

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 405 (2026)

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u> (Y/N)
ADOPTED AS AMENDED	<u> </u> (Y/N)
ADOPTED W/O OBJECTION	<u> </u> (Y/N)
FAILED TO ADOPT	<u> </u> (Y/N)
WITHDRAWN	<u> </u> (Y/N)
OTHER	<u> </u>

1 Committee/Subcommittee hearing bill: Industries & Professional
2 Activities Subcommittee

3 Representative Griffitts offered the following:

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 **Section 1. Section 255.0994, Florida Statutes, is created**

8 **to read:**

9 255.0994 Public works projects; unenforceability of certain
10 contract provisions regarding delays.

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

12 (a) "Concurrent delays" means two or more unrelated delays
13 in the contractor's performance of a contract for a public works
14 project that happen at the same time or overlap in time, each of
15 which on its own would have delayed the contractor's
16 performance.

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17 (b) "Governmental entity" has the same meaning as in s.
18 255.0993(1).

19 (c) "Public works project" has the same meaning as in s.
20 255.0992(1).

21 (2) Except as otherwise required by federal or state law, a
22 governmental entity that contracts for a public works project
23 may not take the following actions:

24 (a) Enforce any contract provisions that would eliminate or
25 limit the contractor's right to receive compensation for damages
26 and increased costs, equitable adjustments, and time extensions
27 due to a delay in performance of the contract, either on its own
28 behalf or on behalf of a subcontractor or supplier, to the
29 extent the delay was caused in whole or in part by the acts or
30 omissions of the governmental entity or of any agent, employee,
31 or person acting on its behalf.

32 (b) Enforce any contract provisions that would eliminate or
33 limit the contractor's right to receive time extensions due to
34 concurrent delays, either on its own behalf or on behalf of a
35 subcontractor or supplier, if at least one of those delays was
36 caused in whole or in part by the acts or omissions of the
37 governmental entity or of any agent, employee, or person acting
38 on its behalf.

39 (3) This section may not be construed to render
40 unenforceable a provision of a contract for a public works
41 project that:

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42 (a) Requires the party claiming a delay to give notice of
43 the acts or omissions giving rise to the delay.

44 (b) Provides for arbitration or any other procedure
45 designed to settle contract disputes.

46 (4) If a contract for a public works project contains a
47 provision that is unenforceable under this section, the
48 provision must be severed from the contract and the remaining
49 provisions remain in full force and effect.

50 (5) This section applies to any contract for a public works
51 project entered into on or after July 1, 2026.

52 **Section 2. Subsections (2), (3), (4), (5), (6), (7), (8),**
53 **(9), (10), (11), and (12) of section 553.71, Florida Statutes,**
54 **are renumbered as subsections (3), (4), (5), (6), (7), (8), (9),**
55 **(10), (11), (12), and (13), respectively, and subsection (2) is**
56 **added to that section, to read:**

57 553.71 Definitions.—As used in this part, the term:

58 (2) "Commercial construction project" means the
59 construction, alteration, or repair of a building or structure
60 that is primarily intended for business, industrial,
61 institutional, or mercantile use and is not classified as
62 residential under the Florida Building Code.

63 **Section 3. Section 553.789, Florida Statutes, is created**
64 **to read:**

65 553.789 Uniform commercial building permit application.—

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66 (1) By December 31, 2027, the commission shall adopt
67 pursuant to ss. 120.536(1) and 120.54 a uniform commercial
68 building permit application to be used statewide for commercial
69 construction projects. The application must include at a minimum
70 the following information:

71 (a) The name and contact information of the property
72 owner.

73 (b) The name, license number, and contact information of
74 the contractor if known at the time of application.

75 (c) The address and parcel identification number of the
76 construction project.

77 (d) The project type and occupancy classification under
78 the Florida Building Code.

79 (e) A description of the construction project, including
80 whether the project is new construction or an alteration, an
81 addition, or a repair.

82 (f) The total square footage and the declared value of the
83 construction project.

84 (g) The architect or engineer of record, if applicable.

85 (h) The identification of any private provider services if
86 used pursuant to s. 553.791.

87 (2) The commission shall adopt pursuant to ss. 120.536(1)
88 and 120.54 additional trade-specific forms for trades that are
89 often present on a project, including, but not limited to,
90 electric, HVAC, plumbing, and water and sewer.

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91 (3) A local enforcement agency must accept the uniform
92 commercial building permit application and other standardized
93 forms as adopted by the commission. However, a local enforcement
94 agency may require additional documentation or plans reasonably
95 necessary for the applicant to demonstrate compliance with the
96 Florida Building Code or local zoning ordinances.

97 **Section 4. Paragraph (b) is amended and paragraph (d) is**
98 **added to subsection (2) of section 553.791, Florida Statutes, to**
99 **read:**

100 553.791 Alternative plans review and inspection.

101 (2)

102 (b) If an owner or contractor retains a private provider
103 for purposes of plans review or building inspection services,
104 the local jurisdiction must reduce the permit fee by the amount
105 of cost savings realized by the local enforcement agency for not
106 having to perform such services. Such reduction may be
107 calculated on a flat fee or percentage basis, or any other
108 reasonable means by which a local enforcement agency assesses
109 the cost for its plans review or inspection services. The local
110 jurisdiction must include the applicable reduction in the permit
111 fee on its schedule of fees which is posted on its website. The
112 local jurisdiction may not charge fees for plans review or
113 building inspections if the fee owner or contractor hires a
114 private provider to perform such services; however, the local
115 jurisdiction may charge a reasonable administrative fee, which

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116 shall be based on the cost that is actually incurred, including
117 the labor cost of the personnel providing the service, by the
118 local jurisdiction or attributable to the local jurisdiction for
119 the clerical and supervisory assistance required, or both. The
120 local jurisdiction shall specify the services covered by the
121 administrative fee on its website.

122 (d) If an owner or a contractor retains a private provider
123 for purposes of plans review or building inspection services for
124 a commercial construction project, the local enforcement agency
125 must reduce the permit fee by at least 25 percent of the portion
126 of the permit fee attributable to plans review or building
127 inspection services, as applicable. If an owner or a contractor
128 retains a private provider for all required plans review and
129 building inspection services, the local enforcement agency must
130 reduce the total permit fee by at least 50 percent of the amount
131 otherwise charged for such services. If a local enforcement
132 agency does not reduce its fees by at least the percentages
133 provided in this paragraph, the local enforcement agency
134 forfeits the ability to collect any fees for the commercial
135 construction project. The surcharge required by s. 553.721 shall
136 be calculated based on the reduced permit fee. This paragraph
137 does not prohibit a local enforcement agency from reducing its
138 fees in excess of the percentages provided in this paragraph.

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139 **Section 5. Paragraph (g) of subsection (1) of section**
140 **553.79, Florida Statutes, is added, and paragraph (a) of**
141 **subsection (24) is amended, to read:**

142 553.79 Permits; applications; issuance; inspections.

143 (1) (a) After the effective date of the Florida Building
144 Code adopted as herein provided, it shall be unlawful for any
145 person, firm, corporation, or governmental entity to construct,
146 erect, alter, modify, repair, or demolish any building within
147 this state without first obtaining a permit therefor from the
148 appropriate enforcing agency or from such persons as may, by
149 appropriate resolution or regulation of the authorized state or
150 local enforcing agency, be delegated authority to issue such
151 permits, upon the payment of such reasonable fees adopted by the
152 enforcing agency. The enforcing agency is empowered to revoke
153 any such permit upon a determination by the agency that the
154 construction, erection, alteration, modification, repair, or
155 demolition of the building for which the permit was issued is in
156 violation of, or not in conformity with, the provisions of the
157 Florida Building Code. Whenever a permit required under this
158 section is denied or revoked because the plan, or the
159 construction, erection, alteration, modification, repair, or
160 demolition of a building, is found by the local enforcing agency
161 to be not in compliance with the Florida Building Code, the
162 local enforcing agency shall identify the specific plan or
163 project features that do not comply with the applicable codes,

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164 identify the specific code chapters and sections upon which the
165 finding is based, and provide this information to the permit
166 applicant. A plans reviewer or building code administrator who
167 is responsible for issuing a denial, revocation, or modification
168 request but fails to provide to the permit applicant a reason
169 for denying, revoking, or requesting a modification, based on
170 compliance with the Florida Building Code or local ordinance, is
171 subject to disciplinary action against his or her license
172 pursuant to s. 468.621(1)(i). Installation, replacement,
173 removal, or metering of any load management control device is
174 exempt from and shall not be subject to the permit process and
175 fees otherwise required by this section.

176 (b) A local enforcement agency shall post each type of
177 building permit application, including a list of all required
178 attachments, drawings, or other requirements for each type of
179 application, on its website. A local enforcement agency must
180 post and update the status of every received application on its
181 website until the issuance of the building permit. Completed
182 applications, including payments, attachments, drawings, or
183 other requirements or parts of the completed permit application,
184 must be able to be submitted electronically to the appropriate
185 building department. Accepted methods of electronic submission
186 include, but are not limited to, e-mail submission of
187 applications in Portable Document Format or submission of
188 applications through an electronic fill-in form available on the

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189 building department's website or through a third-party
190 submission management software. Completed applications,
191 including payments, attachments, drawings, or other requirements
192 or parts of the completed permit application, may also be
193 submitted in person in a nonelectronic format, at the discretion
194 of the building official.

195 (c) A local government that issues building permits may
196 send a written notice of expiration, by e-mail or United States
197 Postal Service, to the owner of the property and the contractor
198 listed on the permit, no less than 30 days before a building
199 permit is set to expire. The written notice must identify the
200 permit that is set to expire and the date the permit will
201 expire.

202 (d) A local enforcement agency must allow requests for
203 inspections to be submitted electronically to the local
204 enforcement agency's appropriate building department. Acceptable
205 methods of electronic submission include, but are not limited
206 to, e-mail or fill-in form available on the website of the
207 building department or through a third-party submission
208 management software or application that can be downloaded on a
209 mobile device. Requests for inspections may be submitted in a
210 nonelectronic format, at the discretion of the building
211 official.

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212 (e) A local enforcement agency must post its procedures for
213 processing, reviewing, and approving submitted building permit
214 applications on its website.

215 (f) A local government may not require a contract between a
216 builder and an owner, any copies of such contract, or any
217 associated document, including, but not limited to, letters of
218 intent, material costs lists, labor costs, or overhead or profit
219 statements, for the issuance of a building permit or as a
220 requirement for the submission of a building permit application.

221 (g) Permit fees imposed by a local enforcement agency must
222 be limited to the actual and reasonable costs incurred in
223 reviewing, processing, and administering the permit and may not
224 be based on industry standards, market rates, or comparable
225 retail pricing. Such fees must be proportional to the work
226 performed reviewing, processing, and administering the permit.

227 (24) (a) A political subdivision of this state may not adopt
228 or enforce any ordinance or impose any building permit or other
229 development order requirement that:

230 1. Contains any building, construction, or aesthetic
231 requirement or condition that conflicts with or impairs
232 corporate trademarks, service marks, trade dress, logos, color
233 patterns, design scheme insignia, image standards, or other
234 features of corporate branding identity on real property or
235 improvements thereon used in activities conducted under chapter
236 526 or in carrying out business activities defined as a

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237 franchise by Federal Trade Commission regulations in 16 C.F.R.
238 ss. 436.1, et. seq.; or

239 2. Imposes any requirement on the design, construction, or
240 location of signage advertising the retail price of gasoline in
241 accordance with the requirements of ss. 526.111 and 526.121
242 which prevents the signage from being clearly visible and
243 legible to drivers of approaching motor vehicles from a vantage
244 point on any lane of traffic in either direction on a roadway
245 abutting the gas station premises and meets height, width, and
246 spacing standards for Series C, D, or E signs, as applicable,
247 published in the latest edition of Standard Alphabets for
248 Highway Signs published by the United States Department of
249 Commerce, Bureau of Public Roads, Office of Highway Safety.

250 3. Imposes a glazing requirement which results in the
251 glazing of more than 15 percent of the surface area of the
252 primary façade for the first ten feet above the ground floor on
253 a proposed commercial or mixed-use new construction or
254 restoration project. No glazing requirement shall be imposed or
255 enforced on any façade other than the primary façade, and no
256 glazing requirement shall be imposed or enforced on any portion
257 of the primary façade higher than the first ten feet above the
258 ground floor. For purposes of this subsection, "primary façade"
259 shall mean the single building side housing the primary entrance
260 to the building; and "glazing" shall mean the installation of
261 transparent or translucent materials, including glass or similar

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262 substances, in windows, doors, or storefronts, and includes any
263 requirement to add actual or faux windows to a building façade.

264 **Section 6.** This act shall take effect July 1, 2026.

265

266 -----

267 **T I T L E A M E N D M E N T**

268 Remove everything before the enacting clause and insert:

269 An act relating to commercial construction projects; creating s.
270 255.0994, F.S.; providing definitions; rendering unenforceable
271 certain contract provisions regarding delays in the performance
272 of a contract for a public works project; amending s. 553.71,
273 F.S.; creating a definition for "commercial construction
274 project"; creating s. 553.789, F.S.; requiring the Florida
275 Building Commission to create a uniform permit application;
276 requiring the application to include certain information;
277 authorizing the commission to adopt rules to create supplemental
278 forms; providing requirements for local enforcement agencies;
279 amending s. 553.791; relating to local government fee schedules;
280 setting percentages for local government building permit fee
281 reduction when private providers are used; amending s. 553.79,
282 F.S.; requiring local enforcement agencies to base permit fees
283 on the costs incurred by the local enforcement agency in
284 reviewing, processing, and administering the permit; limiting a
285 political subdivision of the state's ability to impose a glazing
286 requirement on a commercial or mixed-use new construction or

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287 restoration project; defining terms; providing an effective
288 date.