

# FLORIDA HOUSE OF REPRESENTATIVES

## BILL ANALYSIS

*This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.*

**BILL #:** [CS/HB 1109](#)

**TITLE:** Services During a State of Emergency

**SPONSOR(S):** Cross

**COMPANION BILL:** [CS/SB 1260](#) (DiCeglie)

**LINKED BILLS:** None

**RELATED BILLS:** None

### Committee References

[Industries & Professional  
Activities](#)

17 Y, 0 N, As CS

[Natural Resources & Disasters](#)

[Commerce](#)

## SUMMARY

### Effect of the Bill:

The bill authorizes the Department of Management Services to enter into and maintain state term contracts with multiple vendors for the purpose of performing building code inspection services and debris removal services for the purposes of recovery following a natural disaster that is subject to a state of emergency declared by the Governor.

The bill authorizes a person that is qualified for work in any state that has entered into a state term contract or a mutual aid agreement, or who has held a valid license in any state for the five years immediately preceding the date of the declaration, to act in certain positions for up to one year after the declaration of a state of emergency for a natural emergency.

### Fiscal or Economic Impact:

None

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## ANALYSIS

### EFFECT OF THE BILL:

The bill authorizes the Department of Management Services (department) to enter into and maintain state term contracts with multiple vendors for the purpose of performing [building code inspection](#) services and debris removal services for the purposes of recovery following a natural disaster that is subject to a [state of emergency](#) declared by the Governor. These inspection and removal services shall be available to local governments for recovery during the state of emergency. (Section [1](#))

The bill authorizes a person that is qualified for work in any state that has entered into a state term contract or a mutual aid agreement or who has held a valid license in any state for the five years immediately preceding the date of the declaration, to act under the direction of the local [building official](#) in the following positions for up to one year after the declaration of a state of emergency for a natural emergency issued by the Governor: (Section [2](#))

- Building code inspector.
- Building inspector.
- Coastal construction inspector.
- Commercial electrical inspector.
- Electrical inspector.
- Mechanical inspector.
- Plumbing inspector.
- Residential electrical inspector.
- Residential inspector.

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- [Plans examiner.](#)
- Building plans examiner.
- Plumbing plans examiner.
- Mechanical plans examiner.
- Electrical plan examiner.

The bill defines “natural emergency” as an emergency caused by a natural event, including, but not limited to, a hurricane, a storm, a flood, a severe wave action, a drought, or an earthquake.<sup>1</sup> (Section [2](#))

The bill provides an effective date of July 1, 2026. (Section [3](#))

## RELEVANT INFORMATION

### SUBJECT OVERVIEW:

#### [Florida Building Code](#)

In 1974, Florida adopted legislation requiring all local governments to adopt and enforce a minimum building code that would ensure that Florida’s minimum standards were met. Local governments could choose from four separate model codes. The state’s role was limited to adopting all or relevant parts of new editions of the four model codes. Local governments could amend and enforce their local codes, as they desired.<sup>2</sup>

In 1992, Hurricane Andrew demonstrated that Florida’s system of local codes did not work. Hurricane Andrew easily destroyed those structures that were allegedly built according to the strongest code. The Governor eventually appointed a study commission to review the system of local codes and make recommendations for modernizing the system. The 1998 Legislature adopted the study’s commission recommendations for a single state building code and enhanced the oversight role of the state over local code enforcement. The 2000 Legislature authorized implementation of the Florida Building Code (Building Code), and that first edition replaced all local codes on March 1, 2002.<sup>3</sup> The current edition of the Building Code is the eighth edition, which is referred to as the 2023 Florida Building Code.<sup>4</sup>

Chapter 553, part IV, F.S., is known as the “Florida Building Codes Act” (Act). The purpose and intent of the Act is to provide a mechanism for the uniform adoption, updating, interpretation, and enforcement of a single, unified state building code. The Building Code must be applied, administered, and enforced uniformly and consistently from jurisdiction to jurisdiction.<sup>5</sup>

The Florida Building Commission (Commission) was created to implement the Building Code. The Commission, which is housed within the Department of Business and Professional Regulation (DBPR), is a 19-member technical body made up of design professionals, contractors, and government experts in various disciplines covered by the Building Code. The Commission reviews several International Codes published by the International Code Council,<sup>6</sup> the National Electric Code, and other nationally adopted model codes to determine if the Building Code needs to be updated and adopts an updated Building Code every three years.<sup>7</sup>

#### [Building Officials, Inspectors, and Plans Examiners](#)

<sup>1</sup> The definition mirrors that of the State Emergency Management Act, [s. 252.34\(8\), F.S.](#)

<sup>2</sup> Florida Department of Community Affairs, *The Florida Building Commission Report to the 2006 Legislature*, p. 4, [http://www.floridabuilding.org/fbc/publications/2006\\_Legislature\\_Rpt\\_rev2.pdf](http://www.floridabuilding.org/fbc/publications/2006_Legislature_Rpt_rev2.pdf) (last visited Feb. 9, 2026).

<sup>3</sup> *Id.*

<sup>4</sup> Florida Building Commission Homepage, <https://floridabuilding.org/c/default.aspx> (last visited Feb. 9, 2026).

<sup>5</sup> See [s. 553.72\(1\), F.S.](#)

<sup>6</sup> The International Code Council (ICC) is an association that develops model codes and standards used in the design, building, and compliance process to “construct safe, sustainable, affordable and resilient structures.” International Code Council, *About the ICC*, <https://www.iccsafe.org/about/who-we-are/> (last visited Feb. 9, 2026).

<sup>7</sup> [S. 553.73\(7\)\(a\), F.S.](#)

Building officials, inspectors, and plans examiners are regulated by the Building Code Administrators and Inspectors Board (the board) within the DBPR. A building code administrator, otherwise known as a building official, is a local government employee, or a person contracted by a local government, who supervises building code activities, including plans review, enforcement, and inspection.<sup>8</sup> A building code inspector (inspector) is a local or state government employee, or a person contracted by a local government, who inspects construction that requires permits to determine compliance with building codes and state accessibility laws.<sup>9</sup>

### **Residential Plans Inspector**

A residential plans inspector (sometimes referred to as residential [plans examiner](#)) is “a person who is qualified to inspect and determine that one-family, two-family, or three-family residences not exceeding two habitable stories above no more than one uninhabitable story and accessory use structures in connection therewith are constructed in accordance with the provisions of the governing building, plumbing, mechanical, accessibility, and electrical codes.”<sup>10</sup>

### **Building Inspections**

Any construction work that requires a building permit also requires plans and inspections to ensure the work complies with the building code. The building code requires certain building, electrical, plumbing, mechanical, and gas inspections. Construction work may not be done beyond a certain point until it passes an inspection.

In addition to the inspections required by the building code, a building official may require other inspections of any construction work to ascertain compliance with the provisions of the building code and other laws that are enforced by the government entity.<sup>11</sup>

### **Building Code Enforcement**

Local governments have the power to inspect all buildings, structures, and facilities within their jurisdiction in protection of the public’s health, safety, and welfare.<sup>12</sup> Every local government must enforce the building code and issue building permits.<sup>13</sup> State agencies may also enforce the building code if current law specifically authorizes them to do so, unless they have delegated responsibility to another public entity.<sup>14</sup>

### **Interagency Service Agreements with Building Code Officials**

In order to keep down costs for low-population jurisdictions, Florida allows building code administrators/officials to be authorized to perform any plan review or inspection for another jurisdiction under an interagency service agreement.<sup>15</sup>

### **Private Providers**

Private providers and their duly authorized representatives are able to approve building plans and perform building code inspections as long as the plans approval and building inspections are within the scope of the provider’s or representative’s license.

A “private provider” is defined as a person licensed as a building official, engineer, or architect. Additionally, the term includes licensed building inspectors and plans examiners who perform inspections for additions and alterations that are limited to 1,000 square feet or less in residential buildings.<sup>16</sup>

<sup>8</sup> [S. 468.603\(2\), F.S.](#)

<sup>9</sup> [S. 468.603\(4\), F.S.](#)

<sup>10</sup> [S. 468.603\(5\)\(h\), F.S.](#)

<sup>11</sup> S. 110.3, Florida Building Code, Eighth Edition.

<sup>12</sup> [S. 553.72\(2\), F.S.](#)

<sup>13</sup> Ss. [125.01\(1\)\(bb\)](#), [125.56\(4\)\(a\)](#), and [553.80\(1\), F.S.](#)

<sup>14</sup> [S. 553.80\(1\), F.S.](#)

<sup>15</sup> [S. 468.603\(2\), F.S.](#) See example of a proposal for an interagency service agreement for building permitting and inspection services for a jurisdiction with a population of less than 50,000. City of Mexico Beach, *Request for Proposals Building Permitting and Inspection Services*, at <https://mexicobeachfl.gov/uploads/2022/06/RFP-for-Building-Services-111218.pdf> (last visited Feb. 9, 2026).

An owner or contractor must notify a local government that the owner or contractor hired a private provider to perform building code inspection services, including single-trade inspections. If an owner or contractor retains a private provider for purposes of plans review or building inspection services, the local jurisdiction must reduce the permit fee by the amount of cost savings realized by the local enforcement agency for not having to perform such services. Such reduction may be calculated on a flat fee or percentage basis, or any other reasonable means by which a local enforcement agency assesses the cost for its plans review or inspection services. The local jurisdiction may not charge fees for building inspections if the fee owner or contractor hires a private provider to perform such services; however, the local jurisdiction may charge a reasonable administrative fee, which shall be based on the cost that is actually incurred, including the labor cost of the personnel providing the service, by the local jurisdiction or attributable to the local jurisdiction for the clerical and supervisory assistance required, or both.<sup>17</sup>

A local government may not charge a fee for building inspections when an owner or contractor uses a private provider but may charge a “reasonable administrative fee.” A “reasonable administrative fee” must be based on the cost that is actually incurred by the local government, including the labor cost of the personnel providing the service, or the cost attributable to the local government for the clerical and supervisory assistance required, or both.<sup>18</sup>

Upon receipt of a building permit application and the required affidavit from the private provider, a building official has 20 business days to issue the permit or provide written notice of the plan deficiencies.<sup>19</sup> If the local building official does not provide written notice of plan deficiencies within the prescribed 20-day period, the permit application shall be deemed approved and must be issued on the next business day.<sup>20</sup>

### **State Emergency Management Act**

The State Emergency Management Act (Act), ch. 252, F.S., was enacted to be the legal framework for this state’s emergency management activities, recognizing the state’s vulnerability to a wide range of emergencies, including natural, manmade, and technological disasters.<sup>21</sup> In order to reduce the state’s vulnerability to these circumstances and to prepare to respond to them, the act promotes the state’s emergency readiness through enhanced coordination, long-term planning, and adequate funding.<sup>22</sup>

The Act also delineates the Governor’s authority to declare a [state of emergency](#), issue executive orders, and otherwise lead the state during emergencies. If the Governor finds that an emergency<sup>23</sup> has occurred or is imminent, he or she must declare a state of emergency.<sup>24</sup> An executive order or proclamation of a state of emergency shall identify whether the state of emergency is due to a minor,<sup>25</sup> major,<sup>26</sup> or catastrophic<sup>27</sup> disaster.<sup>28</sup>

<sup>16</sup> S. [553.791\(1\)\(n\), F.S.](#)

<sup>17</sup> S. [553.791\(2\)\(b\), F.S.](#)

<sup>18</sup> *Id.*

<sup>19</sup> S. [553.791\(7\)\(a\), F.S.](#)

<sup>20</sup> *Id.*

<sup>21</sup> S. [252.311\(1\), F.S.](#)

<sup>22</sup> S. 252.311(2) and (3), F.S.

<sup>23</sup> “Emergency” means any occurrence, or threat thereof, whether natural, technological, or manmade, in war or in peace, which results or may result in substantial injury or harm to the population or substantial damage to or loss of property. See S. [252.34\(4\), F.S.](#)

<sup>24</sup> S. [252.36\(2\), F.S.](#)

<sup>25</sup> “Minor disaster” means a disaster that is likely to be within the response capabilities of local government and to result in only a minimal need for state or federal assistance. See S. [252.34\(2\)\(c\), F.S.](#)

<sup>26</sup> “Major disaster” means a disaster that will likely exceed local capabilities and require a broad range of state and federal assistance. See S. [252.34\(2\)\(b\), F.S.](#)

<sup>27</sup> “Catastrophic disaster” means a disaster that will require massive state and federal assistance, including immediate military involvement. See S. [252.34\(2\)\(a\), F.S.](#)

<sup>28</sup> S. [252.36\(4\)\(c\), F.S.](#)

The state of emergency must continue until the Governor finds that the threat or danger has been dealt with to the extent that the emergency conditions no longer exist, but no state of emergency may continue for longer than 60 days unless renewed by the Governor.<sup>29</sup> Additionally, the Legislature may end a state of emergency by passing a concurrent resolution.<sup>30</sup>

## BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
<a href="#">Industries &amp; Professional Activities Subcommittee</a>	17 Y, 0 N, As CS	2/12/2026	Anstead	Miralia
THE CHANGES ADOPTED BY THE COMMITTEE:	<p>Added the ability for the Department of Management Services to enter into state term contracts for building code inspection services and debris removal services for the benefit of local governments after a natural disaster.</p> <p>Removed the requirement that building inspectors and plans examiners who are not licensed in the state undertake training to work in the state after an emergency and instead required they work under the direction of the local building official and meet certain requirements.</p>			
<a href="#">Natural Resources &amp; Disasters Subcommittee</a>				
<a href="#">Commerce Committee</a>				

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**THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.**  
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<sup>29</sup> [S. 252.36\(2\), F.S.](#)

<sup>30</sup> [S. 252.36\(3\), F.S.](#)