

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

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1                                   A bill to be entitled  
2       An act relating to the Florida Building Code; amending  
3       s. 163.3202, F.S.; prohibiting certain regulations  
4       relating to building design elements from being  
5       applied to certain dwellings; providing exceptions;  
6       defining terms; providing construction; amending s.  
7       381.0065, F.S.; authorizing fee owners or fee owners'  
8       contractors to select private providers to provide  
9       inspection services for onsite sewage treatment and  
10      disposal systems if certain requirements are met;  
11      providing legislative intent; requiring the Department  
12      of Health to reduce certain permit fees; prohibiting  
13      the department from charging inspection fees if the  
14      fee owner or contractor hires a private provider to  
15      perform an inspection; providing requirements for  
16      private providers or duly authorized representatives  
17      of private providers performing such inspections;  
18      requiring fee owners or contractors to provide  
19      specified notice to the department when using a  
20      private provider for such inspections; providing  
21      requirements for the contents of such notice;  
22      prohibiting the department from charging a fee for  
23      changing the duly authorized representative named in a  
24      permit application; authorizing the department to  
25      audit the performance of private providers; providing  
26      requirements relating to work on a building, a  
27      structure, or an onsite sewage treatment and disposal  
28      system relating to such audits; amending s. 514.0115,  
29      F.S.; prohibiting the Department of Health from

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30 requiring that pools serving assisted living  
31 facilities be compliant with rules relating to  
32 swimming pool lifeguards; amending s. 553.73, F.S.;  
33 authorizing a substantially affected person to file a  
34 petition with the Florida Building Commission to  
35 review certain local government regulations, laws,  
36 ordinances, policies, amendments, or land use or  
37 zoning provisions; defining the term "local  
38 government"; providing requirements for the petition  
39 and commission; requiring the commission to issue a  
40 nonbinding advisory opinion within a specified  
41 timeframe; prohibiting a municipality, county, or  
42 special district from using preliminary maps issued by  
43 the Federal Emergency Management Agency for certain  
44 purposes relating to land use changes; authorizing the  
45 commission to issue errata to the code; defining the  
46 term "errata to the code"; making technical changes;  
47 amending s. 553.77, F.S.; conforming a cross-  
48 reference; amending s. 553.79, F.S.; prohibiting a  
49 local government from requiring certain contracts for  
50 the application for or issuance of a building permit;  
51 prohibiting local governments from taking certain  
52 actions relating to building permits to demolish and  
53 replace single-family residential dwellings located in  
54 certain flood zones; providing requirements for such  
55 permits; amending s. 553.791, F.S.; revising and  
56 defining terms; providing requirements for qualified  
57 private providers; requiring local jurisdictions to  
58 reduce permit fees under certain circumstances;

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59 deleting legislative intent; specifying that  
60 contractors using private providers to provide  
61 building code inspections services must notify local  
62 building officials in writing; revising notice  
63 requirements; deleting a provision requiring fee  
64 owners or fee owners' contractors to post certain  
65 information at a project site before commencing  
66 construction; authorizing certain affidavits to be  
67 signed with electronic signatures and be submitted to  
68 local building officials electronically; authorizing  
69 certain inspections to be performed in-person or  
70 virtually; authorizing certain reports to be signed  
71 with electronic signatures; authorizing certain  
72 notices to be electronically posted; authorizing  
73 private providers to perform certain replacements and  
74 repairs without first notifying local building  
75 officials under certain circumstances; authorizing  
76 certain forms to be signed with electronic signatures;  
77 authorizing certain inspection records to be  
78 electronically posted and electronically submitted to  
79 local building officials; authorizing certificates of  
80 compliance to be electronically transmitted to local  
81 building officials; specifying that a certain registry  
82 must be distinct from the registry of qualified  
83 private providers; conforming provisions to changes  
84 made by the act; authorizing a county, a municipality,  
85 a school district, or an independent special district  
86 to use a private provider to provide building code  
87 inspection services for certain purposes; amending s.

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88 553.842, F.S.; requiring evaluation entities that meet  
89 certain criteria to comply with certain standards;  
90 revising rulemaking requirements relating to  
91 suspensions and revocations by the commission;  
92 specifying that suspensions are governed by specified  
93 provisions; amending s. 553.80, F.S.; revising  
94 requirements for the expenditure of certain unexpended  
95 revenue relating to enforcing the Florida Building  
96 Code; amending ss. 125.01 and 125.56, F.S.; conforming  
97 cross-references; making technical changes; providing  
98 an effective date.

99  
100 Be It Enacted by the Legislature of the State of Florida:

101  
102 Section 1. Present subsection (5) of section 163.3202,  
103 Florida Statutes, is redesignated as subsection (6), and a new  
104 subsection (5) is added to that section, to read:

105 163.3202 Land development regulations.—

106 (5) (a) Land development regulations relating to building  
107 design elements may not be applied to a single-family or two-  
108 family dwelling unless:

109 1. The dwelling is listed in the National Register of  
110 Historic Places, as defined in s. 267.021(5); is located in a  
111 National Register Historic District; or is designated as a  
112 historic property or located in a historic district, under the  
113 terms of a local preservation ordinance;

114 2. The regulations are adopted in order to implement the  
115 National Flood Insurance Program;

116 3. The regulations are adopted pursuant to and in

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117 compliance with chapter 553;

118 4. The dwelling is located in a community redevelopment  
119 area, as defined in s. 163.340(10);

120 5. The regulations are required to ensure protection of  
121 coastal wildlife in compliance with s. 161.052, s. 161.053, s.  
122 161.0531, s. 161.085, s. 161.163, or chapter 373;

123 6. The dwelling is located in a planned unit development or  
124 master planned community created pursuant to a local ordinance;  
125 or

126 7. The dwelling is located within the jurisdiction of a  
127 local government that has a design review board or architectural  
128 review board.

129 (b) For purposes of this subsection, the term:

130 1. "Building design elements" means the external building  
131 color; the type or style of exterior cladding material; the  
132 style or material of roof structures or porches; the exterior  
133 nonstructural architectural ornamentation; the location or  
134 architectural styling of windows or doors; the location or  
135 orientation of the garage; the number and type of rooms; and the  
136 interior layout of rooms. The term does not include the height,  
137 bulk, orientation, or location of a dwelling on a zoning lot; or  
138 the use of buffering or screening to minimize potential adverse  
139 physical or visual impacts or to protect the privacy of  
140 neighbors.

141 2. "Planned unit development" or "master planned community"  
142 means an area of land that is planned and developed as a single  
143 entity or in approved stages with uses and structures  
144 substantially related to the character of the entire  
145 development, or a self-contained development in which the

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146 subdivision and zoning controls are applied to the project as a  
147 whole rather than to individual lots.

148 (c) This subsection does not affect the validity or  
149 enforceability of private covenants or other contractual  
150 agreements relating to building design elements.

151 Section 2. Subsection (8) is added to section 381.0065,  
152 Florida Statutes, to read:

153 381.0065 Onsite sewage treatment and disposal systems;  
154 regulation.—

155 (8) PRIVATE PROVIDER INSPECTION SERVICES.—

156 (a) Notwithstanding any other law, ordinance, or policy,  
157 the fee owner of an onsite sewage treatment and disposal system,  
158 or the fee owner's contractor upon written authorization from  
159 the fee owner, may select a private provider to provide  
160 inspection services for onsite sewage treatment and disposal  
161 systems and may pay the private provider directly for such  
162 services if such services are the subject of a written contract  
163 between the private provider, or the private provider's firm,  
164 and the fee owner or the fee owner's contractor, upon written  
165 authorization of the fee owner.

166 (b) It is the intent of the Legislature that owners and  
167 contractors pay reduced fees related to onsite sewage treatment  
168 disposal system inspections when selecting a private provider to  
169 provide such inspections. The department must calculate the cost  
170 savings to the department based on a fee owner or contractor  
171 hiring a private provider to perform inspections in lieu of the  
172 department and reduce permit fees accordingly. The department  
173 may not charge fees for an inspection if the fee owner or  
174 contractor hires a private provider to perform the inspection.

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175 (c) Onsite sewage treatment and disposal system inspection  
176 services may be performed only by a private provider or a duly  
177 authorized representative of a private provider within the  
178 disciplines covered under such person's licensure or if the  
179 person is certified under s. 381.0101, is a master septic  
180 contractor licensed pursuant to chapter 489, is a professional  
181 engineer who has passed all three parts of the OSTDS Accelerated  
182 Certification Training, or is a person working as staff under  
183 the supervision of a licensed professional engineer and has  
184 passed all three parts of the OSTDS Accelerated Certification  
185 Training.

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

192 a. The name, firm, address, telephone number, and e-mail  
193 address of each private provider who is performing or will  
194 perform such services, the private provider's professional  
195 license or certification number, and qualification statements or  
196 resumes for each private provider; and

197 b. An acknowledgment from the fee owner in substantially  
198 the following form:

199  
200 I have elected to use one or more private providers to  
201 provide onsite sewage treatment and disposal system  
202 inspection services that are the subject of the  
203 enclosed permit application. I understand that the

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204 department may not perform the required onsite sewage  
205 treatment and disposal system inspections to determine  
206 compliance with the applicable codes, except to the  
207 extent authorized by law. Instead, inspections will be  
208 performed by the licensed or certified personnel  
209 identified in the application. By executing this form,  
210 I acknowledge that I have made inquiry regarding the  
211 competence of the licensed or certified personnel and  
212 am satisfied that my interests are adequately  
213 protected. I agree to indemnify, defend, and hold  
214 harmless the department from any and all claims  
215 arising from my use of these licensed or certified  
216 personnel to perform onsite sewage treatment and  
217 disposable system inspections with respect to the  
218 onsite sewage treatment and disposable system that are  
219 the subject of the enclosed permit application.

221 2. If the fee owner or the fee owner's contractor makes any  
222 changes to the listed private providers or the services to be  
223 provided by the private providers, the fee owner or the fee  
224 owner's contractor must update the notice to reflect the change  
225 within 1 business day after the change. A change of a duly  
226 authorized representative named in the permit application does  
227 not require a revision of the permit and the department may not  
228 charge a fee for making such change.

229 (e) The department may audit the performance of onsite  
230 sewage treatment and disposal system inspection services by  
231 private providers. However, the same private provider may not be  
232 audited more than four times in a month unless the department

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233 determines that an onsite sewage treatment and disposal system  
234 inspected by the private provider should not have passed  
235 inspection. Work on a building, a structure, or an onsite sewage  
236 treatment and disposal system may proceed after inspection and  
237 approval by a private provider if the fee owner or fee owner's  
238 contractor has given notice of the inspection pursuant to  
239 subsection (4) and, subsequent to such inspection and approval,  
240 may not be delayed for completion of an inspection audit by the  
241 department.

242 Section 3. Present subsections (3) through (8) of section  
243 514.0115, Florida Statutes, are redesignated as subsections (4)  
244 through (9), respectively, and a new subsection (3) is added to  
245 that section, to read:

246 514.0115 Exemptions from supervision or regulation;  
247 variances.—

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

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

253 553.73 Florida Building Code.—

254 (4) (a) All entities authorized to enforce the Florida  
255 Building Code under ~~pursuant to~~ s. 553.80 shall comply with  
256 applicable standards for issuance of mandatory certificates of  
257 occupancy, minimum types of inspections, and procedures for  
258 plans review and inspections as established by the commission by  
259 rule. Local governments may adopt amendments to the  
260 administrative provisions of the Florida Building Code, subject  
261 to the limitations ~~in~~ of this subsection ~~paragraph~~. Local

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262 amendments must ~~shall~~ be more stringent than the minimum  
263 standards described in this section ~~herein~~ and must ~~shall~~ be  
264 transmitted to the commission within 30 days after enactment.  
265 The local government shall make such amendments available to the  
266 general public in a usable format. The State Fire Marshal is  
267 responsible for establishing the standards and procedures  
268 required in this subsection ~~paragraph~~ for governmental entities  
269 with respect to applying the Florida Fire Prevention Code and  
270 the Life Safety Code.

271 (b) Local governments may, subject to the limitations in ~~of~~  
272 this section and not more than once every 6 months, adopt  
273 amendments to the technical provisions of the Florida Building  
274 Code that ~~which~~ apply solely within the jurisdiction of such  
275 government and that ~~which~~ provide for more stringent  
276 requirements than those specified in the Florida Building Code, ~~7~~  
277 ~~not more than once every 6 months~~. A local government may adopt  
278 technical amendments that address local needs if:

279 1. The local governing body determines, following a public  
280 hearing which has been advertised in a newspaper of general  
281 circulation at least 10 days before the hearing, that there is a  
282 need to strengthen the requirements of the Florida Building  
283 Code. The determination must be based upon a review of local  
284 conditions by the local governing body, which review  
285 demonstrates by evidence or data that the geographical  
286 jurisdiction governed by the local governing body exhibits a  
287 local need to strengthen the Florida Building Code beyond the  
288 needs or regional variation addressed by the Florida Building  
289 Code, that the local need is addressed by the proposed local  
290 amendment, and that the amendment is no more stringent than

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291 necessary to address the local need.

292 2. Such additional requirements are not discriminatory  
293 against materials, products, or construction techniques of  
294 demonstrated capabilities.

295 3. Such additional requirements may not introduce a new  
296 subject not addressed in the Florida Building Code.

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

300 (d)5. Any amendment to the Florida Building Code shall be  
301 transmitted within 30 days after adoption by the ~~adopting~~ local  
302 government to the commission. The commission shall maintain  
303 copies of all such amendments in a format that is usable and  
304 obtainable by the public. Local technical amendments are ~~shall~~  
305 not ~~become~~ effective until 30 days after the amendment has been  
306 received and published by the commission.

307 (e)6. ~~An Any~~ amendment to the Florida Building Code adopted  
308 by a local government under ~~pursuant to~~ this subsection is  
309 ~~paragraph shall be~~ effective only until the adoption ~~by the~~  
310 ~~commission~~ of the new edition of the Florida Building Code by  
311 the commission every third year. At such time, the commission  
312 shall review such amendment for consistency with the criteria in  
313 paragraph (9) (a) and adopt such amendment as part of the Florida  
314 Building Code or rescind the amendment. The commission shall  
315 immediately notify the respective local government of the  
316 rescission of any amendment. After receiving such notice, the  
317 respective local government may readopt the rescinded amendment  
318 under ~~pursuant to~~ the provisions of this subsection ~~paragraph~~.

319 (f)7. Each county and municipality desiring to make local

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320 technical amendments to the Florida Building Code shall ~~by~~  
321 ~~interlocal agreement~~ establish by interlocal agreement a  
322 countywide compliance review board to review any amendment to  
323 the Florida Building Code that is, ~~adopted~~ by a local government  
324 within the county under ~~pursuant to~~ this subsection and  
325 ~~paragraph~~, that is challenged by a ~~any~~ substantially affected  
326 party for purposes of determining the amendment's compliance  
327 with this subsection ~~paragraph~~. If challenged, the local  
328 technical amendments are ~~shall not become~~ effective until the  
329 time for filing an appeal under paragraph (g) ~~pursuant to~~  
330 ~~subparagraph 8.~~ has expired or, if there is an appeal, until the  
331 commission issues its final order determining if the adopted  
332 amendment is in compliance with this subsection.

333 (g) 8. If the compliance review board determines such  
334 amendment is not in compliance with this subsection ~~paragraph~~,  
335 the compliance review board shall notify such local government  
336 of the noncompliance and that the amendment is invalid and  
337 unenforceable until the local government corrects the amendment  
338 to bring it into compliance. The local government may appeal the  
339 decision of the compliance review board to the commission. If  
340 the compliance review board determines that such amendment is ~~to~~  
341 ~~be~~ in compliance with this subsection ~~paragraph~~, any  
342 substantially affected party may appeal such determination to  
343 the commission. Any such appeal must ~~shall~~ be filed with the  
344 commission within 14 days after ~~of~~ the board's written  
345 determination. The commission shall promptly refer the appeal to  
346 the Division of Administrative Hearings by electronic means  
347 through the division's website for the assignment of an  
348 administrative law judge. The administrative law judge shall

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349 conduct the required hearing within 30 days after being assigned  
350 to the appeal, and shall enter a recommended order within 30  
351 days after ~~of~~ the conclusion of such hearing. The commission  
352 shall enter a final order within 30 days after an order is  
353 rendered thereafter. ~~The provisions of Chapter 120 and the~~  
354 uniform rules of procedure shall apply to such proceedings. The  
355 local government adopting the amendment that is subject to  
356 challenge has the burden of proving that the amendment complies  
357 with this subsection ~~paragraph~~ in proceedings before the  
358 compliance review board and the commission, as applicable.  
359 Actions of the commission are subject to judicial review under  
360 ~~pursuant to~~ s. 120.68. The compliance review board shall  
361 determine whether its decisions apply to a respective local  
362 jurisdiction or apply countywide.

363 ~~(h)9.~~ An amendment adopted under this subsection ~~paragraph~~  
364 must ~~shall~~ include a fiscal impact statement that ~~which~~  
365 documents the costs and benefits of the proposed amendment.  
366 Criteria for the fiscal impact statement shall include the  
367 impact to local government relative to enforcement and, ~~the~~  
368 impact to property and building owners and, ~~as well as to~~  
369 industry, ~~relative to the cost of compliance.~~ The fiscal impact  
370 statement may not be used as a basis for challenging the  
371 amendment for compliance.

372 ~~(i)10.~~ In addition to paragraphs (f) and (g) ~~subparagraphs~~  
373 ~~7. and 9.~~, the commission may review any amendments adopted  
374 under ~~pursuant to~~ this subsection and make nonbinding  
375 recommendations related to compliance of such amendments with  
376 this subsection.

377 ~~(j)(e)~~ Any amendment adopted by a local enforcing agency

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378 ~~under pursuant to~~ this subsection may ~~shall~~ not apply to state  
379 or school district owned buildings, manufactured buildings or  
380 factory-built school buildings approved by the commission, or  
381 prototype buildings approved under ~~pursuant to~~ s. 553.77(3). The  
382 respective responsible entities shall consider the physical  
383 performance parameters substantiating such amendments when  
384 designing, specifying, and constructing such exempt buildings.

385 ~~(k)(d)~~ A technical amendment to the Florida Building Code  
386 related to water conservation practices or design criteria  
387 adopted by a local government under ~~pursuant to~~ this subsection  
388 is not ~~rendered~~ void when the code is updated if the technical  
389 amendment is necessary to protect or provide for more efficient  
390 use of water resources as provided in s. 373.621. However, any  
391 such technical amendment carried forward into the next edition  
392 of the code under ~~pursuant to~~ this paragraph is subject to  
393 review or modification as provided in this part.

394 (1) If a local government adopts a regulation, law,  
395 ordinance, policy, amendment, or land use or zoning provision  
396 without using the process established in this subsection, and a  
397 substantially affected person considers such regulation, law,  
398 ordinance, policy, amendment, or land use or zoning provision to  
399 be a technical amendment to the Florida Building Code, then the  
400 substantially affected person may submit a petition to the  
401 commission for a nonbinding advisory opinion. If a substantially  
402 affected person submits a request in accordance with this  
403 paragraph, the commission shall issue a nonbinding advisory  
404 opinion stating whether or not the commission interprets the  
405 regulation, law, ordinance, policy, amendment, or land use or  
406 zoning provision as a technical amendment to the Florida

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407 Building Code. As used in this paragraph, the term "local  
408 government" means a county, municipality, special district, or  
409 political subdivision of the state.

410 1. Requests to review a local government regulation, law,  
411 ordinance, policy, amendment, or land use or zoning provision  
412 may be initiated by any substantially affected person. A  
413 substantially affected person includes an owner or builder  
414 subject to the regulation, law, ordinance, policy, amendment, or  
415 land use or zoning provision, or an association of owners or  
416 builders having members who are subject to the regulation, law,  
417 ordinance, policy, amendment, or land use or zoning provision.

418 2. In order to initiate a review, a substantially affected  
419 person must file a petition with the commission. The commission  
420 shall adopt a form for the petition and directions for filing,  
421 which shall be published on the Building Code Information  
422 System. The form shall, at a minimum, require the following:

423 a. The name of the local government that enacted the  
424 regulation, law, ordinance, policy, amendment, or land use or  
425 zoning provision.

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

428 c. The name, address, and telephone number of the  
429 petitioner; the name, address, and telephone number of the  
430 petitioner's representative, if any; and an explanation of how  
431 the petitioner's substantial interests are being affected by the  
432 regulation, law, ordinance, policy, amendment, or land use or  
433 zoning provision.

434 d. A statement explaining why the regulation, law,  
435 ordinance, policy, amendment, or land use or zoning provision is

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436 a technical amendment to the Florida Building Code, and which  
437 provisions of the Florida Building Code, if any, are being  
438 amended by the regulation, law, ordinance, policy, amendment, or  
439 land use or zoning provision.

440 3. The petitioner shall serve the petition on the local  
441 government's general counsel or administrator by certified mail,  
442 return receipt requested, and send a copy of the petition to the  
443 commission, in accordance with the commission's published  
444 directions. The local government shall respond to the petition  
445 in accordance with the form by certified mail, return receipt  
446 requested, and send a copy of its response to the commission,  
447 within 14 days after receipt of the petition, including  
448 Saturdays, Sundays, and legal holidays.

449 4. Upon receipt of a petition that meets the requirements  
450 of this paragraph, the commission shall publish the petition,  
451 including any response submitted by the local government, on the  
452 Building Code Information System in a manner that allows  
453 interested persons to address the issues by posting comments.

454 5. Before issuing an advisory opinion, the commission shall  
455 consider the petition, the response, and any comments posted on  
456 the Building Code Information System. The commission may also  
457 provide the petition, the response, and any comments posted on  
458 the Building Code Information System to a technical advisory  
459 committee, and may consider any recommendation provided by the  
460 technical advisory committee. The commission shall issue an  
461 advisory opinion stating whether the regulation, law, ordinance,  
462 policy, amendment, or land use or zoning provision is a  
463 technical amendment to the Florida Building Code within 60 days  
464 after the filing of the petition, including Saturdays, Sundays,

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465 and legal holidays. The commission shall publish its advisory  
466 opinion on the Building Code Information System and in the  
467 Florida Administrative Register. The commission's advisory  
468 opinion is nonbinding and is not a declaratory statement under  
469 s. 120.565.

470 (5) Notwithstanding subsection (4), counties and  
471 municipalities may adopt by ordinance an administrative or  
472 technical amendment to the Florida Building Code relating to  
473 flood resistance in order to implement the National Flood  
474 Insurance Program or incentives. Specifically, an administrative  
475 amendment may assign the duty to enforce all or portions of  
476 flood-related code provisions to the appropriate agencies of the  
477 local government and adopt procedures for variances and  
478 exceptions from flood-related code provisions other than  
479 provisions for structures seaward of the coastal construction  
480 control line consistent with the requirements in 44 C.F.R. s.  
481 60.6. A technical amendment is authorized to the extent it is  
482 more stringent than the code. A technical amendment is not  
483 subject to the requirements of subsection (4) and may not be  
484 rendered void when the code is updated if the amendment is  
485 adopted for the purpose of participating in the Community Rating  
486 System promulgated pursuant to 42 U.S.C. s. 4022, the amendment  
487 had already been adopted by local ordinance prior to July 1,  
488 2010, or the amendment requires a design flood elevation above  
489 the base flood elevation. Any amendment adopted pursuant to this  
490 subsection shall be transmitted to the commission within 30 days  
491 after being adopted. A municipality, county, or special district  
492 may not use preliminary maps issued by the Federal Emergency  
493 Management Agency for any law, ordinance, rule, or other measure

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494 that has the effect of imposing land use changes.

495 (8) Notwithstanding subsection (3) or subsection (7), the  
496 commission may address issues identified in this subsection by  
497 amending the code under ~~pursuant to~~ the rule adoption procedures  
498 in chapter 120. Updates to the Florida Building Code, including  
499 provisions contained in referenced standards and criteria which  
500 relate to wind resistance or the prevention of water intrusion,  
501 may not be amended under ~~pursuant to~~ this subsection to diminish  
502 those standards; however, the commission may amend the Florida  
503 Building Code to enhance such standards. Following the approval  
504 of any amendments to the Florida Building Code by the commission  
505 and publication of the amendments on the commission's website,  
506 authorities having jurisdiction to enforce the Florida Building  
507 Code may enforce the amendments.

508 (a) The commission may approve amendments that are needed  
509 to address:

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

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

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

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

516 5. ~~(e)~~ Changes to or inconsistencies with federal or state  
517 law; or

518 6. ~~(f)~~ Adoption of an updated edition of the National  
519 Electrical Code if the commission finds that delay of  
520 implementing the updated edition causes undue hardship to  
521 stakeholders or otherwise threatens the public health, safety,  
522 and welfare.

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

531       Section 5. Subsection (7) of section 553.77, Florida  
532 Statutes, is amended to read:

533       553.77 Specific powers of the commission.—

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

538       Section 6. Paragraph (d) is added to subsection (1) of  
539 section 553.79, Florida Statutes, and subsection (23) is added  
540 to that section, to read:

541       553.79 Permits; applications; issuance; inspections.—

542       (1)

543       (d) A local government may not require a contract between a  
544 builder and an owner for the issuance of a building permit or as  
545 a requirement for the submission of a building permit  
546 application.

547       (23) Notwithstanding any law, regulation, or ordinance, a  
548 local government may not prohibit or otherwise restrict the  
549 ability of a property owner to obtain a building permit to  
550 demolish and replace any single-family residential dwelling  
551 located in a coastal high hazard area, moderate flood zone, or

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552 special flood hazard area according to the Federal Emergency  
553 Management Agency's Flood Insurance Rate Map if the lowest floor  
554 elevation of the dwelling is at or below the property's base  
555 flood elevation plus one foot pursuant to Florida Building Code  
556 or pursuant to local ordinance, whichever is higher, and all  
557 other Florida Building Code requirements are met. Demolition  
558 permits issued under this section may only be reviewed  
559 administratively for compliance with the Florida Building Code  
560 and other applicable construction regulations, and are not  
561 subject to any additional land development regulation or zoning  
562 approval that requires a public hearing before the issuance of  
563 the permit. Local governments may not impose additional  
564 regulatory requirements on the replacement single-family  
565 residential dwelling which would not otherwise be applicable to  
566 a similarly situated vacant parcel and may not penalize the  
567 owner for such demolition.

568 Section 7. Present subsections (10) through (19) of section  
569 553.791, Florida Statutes, are redesignated as subsections (11)  
570 through (20), respectively, a new subsection (10) and subsection  
571 (21) are added to that section, and subsection (1), paragraph  
572 (b) of subsection (2), subsections (3), (4), and (6), paragraphs  
573 (b) and (d) of subsection (7), subsections (8) and (9), and  
574 present subsections (10), (11), (12), (14), and (15) are  
575 amended, to read:

576 553.791 Alternative plans review and inspection.—

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

578 (a) "Applicable codes" means the Florida Building Code and  
579 any local technical amendments to the Florida Building Code but  
580 does not include the applicable minimum fire prevention and

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581 firesafety codes adopted pursuant to chapter 633.

582 (b) "Audit" means the process to confirm that the building  
583 code inspection services have been performed by the private  
584 provider, including ensuring that the required affidavit for the  
585 plan review has been properly completed and submitted with  
586 ~~affixed to~~ the permit documents and that the minimum mandatory  
587 inspections required under the building code have been performed  
588 and properly recorded. The local building official may not  
589 replicate the plan review or inspection being performed by the  
590 private provider, unless expressly authorized by this section.

591 (c) "Building" means any construction, erection,  
592 alteration, demolition, or improvement of, or addition to, any  
593 structure or site work for which permitting by a local  
594 enforcement agency is required.

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

604 (e) "Deliver" or "delivery" means any method of delivery  
605 used in conventional business or commercial practice, including  
606 delivery by electronic transmissions.

607 (f) "Duly authorized representative" means an agent of the  
608 private provider identified in the permit application who  
609 reviews plans or performs inspections as provided by this

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610 section and who is licensed as an engineer under chapter 471 or  
611 as an architect under chapter 481 or who holds a standard  
612 certificate under part XII of chapter 468.

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

617 (h) "Electronic signature" means any letters, characters,  
618 or symbols manifested by electronic or similar means which are  
619 executed or adopted by a party with an intent to authenticate a  
620 writing or record.

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

630 (j)~~(f)~~ "Immediate threat to public safety and welfare"  
631 means a building code violation that, if allowed to persist,  
632 constitutes an immediate hazard that could result in death,  
633 serious bodily injury, or significant property damage. This  
634 paragraph does not limit the authority of the local building  
635 official to issue a Notice of Corrective Action at any time  
636 during the construction of a building project or any portion of  
637 such project if the official determines that a condition of the  
638 building or portion thereof may constitute a hazard when the

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639 building is put into use following completion as long as the  
640 condition cited is shown to be in violation of the building code  
641 or approved plans.

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

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

- 653 1. The plans reviewed by the private provider.
- 654 2. The affidavit from the private provider required under  
655 subsection (6).
- 656 3. Any applicable fees.
- 657 4. Any documents required by the local building official to  
658 determine that the fee owner has secured all other government  
659 approvals required by law.

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

664 (n)~~(j)~~ "Private provider" means a person licensed as a  
665 building code administrator under part XII of chapter 468, as an  
666 engineer under chapter 471, or as an architect under chapter  
667 481. For purposes of performing inspections under this section

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668 for additions and alterations that are limited to 1,000 square  
669 feet or less to residential buildings, the term "private  
670 provider" also includes a person who holds a standard  
671 certificate under part XII of chapter 468.

672 (o) "Qualified private provider" means a private provider  
673 who has previously performed plans review and inspection  
674 services in the local jurisdiction and has registered with the  
675 local enforcing agency by providing the local building official  
676 with the private provider's name, firm, address, telephone  
677 number, and e-mail address; his or her professional license or  
678 certification number, qualification statements, or resumes; and,  
679 if required by the local building official, a certificate of  
680 insurance demonstrating that professional liability insurance  
681 coverage is in place for the private provider's firm, the  
682 private provider, and any duly authorized representative in the  
683 amounts required by this section. This information must be  
684 submitted on an annual basis to the local jurisdiction in order  
685 to maintain qualifying status. If at any time any of the  
686 information submitted to the local jurisdiction changes, the  
687 private provider must contact the local jurisdiction and update  
688 the information within 10 business days after the change. The  
689 local jurisdiction is required to keep a registry of active  
690 qualified private providers.

691 (p)~~(k)~~ "Request for certificate of occupancy or certificate  
692 of completion" means a properly completed and executed  
693 application for:

- 694 1. A certificate of occupancy or certificate of completion.
- 695 2. A certificate of compliance from the private provider
- 696 required under subsection (12) ~~(11)~~.

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697 3. Any applicable fees.

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

701 (g) "Single-trade inspection" means any inspection focused  
702 on a single construction trade, such as plumbing, mechanical, or  
703 electrical. The term includes, but is not limited to,  
704 inspections of door or window replacements; fences and block  
705 walls more than 6 feet high from the top of the wall to the  
706 bottom of the footing; stucco or plastering; reroofing with no  
707 structural alteration; HVAC replacements; ductwork or fan  
708 replacements; alteration or installation of wiring, lighting,  
709 and service panels; water heater changeouts; sink replacements;  
710 and repiping.

711 (r)~~(l)~~ "Site work" means the portion of a construction  
712 project that is not part of the building structure, including,  
713 but not limited to, grading, excavation, landscape irrigation,  
714 and installation of driveways.

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

719 (2)

720 (b) If an owner or contractor retains a private provider  
721 for purposes of plans review or building inspection services,  
722 the local jurisdiction must reduce the permit fee by the amount  
723 of cost savings realized by the local enforcement agency for not  
724 having to perform such services. Such reduction may be  
725 calculated on a flat fee or percentage basis, or any other

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726 reasonable means by which a local enforcement agency assesses  
727 the cost for its plans review or inspection services ~~It is the~~  
728 ~~intent of the Legislature that owners and contractors pay~~  
729 ~~reduced fees related to building permitting requirements when~~  
730 ~~hiring a private provider for plans review and building~~  
731 ~~inspections. A local jurisdiction must calculate the cost~~  
732 ~~savings to the local enforcement agency, based on a fee owner or~~  
733 ~~contractor hiring a private provider to perform plans reviews~~  
734 ~~and building inspections in lieu of the local building official,~~  
735 ~~and reduce the permit fees accordingly.~~ The local jurisdiction  
736 may not charge fees for building inspections if the fee owner or  
737 contractor hires a private provider to perform such services;  
738 however, the local jurisdiction may charge a reasonable  
739 administrative fee.

740 (3) A private provider and any duly authorized  
741 representative may only perform building code inspection  
742 services that are within the disciplines covered by that  
743 person's licensure or certification under chapter 468, chapter  
744 471, or chapter 481, including single-trade inspections. A  
745 private provider may not provide building code inspection  
746 services pursuant to this section upon any building designed or  
747 constructed by the private provider or the private provider's  
748 firm.

749 (4) A fee owner or the fee owner's contractor using a  
750 private provider to provide building code inspection services  
751 shall notify the local building official in writing at the time  
752 of permit application, or by 2 p.m. local time, 2 business days  
753 before the first scheduled inspection by the local building  
754 official or building code enforcement agency that ~~for~~ a private

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755 provider has been contracted to perform the ~~performing~~ required  
756 inspections of construction under this section, including  
757 single-trade inspections, on a form to be adopted by the  
758 commission. This notice shall include the following information:

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

760 (b) The name, firm, address, telephone number, and e-mail  
761 address ~~facsimile number~~ of each private provider who is  
762 performing or will perform such services, his or her  
763 professional license or certification number, qualification  
764 statements or resumes, and, if required by the local building  
765 official, a certificate of insurance demonstrating that  
766 professional liability insurance coverage is in place for the  
767 private provider's firm, the private provider, and any duly  
768 authorized representative in the amounts required by this  
769 section.

770  
771 However, the notice is not required to include such information  
772 for private providers who are qualified private providers within  
773 the local jurisdiction and have renewed such designation  
774 pursuant to this section.

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

777  
778 I have elected to use one or more private providers to  
779 provide building code plans review and/or inspection  
780 services on the building or structure that is the  
781 subject of the enclosed permit application, as  
782 authorized by s. 553.791, Florida Statutes. I  
783 understand that the local building official may not

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784 review the plans submitted or perform the required  
785 building inspections to determine compliance with the  
786 applicable codes, except to the extent specified in  
787 said law. Instead, plans review and/or required  
788 building inspections will be performed by licensed or  
789 certified personnel identified in the application. The  
790 law requires minimum insurance requirements for such  
791 personnel, but I understand that I may require more  
792 insurance to protect my interests. By executing this  
793 form, I acknowledge that I have made inquiry regarding  
794 the competence of the licensed or certified personnel  
795 and the level of their insurance and am satisfied that  
796 my interests are adequately protected. I agree to  
797 indemnify, defend, and hold harmless the local  
798 government, the local building official, and their  
799 building code enforcement personnel from any and all  
800 claims arising from my use of these licensed or  
801 certified personnel to perform building code  
802 inspection services with respect to the building or  
803 structure that is the subject of the enclosed permit  
804 application.

805  
806 If the fee owner or the fee owner's contractor makes any changes  
807 to the listed private providers or the services to be provided  
808 by those private providers, the fee owner or the fee owner's  
809 contractor shall, within 1 business day after any change or  
810 within 2 business days before the next scheduled inspection,  
811 update the notice to reflect such changes. A change of a duly  
812 authorized representative named in the permit application does

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813 not require a revision of the permit, and the building code  
814 enforcement agency shall not charge a fee for making the change.  
815 ~~In addition, the fee owner or the fee owner's contractor shall~~  
816 ~~post at the project site, before the commencement of~~  
817 ~~construction and updated within 1 business day after any change,~~  
818 ~~on a form to be adopted by the commission, the name, firm,~~  
819 ~~address, telephone number, and facsimile number of each private~~  
820 ~~provider who is performing or will perform building code~~  
821 ~~inspection services, the type of service being performed, and~~  
822 ~~similar information for the primary contact of the private~~  
823 ~~provider on the project.~~

824 (6) A private provider performing plans review under this  
825 section shall review the plans to determine compliance with the  
826 applicable codes. Upon determining that the plans reviewed  
827 comply with the applicable codes, the private provider shall  
828 prepare an affidavit or affidavits ~~on a form reasonably~~  
829 ~~acceptable to the commission~~ certifying, under oath, that the  
830 following is true and correct to the best of the private  
831 provider's knowledge and belief:

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

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

836  
837 Such affidavit may bear a written or electronic signature and  
838 may be submitted electronically to the local building official.

839 (7)

840 (b) If the local building official provides a written  
841 notice of plan deficiencies to the permit applicant within the

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842 prescribed 20-day period, the 20-day period shall be tolled  
843 pending resolution of the matter. To resolve the plan  
844 deficiencies, the permit applicant may elect to dispute the  
845 deficiencies pursuant to subsection (14) ~~(13)~~ or to submit  
846 revisions to correct the deficiencies.

847 (d) If the local building official provides a second  
848 written notice of plan deficiencies to the permit applicant  
849 within the prescribed time period, the permit applicant may  
850 elect to dispute the deficiencies pursuant to subsection (14)  
851 ~~(13)~~ or to submit additional revisions to correct the  
852 deficiencies. For all revisions submitted after the first  
853 revision, the local building official has an additional 5  
854 business days from the date of resubmittal to issue the  
855 requested permit or to provide a written notice to the permit  
856 applicant stating which of the previously identified plan  
857 features remain in noncompliance with the applicable codes, with  
858 specific reference to the relevant code chapters and sections.

859 (8) A private provider performing required inspections  
860 under this section shall inspect each phase of construction as  
861 required by the applicable codes. Such inspection may be  
862 performed in-person or virtually. The private provider may have  
863 ~~shall be permitted to send~~ a duly authorized representative ~~to~~  
864 ~~the building site to~~ perform the required inspections, provided  
865 all required reports are prepared by and bear the written or  
866 electronic signature of the private provider or the private  
867 provider's duly authorized representative. The duly authorized  
868 representative must be an employee of the private provider  
869 entitled to receive reemployment assistance benefits under  
870 chapter 443. The contractor's contractual or legal obligations

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871 are not relieved by any action of the private provider.

872 (9) A private provider performing required inspections  
873 under this section shall provide notice to the local building  
874 official of the date and approximate time of any such inspection  
875 no later than the prior business day by 2 p.m. local time or by  
876 any later time permitted by the local building official in that  
877 jurisdiction. The local building official may not prohibit the  
878 private provider from performing any inspection outside the  
879 local building official's normal operating hours, including  
880 after hours, weekends, or holidays. The local building official  
881 may visit the building site as often as necessary to verify that  
882 the private provider is performing all required inspections. A  
883 deficiency notice must be posted ~~at the job site~~ by the private  
884 provider, the duly authorized representative of the private  
885 provider, or the building department whenever a noncomplying  
886 item related to the building code or the permitted documents is  
887 found. Such notice may be physically posted at the job site or  
888 electronically posted. After corrections are made, the item must  
889 be reinspected by the private provider or representative before  
890 being concealed. Reinspection or reaudit fees shall not be  
891 charged by the local jurisdiction as a result of the local  
892 jurisdiction's audit inspection occurring before the performance  
893 of the private provider's inspection or for any other  
894 administrative matter not involving the detection of a violation  
895 of the building code or a permit requirement.

896 (10) If equipment replacements and repairs must be  
897 performed in an emergency situation, subject to the emergency  
898 permitting provisions of the Florida Building Code, a private  
899 provider may perform emergency inspection services without first

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900 notifying the local building official pursuant to subsection  
901 (9). A private provider must conduct the inspection within 3  
902 business days after being contacted to conduct an emergency  
903 inspection and must submit the inspection report to the local  
904 building official within 1 day after the inspection is  
905 completed.

906 (11)~~(10)~~ Upon completing the required inspections at each  
907 applicable phase of construction, the private provider shall  
908 record such inspections on a form acceptable to the local  
909 building official. The form must bear the written or electronic  
910 signature of ~~be signed by~~ the provider or the provider's duly  
911 authorized representative. These inspection records shall  
912 reflect those inspections required by the applicable codes of  
913 each phase of construction for which permitting by a local  
914 enforcement agency is required. The private provider, upon  
915 completion of the required inspection ~~before leaving the project~~  
916 ~~site~~, shall post each completed inspection record, indicating  
917 pass or fail, ~~at the site~~ and provide the record to the local  
918 building official within 2 business days. Such inspection record  
919 may be electronically posted by the private provider or the  
920 private provider may post such inspection record physically at  
921 the project site. The private provider may electronically  
922 transmit the record to the local building official. The local  
923 building official may waive the requirement to provide a record  
924 of each inspection within 2 business days if the record is  
925 electronically posted or posted at the project site and all such  
926 inspection records are submitted with the certificate of  
927 compliance. Unless the records have been electronically posted,  
928 records of all required and completed inspections shall be

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929 maintained at the building site at all times and made available  
930 for review by the local building official. The private provider  
931 shall report to the local enforcement agency any condition that  
932 poses an immediate threat to public safety and welfare.

933 (12)~~(11)~~ Upon completion of all required inspections, the  
934 private provider shall prepare a certificate of compliance, on a  
935 form acceptable to the local building official, summarizing the  
936 inspections performed and including a written representation,  
937 under oath, that the stated inspections have been performed and  
938 that, to the best of the private provider's knowledge and  
939 belief, the building construction inspected complies with the  
940 approved plans and applicable codes. The statement required of  
941 the private provider shall be substantially in the following  
942 form and shall be signed and sealed by a private provider as  
943 established in subsection (1) or may be electronically  
944 transmitted to the local building official:

945  
946 To the best of my knowledge and belief, the building  
947 components and site improvements outlined herein and  
948 inspected under my authority have been completed in  
949 conformance with the approved plans and the applicable  
950 codes.

951  
952 (13)~~(12)~~ No more than 2 business days after receipt of a  
953 request for a certificate of occupancy or certificate of  
954 completion and the applicant's presentation of a certificate of  
955 compliance and approval of all other government approvals  
956 required by law, the local building official shall issue the  
957 certificate of occupancy or certificate of completion or provide

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958 a notice to the applicant identifying the specific deficiencies,  
959 as well as the specific code chapters and sections. If the local  
960 building official does not provide notice of the deficiencies  
961 within the prescribed 2-day period, the request for a  
962 certificate of occupancy or certificate of completion shall be  
963 deemed granted and the certificate of occupancy or certificate  
964 of completion shall be issued by the local building official on  
965 the next business day. To resolve any identified deficiencies,  
966 the applicant may elect to dispute the deficiencies pursuant to  
967 subsection (14) ~~(13)~~ or to submit a corrected request for a  
968 certificate of occupancy or certificate of completion.

969 (15) ~~(14)~~ For the purposes of this section, any notice to be  
970 provided by the local building official shall be deemed to be  
971 provided to the person or entity when successfully transmitted  
972 to the e-mail address ~~facsimile number~~ listed for that person or  
973 entity in the permit application or revised permit application,  
974 or, if no e-mail address ~~facsimile number~~ is stated, when  
975 actually received by that person or entity.

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

980 (b) A local enforcement agency, local building official, or  
981 local government may establish, for private providers and duly  
982 authorized representatives working within that jurisdiction, a  
983 system of registration to verify compliance with the licensure  
984 requirements of paragraph (1) (n) ~~(1) (j)~~ and the insurance  
985 requirements of subsection (17). Such registration must be  
986 distinct from the registry of qualified private providers ~~(16)~~.

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

992 (21) Notwithstanding any other law, a county, a  
993 municipality, a school district, or an independent special  
994 district may elect to use a private provider to provide building  
995 code inspection services for a public works project, an  
996 improvement, a building, or any other structure that is owned by  
997 the county, municipality, school district, or independent  
998 special district.

999 Section 8. Paragraph (a) of subsection (8) and subsection  
1000 (14) of section 553.842, Florida Statutes, are amended to read:  
1001 553.842 Product evaluation and approval.—

1002 (8) The commission may adopt rules to approve the following  
1003 types of entities that produce information on which product  
1004 approvals are based. All of the following entities, including  
1005 engineers and architects, must comply with a nationally  
1006 recognized standard demonstrating independence or no conflict of  
1007 interest:

1008 (a) Evaluation entities approved under ~~pursuant to~~ this  
1009 paragraph or that meet the criteria for approval adopted by the  
1010 commission by rule. The commission shall specifically approve  
1011 the National Evaluation Service, the International Association  
1012 of Plumbing and Mechanical Officials Evaluation Service, the  
1013 International Code Council Evaluation Services, Underwriters  
1014 Laboratories, LLC, Intertek Testing Services NA, Inc., and the  
1015 Miami-Dade County Building Code Compliance Office Product

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1016 Control Division. Architects and engineers licensed in this  
1017 state are also approved to conduct product evaluations as  
1018 provided in subsection (5).

1019 (14) The commission shall by rule establish criteria for  
1020 revocation of product approvals as well as suspension ~~revocation~~  
1021 of approvals of product evaluation entities, including those  
1022 approved pursuant to paragraph (8) (a), and suspension or  
1023 revocation of approvals of testing laboratories, quality  
1024 assurance entities, certification agencies, and validation  
1025 entities. Suspension and revocation is governed by s. 120.60 and  
1026 the uniform rules of procedure.

1027 Section 9. Paragraph (a) of subsection (7) of section  
1028 553.80, Florida Statutes, is amended to read:

1029 553.80 Enforcement.—

1030 (7) (a) The governing bodies of local governments may  
1031 provide a schedule of reasonable fees, as authorized by s.  
1032 125.56(2) or s. 166.222 and this section, for enforcing this  
1033 part. These fees, and any fines or investment earnings related  
1034 to the fees, shall be used solely for carrying out the local  
1035 government's responsibilities in enforcing the Florida Building  
1036 Code. When providing a schedule of reasonable fees, the total  
1037 estimated annual revenue derived from fees, and the fines and  
1038 investment earnings related to the fees, may not exceed the  
1039 total estimated annual costs of allowable activities. Any  
1040 unexpended balances shall be carried forward to future years for  
1041 allowable activities or shall be refunded at the discretion of  
1042 the local government. A local government may not carry forward  
1043 an amount exceeding the average of its operating budget for  
1044 enforcing the Florida Building Code for the previous 4 fiscal

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1045 years. For purposes of this subsection, the term "operating  
1046 budget" does not include reserve amounts. Any amount exceeding  
1047 this limit must be used as authorized in subparagraph 2.  
1048 However, a local government which established, as of January 1,  
1049 2019, a Building Inspections Fund Advisory Board consisting of  
1050 five members from the construction stakeholder community and  
1051 carries an unexpended balance in excess of the average of its  
1052 operating budget for the previous 4 fiscal years may continue to  
1053 carry such excess funds forward upon the recommendation of the  
1054 advisory board. The basis for a fee structure for allowable  
1055 activities shall relate to the level of service provided by the  
1056 local government and shall include consideration for refunding  
1057 fees due to reduced services based on services provided as  
1058 prescribed by s. 553.791, but not provided by the local  
1059 government. Fees charged shall be consistently applied.

1060 1. As used in this subsection, the phrase "enforcing the  
1061 Florida Building Code" includes the direct costs and reasonable  
1062 indirect costs associated with review of building plans,  
1063 building inspections, reinspections, and building permit  
1064 processing; building code enforcement; and fire inspections  
1065 associated with new construction. The phrase may also include  
1066 training costs associated with the enforcement of the Florida  
1067 Building Code and enforcement action pertaining to unlicensed  
1068 contractor activity to the extent not funded by other user fees.

1069 2. A local government must use any excess funds that it is  
1070 prohibited from carrying forward to rebate and reduce fees, or  
1071 pay for the construction of a building or structure that houses  
1072 a local government's building code enforcement agency or  
1073 provides training programs for building officials, inspectors,

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1074 or plans examiners associated with the enforcement of the  
1075 Florida Building Code. Excess funds used to construct such a  
1076 building or structure must be designated for such purpose by the  
1077 local government and may not be carried forward for more than 4  
1078 consecutive years.

1079 3. The following activities may not be funded with fees  
1080 adopted for enforcing the Florida Building Code:

1081 a. Planning and zoning or other general government  
1082 activities.

1083 b. Inspections of public buildings for a reduced fee or no  
1084 fee.

1085 c. Public information requests, community functions,  
1086 boards, and any program not directly related to enforcement of  
1087 the Florida Building Code.

1088 d. Enforcement and implementation of any other local  
1089 ordinance, excluding validly adopted local amendments to the  
1090 Florida Building Code and excluding any local ordinance directly  
1091 related to enforcing the Florida Building Code as defined in  
1092 subparagraph 1.

1093 4. A local government shall use recognized management,  
1094 accounting, and oversight practices to ensure that fees, fines,  
1095 and investment earnings generated under this subsection are  
1096 maintained and allocated or used solely for the purposes  
1097 described in subparagraph 1.

1098 5. The local enforcement agency, independent district, or  
1099 special district may not require at any time, including at the  
1100 time of application for a permit, the payment of any additional  
1101 fees, charges, or expenses associated with:

1102 a. Providing proof of licensure pursuant to chapter 489;

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1103 b. Recording or filing a license issued pursuant to this  
1104 chapter;

1105 c. Providing, recording, or filing evidence of workers'  
1106 compensation insurance coverage as required by chapter 440; or

1107 d. Charging surcharges or other similar fees not directly  
1108 related to enforcing the Florida Building Code.

1109 Section 10. Paragraph (bb) of subsection (1) of section  
1110 125.01, Florida Statutes, is amended to read:

1111 125.01 Powers and duties.—

1112 (1) The legislative and governing body of a county shall  
1113 have the power to carry on county government. To the extent not  
1114 inconsistent with general or special law, this power includes,  
1115 but is not restricted to, the power to:

1116 (bb) Enforce the Florida Building Code~~7~~ as provided in s.  
1117 553.80~~7~~ and adopt and enforce local technical amendments to the  
1118 Florida Building Code as provided in s. 553.73(4)~~7~~, ~~pursuant to~~  
1119 ~~s. 553.73(4)(b) and (c)~~.

1120 Section 11. Subsection (1) of section 125.56, Florida  
1121 Statutes, is amended to read:

1122 125.56 Enforcement and amendment of the Florida Building  
1123 Code and the Florida Fire Prevention Code; inspection fees;  
1124 inspectors; etc.—

1125 (1) The board of county commissioners of each of the  
1126 several counties of the state may enforce the Florida Building  
1127 Code and the Florida Fire Prevention Code~~7~~ as provided in ss.  
1128 553.80, 633.206, and 633.208~~7~~ and, at its discretion, adopt  
1129 local technical amendments to the Florida Building Code as  
1130 provided in s. 553.73(4)~~7~~, ~~pursuant to s. 553.73(4)(b) and (c)~~  
1131 and local technical amendments to the Florida Fire Prevention

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1132 Code as provided in, ~~pursuant to~~ s. 633.202, to provide for the  
1133 safe construction, erection, alteration, repair, securing, and  
1134 demolition of any building within its territory outside the  
1135 corporate limits of any municipality. Upon a determination to  
1136 consider amending the Florida Building Code or the Florida Fire  
1137 Prevention Code by a majority of the members of the board of  
1138 county commissioners of such county, the board shall call a  
1139 public hearing and comply with the public notice requirements of  
1140 s. 125.66(2). The board shall hear all interested parties at the  
1141 public hearing and may then amend the building code or the fire  
1142 code consistent with the terms and purposes of this act. Upon  
1143 adoption, an amendment to the code shall be in full force and  
1144 effect throughout the unincorporated area of such county until  
1145 otherwise notified by the Florida Building Commission under  
1146 ~~pursuant to~~ s. 553.73 or the State Fire Marshal under ~~pursuant~~  
1147 ~~to~~ s. 633.202. This subsection does not ~~Nothing herein contained~~  
1148 ~~shall be construed to~~ prevent the board of county commissioners  
1149 from repealing such amendment to the building code or the fire  
1150 code at any regular meeting of such board.

1151 Section 12. This act shall take effect July 1, 2021.