

1 A bill to be entitled
2 An act relating to building inspections; amending s.
3 125.56, F.S.; requiring that certain counties allow
4 requests for inspections to be submitted
5 electronically; providing acceptable methods of
6 electronic submission; amending s. 553.79, F.S.;
7 requiring that local enforcement agencies allow
8 requests for inspections to be submitted
9 electronically; providing acceptable methods of
10 electronic submission; authorizing enforcement
11 agencies to perform virtual inspections; providing an
12 exception; providing a definition; requiring a refund
13 of certain fees in certain circumstances; requiring
14 certain surcharges be recalculated under certain
15 conditions; amending ss. 440.103 and 553.80, F.S.;
16 conforming a cross-reference; providing an effective
17 date.

18
19 Be It Enacted by the Legislature of the State of Florida:

20
21 Section 1. Paragraph (f) is added to subsection (4) of
22 section 125.56, Florida Statutes, to read:

23 125.56 Enforcement and amendment of the Florida Building
24 Code and the Florida Fire Prevention Code; inspection fees;
25 inspectors; etc.—

26 (4)
 27 (f) A county that issues building permits must allow
 28 requests for inspections to be submitted electronically to the
 29 county building department. Acceptable methods of electronic
 30 submission include, but are not limited to, e-mail or fill-in
 31 form available on the website of the building department or
 32 through a third-party submission management software or
 33 application that can be downloaded on a mobile device. Requests
 34 for inspections may be submitted in person, in a nonelectronic
 35 format, at the discretion of the building official.

36 Section 2. Subsections (6) through (22) of section 553.79,
 37 Florida Statutes, are renumbered as subsections (8) through
 38 (24), respectively, subsection (2) of that section is amended,
 39 paragraph (d) is added to subsection (1) and subsections (6) and
 40 (7) are added to that section, to read:

41 553.79 Permits; applications; issuance; inspections.—

42 (1)
 43 (d) A local enforcement agency must allow requests for
 44 inspections to be submitted electronically to the local
 45 enforcement agency's appropriate building department. Acceptable
 46 methods of electronic submission include, but are not limited
 47 to, e-mail or fill-in form available on the website of the
 48 building department or through a third-party submission
 49 management software or application that can be downloaded on a
 50 mobile device. Requests for inspections may be submitted in

51 person in a nonelectronic format, at the discretion of the
52 building official.

53 (2) Except as provided in subsection (8) ~~subsection (6)~~,
54 an enforcing agency may not issue any permit for construction,
55 erection, alteration, modification, repair, or demolition of any
56 building or structure until the local building code
57 administrator or inspector has reviewed the plans and
58 specifications required by the Florida Building Code, or local
59 amendment thereto, for such proposal and found the plans to be
60 in compliance with the Florida Building Code. If the local
61 building code administrator or inspector finds that the plans
62 are not in compliance with the Florida Building Code, the local
63 building code administrator or inspector shall identify the
64 specific plan features that do not comply with the applicable
65 codes, identify the specific code chapters and sections upon
66 which the finding is based, and provide this information to the
67 local enforcing agency. The local enforcing agency shall provide
68 this information to the permit applicant. In addition, an
69 enforcing agency may not issue any permit for construction,
70 erection, alteration, modification, repair, or demolition of any
71 building until the appropriate firesafety inspector certified
72 pursuant to s. 633.216 has reviewed the plans and specifications
73 required by the Florida Building Code, or local amendment
74 thereto, for such proposal and found that the plans comply with
75 the Florida Fire Prevention Code and the Life Safety Code. Any

76 | building or structure which is not subject to a firesafety code
 77 | shall not be required to have its plans reviewed by the
 78 | firesafety inspector. Any building or structure that is exempt
 79 | from the local building permit process may not be required to
 80 | have its plans reviewed by the local building code
 81 | administrator. Industrial construction on sites where design,
 82 | construction, and firesafety are supervised by appropriate
 83 | design and inspection professionals and which contain adequate
 84 | in-house fire departments and rescue squads is exempt, subject
 85 | to local government option, from review of plans and
 86 | inspections, providing owners certify that applicable codes and
 87 | standards have been met and supply appropriate approved drawings
 88 | to local building and firesafety inspectors. The enforcing
 89 | agency shall issue a permit to construct, erect, alter, modify,
 90 | repair, or demolish any building or structure when the plans and
 91 | specifications for such proposal comply with the Florida
 92 | Building Code and the Florida Fire Prevention Code and the Life
 93 | Safety Code as determined by the local authority in accordance
 94 | with this chapter and chapter 633.

95 | (6) A state or local enforcement agency may perform
 96 | virtual inspections at the discretion of the enforcement agency.
 97 | However, a state or local enforcement agency may not perform
 98 | virtual inspections for structural inspections on a threshold
 99 | building. For purposes of this subsection, the term "virtual
 100 | inspection" means a form of visual inspection which uses visual

101 or electronic aids to allow a building code administrator or an
102 inspector, or team of inspectors, to perform an inspection
103 without having to be physically present at the job site during
104 the inspection.

105 (7) (a) A local enforcement agency must refund 10 percent
106 of the permit and inspection fees to a permit holder if:

107 1. The inspector or building code administrator determines
108 that the work, which requires the permit, fails an inspection.

109 2. The inspector or building code administrator fails to
110 provide, within 3 days after the inspection, the permit holder
111 or his or her agent with a reason, based on compliance with the
112 Florida Building Code, Florida Fire Prevention Code, or local
113 ordinance, for why the work failed the inspection.

114 (b) If any permit and inspection fees are refunded under
115 paragraph (a), the surcharges provided in s. 553.721 or s.
116 468.31 must be recalculated based on the amount of the permit
117 and inspection fees after the refund.

118 Section 3. Section 440.103, Florida Statutes, is amended
119 to read:

120 440.103 Building permits; identification of minimum
121 premium policy.—Every employer shall, as a condition to applying
122 for and receiving a building permit, show proof and certify to
123 the permit issuer that it has secured compensation for its
124 employees under this chapter as provided in ss. 440.10 and
125 440.38. Such proof of compensation must be evidenced by a

126 certificate of coverage issued by the carrier, a valid exemption
127 certificate approved by the department, or a copy of the
128 employer's authority to self-insure and shall be presented,
129 electronically or physically, each time the employer applies for
130 a building permit. As provided in s. 553.79(23) ~~s. 553.79(21)~~,
131 for the purpose of inspection and record retention, site plans
132 or building permits may be maintained at the worksite in the
133 original form or in the form of an electronic copy. These plans
134 and permits must be open to inspection by the building official
135 or a duly authorized representative, as required by the Florida
136 Building Code. As provided in s. 627.413(5), each certificate of
137 coverage must show, on its face, whether or not coverage is
138 secured under the minimum premium provisions of rules adopted by
139 rating organizations licensed pursuant to s. 627.221. The words
140 "minimum premium policy" or equivalent language shall be typed,
141 printed, stamped, or legibly handwritten.

142 Section 4. Subsection (1) of section 553.80, Florida
143 Statutes, is amended to read:

144 553.80 Enforcement.—

145 (1) Except as provided in paragraphs (a)-(g), each local
146 government and each legally constituted enforcement district
147 with statutory authority shall regulate building construction
148 and, where authorized in the state agency's enabling
149 legislation, each state agency shall enforce the Florida
150 Building Code required by this part on all public or private

151 buildings, structures, and facilities, unless such
152 responsibility has been delegated to another unit of government
153 under s. 553.79(11) ~~pursuant to s. 553.79(9)~~.

154 (a) Construction regulations relating to correctional
155 facilities under the jurisdiction of the Department of
156 Corrections and the Department of Juvenile Justice are to be
157 enforced exclusively by those departments.

158 (b) Construction regulations relating to elevator
159 equipment under the jurisdiction of the Bureau of Elevators of
160 the Department of Business and Professional Regulation shall be
161 enforced exclusively by that department.

162 (c) In addition to the requirements of s. 553.79 and this
163 section, facilities subject to the provisions of chapter 395 and
164 parts II and VIII of chapter 400 shall have facility plans
165 reviewed and construction surveyed by the state agency
166 authorized to do so under the requirements of chapter 395 and
167 parts II and VIII of chapter 400 and the certification
168 requirements of the Federal Government. Facilities subject to
169 the provisions of part IV of chapter 400 may have facility plans
170 reviewed and shall have construction surveyed by the state
171 agency authorized to do so under the requirements of part IV of
172 chapter 400 and the certification requirements of the Federal
173 Government.

174 (d) Building plans approved under s. 553.77(3) and state-
175 approved manufactured buildings, including buildings

176 manufactured and assembled offsite and not intended for
177 habitation, such as lawn storage buildings and storage sheds,
178 are exempt from local code enforcing agency plan reviews except
179 for provisions of the code relating to erection, assembly, or
180 construction at the site. Erection, assembly, and construction
181 at the site are subject to local permitting and inspections.
182 Lawn storage buildings and storage sheds bearing the insignia of
183 approval of the department are not subject to s. 553.842. Such
184 buildings that do not exceed 400 square feet may be delivered
185 and installed without need of a contractor's or specialty
186 license.

187 (e) Construction regulations governing public schools,
188 state universities, and Florida College System institutions
189 shall be enforced as provided in subsection (6).

190 (f) The Florida Building Code as it pertains to toll
191 collection facilities under the jurisdiction of the turnpike
192 enterprise of the Department of Transportation shall be enforced
193 exclusively by the turnpike enterprise.

194 (g) Construction regulations relating to secure mental
195 health treatment facilities under the jurisdiction of the
196 Department of Children and Families shall be enforced
197 exclusively by the department in conjunction with the Agency for
198 Health Care Administration's review authority under paragraph

199 (c).
200

201 The governing bodies of local governments may provide a schedule
202 of fees, as authorized by s. 125.56(2) or s. 166.222 and this
203 section, for the enforcement of the provisions of this part.
204 Such fees shall be used solely for carrying out the local
205 government's responsibilities in enforcing the Florida Building
206 Code. The authority of state enforcing agencies to set fees for
207 enforcement shall be derived from authority existing on July 1,
208 1998. However, nothing contained in this subsection shall
209 operate to limit such agencies from adjusting their fee schedule
210 in conformance with existing authority.

211 Section 5. This act shall take effect July 1, 2021.