

# FLORIDA HOUSE OF REPRESENTATIVES

## FINAL BILL ANALYSIS

*This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.*

**BILL #:** [CS/CS/HB 803](#)

**TITLE:** Building Permits and Inspections

**SPONSOR(S):** Trabulsy and Overdorf

**COMPANION BILL:** [CS/CS/SB 1234](#) (DiCeglie)

**LINKED BILLS:** None

**RELATED BILLS:** None

**FINAL HOUSE FLOOR ACTION:** 109 Y's

0 N's

**GOVERNOR'S ACTION:** Approved

### SUMMARY

#### Effect of the Bill:

Related to private providers, the bill revises provisions relating to the issuance of building permits, provides for reduced fees when a private provider is retained for commercial construction projects, and requires local governments to create a private provider registration system. The bill also limits local government regulation of glazing requirements on commercial buildings.

The bill requires the Building Commission to adopt a uniform commercial and residential permit application, requires the Department of Management Services to enter into state term contracts for building code inspection services, and allows certain out-of-state licensed building officials to work for one year after a declaration of a state of emergency in the state.

The bill provides that certain building permits expire 1 year after issuance or on the effective date of the next edition of the Florida Building Code, whichever is later, requires offsite-constructed residential dwellings to be treated the same as residential single-family dwellings, and allows owners of a single-family dwelling, or the owner's contractor, to request an exemption from building permit requirements under certain conditions for work under \$7,500 and for the installation of temporary residential hurricane and flood protection walls or barriers. The bill also prohibits homeowners' associations from requiring a building permit as a prerequisite of its review of the construction of a homeowners' improvements.

#### Fiscal or Economic Impact:

The bill may have an indeterminate negative impact on local governments and an indeterminate positive impact on the private sector.

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### ANALYSIS

#### **EFFECT OF THE BILL:**

The bill revises various provisions relating to the issuance of building permits and inspections and relating to building code inspection services provided by private providers. Specifically, the bill:

- Directs the Department of Management Services (DMS) to enter into state term contracts for building code inspection services. (Section [2](#))
- Allows certain out of state licensed building officials to work for one year after declaration of a state of emergency. (Section [3](#))
- Requires offsite-constructed residential dwellings, including manufactured homes or modular buildings, be treated the same as other residential single family detached dwelling construction. Local governments may not adopt or enforce any zoning, land use, or development regulation that treats an offside-constructed residential dwelling differently or more restrictively; however, local governments may adopt standards related to compatibility. The compatibility standards are limited to the following architectural features: roof pitch; square footage of livable space; type and quality of exterior finishing materials; foundation enclosure; existence and type of attached structures; building setbacks, lot dimensions, and the orientation of the home on the lot. (Section [6](#))

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- Revises the expiration date of [building permits](#) issued by counties and other local governments, providing for expiration one year after issuance or the effective date of the next edition of the [Florida Building Code](#), whichever is later, while still allowing local governments to extend the expiration of permits. (Sections [1](#) and [8](#))
- Provides that a local government shall grant an exemption from a building permit for:
  - Any work valued at less than \$7,500 done on a single-family home. However, local governments may require a permit for any electrical, plumbing, mechanical, gas, or structural work regardless of the value of such work.
    - Projects may not be divided for the purpose of evading permitting requirements.
    - Owners or contractors must submit a written request for exemption to the local enforcement agency that includes the contract or other documentation demonstrating the nature and value of the work to be performed.
    - Local governments are not liable for work done pursuant to this provision.
  - Temporary residential hurricane and flood protection walls that are:
    - Nonhabitable and not load bearing;
    - Installed for a residential property that is a single or two-family dwelling or townhouse;
    - Constructed to mitigate storm surge or floodwaters from entering a property;
    - Installed by a contractor properly licensed by the Construction Industry Licensing Board; and
    - Compliant with applicable local zoning, drainage, easement, and setback requirements.
    - Owners must submit a written request for exemption to the local enforcement agency with a copy of the contract or other documentation demonstrating the nature of the work to be performed.
  - Each lot or parcel upon which a retaining wall is installed on the property of a single-family or two-family residential dwelling or a townhouse. (Section [8](#))
- Prohibits [local enforcement agencies](#) from charging inspection fees based on the total cost of the project, instead providing that fees may not exceed the actual cost incurred by the agency to perform and approve the inspection required for a permit. (Section [8](#))

The bill makes the following changes related to alternative plans review and private providers:

- Provides that officials may only perform building inspections of construction that a [private provider](#) has deemed compliant when they have “knowledge” that the inspection forms submitted by the private provider were incomplete or incorrect. If they plan to perform a site visit, officials must provide written notice to the private provider of the specific forms that are incomplete or incorrect before performing the site visit.
- Amends the definitions of “deliver” and “delivery” to specifically include email or submission through an electronic fill-in form or through submission management software.
- Creates a definition for “registration” as the system used by officials to verify compliance with licensure and insurance requirements for private provider firms under Chapter 553, F.S.
- Removes the requirement that an owner or contractor have a written contract with a private provider and adds that agreements for private provider services are not required to be submitted as part of a permit application or to be issued a permit. Officials are prohibited from requesting a written agreement or consent form as a condition for issuing a permit.
- Requires [permit fees](#) charged by local jurisdictions to reflect the actual cost incurred when an owner retains a private provider for building inspection services.
- Prohibits officials from charging punitive, administrative, or additional fees, including fees for building inspections or site review, when an owner uses a private provider.
- Specifies that permit fees for commercial construction projects must be reduced by at least 25 percent when a private provider is used for plans review or building inspection services and by at least 50 percent when a private provider is used for all plans review and building inspection services.

- Limits the information that a local government can request from a private provider to that which it collects at registration, other than explicit written notice from the owner or owner's contractor that a private provider has been contracted.
- Prohibits local governments from altering the model form adopted by the [Florida Building Commission](#) (Commission) and removes the requirement that the form include "qualification statements or resumes" of private providers.
- Allows a property owner to choose to use a private provider at any time. The bill removes the requirement that a private provider may only be used after construction has commenced if the local building official is unable to provide inspection services in a timely manner or the inspection is related to a single-trade inspect for a single-family or two-family dwelling and removes the time limit by which the owner or owner's contractor must provide notice.
- Allows the review by a local building official of plans, construction drawings, or any other related documents that have been determined by a private provider to be compliant with the applicable codes only to the extent necessary to determine compliance with local ordinances, floodplain management regulations, site review requirements, and any other administrative or life-safety review unrelated to building code compliance. The local building official may review other forms and documents only for completeness and must notify an applicant of any incomplete forms or documents not later than 10 days after receipt of a permit application with the private provider affidavit; or 5 business days if the permit application is for a single-trade plan review for a single-family or two-family dwelling. If the notice is not provided within the applicable timeframe, the permit is deemed approved. The bill changes "plan deficiencies" to only apply to incomplete forms or documents.
- Removes the requirement that private providers performing required inspections give notice to the local building official.
- Provides that a local building official is not required for the regulatory administration or supervision of inspection services performed by a private provider. Private providers are responsible for verification of licensure and insurance requirements for the firm's authorized representative.
- Requires private providers to record inspections and certificates of compliance on a form provided by the Commission within a certain time period and specifies that local building officials may not fail inspections as long as they are transmitted within four days, even if they are not posted at the job site
- Changes the standard of review under which a local building official may deny a permit or a request for a certificate of occupancy or completion. Under current law, building officials review documents for compliance to the applicable codes, but the bill limits review to whether or not documents are complete.
- Requires local governments establish a system of registration for private providers and prohibits local governments from charging administrative fees for registration or updating registration.
- Prohibits a local government from prohibiting or limiting the use of virtual inspections by private providers.
- Requires local governments to give private providers notice of audits at least five business days before an audit. (Section [9](#))

The bill provides a shorter timeframe for a local government to approve, approve with conditions, or deny a building permit application for an applicant using a local government reviewer for building permits for an existing single-family residential dwelling if the value of the work is less than \$15,000 for structural, accessory structure, alarm, electrical, irrigation, landscaping, mechanical, plumbing, or roofing. The bill requires such permit applications to be approved within 5 business days after the application is deemed complete and sufficient. (Section [10](#))

The bill requires the Commission to develop a residential and commercial uniform building permit application that must be used by local governments. (Section [7](#))

The bill limits local government regulation of glazing requirements on commercial buildings. (Section [8](#))

The bill clarifies that building permits may not be denied for the placement of manufactured housing on a recreational vehicle lot. (Section [5](#))

The bill prohibits homeowners' associations from requiring a building permit as a prerequisite of its review of the construction of structures or improvements. (Section [11](#))

This bill was approved by the Governor on May 6, 2026, ch. 2026-63, L.O.F., and will become effective on July 1, 2026. (Section [12](#))

## **FISCAL OR ECONOMIC IMPACT:**

### **LOCAL GOVERNMENT:**

The bill may have an indeterminate negative fiscal impact on local governments due to exemptions from building permit requirements, decreased building permit application fees, and the requirement to create a registration of private providers. The bill may, however, provide for more efficiencies for local governments.

### **PRIVATE SECTOR:**

The bill will have an indeterminate positive fiscal impact on homeowners and contractors due to exemptions from building permit requirements and decreased building permit application fees.

## **RELEVANT INFORMATION**

### **SUBJECT OVERVIEW:**

#### **Florida Building Code**

In 1974, Florida adopted legislation requiring all local governments to adopt and enforce a minimum building code that would ensure that Florida's minimum standards were met. Local governments could choose from four separate model codes. The state's role was limited to adopting all or relevant parts of new editions of the four model codes. Local governments could amend and enforce their local codes, as they desired.<sup>1</sup>

In 1992, Hurricane Andrew demonstrated that Florida's system of local codes did not work. Hurricane Andrew easily destroyed those structures that were allegedly built according to the strongest code. The Governor eventually appointed a study commission to review the system of local codes and make recommendations for modernizing the system. The 1998 Legislature adopted the study's commission recommendations for a single state building code and enhanced the oversight role of the state over local code enforcement. The 2000 Legislature authorized implementation of the [Florida Building Code](#) (Building Code), and that first edition replaced all local codes on March 1, 2002.<sup>2</sup> The current edition of the Building Code is the eighth edition, which is referred to as the 2023 Building Code.<sup>3</sup>

Chapter 553, part IV, F.S., is known as the "Florida Building Codes Act" (Act). The purpose and intent of the Act is to provide a mechanism for the uniform adoption, updating, interpretation, and enforcement of a single, unified state building code. The Building Code must be applied, administered, and enforced uniformly and consistently from jurisdiction to jurisdiction.<sup>4</sup>

The [Florida Building Commission](#) (Commission) was created to implement the Building Code. The Commission, which is housed within the Department of Business and Professional Regulation (DBPR), is a 19-member technical body made up of design professionals, contractors, and government experts in various disciplines covered by the

<sup>1</sup> Florida Department of Community Affairs, *The Florida Building Commission Report to the 2006 Legislature*, p. 4, [http://www.floridabuilding.org/fbc/publications/2006\\_Legislature\\_Rpt\\_rev2.pdf](http://www.floridabuilding.org/fbc/publications/2006_Legislature_Rpt_rev2.pdf) (last visited Jan. 15, 2026).

<sup>2</sup> *Id.*

<sup>3</sup> Florida Building Commission Homepage, <https://floridabuilding.org/c/default.aspx> (last visited Jan. 15, 2026).

<sup>4</sup> See [s. 553.72\(1\), F.S.](#)

Building Code.<sup>5</sup> The Commission reviews several International Codes published by the International Code Council,<sup>6</sup> the National Electric Code, and other nationally adopted model codes to determine if the Building Code needs to be updated and adopts an updated Building Code every three years.<sup>7</sup>

### **Building Permits**

It is the intent of the Legislature that local governments have the power to inspect all buildings, structures, and facilities within their jurisdiction in protection of the public's health, safety, and welfare.<sup>8</sup> Every local government must enforce the Florida Building Code and issue building permits.<sup>9</sup>

A building permit is an official document or certificate issued by the local building official that authorizes performance of a specific activity.<sup>10</sup> It is unlawful for a person, firm, or corporation to construct, erect, alter, repair, secure, or demolish any building without first obtaining a building permit from the [local enforcement agency](#) or from such persons as may, by resolution or regulation, be directed to issue such permit.<sup>11</sup>

Each local government must post its building permit applications, including a list of all required attachments, drawings, and documents for each application, on its website.<sup>12</sup> However, other than fire alarm building permit applications, local governments are not required to have uniform building permit applications, and they are free to create their own applications with their own requirements.<sup>13</sup>

Any construction work that requires a building permit also requires plans and inspections to ensure the work complies with the Building Code. The Building Code requires certain building, electrical, plumbing, mechanical, and gas inspections. Construction work may not be done beyond a certain point until it passes an inspection. Generally speaking, a permit for construction work that passes the required inspections are considered completed or closed.<sup>14</sup>

### **Building Permit Fees**

A local government may charge reasonable fees as set forth in a schedule of fees adopted by the enforcing agency for the issuance of a building permit.<sup>15</sup> Such fees shall be used solely for carrying out the local government's responsibilities in enforcing the Building Code.<sup>16</sup> Enforcing the Building Code includes the direct costs and reasonable indirect costs associated with training, review of building plans, building inspections, re-inspections, building permit processing, and fire inspections.<sup>17</sup> Local governments must post all building permit and inspection fee schedules on their website.<sup>18</sup>

Local governments are only allowed to collect building permit fees that are sufficient to cover their costs in enforcing the Building Code.<sup>19</sup> When providing a schedule of reasonable fees, the total estimated annual revenue derived from fees, and the fines and investment earnings related to the fees, may not exceed the total estimated

<sup>5</sup> [S. 553.74, F.S.](#)

<sup>6</sup> The International Code Council (ICC) is an association that develops model codes and standards used in the design, building, and compliance process to "construct safe, sustainable, affordable and resilient structures." International Code Council, *About the ICC*, <https://www.iccsafe.org/about/who-we-are/> (last visited Jan. 15, 2026).

<sup>7</sup> [S. 553.73\(7\)\(a\), F.S.](#)

<sup>8</sup> [S. 553.72, F.S.](#)

<sup>9</sup> [Ss. 125.01\(1\)\(bb\), 125.56\(1\), and 553.80\(1\), F.S.](#)

<sup>10</sup> [S. 468.603, F.S.](#); [S. 202 of the Eighth edition of the Florida Building Code \(Building\)](#).

<sup>11</sup> [Ss. 125.56\(4\)\(a\) and 553.79\(1\), F.S.](#)

<sup>12</sup> [S. 553.79\(1\)\(b\), F.S.](#)

<sup>13</sup> [Ss. 553.79\(1\) and 553.7921, F.S.](#)

<sup>14</sup> [S. 110 of the Eighth Edition of the Florida Building Code \(Building\)](#).

<sup>15</sup> [S. 553.80 F.S.](#)

<sup>16</sup> *Id.*

<sup>17</sup> [S. 553.80\(7\)\(a\)1, F.S.](#)

<sup>18</sup> [Ss. 125.56\(4\)\(c\) and 166.222\(2\), F.S.](#)

<sup>19</sup> [S. 553.80\(7\)\(a\), F.S.](#)



annual costs of allowable activities. Any unexpended balances must be carried forward to future years for allowable activities or must be refunded at the discretion of the local government. A local government may not carry forward an amount exceeding the average of its operating budget, not including reserve amounts, for enforcing the Building Code for the previous four fiscal years.

### **DBPR Surcharges**

Local governments must assess and collect two surcharges on any building permit issued by their enforcement agency for the purpose of enforcing the Building Code:

- A 1 percent surcharge to fund the activities of the Commission, DBPR's Building Code Compliance and Mitigation Program, and the Florida Fire Prevention Code informal interpretations.<sup>20</sup>
- A 1.5 percent surcharge that it is divided equally to fund the activities of the Building Code Administrators and Inspectors Board and the Florida Homeowners' Construction Recovery Fund.<sup>21</sup>

Local government building departments may retain 10 percent of the amount of the surcharges they collect to fund participation by their agencies in the national and state building code adoption processes and to provide education related to enforcement of the Building Code.<sup>22</sup>

### **Private Providers**

Private providers and their duly authorized representatives are able to approve building plans and perform building code inspections as long as the plans approval and building inspections are within the scope of the provider's or representative's license.

A "private provider" is defined as a person licensed as a building official, engineer, or architect. Additionally, the term includes licensed building inspectors and plans examiners who perform inspections for additions and alterations that are limited to 1,000 square feet or less in residential buildings.<sup>23</sup>

An owner or contractor must notify a local government that the owner or contract hired a private provider to perform building code inspection services, including single-trade inspections.<sup>24</sup> If an owner or contractor retains a private provider for purposes of plans review or building inspection services, the local jurisdiction must reduce the permit fee by the amount of cost savings realized by the local enforcement agency for not having to perform such services. Such reduction may be calculated on a flat fee or percentage basis, or any other reasonable means by which a local enforcement agency assesses the cost for its plans review or inspection services. The local jurisdiction may not charge fees for building inspections if the fee owner or contractor hires a private provider to perform such services; however, the local jurisdiction may charge a reasonable administrative fee, which shall be based on the cost that is actually incurred, including the labor cost of the personnel providing the service, by the local jurisdiction or attributable to the local jurisdiction for the clerical and supervisory assistance required, or both.<sup>25</sup>

Upon receipt of a building permit application and the required affidavit from the private provider, a building official has 20 business days to issue the permit or provide written notice of the plan deficiencies.<sup>26</sup> If the local building official does not provide written notice of plan deficiencies within the prescribed 20-day period, the permit application shall be deemed approved and must be issued on the next business day.<sup>27</sup>

<sup>20</sup> [S. 553.721, F.S.](#)

<sup>21</sup> [S. 468.631, F.S.](#); The Florida Homeowners' Construction Recovery Fund is used to compensate homeowners who have suffered a covered financial loss at the hands of state-licensed general, building and residential contractors. Claims are filed with DBPR, who reviews for completeness and statutory eligibility. DBPR then presents the claim to the Construction Industry Licensing Board for review. [S. 489.1401\(2\), F.S.](#)

<sup>22</sup> [Ss. 468.631](#) and [553.721, F.S.](#)

<sup>23</sup> [S. 553.791\(1\)\(n\), F.S.](#)

<sup>24</sup> [S. 553.791\(2\), F.S.](#)

<sup>25</sup> [S. 553.791\(2\)\(b\), F.S.](#)

<sup>26</sup> [S. 553.791\(7\)\(a\), F.S.](#)

<sup>27</sup> *Id.*

