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CS/CS/HB 803, Engrossed 2

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1
2 An act relating to building permits and inspections;
3 amending s. 125.56, F.S.; providing for expiration of
4 certain building permits issued by a county; providing
5 construction; amending s. 287.056, F.S.; requiring the
6 Department of Management Services to enter into and
7 maintain state term contracts for building code
8 inspection services; creating s. 468.634, F.S.;
9 authorizing individuals to work in specified
10 positions, for a specified timeframe, if they meet
11 certain requirements; amending s. 489.129, F.S.;
12 providing that certain persons are not subject to
13 discipline for performing a job without applicable
14 permits and inspections if otherwise authorized by
15 law; amending s. 553.382, F.S.; prohibiting the
16 Department of Business and Professional Regulation
17 from denying a building permit for certain residential
18 manufactured buildings; requiring that certain housing
19 units be taxed in a certain manner; creating s.
20 553.385, F.S.; defining the terms "local government"
21 and "offsite-constructed residential dwelling";
22 requiring that an offsite-constructed residential
23 dwelling be permitted as of right in any zoning
24 district where certain dwellings are allowed;
25 prohibiting a local government from adopting or

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26 enforcing a certain zoning, land use, or development
27 regulation that treats an offsite-constructed
28 residential dwelling differently or more restrictively
29 than certain dwellings in the same district; providing
30 construction; authorizing a local government to adopt
31 compatibility standards for specified architectural
32 features; prohibiting a local government from treating
33 offsite-constructed residential dwellings differently
34 than factory-built buildings based on the method or
35 location of construction; prohibiting a local
36 government from adopting or enforcing certain zoning,
37 land use, or development ordinances or regulations;
38 prohibiting local government ordinances or regulations
39 from having the effect of excluding offsite-
40 constructed residential dwellings; requiring that such
41 ordinances or regulations be reasonable and uniformly
42 enforced without distinction as to type of housing;
43 providing that any such ordinance or regulation is
44 void and unenforceable as applied to offsite-
45 constructed residential dwellings; amending s. 553.77,
46 F.S.; requiring the Florida Building Commission to
47 develop uniform commercial and residential building
48 permit applications by a specified date; providing
49 requirements for a uniform commercial building permit
50 application; amending s. 553.79, F.S.; providing for

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51 expiration of certain building permits issued by a
52 local government; providing construction; providing
53 prohibitions for inspection fees; requiring a local
54 government to exempt certain owners and contractors
55 from building permit requirements for work valued
56 below a specified amount; providing exceptions;
57 prohibiting a construction project from being divided
58 into multiple projects for a certain purpose;
59 requiring certain owners and contractors to submit a
60 written request for exemption to the local enforcement
61 agency with specified documentation; providing that
62 local governments do not have a duty to certain
63 persons; requiring local governments to exempt certain
64 owners and contractors from requiring a building
65 permit for the installation of temporary residential
66 hurricane and flood protection walls or barriers that
67 meet certain requirements; providing an exception;
68 requiring certain owners and contractors to submit a
69 written request for exemption to the local enforcement
70 agency with specified documentation; providing that
71 local governments do not have a duty to certain
72 persons; authorizing the Florida Building Commission
73 to adopt rules; requiring certain local governments to
74 issue a building permit for the installation of
75 certain retaining walls as a whole; prohibiting such

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76 local governments from requiring building permits for
77 each lot or parcel under certain circumstances;
78 prohibiting a political subdivision from imposing
79 certain requirements for glazing on certain proposed
80 construction or restoration projects; providing an
81 exception; defining the terms "glazing" and "primary
82 facade"; amending s. 553.791, F.S.; revising
83 definitions and defining terms; requiring explicit
84 written authorization from a fee owner for a
85 contractor to use a private provider; requiring that
86 such authorization be submitted to the local building
87 official; deleting the requirement that a contract for
88 certain services be in writing; providing that a
89 contract for certain services does not need to be
90 submitted as part of a permit application; providing
91 requirements for reduced permit fees; prohibiting a
92 local jurisdiction from charging punitive
93 administrative fees or fees for plans review services;
94 requiring that certain documents be promptly provided
95 to certain persons; requiring local enforcement
96 agencies to reduce permit fees by specified
97 percentages under certain circumstances; providing
98 that a local enforcement agency forfeits the ability
99 to collect fees under certain circumstances; requiring
100 that a surcharge be calculated based on the reduced

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101 permit fee; prohibiting local governments and local
 102 building officials from requiring additional forms;
 103 requiring local enforcement agencies to create a
 104 specified registration system that must have a method
 105 to register and update registration information
 106 electronically; prohibiting local enforcement agencies
 107 from charging an administrative fee to register or
 108 update registration information; requiring private
 109 provider firms to register with the local enforcement
 110 agency, provide certain information, and update their
 111 registration within a specified timeframe after
 112 changes occur; prohibiting local enforcement agencies
 113 from altering a form adopted by the commission;
 114 deleting the requirement that a private provider's
 115 qualification statements or resumes be included in a
 116 certain notice; deleting time restrictions for
 117 electing to use a private provider; requiring local
 118 enforcement agencies to accept a certain affidavit
 119 electronically; providing which forms and documents a
 120 local building official may review; providing notice
 121 requirements; providing that certain permits are
 122 deemed approved; providing that local enforcement
 123 agencies are not responsible for the administration or
 124 supervision of services performed by a private
 125 provider; prohibiting local enforcement agencies from

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126 requiring additional verification of certain
127 requirements beyond that which is required at
128 registration; revising the timeframe in which certain
129 records must be provided; authorizing certain records
130 to be electronically transmitted; prohibiting local
131 building officials from failing certain inspections;
132 authorizing certain persons to sign certificates of
133 compliance; providing requirements for local building
134 officials who have knowledge that a private provider
135 failed to perform an inspection; providing that
136 virtual inspections may not be prohibited; requiring
137 certain notice before an audit; prohibiting certain
138 entities from discouraging the use of private
139 providers; authorizing certain public entities to use
140 a private provider firm or to employ a licensed
141 building inspector to provide building code inspection
142 services; amending s. 553.792, F.S.; requiring a local
143 government to make certain decisions relating to
144 certain building permits within a specified timeframe;
145 amending s. 720.3035, F.S.; prohibiting an association
146 or certain committees from requiring a building permit
147 as a prerequisite for a certain review; providing an
148 effective date.

149
150 Be It Enacted by the Legislature of the State of Florida:

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Section 1. Paragraph (d) of subsection (4) of section 125.56, Florida Statutes, is amended to read:

125.56 Enforcement and amendment of the Florida Building Code and the Florida Fire Prevention Code; inspection fees; inspectors; etc.—

(4)

(d) A county that issues building permits may send a written notice of expiration, by e-mail or United States Postal Service, to the owner of the property and the contractor listed on the permit, no less than 30 days before a building permit is set to expire. The written notice must identify the permit that is set to expire and the date the permit will expire. A building permit issued by a county for a single-family dwelling expires 1 year after the issuance of the permit or on the effective date of the next edition of the Florida Building Code, whichever is later. However, this paragraph does not prevent a local government from extending a building permit beyond the expiration date.

Section 2. Present subsection (4) of section 287.056, Florida Statutes, is redesignated as subsection (5), and a new subsection (4) is added to that section, to read:

287.056 Purchases from purchasing agreements and state term contracts; vendor disqualification.—

(4) The department shall enter into and maintain one or

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176 more state term contracts with vendors for the purpose of
 177 providing building code inspection services as defined in s.
 178 553.791.

179 Section 3. Section 468.634, Florida Statutes, is created
 180 to read:

181 468.634 Certification by endorsement during a state of
 182 emergency.—Notwithstanding any other law, a person may act in
 183 any of the following positions under the direction of the local
 184 building official for a period of 1 year from the date of a
 185 declaration of a state of emergency issued by the Governor for a
 186 natural emergency, a manmade emergency, or a technological
 187 emergency as those terms are defined in s. 252.34, if such
 188 person has entered into a state term contract pursuant to s.
 189 287.056, is qualified for such work in any state that has a
 190 mutual aid agreement pursuant to s. 252.40(2), or has held a
 191 valid license for such work in any state for 5 years immediately
 192 before the date of the declaration:

- 193 (1) Building code inspector.
- 194 (2) Building inspector.
- 195 (3) Coastal construction inspector.
- 196 (4) Commercial electrical inspector.
- 197 (5) Electrical inspector.
- 198 (6) Mechanical inspector.
- 199 (7) Plumbing inspector.
- 200 (8) Residential electrical inspector.

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- 201 (9) Residential inspector.
- 202 (10) Plans examiner.
- 203 (11) Building plans examiner.
- 204 (12) Plumbing plans examiner.
- 205 (13) Mechanical plans examiner.
- 206 (14) Electrical plans examiner.

207 Section 4. Paragraph (o) of subsection (1) of section
 208 489.129, Florida Statutes, is amended to read:

209 489.129 Disciplinary proceedings.—

210 (1) The board may take any of the following actions
 211 against any certificateholder or registrant: place on probation
 212 or reprimand the licensee, revoke, suspend, or deny the issuance
 213 or renewal of the certificate or registration, require financial
 214 restitution to a consumer for financial harm directly related to
 215 a violation of a provision of this part, impose an
 216 administrative fine not to exceed \$10,000 per violation, require
 217 continuing education, or assess costs associated with
 218 investigation and prosecution, if the contractor, financially
 219 responsible officer, or business organization for which the
 220 contractor is a primary qualifying agent, a financially
 221 responsible officer, or a secondary qualifying agent responsible
 222 under s. 489.1195 is found guilty of any of the following acts:

223 (o) Proceeding on any job without obtaining applicable
 224 local building department permits and inspections, unless
 225 otherwise provided by law.

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 227 For the purposes of this subsection, construction is considered
 228 to be commenced when the contract is executed and the contractor
 229 has accepted funds from the customer or lender. A contractor
 230 does not commit a violation of this subsection when the
 231 contractor relies on a building code interpretation rendered by
 232 a building official or person authorized by s. 553.80 to enforce
 233 the building code, absent a finding of fraud or deceit in the
 234 practice of contracting, or gross negligence, repeated
 235 negligence, or negligence resulting in a significant danger to
 236 life or property on the part of the building official, in a
 237 proceeding under chapter 120.

238 Section 5. Section 553.382, Florida Statutes, is amended
 239 to read:

240 553.382 Placement of certain housing.—Notwithstanding any
 241 other law or ordinance to the contrary, in order to expand the
 242 availability of affordable housing in this state, any
 243 residential manufactured building that is certified under this
 244 chapter by the department may not be denied a building permit
 245 for placement ~~be placed~~ on a mobile home lot in a mobile home
 246 park, on a lot in a recreational vehicle park, or in a mobile
 247 home condominium, cooperative, or subdivision. Any such housing
 248 unit placed on a mobile home lot is a mobile home for purposes
 249 of chapter 723 and, therefore, all rights, obligations, and
 250 duties under chapter 723 apply, including the specifics of the

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251 | prospectus. However, a housing unit subject to this section may
 252 | not be placed on a mobile home lot without the prior written
 253 | approval of the park owner. Each housing unit located on a
 254 | mobile home lot and subject to this section shall be taxed as a
 255 | mobile home under s. 320.08(11) and is subject to payments to
 256 | the Florida Mobile Home Relocation Fund under s. 723.06116.

257 | Section 6. Section 553.385, Florida Statutes, is created
 258 | to read:

259 | 553.385 Permitting and zoning of offsite-constructed
 260 | residential dwellings; parity.-

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

262 | (a) "Local government" means a county or municipality.

263 | (b) "Offsite-constructed residential dwelling" means a
 264 | manufactured building as defined in s. 553.36(13) which is
 265 | intended for single-family residential use, or a manufactured
 266 | home as defined in s. 320.01(2)(b) which is constructed in whole
 267 | or in part offsite and is treated as real property.

268 | (2)(a) An offsite-constructed residential dwelling must be
 269 | permitted as of right in any zoning district where single-family
 270 | detached dwellings are allowed.

271 | (b) A local government may not adopt or enforce any
 272 | zoning, land use, or development regulation that treats an
 273 | offsite-constructed residential dwelling differently or more
 274 | restrictively than a single-family site-built dwelling allowed
 275 | in the same district.

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276 (c) This section does not prohibit a local government from
277 applying generally applicable architectural, aesthetic, design,
278 setback, height, or bulk standards to offsite-constructed
279 residential dwellings, provided such standards apply equally to
280 site-built single-family dwellings permitted in the same
281 district. A local government may adopt compatibility standards
282 that are limited to the following architectural features:

- 283 1. Roof pitch.
- 284 2. Square footage of livable space.
- 285 3. Type and quality of exterior finishing materials.
- 286 4. Foundation enclosure.
- 287 5. Existence and type of attached structures.
- 288 6. Building setbacks, lot dimensions, and the orientation
289 of the home on the lot.

290 (d) A local government may not treat offsite-constructed
291 residential dwellings differently than factory-built buildings
292 subject to s. 553.38 based on the method or location of
293 construction.

294 (3) A local government may not adopt or enforce any
295 zoning, land use, or development ordinance or regulation that
296 conflicts with this section or s. 553.38, or that imposes
297 different or more restrictive treatment on an offsite-
298 constructed residential dwelling based on its method of
299 construction or the presence of components built off site. Local
300 government ordinances or regulations may not have the effect of

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301 excluding offsite-constructed residential dwellings and must be
302 reasonable and uniformly enforced without any distinction as to
303 the type of housing. Any such ordinance or regulation is void
304 and unenforceable as applied to offsite-constructed residential
305 dwellings.

306 Section 7. Present paragraphs (b) through (m) of
307 subsection (1) of section 553.77, Florida Statutes, are
308 redesignated as paragraphs (c) through (n), respectively, a new
309 paragraph (b) is added to that subsection, and present paragraph
310 (c) of that subsection is amended, to read:

311 553.77 Specific powers of the commission.—

312 (1) The commission shall:

313 (b) By July 1, 2027, adopt by rule a uniform commercial
314 building permit application to be used statewide for commercial
315 construction projects and a uniform residential building permit
316 application to be used statewide for residential construction
317 projects. To the extent feasible, the uniform commercial
318 building permit application and the uniform residential building
319 permit application adopted by the commission must be capable of
320 integration with existing building permit software systems used
321 by local governments and must account for local amendments to
322 the Florida Building Code.

323 (d) ~~(e)~~ Upon written application by any substantially
324 affected person or a local enforcement agency, issue declaratory
325 statements pursuant to s. 120.565 relating to new technologies,

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326 techniques, and materials which have been tested where necessary
 327 and found to meet the objectives of the Florida Building Code.
 328 This paragraph does not apply to the types of products,
 329 materials, devices, or methods of construction required to be
 330 approved under paragraph (g) ~~(f)~~.

331 Section 8. Paragraphs (a), (b), (c), and (f) of subsection
 332 (1) and paragraph (a) of subsection (24) of section 553.79,
 333 Florida Statutes, are amended, and paragraphs (g), (h), and (i)
 334 are added to subsection (1) of that section, to read:

335 553.79 Permits; applications; issuance; inspections.—

336 (1) (a) Unless otherwise provided by law, after the
 337 effective date of the Florida Building Code adopted as herein
 338 provided, it shall be unlawful for any person, firm,
 339 corporation, or governmental entity to construct, erect, alter,
 340 modify, repair, or demolish any building within this state
 341 without first obtaining a permit therefor from the appropriate
 342 enforcing agency or from such persons as may, by appropriate
 343 resolution or regulation of the authorized state or local
 344 enforcing agency, be delegated authority to issue such permits,
 345 upon the payment of such reasonable fees adopted by the
 346 enforcing agency. The enforcing agency is empowered to revoke
 347 any such permit upon a determination by the agency that the
 348 construction, erection, alteration, modification, repair, or
 349 demolition of the building for which the permit was issued is in
 350 violation of, or not in conformity with, the provisions of the

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351 Florida Building Code. Whenever a permit required under this
352 section is denied or revoked because the plan, or the
353 construction, erection, alteration, modification, repair, or
354 demolition of a building, is found by the local enforcing agency
355 to be not in compliance with the Florida Building Code, the
356 local enforcing agency shall identify the specific plan or
357 project features that do not comply with the applicable codes,
358 identify the specific code chapters and sections upon which the
359 finding is based, and provide this information to the permit
360 applicant. A plans reviewer or building code administrator who
361 is responsible for issuing a denial, revocation, or modification
362 request but fails to provide to the permit applicant a reason
363 for denying, revoking, or requesting a modification, based on
364 compliance with the Florida Building Code or local ordinance, is
365 subject to disciplinary action against his or her license
366 pursuant to s. 468.621(1)(i). Installation, replacement,
367 removal, or metering of any load management control device is
368 exempt from and shall not be subject to the permit process and
369 fees otherwise required by this section.

370 (b) A local enforcement agency shall post each type of
371 building permit application, as adopted by the commission,
372 including a list of all required attachments, drawings, or other
373 requirements for each type of application, on its website. A
374 local enforcement agency shall ~~must~~ post and update the status
375 of every received application on its website until the issuance

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376 of the building permit. A local enforcement agency shall allow
377 applicants to submit completed applications, including payments,
378 attachments, drawings, or other requirements or parts of the
379 ~~completed~~ permit application, ~~must be able to be submitted~~
380 electronically to the appropriate building department. Accepted
381 methods of electronic submission include, but are not limited
382 to, e-mail submission of applications in Portable Document
383 Format or submission of applications through an electronic fill-
384 in form available on the building department's website or
385 through a third-party submission management software. A building
386 official, at his or her discretion, may accept completed
387 applications, including payments, attachments, drawings, or
388 other requirements or parts of the ~~completed~~ permit application,
389 ~~may also be submitted~~ in person in a nonelectronic format, ~~at~~
390 ~~the discretion of the building official.~~

391 (c) A local government that issues building permits may
392 send a written notice of expiration, by e-mail or United States
393 Postal Service, to the owner of the property and the contractor
394 listed on the permit, no less than 30 days before a building
395 permit is set to expire. The written notice must identify the
396 permit that is set to expire and the date the permit will
397 expire. A building permit issued by a local government for a
398 single-family dwelling expires 1 year after the issuance of the
399 permit or on the effective date of the next edition of the
400 Florida Building Code, whichever is later. However, this

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401 paragraph does not prevent a local government from extending a
402 building permit beyond the expiration date.

403 (f) A local government may not require a contract between
404 a builder and an owner, any copies of such contract, or any
405 associated document, including, but not limited to, letters of
406 intent, material costs lists, labor costs, or overhead or profit
407 statements, for the issuance of a building permit or as a
408 requirement for the submission of a building permit application.
409 Inspection fees may not be based on the total cost of a project
410 and may not exceed the actual inspection costs incurred by the
411 local enforcement agency.

412 (g)1. A local government that issues building permits
413 shall exempt an owner of a single-family dwelling or the owner's
414 contractor from the requirement to obtain a building permit to
415 perform any work valued at less than \$7,500 on the owner's
416 property.

417 2. The exemption under subparagraph 1. does not apply to
418 any of the following:

419 a. Work on a property that is partially or entirely
420 located in a flood hazard area as defined by the Florida
421 Building Code.

422 b. Any electrical, plumbing, structural, mechanical, or
423 gas work performed on property containing a single-family
424 dwelling. A construction project may not be divided into more
425 than one project for the purpose of evading the requirements of

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426 this paragraph.

427 3. To qualify for the exemption under subparagraph 1., the
428 owner or the owner's contractor must submit a written request
429 for exemption to the local enforcement agency with a copy of the
430 contract or other documentation demonstrating the nature and the
431 value of the work to be performed.

432 4. A local government has no legal duty to the owner,
433 contractor, or successors or assigns thereof for exempted work
434 performed under this paragraph.

435 (h)1. A local government that issues building permits
436 shall exempt an owner of a single-family dwelling or the owner's
437 contractor from the requirement to obtain a building permit for
438 the installation of temporary residential hurricane and flood
439 protection walls or barriers that meet all of the following
440 conditions:

441 a. The wall or barrier is nonhabitable and non-load-
442 bearing.

443 b. The wall or barrier is installed on the residential
444 property of a single-family or two-family dwelling or townhouse.

445 c. The wall or barrier is constructed to mitigate or
446 prevent storm surge or floodwaters from entering a structure or
447 property.

448 d. The wall or barrier is installed by a contractor
449 licensed under part I of chapter 489.

450 e. The wall or barrier complies with applicable local

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451 zoning, drainage, easement, and setback requirements.

452 2. The exemption under subparagraph 1. does not apply to
453 work on a property that is partially or entirely located in a
454 flood hazard area as defined by the Florida Building Code.

455 3. To qualify for the exemption under subparagraph 1., the
456 owner or the owner's contractor must submit a written request
457 for exemption to the local enforcement agency with a copy of the
458 contract or other documentation demonstrating the nature of the
459 work to be performed.

460 4. A local government has no legal duty to the owner,
461 contractor, or successors or assigns thereof for work performed
462 under this paragraph.

463 5. The commission may adopt rules under s. 120.54 to
464 incorporate necessary standards to implement this paragraph.

465 (i) If a retaining wall spans more than one lot or parcel,
466 a local government that issues building permits must issue a
467 permit for a retaining wall for the project as a whole and may
468 not require a building permit for each lot or parcel upon which
469 a retaining wall is installed on the property of a single-family
470 or two-family residential dwelling or a townhouse.

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

474 1. Contains any building, construction, or aesthetic
475 requirement or condition that conflicts with or impairs

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476 corporate trademarks, service marks, trade dress, logos, color
 477 patterns, design scheme insignia, image standards, or other
 478 features of corporate branding identity on real property or
 479 improvements thereon used in activities conducted under chapter
 480 526 or in carrying out business activities defined as a
 481 franchise by Federal Trade Commission regulations in 16 C.F.R.
 482 ss. 436.1, et~~er~~ seq.; ~~or~~

483 2. Imposes any requirement on the design, construction, or
 484 location of signage advertising the retail price of gasoline in
 485 accordance with the requirements of ss. 526.111 and 526.121
 486 which prevents the signage from being clearly visible and
 487 legible to drivers of approaching motor vehicles from a vantage
 488 point on any lane of traffic in either direction on a roadway
 489 abutting the gas station premises and meets height, width, and
 490 spacing standards for Series C, D, or E signs, as applicable,
 491 published in the latest edition of Standard Alphabets for
 492 Highway Signs published by the United States Department of
 493 Commerce, Bureau of Public Roads, Office of Highway Safety; or

494 3. Imposes a glazing requirement that results in the
 495 glazing of more than 15 percent of the surface area of the
 496 primary facade for the first 10 feet above the ground floor for
 497 a proposed new commercial or mixed-use construction or
 498 restoration project, except for individually listed contributing
 499 structures in a National Register of Historic Places district.
 500 For purposes of this subparagraph, the term:

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501 a. "Glazing" means the installation of transparent or
 502 translucent materials, including glass or similar substances, in
 503 windows, doors, or storefronts. The term includes any actual or
 504 faux windows to be installed on a building facade.

505 b. "Primary facade" means the single building side housing
 506 the primary entrance to the building.

507 Section 9. Section 553.791, Florida Statutes, is amended
 508 to read:

509 553.791 Alternative plans review and inspection.—

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

511 (a) "Applicable codes" means the Florida Building Code and
 512 any local technical amendments to the Florida Building Code but
 513 does not include the applicable minimum fire prevention and
 514 firesafety codes adopted pursuant to chapter 633.

515 (b) "Audit" means the process to confirm that the building
 516 code inspection services have been performed by the private
 517 provider, including ensuring that the required affidavit for the
 518 plan review has been properly completed and submitted with the
 519 permit documents and that the minimum mandatory inspections
 520 required under the building code have been performed and
 521 properly recorded. The local building official may not replicate
 522 the plan review or inspection being performed by the private
 523 provider, unless expressly authorized by this section.

524 (c) "Building" means any construction, erection,
 525 alteration, demolition, or improvement of, or addition to, any

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526 structure or site work for which permitting by a local
527 enforcement agency is required.

528 (d) "Building code inspection services" means those
529 services described in s. 468.603(5) and (8) involving the review
530 of building plans as well as those services involving the review
531 of site plans and site work engineering plans or their
532 functional equivalent, to determine compliance with applicable
533 codes and those inspections required by law, conducted either in
534 person or virtually, of each phase of construction for which
535 permitting by a local enforcement agency is required to
536 determine compliance with applicable codes.

537 (e) "Deliver" or "delivery" means any method of delivery
538 used in conventional business or commercial practice, including
539 delivery by electronic transmissions such as e-mail or
540 submission through an electronic fill-in form available on the
541 building department's website or through a third-party
542 submission management software.

543 (f) "Duly authorized representative" means an agent of the
544 private provider identified in the permit application who
545 reviews plans or performs inspections as provided by this
546 section and who is licensed as an engineer under chapter 471 or
547 as an architect under chapter 481 or who holds a standard or
548 provisional certificate under part XII of chapter 468. A duly
549 authorized representative who only holds a provisional
550 certificate under part XII of chapter 468 must be under the

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551 direct supervision of a person licensed as a building code
552 administrator under part XII of chapter 468.

553 (g) "Electronic signature" means any letters, characters,
554 or symbols manifested by electronic or similar means which are
555 executed or adopted by a party with an intent to authenticate a
556 writing or record.

557 (h) "Electronic transmission" or "submitted
558 electronically" means any form or process of communication not
559 directly involving the physical transfer of paper or another
560 tangible medium which is suitable for the retention, retrieval,
561 and reproduction of information by the recipient and is
562 retrievable in paper form by the receipt through an automated
563 process. All notices, documents, and applications provided for
564 in this section may be transmitted electronically and shall have
565 the same legal effect as if physically posted or mailed.

566 (i) "Electronically posted" means providing notices of
567 decisions, results, or records, including inspection records,
568 through the use of a website or other form of electronic
569 communication used to transmit or display information.

570 (j) "Immediate threat to public safety and welfare" means
571 a building code violation that, if allowed to persist,
572 constitutes an immediate hazard that could result in death,
573 serious bodily injury, or significant property damage. This
574 paragraph does not limit the authority of the local building
575 official to issue a Notice of Corrective Action at any time

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576 during the construction of a building project or any portion of
577 such project if the official determines that a condition of the
578 building or portion thereof may constitute a hazard when the
579 building is put into use following completion as long as the
580 condition cited is shown to be in violation of the building code
581 or approved plans.

582 (k) "Local building official" means the individual within
583 the governing jurisdiction responsible for direct regulatory
584 administration or supervision of plans review, enforcement, and
585 inspection of any construction, erection, alteration,
586 demolition, or substantial improvement of, or addition to, any
587 structure for which permitting is required to indicate
588 compliance with applicable codes and includes any duly
589 authorized designee of such person.

590 (l) "Permit application" means a properly completed and
591 submitted application for the requested building or construction
592 permit, including:

593 1. The plans reviewed by the private provider, or in the
594 case of a single-trade plans review where a private provider
595 uses an automated or software-based plans review system pursuant
596 to subsection (7) ~~(6)~~, the information reviewed by the automated
597 or software-based plans review system to determine compliance
598 with one or more applicable codes.

599 2. The affidavit from the private provider required under
600 subsection (7) ~~(6)~~.

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601 3. Any applicable fees.

602 4. Any documents required by the local building official
603 to determine that the fee owner has secured all other government
604 approvals required by law.

605 (m) "Plans" means building plans, site engineering plans,
606 or site plans, or their functional equivalent, submitted by a
607 fee owner or fee owner's contractor to a private provider or
608 duly authorized representative for review.

609 (n) "Private provider" means a person licensed as a
610 building code administrator under part XII of chapter 468, as an
611 engineer under chapter 471, or as an architect under chapter
612 481. For purposes of performing inspections under this section
613 for additions and alterations that are limited to 1,000 square
614 feet or less to residential buildings, the term "private
615 provider" also includes a person who holds a standard
616 certificate under part XII of chapter 468.

617 (o) "Private provider firm" means a business organization,
618 including a corporation, partnership, business trust, or other
619 legal entity, which offers services under this chapter to the
620 public through licensees who are acting as agents, employees,
621 officers, or partners of the firm. A person who is licensed as a
622 building code administrator under part XII of chapter 468, an
623 engineer under chapter 471, or an architect under chapter 481
624 may act as a private provider for an agent, employee, or officer
625 of the private provider firm.

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626 (p) "Registration" means the roster of authorized private
 627 provider firms held by each local enforcement agency.

628 (q)~~(p)~~ "Request for certificate of occupancy or
 629 certificate of completion" means a properly completed and
 630 executed application for:

631 1. A certificate of occupancy or certificate of
 632 completion.

633 2. A certificate of compliance from the private provider
 634 required under subsection (15) ~~(13)~~.

635 3. Any applicable fees.

636 4. Any documents required by the local building official
 637 to determine that the fee owner has secured all other government
 638 approvals required by law.

639 (r)~~(q)~~ "Single-trade inspection" or "single-trade plans
 640 review" means any inspection or plans review focused on a single
 641 construction trade, such as plumbing, mechanical, or electrical.
 642 The term includes, but is not limited to, inspections or plans
 643 reviews of door or window replacements; fences and block walls
 644 more than 6 feet high from the top of the wall to the bottom of
 645 the footing; stucco or plastering; reroofing with no structural
 646 alteration; solar energy and energy storage installations or
 647 alterations; HVAC replacements; ductwork or fan replacements;
 648 alteration or installation of wiring, lighting, and service
 649 panels; water heater changeouts; sink replacements; and
 650 repiping.

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651 (s)~~(r)~~ "Site work" means the portion of a construction
652 project that is not part of the building structure, including,
653 but not limited to, grading, excavation, landscape irrigation,
654 and installation of driveways.

655 (t)~~(s)~~ "Stop-work order" means the issuance of any written
656 statement, written directive, or written order which states the
657 reason for the order and the conditions under which the cited
658 work will be permitted to resume.

659 (2) (a) Notwithstanding any other law or local government
660 ordinance or local policy, the fee owner of a building or
661 structure, or the fee owner's contractor upon explicit written
662 authorization from the fee owner, may choose at any time to use
663 a private provider to provide plans review or building code
664 inspection services with regard to such building or structure
665 and may make payment directly to the private provider for the
666 provision of such services. All such services shall be the
667 subject of a ~~written~~ contract between the private provider, or
668 the private provider's firm, and the fee owner or the fee
669 owner's contractor, upon explicit written authorization of the
670 fee owner. A copy of such written authorization must be
671 submitted to the local building official. The local enforcement
672 agency may not require the contract to be provided as part of
673 the permit application or as a condition for issuing a permit.
674 The fee owner may elect to use a private provider to provide
675 plans review or required building inspections, or both. However,

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676 | if the fee owner or the fee owner's contractor uses a private
677 | provider to provide plans review, the local building official,
678 | in his or her discretion and pursuant to duly adopted policies
679 | of the local enforcement agency, may require the fee owner or
680 | the fee owner's contractor to use a private provider to also
681 | provide required building inspections.

682 | (b) If a fee ~~an~~ owner or the fee owner's contractor
683 | retains a private provider for purposes of plans review or
684 | building inspection services, the local jurisdiction must reduce
685 | the permit fee by the amount of cost savings realized by the
686 | local enforcement agency for not having to perform such
687 | services. Such reduction may be calculated on a flat fee or
688 | percentage basis, or any other reasonable means by which a local
689 | enforcement agency assesses the cost for its plans review or
690 | inspection services. The permit fee must be based on the cost
691 | incurred by the local jurisdiction, including the labor cost of
692 | the personnel providing such services and the clerical and
693 | supervisory assistance required to comply with this section. The
694 | local jurisdiction may not charge fees for plans review or
695 | building inspections if the fee owner or the fee owner's
696 | contractor hires a private provider to perform such services.
697 | The local enforcement agency may not charge punitive
698 | administrative fees when a fee owner has chosen to work with a
699 | private provider; ~~however, the local jurisdiction may charge a~~
700 | ~~reasonable administrative fee, which shall be based on the cost~~

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701 ~~that is actually incurred, including the labor cost of the~~
702 ~~personnel providing the service, by the local jurisdiction or~~
703 ~~attributable to the local jurisdiction for the clerical and~~
704 ~~supervisory assistance required, or both.~~

705 (c) If a fee an owner or the fee owner's a contractor
706 retains a private provider for purposes of plans review or
707 building inspection services, the local jurisdiction must
708 provide equal access to all permitting and inspection documents
709 and reports to the private provider, owner, and contractor if
710 such access is provided by software that protects exempt records
711 from disclosure. Access to these documents must be promptly
712 provided.

713 (d) If a fee owner or the fee owner's contractor retains a
714 private provider for purposes of plans review or building
715 inspection services for a commercial construction project, the
716 local enforcement agency must reduce the permit fee by at least
717 25 percent of the portion of the permit fee attributable to
718 plans review or building inspection services, as applicable. If
719 the fee owner or the fee owner's contractor retains a private
720 provider for all required plans review and building inspection
721 services, the local enforcement agency must reduce the total
722 permit fee by at least 50 percent of the amount otherwise
723 charged for such services. If the local enforcement agency does
724 not reduce such fee by at least the percentages provided in this
725 paragraph, the local enforcement agency forfeits the ability to

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726 collect any fees for the commercial construction project. The
 727 surcharge required by s. 553.721 must be calculated based on the
 728 amount of the reduced permit fee. This paragraph does not
 729 prohibit a local enforcement agency from reducing a permit fee
 730 in excess of the percentages provided in this paragraph.

731 (e) A local government or local building official may not
 732 require additional forms beyond those required at registration,
 733 except for the written notice required under subsection (5), if
 734 a fee owner or the fee owner's contractor uses a private
 735 provider.

736 (3) A private provider and any duly authorized
 737 representative may only perform building code inspection
 738 services that are within the disciplines covered by that
 739 person's licensure or certification under chapter 468, chapter
 740 471, or chapter 481, including single-trade inspections. A
 741 private provider may not provide building code inspection
 742 services pursuant to this section upon any building designed or
 743 constructed by the private provider or the private provider's
 744 firm.

745 (4) A local enforcement agency must create a registration
 746 system for private providers and private provider firms working
 747 in the local enforcement agency's jurisdiction. A local
 748 enforcement agency must have a method to register and update
 749 registration information electronically. The local enforcement
 750 agency may not charge an administrative fee for registration or

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751 updates to a registration. The private provider or private
752 provider firm must provide its contact information and verify
753 compliance with the licensure requirements of paragraph (1)(n)
754 or paragraph (1)(o), as applicable, and the insurance
755 requirements of subsection (20). The private provider or private
756 provider firm must register with the local enforcement agency in
757 the jurisdiction in which the provider or firm is working before
758 contracting to provide services in such jurisdiction. The
759 private provider or private provider firm must update its
760 registration within 5 business days after any change to the
761 provider's or firm's contact information, licensure, or
762 insurance coverage.

763 (5)-(4) A fee owner or the fee owner's contractor using a
764 private provider to provide building code inspection services
765 shall notify the local building official in writing at the time
766 of permit application, or by 2 p.m. local time, 2 business days
767 before the first scheduled inspection by the local building
768 official or building code enforcement agency that a private
769 provider has been contracted to perform the required inspections
770 of construction under this section, including single-trade
771 inspections, on a form ~~to be~~ adopted by the commission. The
772 local enforcement agency may not alter the form. This notice
773 must ~~shall~~ include the following information:

- 774 (a) The services to be performed by the private provider.
775 (b) The name, firm, address, telephone number, and e-mail

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776 address of each private provider who is performing or will
777 perform such services, his or her professional license or
778 certification number, ~~qualification statements or resumes,~~ and,
779 if required by the local building official, a certificate of
780 insurance demonstrating that professional liability insurance
781 coverage is in place for the private provider's firm, the
782 private provider, and any duly authorized representative in the
783 amounts required by this section.

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

786

787 I have elected to use one or more private providers to
788 provide building code plans review and/or inspection
789 services on the building or structure that is the
790 subject of the enclosed permit application, as
791 authorized by s. 553.791, Florida Statutes. I
792 understand that the local building official may not
793 review the plans submitted or perform the required
794 building inspections to determine compliance with the
795 applicable codes, except to the extent specified in
796 said law. Instead, plans review and/or required
797 building inspections will be performed by licensed or
798 certified personnel identified in the application. The
799 law requires minimum insurance requirements for such
800 personnel, but I understand that I may require more

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801 insurance to protect my interests. By executing this
 802 form, I acknowledge that I have made inquiry regarding
 803 the competence of the licensed or certified personnel
 804 and the level of their insurance and am satisfied that
 805 my interests are adequately protected. I agree to
 806 indemnify, defend, and hold harmless the local
 807 government, the local building official, and their
 808 building code enforcement personnel from any and all
 809 claims arising from my use of these licensed or
 810 certified personnel to perform building code
 811 inspection services with respect to the building or
 812 structure that is the subject of the enclosed permit
 813 application.

814
 815 If the fee owner or the fee owner's contractor makes any changes
 816 to the listed private providers or the services to be provided
 817 by those private providers, the fee owner or the fee owner's
 818 contractor shall, within 1 business day after any change or
 819 within 2 business days before the next scheduled inspection,
 820 update the notice to reflect such changes. A change of a duly
 821 authorized representative named in the permit application does
 822 not require a revision of the permit, and the building code
 823 enforcement agency shall not charge a fee for making the change.

824 (6) ~~(5)~~ After construction has commenced ~~and if either the~~
 825 ~~local building official is unable to provide inspection services~~

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826 ~~in a timely manner or the work subject to inspection is related~~
827 ~~to a single-trade inspection for a single-family or two-family~~
828 ~~dwelling~~, the fee owner or the fee owner's contractor may elect
829 to use a private provider to provide inspection services for a
830 single-trade inspection for a single-family or two-family
831 dwelling by notifying the local building official of the owner's
832 or contractor's intention to do so ~~by 2 p.m. local time, 2~~
833 ~~business days~~ before the next scheduled inspection using the
834 notice provided for in paragraphs (5) (a), (b), and (c) ~~(4) (a)-~~
835 ~~(e)~~.

836 (7) (6) A private provider performing plans review under
837 this section shall review the plans to determine compliance with
838 the applicable codes. For single-trade plans reviews, a private
839 provider may use an automated or software-based plans review
840 system designed to determine compliance with one or more
841 applicable codes, including, but not limited to, the National
842 Electrical Code and the Florida Building Code. Upon determining
843 that the plans reviewed comply with the applicable codes, the
844 private provider shall prepare an affidavit or affidavits
845 certifying, under oath, that the following is true and correct
846 to the best of the private provider's knowledge and belief:

847 (a) The plans were reviewed by the affiant, who is duly
848 authorized to perform plans review pursuant to this section and
849 holds the appropriate license or certificate.

850 (b) The plans comply with the applicable codes.

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851
852 Such affidavit may bear a written or electronic signature and
853 may be submitted electronically to the local building official.
854 A local enforcement agency must accept electronically submitted
855 affidavits.

856 (8) (a) The local building official may not review plans,
857 construction drawings, or any other related documents determined
858 by a private provider to be compliant with the applicable codes,
859 except to the extent necessary to determine compliance with
860 local ordinances, floodplain management regulations, site review
861 requirements, and any other administrative or life-safety review
862 unrelated to building code compliance.

863 (b) The local building official may review other forms and
864 documents required under this section for completeness only. The
865 local building official must provide written notice to a permit
866 applicant of any incomplete forms or documents required under
867 this section no later than 10 business days after receipt of a
868 permit application or, if the permit application is relating to
869 a single-trade plans review for a single-family or two-family
870 dwelling, no later than 5 business days after receipt of a
871 permit application, and an affidavit from the private provider
872 as required in subsection (7). The written notice must state
873 with specificity which forms or documents are incomplete.

874 ~~(7) (a) No more than 20 business days, or if the permit~~
875 ~~application is related to a single-trade plans review for a~~

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876 ~~single family or two family dwelling, no more than 5 business~~
877 ~~days, after receipt of a permit application and the affidavit~~
878 ~~from the private provider required pursuant to subsection (6),~~
879 ~~the local building official shall issue the requested permit or~~
880 ~~provide a written notice to the permit applicant identifying the~~
881 ~~specific plan features that do not comply with the applicable~~
882 ~~codes, as well as the specific code chapters and sections. If~~
883 the local building official does not provide such a written
884 notice ~~of the plan deficiencies~~ within the prescribed time
885 period, the permit ~~application~~ must be deemed approved as a
886 matter of law, and the permit must be issued by the local
887 building official on the next business day.

888 ~~(c)(b)~~ If the local building official provides a written
889 notice ~~of plan deficiencies~~ to the permit applicant of any
890 incomplete forms or documents required under this section at the
891 time of plan submission within the prescribed time period, such
892 ~~the~~ time period is tolled pending resolution of the matter. To
893 resolve the issues raised in the notice ~~plan deficiencies~~, the
894 permit applicant may elect to dispute the issues ~~deficiencies~~
895 pursuant to subsection (17) ~~(15)~~ or to submit revisions to
896 correct the issues ~~deficiencies~~.

897 ~~(d)(e)~~ If the permit applicant submits revisions, the
898 local building official has the remainder of the tolled 10-day
899 or 5-day time period plus 5 business days ~~after the date of~~
900 ~~resubmittal~~ to issue the requested permit or to provide a second

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901 written notice to the permit applicant stating which of the
902 previously identified forms or documents ~~plan features~~ remain
903 incomplete ~~in noncompliance with the applicable codes, with~~
904 ~~specific reference to the relevant code chapters and sections.~~
905 Any subsequent review by the local building official is limited
906 to the issues ~~deficiencies~~ cited in the original written notice.
907 If the local building official does not provide the second
908 written notice within the prescribed time period, the permit
909 must be deemed approved as a matter of law, and the local
910 building official must issue the permit on the next business
911 day.

912 (e) ~~(d)~~ If the local building official provides a second
913 written notice ~~of plan deficiencies~~ to the permit applicant
914 within the prescribed time period, the permit applicant may
915 elect to dispute the issues raised in the second notice
916 ~~deficiencies~~ pursuant to subsection (17) ~~(15)~~ or to submit
917 additional revisions to correct the issues ~~deficiencies~~. For all
918 revisions submitted after the first revision, the local building
919 official has an additional 5 business days ~~after the date of~~
920 ~~resubmittal~~ to issue the requested permit or to provide a
921 written notice to the permit applicant stating which of the
922 previously identified forms or documents ~~plan features~~ remain
923 incomplete. If the local building official does not provide the
924 notice within the prescribed time period, the permit must be
925 deemed approved as a matter of law, and the local building

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926 official must issue the permit on the next business day ~~in~~
927 ~~noncompliance with the applicable codes, with specific reference~~
928 ~~to the relevant code chapters and sections.~~

929 (9)~~(8)~~ A private provider performing required inspections
930 under this section shall inspect each phase of construction as
931 required by the applicable codes. Such inspection, including a
932 single-trade inspection, may be performed in person or
933 virtually. The private provider may have a duly authorized
934 representative perform the required inspections, provided all
935 required reports are prepared by and bear the written or
936 electronic signature of the private provider or the private
937 provider's duly authorized representative. The duly authorized
938 representative must be an employee of the private provider
939 entitled to receive reemployment assistance benefits under
940 chapter 443. The contractor's contractual or legal obligations
941 are not relieved by any action of the private provider.

942 (10)~~(9)~~ A private provider performing required inspections
943 ~~under this section shall provide notice to the local building~~
944 ~~official of the approximate date and time of any such~~
945 ~~inspection.~~ The local building official may not prohibit the
946 private provider from performing any inspection outside the
947 local building official's normal operating hours, including
948 after hours, weekends, or holidays. ~~The local building official~~
949 ~~may visit the building site as often as necessary to verify that~~
950 ~~the private provider is performing all required inspections. A~~

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951 deficiency notice must be posted by the private provider, the
952 duly authorized representative of the private provider, or the
953 building department whenever a noncomplying item related to the
954 building code or the permitted documents is found. Such notice
955 may be physically posted at the job site or electronically
956 posted. After corrections are made, the item must be reinspected
957 by the private provider or the representative of the private
958 provider before being concealed. ~~Reinspection or reaudit fees~~
959 ~~shall not be charged by~~ The local jurisdiction may not charge
960 reinspection or reaudit fees as a result of the local
961 jurisdiction's audit inspection occurring before the performance
962 of the private provider's inspection or for any other
963 administrative matter not involving the detection of a violation
964 of the building code or a permit requirement.

965 (11) A local enforcement agency is not responsible for the
966 regulatory administration or supervision of building code
967 inspection services performed by a private provider hired by a
968 fee owner or the fee owner's contractor. A local enforcement
969 agency may not require additional verification of licensure or
970 insurance requirements beyond that which is required at
971 registration.

972 (12) ~~(10)~~ If the private provider is a person licensed as
973 an engineer under chapter 471 or an architect under chapter 481
974 and affixes his or her professional seal to the affidavit
975 required under subsection (7) ~~(6)~~, the local building official

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976 | must issue the requested permit or provide a written notice to
977 | the permit applicant identifying the specific plan features that
978 | do not comply with the applicable codes, as well as the specific
979 | code chapters and sections, within 10 business days after
980 | receipt of the permit application and affidavit. In such written
981 | notice, the local building official must provide with
982 | specificity the plan's deficiencies, the reasons the permit
983 | application failed, and the applicable codes being violated. If
984 | the local building official does not provide specific written
985 | notice to the permit applicant within the prescribed 10-day
986 | period, the permit application is deemed approved as a matter of
987 | law, and the local building official must issue the permit on
988 | the next business day.

989 | (13)~~(11)~~ If equipment replacements and repairs must be
990 | performed in an emergency situation, subject to the emergency
991 | permitting provisions of the Florida Building Code, a private
992 | provider may perform emergency inspection services without first
993 | notifying the local building official ~~pursuant to subsection~~
994 | ~~(9)~~. A private provider must conduct the inspection within 3
995 | business days after being contacted to conduct an emergency
996 | inspection and must submit the inspection report to the local
997 | building official within 1 day after the inspection is
998 | completed.

999 | (14)~~(12)~~ Upon completing the required inspections at each
1000 | applicable phase of construction, the private provider shall

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1001 record such inspections on a form provided by the commission
 1002 ~~acceptable to the local building official~~. The form must bear
 1003 the written or electronic signature of the private provider or
 1004 the private provider's duly authorized representative. These
 1005 inspection records must ~~shall~~ reflect those inspections required
 1006 by the applicable codes of each phase of construction for which
 1007 permitting by a local enforcement agency is required. The
 1008 private provider, upon completion of the required inspection,
 1009 shall post each completed inspection record, indicating pass or
 1010 fail, and provide the record to the local building official
 1011 within 4 ~~2~~ business days. Such inspection record may be
 1012 electronically posted by the private provider, or the private
 1013 provider may post such inspection record physically at the
 1014 project site. The private provider may electronically transmit
 1015 the record to the local building official. The local building
 1016 official may waive the requirement to provide a record of each
 1017 inspection within 4 ~~2~~ business days if the record is
 1018 electronically posted or transmitted or posted at the project
 1019 site and all such inspection records are submitted with the
 1020 certificate of compliance. Unless the records have been
 1021 electronically posted or transmitted, records of all required
 1022 and completed inspections shall be maintained at the building
 1023 site at all times and made available for review by the local
 1024 building official. A local building official may not fail any
 1025 inspection performed by a private provider for not having the

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1026 inspection records at the job site if the inspection records
 1027 have been electronically transmitted to the local building
 1028 official within the 4-business-day requirement. The private
 1029 provider shall report to the local enforcement agency any
 1030 condition that poses an immediate threat to public safety and
 1031 welfare.

1032 ~~(15)-(13)~~ Upon completion of all required inspections, the
 1033 private provider firm shall prepare a certificate of compliance,
 1034 on a form provided by the commission ~~acceptable to the local~~
 1035 ~~building official~~, summarizing the inspections performed and
 1036 including a written representation, under oath, that the stated
 1037 inspections have been performed and that, to the best of the
 1038 private provider's knowledge and belief, the building
 1039 construction inspected complies with the approved plans and
 1040 applicable codes. The certificate of compliance may be signed by
 1041 any qualified licensed individual employed full time by the
 1042 private provider firm under whose authority the inspection was
 1043 completed. The statement required of the private provider shall
 1044 be substantially in the following form and shall be signed and
 1045 sealed by a private provider as established in subsection (1) or
 1046 may be electronically transmitted to the local building
 1047 official:

1048
 1049 To the best of my knowledge and belief, the building
 1050 components and site improvements outlined herein and

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1051 inspected under my authority have been completed in
1052 conformance with the approved plans and the applicable
1053 codes.

1054
1055 (16) (a) ~~(14) (a)~~ The local building official may only
1056 perform building inspections of construction that a private
1057 provider has determined to be compliant with the applicable
1058 codes if the local building official has knowledge that the
1059 private provider did not perform the required inspections. If
1060 the local building official has such knowledge, the local
1061 building official must provide to the private provider written
1062 notice of the facts and circumstances upon which the local
1063 building official relied for such knowledge before performing a
1064 required inspection. The local building official may review
1065 forms and documents required under this section for completeness
1066 only. No more than 10 business days, or if the permit is related
1067 to single-family or two-family dwellings then no more than 2
1068 business days, after receipt of a request for a certificate of
1069 occupancy or certificate of completion and the applicant's
1070 presentation of a certificate of compliance and approval of all
1071 other government approvals required by law, including the
1072 payment of all outstanding fees, the local building official
1073 shall issue the certificate of occupancy or certificate of
1074 completion or provide a notice to the applicant of any
1075 incomplete forms or documents required under this section

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1076 ~~identifying the specific deficiencies, as well as the specific~~
1077 ~~code chapters and sections.~~

1078 (b) If the local building official does not provide notice
1079 of any incomplete forms or documents ~~the deficiencies~~ within the
1080 applicable time periods under paragraph (a), the request for a
1081 certificate of occupancy or certificate of completion is
1082 automatically granted and deemed issued as of the next business
1083 day. The local building official must provide the applicant with
1084 the written certificate of occupancy or certificate of
1085 completion within 10 days after it is automatically granted and
1086 issued. To resolve any identified issues ~~deficiencies~~, the
1087 applicant may elect to dispute the issues ~~deficiencies~~ pursuant
1088 to subsection (17) ~~(15)~~ or to submit a corrected request for a
1089 certificate of occupancy or certificate of completion.

1090 (17) ~~(15)~~ If the local building official determines that
1091 the building construction or plans do not comply with the
1092 applicable codes, the official may deny the permit or request
1093 for a certificate of occupancy or certificate of completion, as
1094 appropriate, or may issue a stop-work order for the project or
1095 any portion thereof as provided by law, if the official
1096 determines that the noncompliance poses an immediate threat to
1097 public safety and welfare, subject to the following:

1098 (a) The local building official shall be available to meet
1099 with the private provider within 2 business days to resolve any
1100 dispute after issuing a stop-work order or providing notice to

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1101 the applicant denying a permit or request for a certificate of
 1102 occupancy or certificate of completion.

1103 (b) If the local building official and private provider
 1104 are unable to resolve the dispute, the matter shall be referred
 1105 to the local enforcement agency's board of appeals, if one
 1106 exists, which shall consider the matter at its next scheduled
 1107 meeting or sooner. Any decisions by the local enforcement
 1108 agency's board of appeals, or local building official if there
 1109 is no board of appeals, may be appealed to the commission as
 1110 provided by this chapter.

1111 (c) Notwithstanding any provision of this section, any
 1112 decisions regarding the issuance of a building permit,
 1113 certificate of occupancy, or certificate of completion may be
 1114 reviewed by the local enforcement agency's board of appeals, if
 1115 one exists. Any decision by the local enforcement agency's board
 1116 of appeals, or local building official if there is no board of
 1117 appeals, may be appealed to the commission as provided by this
 1118 chapter, which shall consider the matter at the commission's
 1119 next scheduled meeting.

1120 (18)~~(16)~~ For the purposes of this section, any notice to
 1121 be provided by the local building official shall be deemed to be
 1122 provided to the person or entity when successfully transmitted
 1123 to the e-mail address listed for that person or entity in the
 1124 permit application or revised permit application, or, if no e-
 1125 mail address is stated, when actually received by that person or

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1126 entity.

1127 (19) (a) ~~(17) (a)~~ A local enforcement agency, local building
 1128 official, or local government may not adopt or enforce any laws,
 1129 rules, procedures, policies, qualifications, or standards more
 1130 stringent than those prescribed by this section.

1131 ~~(b) A local enforcement agency, local building official,
 1132 or local government may establish, for private providers,
 1133 private provider firms, and duly authorized representatives
 1134 working within that jurisdiction, a system of registration to
 1135 verify compliance with the licensure requirements of paragraph
 1136 (1) (n) and the insurance requirements of subsection (18).~~

1137 (b) (e) This section does not limit the authority of the
 1138 local building official to issue a stop-work order for a
 1139 building project or any portion of the project, as provided by
 1140 law, if the official determines that a condition on the building
 1141 site constitutes an immediate threat to public safety and
 1142 welfare.

1143 (c) A local enforcement agency may not prohibit or limit
 1144 private providers from using virtual inspections if a virtual
 1145 inspection is not prohibited by any applicable code.

1146 (20) (18) A private provider may perform building code
 1147 inspection services on a building project under this section
 1148 only if the private provider maintains insurance for
 1149 professional liability covering all services performed as a
 1150 private provider. Such insurance shall have minimum policy

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1151 | limits of \$1 million per occurrence and \$2 million in the
 1152 | aggregate for any project with a construction cost of \$5 million
 1153 | or less and \$2 million per occurrence and \$4 million in the
 1154 | aggregate for any project with a construction cost of over \$5
 1155 | million. Nothing in this section limits the ability of a fee
 1156 | owner to require additional insurance or higher policy limits.
 1157 | For these purposes, the term "construction cost" means the total
 1158 | cost of building construction as stated in the building permit
 1159 | application. If the private provider chooses to secure claims-
 1160 | made coverage to fulfill this requirement, the private provider
 1161 | must also maintain coverage for a minimum of 5 years after
 1162 | ~~subsequent to~~ the performance of building code inspection
 1163 | services. The insurance required under this subsection shall be
 1164 | written only by insurers authorized to do business in this state
 1165 | with a minimum A.M. Best's rating of A. Before providing
 1166 | building code inspection services within a local building
 1167 | official's jurisdiction, a private provider must provide to the
 1168 | local building official a certificate of insurance evidencing
 1169 | that the coverages required under this subsection are in force.
 1170 | (21)~~(19)~~ When performing building code inspection
 1171 | services, a private provider is subject to the disciplinary
 1172 | guidelines of the applicable professional board with
 1173 | jurisdiction over his or her license or certification under
 1174 | chapter 468, chapter 471, or chapter 481. All private providers
 1175 | shall be subject to the disciplinary guidelines of s.

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1176 468.621(1)(c)-(h). Any complaint processing, investigation, and
1177 discipline that arise out of a private provider's performance of
1178 building code inspection services shall be conducted by the
1179 applicable professional board.

1180 (22)~~(20)~~ A local building code enforcement agency may not
1181 audit the performance of building code inspection services by
1182 private providers operating within the local jurisdiction until
1183 the agency has created standard operating private provider audit
1184 procedures for the agency's internal inspection and review
1185 staff, which includes, at a minimum, the private provider audit
1186 purpose and scope, private provider audit criteria, an
1187 explanation of private provider audit processes and objections,
1188 and detailed findings of areas of noncompliance. Such private
1189 provider audit procedures must be publicly available online, and
1190 a printed version must be readily accessible in agency
1191 buildings. The private provider audit results of staff for the
1192 prior two quarters also must be publicly available. The agency's
1193 audit processes must adhere to the agency's posted standard
1194 operating audit procedures. The same private provider or private
1195 provider firm may not be audited more than four times in a year
1196 unless the local building official determines a condition of a
1197 building constitutes an immediate threat to public safety and
1198 welfare, which must be communicated in writing to the private
1199 provider or private provider firm. The private provider or
1200 private provider firm must be given notice of each audit to be

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1201 performed at least 5 business days before the audit. Work on a
 1202 building or structure may proceed after inspection and approval
 1203 by a private provider. The work may not be delayed for
 1204 completion of an inspection audit by the local building code
 1205 enforcement agency.

1206 (23)~~(21)~~ The local government, ~~the~~ local building
 1207 official, and ~~their~~ building code enforcement personnel shall be
 1208 immune from liability to any person or party for any action or
 1209 inaction by a fee owner of a building, or by a private provider
 1210 or its duly authorized representative, in connection with
 1211 building code inspection services as authorized in this act. The
 1212 local government, local enforcement agency, local building
 1213 official, and building code enforcement personnel may not
 1214 prohibit or discourage the use of a private provider or a
 1215 private provider firm.

1216 (24)~~(22)~~ Notwithstanding any other law, a county, a
 1217 municipality, a school district, or an independent special
 1218 district may use a private provider or a private provider firm,
 1219 or may employ a licensed building inspector as described in s.
 1220 468.603(5) (a) or a person who holds the same licensure or
 1221 certification as a private provider, to provide building code
 1222 inspection services for a public works project, an improvement,
 1223 a building, or any other structure that is owned by the county,
 1224 municipality, school district, or independent special district.

1225 Section 10. Paragraph (a) of subsection (1) of section

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1226 | 553.792, Florida Statutes, is amended to read:

1227 | 553.792 Building permit application to local government.—

1228 | (1) (a) A local government must approve, approve with
 1229 | conditions, or deny a building permit application after receipt
 1230 | of a completed and sufficient application within the following
 1231 | timeframes, unless the applicant waives such timeframes in
 1232 | writing:

1233 | 1. Within 5 business days after receiving a complete and
 1234 | sufficient application, for an applicant using a local
 1235 | government plans reviewer to obtain the following building
 1236 | permits for an existing single-family residential dwelling if
 1237 | the value of the work is less than \$15,000: structural,
 1238 | accessory structure, alarm, electrical, gas, irrigation,
 1239 | landscaping, mechanical, plumbing, or roofing.

1240 | ~~2.1.~~ Within 30 business days after receiving a complete
 1241 | and sufficient application, for an applicant using a local
 1242 | government plans reviewer to obtain the following building
 1243 | permits if the structure is less than 7,500 square feet:
 1244 | residential units, including a single-family residential unit or
 1245 | a single-family residential dwelling, accessory structure,
 1246 | alarm, electrical, irrigation, landscaping, mechanical,
 1247 | plumbing, or roofing.

1248 | ~~3.2.~~ Within 60 business days after receiving a complete
 1249 | and sufficient application, for an applicant using a local
 1250 | government plans reviewer to obtain the following building

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1251 | permits if the structure is 7,500 square feet or more:
 1252 | residential units, including a single-family residential unit or
 1253 | a single-family residential dwelling, accessory structure,
 1254 | alarm, electrical, irrigation, landscaping, mechanical,
 1255 | plumbing, or roofing.

1256 | ~~4.3.~~ Within 60 business days after receiving a complete
 1257 | and sufficient application, for an applicant using a local
 1258 | government plans reviewer to obtain the following building
 1259 | permits: signs or nonresidential buildings that are less than
 1260 | 25,000 square feet.

1261 | ~~5.4.~~ Within 60 business days after receiving a complete
 1262 | and sufficient application, for an applicant using a local
 1263 | government plans reviewer to obtain the following building
 1264 | permits: multifamily residential, not exceeding 50 units; site-
 1265 | plan approvals and subdivision plats not requiring public
 1266 | hearing or public notice; and lot grading and site alteration.

1267 | ~~6.5.~~ Within 12 business days after receiving a complete
 1268 | and sufficient application, for an applicant using a master
 1269 | building permit consistent with s. 553.794 to obtain a site-
 1270 | specific building permit.

1271 | ~~7.6.~~ Within 10 business days after receiving a complete
 1272 | and sufficient application, for an applicant for a single-family
 1273 | residential dwelling applied for by a contractor licensed in
 1274 | this state on behalf of a property owner who participates in a
 1275 | Community Development Block Grant-Disaster Recovery program

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1276 ~~administered by the Department of Commerce,~~ unless the permit
 1277 application fails to satisfy the Florida Building Code or the
 1278 enforcing agency's laws or ordinances.

1279
 1280 However, the local government may not require the waiver of the
 1281 timeframes in this section as a condition precedent to reviewing
 1282 an applicant's building permit application.

1283 Section 11. Paragraph (c) is added to subsection (1) of
 1284 section 720.3035, Florida Statutes, to read:

1285 720.3035 Architectural control covenants; parcel owner
 1286 improvements; rights and privileges.—

1287 (1)

1288 (c) An association or any architectural, construction
 1289 improvement, or other such similar committee of an association
 1290 may not require a building permit to be issued by a governmental
 1291 authority to a parcel owner as a prerequisite for review by the
 1292 association or committee concerning the construction of
 1293 structures or improvements on the parcel.

1294 Section 12. This act shall take effect July 1, 2026.