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CS/CS/HB 667

2021 Legislature

1  
 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.—

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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 a nonelectronic format, at  
 35 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 a

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51 nonelectronic format, at the discretion of the building  
52 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

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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

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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 and

110 2. The inspector or building code administrator fails to  
 111 provide, within 5 business days after the inspection, the permit  
 112 holder or his or her agent with a reason, based on compliance  
 113 with the Florida Building Code, Florida Fire Prevention Code, or  
 114 local ordinance, for why the work failed the inspection.

115 (b) If any permit and inspection fees are refunded under  
 116 paragraph (a), the surcharges provided in s. 553.721 or s.  
 117 468.631 must be recalculated based on the amount of the permit  
 118 and inspection fees after the refund.

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

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

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126 440.38. Such proof of compensation must be evidenced by a  
 127 certificate of coverage issued by the carrier, a valid exemption  
 128 certificate approved by the department, or a copy of the  
 129 employer's authority to self-insure and shall be presented,  
 130 electronically or physically, each time the employer applies for  
 131 a building permit. As provided in s. 553.79(23) ~~s. 553.79(21)~~,  
 132 for the purpose of inspection and record retention, site plans  
 133 or building permits may be maintained at the worksite in the  
 134 original form or in the form of an electronic copy. These plans  
 135 and permits must be open to inspection by the building official  
 136 or a duly authorized representative, as required by the Florida  
 137 Building Code. As provided in s. 627.413(5), each certificate of  
 138 coverage must show, on its face, whether or not coverage is  
 139 secured under the minimum premium provisions of rules adopted by  
 140 rating organizations licensed pursuant to s. 627.221. The words  
 141 "minimum premium policy" or equivalent language shall be typed,  
 142 printed, stamped, or legibly handwritten.

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

145 553.80 Enforcement.—

146 (1) Except as provided in paragraphs (a)-(g), each local  
 147 government and each legally constituted enforcement district  
 148 with statutory authority shall regulate building construction  
 149 and, where authorized in the state agency's enabling  
 150 legislation, each state agency shall enforce the Florida

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151 Building Code required by this part on all public or private  
 152 buildings, structures, and facilities, unless such  
 153 responsibility has been delegated to another unit of government  
 154 under s. 553.79(11) ~~pursuant to s. 553.79(9)~~.

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

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

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

175 (d) Building plans approved under s. 553.77(3) and state-

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

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

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

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



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

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