

LEGISLATIVE ACTION

Senate Comm: RCS 02/08/2024 House

The Committee on Community Affairs (DiCeglie) recommended the following:

Senate Amendment (with title amendment)

Delete lines 159 - 434

and insert:

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Section 2. Paragraphs (g) and (h) are added to subsection (7) of section 553.73, Florida Statutes, to read: 553.73 Florida Building Code.-(7) (g) The Florida Building Commission shall modify section 505 of the Florida Building Code, 8th edition (2023) Existing



11 Building, to state that sealed drawings by a design professional 12 may not be required for the replacement of windows, doors, or garage doors. Replacement windows, doors, and garage doors must 13 14 be installed in accordance with the manufacturer's instructions 15 for the appropriate wind zone and must meet the design pressure 16 and the current Florida Building Code. The manufacturer's 17 instructions must be submitted with the permit application for replacement windows, doors, and garage doors. The manufacturer's 18 19 installation instructions may be printed or in digital format. 20 (h) As used in this section, the term "windborne debris 21 region" has the same meaning as in the Florida Building Code, 22 7th edition, Residential, until the adoption of the 9th edition 23 of the Florida Building Code. This paragraph may not be 24 construed to prohibit a homeowner or contractor from voluntarily 25 complying with the definition of the term windborne debris 26 region originally established in the 8th edition, until the 27 adoption of the 9th edition. Section 3. Subsection (16) of section 553.79, Florida 28 29 Statutes, is amended to read: 553.79 Permits; applications; issuance; inspections.-30 31 (16) Except as provided in paragraph (e), a building permit for a single-family residential dwelling must be issued within 32 33 30 business days after receiving the permit application unless 34 the permit application fails to satisfy the Florida Building 35 Code or the enforcing agency's laws or ordinances. 36 (a) If a local enforcement agency fails to issue a building 37 permit for a single-family residential dwelling within 30 38 business days after receiving the permit application, it must 39 reduce the building permit fee by 10 percent for each business

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40	day that it fails to meet the deadline. Each 10-percent
41	reduction shall be based on the original amount of the building
42	permit fee.
43	(b) A local enforcement agency does not have to reduce the
44	building permit fee if it provides written notice to the
45	applicant, by e-mail or United States Postal Service, within 30
46	business days after receiving the permit application, that
47	specifically states the reasons the permit application fails to
48	satisfy the Florida Building Code or the enforcing agency's laws
49	or ordinances. The written notice must also state that the
50	applicant has 10 business days after receiving the written
51	notice to submit revisions to correct the permit application and
52	that failure to correct the application within 10 business days
53	will result in a denial of the application.
54	(c) The applicant has 10 business days after receiving the
55	written notice to address the reasons specified by the local
56	enforcement agency and submit revisions to correct the permit
57	application. If the applicant submits revisions within 10
58	business days after receiving the written notice, the local
59	enforcement agency has 10 business days after receiving such
60	revisions to approve or deny the building permit unless the
61	applicant agrees to a longer period in writing. If the local
62	enforcement agency fails to issue or deny the building permit
63	within 10 business days after receiving the revisions, it must
64	reduce the building permit fee by 20 percent for the first
65	business day that it fails to meet the deadline unless the
66	applicant agrees to a longer period in writing. For each
67	additional business day, but not to exceed 5 business days, that
68	the local enforcement agency fails to meet the deadline, the

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69 building permit fee must be reduced by an additional 10 percent. 70 Each reduction shall be based on the original amount of the 71 building permit fee. 72 (d) If any building permit fees are refunded under this 73 subsection, the surcharges provided in s. 468.631 or s. 553.721 74 must be recalculated based on the amount of the building permit 75 fees after the refund. 76 (c) A building permit for a single-family residential 77 dwelling applied for by a contractor licensed in this state on 78 behalf of a property owner who participates in a Community 79 Development Block Grant-Disaster Recovery program administered 80 by the Department of Economic Opportunity must be issued within 81 15 working days after receipt of the application unless the 82 permit application fails to satisfy the Florida Building Code or 83 the enforcing agency's laws or ordinances. 84 Section 4. Present paragraphs (o) through (r) of subsection 85 (1) and present subsections (10) through (21) of section 86 553.791, Florida Statutes, are redesignated as paragraphs (p) through (s) and subsections (11) through (22), respectively, a 87 new paragraph (o) is added to subsection (1) and a new 88 89 subsection (10) is added to that section, and present paragraph (o) of subsection (1), paragraph (c) of subsection (4), 90 91 paragraphs (b) and (d) of subsection (7), paragraph (b) of present subsection (13), and paragraph (b) of present subsection 92 93 (16) of that section are amended, to read: 94 553.791 Alternative plans review and inspection.-95 (1) As used in this section, the term: 96 (o) "Private provider firm" means a business organization, 97 including a corporation, partnership, business trust, or other

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98 legal entity, which offers services under this chapter to the 99 public through licensees who are acting as agents, employees, 100 officers, or partners of the firm. A person who is licensed as a 101 building code administrator under part XII of chapter 468, as an 102 engineer under chapter 471, or as an architect under chapter 481 103 may act as a private provider for an agent, employee, or officer 104 of the private provider firm. (p) (o) "Request for certificate of occupancy or certificate 105 106 of completion" means a properly completed and executed 107 application for: 108 1. A certificate of occupancy or certificate of completion. 109 2. A certificate of compliance from the private provider 110 required under subsection (12). 111 3. Any applicable fees. 112 4. Any documents required by the local building official to 113 determine that the fee owner has secured all other government 114 approvals required by law. 115 116 (4) A fee owner or the fee owner's contractor using a 117 private provider to provide building code inspection services 118 shall notify the local building official in writing at the time 119 of permit application, or by 2 p.m. local time, 2 business days 120 before the first scheduled inspection by the local building 121 official or building code enforcement agency that a private 122 provider has been contracted to perform the required inspections 123 of construction under this section, including single-trade 124 inspections, on a form to be adopted by the commission. This 125 notice shall include the following information: 126 (c) An acknowledgment from the fee owner or the fee owner's

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127 contractor in substantially the following form: 128 129 I have elected to use one or more private providers to 130 provide building code plans review and/or inspection 131 services on the building or structure that is the 132 subject of the enclosed permit application, as authorized by s. 553.791, Florida Statutes. I 133 134 understand that the local building official may not 135 review the plans submitted or perform the required 136 building inspections to determine compliance with the 137 applicable codes, except to the extent specified in 138 said law. Instead, plans review and/or required 139 building inspections will be performed by licensed or 140 certified personnel identified in the application. The 141 law requires minimum insurance requirements for such 142 personnel, but I understand that I may require more 143 insurance to protect my interests. By executing this 144 form, I acknowledge that I have made inquiry regarding 145 the competence of the licensed or certified personnel 146 and the level of their insurance and am satisfied that 147 my interests are adequately protected. I agree to indemnify, defend, and hold harmless the local 148 149 government, the local building official, and their 150 building code enforcement personnel from any and all 151 claims arising from my use of these licensed or 152 certified personnel to perform building code 153 inspection services with respect to the building or 154 structure that is the subject of the enclosed permit 155 application.

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If the fee owner or the fee owner's contractor makes any changes 157 158 to the listed private providers or the services to be provided 159 by those private providers, the fee owner or the fee owner's 160 contractor shall, within 1 business day after any change or 161 within 2 business days before the next scheduled inspection, 162 update the notice to reflect such changes. A change of a duly 163 authorized representative named in the permit application does 164 not require a revision of the permit, and the building code 165 enforcement agency shall not charge a fee for making the change. 166 (7)

(b) If the local building official provides a written notice of plan deficiencies to the permit applicant within the prescribed 20-day period, the 20-day period shall be tolled pending resolution of the matter. To resolve the plan deficiencies, the permit applicant may elect to dispute the deficiencies pursuant to subsection (15) (14) or to submit revisions to correct the deficiencies.

174 (d) If the local building official provides a second 175 written notice of plan deficiencies to the permit applicant 176 within the prescribed time period, the permit applicant may 177 elect to dispute the deficiencies pursuant to subsection (15) 178 (14) or to submit additional revisions to correct the deficiencies. For all revisions submitted after the first 179 revision, the local building official has an additional 5 180 181 business days from the date of resubmittal to issue the 182 requested permit or to provide a written notice to the permit 183 applicant stating which of the previously identified plan features remain in noncompliance with the applicable codes, with 184

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specific reference to the relevant code chapters and sections. (10) When the private provider is a person licensed as an engineer under chapter 471 or as an architect under chapter 481 and affixes his or her professional seal to the affidavit required under subsection (6), the local building official must issue the requested permit or provide a written notice to the permit applicant identifying the specific plan features that do not comply with the applicable codes, as well as the specific code chapters and sections, within 12 business days after receipt of the permit application and affidavit. The local building official must provide with specificity the plan's deficiencies, the reasons the permit application failed, and the applicable codes being violated in such written notice. If the local building official does not provide specific written notice to the permit applicant within the prescribed 12-day period, the permit application is deemed approved as a matter of law, and the permit must be issued by the local building official on the next business day.

(13)

(b) If the local building official does not provide notice of the deficiencies within the applicable time periods under paragraph (a), the request for a certificate of occupancy or certificate of completion is automatically granted and deemed issued as of the next business day. The local building official must provide the applicant with the written certificate of occupancy or certificate of completion within 10 days after it is automatically granted and issued. To resolve any identified deficiencies, the applicant may elect to dispute the deficiencies pursuant to subsection <u>(15)</u> <del>(14)</del> or to submit a

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214 corrected request for a certificate of occupancy or certificate 215 of completion. (16)216 (b) A local enforcement agency, local building official, or 217 218 local government may establish, for private provider firms, 219 private providers, and duly authorized representatives working within that jurisdiction, a system of registration to verify 220

221 compliance with the licensure requirements of paragraph (1) (n) 222 and the insurance requirements of subsection (18) (17).

Section 5. Subsections (1) and (2) of section 553.792, Florida Statutes, are amended to read:

553.792 Building permit application to local government.-

(1) (a) A local government must approve, approve with 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:

1. Within 30 business days after receiving a complete and sufficient application, for an applicant using a local government plans reviewer to obtain the following building permits for structures less than 7,500 square feet: residential units including a single-family residential unit or a singlefamily residential dwelling, accessory structure, alarm, electrical, irrigation, landscaping, mechanical, plumbing, or roofing. 2. Within 60 business days after receiving a complete and

240 sufficient application, for an applicant using a local government plans reviewer to obtain the following building

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242 permits for structures of 7,500 square feet or greater:

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243	residential units including a single-family residential unit or
244	a single-family residential dwelling, accessory structure,
245	alarm, electrical, irrigation, landscaping, mechanical,
246	plumbing, or roofing.
247	3. Within 60 business days after receiving a complete and
248	sufficient application, for an applicant using a local
249	government plans reviewer to obtain the following building
250	permits: signs or nonresidential buildings less than 25,000
251	square feet.
252	4. Within 120 business days after receiving a complete and
253	sufficient application, for an applicant using a local
254	government plans reviewer to obtain the following building
255	permits: multifamily residential not exceeding 50 units; site-
256	plan approvals and subdivision plats not requiring public
257	hearing or public notice; and lot grading and site alteration.
258	5. Within 15 business days after receiving a complete and
259	sufficient application, for an applicant using a master building
260	permit consistent with s. 553.794 to obtain a site-specific
261	building permit.
262	6. Within 10 business days after receiving a complete and
263	sufficient application, for an applicant for a single-family
264	residential dwelling applied for by a contractor licensed in
265	this state on behalf of a property owner who participates in a
266	Community Development Block Grant-Disaster Recovery program
267	administered by the Department of Commerce, unless the permit
268	application fails to satisfy the Florida Building Code or the
269	enforcing agency's laws or ordinances.
270	(b) A local government must meet the timeframes set forth
271	in this section for reviewing building permit applications

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272 <u>unless the timeframes set by local ordinance are more stringent</u> 273 than those prescribed in this section.

(c) After Within 10 days of an applicant submits submitting 274 275 an application to the local government, the local government 276 must provide written notice to the applicant within 5 business 277 days after receipt of the application advising shall advise the applicant what information, if any, is needed to deem or 278 279 determine that the application is properly completed in compliance with the filing requirements published by the local 280 281 government. If the local government does not provide timely 282 written notice that the applicant has not submitted the properly 283 completed application, the application is shall be automatically 284 deemed or determined to be properly completed and accepted. 285 Within 45 days after receiving a completed application, a local 286 government must notify an applicant if additional information is 287 required for the local government to determine the sufficiency 288 of the application, and shall specify the additional information that is required. The applicant must submit the additional 289 290 information to the local government or request that the local 291 government act without the additional information. While the 292 applicant responds to the request for additional information, 293 the 120-day period described in this subsection is tolled. Both 294 parties may agree to a reasonable request for an extension of 295 time, particularly in the event of a force majeure or other 296 extraordinary circumstance. The local government must approve, 297 approve with conditions, or deny the application within 120 days 298 following receipt of a completed application.

299 <u>(d)</u> A local government shall maintain on its website a 300 policy containing procedures and expectations for expedited



301	processing of those building permits and development orders
302	required by law to be expedited.
303	(b)1. When reviewing an application for a building permit,
304	a local government may not request additional information from
305	the applicant more than three times, unless the applicant waives
306	such limitation in writing.
307	2. If a local government requests additional information
308	from an applicant and the applicant submits the requested
309	additional information to the local government within 30 days
310	after receiving the request, the local government must, within
311	15 days after receiving such information:
312	a. Determine if the application is properly completed;
313	b. Approve the application;
314	c. Approve the application with conditions;
315	d. Deny the application; or
316	e. Advise the applicant of information, if any, that is
317	needed to deem the application properly completed or to
318	determine the sufficiency of the application.
319	3. If a local government makes a second request for
320	additional information from the applicant and the applicant
321	submits the requested additional information to the local
322	government within 30 days after receiving the request, the local
323	government must, within 10 days after receiving such
324	information:
325	a. Determine if the application is properly completed;
326	b. Approve the application;
327	c. Approve the application with conditions;
328	d. Deny the application; or
329	e. Advise the applicant of information, if any, that is
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330	needed to deem the application properly completed or to
331	determine the sufficiency of the application.
332	4. Before a third request for additional information may be
333	made, the applicant must be offered an opportunity to meet with
334	the local government to attempt to resolve outstanding issues.
335	If a local government makes a third request for additional
336	information from the applicant and the applicant submits the
337	requested additional information to the local government within
338	30 days after receiving the request, the local government must,
339	within 10 days after receiving such information unless the
340	applicant waived the local government's limitation in writing,
341	determine that the application is complete and:
342	a. Approve the application;
343	b. Approve the application with conditions; or
344	c. Deny the application.
345	5. If the applicant believes the request for additional
346	information is not authorized by ordinance, rule, statute, or
347	other legal authority, the local government, at the applicant's
348	request, must process the application and either approve the
349	application, approve the application with conditions, or deny
350	the application.
351	<u>(e)</u> If a local government fails to meet a deadline <u>under</u>
352	this subsection provided in paragraphs (a) and (b), it must
353	reduce the building permit fee by 10 percent for each business
354	day that it fails to meet the deadline, unless the parties agree
355	in writing to a reasonable extension of time. Each 10-percent
356	reduction shall be based on the original amount of the building
357	permit fee, unless the parties agree to an extension of time.
358	(f) A local enforcement agency does not have to reduce the

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359 building permit fee if it provides written notice to the 360 applicant by e-mail or United States Postal Service within the 361 respective timeframes in paragraph (a) which specifically states 362 the reasons the permit application fails to satisfy the Florida Building Code or the enforcing agency's laws or ordinances. The 363 364 written notice must also state that the applicant has 10 365 business days after receiving the written notice to submit 366 revisions to correct the permit application and that failure to 367 correct the application within 10 business days will result in a 368 denial of the application.

(g) If the applicant submits revisions within 10 business days after receiving the written notice, the local enforcement agency has 10 business days after receiving such revisions to approve or deny the building permit unless the applicant agrees to a longer period in writing. If the local enforcement agency fails to issue or deny the building permit within 10 business days after receiving the revisions, it must reduce the building permit fee by 20 percent for each business day that it fails to meet the deadline unless the applicant agrees to a longer period in writing.

379 (2) (a) The procedures set forth in subsection (1) apply to 380 the following building permit applications: accessory structure; 381 alarm permit; nonresidential buildings less than 25,000 square feet; electric; irrigation permit; landscaping; mechanical; 382 383 plumbing; residential units other than a single family unit; 384 multifamily residential not exceeding 50 units; roofing; signs; 385 site-plan approvals and subdivision plats not requiring public 386 hearings or public notice; and lot grading and site alteration 387 associated with the permit application set forth in this

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388 subsection. The procedures set forth in subsection (1) do not 389 apply to permits for any wireless communications facilities or 390 when a law, agency rule, or local ordinance specify different 391 timeframes for review of local building permit applications. 392 (b) If a local government has different timeframes than the timeframes set forth in subsection (1) for reviewing building 393 394 permit applications described in paragraph (a), the local 395 government must meet the deadlines established by local 396 ordinance. If a local government does not meet an established 397 deadline to approve, approve with conditions, or deny an 398 application, it must reduce the building permit fee by 10 399 percent for each business day that it fails to meet the 400 deadline. Each 10-percent reduction shall be based on the 401 original amount of the building permit fee, unless the parties 402 agree to an extension of time. This paragraph does not apply to 403 permits for any wireless communications facilities. 404 Section 6. Paragraph (a) of subsection (7) of section 553.80, Florida Statutes, is amended to read: 405 406 553.80 Enforcement.-407 (7) (a) The governing bodies of local governments may 408 provide a schedule of reasonable fees, as authorized by s. 125.56(2) or s. 166.222 and this section, for enforcing this 409 part. These fees, and any fines or investment earnings related 410 411 to the fees, may shall be used only solely for carrying out the 412 local government's responsibilities in enforcing the Florida 413 Building Code. When providing a schedule of reasonable fees, the total estimated annual revenue derived from fees, and the fines 414 415 and investment earnings related to the fees, may not exceed the 416 total estimated annual costs of allowable activities. Any



417 unexpended balances must be carried forward to future years for 418 allowable activities or must be refunded at the discretion of 419 the local government. A local government may not carry forward 420 an amount exceeding the average of its operating budget for 421 enforcing the Florida Building Code for the previous 4 fiscal 422 years. For purposes of this subsection, the term "operating 423 budget" does not include reserve amounts. Any amount exceeding 424 this limit must be used as authorized in subparagraph 2. 425 However, a local government that established, as of January 1, 426 2019, a Building Inspections Fund Advisory Board consisting of 427 five members from the construction stakeholder community and 428 carries an unexpended balance in excess of the average of its 429 operating budget for the previous 4 fiscal years may continue to 430 carry such excess funds forward upon the recommendation of the 431 advisory board. The basis for a fee structure for allowable 432 activities must relate to the level of service provided by the 433 local government and must include consideration for refunding 434 fees due to reduced services based on services provided as prescribed by s. 553.791, but not provided by the local 435 436 government. Fees charged must be consistently applied.

437 1. As used in this subsection, the phrase "enforcing the 438 Florida Building Code" includes the direct costs and reasonable 439 indirect costs associated with review of building plans, 440 building inspections, reinspections, and building permit 441 processing; building code enforcement; and fire inspections 442 associated with new construction. The phrase may also include 443 training costs associated with the enforcement of the Florida 444 Building Code and enforcement action pertaining to unlicensed contractor activity to the extent not funded by other user fees. 445

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446 2. A local government must use any excess funds that it is 447 prohibited from carrying forward to rebate and reduce fees, to 448 upgrade hardware and software technology systems to enhance 449 service delivery, or to pay for the construction of a building 450 or structure that houses a local government's building code 451 enforcement agency, or for the training programs for building 452 officials, inspectors, or plans examiners associated with the 453 enforcement of the Florida Building Code. Excess funds used to 454 construct such a building or structure must be designated for 455 such purpose by the local government and may not be carried 456 forward for more than 4 consecutive years. An owner or builder 457 who has a valid building permit issued by a local government for 458 a fee, or an association of owners or builders located in the 459 state that has members with valid building permits issued by a 460 local government for a fee, may bring a civil action against the 461 local government that issued the permit for a fee to enforce 462 this subparagraph.

3. The following activities may not be funded with feesadopted for enforcing the Florida Building Code:

a. Planning and zoning or other general government activities.

467 b. Inspections of public buildings for a reduced fee or no468 fee.

469 c. Public information requests, community functions,
470 boards, and any program not directly related to enforcement of
471 the Florida Building Code.

d. Enforcement and implementation of any other local
ordinance, excluding validly adopted local amendments to the
Florida Building Code and excluding any local ordinance directly

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475 related to enforcing the Florida Building Code as defined in 476 subparagraph 1. 477 4. A local government must use recognized management, 478 accounting, and oversight practices to ensure that fees, fines, 479 and investment earnings generated under this subsection are 480 maintained and allocated or used solely for the purposes 481 described in subparagraph 1. 482 5. The local enforcement agency, independent district, or special district may not require at any time, including at the 483 484 time of application for a permit, the payment of any additional fees, charges, or expenses associated with: 485 486 a. Providing proof of licensure under chapter 489; 487 b. Recording or filing a license issued under this chapter; 488 c. Providing, recording, or filing evidence of workers' 489 compensation insurance coverage as required by chapter 440; or 490 d. Charging surcharges or other similar fees not directly 491 related to enforcing the Florida Building Code. 492 493 ========= T I T L E A M E N D M E N T ============ 494 And the title is amended as follows: 495 Delete lines 23 - 54 496 and insert: creates the program; amending s. 553.73, F.S.; 497 498 requiring the Florida Building Commission to modify a 499 specific provision of the Florida Building Code to 500 state that sealed drawings by a design professional 501 are not required for replacement and installation of 502 certain construction; requiring replacement windows, 503 doors, and garage doors to be installed in accordance



504 with the manufacturer's instructions for appropriate 505 wind zones and to meet certain design pressures of the Florida Building Code; requiring the manufacturer's 506 507 instructions to be submitted with the permit 508 application for such replacements; defining the term 509 "windborne debris region"; providing construction; 510 amending s. 553.79, F.S.; removing provisions relating 511 to acquiring building permits for certain residential dwellings; amending s. 553.791, F.S.; defining the 512 513 term "private provider firm"; requiring a fee owner or 514 the fee owner's contractor to provide a specified 515 acknowledgment when notifying a local building 516 official that a private provider will be used to 517 provide building code inspection services; requiring 518 the local building official to issue a permit or 519 provide specified written notice to the permit 520 applicant within a certain timeframe; requiring that such written notice provide specific information; 521 522 providing that the permit application is deemed 523 approved, and must be issued on the next business day, 524 if the local building official does not meet the 525 prescribed deadline; amending s. 553.792, F.S.; 526 revising the timeframes for approving, approving with 527 conditions, or denying certain building permits; 528 requiring the local government to follow the 529 prescribed timeframes unless those set by local 530 ordinance are more stringent; requiring a local 531 government to provide written notice to an applicant 532 under certain circumstances; requiring a local

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533 government to reduce permit fees by a certain 534 percentage if certain deadlines are not met; providing an exception; specifying requirements for the written 535 notice to the permit applicant; specifying a timeframe 536 537 for the applicant to correct the application; 538 specifying a timeframe for the local government and 539 local enforcement agency to approve or deny certain 540 building permits following revision; requiring a reduction in the building permit fee if the approval 541 542 deadline is not met; providing an exception; amending 543 s. 553.80, F.S.; authorizing local governments to use 544 certain fees for certain technology upgrades; making 545 technical changes;