	LEGISLATIVE	ACTION
Senate		House
The Committee on Cor	mmunity Affairs	(DiCeglie) recommended the
following:		
Senate Amendmen	nt (with title ar	mendment)
Delete lines 1	FO 424	
	09 - 434	
and insert:	1 ( ) 1	
		(h) are added to subsection
(7) of section 553.		ites, to read:
	Building Code	
(7)		
(g) The Florida	a Building Commis	ssion shall modify section

505 of the Florida Building Code, 8th edition (2023) Existing

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Building, to state that sealed drawings by a design professional may not be required for the replacement of windows, doors, or garage doors. Replacement windows, doors, and garage doors must be installed in accordance with the manufacturer's instructions for the appropriate wind zone and must meet the design pressure and the current Florida Building Code. The manufacturer's instructions must be submitted with the permit application for replacement windows, doors, and garage doors. The manufacturer's installation instructions may be printed or in digital format.

(h) As used in this section, the term "windborne debris region" has the same meaning as in the Florida Building Code, 7th edition, Residential, until the adoption of the 9th edition of the Florida Building Code. This paragraph may not be construed to prohibit a homeowner or contractor from voluntarily complying with the definition of the term windborne debris region originally established in the 8th edition, until the adoption of the 9th edition.

Section 3. Subsection (16) of section 553.79, Florida Statutes, is amended to read:

553.79 Permits; applications; issuance; inspections.-

(16) Except as provided in paragraph (e), a building permit for a single-family residential dwelling must be issued within 30 business days after receiving the permit application unless the permit application fails to satisfy the Florida Building Code or the enforcing agency's laws or ordinances.

(a) If a local enforcement agency fails to issue a building permit for a single-family residential dwelling within 30 business days after receiving the permit application, it must reduce the building permit fee by 10 percent for each business

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day that it fails to meet the deadline. Each 10-percent reduction shall be based on the original amount of the building permit fee.

(b) A local enforcement agency does not have to reduce the building permit fee if it provides written notice to the applicant, by e-mail or United States Postal Service, within 30 business days after receiving the permit application, that specifically states the reasons the permit application fails to satisfy the Florida Building Code or the enforcing agency's laws or ordinances. The written notice must also state that the applicant has 10 business days after receiving the written notice to submit revisions to correct the permit application and that failure to correct the application within 10 business days will result in a denial of the application.

(c) The applicant has 10 business days after receiving the written notice to address the reasons specified by the local enforcement agency and submit revisions to correct the permit application. If the applicant submits revisions within 10 business days after receiving the written notice, the local enforcement agency has 10 business days after receiving such revisions to approve or deny the building permit unless the applicant agrees to a longer period in writing. If the local enforcement agency fails to issue or deny the building permit within 10 business days after receiving the revisions, it must reduce the building permit fee by 20 percent for the first business day that it fails to meet the deadline unless the applicant agrees to a longer period in writing. For each additional business day, but not to exceed 5 business days, that the local enforcement agency fails to meet the deadline, the

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building permit fee must be reduced by an additional 10 percent. Each reduction shall be based on the original amount of the building permit fee.

(d) If any building permit fees are refunded under this subsection, the surcharges provided in s. 468.631 or s. 553.721 must be recalculated based on the amount of the building permit fees after the refund.

(e) A building permit for a single-family residential dwelling applied for by a contractor licensed in this state on behalf of a property owner who participates in a Community Development Block Grant-Disaster Recovery program administered by the Department of Economic Opportunity must be issued within 15 working days after receipt of the application unless the permit application fails to satisfy the Florida Building Code or the enforcing agency's laws or ordinances.

Section 4. Present paragraphs (o) through (r) of subsection (1) and present subsections (10) through (21) of section 553.791, Florida Statutes, are redesignated as paragraphs (p) through (s) and subsections (11) through (22), respectively, a new paragraph (o) is added to subsection (1) and a new subsection (10) is added to that section, and present paragraph (o) of subsection (1), paragraph (c) of subsection (4), paragraphs (b) and (d) of subsection (7), paragraph (b) of present subsection (13), and paragraph (b) of present subsection (16) of that section are amended, to read:

553.791 Alternative plans review and inspection.-

- (1) As used in this section, the term:
- (o) "Private provider firm" means a business organization, including a corporation, partnership, business trust, or other

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legal entity, which offers services under this chapter to the public through licensees who are acting as agents, employees, officers, or partners of the firm. A person who is licensed as a building code administrator under part XII of chapter 468, as an engineer under chapter 471, or as an architect under chapter 481 may act as a private provider for an agent, employee, or officer of the private provider firm.

(p) (o) "Request for certificate of occupancy or certificate of completion" means a properly completed and executed application for:

- 1. A certificate of occupancy or certificate of completion.
- 2. A certificate of compliance from the private provider required under subsection (12).
  - 3. Any applicable fees.
- 4. Any documents required by the local building official to determine that the fee owner has secured all other government approvals required by law.

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

(c) An acknowledgment from the fee owner or the fee owner's

notice shall include the following information:



contractor in substantially the following form:

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



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

(7)

- (b) If the local building official provides a written notice of plan deficiencies to the permit applicant within the prescribed 20-day period, the 20-day period shall be tolled pending resolution of the matter. To resolve the plan deficiencies, the permit applicant may elect to dispute the deficiencies pursuant to subsection (15) <del>(14)</del> or to submit revisions to correct the deficiencies.
- (d) If the local building official provides a second written notice of plan deficiencies to the permit applicant within the prescribed time period, the permit applicant may elect to dispute the deficiencies pursuant to subsection (15) (14) or to submit additional revisions to correct the deficiencies. For all revisions submitted after the first revision, the local building official has an additional 5 business days from the date of resubmittal to issue the requested permit or to provide a written notice to the permit applicant stating which of the previously identified plan features remain in noncompliance with the applicable codes, with

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specific reference to the relevant code chapters and sections. (10) When the private provider is a person licensed as an

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

(13)

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



corrected request for a certificate of occupancy or certificate of completion.

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

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

553.792 Building permit application to local government.

- (1) (a) A local government must approve, approve with conditions, or deny a building permit application after receipt of a completed and sufficient application within the following timeframes, unless the applicant waives such timeframes in writing:
- 1. Within 30 business days after receiving a complete and sufficient application, for an applicant using a local government plans reviewer to obtain the following building permits for structures less than 7,500 square feet: residential units including a single-family residential unit or a singlefamily residential dwelling, accessory structure, alarm, electrical, irrigation, landscaping, mechanical, plumbing, or roofing.
- 2. Within 60 business days after receiving a complete and sufficient application, for an applicant using a local government plans reviewer to obtain the following building permits for structures of 7,500 square feet or greater:

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residential units including a single-family residential unit or a single-family residential dwelling, accessory structure, alarm, electrical, irrigation, landscaping, mechanical, plumbing, or roofing.

- 3. Within 60 business days after receiving a complete and sufficient application, for an applicant using a local government plans reviewer to obtain the following building permits: signs or nonresidential buildings less than 25,000 square feet.
- 4. Within 120 business days after receiving a complete and sufficient application, for an applicant using a local government plans reviewer to obtain the following building permits: multifamily residential not exceeding 50 units; siteplan approvals and subdivision plats not requiring public hearing or public notice; and lot grading and site alteration.
- 5. Within 15 business days after receiving a complete and sufficient application, for an applicant using a master building permit consistent with s. 553.794 to obtain a site-specific building permit.
- 6. Within 10 business days after receiving a complete and sufficient application, for an applicant for a single-family residential dwelling applied for by a contractor licensed in this state on behalf of a property owner who participates in a Community Development Block Grant-Disaster Recovery program administered by the Department of Commerce, unless the permit application fails to satisfy the Florida Building Code or the enforcing agency's laws or ordinances.
- (b) A local government must meet the timeframes set forth in this section for reviewing building permit applications

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unless the timeframes set by local ordinance are more stringent than those prescribed in this section.

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

policy containing procedures and expectations for expedited

(d) A local government shall maintain on its website a



301 processing of those building permits and development orders 302 required by law to be expedited. 303 (b) 1. When reviewing an application for a building permit, 304 a local government may not request additional information from 305 the applicant more than three times, unless the applicant waives 306 such limitation in writing. 307 2. If a local government requests additional information 308 from an applicant and the applicant submits the requested 309 additional information to the local government within 30 days 310 after receiving the request, the local government must, within 15 days after receiving such information: 311 a. Determine if the application is properly completed; 312 313 b. Approve the application; 314 c. Approve the application with conditions; 315 d. Deny the application; or e. Advise the applicant of information, if any, that is 316 317 needed to deem the application properly completed or to 318 determine the sufficiency of the application. 319 3. If a local government makes a second request for 320 additional information from the applicant and the applicant submits the requested additional information to the local 321 322 government within 30 days after receiving the request, the local 323 government must, within 10 days after receiving such 324 information: 325 a. Determine if the application is properly completed; 326 b. Approve the application; 327 c. Approve the application with conditions; 328 d. Deny the application; or 329 e. Advise the applicant of information, if any, that is

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needed to deem the application properly completed or to determine the sufficiency of the application.

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

- a. Approve the application;
- b. Approve the application with conditions; or
- c. Deny the application.
  - 5. If the applicant believes the request for additional information is not authorized by ordinance, rule, statute, or other legal authority, the local government, at the applicant's request, must process the application and either approve the application, approve the application with conditions, or deny the application.
  - (e) (c) If a local government fails to meet a deadline under this subsection <del>provided in paragraphs (a) and (b),</del> it must reduce the building permit fee by 10 percent for each business day that it fails to meet the deadline, unless the parties agree in writing to a reasonable extension of time. Each 10-percent reduction shall be based on the original amount of the building permit fee, unless the parties agree to an extension of time.
    - (f) A local enforcement agency does not have to reduce the

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

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

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

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subsection. The procedures set forth in subsection (1) do not apply to permits for any wireless communications facilities or when a law, agency rule, or local ordinance specify different timeframes for review of local building permit applications.

(b) If a local government has different timeframes than the timeframes set forth in subsection (1) for reviewing building permit applications described in paragraph (a), the local government must meet the deadlines established by local ordinance. If a local government does not meet an established deadline to approve, approve with conditions, or deny an application, it must reduce the building permit fee by 10 percent for each business day that it fails to meet the deadline. Each 10-percent reduction shall be based on the original amount of the building permit fee, unless the parties agree to an extension of time. This paragraph does not apply to permits for any wireless communications facilities.

Section 6. Paragraph (a) of subsection (7) of section 553.80, Florida Statutes, is amended to read:

553.80 Enforcement.-

(7) (a) The governing bodies of local governments may provide a schedule of reasonable fees, as authorized by s. 125.56(2) or s. 166.222 and this section, for enforcing this part. These fees, and any fines or investment earnings related to the fees, may shall be used only solely for carrying out the local government's responsibilities in enforcing the Florida Building Code. When providing a schedule of reasonable fees, the total estimated annual revenue derived from fees, and the fines and investment earnings related to the fees, may not exceed the total estimated annual costs of allowable activities. Any

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

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

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- 2. A local government must use any excess funds that it is prohibited from carrying forward to rebate and reduce fees, to upgrade hardware and software technology systems to enhance service delivery, or to pay for the construction of a building or structure that houses a local government's building code enforcement agency, or for the training programs for building officials, inspectors, or plans examiners associated with the enforcement of the Florida Building Code. Excess funds used to construct such a building or structure must be designated for such purpose by the local government and may not be carried forward for more than 4 consecutive years. An owner or builder who has a valid building permit issued by a local government for a fee, or an association of owners or builders located in the state that has members with valid building permits issued by a local government for a fee, may bring a civil action against the local government that issued the permit for a fee to enforce this subparagraph.
- 3. The following activities may not be funded with fees adopted for enforcing the Florida Building Code:
- a. Planning and zoning or other general government activities.
- b. Inspections of public buildings for a reduced fee or no fee.
- c. Public information requests, community functions, boards, and any program not directly related to enforcement of the Florida Building Code.
- d. Enforcement and implementation of any other local ordinance, excluding validly adopted local amendments to the Florida Building Code and excluding any local ordinance directly



related to enforcing the Florida Building Code as defined in subparagraph 1.

- 4. A local government must use recognized management, accounting, and oversight practices to ensure that fees, fines, and investment earnings generated under this subsection are maintained and allocated or used solely for the purposes described in subparagraph 1.
- 5. The local enforcement agency, independent district, or special district may not require at any time, including at the time of application for a permit, the payment of any additional fees, charges, or expenses associated with:
  - a. Providing proof of licensure under chapter 489;
  - b. Recording or filing a license issued under this chapter;
- c. Providing, recording, or filing evidence of workers' compensation insurance coverage as required by chapter 440; or
- d. Charging surcharges or other similar fees not directly related to enforcing the Florida Building Code.

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======= T I T L E A M E N D M E N T ======== And the title is amended as follows:

Delete lines 23 - 54

496 and insert:

> creates the program; amending s. 553.73, F.S.; requiring the Florida Building Commission to modify a specific provision of the Florida Building Code to state that sealed drawings by a design professional are not required for replacement and installation of certain construction; requiring replacement windows, doors, and garage doors to be installed in accordance

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with the manufacturer's instructions for appropriate wind zones and to meet certain design pressures of the Florida Building Code; requiring the manufacturer's instructions to be submitted with the permit application for such replacements; defining the term "windborne debris region"; providing construction; amending s. 553.79, F.S.; removing provisions relating to acquiring building permits for certain residential dwellings; amending s. 553.791, F.S.; defining the term "private provider firm"; requiring a fee owner or the fee owner's contractor to provide a specified acknowledgment when notifying a local building official that a private provider will be used to provide building code inspection services; requiring the local building official to issue a permit or provide specified written notice to the permit applicant within a certain timeframe; requiring that such written notice provide specific information; providing that the permit application is deemed approved, and must be issued on the next business day, if the local building official does not meet the prescribed deadline; amending s. 553.792, F.S.; revising the timeframes for approving, approving with conditions, or denying certain building permits; requiring the local government to follow the prescribed timeframes unless those set by local ordinance are more stringent; requiring a local government to provide written notice to an applicant under certain circumstances; requiring a local

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