

**By** the Committees on Appropriations; and Community Affairs; and  
Senators Brodeur and Perry

576-04235-21

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1                                   A bill to be entitled  
2       An act relating to the Florida Building Code; amending  
3       s. 381.0065, F.S.; authorizing fee owners or fee  
4       owners' contractors to select private providers to  
5       provide inspection services for onsite sewage  
6       treatment and disposal systems if certain requirements  
7       are met; providing legislative intent; requiring the  
8       Department of Health to reduce certain permit fees;  
9       prohibiting the department from charging inspection  
10      fees if the fee owner or contractor hires a private  
11      provider to perform an inspection; providing  
12      requirements for private providers or duly authorized  
13      representatives of private providers performing such  
14      inspections; requiring fee owners or contractors to  
15      provide specified notice to the department when using  
16      a private provider for such inspections; providing  
17      requirements for the contents of such notice;  
18      prohibiting the department from charging a fee for  
19      changing the duly authorized representative named in a  
20      permit application; authorizing the department to  
21      audit the performance of private providers; providing  
22      requirements relating to work on a building, a  
23      structure, or an onsite sewage treatment and disposal  
24      system relating to such audits; amending s. 514.0115,  
25      F.S.; prohibiting the Department of Health from  
26      requiring that pools serving assisted living  
27      facilities be compliant with rules relating to  
28      swimming pool lifeguards; amending s. 553.73, F.S.;  
29      authorizing a substantially affected person to file a

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30 petition with the Florida Building Commission to  
31 review certain local government regulations, laws,  
32 ordinances, policies, amendments, or land use or  
33 zoning provisions; defining the term "local  
34 government"; providing requirements for the petition  
35 and commission; requiring the commission to issue a  
36 nonbinding advisory opinion within a specified  
37 timeframe; prohibiting a municipality, county, or  
38 special district from using preliminary maps issued by  
39 the Federal Emergency Management Agency for certain  
40 purposes relating to land use changes; authorizing the  
41 commission to issue errata to the code; defining the  
42 term "errata to the code"; making technical changes;  
43 amending s. 553.77, F.S.; conforming a cross-  
44 reference; amending s. 553.79, F.S.; prohibiting a  
45 local government from requiring certain contracts for  
46 the application for or issuance  
47 of a building permit; amending s. 553.791, F.S.;  
48 revising and defining terms; providing requirements  
49 for qualified private providers; requiring local  
50 jurisdictions to reduce permit fees under certain  
51 circumstances; deleting legislative intent; specifying  
52 that contractors using private providers to provide  
53 building code inspections services must notify local  
54 building officials in writing; revising notice  
55 requirements; deleting a provision requiring fee  
56 owners or fee owners' contractors to post certain  
57 information at a project site before commencing  
58 construction; authorizing certain affidavits to be

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59 signed with electronic signatures and be submitted to  
60 local building officials electronically; authorizing  
61 certain inspections to be performed in-person or  
62 virtually; authorizing certain reports to be signed  
63 with electronic signatures; authorizing certain  
64 notices to be electronically posted; authorizing  
65 private providers to perform certain replacements and  
66 repairs without first notifying local building  
67 officials under certain circumstances; authorizing  
68 certain forms to be signed with electronic signatures;  
69 authorizing certain inspection records to be  
70 electronically posted and electronically submitted to  
71 local building officials; authorizing certificates of  
72 compliance to be electronically transmitted to local  
73 building officials; specifying that a certain registry  
74 must be distinct from the registry of qualified  
75 private providers; conforming provisions to changes  
76 made by the act; authorizing a county, a municipality,  
77 a school district, or an independent special district  
78 to use a private provider to provide building code  
79 inspection services for certain purposes; amending s.  
80 553.842, F.S.; requiring evaluation entities that meet  
81 certain criteria to comply with certain standards;  
82 amending ss. 125.01 and 125.56, F.S.; conforming  
83 cross-references; making technical changes; providing  
84 an effective date.

85

86 Be It Enacted by the Legislature of the State of Florida:

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88 Section 1. Subsection (8) is added to section 381.0065,  
89 Florida Statutes, to read:

90 381.0065 Onsite sewage treatment and disposal systems;  
91 regulation.—

92 (8) PRIVATE PROVIDER INSPECTION SERVICES.—

93 (a) Notwithstanding any other law, ordinance, or policy,  
94 the fee owner of an onsite sewage treatment and disposal system,  
95 or the fee owner's contractor upon written authorization from  
96 the fee owner, may select a private provider to provide  
97 inspection services for onsite sewage treatment and disposal  
98 systems and may pay the private provider directly for such  
99 services if such services are the subject of a written contract  
100 between the private provider, or the private provider's firm,  
101 and the fee owner or the fee owner's contractor, upon written  
102 authorization of the fee owner.

103 (b) It is the intent of the Legislature that owners and  
104 contractors pay reduced fees related to onsite sewage treatment  
105 disposal system inspections when selecting a private provider to  
106 provide such inspections. The department must calculate the cost  
107 savings to the department based on a fee owner or contractor  
108 hiring a private provider to perform inspections in lieu of the  
109 department and reduce permit fees accordingly. The department  
110 may not charge fees for an inspection if the fee owner or  
111 contractor hires a private provider to perform the inspection.

112 (c) Onsite sewage treatment and disposal system inspection  
113 services may be performed only by a private provider or a duly  
114 authorized representative of a private provider within the  
115 disciplines covered under such person's licensure or if the  
116 person is certified under s. 381.0101, is a master septic

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117 contractor licensed pursuant to chapter 489, is a professional  
118 engineer who has passed all three parts of the OSTDS Accelerated  
119 Certification Training, or is a person working as staff under  
120 the supervision of a licensed professional engineer and has  
121 passed all three parts of the OSTDS Accelerated Certification  
122 Training.

123 (d)1. A fee owner or the fee owner's contractor using a  
124 private provider for onsite sewage treatment and disposal system  
125 inspection services must provide notice to the department at the  
126 time of permit application, or by 2 p.m. local time, 2 business  
127 days before the first scheduled inspection by the department.  
128 The notice must include the following information:

129 a. The name, firm, address, telephone number, and e-mail  
130 address of each private provider who is performing or will  
131 perform such services, the private provider's professional  
132 license or certification number, and qualification statements or  
133 resumes for each private provider; and

134 b. 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 onsite sewage treatment and disposal system  
139 inspection services that are the subject of the  
140 enclosed permit application. I understand that the  
141 department may not perform the required onsite sewage  
142 treatment and disposal system inspections to determine  
143 compliance with the applicable codes, except to the  
144 extent authorized by law. Instead, inspections will be  
145 performed by the licensed or certified personnel

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146 identified in the application. By executing this form,  
147 I acknowledge that I have made inquiry regarding the  
148 competence of the licensed or certified personnel and  
149 am satisfied that my interests are adequately  
150 protected. I agree to indemnify, defend, and hold  
151 harmless the department from any and all claims  
152 arising from my use of these licensed or certified  
153 personnel to perform onsite sewage treatment and  
154 disposable system inspections with respect to the  
155 onsite sewage treatment and disposable system that are  
156 the subject of the enclosed permit application.

157  
158 2. If the fee owner or the fee owner's contractor makes any  
159 changes to the listed private providers or the services to be  
160 provided by the private providers, the fee owner or the fee  
161 owner's contractor must update the notice to reflect the change  
162 within 1 business day after the change. A change of a duly  
163 authorized representative named in the permit application does  
164 not require a revision of the permit and the department may not  
165 charge a fee for making such change.

166 (e) The department may audit the performance of onsite  
167 sewage treatment and disposal system inspection services by  
168 private providers. However, the same private provider may not be  
169 audited more than four times in a month unless the department  
170 determines that an onsite sewage treatment and disposal system  
171 inspected by the private provider should not have passed  
172 inspection. Work on a building, a structure, or an onsite sewage  
173 treatment and disposal system may proceed after inspection and  
174 approval by a private provider if the fee owner or fee owner's

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175 contractor has given notice of the inspection pursuant to  
176 subsection (4) and, subsequent to such inspection and approval,  
177 may not be delayed for completion of an inspection audit by the  
178 department.

179 Section 2. Present subsections (3) through (8) of section  
180 514.0115, Florida Statutes, are redesignated as subsections (4)  
181 through (9), respectively, and a new subsection (3) is added to  
182 that section, to read:

183 514.0115 Exemptions from supervision or regulation;  
184 variances.—

185 (3) The department may not require compliance with rules  
186 relating to swimming pool lifeguard standards for pools serving  
187 assisted living facilities.

188 Section 3. Subsections (4), (5), and (8) of section 553.73,  
189 Florida Statutes, are amended to read:

190 553.73 Florida Building Code.—

191 (4) (a) All entities authorized to enforce the Florida  
192 Building Code under ~~pursuant to~~ s. 553.80 shall comply with  
193 applicable standards for issuance of mandatory certificates of  
194 occupancy, minimum types of inspections, and procedures for  
195 plans review and inspections as established by the commission by  
196 rule. Local governments may adopt amendments to the  
197 administrative provisions of the Florida Building Code, subject  
198 to the limitations in ~~of~~ this subsection ~~paragraph~~. Local  
199 amendments must ~~shall~~ be more stringent than the minimum  
200 standards described in this section ~~herein~~ and must ~~shall~~ be  
201 transmitted to the commission within 30 days after enactment.  
202 The local government shall make such amendments available to the  
203 general public in a usable format. The State Fire Marshal is

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204 responsible for establishing the standards and procedures  
205 required in this subsection ~~paragraph~~ for governmental entities  
206 with respect to applying the Florida Fire Prevention Code and  
207 the Life Safety Code.

208 (b) Local governments may, subject to the limitations in ~~of~~  
209 this section and not more than once every 6 months, adopt  
210 amendments to the technical provisions of the Florida Building  
211 Code that ~~which~~ apply solely within the jurisdiction of such  
212 government and that ~~which~~ provide for more stringent  
213 requirements than those specified in the Florida Building Code, ~~r~~  
214 ~~not more than once every 6 months~~. A local government may adopt  
215 technical amendments that address local needs if:

216 1. The local governing body determines, following a public  
217 hearing which has been advertised in a newspaper of general  
218 circulation at least 10 days before the hearing, that there is a  
219 need to strengthen the requirements of the Florida Building  
220 Code. The determination must be based upon a review of local  
221 conditions by the local governing body, which review  
222 demonstrates by evidence or data that the geographical  
223 jurisdiction governed by the local governing body exhibits a  
224 local need to strengthen the Florida Building Code beyond the  
225 needs or regional variation addressed by the Florida Building  
226 Code, that the local need is addressed by the proposed local  
227 amendment, and that the amendment is no more stringent than  
228 necessary to address the local need.

229 2. Such additional requirements are not discriminatory  
230 against materials, products, or construction techniques of  
231 demonstrated capabilities.

232 3. Such additional requirements may not introduce a new

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233 subject not addressed in the Florida Building Code.

234 (c)4. The enforcing agency shall make readily available, in  
235 a usable format, all amendments adopted under ~~pursuant to~~ this  
236 section.

237 (d)5. Any amendment to the Florida Building Code shall be  
238 transmitted within 30 days after adoption by the ~~adopting~~ local  
239 government to the commission. The commission shall maintain  
240 copies of all such amendments in a format that is usable and  
241 obtainable by the public. Local technical amendments are ~~shall~~  
242 not ~~become~~ effective until 30 days after the amendment has been  
243 received and published by the commission.

244 (e)6. ~~An Any~~ amendment to the Florida Building Code adopted  
245 by a local government under ~~pursuant to~~ this subsection is  
246 ~~paragraph shall be~~ effective only until the adoption ~~by the~~  
247 ~~commission~~ of the new edition of the Florida Building Code by  
248 the commission every third year. At such time, the commission  
249 shall review such amendment for consistency with the criteria in  
250 paragraph (9) (a) and adopt such amendment as part of the Florida  
251 Building Code or rescind the amendment. The commission shall  
252 immediately notify the respective local government of the  
253 rescission of any amendment. After receiving such notice, the  
254 respective local government may readopt the rescinded amendment  
255 under ~~pursuant to~~ the provisions of this subsection ~~paragraph~~.

256 (f)7. Each county and municipality desiring to make local  
257 technical amendments to the Florida Building Code shall ~~by~~  
258 ~~interlocal agreement~~ establish by interlocal agreement a  
259 countywide compliance review board to review any amendment to  
260 the Florida Building Code that is, adopted by a local government  
261 within the county under ~~pursuant to~~ this subsection and

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262 ~~paragraph,~~ that is challenged by a ~~any~~ substantially affected  
263 party for purposes of determining the amendment's compliance  
264 with this subsection ~~paragraph~~. If challenged, the local  
265 technical amendments are ~~shall~~ not ~~become~~ effective until the  
266 time for filing an appeal under paragraph (g) ~~pursuant to~~  
267 ~~subparagraph 8.~~ has expired or, if there is an appeal, until the  
268 commission issues its final order determining if the adopted  
269 amendment is in compliance with this subsection.

270 (g) 8. If the compliance review board determines such  
271 amendment is not in compliance with this subsection ~~paragraph~~,  
272 the compliance review board shall notify such local government  
273 of the noncompliance and that the amendment is invalid and  
274 unenforceable until the local government corrects the amendment  
275 to bring it into compliance. The local government may appeal the  
276 decision of the compliance review board to the commission. If  
277 the compliance review board determines that such amendment is ~~to~~  
278 ~~be~~ in compliance with this subsection ~~paragraph~~, any  
279 substantially affected party may appeal such determination to  
280 the commission. Any such appeal must ~~shall~~ be filed with the  
281 commission within 14 days after ~~of~~ the board's written  
282 determination. The commission shall promptly refer the appeal to  
283 the Division of Administrative Hearings by electronic means  
284 through the division's website for the assignment of an  
285 administrative law judge. The administrative law judge shall  
286 conduct the required hearing within 30 days after being assigned  
287 to the appeal, and shall enter a recommended order within 30  
288 days after ~~of~~ the conclusion of such hearing. The commission  
289 shall enter a final order within 30 days after an order is  
290 rendered ~~thereafter~~. ~~The provisions of Chapter 120 and the~~

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291 uniform rules of procedure shall apply to such proceedings. The  
292 local government adopting the amendment that is subject to  
293 challenge has the burden of proving that the amendment complies  
294 with this subsection ~~paragraph~~ in proceedings before the  
295 compliance review board and the commission, as applicable.  
296 Actions of the commission are subject to judicial review under  
297 ~~pursuant to~~ s. 120.68. The compliance review board shall  
298 determine whether its decisions apply to a respective local  
299 jurisdiction or apply countywide.

300 (h)9. An amendment adopted under this subsection ~~paragraph~~  
301 must ~~shall~~ include a fiscal impact statement that ~~which~~  
302 documents the costs and benefits of the proposed amendment.  
303 Criteria for the fiscal impact statement shall include the  
304 impact to local government relative to enforcement and,~~7~~ the  
305 impact to property and building owners and,~~as well as to~~  
306 industry,~~7~~ relative to the cost of compliance. The fiscal impact  
307 statement may not be used as a basis for challenging the  
308 amendment for compliance.

309 (i)10. In addition to paragraphs (f) and (g) ~~subparagraphs~~  
310 ~~7. and 9.~~, the commission may review any amendments adopted  
311 under ~~pursuant to~~ this subsection and make nonbinding  
312 recommendations related to compliance of such amendments with  
313 this subsection.

314 (j)(e) Any amendment adopted by a local enforcing agency  
315 under ~~pursuant to~~ this subsection may ~~shall~~ not apply to state  
316 or school district owned buildings, manufactured buildings or  
317 factory-built school buildings approved by the commission, or  
318 prototype buildings approved under ~~pursuant to~~ s. 553.77(3). The  
319 respective responsible entities shall consider the physical

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320 performance parameters substantiating such amendments when  
321 designing, specifying, and constructing such exempt buildings.

322 (k)~~(d)~~ A technical amendment to the Florida Building Code  
323 related to water conservation practices or design criteria  
324 adopted by a local government under ~~pursuant to~~ this subsection  
325 is not ~~rendered~~ void when the code is updated if the technical  
326 amendment is necessary to protect or provide for more efficient  
327 use of water resources as provided in s. 373.621. However, any  
328 such technical amendment carried forward into the next edition  
329 of the code under ~~pursuant to~~ this paragraph is subject to  
330 review or modification as provided in this part.

331 (l) If a local government adopts a regulation, law,  
332 ordinance, policy, amendment, or land use or zoning provision  
333 without using the process established in this subsection, and a  
334 substantially affected person considers such regulation, law,  
335 ordinance, policy, amendment, or land use or zoning provision to  
336 be a technical amendment to the Florida Building Code, then the  
337 substantially affected person may submit a petition to the  
338 commission for a nonbinding advisory opinion. If a substantially  
339 affected person submits a request in accordance with this  
340 paragraph, the commission shall issue a nonbinding advisory  
341 opinion stating whether or not the commission interprets the  
342 regulation, law, ordinance, policy, amendment, or land use or  
343 zoning provision as a technical amendment to the Florida  
344 Building Code. As used in this paragraph, the term "local  
345 government" means a county, municipality, special district, or  
346 political subdivision of the state.

347 1. Requests to review a local government regulation, law,  
348 ordinance, policy, amendment, or land use or zoning provision

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349 may be initiated by any substantially affected person. A  
350 substantially affected person includes an owner or builder  
351 subject to the regulation, law, ordinance, policy, amendment, or  
352 land use or zoning provision, or an association of owners or  
353 builders having members who are subject to the regulation, law,  
354 ordinance, policy, amendment, or land use or zoning provision.

355 2. In order to initiate a review, a substantially affected  
356 person must file a petition with the commission. The commission  
357 shall adopt a form for the petition and directions for filing,  
358 which shall be published on the Building Code Information  
359 System. The form shall, at a minimum, require the following:

360 a. The name of the local government that enacted the  
361 regulation, law, ordinance, policy, amendment, or land use or  
362 zoning provision.

363 b. The name and address of the local government's general  
364 counsel or administrator.

365 c. The name, address, and telephone number of the  
366 petitioner; the name, address, and telephone number of the  
367 petitioner's representative, if any; and an explanation of how  
368 the petitioner's substantial interests are being affected by the  
369 regulation, law, ordinance, policy, amendment, or land use or  
370 zoning provision.

371 d. A statement explaining why the regulation, law,  
372 ordinance, policy, amendment, or land use or zoning provision is  
373 a technical amendment to the Florida Building Code, and which  
374 provisions of the Florida Building Code, if any, are being  
375 amended by the regulation, law, ordinance, policy, amendment, or  
376 land use or zoning provision.

377 3. The petitioner shall serve the petition on the local

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378 government's general counsel or administrator by certified mail,  
379 return receipt requested, and send a copy of the petition to the  
380 commission, in accordance with the commission's published  
381 directions. The local government shall respond to the petition  
382 in accordance with the form by certified mail, return receipt  
383 requested, and send a copy of its response to the commission,  
384 within 14 days after receipt of the petition, including  
385 Saturdays, Sundays, and legal holidays.

386 4. Upon receipt of a petition that meets the requirements  
387 of this paragraph, the commission shall publish the petition,  
388 including any response submitted by the local government, on the  
389 Building Code Information System in a manner that allows  
390 interested persons to address the issues by posting comments.

391 5. Before issuing an advisory opinion, the commission shall  
392 consider the petition, the response, and any comments posted on  
393 the Building Code Information System. The commission may also  
394 provide the petition, the response, and any comments posted on  
395 the Building Code Information System to a technical advisory  
396 committee, and may consider any recommendation provided by the  
397 technical advisory committee. The commission shall issue an  
398 advisory opinion stating whether the regulation, law, ordinance,  
399 policy, amendment, or land use or zoning provision is a  
400 technical amendment to the Florida Building Code within 30 days  
401 after the filing of the petition, including Saturdays, Sundays,  
402 and legal holidays. The commission shall publish its advisory  
403 opinion on the Building Code Information System and in the  
404 Florida Administrative Register. The commission's advisory  
405 opinion is nonbinding and is not a declaratory statement under  
406 s. 120.565.

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407 (5) Notwithstanding subsection (4), counties and  
408 municipalities may adopt by ordinance an administrative or  
409 technical amendment to the Florida Building Code relating to  
410 flood resistance in order to implement the National Flood  
411 Insurance Program or incentives. Specifically, an administrative  
412 amendment may assign the duty to enforce all or portions of  
413 flood-related code provisions to the appropriate agencies of the  
414 local government and adopt procedures for variances and  
415 exceptions from flood-related code provisions other than  
416 provisions for structures seaward of the coastal construction  
417 control line consistent with the requirements in 44 C.F.R. s.  
418 60.6. A technical amendment is authorized to the extent it is  
419 more stringent than the code. A technical amendment is not  
420 subject to the requirements of subsection (4) and may not be  
421 rendered void when the code is updated if the amendment is  
422 adopted for the purpose of participating in the Community Rating  
423 System promulgated pursuant to 42 U.S.C. s. 4022, the amendment  
424 had already been adopted by local ordinance prior to July 1,  
425 2010, or the amendment requires a design flood elevation above  
426 the base flood elevation. Any amendment adopted pursuant to this  
427 subsection shall be transmitted to the commission within 30 days  
428 after being adopted. A municipality, county, or special district  
429 may not use preliminary maps issued by the Federal Emergency  
430 Management Agency for any law, ordinance, rule, or other measure  
431 that has the effect of imposing land use changes.

432 (8) Notwithstanding subsection (3) or subsection (7), the  
433 commission may address issues identified in this subsection by  
434 amending the code under ~~pursuant to~~ the rule adoption procedures  
435 in chapter 120. Updates to the Florida Building Code, including

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436 provisions contained in referenced standards and criteria which  
437 relate to wind resistance or the prevention of water intrusion,  
438 may not be amended under ~~pursuant to~~ this subsection to diminish  
439 those standards; however, the commission may amend the Florida  
440 Building Code to enhance such standards. Following the approval  
441 of any amendments to the Florida Building Code by the commission  
442 and publication of the amendments on the commission's website,  
443 authorities having jurisdiction to enforce the Florida Building  
444 Code may enforce the amendments.

445 (a) The commission may approve amendments that are needed  
446 to address:

447 1.~~(a)~~ Conflicts within the updated code;

448 2.~~(b)~~ Conflicts between the updated code and the Florida  
449 Fire Prevention Code adopted under ~~pursuant to~~ chapter 633;

450 3.~~(c)~~ Unintended results from the integration of previously  
451 adopted amendments with the model code;

452 4.~~(d)~~ Equivalency of standards;

453 5.~~(e)~~ Changes to or inconsistencies with federal or state  
454 law; or

455 6.~~(f)~~ Adoption of an updated edition of the National  
456 Electrical Code if the commission finds that delay of  
457 implementing the updated edition causes undue hardship to  
458 stakeholders or otherwise threatens the public health, safety,  
459 and welfare.

460 (b) The commission may issue errata to the code to correct  
461 demonstrated errors in provisions contained within the Florida  
462 Building Code. The determination of such errors and the issuance  
463 of errata to the code must be approved by a 75 percent  
464 supermajority vote of the commission. For purposes of this

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465 paragraph, "errata to the code" means a list of errors in  
466 current and previous editions of the Florida Building Code.

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

469 553.77 Specific powers of the commission.—

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

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

476 553.79 Permits; applications; issuance; inspections.—

477 (1)

478 (d) A local government may not require a contract between a  
479 builder and an owner for the issuance of a building permit or as  
480 a requirement for the submission of a building permit  
481 application.

482 Section 6. Present subsections (10) through (19) of section  
483 553.791, Florida Statutes, are redesignated as subsections (11)  
484 through (20), respectively, a new subsection (10) and subsection  
485 (21) are added to that section, and subsection (1), paragraph  
486 (b) of subsection (2), subsections (3), (4), and (6), paragraphs  
487 (b) and (d) of subsection (7), subsections (8) and (9), and  
488 present subsections (10), (11), (12), (14), and (15) are  
489 amended, to read:

490 553.791 Alternative plans review and inspection.—

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

492 (a) "Applicable codes" means the Florida Building Code and  
493 any local technical amendments to the Florida Building Code but

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494 does not include the applicable minimum fire prevention and  
495 firesafety codes adopted pursuant to chapter 633.

496 (b) "Audit" means the process to confirm that the building  
497 code inspection services have been performed by the private  
498 provider, including ensuring that the required affidavit for the  
499 plan review has been properly completed and submitted with  
500 ~~affixed to~~ the permit documents and that the minimum mandatory  
501 inspections required under the building code have been performed  
502 and properly recorded. The local building official may not  
503 replicate the plan review or inspection being performed by the  
504 private provider, unless expressly authorized by this section.

505 (c) "Building" means any construction, erection,  
506 alteration, demolition, or improvement of, or addition to, any  
507 structure or site work for which permitting by a local  
508 enforcement agency is required.

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

518 (e) "Deliver" or "delivery" means any method of delivery  
519 used in conventional business or commercial practice, including  
520 delivery by electronic transmissions.

521 (f) "Duly authorized representative" means an agent of the  
522 private provider identified in the permit application who

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523 reviews plans or performs inspections as provided by this  
524 section and who is licensed as an engineer under chapter 471 or  
525 as an architect under chapter 481 or who holds a standard  
526 certificate under part XII of chapter 468.

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

531 (h) "Electronic signature" means any letters, characters,  
532 or symbols manifested by electronic or similar means which are  
533 executed or adopted by a party with an intent to authenticate a  
534 writing or record.

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

544 (j)~~(f)~~ "Immediate threat to public safety and welfare"  
545 means a building code violation that, if allowed to persist,  
546 constitutes an immediate hazard that could result in death,  
547 serious bodily injury, or significant property damage. This  
548 paragraph does not limit the authority of the local building  
549 official to issue a Notice of Corrective Action at any time  
550 during the construction of a building project or any portion of  
551 such project if the official determines that a condition of the

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552 building or portion thereof may constitute a hazard when the  
553 building is put into use following completion as long as the  
554 condition cited is shown to be in violation of the building code  
555 or approved plans.

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

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

- 567 1. The plans reviewed by the private provider.  
568 2. The affidavit from the private provider required under  
569 subsection (6).  
570 3. Any applicable fees.  
571 4. Any documents required by the local building official to  
572 determine that the fee owner has secured all other government  
573 approvals required by law.

574 (m)~~(i)~~ "Plans" means building plans, site engineering  
575 plans, or site plans, or their functional equivalent, submitted  
576 by a fee owner or fee owner's contractor to a private provider  
577 or duly authorized representative for review.

578 (n)~~(j)~~ "Private provider" means a person licensed as a  
579 building code administrator under part XII of chapter 468, as an  
580 engineer under chapter 471, or as an architect under chapter

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581 481. For purposes of performing inspections under this section  
582 for additions and alterations that are limited to 1,000 square  
583 feet or less to residential buildings, the term "private  
584 provider" also includes a person who holds a standard  
585 certificate under part XII of chapter 468.

586 (o) "Qualified private provider" means a private provider  
587 who has previously performed plans review and inspection  
588 services in the local jurisdiction and has registered with the  
589 local enforcing agency by providing the local building official  
590 with the private provider's name, firm, address, telephone  
591 number, and e-mail address; his or her professional license or  
592 certification number, qualification statements, or resumes; and,  
593 if required by the local building official, a certificate of  
594 insurance demonstrating that professional liability insurance  
595 coverage is in place for the private provider's firm, the  
596 private provider, and any duly authorized representative in the  
597 amounts required by this section. This information must be  
598 submitted on an annual basis to the local jurisdiction in order  
599 to maintain qualifying status. If at any time any of the  
600 information submitted to the local jurisdiction changes, the  
601 private provider must contact the local jurisdiction and update  
602 the information within 10 business days after the change. The  
603 local jurisdiction is required to keep a registry of active  
604 qualified private providers.

605 (p) ~~(k)~~ "Request for certificate of occupancy or certificate  
606 of completion" means a properly completed and executed  
607 application for:

- 608 1. A certificate of occupancy or certificate of completion.
- 609 2. A certificate of compliance from the private provider

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610 required under subsection (12) ~~(11)~~.

611 3. Any applicable fees.

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

615 (q) "Single-trade inspection" means any inspection focused  
616 on a single construction trade, such as plumbing, mechanical, or  
617 electrical. The term includes, but is not limited to,  
618 inspections of door or window replacements; fences and block  
619 walls more than 6 feet high from the top of the wall to the  
620 bottom of the footing; stucco or plastering; reroofing with no  
621 structural alteration; HVAC replacements; ductwork or fan  
622 replacements; alteration or installation of wiring, lighting,  
623 and service panels; water heater changeouts; sink replacements;  
624 and repiping.

625 (r) ~~(1)~~ "Site work" means the portion of a construction  
626 project that is not part of the building structure, including,  
627 but not limited to, grading, excavation, landscape irrigation,  
628 and installation of driveways.

629 (s) ~~(m)~~ "Stop-work order" means the issuance of any written  
630 statement, written directive, or written order which states the  
631 reason for the order and the conditions under which the cited  
632 work will be permitted to resume.

633 (2)

634 (b) If an owner or contractor retains a private provider  
635 for purposes of plans review or building inspection services,  
636 the local jurisdiction must reduce the permit fee by the amount  
637 of cost savings realized by the local enforcement agency for not  
638 having to perform such services. Such reduction may be

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639 calculated on a flat fee or percentage basis, or any other  
640 reasonable means by which a local enforcement agency assesses  
641 the cost for its plans review or inspection services ~~It is the~~  
642 ~~intent of the Legislature that owners and contractors pay~~  
643 ~~reduced fees related to building permitting requirements when~~  
644 ~~hiring a private provider for plans review and building~~  
645 ~~inspections. A local jurisdiction must calculate the cost~~  
646 ~~savings to the local enforcement agency, based on a fee owner or~~  
647 ~~contractor hiring a private provider to perform plans reviews~~  
648 ~~and building inspections in lieu of the local building official,~~  
649 ~~and reduce the permit fees accordingly.~~ The local jurisdiction  
650 may not charge fees for building inspections if the fee owner or  
651 contractor hires a private provider to perform such services;  
652 however, the local jurisdiction may charge a reasonable  
653 administrative fee.

654 (3) A private provider and any duly authorized  
655 representative may only perform building code inspection  
656 services that are within the disciplines covered by that  
657 person's licensure or certification under chapter 468, chapter  
658 471, or chapter 481, including single-trade inspections. A  
659 private provider may not provide building code inspection  
660 services pursuant to this section upon any building designed or  
661 constructed by the private provider or the private provider's  
662 firm.

663 (4) A fee owner or the fee owner's contractor using a  
664 private provider to provide building code inspection services  
665 shall notify the local building official in writing at the time  
666 of permit application, or by 2 p.m. local time, 2 business days  
667 before the first scheduled inspection by the local building

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668 official or building code enforcement agency that ~~for~~ a private  
669 provider has been contracted to perform the ~~performing~~ required  
670 inspections of construction under this section, including  
671 single-trade inspections, on a form to be adopted by the  
672 commission. This notice shall include the following information:

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

674 (b) The name, firm, address, telephone number, and e-mail  
675 address ~~facsimile number~~ of each private provider who is  
676 performing or will perform such services, his or her  
677 professional license or certification number, qualification  
678 statements or resumes, and, if required by the local building  
679 official, a certificate of insurance demonstrating that  
680 professional liability insurance coverage is in place for the  
681 private provider's firm, the private provider, and any duly  
682 authorized representative in the amounts required by this  
683 section.

684

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

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

691

692 I have elected to use one or more private providers to  
693 provide building code plans review and/or inspection  
694 services on the building or structure that is the  
695 subject of the enclosed permit application, as  
696 authorized by s. 553.791, Florida Statutes. I

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697 understand that the local building official may not  
698 review the plans submitted or perform the required  
699 building inspections to determine compliance with the  
700 applicable codes, except to the extent specified in  
701 said law. Instead, plans review and/or required  
702 building inspections will be performed by licensed or  
703 certified personnel identified in the application. The  
704 law requires minimum insurance requirements for such  
705 personnel, but I understand that I may require more  
706 insurance to protect my interests. By executing this  
707 form, I acknowledge that I have made inquiry regarding  
708 the competence of the licensed or certified personnel  
709 and the level of their insurance and am satisfied that  
710 my interests are adequately protected. I agree to  
711 indemnify, defend, and hold harmless the local  
712 government, the local building official, and their  
713 building code enforcement personnel from any and all  
714 claims arising from my use of these licensed or  
715 certified personnel to perform building code  
716 inspection services with respect to the building or  
717 structure that is the subject of the enclosed permit  
718 application.

719  
720 If the fee owner or the fee owner's contractor makes any changes  
721 to the listed private providers or the services to be provided  
722 by those private providers, the fee owner or the fee owner's  
723 contractor shall, within 1 business day after any change or  
724 within 2 business days before the next scheduled inspection,  
725 update the notice to reflect such changes. A change of a duly

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726 authorized representative named in the permit application does  
727 not require a revision of the permit, and the building code  
728 enforcement agency shall not charge a fee for making the change.  
729 ~~In addition, the fee owner or the fee owner's contractor shall~~  
730 ~~post at the project site, before the commencement of~~  
731 ~~construction and updated within 1 business day after any change,~~  
732 ~~on a form to be adopted by the commission, the name, firm,~~  
733 ~~address, telephone number, and facsimile number of each private~~  
734 ~~provider who is performing or will perform building code~~  
735 ~~inspection services, the type of service being performed, and~~  
736 ~~similar information for the primary contact of the private~~  
737 ~~provider on the project.~~

738 (6) A private provider performing plans review under this  
739 section shall review the plans to determine compliance with the  
740 applicable codes. Upon determining that the plans reviewed  
741 comply with the applicable codes, the private provider shall  
742 prepare an affidavit or affidavits ~~on a form reasonably~~  
743 ~~acceptable to the commission~~ certifying, under oath, that the  
744 following is true and correct to the best of the private  
745 provider's knowledge and belief:

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

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

750

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

753 (7)

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

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755 notice of plan deficiencies to the permit applicant within the  
756 prescribed 20-day period, the 20-day period shall be tolled  
757 pending resolution of the matter. To resolve the plan  
758 deficiencies, the permit applicant may elect to dispute the  
759 deficiencies pursuant to subsection (14) ~~(13)~~ or to submit  
760 revisions to correct the deficiencies.

761 (d) If the local building official provides a second  
762 written notice of plan deficiencies to the permit applicant  
763 within the prescribed time period, the permit applicant may  
764 elect to dispute the deficiencies pursuant to subsection (14)  
765 ~~(13)~~ or to submit additional revisions to correct the  
766 deficiencies. For all revisions submitted after the first  
767 revision, the local building official has an additional 5  
768 business days from the date of resubmittal to issue the  
769 requested permit or to provide a written notice to the permit  
770 applicant stating which of the previously identified plan  
771 features remain in noncompliance with the applicable codes, with  
772 specific reference to the relevant code chapters and sections.

773 (8) A private provider performing required inspections  
774 under this section shall inspect each phase of construction as  
775 required by the applicable codes. Such inspection may be  
776 performed in-person or virtually. The private provider may have  
777 ~~shall be permitted to send~~ a duly authorized representative ~~to~~  
778 ~~the building site to~~ perform the required inspections, provided  
779 all required reports are prepared by and bear the written or  
780 electronic signature of the private provider or the private  
781 provider's duly authorized representative. The duly authorized  
782 representative must be an employee of the private provider  
783 entitled to receive reemployment assistance benefits under

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784 chapter 443. The contractor's contractual or legal obligations  
785 are not relieved by any action of the private provider.

786 (9) A private provider performing required inspections  
787 under this section shall provide notice to the local building  
788 official of the date and approximate time of any such inspection  
789 no later than the prior business day by 2 p.m. local time or by  
790 any later time permitted by the local building official in that  
791 jurisdiction. The local building official may not prohibit the  
792 private provider from performing any inspection outside the  
793 local building official's normal operating hours, including  
794 after hours, weekends, or holidays. The local building official  
795 may visit the building site as often as necessary to verify that  
796 the private provider is performing all required inspections. A  
797 deficiency notice must be posted ~~at the job site~~ by the private  
798 provider, the duly authorized representative of the private  
799 provider, or the building department whenever a noncomplying  
800 item related to the building code or the permitted documents is  
801 found. Such notice may be physically posted at the job site or  
802 electronically posted. After corrections are made, the item must  
803 be reinspected by the private provider or representative before  
804 being concealed. Reinspection or reaudit fees shall not be  
805 charged by the local jurisdiction as a result of the local  
806 jurisdiction's audit inspection occurring before the performance  
807 of the private provider's inspection or for any other  
808 administrative matter not involving the detection of a violation  
809 of the building code or a permit requirement.

810 (10) If equipment replacements and repairs must be  
811 performed in an emergency situation, subject to the emergency  
812 permitting provisions of the Florida Building Code, a private

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813 provider may perform emergency inspection services without first  
814 notifying the local building official pursuant to subsection  
815 (9). A private provider must conduct the inspection within 3  
816 business days after being contacted to conduct an emergency  
817 inspection and must submit the inspection report to the local  
818 building official within 1 day after the inspection is  
819 completed.

820 (11)~~(10)~~ Upon completing the required inspections at each  
821 applicable phase of construction, the private provider shall  
822 record such inspections on a form acceptable to the local  
823 building official. The form must bear the written or electronic  
824 signature of ~~be signed by~~ the provider or the provider's duly  
825 authorized representative. These inspection records shall  
826 reflect those inspections required by the applicable codes of  
827 each phase of construction for which permitting by a local  
828 enforcement agency is required. The private provider, upon  
829 completion of the required inspection ~~before leaving the project~~  
830 ~~site~~, shall post each completed inspection record, indicating  
831 pass or fail, ~~at the site~~ and provide the record to the local  
832 building official within 2 business days. Such inspection record  
833 may be electronically posted by the private provider or the  
834 private provider may post such inspection record physically at  
835 the project site. The private provider may electronically  
836 transmit the record to the local building official. The local  
837 building official may waive the requirement to provide a record  
838 of each inspection within 2 business days if the record is  
839 electronically posted or posted at the project site and all such  
840 inspection records are submitted with the certificate of  
841 compliance. Unless the records have been electronically posted,

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842 records of all required and completed inspections shall be  
843 maintained at the building site at all times and made available  
844 for review by the local building official. The private provider  
845 shall report to the local enforcement agency any condition that  
846 poses an immediate threat to public safety and welfare.

847 (12)~~(11)~~ Upon completion of all required inspections, the  
848 private provider shall prepare a certificate of compliance, on a  
849 form acceptable to the local building official, summarizing the  
850 inspections performed and including a written representation,  
851 under oath, that the stated inspections have been performed and  
852 that, to the best of the private provider's knowledge and  
853 belief, the building construction inspected complies with the  
854 approved plans and applicable codes. The statement required of  
855 the private provider shall be substantially in the following  
856 form and shall be signed and sealed by a private provider as  
857 established in subsection (1) or may be electronically  
858 transmitted to the local building official:

859  
860 To the best of my knowledge and belief, the building  
861 components and site improvements outlined herein and  
862 inspected under my authority have been completed in  
863 conformance with the approved plans and the applicable  
864 codes.

865  
866 (13)~~(12)~~ No more than 2 business days after receipt of a  
867 request for a certificate of occupancy or certificate of  
868 completion and the applicant's presentation of a certificate of  
869 compliance and approval of all other government approvals  
870 required by law, the local building official shall issue the

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871 certificate of occupancy or certificate of completion or provide  
872 a notice to the applicant identifying the specific deficiencies,  
873 as well as the specific code chapters and sections. If the local  
874 building official does not provide notice of the deficiencies  
875 within the prescribed 2-day period, the request for a  
876 certificate of occupancy or certificate of completion shall be  
877 deemed granted and the certificate of occupancy or certificate  
878 of completion shall be issued by the local building official on  
879 the next business day. To resolve any identified deficiencies,  
880 the applicant may elect to dispute the deficiencies pursuant to  
881 subsection (14) ~~(13)~~ or to submit a corrected request for a  
882 certificate of occupancy or certificate of completion.

883 (15) ~~(14)~~ For the purposes of this section, any notice to be  
884 provided by the local building official shall be deemed to be  
885 provided to the person or entity when successfully transmitted  
886 to the e-mail address ~~facsimile number~~ listed for that person or  
887 entity in the permit application or revised permit application,  
888 or, if no e-mail address ~~facsimile number~~ is stated, when  
889 actually received by that person or entity.

890 (16) (a) ~~(15) (a)~~ A local enforcement agency, local building  
891 official, or local government may not adopt or enforce any laws,  
892 rules, procedures, policies, qualifications, or standards more  
893 stringent than those prescribed by this section.

894 (b) A local enforcement agency, local building official, or  
895 local government may establish, for private providers and duly  
896 authorized representatives working within that jurisdiction, a  
897 system of registration to verify compliance with the licensure  
898 requirements of paragraph (1) (n) ~~(1) (j)~~ and the insurance  
899 requirements of subsection (17). Such registration must be

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900 distinct from the registry of qualified private providers ~~(16)~~.

901 (c) This section does not limit the authority of the local  
902 building official to issue a stop-work order for a building  
903 project or any portion of the project, as provided by law, if  
904 the official determines that a condition on the building site  
905 constitutes an immediate threat to public safety and welfare.

906 (21) Notwithstanding any other law, a county, a  
907 municipality, a school district, or an independent special  
908 district may use a private provider to provide building code  
909 inspection services for a public works project, an improvement,  
910 a building, or any other structure pursuant to this section.

911 Section 7. Paragraph (a) of subsection (8) of section  
912 553.842, Florida Statutes, is amended to read:

913 553.842 Product evaluation and approval.—

914 (8) The commission may adopt rules to approve the following  
915 types of entities that produce information on which product  
916 approvals are based. All of the following entities, including  
917 engineers and architects, must comply with a nationally  
918 recognized standard demonstrating independence or no conflict of  
919 interest:

920 (a) Evaluation entities approved under ~~pursuant to~~ this  
921 paragraph or that meet the criteria for approval adopted by the  
922 commission by rule. The commission shall specifically approve  
923 the National Evaluation Service, the International Association  
924 of Plumbing and Mechanical Officials Evaluation Service, the  
925 International Code Council Evaluation Services, Underwriters  
926 Laboratories, LLC, Intertek Testing Services NA, Inc., and the  
927 Miami-Dade County Building Code Compliance Office Product  
928 Control Division. Architects and engineers licensed in this

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929 state are also approved to conduct product evaluations as  
930 provided in subsection (5).

931 Section 8. Paragraph (bb) of subsection (1) of section  
932 125.01, Florida Statutes, is amended to read:

933 125.01 Powers and duties.—

934 (1) The legislative and governing body of a county shall  
935 have the power to carry on county government. To the extent not  
936 inconsistent with general or special law, this power includes,  
937 but is not restricted to, the power to:

938 (bb) Enforce the Florida Building Code~~7~~ as provided in s.  
939 553.80~~7~~ and adopt and enforce local technical amendments to the  
940 Florida Building Code as provided in s. 553.73(4)~~7, pursuant to~~  
941 ~~s. 553.73(4)(b) and (c)~~.

942 Section 9. Subsection (1) of section 125.56, Florida  
943 Statutes, is amended to read:

944 125.56 Enforcement and amendment of the Florida Building  
945 Code and the Florida Fire Prevention Code; inspection fees;  
946 inspectors; etc.—

947 (1) The board of county commissioners of each of the  
948 several counties of the state may enforce the Florida Building  
949 Code and the Florida Fire Prevention Code~~7~~ as provided in ss.  
950 553.80, 633.206, and 633.208~~7~~ and, at its discretion, adopt  
951 local technical amendments to the Florida Building Code as  
952 provided in s. 553.73(4)~~7, pursuant to s. 553.73(4)(b) and (c)~~  
953 and local technical amendments to the Florida Fire Prevention  
954 Code as provided in~~7, pursuant to~~ s. 633.202~~7~~ to provide for the  
955 safe construction, erection, alteration, repair, securing, and  
956 demolition of any building within its territory outside the  
957 corporate limits of any municipality. Upon a determination to

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958 consider amending the Florida Building Code or the Florida Fire  
959 Prevention Code by a majority of the members of the board of  
960 county commissioners of such county, the board shall call a  
961 public hearing and comply with the public notice requirements of  
962 s. 125.66(2). The board shall hear all interested parties at the  
963 public hearing and may then amend the building code or the fire  
964 code consistent with the terms and purposes of this act. Upon  
965 adoption, an amendment to the code shall be in full force and  
966 effect throughout the unincorporated area of such county until  
967 otherwise notified by the Florida Building Commission under  
968 ~~pursuant to~~ s. 553.73 or the State Fire Marshal under ~~pursuant~~  
969 ~~to~~ s. 633.202. This subsection does not ~~Nothing herein contained~~  
970 ~~shall be construed to~~ prevent the board of county commissioners  
971 from repealing such amendment to the building code or the fire  
972 code at any regular meeting of such board.

973 Section 10. This act shall take effect July 1, 2021.