

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

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WITHDRAWN	_____	(Y/N)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

1 Committee/Subcommittee hearing bill: Local Administration,
 2 Federal Affairs & Special Districts Subcommittee
 3 Representative Esposito offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Paragraphs (g) and (h) are added to subsection
(7) of section 553.73, Florida Statutes, to read:

553.73 Florida Building Code.—

(7)

(g) The commission shall modify the Florida Building Code
to state that sealed drawings by a design professional shall not
be required for the replacement of windows, doors, or garage
doors in an existing building, provided that the replacement
windows, doors, and garage doors shall be installed in
accordance with the manufacturer's instructions for the

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17 appropriate wind zone, meet the design pressure requirements of
18 the current Florida Building Code, and a copy of the
19 manufacturer's instructions are submitted with the permit
20 application in a printed or digital format.

21 (h) The definition of the windborne debris region shall be
22 the same as defined in the Florida Building Code, Residential,
23 7th Edition until the adoption of the 9th Edition of the Florida
24 Building Code.

25 Section 2. Subsection (16) of section 553.79, Florida
26 Statutes, is amended to read:

27 553.79 Permits; applications; issuance; inspections.—

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

33 ~~(a) If a local enforcement agency fails to issue a~~
34 ~~building permit for a single-family residential dwelling within~~
35 ~~30 business days after receiving the permit application, it must~~
36 ~~reduce the building permit fee by 10 percent for each business~~
37 ~~day that it fails to meet the deadline. Each 10-percent~~
38 ~~reduction shall be based on the original amount of the building~~
39 ~~permit fee.~~

40 ~~(b) A local enforcement agency does not have to reduce the~~
41 ~~building permit fee if it provides written notice to the~~

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42 ~~applicant, by e-mail or United States Postal Service, within 30~~
43 ~~business days after receiving the permit application, that~~
44 ~~specifically states the reasons the permit application fails to~~
45 ~~satisfy the Florida Building Code or the enforcing agency's laws~~
46 ~~or ordinances. The written notice must also state that the~~
47 ~~applicant has 10 business days after receiving the written~~
48 ~~notice to submit revisions to correct the permit application and~~
49 ~~that failure to correct the application within 10 business days~~
50 ~~will result in a denial of the application.~~

51 ~~(c) The applicant has 10 business days after receiving the~~
52 ~~written notice to address the reasons specified by the local~~
53 ~~enforcement agency and submit revisions to correct the permit~~
54 ~~application. If the applicant submits revisions within 10~~
55 ~~business days after receiving the written notice, the local~~
56 ~~enforcement agency has 10 business days after receiving such~~
57 ~~revisions to approve or deny the building permit unless the~~
58 ~~applicant agrees to a longer period in writing. If the local~~
59 ~~enforcement agency fails to issue or deny the building permit~~
60 ~~within 10 business days after receiving the revisions, it must~~
61 ~~reduce the building permit fee by 20 percent for the first~~
62 ~~business day that it fails to meet the deadline unless the~~
63 ~~applicant agrees to a longer period in writing. For each~~
64 ~~additional business day, but not to exceed 5 business days, that~~
65 ~~the local enforcement agency fails to meet the deadline, the~~
66 ~~building permit fee must be reduced by an additional 10 percent.~~

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67 ~~Each reduction shall be based on the original amount of the~~
68 ~~building permit fee.~~

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

73 ~~(e) A building permit for a single-family residential~~
74 ~~dwelling applied for by a contractor licensed in this state on~~
75 ~~behalf of a property owner who participates in a Community~~
76 ~~Development Block Grant-Disaster Recovery program administered~~
77 ~~by the Department of Economic Opportunity must be issued within~~
78 ~~15 working days after receipt of the application unless the~~
79 ~~permit application fails to satisfy the Florida Building Code or~~
80 ~~the enforcing agency's laws or ordinances.~~

81 Section 3. Subsections (1) and (2) of section 553.792,
82 Florida Statutes, are amended and subsection (4) is added to
83 that section, to read:

84 553.792 Building permit application to local government.-

85 (1)(a) A local government must approve, approve with
86 conditions, or deny a building permit application after receipt
87 of a completed and sufficient application within the following
88 timeframes, unless the applicant waives such timeframes in
89 writing:

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90 1. For an applicant using a local government plans
91 reviewer to obtain a building permit, within 30 business days
92 after receiving a complete and sufficient application.

93 2. For an applicant using a private provider consistent
94 with s. 553.791 to obtain a building permit, within 15 business
95 days after receiving a complete and sufficient application.

96 3. For an applicant for a master plan permit, within 10
97 business days after receiving a complete and sufficient
98 application.

99 4. For an applicant for a single-family residential
100 dwelling applied for by a contractor licensed in this state on
101 behalf of a property owner who participates in a Community
102 Development Block Grant-Disaster Recovery program administered
103 by the Department of Commerce, within 10 business days after
104 receipt of the application unless the permit application fails
105 to satisfy the Florida Building Code or the enforcing agency's
106 laws or ordinances.

107 5. For an applicant for multifamily residential units,
108 within 60 business days after receiving a complete and
109 sufficient application.

110
111 If the local government does not approve, approve with
112 conditions, or deny the completed and sufficient application
113 within the required timeframes in this paragraph, the
114 application is deemed or determined to be approved.

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115 (b) A local government must meet the timeframes set forth
116 in this section for reviewing building permit applications
117 unless the timeframes set by local ordinance are more stringent
118 than those prescribed in this section.

119 (c) After ~~Within 10 days of~~ an applicant submits
120 ~~submitting~~ an application to the local government, the local
121 government must provide written notice to the applicant within 5
122 business days after receipt of the application advising ~~shall~~
123 ~~advise~~ the applicant what information, if any, is needed to deem
124 or determine that the application is properly completed in
125 compliance with the filing requirements published by the local
126 government. If the local government does not provide timely
127 written notice that the applicant has not submitted a the
128 properly completed application, the application is ~~shall be~~
129 automatically deemed or determined to be properly completed and
130 accepted.

131 (d)1. Within 10 business ~~45~~ days after providing written
132 notice to the applicant that the application is properly
133 completed or upon receipt of any information needed to deem the
134 application complete ~~receiving a completed application~~, a local
135 government must provide written notice to ~~notify~~ an applicant if
136 additional information is required for the local government to
137 determine the sufficiency of the application, and the notice
138 must ~~shall~~ specify the additional information that is required.
139 The applicant may ~~must~~ submit the additional information to the

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140 local government or request that the local government act
141 without the additional information. When reviewing an
142 application for a building permit, a local government may not
143 request additional information from the applicant more than two
144 times unless the applicant waives such limitation in writing.
145 The local government's second request for information must be
146 made within 10 business days after the local government receives
147 the additional information indicated in the first request. The
148 local government must determine the sufficiency of the
149 application within 10 business days after receiving the
150 additional information from a second request. If the local
151 government does not provide to the applicant timely written
152 notice that the applicant must submit additional information to
153 determine whether the application is sufficient, the application
154 is automatically deemed or determined to be sufficient.

155 2. Before a second request for additional information may
156 be made, the local government must offer the applicant an
157 opportunity to meet in person or virtually with the local
158 government to attempt to resolve outstanding issues.

159 3. If an applicant believes a request for additional
160 information is not authorized by ordinance, rule, statute, or
161 other legal authority, the local government, at the applicant's
162 written request, must process the application within 10 business
163 days after receipt of such request and approve the application,
164 approve the application with conditions, or deny the application

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165 and provide the applicant with sufficient reason for such
166 denial. While the applicant responds to the request for
167 additional information, the 120-day period described in this
168 subsection is tolled. Both parties may agree to a reasonable
169 request for an extension of time, particularly in the event of a
170 force majeure or other extraordinary circumstance. The local
171 government must approve, approve with conditions, or deny the
172 application within 120 days following receipt of a completed
173 application.

174 (e) A local government shall maintain on its website a
175 policy containing procedures and expectations for expedited
176 processing of those building permits and development orders
177 required by law to be expedited.

178 (b)1. When reviewing an application for a building permit,
179 a local government may not request additional information from
180 the applicant more than three times, unless the applicant waives
181 such limitation in writing.

182 2. If a local government requests additional information
183 from an applicant and the applicant submits the requested
184 additional information to the local government within 30 days
185 after receiving the request, the local government must, within
186 15 days after receiving such information:

187 a. Determine if the application is properly completed;

188 b. Approve the application;

189 c. Approve the application with conditions;

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- 190 ~~d. Deny the application; or~~
- 191 ~~e. Advise the applicant of information, if any, that is~~
192 ~~needed to deem the application properly completed or to~~
193 ~~determine the sufficiency of the application.~~
- 194 ~~3. If a local government makes a second request for~~
195 ~~additional information from the applicant and the applicant~~
196 ~~submits the requested additional information to the local~~
197 ~~government within 30 days after receiving the request, the local~~
198 ~~government must, within 10 days after receiving such~~
199 ~~information:~~
- 200 ~~a. Determine if the application is properly completed;~~
- 201 ~~b. Approve the application;~~
- 202 ~~c. Approve the application with conditions;~~
- 203 ~~d. Deny the application; or~~
- 204 ~~e. Advise the applicant of information, if any, that is~~
205 ~~needed to deem the application properly completed or to~~
206 ~~determine the sufficiency of the application.~~
- 207 ~~4. Before a third request for additional information may~~
208 ~~be made, the applicant must be offered an opportunity to meet~~
209 ~~with the local government to attempt to resolve outstanding~~
210 ~~issues. If a local government makes a third request for~~
211 ~~additional information from the applicant and the applicant~~
212 ~~submits the requested additional information to the local~~
213 ~~government within 30 days after receiving the request, the local~~
214 ~~government must, within 10 days after receiving such information~~

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215 ~~unless the applicant waived the local government's limitation in~~
216 ~~writing, determine that the application is complete and:~~

217 ~~a. Approve the application;~~

218 ~~b. Approve the application with conditions; or~~

219 ~~c. Deny the application.~~

220 ~~5. If the applicant believes the request for additional~~
221 ~~information is not authorized by ordinance, rule, statute, or~~
222 ~~other legal authority, the local government, at the applicant's~~
223 ~~request, must process the application and either approve the~~
224 ~~application, approve the application with conditions, or deny~~
225 ~~the application.~~

226 ~~(f)(e)~~ If a local government fails to meet a deadline
227 ~~under this subsection provided in paragraphs (a) and (b), it~~
228 ~~must reduce the building permit fee by 10 percent for each~~
229 ~~business day that it fails to meet the deadline, unless the~~
230 ~~parties agree in writing to a reasonable extension of time, the~~
231 ~~delay is caused by the applicant, or the delay is attributable~~
232 ~~to a force majeure or other extraordinary circumstance. Each 10-~~
233 ~~percent reduction shall be based on the original amount of the~~
234 ~~building permit fee, unless the parties agree to an extension of~~
235 ~~time.~~

236 ~~(2)(a)~~ The procedures set forth in subsection (1) apply to
237 the following building permit applications: accessory structure;
238 alarm permit; nonresidential buildings less than 25,000 square
239 feet; electric; irrigation permit; landscaping; mechanical;

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240 plumbing; residential units including a single-family
241 residential ~~other than a single family unit or a single-family~~
242 residential dwelling; multifamily residential not exceeding 50
243 units; roofing; signs; site-plan approvals and subdivision plats
244 not requiring public hearings or public notice; and lot grading
245 and site alteration associated with the permit application set
246 forth in this subsection. The procedures set forth in subsection
247 (1) do not apply to permits for any wireless communications
248 facilities ~~or when a law, agency rule, or local ordinance~~
249 ~~specify different timeframes for review of local building permit~~
250 ~~applications.~~

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

263 Section 4. Paragraph (a) of subsection (7) of section
264 553.80, Florida Statutes, is amended to read:

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265 553.80 Enforcement.—

266 (7)(a) The governing bodies of local governments may
267 provide a schedule of reasonable fees, as authorized by s.
268 125.56(2) or s. 166.222 and this section, for enforcing this
269 part. These fees, and any fines or investment earnings related
270 to the fees, may only ~~shall~~ be used ~~solely~~ for carrying out the
271 local government's responsibilities in enforcing the Florida
272 Building Code, including upgrading technology hardware and
273 software systems that are used in enforcement. When providing a
274 schedule of reasonable fees, the total estimated annual revenue
275 derived from fees, and the fines and investment earnings related
276 to the fees, may not exceed the total estimated annual costs of
277 allowable activities. Any unexpended balances must be carried
278 forward to future years for allowable activities or must be
279 refunded at the discretion of the local government. A local
280 government may not carry forward an amount exceeding the average
281 of its operating budget for enforcing the Florida Building Code
282 for the previous 4 fiscal years. For purposes of this
283 subsection, the term "operating budget" does not include reserve
284 amounts. Any amount exceeding this limit must be used as
285 authorized in subparagraph 2. However, a local government that
286 established, as of January 1, 2019, a Building Inspections Fund
287 Advisory Board consisting of five members from the construction
288 stakeholder community and carries an unexpended balance in
289 excess of the average of its operating budget for the previous 4

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290 fiscal years may continue to carry such excess funds forward
291 upon the recommendation of the advisory board. The basis for a
292 fee structure for allowable activities must relate to the level
293 of service provided by the local government and must include
294 consideration for refunding fees due to reduced services based
295 on services provided as prescribed by s. 553.791, but not
296 provided by the local government. Fees charged must be
297 consistently applied.

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

307 2. A local government must use any excess funds that it is
308 prohibited from carrying forward to rebate and reduce fees, or
309 to pay for the construction of a building or structure that
310 houses a local government's building code enforcement agency or
311 the training programs for building officials, inspectors, or
312 plans examiners associated with the enforcement of the Florida
313 Building Code. Excess funds used to construct such a building or
314 structure must be designated for such purpose by the local

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315 government and may not be carried forward for more than 4
316 consecutive years. An owner or builder who has a valid building
317 permit issued by a local government for a fee, or an association
318 of owners or builders located in the state that has members with
319 valid building permits issued by a local government for a fee,
320 may bring a civil action against the local government that
321 issued the permit for a fee to enforce this subparagraph.

322 3. The following activities may not be funded with fees
323 adopted for enforcing the Florida Building Code:

324 a. Planning and zoning or other general government
325 activities.

326 b. Inspections of public buildings for a reduced fee or no
327 fee.

328 c. Public information requests, community functions,
329 boards, and any program not directly related to enforcement of
330 the Florida Building Code.

331 d. Enforcement and implementation of any other local
332 ordinance, excluding validly adopted local amendments to the
333 Florida Building Code and excluding any local ordinance directly
334 related to enforcing the Florida Building Code as defined in
335 subparagraph 1.

336 4. A local government must use recognized management,
337 accounting, and oversight practices to ensure that fees, fines,
338 and investment earnings generated under this subsection are

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339 maintained and allocated or used solely for the purposes
340 described in subparagraph 1.

341 5. The local enforcement agency, independent district, or
342 special district may not require at any time, including at the
343 time of application for a permit, the payment of any additional
344 fees, charges, or expenses associated with:

345 a. Providing proof of licensure under chapter 489;

346 b. Recording or filing a license issued under this
347 chapter;

348 c. Providing, recording, or filing evidence of workers'
349 compensation insurance coverage as required by chapter 440; or

350 d. Charging surcharges or other similar fees not directly
351 related to enforcing the Florida Building Code.

352 Section 5. Section 440.103, Florida Statutes, is amended
353 to read:

354 440.103 Building permits; identification of minimum
355 premium policy.—Every employer shall, as a condition to applying
356 for and receiving a building permit, show proof and certify to
357 the permit issuer that it has secured compensation for its
358 employees under this chapter as provided in ss. 440.10 and
359 440.38. Such proof of compensation must be evidenced by a
360 certificate of coverage issued by the carrier, a valid exemption
361 certificate approved by the department, or a copy of the
362 employer's authority to self-insure and shall be presented,
363 electronically or physically, each time the employer applies for

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364 a building permit. As provided in s. 553.79(23) ~~s. 553.79(24)~~,
365 for the purpose of inspection and record retention, site plans
366 or building permits may be maintained at the worksite in the
367 original form or in the form of an electronic copy. These plans
368 and permits must be open to inspection by the building official
369 or a duly authorized representative, as required by the Florida
370 Building Code. As provided in s. 627.413(5), each certificate of
371 coverage must show, on its face, whether or not coverage is
372 secured under the minimum premium provisions of rules adopted by
373 rating organizations licensed pursuant to s. 627.221. The words
374 "minimum premium policy" or equivalent language shall be typed,
375 printed, stamped, or legibly handwritten.

376 Section 6. This act shall take effect January 1, 2025.

377 -----
378
379 **T I T L E A M E N D M E N T**

380 Remove everything before the enacting clause and insert:

381 An act relating to building regulations; amending s.

382 553.73, F.S.; requiring the Florida Building Commission to
383 modify Florida Building Code provisions concerning replacement
384 windows, doors, or garage doors in an existing building;
385 providing a definition for windborne debris region; amending s.
386 553.79, F.S.; removing provisions relating to acquiring building
387 permits for certain residential dwellings; amending s. 553.792,
388 F.S.; revising the timeframes for approving, approving with

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389 conditions, or denying certain building permits; requiring local
390 governments to follow the prescribed timeframes unless a local
391 ordinance is more stringent; requiring a local government to
392 provide written notice to an applicant under certain
393 circumstances; revising how many times a local government may
394 request additional information from an applicant; specifying
395 when a permit application is deemed complete and approved;
396 requiring the opportunity for an in-person or virtual meeting
397 before a second request for additional information may be made;
398 requiring a local government to process an application within a
399 specified timeframe without additional information upon written
400 request by the applicant; reducing permit fees by a certain
401 percentage if certain timeframes are not met; providing
402 exceptions; providing construction; conforming provisions to
403 changes made by the act; amending s. 553.80, F.S.; authorizing
404 local governments to use certain fees for certain technology
405 upgrades; amending s. 440.103, F.S.; conforming a cross-
406 reference; providing an effective date.