Bill No. CS/CS/CS/HB 267 (2024)

Amendment No.

	CHAMBER ACTION					
	<u>Senate</u> <u>House</u>					
1	Representative Esposito offered the following:					
2						
3	Amendment (with title amendment)					
4	Remove lines 59-540 and insert:					
5	Section 1. Paragraph (g) is added to subsection (7) of					
6	section 553.73, Florida Statutes, to read:					
7	553.73 Florida Building Code.—					
8	(7)					
9	(g) The commission shall modify section 505 of the Florida					
10	Building Code, 8th edition (2023), Existing Building, to state					
11	that sealed drawings by a design professional may not be					
12	required for the replacement of windows, doors, or garage doors.					
13	Replacement windows, doors, and garage doors must be					
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14	installed in accordance with the manufacturer's instructions for
15	the appropriate wind zone and must meet design pressure
16	requirements and the requirements in the most recent version of
17	the Florida Building Code. A copy of the manufacturer's
18	instructions must be submitted with the permit application for
19	replacement windows, doors, or garage doors. The manufacturer's
20	installation instructions may be printed or in digital format.
21	Section 2. Subsection (16) of section 553.79, Florida
22	Statutes, is amended to read:
23	553.79 Permits; applications; issuance; inspections
24	(16) Except as provided in paragraph (c), a building
25	permit for a single-family residential dwelling must be issued
26	within 30 business days after receiving the permit application
27	unless the permit application fails to satisfy the Florida
28	Building Code or the enforcing agency's laws or ordinances.
29	(a) If a local enforcement agency fails to issue a
30	building permit for a single-family residential dwelling within
31	30 business days after receiving the permit application, it must
32	reduce the building permit fee by 10 percent for each business
33	day that it fails to meet the deadline. Each 10-percent
34	reduction shall be based on the original amount of the building
35	permit fee.
36	(b) A local enforcement agency does not have to reduce the
37	building permit fee if it provides written notice to the
38	applicant, by e-mail or United States Postal Service, within 30
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business days after receiving the permit application, that 39 specifically states the reasons the permit application fails to 40 41 satisfy the Florida Building Code or the enforcing agency's laws 42 or ordinances. The written notice must also state that the 43 applicant has 10 business days after receiving the written notice to submit revisions to correct the permit application and 44 45 that failure to correct the application within 10 business days will result in a denial of the application. 46 47 (c) The applicant has 10 business days after receiving the 48 written notice to address the reasons specified by the local enforcement agency and submit revisions to correct the permit 49 50 application. If the applicant submits revisions within 10 51 business days after receiving the written notice, the local 52 enforcement agency has 10 business days after receiving such 53 revisions to approve or deny the building permit unless the 54 applicant agrees to a longer period in writing. If the local 55 enforcement agency fails to issue or deny the building permit within 10 business days after receiving the revisions, it must 56 reduce the building permit fee by 20 percent for the first 57 58 business day that it fails to meet the deadline unless the 59 applicant agrees to a longer period in writing. For each 60 additional business day, but not to exceed 5 business days, that 61 the local enforcement agency fails to meet the deadline, the 62 building permit fee must be reduced by an additional 10 percent.

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64 building permit fee. 65 (d) If any building permit fees are refunded under this subsection, the surcharges provided in s. 468.631 or s. 553.721 66 67 must be recalculated based on the amount of the building permit 68 fees after the refund. 69 (c) A building permit for a single-family residential 70 dwelling applied for by a contractor licensed in this state on 71 behalf of a property owner who participates in a Community 72 Development Block Grant-Disaster Recovery program administered 73 by the Department of Economic Opportunity must be issued within 74 15 working days after receipt of the application unless the 75 permit application fails to satisfy the Florida Building Code or 76 the enforcing agency's laws or ordinances. 77 Section 3. Paragraphs (o) through (r) of subsection (1) 78 and subsections (10) through (21) of section 553.791, Florida 79 Statutes, are redesignated as paragraphs (p) through (s) and subsections (11) through (22), respectively, present paragraph 80 (o) of subsection (1), paragraph (c) of subsection (4), 81 82 paragraphs (b) and (d) of subsection (7), paragraph (b) of present subsection (13), paragraph (b) of present subsection 83 (16), and present subsection (19) are amended, and a new 84 85 paragraph (o) is added to subsection (1) and a new subsection 86 (10) is added to that section, to read: 87 553.791 Alternative plans review and inspection.-768561

Each reduction shall be based on the original amount of the

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88	(1) As used in this section, the term:
89	(o) "Private provider firm" means a business organization,
90	including a corporation, partnership, business trust, or other
91	legal entity, which offers services under this chapter to the
92	public through licensees who are acting as agents, employees,
93	officers, or partners of the firm. A person who is licensed as a
94	building code administrator under part XII of chapter 468, an
95	engineer under chapter 471, or an architect under chapter 481
96	may act as a private provider for an agent, employee, or officer
97	of the private provider firm.
98	(p) (o) "Request for certificate of occupancy or
99	certificate of completion" means a properly completed and
100	executed application for:
101	1. A certificate of occupancy or certificate of
102	completion.
103	2. A certificate of compliance from the private provider
104	required under subsection (13) (12) .
105	3. Any applicable fees.
106	4. Any documents required by the local building official
107	to determine that the fee owner has secured all other government
108	approvals required by law.
109	(4) A fee owner or the fee owner's contractor using a
110	private provider to provide building code inspection services
111	shall notify the local building official in writing at the time
112	of permit application, or by 2 p.m. local time, 2 business days
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before the first scheduled inspection by the local building official or building code enforcement agency that a private provider has been contracted to perform the required inspections of construction under this section, including single-trade inspections, on a form to be adopted by the commission. This notice shall include the following information:

(c) An acknowledgment from the fee owner <u>or the fee</u> owner's contractor in substantially the following form:

122 I have elected to use one or more private providers to 123 provide building code plans review and/or inspection 124 services on the building or structure that is the 125 subject of the enclosed permit application, as 126 authorized by s. 553.791, Florida Statutes. I 127 understand that the local building official may not 128 review the plans submitted or perform the required 129 building inspections to determine compliance with the 130 applicable codes, except to the extent specified in 131 said law. Instead, plans review and/or required 132 building inspections will be performed by licensed or 133 certified personnel identified in the application. The 134 law requires minimum insurance requirements for such 135 personnel, but I understand that I may require more 136 insurance to protect my interests. By executing this form, I acknowledge that I have made inquiry regarding 137 768561

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1.38 the competence of the licensed or certified personnel and the level of their insurance and am satisfied that 139 140 my interests are adequately protected. I agree to indemnify, defend, and hold harmless the local 141 142 government, the local building official, and their building code enforcement personnel from any and all 143 144 claims arising from my use of these licensed or 145 certified personnel to perform building code 146 inspection services with respect to the building or 147 structure that is the subject of the enclosed permit 148 application. 149 150 If the fee owner or the fee owner's contractor makes any changes

151 to the listed private providers or the services to be provided 152 by those private providers, the fee owner or the fee owner's 153 contractor shall, within 1 business day after any change or 154 within 2 business days before the next scheduled inspection, 155 update the notice to reflect such changes. A change of a duly 156 authorized representative named in the permit application does 157 not require a revision of the permit, and the building code 158 enforcement agency shall not charge a fee for making the change. 159 (7)

(b) If the local building official provides a written notice of plan deficiencies to the permit applicant within the prescribed 20-day period, the 20-day period shall be tolled 768561

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pending resolution of the matter. To resolve the plan deficiencies, the permit applicant may elect to dispute the deficiencies pursuant to subsection (15) (14) or to submit revisions to correct the deficiencies.

167 If the local building official provides a second (d) 168 written notice of plan deficiencies to the permit applicant 169 within the prescribed time period, the permit applicant may elect to dispute the deficiencies pursuant to subsection (15) 170 171 (14) or to submit additional revisions to correct the 172 deficiencies. For all revisions submitted after the first revision, the local building official has an additional 5 173 174 business days from the date of resubmittal to issue the 175 requested permit or to provide a written notice to the permit 176 applicant stating which of the previously identified plan 177 features remain in noncompliance with the applicable codes, with 178 specific reference to the relevant code chapters and sections.

179 (10) If the private provider is a person licensed as an 180 engineer under chapter 471 or an architect under chapter 481 and 181 affixes his or her professional seal to the affidavit required under subsection (6), the local building official must issue the 182 requested permit or provide a written notice to the permit 183 184 applicant identifying the specific plan features that do not 185 comply with the applicable codes, as well as the specific code 186 chapters and sections, within 10 business days after receipt of the permit application and affidavit. In such written notice, 187 768561

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188 the local building official must provide with specificity the 189 plan's deficiencies, the reasons the permit application failed, 190 and the applicable codes being violated. If the local building official does not provide specific written notice to the permit 191 192 applicant within the prescribed 10-day period, the permit 193 application is deemed approved as a matter of law, and the local 194 building official must issue the permit on the next business 195 day.

196

(14) (13)

197 If the local building official does not provide notice (b) of the deficiencies within the applicable time periods under 198 199 paragraph (a), the request for a certificate of occupancy or 200 certificate of completion is automatically granted and deemed 201 issued as of the next business day. The local building official 202 must provide the applicant with the written certificate of 203 occupancy or certificate of completion within 10 days after it 204 is automatically granted and issued. To resolve any identified 205 deficiencies, the applicant may elect to dispute the 206 deficiencies pursuant to subsection (15) (14) or to submit a 207 corrected request for a certificate of occupancy or certificate 208 of completion.

209

<u>(17) (16) (16)</u>

(b) A local enforcement agency, local building official, or local government may establish, for private providers<u>,</u> <u>private provider firms</u>, and duly authorized representatives 768561

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213 working within that jurisdiction, a system of registration to verify compliance with the licensure requirements of paragraph 214 215 (1) (n) and the insurance requirements of subsection (18) (17). (20) (19) A Each local building code enforcement agency may 216 217 not audit the performance of building code inspection services 218 by private providers operating within the local jurisdiction until the local building code enforcement agency has created a 219 220 manual for standard operating audit procedures for the local 221 building code enforcement agency's internal inspection and 222 review staff, which includes, at a minimum, the purpose and 223 scope of the audit, the audit criteria, an explanation of audit processes and objections, and detailed findings of areas of 224 225 noncompliance. The manual must be publicly available online or 226 the printed manual must be readily accessible in building department offices. The staff's audit results from the previous 227 228 two quarters must be publicly available. The local building code 229 enforcement agency's private provider audit processes must 230 adhere to the local building code enforcement agency's posted 231 standard operating audit procedures. However, The same private 232 provider or private provider firm may not be audited more than 233 four times in a year month unless the local building official 234 determines a condition of a building constitutes an immediate 235 threat to public safety and welfare, which must be communicated 236 in writing to the private provider or private provider firm. Work on a building or structure may proceed after inspection and 237 768561

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approval by a private provider<u>.</u> if the provider has given notice of the inspection pursuant to subsection (9) and, subsequent to such inspection and approval, The work <u>may</u> shall not be delayed for completion of an inspection audit by the local building code enforcement agency.

243 Section 4. Subsections (1) and (2) of section 553.792, 244 Florida Statutes, are amended to read:

245

553.792 Building permit application to local government.-

(1) (a) <u>A local government must approve, approve with</u> conditions, or deny a building permit application after receipt of a completed and sufficient application within the following timeframes, unless the applicant waives such timeframes in writing:

251 1. Within 30 business days after receiving a complete and <u>sufficient application</u>, for an applicant using a local 252 253 government plans reviewer to obtain the following building 254 permits if the structure is less than 7,500 square feet: 255 residential units, including a single-family residential unit or 256 a single-family residential dwelling, accessory structure, alarm, electrical, irrigation, landscaping, mechanical, 257 258 plumbing, or roofing. 259 2. Within 60 business days after receiving a complete and 260 sufficient application, for an applicant using a local

261 government plans reviewer to obtain the following building

262 permits if the structure is 7,500 square feet or more:

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263	residential units, including a single-family residential unit or		
264	a single-family residential dwelling, accessory structure,		
265	alarm, electrical, irrigation, landscaping, mechanical,		
266	plumbing, or roofing.		
267	3. Within 60 business days after receiving a complete and		
268	sufficient application, for an applicant using a local		
269	government plans reviewer to obtain the following building		
270	permits: signs or nonresidential buildings that are less than		
271	25,000 square feet.		
272	4. Within 60 business days after receiving a complete and		
273	sufficient application, for an applicant using a local		
274	government plans reviewer to obtain the following building		
275	permits: multifamily residential, not exceeding 50 units.		
276	5. Within 10 business days after receiving a complete and		
277	sufficient application, for an applicant using a master building		
278	permit consistent with s. 553.794 to obtain a site-specific		
279	building permit.		
280	6. Within 10 business days after receiving a complete and		
281	sufficient application, for an applicant for a single-family		
282	residential dwelling applied for by a contractor licensed in		
283	this state on behalf of a property owner who participates in a		
284	Community Development Block Grant-Disaster Recovery program		
285	administered by the Department of Commerce, unless the permit		
286	application fails to satisfy the Florida Building Code or the		
287	enforcing agency's laws or ordinances.		
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289	However, the local government may not require the waiver of the		
290	timeframes in this section as a condition precedent to reviewing		
291	an applicant's building permit application.		
292	(b) A local government must meet the timeframes set forth		
293	in this section for reviewing building permit applications		
294	unless the timeframes set by local ordinance are more stringent		
295	than those prescribed in this section.		
296	(c) After Within 10 days of an applicant <u>submits</u>		
297	submitting an application to the local government, the local		
298	government must provide written notice to the applicant within 5		
299	business days after receipt of the application advising shall		
300	advise the applicant what information, if any, is needed to deem		
301	or determine that the application is properly completed in		
302	compliance with the filing requirements published by the local		
303	government. If the local government does not provide \underline{timely}		
304	written notice that the applicant has not submitted \underline{a} the		
305	properly completed application, the application $\mathrm{\underline{is}}$ shall be		
306	automatically deemed or determined to be properly completed and		
307	accepted.		
308	(d)1. Within 10 business 45 days after providing written		
309	notice to the applicant that his or her application is properly		
310	completed or upon receipt of any information needed to deem the		
311	application complete receiving a completed application, a local		
312	government must <u>provide written notice to</u> notify an applicant if		
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313 additional information is required for the local government to 314 determine the sufficiency of the application, and the notice 315 must shall specify the additional information that is required. 316 The applicant may must submit the additional information to the 317 local government or request that the local government act 318 without the additional information. When reviewing an application for a building permit, a local government may not 319 320 request additional information from the applicant more than two 321 times unless the applicant waives such limitation in writing. 322 The local government's second request for information must be 323 made within 10 business days after the local government receives 324 the additional information indicated in the first request. The 325 local government must determine the sufficiency of the 326 application within 10 business days after receiving the 327 additional information from a second request. If the local 328 government does not provide to the applicant timely written 329 notice that the applicant must submit additional information to 330 determine whether the application is sufficient, the application 331 is automatically deemed or determined to be sufficient. 2. Before a second request for additional information may 332 be made, the local government must offer the applicant an 333 334 opportunity to meet in person or virtually with the local 335 government to attempt to resolve outstanding issues. 336 3. If an applicant believes a request for additional information is not authorized by ordinance, rule, statute, or 337 768561

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338	other legal authority, the local government, at the applicant's
339	written request, must process the application within 10 business
340	days after receipt of such request and approve the application,
341	approve the application with conditions, or deny the application
342	and provide the applicant with sufficient reason for such
343	denial. While the applicant responds to the request for
344	additional information, the 120-day period described in this
345	subsection is tolled. Both parties may agree to a reasonable
346	request for an extension of time, particularly in the event of a
347	force majeure or other extraordinary circumstance. The local
348	government must approve, approve with conditions, or deny the
349	application within 120 days following receipt of a completed
350	application.
351	(e) A local government shall maintain on its website a
352	policy containing procedures and expectations for expedited
353	processing of those building permits and development orders
354	required by law to be expedited.
355	(b)1. When reviewing an application for a building permit,
356	a local government may not request additional information from
357	the applicant more than three times, unless the applicant waives
358	such limitation in writing.
359	2. If a local government requests additional information
360	from an applicant and the applicant submits the requested

361 additional information to the local government within 30 days

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362	after receiving the request, the local government must, within
363	15 days after receiving such information:
364	a. Determine if the application is properly completed;
365	b. Approve the application;
366	c. Approve the application with conditions;
367	d. Deny the application; or
368	e. Advise the applicant of information, if any, that is
369	needed to deem the application properly completed or to
370	determine the sufficiency of the application.
371	3. If a local government makes a second request for
372	additional information from the applicant and the applicant
373	submits the requested additional information to the local
374	government within 30 days after receiving the request, the local
375	government must, within 10 days after receiving such
376	information:
377	a. Determine if the application is properly completed;
378	b. Approve the application;
379	c. Approve the application with conditions;
380	d. Deny the application; or
381	e. Advise the applicant of information, if any, that is
382	needed to deem the application properly completed or to
383	determine the sufficiency of the application.
384	4. Before a third request for additional information may
385	be made, the applicant must be offered an opportunity to meet
386	with the local government to attempt to resolve outstanding
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387	issues. If a local government makes a third request for
388	additional information from the applicant and the applicant
389	submits the requested additional information to the local
390	government within 30 days after receiving the request, the local
391	government must, within 10 days after receiving such information
392	unless the applicant waived the local government's limitation in
393	writing, determine that the application is complete and:
394	a. Approve the application;
395	b. Approve the application with conditions; or
396	c. Deny the application.
397	5. If the applicant believes the request for additional
398	information is not authorized by ordinance, rule, statute, or
399	other legal authority, the local government, at the applicant's
400	request, must process the application and either approve the
401	application, approve the application with conditions, or deny
402	the application.
403	<u>(f)</u> If a local government fails to meet a deadline
404	under this subsection provided in paragraphs (a) and (b), it
405	must reduce the building permit fee by 10 percent for each
406	business day that it fails to meet the deadline, unless the
407	parties agree in writing to a reasonable extension of time, the
408	delay is caused by the applicant, or the delay is attributable
409	to a force majeure or other extraordinary circumstances. Each
410	10-percent reduction shall be based on the original amount of

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the building permit fee, unless the parties agree to an 411 412 extension of time. 413 (2) (a) The procedures set forth in subsection (1) apply to 414 the following building permit applications: accessory structure; 415 alarm permit; nonresidential buildings less than 25,000 square 416 feet; electric; irrigation permit; landscaping; mechanical; 417 plumbing; residential units other than a single family unit; 418 multifamily residential not exceeding 50 units; roofing; signs; 419 site-plan approvals and subdivision plats not requiring public 420 hearings or public notice; and lot grading and site alteration 421 associated with the permit application set forth in this 422 subsection. The procedures set forth in subsection (1) do not 423 apply to permits for any wireless communications facilities or 424 when a law, agency rule, or local ordinance specify different 425 timeframes for review of local building permit applications. 426 (b) If A local government has different timeframes than 427 the timeframes set forth in subsection (1) for reviewing 428 building permit applications described in paragraph (a), the 429 local government must meet the deadlines established by local 430 ordinance. If a local government does not meet an established 431 deadline to approve, approve with conditions, or deny an 432 application, it must reduce the building permit fee by 10 433 percent for each business day that it fails to meet the deadline. Each 10-percent reduction shall be based on the 434 435 original amount of the building permit fee, unless the parties 768561

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436 agree to an extension of time. This paragraph does not apply permits for any wireless communications facilities. 437 438 Section 5. Paragraph (a) of subsection (7) of section 439 553.80, Florida Statutes, is amended to read: 440 553.80 Enforcement.-The governing bodies of local governments may 441 (7)(a) 442 provide a schedule of reasonable fees, as authorized by s. 443 125.56(2) or s. 166.222 and this section, for enforcing this 444 part. These fees, and any fines or investment earnings related 445 to the fees, may only shall be used solely for carrying out the 446 local government's responsibilities in enforcing the Florida 447 Building Code. When providing a schedule of reasonable fees, the 448 total estimated annual revenue derived from fees, and the fines and investment earnings related to the fees, may not exceed the 449 450 total estimated annual costs of allowable activities. Any 451 unexpended balances must be carried forward to future years for 452 allowable activities or must be refunded at the discretion of 453 the local government. A local government may not carry forward 454 an amount exceeding the average of its operating budget for 455 enforcing the Florida Building Code for the previous 4 fiscal 456 years. For purposes of this subsection, the term "operating 457 budget" does not include reserve amounts. Any amount exceeding 458 this limit must be used as authorized in subparagraph 2. 459 However, a local government that established, as of January 1, 2019, a Building Inspections Fund Advisory Board consisting of 460 768561

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461 five members from the construction stakeholder community and 462 carries an unexpended balance in excess of the average of its 463 operating budget for the previous 4 fiscal years may continue to 464 carry such excess funds forward upon the recommendation of the 465 advisory board. The basis for a fee structure for allowable 466 activities must relate to the level of service provided by the 467 local government and must include consideration for refunding 468 fees due to reduced services based on services provided as 469 prescribed by s. 553.791, but not provided by the local 470 government. Fees charged must be consistently applied.

471 As used in this subsection, the phrase "enforcing the 1. 472 Florida Building Code" includes the direct costs and reasonable 473 indirect costs associated with review of building plans, 474 building inspections, reinspections, and building permit 475 processing; building code enforcement; and fire inspections 476 associated with new construction. The phrase may also include 477 training costs associated with the enforcement of the Florida 478 Building Code and enforcement action pertaining to unlicensed 479 contractor activity to the extent not funded by other user fees.

480 2. A local government must use any excess funds that it is 481 prohibited from carrying forward to rebate and reduce fees, <u>to</u> 482 <u>upgrade technology hardware and software systems to enhance</u> 483 <u>service delivery</u>, or to pay for the construction of a building 484 or structure that houses a local government's building code

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485 enforcement agency, or for the training programs for building 486 officials, inspectors, or 487 488 489 TITLE AMENDMENT 490 Remove lines 2-44 and insert: 491 492 An act relating to building regulations; amending s. 493 553.73, F.S.; requiring the Florida Building 494 Commission to modify provisions in the Florida 495 Building Code relating to replacement windows, doors, 496 or garage doors; providing requirements for such 497 modifications; amending s. 553.79, F.S.; removing 498 provisions relating to acquiring building permits for 499 certain residential dwellings; amending s. 553.791, 500 F.S.; defining the term "private provider firm"; 501 revising the timeframes in which local building 502 officials must issue permits or provide certain 503 written notice if certain private providers affix 504 their professional seal to an affidavit; providing 505 requirements for such written notices; deeming a 506 permit application approved under certain 507 circumstances; prohibiting local building code 508 enforcement agency's from auditing the performance of private providers until the local building code 509 768561

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510 enforcement agency creates a manual for standard 511 operating audit procedures; providing requirements for 512 such manual; requiring the manual to be publicly available online or printed; requiring certain audit 513 514 results to be readily accessible; revising how often a 515 private provider may be audited; requiring certain 516 written communication be provided to the private 517 provider or private provider firm under certain 518 circumstances; conforming cross-references; conforming 519 provisions to changes made by the act; amending s. 520 553.792, F.S.; revising the timeframes for approving, 521 approving with conditions, or denying certain building 522 permits; prohibiting a local government from requiring 523 a waiver of certain timeframes; requiring local 524 governments to follow the prescribed timeframes unless 525 a local ordinance is more stringent; requiring a local 526 government to provide written notice to an applicant 527 under certain circumstances; revising how many times a 528 local government may request additional information 529 from an applicant; specifying when a permit 530 application is deemed complete and approved; requiring 531 the opportunity for an in-person or virtual meeting 532 before a second request for additional information may 533 be made; requiring a local government to process an application within a specified timeframe without 534 768561

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535	additional	information	upon	written	request	by	the

- applicant; reducing permit fees by a certain
- 537 percentage if certain timeframes are not met;
- 538 providing exceptions; providing construction;
- 539 conforming provisions to changes made by the act;

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