification statements or resumes, and, if required by the local building official, a certificate of insurance demonstrating that professional liability insurance coverage is in place for the private provider’s firm, the private provider, and any duly authorized representative in the amounts required by this section.

(c) An acknowledgment from the fee owner in substantially the following form:

I have elected to use one or more private providers to provide building code plans review and/or inspection services on the building or structure that is the subject of the enclosed permit application, as authorized by s. 553.791, Florida Statutes. I understand that the local building official may not review the plans submitted or perform the required building inspections to determine compliance with the applicable codes, except to the extent specified in said law. Instead, plans review and/or required building inspections will be performed by licensed or certified personnel identified in the application. The law requires minimum insurance requirements for such personnel, but I understand that I may require more insurance to protect my interests. By executing this form, I acknowledge that I have made inquiry regarding the competence of the licensed or certified personnel and the level of their insurance and am satisfied that my interests are adequately protected. I agree to indemnify, defend, and hold harmless the local
government, the local building official, and their 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, 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. In addition, the fee owner or the fee owner’s contractor shall post at the project site, before or prior to the commencement of construction and updated within 1 business day after any change, on a form to be adopted by the commission, the name, firm, address, telephone number, and facsimile number of each private provider who is performing or will perform building code inspection services, the type of service being performed, and similar information for the primary contact of the private provider on the project.

(5) After construction has commenced and if the local building official is unable to provide inspection services in a timely manner, 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 no less than 7 business days before prior to 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 construction plans to determine compliance with the applicable codes. Upon determining that the plans reviewed comply with the applicable codes, the private provider shall prepare an affidavit or affidavits on a form reasonably acceptable to adopted by the commission 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.

(7)(a) No more than 20 30 business days after receipt of a permit application and the affidavit from the private provider required pursuant to subsection (6), the local building official shall issue the requested permit or provide a written notice to the permit applicant identifying the specific plan features that do not comply with the applicable codes, as well as the specific code chapters and sections. If the local building official does not provide a written notice of the plan deficiencies within the prescribed 20-day 30-day period, the permit application shall be deemed approved as a matter of law, and the permit shall be issued by the local building official on the next business day.

(b) If the local building official provides a written
notice of plan deficiencies to the permit applicant within the prescribed 20-day 30-day period, the 20-day 30-day period shall be tolled pending resolution of the matter. To resolve the plan deficiencies, the permit applicant may elect to dispute the deficiencies pursuant to subsection (13) or to submit revisions to correct the deficiencies.

(c) If the permit applicant submits revisions, the local building official has the remainder of the tolled 20-day 30-day period plus 5 business days from the date of resubmittal to issue the requested permit or to provide a second written notice to the permit applicant stating which of the previously identified plan features remain in noncompliance with the applicable codes, with specific reference to the relevant code chapters and sections. Any subsequent review by the local building official is limited to the deficiencies cited in the written notice. If the local building official does not provide the second written notice within the prescribed time period, the permit shall be deemed approved as a matter of law, and issued by the local building official must issue the permit on the next business day.

(d) If the local building official provides a second written notice of plan deficiencies to the permit applicant within the prescribed time period, the permit applicant may elect to dispute the deficiencies pursuant to subsection (13) or to submit additional revisions to correct the deficiencies. For all revisions submitted after the first revision, the local building official has an additional 5 business days from the date of resubmittal to issue the requested permit or to provide a written notice to the permit applicant stating which of the
previously identified plan features remain in noncompliance with
the applicable codes, with specific reference to the relevant
code chapters and sections.

(18) Each local building code enforcement agency may audit
the performance of building code inspection services by private
providers operating within the local jurisdiction. However, the
same private provider may not be audited more than four times in
a calendar year unless the local building official determines a
condition of a building constitutes an immediate threat to
public safety and welfare. Work on a building or structure may
proceed after inspection and approval by a private provider if
the provider has given notice of the inspection pursuant to
subsection (9) and, subsequent to such inspection and approval,
the work shall not be delayed for completion of an inspection
audit by the local building code enforcement agency.

And the title is amended as follows:

Between lines 493 and 494

insert:

amending s. 553.791, F.S.; providing and revising
definitions; revising legislative intent; prohibiting
a local jurisdiction from charging fees for building
inspections if the fee owner or contractor hires a
private provider; authorizing the local jurisdiction
to charge a reasonable administrative fee; revising
the timeframe within which an owner or contractor must
notify the building official that he or she is using a
certain private provider; revising the type of
affidavit form to be used by certain private providers under certain circumstances; revising the timeframe within which a building official must approve or deny a permit application; specifying the timeframe within which the local building official must issue a certain permit or notice of noncompliance if the permit applicant submits revisions; limiting a building official’s review of a resubmitted permit application to previously identified deficiencies; limiting the number of times a building official may audit a private provider, with exceptions;