

By Senator McClain

9-01118-26

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1                                   A bill to be entitled  
 2           An act relating to home backup power systems; amending  
 3           s. 553.73, F.S.; prohibiting a local government from  
 4           adopting a technical amendment to the Florida Building  
 5           Code which requires a permit or any functionally  
 6           equivalent local review or approval for certain backup  
 7           power systems; amending s. 553.79, F.S.; prohibiting a  
 8           local government that issues building permits from  
 9           requiring an owner of a single-family dwelling or such  
 10          owner's contractor to obtain a building permit to  
 11          perform work on the single-family lot valued at less  
 12          than a specified sum; providing exceptions; requiring  
 13          a contractor who performs work that does not require a  
 14          permit to keep a written record of certain  
 15          information; creating s. 553.7923, F.S.; prohibiting a  
 16          local enforcement agency from requiring a permit or  
 17          any functionally equivalent local review or approval  
 18          for the installation, relocation, replacement, or  
 19          repair of an eligible residential backup power system;  
 20          defining the term "backup power system"; providing  
 21          applicability; prohibiting a county, municipality, or  
 22          special district from adopting or enforcing any  
 23          ordinance, rule, or measure that regulates the  
 24          installation of backup power systems beyond the  
 25          standards of the Florida Building Code or the Florida  
 26          Fire Prevention Code; authorizing a local enforcement  
 27          agency to conduct inspections of a backup power system  
 28          to verify compliance with the Florida Building Code or  
 29          the Florida Fire Prevention Code; providing

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30 construction; authorizing the owner or installing  
31 contractor to hire a private provider to perform such  
32 inspections; authorizing such inspections to be  
33 conducted in person or virtually; requiring the local  
34 enforcement agency to issue a written correction  
35 notice for noncompliance; authorizing the local  
36 enforcement agency to issue a stop-work order to  
37 address certain hazards; requiring the local  
38 enforcement agency to offer a reinspection date within  
39 a specified timeframe; authorizing the owner or  
40 installing contractor to submit a completed private  
41 provider inspection report if the local enforcement  
42 agency fails to reinspect the property within such  
43 timeframe; providing that such a private provider  
44 inspection report submission constitutes acceptance of  
45 the inspection report by the local enforcement agency;  
46 providing that the failed inspection of a backup power  
47 system may not be the sole basis for withholding or  
48 revoking a certificate of occupancy for existing  
49 occupied dwellings; providing a remedy for such failed  
50 inspections; authorizing a private provider to  
51 complete the inspection and complete a certificate of  
52 compliance; providing construction; providing an  
53 effective date.

54  
55 Be It Enacted by the Legislature of the State of Florida:

56  
57 Section 1. Paragraph (f) is added to subsection (1) of  
58 section 553.73, Florida Statutes, to read:

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59 553.73 Florida Building Code.-

60 (1)

61 (f) A local government may not adopt a technical amendment  
62 to the Florida Building Code which requires a permit or any  
63 functionally equivalent local review or approval for a backup  
64 power system exempt under s. 553.7923.

65 Section 2. Paragraph (g) is added to subsection (1) of  
66 section 553.79, Florida Statutes, to read:

67 553.79 Permits; applications; issuance; inspections.-

68 (1)

69 (g)1. A local government that issues building permits may  
70 not require an owner of a single-family dwelling or the owner's  
71 contractor to obtain a building permit to perform any work  
72 valued at less than \$7,500 on the single-family dwelling's lot.  
73 However, a local government may require a building permit for  
74 any electrical, plumbing, or structural work, not including the  
75 repair or replacement of exterior doors or windows, performed on  
76 a lot containing a single-family dwelling regardless of the  
77 value of the work.

78 2. A contractor who performs work that does not require a  
79 permit under this paragraph must keep a written record of the  
80 work performed, the property address where the work was  
81 performed, and the value of such work as proof that such work  
82 meets the criteria of subparagraph 1.

83 Section 3. Section 553.7923, Florida Statutes, is created  
84 to read:

85 553.7923 Permit exemption for backup power systems.-

86 (1) (a) A local enforcement agency may not require a permit  
87 or any functionally equivalent local review or approval for the

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88 design, installation, relocation, replacement, or repair of a  
89 backup power system installed by a contractor properly licensed  
90 under chapter 489 to perform such work or by a public utility  
91 exempt from licensure under s. 489.503(4).

92 (b) As used in this section, the term "backup power system"  
93 means equipment and associated components that are installed at  
94 or serving a one-family dwelling, two-family dwelling, or  
95 townhouse for the purpose of providing onsite electric power  
96 during utility outages, load management, resiliency, or similar  
97 purposes and that are capable of providing no more than 50  
98 kilowatts of output to the residence or have an aggregate  
99 storage capacity of no more than 100 kilowatt-hours if such  
100 systems include energy storage.

101 (2) Subsection (1) does not apply to an eligible backup  
102 power system that is designed, installed, relocated, replaced,  
103 or repaired by an owner-builder without a licensed electrical  
104 contractor. This subsection does not authorize unlicensed  
105 contracting.

106 (3) Notwithstanding chapter 125, chapter 166, or any other  
107 law, a county, municipality, or special district may not adopt  
108 or enforce any ordinance, rule, or other measure that regulates  
109 the installation of backup power systems beyond the standards  
110 contained in the Florida Building Code or the Florida Fire  
111 Prevention Code.

112 (4) (a) A local enforcement agency may conduct inspections  
113 of a backup power system to verify compliance with the Florida  
114 Building Code or the Florida Fire Prevention Code. An inspection  
115 under this subsection may not be conditioned on obtaining a  
116 permit or any functionally equivalent local review or approval

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117 and may not include plan review.

118 (b) The owner or the installing contractor may hire a  
119 private provider to perform the inspections authorized in  
120 paragraph (a) in accordance with s. 553.791, including timelines  
121 for emergency inspections and submittal of inspection reports.

122 (c) Inspections under this section may be conducted either  
123 in person or virtually in accordance with s. 553.791.

124 (d)1. Upon a finding of noncompliance, the local  
125 enforcement agency must issue a written correction notice citing  
126 the specific code sections and required cure. The local  
127 enforcement agency may issue a stop-work order only to address  
128 an immediate life-safety hazard and only for the affected  
129 portion of the work.

130 2. After the issues addressed in the stop-work order are  
131 corrected, the local enforcement agency must offer a  
132 reinspection date within 2 business days or the next day  
133 inspections are conducted, whichever is earlier.

134 3. If the local enforcement agency fails to inspect the  
135 work performed regarding the issues in the stop-work order  
136 within 2 business days, the owner or installing contractor may  
137 submit a completed private provider inspection report under s.  
138 553.791. Submission of a private provider inspection report  
139 after the local enforcement agency fails to comply with  
140 subparagraph 2. constitutes acceptance of the inspection report  
141 by the local enforcement agency.

142 4. For existing occupied dwellings, a failed inspection of  
143 a backup power system may not be the sole basis for withholding  
144 or revoking a certificate of occupancy for the dwelling. The  
145 remedy for such failed inspections is to withhold authorization

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146 to energize the backup power system until corrections are  
147 verified. A private provider may inspect and complete the  
148 certificate of compliance pursuant to s. 553.791(13).

149 Section 4. This act does not alter or abridge the  
150 jurisdiction of the Public Service Commission under chapter 366,  
151 Florida Statutes, the exemptions for utilities and cooperatives  
152 under s. 366.11, Florida Statutes, or the requirements of rule  
153 25-6.065, Florida Administrative Code, relating to  
154 interconnection and net metering. This act does not affect any  
155 tariff, service policy, or interconnection requirement of any  
156 utility or cooperative.

157 Section 5. This act shall take effect July 1, 2026.