	LEGISLATIVE ACTION	
Senate		House
Comm: RCS		
04/21/2021		
	•	
	•	
	•	

The Committee on Rules (Brodeur) recommended the following:

Senate Amendment (with title amendment)

1 2 3

4

5

6

8

9

10

11

Delete lines 460 - 930

and insert:

(b) The commission may issue errata to the code pursuant to the rule adoption procedures in chapter 120 to list demonstrated errors in provisions contained within the Florida Building Code. The determination of such errors and the issuance of errata to the code must be approved by a 75 percent supermajority vote of the commission. For purposes of this paragraph, "errata to the code" means a list of errors in current and previous editions of



the Florida Building Code.

12

13 14

15

16 17

18 19

2.0 21

22

23

24

25

26

27

28

29

30

31

32

33 34

35

36

37

38

39

40

Section 4. Subsection (7) of section 553.77, Florida Statutes, is amended to read:

553.77 Specific powers of the commission.

(7) Building officials shall recognize and enforce variance orders issued by the Department of Health under s. 514.0115(9) pursuant to s. 514.0115(8), including any conditions attached to the granting of the variance.

Section 5. Paragraph (d) is added to subsection (1) of section 553.79, Florida Statutes, and subsection (23) is added to that section, to read:

553.79 Permits; applications; issuance; inspections.-(1)

- (d) A local government may not require a contract between a builder and an owner for the issuance of a building permit or as a requirement for the submission of a building permit application.
- (23) Notwithstanding any law, regulation or ordinance, a local government may not prohibit or otherwise restrict the ability of a property owner to obtain a building permit to demolish and replace any single-family residential dwelling located in a coastal high hazard area, moderate flood zone, or special flood hazard area according to the Federal Emergency Management Agency's Flood Insurance Rate Map if the lowest floor elevation of the dwelling is at or below the property's base flood elevation plus one foot pursuant to Florida Building Code or pursuant to local ordinance, whichever is higher, and all other Florida Building Code requirements are met. Demolition permits issued under this section may only be reviewed

43

44

45

46

47

48

49

50 51

52

53

54

55

56

57

58 59

60

61 62

63

64

65

66

67

68

69



administratively for compliance with the Florida Building Code and other applicable construction regulations, and are not subject to any additional land development regulation or zoning approval that requires a public hearing before the issuance of the permit. Local governments may not impose additional regulatory requirements on the replacement single-family residential dwelling which would not otherwise be applicable to a similarly situated vacant parcel and may not penalize the owner for such demolition.

Section 6. Present subsections (10) through (19) of section 553.791, Florida Statutes, are redesignated as subsections (11) through (20), respectively, a new subsection (10) and subsection (21) are added to that section, and subsection (1), paragraph (b) of subsection (2), subsections (3), (4), and (6), paragraphs (b) and (d) of subsection (7), subsections (8) and (9), and present subsections (10), (11), (12), (14), and (15) 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 submitted with affixed to the permit documents and that the minimum mandatory inspections required under the building code have been performed

71

72

73

74

75

76

77

78 79

80

81

82

83

84

85

86 87

88

89

90

91 92

93

94

95

96

97

98



and properly recorded. The local building official may not 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, 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.
- (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 certificate under part XII of chapter 468.
- (g) "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.

100

101

102

103

104

105

106

107

108

109

110

111

112

113

114

115

116

117

118

119

120

121

122

123

124

125

126

127



- (h) "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.
- (i) "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.
- (j) (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.
- (k) (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,

129

130

131

132

133

134

135

136

137

138

139

140 141

142

143 144

145 146

147

148

149 150

151 152

153

154

155

156



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.

- (1) (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.
- (m) (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.
- (n) (i) "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.
- (o) "Qualified private provider" means a private provider who has previously performed plans review and inspection services in the local jurisdiction and has registered with the

158

159 160

161

162

163

164

165 166

167

168

169

170

171

172

173 174

175

176

177

178

179

180

181 182

183

184

185



local enforcing $\underline{\text{agency by providing the local building official}}$ with the private provider's name, firm, address, telephone number, and e-mail address; 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. This information must be submitted on an annual basis to the local jurisdiction in order to maintain qualifying status. If at any time any of the information submitted to the local jurisdiction changes, the private provider must contact the local jurisdiction and update the information within 10 business days after the change. The local jurisdiction is required to keep a registry of active qualified private providers.

(p) (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 (12) $\frac{(11)}{(11)}$.
 - 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.
- (q) "Single-trade inspection" means any inspection focused on a single construction trade, such as plumbing, mechanical, or electrical. The term includes, but is not limited to,



inspections of door or window replacements; fences and block walls more than 6 feet high from the top of the wall to the bottom of the footing; stucco or plastering; reroofing with no structural alteration; HVAC replacements; ductwork or fan replacements; alteration or installation of wiring, lighting, and service panels; water heater changeouts; sink replacements; and repiping.

(r) (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.

(s) (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)

186

187

188

189 190

191

192

193

194 195

196

197

198 199

200

201

202

203

204

205

206

207

208

209

210

211

212 213

214

(b) If an owner or contractor retains a private provider for purposes of plans review or building inspection services, the local jurisdiction must reduce the permit fee by the amount of cost savings realized by the local enforcement agency for not having to perform such services. Such reduction may be calculated on a flat fee or percentage basis, or any other reasonable means by which a local enforcement agency assesses the cost for its plans review or inspection services It is the intent of the Legislature that owners and contractors pay reduced fees 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

216

217

218

219

220

221

222

223

224

225

226

227

228

229

230

231

232

233

234

235

236 237

238

239

240

241

242

243



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 to perform such services; however, the local jurisdiction may charge a reasonable administrative fee.

- (3) A private provider and any duly authorized representative may only perform building code inspection services that are within the disciplines covered by that person's licensure or certification under chapter 468, chapter 471, or chapter 481, including single-trade inspections. A private provider may not provide building code inspection services pursuant to this section upon any building designed or constructed by the private provider or the private provider's firm.
- (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 in writing at the time of permit application, or by 2 p.m. local time, 2 business days before the first scheduled inspection by the local building official or building code enforcement agency that for a private provider has been contracted to perform the performing required inspections of construction under this section, including single-trade inspections, 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 e-mail address 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.

251 252

253

254

255

256

257

258

244

245

246 247

248

249

250

However, the notice is not required to include such information for private providers who are qualified private providers within the local jurisdiction and have renewed such designation pursuant to this section.

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

259 260

261

262

263

264

265

266

2.67

268

269

270

271 272

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.

287 288

289

290

291

292

293

294

295

296

297

298

299

300

301

273

274

275

276

277

278

279

280

281

282

283 284

285

286

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. In addition, the fee owner or the fee owner's contractor shall post at the project site, before 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.

- (6) A private provider performing plans review under this section shall review the 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 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.

318 319

320

321

322

323

324

325

326

327

328

329

330

302

303

304

305

306

307

308 309

310

311

312

313

314

315

316

317

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

(7)

- (b) If the local building official provides a written notice of plan deficiencies to the permit applicant within the prescribed 20-day period, the 20-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 (14) (13) or to submit revisions to correct the deficiencies.
- (d) If the local building official provides a second written notice of plan deficiencies to the permit applicant

332

333

334 335

336

337

338

339

340

341

342

343

344

345

346

347

348

349

350

351

352

353

354

355

356

357

358

359



within the prescribed time period, the permit applicant may elect to dispute the deficiencies pursuant to subsection (14) (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.

- (8) A private provider performing required inspections under this section shall inspect each phase of construction as required by the applicable codes. Such inspection may be performed in-person or virtually. The private provider may have shall be permitted to send a duly authorized representative to the building site to perform the required inspections, provided all required reports are prepared by and bear the written or electronic signature of the private provider or the private provider's duly authorized representative. The duly authorized representative must be an employee of the private provider entitled to receive reemployment assistance benefits under chapter 443. The contractor's contractual or legal obligations are not relieved by any action of the private provider.
- (9) A private provider performing required inspections under this section shall provide notice to the local building official of the date and approximate time of any such inspection no later than the prior business day by 2 p.m. local time or by any later time permitted by the local building official in that jurisdiction. The local building official may not prohibit the

361

362

363

364

365

366

367

368 369

370

371

372

373

374

375

376

377

378

379 380

381

382

383 384

385

386

387

388



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 at the job site by the private provider, 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 representative before being concealed. Reinspection or reaudit fees shall not be charged by the local jurisdiction as a result of the local jurisdiction's audit inspection occurring before the performance of the private provider's inspection or for any other administrative matter not involving the detection of a violation of the building code or a permit requirement.

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

(11) (10) Upon completing the required inspections at each

390

391

392

393

394

395

396

397 398

399

400 401

402

403

404

405

406

407

408

409

410

411

412

413

414

415

416 417



applicable phase of construction, the private provider shall record such inspections on a form acceptable to the local building official. The form must bear the written or electronic signature of be signed by the provider or the provider's duly authorized representative. These inspection records shall reflect those inspections required by the applicable codes of each phase of construction for which permitting by a local enforcement agency is required. The private provider, upon completion of the required inspection before leaving the project site, shall post each completed inspection record, indicating pass or fail, at the site and provide the record to the local building official within 2 business days. Such inspection record may be electronically posted by the private provider or the private provider may post such inspection record physically at the project site. The private provider may electronically transmit the record to the local building official. The local building official may waive the requirement to provide a record of each inspection within 2 business days if the record is electronically posted or posted at the project site and all such inspection records are submitted with the certificate of compliance. Unless the records have been electronically posted, records of all required and completed inspections shall be maintained at the building site at all times and made available for review by the local building official. The private provider shall report to the local enforcement agency any condition that poses an immediate threat to public safety and welfare. (12) (11) Upon completion of all required inspections, the

private provider shall prepare a certificate of compliance, on a

form acceptable to the local building official, summarizing the



inspections performed and including a written representation, under oath, that the stated inspections have been performed and that, to the best of the private provider's knowledge and belief, the building construction inspected complies with the approved plans and applicable codes. 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:

427 428

429

430

431

432

418

419

420

421

422

423

424

425

426

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.

433 434

435 436

437

438

439

440

441

442

443

444

445

446

(13) (12) No more than 2 business days after receipt of a request for a certificate of occupancy or certificate of completion and the applicant's presentation of a certificate of compliance and approval of all other government approvals required by law, the local building official shall issue the certificate of occupancy or certificate of completion or provide a notice to the applicant identifying the specific deficiencies, as well as the specific code chapters and sections. If the local building official does not provide notice of the deficiencies within the prescribed 2-day period, the request for a certificate of occupancy or certificate of completion shall be deemed granted and the certificate of occupancy or certificate of completion shall be issued by the local building official on

448

449

450

451

452

453

454

455

456

457

458 459

460

461

462

463 464

465 466

467

468

469

470

471

472

473

474

475



the next business day. To resolve any identified deficiencies, the applicant may elect to dispute the deficiencies pursuant to subsection (14) (13) or to submit a corrected request for a certificate of occupancy or certificate of completion.

- (15) (14) For the purposes of this section, any notice to be provided by the local building official shall be deemed to be provided to the person or entity when successfully transmitted to the e-mail address facsimile number listed for that person or entity in the permit application or revised permit application, or, if no e-mail address facsimile number is stated, when actually received by that person or entity.
- (16) (a) (15) (a) A local enforcement agency, local building official, or local government may not adopt or enforce any laws, rules, procedures, policies, qualifications, or standards more stringent than those prescribed by this section.
- (b) A local enforcement agency, local building official, or local government may establish, for private providers and duly authorized representatives working within that jurisdiction, a system of registration to verify compliance with the licensure requirements of paragraph (1)(n) $\frac{(1)(j)}{(j)}$ and the insurance requirements of subsection (17). Such registration must be distinct from the registry of qualified private providers (16).
- (c) This section does not limit the authority of the local 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.
- (21) Notwithstanding any other law, a county, a municipality, a school district, or an independent special

477

478

479

480

481

482

483

484

485

486

487

488

489

490

491

492

493

494

495

496

497

498

499

500

501 502

503

504



district may elect to use a private provider to provide building code inspection services for a public works project, an improvement, a building, or any other structure that is owned by the county, municipality, school district, or independent special district.

Section 7. Paragraph (a) of subsection (8) and subsection (14) of section 553.842, Florida Statutes, are amended to read: 553.842 Product evaluation and approval.-

- (8) The commission may adopt rules to approve the following types of entities that produce information on which product approvals are based. All of the following entities, including engineers and architects, must comply with a nationally recognized standard demonstrating independence or no conflict of interest:
- (a) Evaluation entities approved under pursuant to this paragraph or that meet the criteria for approval adopted by the commission by rule. The commission shall specifically approve the National Evaluation Service, the International Association of Plumbing and Mechanical Officials Evaluation Service, the International Code Council Evaluation Services, Underwriters Laboratories, LLC, Intertek Testing Services NA, Inc., and the Miami-Dade County Building Code Compliance Office Product Control Division. Architects and engineers licensed in this state are also approved to conduct product evaluations as provided in subsection (5).
- (14) The commission shall by rule establish criteria for revocation of product approvals as well as suspension revocation of approvals of product evaluation entities, including those approved pursuant to paragraph (8)(a), and suspension or



revocation of approvals of testing laboratories, quality assurance entities, certification agencies, and validation entities. Suspension and revocation is governed by s. 120.60 and the uniform rules of procedure.

508 509 510

511

512

514 515

516

517

518

519

520

521

522

523

524

525

526

527

528

529

530

531

532

533

505

506

507

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

And the title is amended as follows:

Delete lines 47 - 81

513 and insert:

> of a building permit; prohibiting local governments from taking certain actions relating to building permits to demolish and replace single-family residential dwellings located in certain flood zones; providing requirements for such permits; amending s. 553.791, F.S.; revising and defining terms; providing requirements for qualified private providers; requiring local jurisdictions to reduce permit fees under certain circumstances; deleting legislative intent; specifying that contractors using private providers to provide building code inspections services must notify local building officials in writing; revising notice requirements; deleting a provision requiring fee owners or fee owners' contractors to post certain information at a project site before commencing construction; authorizing certain affidavits to be signed with electronic signatures and be submitted to local building officials electronically; authorizing certain inspections to be performed in-person or virtually;

535

536

537

538

539

540

541

542

543

544

545

546

547

548

549

550

551

552

553

554

555

556

557



authorizing certain reports to be signed with electronic signatures; authorizing certain notices to be electronically posted; authorizing private providers to perform certain replacements and repairs without first notifying local building officials under certain circumstances; authorizing certain forms to be signed with electronic signatures; authorizing certain inspection records to be electronically posted and electronically submitted to local building officials; authorizing certificates of compliance to be electronically transmitted to local building officials; specifying that a certain registry must be distinct from the registry of qualified private providers; conforming provisions to changes made by the act; authorizing a county, a municipality, a school district, or an independent special district to use a private provider to provide building code inspection services for certain purposes; amending s. 553.842, F.S.; requiring evaluation entities that meet certain criteria to comply with certain standards; revising rulemaking requirements relating to suspensions and revocations by the commission; specifying that suspensions are governed by specified provisions;