

ENROLLED

CS/CS/HB 423

2022 Legislature

1
 2 An act relating to building regulation; amending s.
 3 468.603, F.S.; defining the term "private provider";
 4 amending s. 468.609, F.S.; revising eligibility
 5 requirements for a person applying to become certified
 6 as a building code inspector or plans examiner;
 7 authorizing an individual to perform certain duties
 8 under certain conditions if he or she is under the
 9 direct supervision of a certified building code
 10 official; revising the special conditions or
 11 requirements that the Florida Building Code
 12 Administrators and Inspectors Board may impose on
 13 provisional certificates; authorizing a person to
 14 perform certain duties under certain conditions if the
 15 person is under the direct supervision of a person
 16 licensed as a building code official, engineer, or
 17 architect; authorizing that partial completion of an
 18 internship program be transferable among
 19 jurisdictions, private providers, and firms of private
 20 providers; amending s. 553.79, F.S.; providing that a
 21 local government may not prohibit or restrict
 22 demolition permits for single-family residential
 23 structures located in certain areas; providing that
 24 local governments may only review demolition permits
 25 administratively for compliance with certain

ENROLLED

CS/CS/HB 423

2022 Legislature

26 regulations; prohibiting a property owner from being
 27 penalized for a demolition that is in compliance with
 28 a demolition permit; prohibiting local governments
 29 from imposing additional requirements on certain
 30 structures; providing applicability; amending s.
 31 553.791, F.S.; revising the definition of the term
 32 "duly authorized representative"; limiting the
 33 administrative fee that a local jurisdiction can
 34 charge when an owner or contractor hires a private
 35 provider for inspection services; requiring the local
 36 jurisdiction to provide access to certain documents to
 37 a private provider, contractor, and owner with certain
 38 restrictions; requiring the local building official to
 39 issue a certificate of occupancy or certificate of
 40 completion within a certain number of days after
 41 receipt of certain information, including the payment
 42 of all outstanding fees; providing that a certificate
 43 of occupancy or certificate of completion is
 44 automatically granted and issued, and the permit
 45 application closed, under certain circumstances;
 46 requiring the local building official to provide a
 47 written certificate of occupancy or certificate of
 48 completion within a specified time; amending s.
 49 553.792; revising requirements for when a local
 50 government requests certain additional information

ENROLLED

CS/CS/HB 423

2022 Legislature

51 from an applicant for a building permit; limiting the
 52 number of times the local government may request such
 53 information; providing requirements for a local
 54 government if a certain request is made by an
 55 applicant; amending s. 553.80, F.S.; authorizing a
 56 civil action under certain circumstances; providing an
 57 effective date.

58

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

60

61 Section 1. Subsection (9) is added to section 468.603,
 62 Florida Statutes, to read:

63 468.603 Definitions.—As used in this part:

64 (9) "Private provider" has the same meaning as in s.
 65 553.791(1).

66 Section 2. Paragraph (c) of subsection (2), paragraphs (c)
 67 and (d) of subsection (7), and paragraph (b) of subsection (10)
 68 of section 468.609, Florida Statutes, are amended to read:

69 468.609 Administration of this part; standards for
 70 certification; additional categories of certification.—

71 (2) A person may take the examination for certification as
 72 a building code inspector or plans examiner pursuant to this
 73 part if the person:

74 (c) Meets eligibility requirements according to one of the
 75 following criteria:

ENROLLED

CS/CS/HB 423

2022 Legislature

76 1. Demonstrates 4 years' combined experience in the field
 77 of construction or a related field, building code inspection, or
 78 plans review corresponding to the certification category sought;
 79 2. Demonstrates a combination of postsecondary education
 80 in the field of construction or a related field and experience
 81 which totals 3 years, with at least 1 year of such total being
 82 experience in construction, building code inspection, or plans
 83 review;
 84 3. Demonstrates a combination of technical education in
 85 the field of construction or a related field and experience
 86 which totals 3 years, with at least 1 year of such total being
 87 experience in construction, building code inspection, or plans
 88 review;
 89 4. Currently holds a standard certificate issued by the
 90 board or a firesafety inspector license issued under ~~pursuant to~~
 91 chapter 633, with a minimum of 3 years' verifiable full-time
 92 experience in firesafety inspection or firesafety plan review,
 93 and has satisfactorily completed a building code inspector or
 94 plans examiner training program that provides at least 100 hours
 95 but not more than 200 hours of cross-training in the
 96 certification category sought. The board shall establish by rule
 97 criteria for the development and implementation of the training
 98 programs. The board must ~~shall~~ accept all classroom training
 99 offered by an approved provider if the content substantially
 100 meets the intent of the classroom component of the training

ENROLLED

CS/CS/HB 423

2022 Legislature

101 program;

102 5. Demonstrates a combination of the completion of an
103 approved training program in the field of building code
104 inspection or plan review and a minimum of 2 years' experience
105 in the field of building code inspection, plan review, fire code
106 inspections and fire plans review of new buildings as a
107 firesafety inspector certified under s. 633.216, or
108 construction. The approved training portion of this requirement
109 must ~~shall~~ include proof of satisfactory completion of a
110 training program that provides at least 200 hours but not more
111 than 300 hours of cross-training that is approved by the board
112 in the chosen category of building code inspection or plan
113 review in the certification category sought with at least 20
114 hours but not more than 30 hours of instruction in state laws,
115 rules, and ethics relating to professional standards of
116 practice, duties, and responsibilities of a certificateholder.
117 The board shall coordinate with the Building Officials
118 Association of Florida, Inc., to establish by rule the
119 development and implementation of the training program. However,
120 the board must ~~shall~~ accept all classroom training offered by an
121 approved provider if the content substantially meets the intent
122 of the classroom component of the training program;

123 6. Currently holds a standard certificate issued by the
124 board or a firesafety inspector license issued under ~~pursuant to~~
125 chapter 633 and:

ENROLLED

CS/CS/HB 423

2022 Legislature

126 a. Has at least 4 years' verifiable full-time experience
 127 as an inspector or plans examiner in a standard certification
 128 category currently held or has a minimum of 4 years' verifiable
 129 full-time experience as a firesafety inspector licensed under
 130 ~~pursuant to~~ chapter 633.

131 b. Has satisfactorily completed a building code inspector
 132 or plans examiner classroom training course or program that
 133 provides at least 200 but not more than 300 hours in the
 134 certification category sought, except for residential ~~one-family~~
 135 ~~and two-family dwelling~~ training programs, which must provide at
 136 least 500 but not more than 800 hours of training as prescribed
 137 by the board. The board shall establish by rule criteria for the
 138 development and implementation of classroom training courses and
 139 programs in each certification category; or

140 7.a. Has completed a 4-year internship certification
 141 program as a building code inspector or plans examiner while
 142 also employed full-time by a municipality, county, or other
 143 governmental jurisdiction, under the direct supervision of a
 144 certified building official. A person may also complete the
 145 internship certification program while employed full time by a
 146 private provider or a private provider's firm that performs the
 147 services of a building code inspector or plans examiner, while
 148 under the direct supervision of a certified building official.
 149 Proof of graduation with a related vocational degree or college
 150 degree or of verifiable work experience may be exchanged for the

ENROLLED

CS/CS/HB 423

2022 Legislature

151 internship experience requirement year-for-year, but may reduce
 152 the requirement to no less than 1 year.

153 b. Has passed an examination administered by the
 154 International Code Council in the certification category sought.
 155 Such examination must be passed before beginning the internship
 156 certification program.

157 c. Has passed the principles and practice examination
 158 before completing the internship certification program.

159 d. Has passed a board-approved 40-hour code training
 160 course in the certification category sought before completing
 161 the internship certification program.

162 e. Has obtained a favorable recommendation from the
 163 supervising building official after completion of the internship
 164 certification program.

165 (7)

166 (c) The board shall provide for appropriate levels of
 167 provisional certificates and may issue these certificates with
 168 such special conditions or requirements ~~relating to the place of~~
 169 ~~employment of the person holding the certificate, the~~
 170 ~~supervision of such person on a consulting or advisory basis, or~~
 171 ~~other matters~~ as the board deems ~~may deem~~ necessary to protect
 172 the public safety and health. The board may not place a special
 173 condition or requirement on a provisional certificate with
 174 respect to the requirement of employment by a municipality,
 175 county, or other local governmental agency.

ENROLLED

CS/CS/HB 423

2022 Legislature

176 (d) A person may perform the duties of a plans examiner or
 177 building code inspector for 120 days if a provisional
 178 certificate application has been submitted if such person is
 179 under the direct supervision of a person licensed as a certified
 180 building code administrator under this part ~~who holds a standard~~
 181 ~~certification~~ and who has found such person qualified for a
 182 provisional certificate. Direct supervision and the
 183 determination of qualifications may also be provided by a
 184 building code administrator who holds a limited or provisional
 185 certificate in a county having a population of fewer than 75,000
 186 and in a municipality located within such county.

187 (10)

188 (b) The board shall by rule establish:

189 1. Reciprocity of certification with any other state that
 190 requires an examination administered by the International Code
 191 Council.

192 2. That an applicant for certification as a building code
 193 inspector or plans examiner may apply for a provisional
 194 certificate valid for the duration of the internship period.

195 3. That partial completion of an internship program is
 196 transferable among jurisdictions, private providers, and firms
 197 of private providers ~~may be transferred between jurisdictions~~ on
 198 a form prescribed by the board.

199 4. That an applicant may apply for a standard certificate
 200 on a form prescribed by the board upon successful completion of

ENROLLED

CS/CS/HB 423

2022 Legislature

201 an internship certification program.

202 5. That an applicant may apply for a standard certificate
 203 at least 30 days but ~~and~~ no more than 60 days before completing
 204 the internship certification program.

205 6. That a building code inspector or plans examiner who
 206 has standard certification may seek an additional certification
 207 in another category by completing an additional nonconcurrent 1-
 208 year internship program in the certification category sought and
 209 passing an examination administered by the International Code
 210 Council and a board-approved 40-hour code training course.

211 Section 3. Subsection (25) is added to section 553.79,
 212 Florida Statutes, to read:

213 553.79 Permits; applications; issuance; inspections.—

214 (25) (a) A local law, ordinance, or regulation may not
 215 prohibit or otherwise restrict the ability of a private property
 216 owner to obtain a building permit to demolish his or her single-
 217 family residential structure located in a coastal high-hazard
 218 area, moderate flood zone, or special flood hazard area
 219 according to a Flood Insurance Rate Map issued by the Federal
 220 Emergency Management Agency for the purpose of participating in
 221 the National Flood Insurance Program if the lowest finished
 222 floor elevation of such structure is at or below base flood
 223 elevation as established by the Florida Building Code or a
 224 higher base flood elevation as may be required by local
 225 ordinance, whichever is higher, provided that such permit

ENROLLED

CS/CS/HB 423

2022 Legislature

226 otherwise complies with all applicable Florida Building Code,
 227 Florida Fire Prevention Code, and Life Safety Code requirements,
 228 or local amendments thereto.

229 (b) An application for a demolition permit sought under
 230 this subsection may only be reviewed administratively for
 231 compliance with the Florida Building Code, the Florida Fire
 232 Prevention Code, and the Life Safety Code, or local amendments
 233 thereto, and any regulations applicable to a similarly situated
 234 parcel. Applications may not be subject to any additional local
 235 land development regulations or public hearings. A local
 236 government may not penalize a private property owner for a
 237 demolition that is in compliance with the demolition permit.

238 (c) If a single-family residential structure is demolished
 239 pursuant to a demolition permit, a local government may not
 240 impose additional regulatory or building requirements on the new
 241 single-family residential structure constructed on the site of
 242 the demolished structure which would not otherwise be applicable
 243 to a similarly situated vacant parcel.

244 (d) This subsection does not apply to any of the
 245 following:

246 1. A structure designated on the National Register of
 247 Historic Places.

248 2. A privately owned single-family residential structure
 249 designated historic by a local, state, or federal governmental
 250 agency on or before January 1, 2022.

ENROLLED

CS/CS/HB 423

2022 Legislature

251 3. A privately owned single-family residential structure
 252 designated historic after January 1, 2022, by a local, state, or
 253 federal governmental agency with the consent of its owner.

254 Section 4. Paragraph (f) of subsection (1), paragraph (b)
 255 of subsection (2), and subsection (13) of section 553.791,
 256 Florida Statutes, are amended, and paragraph (c) is added to
 257 subsection (2) of that section, to read:

258 553.791 Alternative plans review and inspection.—

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

260 (f) "Duly authorized representative" means an agent of the
 261 private provider identified in the permit application who
 262 reviews plans or performs inspections as provided by this
 263 section and who is licensed as an engineer under chapter 471 or
 264 as an architect under chapter 481 or who holds a standard or
 265 provisional certificate under part XII of chapter 468. A duly
 266 authorized representative who only holds a provisional
 267 certificate under part XII of chapter 468 must be under the
 268 direct supervision of a person licensed as a building code
 269 administrator under part XII of chapter 468.

270 (2)

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

ENROLLED

CS/CS/HB 423

2022 Legislature

276 | calculated on a flat fee or percentage basis, or any other
 277 | reasonable means by which a local enforcement agency assesses
 278 | the cost for its plans review or inspection services. The local
 279 | jurisdiction may not charge fees for building inspections if the
 280 | fee owner or contractor hires a private provider to perform such
 281 | services; however, the local jurisdiction may charge a
 282 | reasonable administrative fee, which shall be based on the cost
 283 | that is actually incurred, including the labor cost of the
 284 | personnel providing the service, by the local jurisdiction or
 285 | attributable to the local jurisdiction for the clerical and
 286 | supervisory assistance required, or both.

287 | (c) If an owner or a contractor retains a private provider
 288 | for purposes of plans review or building inspection services,
 289 | the local jurisdiction must provide equal access to all
 290 | permitting and inspection documents and reports to the private
 291 | provider, owner, and contractor if such access is provided by
 292 | software that protects exempt records from disclosure.

293 | (13)(a) No more than 10 ~~2~~ business days, or if the permit
 294 | is related to single-family or two-family dwellings then no more
 295 | than 2 business days, after receipt of a request for a
 296 | certificate of occupancy or certificate of completion and the
 297 | applicant's presentation of a certificate of compliance and
 298 | approval of all other government approvals required by law,
 299 | including the payment of all outstanding fees, the local
 300 | building official shall issue the certificate of occupancy or

ENROLLED

CS/CS/HB 423

2022 Legislature

301 certificate of completion or provide a notice to the applicant
 302 identifying the specific deficiencies, as well as the specific
 303 code chapters and sections.

304 (b) If the local building official does not provide notice
 305 of the deficiencies within the applicable time periods under
 306 paragraph (a) prescribed 2-day period, the request for a
 307 certificate of occupancy or certificate of completion is
 308 automatically shall be deemed granted and deemed the certificate
 309 of occupancy or certificate of completion shall be issued as of
 310 by the local building official on the next business day. The
 311 local building official must provide the applicant with the
 312 written certificate of occupancy or certificate of completion
 313 within 10 days after it is automatically granted and issued. To
 314 resolve any identified deficiencies, the applicant may elect to
 315 dispute the deficiencies pursuant to subsection (14) or to
 316 submit a corrected request for a certificate of occupancy or
 317 certificate of completion.

318 Section 5. Subsection (1) of section 553.792, Florida
 319 Statutes, is amended to read:

320 553.792 Building permit application to local government.—

321 (1)(a) Within 10 days of an applicant submitting an
 322 application to the local government, the local government shall
 323 advise the applicant what information, if any, is needed to deem
 324 the application properly completed in compliance with the filing
 325 requirements published by the local government. If the local

ENROLLED

CS/CS/HB 423

2022 Legislature

326 government does not provide written notice that the applicant
327 has not submitted the properly completed application, the
328 application shall be automatically deemed properly completed and
329 accepted. Within 45 days after receiving a completed
330 application, a local government must notify an applicant if
331 additional information is required for the local government to
332 determine the sufficiency of the application, and shall specify
333 the additional information that is required. The applicant must
334 submit the additional information to the local government or
335 request that the local government act without the additional
336 information. While the applicant responds to the request for
337 additional information, the 120-day period described in this
338 subsection is tolled. Both parties may agree to a reasonable
339 request for an extension of time, particularly in the event of a
340 force majeure or other extraordinary circumstance. The local
341 government must approve, approve with conditions, or deny the
342 application within 120 days following receipt of a completed
343 application.

344 (b)1. When reviewing an application for a building permit,
345 a local government may not request additional information from
346 the applicant more than three times, unless the applicant waives
347 such limitation in writing.

348 2. If a local government requests additional information
349 from an applicant and the applicant submits the requested
350 additional information to the local government within 30 days

ENROLLED

CS/CS/HB 423

2022 Legislature

351 after receiving the request, the local government must, within
 352 15 days after receiving such information:

- 353 a. Determine if the application is properly completed;
- 354 b. Approve the application;
- 355 c. Approve the application with conditions;
- 356 d. Deny the application; or
- 357 e. Advise the applicant of information, if any, that is
 358 needed to deem the application properly completed or to
 359 determine the sufficiency of the application.

360 3. If a local government makes a second request for
 361 additional information from the applicant and the applicant
 362 submits the requested additional information to the local
 363 government within 30 days after receiving the request, the local
 364 government must, within 10 days after receiving such
 365 information:

- 366 a. Determine if the application is properly completed;
- 367 b. Approve the application;
- 368 c. Approve the application with conditions;
- 369 d. Deny the application; or
- 370 e. Advise the applicant of information, if any, that is
 371 needed to deem the application properly completed or to
 372 determine the sufficiency of the application.

373 4. Before a third request for additional information may
 374 be made, the applicant must be offered an opportunity to meet
 375 with the local government to attempt to resolve outstanding

ENROLLED

CS/CS/HB 423

2022 Legislature

376 issues. If a local government makes a third request for
 377 additional information from the applicant and the applicant
 378 submits the requested additional information to the local
 379 government within 30 days after receiving the request, the local
 380 government must, within 10 days after receiving such information
 381 unless the applicant waived the local government's limitation in
 382 writing, determine that the application is complete and:

- 383 a. Approve the application;
- 384 b. Approve the application with conditions; or
- 385 c. Deny the application.

386 5. If the applicant believes the request for additional
 387 information is not authorized by ordinance, rule, statute, or
 388 other legal authority, the local government, at the applicant's
 389 request, must process the application and either approve the
 390 application, approve the application with conditions, or deny
 391 the application.

392 (c)-(b) If a local government fails to meet a deadline
 393 provided in paragraphs (a) and (b) ~~paragraph (a)~~, it must reduce
 394 the building permit fee by 10 percent for each business day that
 395 it fails to meet the deadline. Each 10-percent reduction shall
 396 be based on the original amount of the building permit fee,
 397 unless the parties agree to an extension of time.

398 Section 6. Paragraph (a) of subsection (7) of section
 399 553.80, Florida Statutes, is amended to read:

400 553.80 Enforcement.—

ENROLLED

CS/CS/HB 423

2022 Legislature

401 (7) (a) The governing bodies of local governments may
 402 provide a schedule of reasonable fees, as authorized by s.
 403 125.56(2) or s. 166.222 and this section, for enforcing this
 404 part. These fees, and any fines or investment earnings related
 405 to the fees, shall be used solely for carrying out the local
 406 government's responsibilities in enforcing the Florida Building
 407 Code. When providing a schedule of reasonable fees, the total
 408 estimated annual revenue derived from fees, and the fines and
 409 investment earnings related to the fees, may not exceed the
 410 total estimated annual costs of allowable activities. Any
 411 unexpended balances must ~~shall~~ be carried forward to future
 412 years for allowable activities or must ~~shall~~ be refunded at the
 413 discretion of the local government. A local government may not
 414 carry forward an amount exceeding the average of its operating
 415 budget for enforcing the Florida Building Code for the previous
 416 4 fiscal years. For purposes of this subsection, the term
 417 "operating budget" does not include reserve amounts. Any amount
 418 exceeding this limit must be used as authorized in subparagraph
 419 2. However, a local government that ~~which~~ established, as of
 420 January 1, 2019, a Building Inspections Fund Advisory Board
 421 consisting of five members from the construction stakeholder
 422 community and carries an unexpended balance in excess of the
 423 average of its operating budget for the previous 4 fiscal years
 424 may continue to carry such excess funds forward upon the
 425 recommendation of the advisory board. The basis for a fee

ENROLLED

CS/CS/HB 423

2022 Legislature

426 structure for allowable activities must ~~shall~~ relate to the
 427 level of service provided by the local government and must ~~shall~~
 428 include consideration for refunding fees due to reduced services
 429 based on services provided as prescribed by s. 553.791, but not
 430 provided by the local government. Fees charged must ~~shall~~ be
 431 consistently applied.

432 1. As used in this subsection, the phrase "enforcing the
 433 Florida Building Code" includes the direct costs and reasonable
 434 indirect costs associated with review of building plans,
 435 building inspections, reinspections, and building permit
 436 processing; building code enforcement; and fire inspections
 437 associated with new construction. The phrase may also include
 438 training costs associated with the enforcement of the Florida
 439 Building Code and enforcement action pertaining to unlicensed
 440 contractor activity to the extent not funded by other user fees.

441 2. A local government must use any excess funds that it is
 442 prohibited from carrying forward to rebate and reduce fees, or
 443 to pay for the construction of a building or structure that
 444 houses a local government's building code enforcement agency or
 445 the training programs for building officials, inspectors, or
 446 plans examiners associated with the enforcement of the Florida
 447 Building Code. Excess funds used to construct such a building or
 448 structure must be designated for such purpose by the local
 449 government and may not be carried forward for more than 4
 450 consecutive years. An owner or builder who has a valid building

ENROLLED

CS/CS/HB 423

2022 Legislature

451 permit issued by a local government for a fee, or an association
 452 of owners or builders located in the state that has members with
 453 valid building permits issued by a local government for a fee,
 454 may bring a civil action against the local government that
 455 issued the permit for a fee to enforce this subparagraph.

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

458 a. Planning and zoning or other general government
 459 activities.

460 b. Inspections of public buildings for a reduced fee or no
 461 fee.

462 c. Public information requests, community functions,
 463 boards, and any program not directly related to enforcement of
 464 the Florida Building Code.

465 d. Enforcement and implementation of any other local
 466 ordinance, excluding validly adopted local amendments to the
 467 Florida Building Code and excluding any local ordinance directly
 468 related to enforcing the Florida Building Code as defined in
 469 subparagraph 1.

470 4. A local government must ~~shall~~ use recognized
 471 management, accounting, and oversight practices to ensure that
 472 fees, fines, and investment earnings generated under this
 473 subsection are maintained and allocated or used solely for the
 474 purposes described in subparagraph 1.

475 5. The local enforcement agency, independent district, or

ENROLLED

CS/CS/HB 423

2022 Legislature

476 special district may not require at any time, including at the
 477 time of application for a permit, the payment of any additional
 478 fees, charges, or expenses associated with:

479 a. Providing proof of licensure under ~~pursuant to~~ chapter
 480 489;

481 b. Recording or filing a license issued under ~~pursuant to~~
 482 this chapter;

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

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

487 Section 7. This act shall take effect July 1, 2022.