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LEGISLATIVE ACTION

Senate

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House

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Senator Lee moved the following:

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

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4           Between lines 413 and 414  
5 insert:

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

9           553.791 Alternative plans review and inspection.—

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

11           (a) "Applicable codes" means the Florida Building Code and



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12 any local technical amendments to the Florida Building Code but  
13 does not include the applicable minimum fire prevention and  
14 firesafety codes adopted pursuant to chapter 633.

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

25 (c) "Building" means any construction, erection,  
26 alteration, demolition, or improvement of, or addition to, any  
27 structure or site work for which permitting by a local  
28 enforcement agency is required.

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

37 (e) "Duly authorized representative" means an agent of the  
38 private provider identified in the permit application who  
39 reviews plans or performs inspections as provided by this  
40 section and who is licensed as an engineer under chapter 471 or



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41 as an architect under chapter 481 or who holds a standard  
42 certificate under part XII of chapter 468.

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

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

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

- 65 1. The plans reviewed by the private provider.
- 66 2. The affidavit from the private provider required under  
67 subsection (6).
- 68 3. Any applicable fees.
- 69 4. Any documents required by the local building official to



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70 determine that the fee owner has secured all other government  
71 approvals required by law.

72 (i) "Plans" means building plans, site engineering plans,  
73 or site plans, or their functional equivalent, submitted by a  
74 fee owner or fee owner's contractor to a private provider or  
75 duly authorized representative for review.

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

84 (k)-~~j~~ "Request for certificate of occupancy or certificate  
85 of completion" means a properly completed and executed  
86 application for:

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

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

98 (m)-~~k~~ "Stop-work order" means the issuance of any written



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99 statement, written directive, or written order which states the  
100 reason for the order and the conditions under which the cited  
101 work will be permitted to resume.

102 (2)

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

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

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

125 (b) The name, firm, address, telephone number, and  
126 facsimile number of each private provider who is performing or  
127 will perform such services, his or her professional license or



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128 certification number, qualification statements or resumes, and,  
129 if required by the local building official, a certificate of  
130 insurance demonstrating that professional liability insurance  
131 coverage is in place for the private provider's firm, the  
132 private provider, and any duly authorized representative in the  
133 amounts required by this section.

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

136

137 I have elected to use one or more private providers to  
138 provide building code plans review and/or inspection  
139 services on the building or structure that is the  
140 subject of the enclosed permit application, as  
141 authorized by s. 553.791, Florida Statutes. I  
142 understand that the local building official may not  
143 review the plans submitted or perform the required  
144 building inspections to determine compliance with the  
145 applicable codes, except to the extent specified in  
146 said law. Instead, plans review and/or required  
147 building inspections will be performed by licensed or  
148 certified personnel identified in the application. The  
149 law requires minimum insurance requirements for such  
150 personnel, but I understand that I may require more  
151 insurance to protect my interests. By executing this  
152 form, I acknowledge that I have made inquiry regarding  
153 the competence of the licensed or certified personnel  
154 and the level of their insurance and am satisfied that  
155 my interests are adequately protected. I agree to  
156 indemnify, defend, and hold harmless the local



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157 government, the local building official, and their  
158 building code enforcement personnel from any and all  
159 claims arising from my use of these licensed or  
160 certified personnel to perform building code  
161 inspection services with respect to the building or  
162 structure that is the subject of the enclosed permit  
163 application.

164  
165 If the fee owner or the fee owner's contractor makes any changes  
166 to the listed private providers or the services to be provided  
167 by those private providers, the fee owner or the fee owner's  
168 contractor shall, within 1 business day after any change, update  
169 the notice to reflect such changes. A change of a duly  
170 authorized representative named in the permit application does  
171 not require a revision of the permit, and the building code  
172 enforcement agency shall not charge a fee for making the change.  
173 In addition, the fee owner or the fee owner's contractor shall  
174 post at the project site, before ~~prior to~~ the commencement of  
175 construction and updated within 1 business day after any change,  
176 on a form to be adopted by the commission, the name, firm,  
177 address, telephone number, and facsimile number of each private  
178 provider who is performing or will perform building code  
179 inspection services, the type of service being performed, and  
180 similar information for the primary contact of the private  
181 provider on the project.

182 (5) After construction has commenced and if the local  
183 building official is unable to provide inspection services in a  
184 timely manner, the fee owner or the fee owner's contractor may  
185 elect to use a private provider to provide inspection services



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186 by notifying the local building official of the owner's or  
187 contractor's intention to do so by 2 p.m. local time, 2 no less  
188 ~~than 7~~ business days before ~~prior to~~ the next scheduled  
189 inspection using the notice provided for in paragraphs (4) (a)-  
190 (c).

191 (6) A private provider performing plans review under this  
192 section shall review the ~~construction~~ plans to determine  
193 compliance with the applicable codes. Upon determining that the  
194 plans reviewed comply with the applicable codes, the private  
195 provider shall prepare an affidavit or affidavits on a form  
196 reasonably acceptable to ~~adopted by~~ the commission certifying,  
197 under oath, that the following is true and correct to the best  
198 of the private provider's knowledge and belief:

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

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

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

214 (b) If the local building official provides a written





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215 notice of plan deficiencies to the permit applicant within the  
216 prescribed 20-day ~~30-day~~ period, the 20-day ~~30-day~~ period shall  
217 be tolled pending resolution of the matter. To resolve the plan  
218 deficiencies, the permit applicant may elect to dispute the  
219 deficiencies pursuant to subsection (13) or to submit revisions  
220 to correct the deficiencies.

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

235 (d) If the local building official provides a second  
236 written notice of plan deficiencies to the permit applicant  
237 within the prescribed time period, the permit applicant may  
238 elect to dispute the deficiencies pursuant to subsection (13) or  
239 to submit additional revisions to correct the deficiencies. For  
240 all revisions submitted after the first revision, the local  
241 building official has an additional 5 business days from the  
242 date of resubmittal to issue the requested permit or to provide  
243 a written notice to the permit applicant stating which of the



244 previously identified plan features remain in noncompliance with  
245 the applicable codes, with specific reference to the relevant  
246 code chapters and sections.

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

259  
260 ===== T I T L E A M E N D M E N T =====

261 And the title is amended as follows:

262 Between lines 493 and 494

263 insert:

264 amending s. 553.791, F.S.; providing and revising  
265 definitions; revising legislative intent; prohibiting  
266 a local jurisdiction from charging fees for building  
267 inspections if the fee owner or contractor hires a  
268 private provider; authorizing the local jurisdiction  
269 to charge a reasonable administrative fee; revising  
270 the timeframe within which an owner or contractor must  
271 notify the building official that he or she is using a  
272 certain private provider; revising the type of



273 affidavit form to be used by certain private providers  
274 under certain circumstances; revising the timeframe  
275 within which a building official must approve or deny  
276 a permit application; specifying the timeframe within  
277 which the local building official must issue a certain  
278 permit or notice of noncompliance if the permit  
279 applicant submits revisions; limiting a building  
280 official's review of a resubmitted permit application  
281 to previously identified deficiencies; limiting the  
282 number of times a building official may audit a  
283 private provider, with exceptions;