

By the Committee on Governmental Oversight and Accountability;  
and Senator Grall

585-02410-26

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1                   A bill to be entitled  
2       An act relating to construction regulations; creating  
3       s. 255.0994, F.S.; defining terms; prohibiting a  
4       governmental entity that contracts for a public works  
5       project from taking certain actions; providing  
6       construction; providing severability; providing  
7       applicability; amending s. 553.71, F.S.; defining the  
8       term "commercial construction project"; creating s.  
9       553.789, F.S.; requiring the Florida Building  
10      Commission to adopt by rule uniform commercial  
11      building permit acceptance standards for a specified  
12      purpose by a specified date; specifying the  
13      information to be included in the acceptance  
14      standards; requiring the commission to adopt rules to  
15      create additional trade-specific acceptance standards  
16      for certain trades; requiring a local enforcement  
17      agency to accept a completed application if it  
18      provides the information set forth in such acceptance  
19      standards adopted by the Florida Building Commission;  
20      authorizing the local enforcement agency to require  
21      additional documentation or plans; amending s. 553.79,  
22      F.S.; requiring that permit fees that are imposed by a  
23      local enforcement agency be limited to the actual and  
24      reasonable costs incurred in reviewing, processing,  
25      and administering the permit; prohibiting such fees  
26      from being based on industry standards, market rates,  
27      or comparable retail pricing; requiring that such fees  
28      be proportional to the work performed in reviewing,  
29      processing, and administering such permits;

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30 prohibiting a political subdivision from imposing  
31 certain requirements for glazing on certain proposed  
32 construction or restoration projects; defining the  
33 terms "primary facade" and "glazing"; conforming a  
34 cross-reference; amending s. 553.791, F.S.; requiring  
35 a local jurisdiction to include a certain reduction in  
36 the permit fee on its schedule of fees posted on its  
37 website; prohibiting the local jurisdiction from  
38 charging fees for plans review services under certain  
39 circumstances; requiring the local jurisdiction to  
40 specify the services covered by the administrative  
41 fees on its website; requiring the local enforcement  
42 agency to reduce the permit fee by specified  
43 percentages for an owner or a contractor that retains  
44 a private provider for specified purposes; providing  
45 that a local enforcement agency forfeits its ability  
46 to collect any fees for a commercial construction  
47 project if it does not reduce its fees by such  
48 specified percentages; requiring that a certain  
49 surcharge be calculated based on the reduced permit  
50 fee; providing construction; creating s. 553.8411,  
51 F.S.; requiring nonresidential structures built in a  
52 flood zone after a specified date to have the lowest  
53 floor elevated above the required design flood  
54 elevation; authorizing the building of such a  
55 structure below the required design flood elevation if  
56 all structural areas below the required design flood  
57 elevation are substantially impermeable to water and  
58 capable of resisting certain effects of the regulatory

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59 floodplain; amending s. 553.842, F.S.; revising the  
60 products requiring statewide approval to include  
61 mitigation products; creating s. 553.8992, F.S.;  
62 requiring the Florida Building Commission to  
63 incorporate into the Florida Building Code certain  
64 standards for all new construction commercial or  
65 residential pools by a specified date; amending ss.  
66 497.271 and 553.902, F.S.; conforming cross-  
67 references; providing an effective date.  
68

69 Be It Enacted by the Legislature of the State of Florida:  
70

71 Section 1. Section 255.0994, Florida Statutes, is created  
72 to read:

73 255.0994 Public works projects; unenforceability of certain  
74 contract provisions regarding delays.-

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

76 (a) "Concurrent delays" means two or more unrelated delays  
77 in the contractor's performance of a contract for a public works  
78 project which happen at the same time or overlap in time, each  
79 of which on its own would have delayed the contractor's  
80 performance.

81 (b) "Governmental entity" has the same meaning as in s.  
82 255.0993(1).

83 (c) "Public works project" has the same meaning as in s.  
84 255.0992(1).

85 (2) Except as otherwise required by federal or state law, a  
86 governmental entity that contracts for a public works project  
87 may not take any of the following actions:

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88        (a) Enforce any contract provisions that would eliminate or  
89 limit the contractor's right to receive compensation for damages  
90 and increased costs, equitable adjustments, or time extensions  
91 due to a delay in performance of the contract, either on its own  
92 behalf or on behalf of a subcontractor or supplier, to the  
93 extent the delay was caused in whole or in part by the acts or  
94 omissions of the governmental entity or of any agent, employee,  
95 or person acting on its behalf.

96        (b) Enforce any contract provisions that would eliminate or  
97 limit the contractor's right to receive time extensions due to  
98 concurrent delays, either on its own behalf or on behalf of a  
99 subcontractor or supplier, if at least one of those delays was  
100 caused in whole or in part by the acts or omissions of the  
101 governmental entity or of any agent, employee, or person acting  
102 on its behalf.

103        (3) This section may not be construed to render  
104 unenforceable a provision of a contract for a public works  
105 project which:

106        (a) Requires the party claiming a delay to give notice of  
107 the acts or omissions giving rise to the delay;

108        (b) Allows a governmental entity to recover liquidated  
109 damages for a delay if it was caused by the acts or omissions of  
110 the contractor or its subcontractors, agents, or employees; or

111        (c) Provides for arbitration or any other procedure  
112 designed to settle contract disputes.

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

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

119       Section 2. Present subsections (1) through (12) of section  
120 553.71, Florida Statutes, are redesignated as subsections (2)  
121 through (13), respectively, and a new subsection (1) is added to  
122 that section, to read:

123       553.71 Definitions.—As used in this part, the term:

124       (1) "Commercial construction project" means the  
125 construction, alteration, or repair of a building or structure  
126 that is primarily intended for business, industrial,  
127 institutional, or mercantile use and is not classified as  
128 residential under the Florida Building Code.

129       Section 3. Section 553.789, Florida Statutes, is created to  
130 read:

131       553.789 Uniform commercial building permit application.—

132       (1) By December 31, 2026, the commission shall adopt rules  
133 pursuant to ss. 120.536(1) and 120.54 which establish uniform  
134 commercial building permit acceptance standards that identify  
135 the information required for acceptance of a commercial building  
136 permit application. The standards must be used statewide by all  
137 enforcement agencies. The standards must include, at a minimum,  
138 all of the following information:

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

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

142       (c) The address and parcel identification number of the  
143 construction project.

144       (d) The project type and occupancy classification under the  
145 Florida Building Code.

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146 (e) A description of the construction project, including  
147 whether the project is new construction or an alteration, an  
148 addition, or a repair.

149 (f) The total square footage and the declared value of the  
150 construction project.

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

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

154 (2) The commission shall adopt rules pursuant to ss.  
155 120.536(1) and 120.54 which create additional trade-specific  
156 acceptance standards for trades that are often present on a  
157 commercial construction project, including, but not limited to,  
158 electric, HVAC, plumbing, and water and sewer.

159 (3) An enforcement agency must accept a completed  
160 application if it provides the information set forth in the  
161 uniform commercial building permit acceptance standards and any  
162 other trade-specific acceptance standards that may be adopted by  
163 the commission. However, an enforcement agency may require  
164 submission of additional documentation or plans reasonably  
165 necessary for the applicant to demonstrate compliance with the  
166 Florida Building Code or applicable local ordinances and land  
167 development code.

168 Section 4. Paragraph (a) of subsection (5) and paragraph  
169 (a) of subsection (24) of section 553.79, Florida Statutes, are  
170 amended, and paragraph (g) is added to subsection (1) of that  
171 section, to read:

172 553.79 Permits; applications; issuance; inspections.—

173 (1)

174 (g) Permit fees imposed by a local enforcement agency must

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175 be limited to the actual and reasonable costs incurred in  
176 reviewing, processing, and administering the permit and may not  
177 be based on industry standards, market rates, or comparable  
178 retail pricing. Such fees must be proportional to the work  
179 performed in reviewing, processing, and administering the  
180 permit.

181 (5) (a) During new construction or during repair or  
182 restoration projects in which the structural system or  
183 structural loading of a building is being modified, the  
184 enforcing agency shall require a special inspector to perform  
185 structural inspections on a threshold building pursuant to a  
186 structural inspection plan prepared by the engineer or architect  
187 of record. The structural inspection plan must be submitted to  
188 and approved by the enforcing agency before the issuance of a  
189 building permit for the construction of a threshold building.  
190 The purpose of the structural inspection plan is to provide  
191 specific inspection procedures and schedules so that the  
192 building can be adequately inspected for compliance with the  
193 permitted documents. The special inspector may not serve as a  
194 surrogate in carrying out the responsibilities of the building  
195 official, the architect, or the engineer of record. The  
196 contractor's contractual or statutory obligations are not  
197 relieved by any action of the special inspector. The special  
198 inspector shall determine that a professional engineer who  
199 specializes in shoring design has inspected the shoring and  
200 reshoring for conformance with the shoring and reshoring plans  
201 submitted to the enforcing agency. A fee simple title owner of a  
202 building, which does not meet the minimum size, height,  
203 occupancy, occupancy classification, or number-of-stories

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204 criteria which would result in classification as a threshold  
205 building as defined in s. 553.71 ~~under s. 553.71(12)~~, may  
206 designate such building as a threshold building, subject to more  
207 than the minimum number of inspections required by the Florida  
208 Building Code.

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

212 1. Contains any building, construction, or aesthetic  
213 requirement or condition that conflicts with or impairs  
214 corporate trademarks, service marks, trade dress, logos, color  
215 patterns, design scheme insignia, image standards, or other  
216 features of corporate branding identity on real property or  
217 improvements thereon used in activities conducted under chapter  
218 526 or in carrying out business activities defined as a  
219 franchise by Federal Trade Commission regulations in 16 C.F.R.  
220 ss. 436.1, et. seq.; ~~or~~

221 2. Imposes any requirement on the design, construction, or  
222 location of signage advertising the retail price of gasoline in  
223 accordance with the requirements of ss. 526.111 and 526.121  
224 which prevents the signage from being clearly visible and  
225 legible to drivers of approaching motor vehicles from a vantage  
226 point on any lane of traffic in either direction on a roadway  
227 abutting the gas station premises and meets height, width, and  
228 spacing standards for Series C, D, or E signs, as applicable,  
229 published in the latest edition of Standard Alphabets for  
230 Highway Signs published by the United States Department of  
231 Commerce, Bureau of Public Roads, Office of Highway Safety; or

232 3. Imposes a glazing requirement that results in the

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233 glazing of more than 15 percent of the surface area of the  
234 primary facade for the first 10 feet above the ground floor for  
235 a proposed new commercial or mixed-use construction or  
236 restoration project. Such glazing requirements may not be  
237 imposed or enforced on any facade other than the primary facade,  
238 and such glazing requirements may not be imposed or enforced on  
239 any portion of the primary facade higher than the first 10 feet  
240 above the ground floor. For purposes of this subparagraph, the  
241 term:

242 a. "Glazing" means the installation of transparent or  
243 translucent materials, including glass or similar substances, in  
244 windows, doors, or storefronts. The term includes any actual or  
245 faux windows to be installed to a building facade.

246 b. "Primary facade" means the single building side housing  
247 the primary entrance to the building.

248 Section 5. Paragraph (b) of subsection (2) of section  
249 553.791, Florida Statutes, is amended, and paragraph (d) is  
250 added to that subsection, to read:

251 553.791 Alternative plans review and inspection.—

252 (2)

253 (b) If an owner or contractor retains a private provider  
254 for purposes of plans review or building inspection services,  
255 the local jurisdiction must reduce the permit fee by the amount  
256 of cost savings realized by the local enforcement agency for not  
257 having to perform such services. Such reduction may be  
258 calculated on a flat fee or percentage basis, or any other  
259 reasonable means by which a local enforcement agency assesses  
260 the cost for its plans review or inspection services. The local  
261 jurisdiction shall include the applicable reduction in the

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262 permit fee on its schedule of fees which is posted on its  
263 website. The local jurisdiction may not charge fees for building  
264 inspections or plans review services if the fee owner or  
265 contractor hires a private provider to perform such services;  
266 however, the local jurisdiction may charge a reasonable  
267 administrative fee, which shall be based on the cost that is  
268 actually incurred, including the labor cost of the personnel  
269 providing the service, by the local jurisdiction or attributable  
270 to the local jurisdiction for the clerical and supervisory  
271 assistance required, or both. The local jurisdiction shall  
272 specify the services covered by the administrative fees on its  
273 website.

274 (d) If an owner or a contractor retains a private provider  
275 for purposes of plans review or building inspection services for  
276 a commercial construction project, the local enforcement agency  
277 must reduce the permit fee by at least 25 percent of the portion  
278 of the permit fee attributable to plans review or building  
279 inspection services, as applicable. If an owner or a contractor  
280 retains a private provider for all required plans review and  
281 building inspection services, the local enforcement agency must  
282 reduce the total permit fee by at least 50 percent of the amount  
283 otherwise charged for such services. If a local enforcement  
284 agency does not reduce its fees by at least the percentages  
285 provided in this paragraph, the local enforcement agency  
286 forfeits the ability to collect any fees for the commercial  
287 construction project. The surcharge required by s. 553.721 must  
288 be calculated based on the reduced permit fee. This paragraph  
289 does not prohibit a local enforcement agency from reducing its  
290 fees in excess of the percentages provided in this paragraph.

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291 Section 6. Section 553.8411, Florida Statutes, is created  
292 to read:

293 553.8411 Nonresidential buildings; floodproofing.—A  
294 nonresidential structure constructed after July 1, 2026, which  
295 is located in a flood zone as designated by the Federal  
296 Emergency Management Agency must elevate its lowest floor above  
297 the required design flood elevation. As an alternative to this  
298 requirement, a nonresidential structure may be designed and  
299 constructed below the required design flood elevation if all  
300 structural areas below the required design flood elevation are  
301 substantially impermeable to water and capable of resisting the  
302 effects of the regulatory floodplain, including, but not limited  
303 to, flow velocities, duration, rate of rise, hydrostatic and  
304 hydrodynamic forces, buoyancy, and debris impact.

305 Section 7. Subsection (5) of section 553.842, Florida  
306 Statutes, is amended to read:

307 553.842 Product evaluation and approval.—

308 (5) Statewide approval of products, methods, or systems of  
309 construction may be achieved by one of the following methods.  
310 One of these methods must be used by the commission to approve  
311 the following categories of products: panel walls, exterior  
312 doors, roofing, skylights, windows, shutters, impact protective  
313 systems, mitigation products, and structural components as  
314 established by the commission by rule. A product may not be  
315 advertised, sold, offered, provided, distributed, or marketed as  
316 hurricane, windstorm, or impact protection from wind-borne  
317 debris from a hurricane or windstorm unless it is approved  
318 pursuant to this section or s. 553.8425. Any person who  
319 advertises, sells, offers, provides, distributes, or markets a

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320 product as hurricane, windstorm, or impact protection from wind-  
321 borne debris without such approval is subject to the Florida  
322 Deceptive and Unfair Trade Practices Act under part II of  
323 chapter 501 brought by the enforcing authority as defined in s.  
324 501.203.

325 (a) Products for which the code establishes standardized  
326 testing or comparative or rational analysis methods shall be  
327 approved by submittal and validation of one of the following  
328 reports or listings indicating that the product or method or  
329 system of construction was in compliance with the Florida  
330 Building Code and that the product or method or system of  
331 construction is, for the purpose intended, at least equivalent  
332 to that required by the Florida Building Code:

- 333 1. A certification mark or listing of an approved  
334 certification agency, which may be used only for products for  
335 which the code designates standardized testing;
- 336 2. A test report from an approved testing laboratory;
- 337 3. A product evaluation report based upon testing or  
338 comparative or rational analysis, or a combination thereof, from  
339 an approved product evaluation entity; or
- 340 4. A product evaluation report based upon testing or  
341 comparative or rational analysis, or a combination thereof,  
342 developed and signed and sealed by a professional engineer or  
343 architect, licensed in this state.

344

345 A product evaluation report or a certification mark or listing  
346 of an approved certification agency which demonstrates that the  
347 product or method or system of construction complies with the  
348 Florida Building Code for the purpose intended is equivalent to

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349 a test report and test procedure referenced in the Florida  
350 Building Code. An application for state approval of a product  
351 under subparagraph 1. or subparagraph 3. must be approved by the  
352 department after the commission staff or a designee verifies  
353 that the application and related documentation are complete.  
354 This verification must be completed within 10 business days  
355 after receipt of the application. Upon approval by the  
356 department, the product shall be immediately added to the list  
357 of state-approved products maintained under subsection (13).  
358 Approvals by the department shall be reviewed and ratified by  
359 the commission's program oversight committee except for a  
360 showing of good cause that a review by the full commission is  
361 necessary. The commission shall adopt rules providing means to  
362 cure deficiencies identified within submittals for products  
363 approved under this paragraph.

364 (b) Products, methods, or systems of construction for which  
365 there are no specific standardized testing or comparative or  
366 rational analysis methods established in the code may be  
367 approved by submittal and validation of one of the following:

368 1. A product evaluation report based upon testing or  
369 comparative or rational analysis, or a combination thereof, from  
370 an approved product evaluation entity indicating that the  
371 product or method or system of construction was in compliance  
372 with the intent of the Florida Building Code and that the  
373 product or method or system of construction is, for the purpose  
374 intended, at least equivalent to that required by the Florida  
375 Building Code; or

376 2. A product evaluation report based upon testing or  
377 comparative or rational analysis, or a combination thereof,

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378 developed and signed and sealed by a professional engineer or  
379 architect, licensed in this state, who certifies that the  
380 product or method or system of construction is, for the purpose  
381 intended, at least equivalent to that required by the Florida  
382 Building Code.

383 Section 8. Section 553.8992, Florida Statutes, is created  
384 to read:

385 553.8992 Incorporation of standards into the Florida  
386 Building Code.—By December 31, 2026, the Florida Building  
387 Commission shall incorporate into the Florida Building Code  
388 pursuant to s. 553.73(1) standards for the adoption of sections  
389 680.26(B)(1) Conductive Pool Shells and 680.26(B)(2) Perimeter  
390 Surfaces of the 2026 Edition of the National Electrical Code for  
391 all new construction of commercial or residential pools.

392 Section 9. Subsection (3) of section 497.271, Florida  
393 Statutes, is amended to read:

394 497.271 Standards for construction and significant  
395 alteration or renovation of mausoleums and columbaria.—

396 (3) The licensing authority shall transmit the rules as  
397 adopted under subsection (2), referred to as the "mausoleum  
398 standards," to the Florida Building Commission, which shall  
399 initiate rulemaking under chapter 120 to consider such mausoleum  
400 standards. If such mausoleum standards are not deemed  
401 acceptable, they must be returned by the Florida Building  
402 Commission to the licensing authority with details of changes  
403 needed to make them acceptable. If such mausoleum standards are  
404 acceptable, the Florida Building Commission must adopt a rule  
405 designating the mausoleum standards as an approved revision to  
406 the State Minimum Building Codes under part IV of chapter 553.

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407 When designated by the Florida Building Commission, such  
408 mausoleum standards must ~~shall~~ become a required element of the  
409 State Minimum Building Codes under s. 553.73(2)(a) and must  
410 ~~shall~~ be transmitted to each local enforcement agency, as  
411 defined in s. 553.71 ~~s. 553.71(5)~~. Such local enforcement agency  
412 shall consider and inspect for compliance with such mausoleum  
413 standards as if they were part of the local building code, but  
414 shall have no continuing duty to inspect after final approval of  
415 the construction pursuant to the local building code. Any  
416 further amendments to the mausoleum standards must ~~shall~~ be  
417 accomplished by the same procedure. Such designated mausoleum  
418 standards, as from time to time amended, must ~~shall~~ be a part of  
419 the State Minimum Building Codes under s. 553.73 until the  
420 adoption and effective date of a new statewide uniform minimum  
421 building code, which may supersede the mausoleum standards as  
422 provided by the law enacting the new statewide uniform minimum  
423 building code.

424 Section 10. Subsection (5) of section 553.902, Florida  
425 Statutes, is amended to read:

426 553.902 Definitions.—As used in this part, the term:

427 (5) "Local enforcement agency" means the agency of local  
428 government which has the authority to make inspections of  
429 buildings and to enforce the Florida Building Code. The term  
430 includes any agency within the definition of s. 553.71 ~~s.~~  
431 ~~553.71(5)~~.

432 Section 11. This act shall take effect July 1, 2026.