



824238

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/23/2024	.	
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The Committee on Fiscal Policy (DiCeglie) recommended the following:

Senate Amendment (with title amendment)

Delete lines 261 - 526

and insert:

(o) of subsection (1), paragraph (c) of subsection (4), subsection (5), paragraphs (b) and (d) of subsection (7), paragraph (b) of present subsection (13), paragraph (b) of present subsection (16), and present subsection (19) of that section are amended, to read:

553.791 Alternative plans review and inspection.-



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

12 (o) "Private provider firm" means a business organization,
13 including a corporation, partnership, business trust, or other
14 legal entity, which offers services under this chapter to the
15 public through licensees who are acting as agents, employees,
16 officers, or partners of the firm. A person who is licensed as a
17 building code administrator under part XII of chapter 468, as an
18 engineer under chapter 471, or as an architect under chapter 481
19 may act as a private provider for an agent, employee, or officer
20 of the private provider firm.

21 (p) ~~(e)~~ "Request for certificate of occupancy or certificate
22 of completion" means a properly completed and executed
23 application for:

24 1. A certificate of occupancy or certificate of completion.

25 2. A certificate of compliance from the private provider
26 required under subsection (13) ~~(12)~~.

27 3. Any applicable fees.

28 4. Any documents required by the local building official to
29 determine that the fee owner has secured all other government
30 approvals required by law.

31 (4) A fee owner or the fee owner's contractor using a
32 private provider to provide building code inspection services
33 shall notify the local building official in writing at the time
34 of permit application, or by 2 p.m. local time, 2 business days
35 before the first scheduled inspection by the local building
36 official or building code enforcement agency that a private
37 provider has been contracted to perform the required inspections
38 of construction under this section, including single-trade
39 inspections, on a form to be adopted by the commission. This



40 notice shall include the following information:

41 (c) An acknowledgment from the fee owner or the fee owner's
42 contractor in substantially the following form:

43
44 I have elected to use one or more private providers to
45 provide building code plans review and/or inspection
46 services on the building or structure that is the
47 subject of the enclosed permit application, as
48 authorized by s. 553.791, Florida Statutes. I
49 understand that the local building official may not
50 review the plans submitted or perform the required
51 building inspections to determine compliance with the
52 applicable codes, except to the extent specified in
53 said law. Instead, plans review and/or required
54 building inspections will be performed by licensed or
55 certified personnel identified in the application. The
56 law requires minimum insurance requirements for such
57 personnel, but I understand that I may require more
58 insurance to protect my interests. By executing this
59 form, I acknowledge that I have made inquiry regarding
60 the competence of the licensed or certified personnel
61 and the level of their insurance and am satisfied that
62 my interests are adequately protected. I agree to
63 indemnify, defend, and hold harmless the local
64 government, the local building official, and their
65 building code enforcement personnel from any and all
66 claims arising from my use of these licensed or
67 certified personnel to perform building code
68 inspection services with respect to the building or



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69 structure that is the subject of the enclosed permit
70 application.

71
72 If the fee owner or the fee owner's contractor makes any changes
73 to the listed private providers or the services to be provided
74 by those private providers, the fee owner or the fee owner's
75 contractor shall, within 1 business day after any change or
76 within 2 business days before the next scheduled inspection,
77 update the notice to reflect such changes. A change of a duly
78 authorized representative named in the permit application does
79 not require a revision of the permit, and the building code
80 enforcement agency shall not charge a fee for making the change.

81
82 (5) After construction has commenced and if the local
83 building official is unable to provide inspection services in a
84 timely manner, the fee owner or the fee owner's contractor may
85 elect to use a private provider to provide inspection services
86 by notifying the local building official of the owner's or
87 contractor's intention to do so by 2 p.m. local time, 2 business
88 days before the next scheduled inspection using the notice
89 provided for in paragraphs (4) (a)-(c).

90 (7)

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



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98 (d) If the local building official provides a second
99 written notice of plan deficiencies to the permit applicant
100 within the prescribed time period, the permit applicant may
101 elect to dispute the deficiencies pursuant to subsection (15)
102 ~~(14)~~ or to submit additional revisions to correct the
103 deficiencies. For all revisions submitted after the first
104 revision, the local building official has an additional 5
105 business days from the date of resubmittal to issue the
106 requested permit or to provide a written notice to the permit
107 applicant stating which of the previously identified plan
108 features remain in noncompliance with the applicable codes, with
109 specific reference to the relevant code chapters and sections.

110 (10) When the private provider is a person licensed as an
111 engineer under chapter 471 or as an architect under chapter 481
112 and affixes his or her professional seal to the affidavit
113 required under subsection (6), the local building official must
114 issue the requested permit or provide a written notice to the
115 permit applicant identifying the specific plan features that do
116 not comply with the applicable codes, as well as the specific
117 code chapters and sections, within 12 business days after
118 receipt of the permit application and affidavit. In such written
119 notice, the local building official shall provide with
120 specificity the plan's deficiencies, the reasons the permit
121 application failed, and the applicable codes being violated. If
122 the local building official does not provide specific written
123 notice to the permit applicant within the prescribed 12-day
124 period, the permit application is deemed approved as a matter of
125 law, and the permit must be issued by the local building
126 official on the next business day.



127 ~~(14)-(13)~~

128 (b) If the local building official does not provide notice
129 of the deficiencies within the applicable time periods under
130 paragraph (a), the request for a certificate of occupancy or
131 certificate of completion is automatically granted and deemed
132 issued as of the next business day. The local building official
133 must provide the applicant with the written certificate of
134 occupancy or certificate of completion within 10 days after it
135 is automatically granted and issued. To resolve any identified
136 deficiencies, the applicant may elect to dispute the
137 deficiencies pursuant to subsection (15) ~~(14)~~ or to submit a
138 corrected request for a certificate of occupancy or certificate
139 of completion.

140 ~~(17)-(16)~~

141 (b) A local enforcement agency, local building official, or
142 local government may establish, for private provider firms,
143 private providers, and duly authorized representatives working
144 within that jurisdiction, a system of registration to verify
145 compliance with the licensure requirements of paragraph (1)(n)
146 and the insurance requirements of subsection (18) ~~(17)~~.

147 ~~(20)-(19)~~ A Each local building code enforcement agency may
148 not audit the performance of building code inspection services
149 by private providers operating within the local jurisdiction
150 until the agency has created a manual for standard operating
151 audit procedures for the agency's internal inspection and review
152 staff which includes, at a minimum, the audit purpose and scope,
153 audit criteria, an explanation of audit processes and
154 objectives, and detailed findings of areas of noncompliance. The
155 manual must be publicly available online or the printed manual



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156 must be readily accessible in building department offices, and
157 the audit results of the staff for the prior two quarters must
158 be publicly available. The agency's private provider audit
159 processes must adhere to the agency's posted standard operating
160 audit procedures. However, The same private provider may not be
161 audited more than four times in a year ~~month~~ unless the local
162 building official determines a condition of a building
163 constitutes an immediate threat to public safety and welfare,
164 which must be communicated in writing to the private provider or
165 private provider firm. Work on a building or structure may
166 proceed after inspection and approval by a private provider. ~~if~~
167 ~~the provider has given notice of the inspection pursuant to~~
168 ~~subsection (9) and, subsequent to such inspection and approval,~~
169 The work may ~~shall~~ not be delayed for completion of an
170 inspection audit by the local building code enforcement agency.

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

173 553.792 Building permit application to local government.-

174 (1) (a) A local government shall approve, approve with
175 conditions, or deny a building permit application after receipt
176 of a completed and sufficient application within the following
177 timeframes, unless the applicant waives such timeframes in
178 writing:

179 1. Within 30 business days after receiving a complete and
180 sufficient application, for an applicant using a local
181 government plans reviewer to obtain the following building
182 permits for structures less than 7,500 square feet: residential
183 units including a single-family residential unit or a single-
184 family residential dwelling, accessory structure, alarm,



185 electrical, irrigation, landscaping, mechanical, plumbing, or
186 roofing.

187 2. Within 60 business days after receiving a complete and
188 sufficient application, for an applicant using a local
189 government plans reviewer to obtain the following building
190 permits for structures of 7,500 square feet or greater:
191 residential units including a single-family residential unit or
192 a single-family residential dwelling, accessory structure,
193 alarm, electrical, irrigation, landscaping, mechanical,
194 plumbing, or roofing.

195 3. Within 60 business days after receiving a complete and
196 sufficient application, for an applicant using a local
197 government plans reviewer to obtain the following building
198 permits: signs or nonresidential buildings less than 25,000
199 square feet.

200 4. Within 120 business days after receiving a complete and
201 sufficient application, for an applicant using a local
202 government plans reviewer to obtain the following building
203 permits: multifamily residential not exceeding 50 units; site-
204 plan approvals and subdivision plats not requiring public
205 hearing or public notice; and lot grading and site alteration.

206 5. Within 15 business days after receiving a complete and
207 sufficient application, for an applicant using a master building
208 permit consistent with s. 553.794 to obtain a site-specific
209 building permit.

210 6. Within 10 business days after receiving a complete and
211 sufficient application, for an applicant for a single-family
212 residential dwelling applied for by a contractor licensed in
213 this state on behalf of a property owner who participates in a



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214 Community Development Block Grant-Disaster Recovery program
215 administered by the Department of Commerce, unless the permit
216 application fails to satisfy the Florida Building Code or the
217 enforcing agency's laws or ordinances.

218
219 However, the local government may not require the waiver as a
220 condition precedent to reviewing an applicant's building permit
221 application.

222 (b) A local government must meet the timeframes set forth
223 in this section for reviewing building permit applications
224 unless the timeframes set by local ordinance are more stringent
225 than those prescribed in this section.

226 (c) After ~~Within 10 days of~~ an applicant submits ~~submitting~~
227 an application to the local government, the local government
228 must provide written notice to the applicant within 5 business
229 days after receipt of the application advising ~~shall advise~~ the
230 applicant what information, if any, is needed to deem or
231 determine that the application is properly completed in
232 compliance with the filing requirements published by the local
233 government. If the local government does not provide timely
234 written notice that the applicant has not submitted the properly
235 completed application, the application is ~~shall be~~ automatically
236 deemed or determined to be properly completed and accepted.
237 ~~Within 45 days after receiving a completed application, a local~~
238 ~~government must notify an applicant if additional information is~~
239 ~~required for the local government to determine the sufficiency~~
240 ~~of the application, and shall specify the additional information~~
241 ~~that is required. The applicant must submit the additional~~
242 ~~information to the local government or request that the local~~



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243 ~~government act without the additional information. While the~~
244 ~~applicant responds to the request for additional information,~~
245 ~~the 120-day period described in this subsection is tolled. Both~~
246 ~~parties may agree to a reasonable request for an extension of~~
247 ~~time, particularly in the event of a force majeure or other~~
248 ~~extraordinary circumstance. The local government must approve,~~
249 ~~approve with conditions, or deny the application within 120 days~~
250 ~~following receipt of a completed application.~~

251 (d) A local government shall maintain on its website a
252 policy containing procedures and expectations for expedited
253 processing of those building permits and development orders
254 required by law to be expedited.

255 ~~(b)1. When reviewing an application for a building permit,~~
256 ~~a local government may not request additional information from~~
257 ~~the applicant more than three times, unless the applicant waives~~
258 ~~such limitation in writing.~~

259 ~~2. If a local government requests additional information~~
260 ~~from an applicant and the applicant submits the requested~~
261 ~~additional information to the local government within 30 days~~
262 ~~after receiving the request, the local government must, within~~
263 ~~15 days after receiving such information:~~

- 264 ~~a. Determine if the application is properly completed;~~
- 265 ~~b. Approve the application;~~
- 266 ~~c. Approve the application with conditions;~~
- 267 ~~d. Deny the application; or~~
- 268 ~~e. Advise the applicant of information, if any, that is~~
269 ~~needed to deem the application properly completed or to~~
270 ~~determine the sufficiency of the application.~~

271 ~~3. If a local government makes a second request for~~



272 ~~additional information from the applicant and the applicant~~
273 ~~submits the requested additional information to the local~~
274 ~~government within 30 days after receiving the request, the local~~
275 ~~government must, within 10 days after receiving such~~
276 ~~information:~~

- 277 ~~a. Determine if the application is properly completed;~~
- 278 ~~b. Approve the application;~~
- 279 ~~c. Approve the application with conditions;~~
- 280 ~~d. Deny the application; or~~
- 281 ~~e. Advise the applicant of information, if any, that is~~
282 ~~needed to deem the application properly completed or to~~
283 ~~determine the sufficiency of the application.~~

284 ~~4. Before a third request for additional information may be~~
285 ~~made, the applicant must be offered an opportunity to meet with~~
286 ~~the local government to attempt to resolve outstanding issues.~~
287 ~~If a local government makes a third request for additional~~
288 ~~information from the applicant and the applicant submits the~~
289 ~~requested additional information to the local government within~~
290 ~~30 days after receiving the request, the local government must,~~
291 ~~within 10 days after receiving such information unless the~~
292 ~~applicant waived the local government's limitation in writing,~~
293 ~~determine that the application is complete and:~~

- 294 ~~a. Approve the application;~~
- 295 ~~b. Approve the application with conditions; or~~
- 296 ~~c. Deny the application.~~

297 ~~5. If the applicant believes the request for additional~~
298 ~~information is not authorized by ordinance, rule, statute, or~~
299 ~~other legal authority, the local government, at the applicant's~~
300 ~~request, must process the application and either approve the~~



301 ~~application, approve the application with conditions, or deny~~
302 ~~the application.~~

303 (e) ~~(e)~~ If a local government fails to meet a deadline under
304 this subsection provided in paragraphs (a) and (b), it must
305 reduce the building permit fee by 10 percent for each business
306 day that it fails to meet the deadline, unless the parties agree
307 in writing to a reasonable extension of time, the delay is
308 caused by the applicant, or the delay is attributable to a force
309 majeure or other extraordinary circumstances. Each 10-percent
310

311 ===== T I T L E A M E N D M E N T =====

312 And the title is amended as follows:

313 Delete lines 39 - 61

314 and insert:

315 term "private provider firm"; requiring a fee owner or
316 the fee owner's contractor to annually provide the
317 local building official with specified information and
318 a specified acknowledgment; requiring the local
319 building official to issue a permit or provide written
320 notice to the applicant with certain information if
321 the private provider is a licensed engineer or
322 architect who affixes his or her professional seal to
323 the affidavit; providing that the permit application
324 is deemed approved, and must be issued on the next
325 business day, if the local building official does not
326 meet the prescribed deadline; prohibiting a local
327 building code enforcement agency from auditing the
328 performance of building code inspection services by
329 private providers until the agency has created a



330 manual for standard operating audit procedures for the
331 agency's internal inspection and review staff;
332 providing requirements for the manual; requiring that
333 the manual be made publicly available; requiring the
334 agency to make publicly available its audits for the
335 two prior fiscal quarters; revising the number of
336 times a private provider may be audited within a
337 specified timeframe; requiring the agency to notify,
338 in writing, the private provider or private provider
339 firm of any additional audits; conforming provisions
340 to changes made by the act; making technical changes;
341 amending s. 553.792, F.S.; revising the timeframes for
342 approving, approving with conditions, or denying
343 certain building permits; prohibiting the local
344 government from requiring a waiver of such timeframes
345 as a condition precedent to reviewing an applicant's
346 building permit application; requiring the local
347 government to follow the prescribed timeframes unless
348 those set by local ordinance are more stringent;
349 requiring a local government to provide written notice
350 to an applicant under certain circumstances; requiring
351 a local government to reduce permit fees by a certain
352 percentage if certain deadlines are not met; providing
353 exceptions; specifying requirements for the written