

CHAPTER 2023-229

Committee Substitute for Committee Substitute for House Bill No. 89

An act relating to building construction; amending s. 553.79, F.S.; requiring local building code administrators, plans examiners, or inspectors to provide certain information to the local enforcing agency under certain circumstances; prohibiting local enforcing agencies from making or requiring substantive changes to plans or specifications after a permit has been issued; providing exceptions; requiring local enforcing agencies that require substantive changes to plans or specifications after a permit has been issued to provide certain information to the permitholder in writing; providing that a plans examiner, inspector, or building code administrator is subject to disciplinary action under certain circumstances; amending s. 633.208, F.S.; requiring local fire officials to provide certain information to a permit applicant if building plans do not comply with the Florida Fire Prevention Code or the Life Safety Code; prohibiting a municipality, county, or special district from making or requiring substantive changes to building plans after a permit has been issued; providing exceptions; requiring a local fire official to provide certain information to the permitholder if a municipality, county, or special district requires substantive changes to building plans after a permit is issued; providing that a local fire official who is a certified firesafety inspector is subject to disciplinary action under certain circumstances; providing an effective date.

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

Section 1. Subsection (2) of section 553.79, Florida Statutes, is amended to read:

553.79 Permits; applications; issuance; inspections.—

(2)(a)1. Except as provided in subsection (8), an enforcing agency may not issue any permit for construction, erection, alteration, modification, repair, or demolition of any building or structure until the local building code administrator or inspector has reviewed the plans and specifications required by the Florida Building Code, or local amendment thereto, for such proposal and found the plans to be in compliance with the Florida Building Code. If the local building code administrator or inspector finds that the plans are not in compliance with the Florida Building Code, the local building code administrator or inspector shall identify the specific plan features that do not comply with the applicable codes, identify the specific code chapters and sections upon which the finding is based, and provide this information to the local enforcing agency. If the building code administrator, plans examiner, or inspector requests another local enforcing agency employee or a person contracted by the local enforcing agency to review the plans and that employee or person identifies specific plan features that

do not comply with the applicable codes, the building code administrator, plans examiner, or inspector must provide this information to the local enforcing agency. The local enforcing agency shall provide this information to the permit applicant.

~~2. In addition,~~ An enforcing agency may not issue any permit for construction, erection, alteration, modification, repair, or demolition of any building until the appropriate firesafety inspector certified pursuant to s. 633.216 has reviewed the plans and specifications required by the Florida Building Code, or local amendment thereto, for such proposal and found that the plans comply with the Florida Fire Prevention Code and the Life Safety Code. Any building or structure which is not subject to a firesafety code shall not be required to have its plans reviewed by the firesafety inspector.

~~3.~~ Any building or structure that is exempt from the local building permit process may not be required to have its plans reviewed by the local building code administrator. Industrial construction on sites where design, construction, and firesafety are supervised by appropriate design and inspection professionals and which contain adequate in-house fire departments and rescue squads is exempt, subject to local government option, from review of plans and inspections, providing owners certify that applicable codes and standards have been met and supply appropriate approved drawings to local building and firesafety inspectors.

~~4.~~ The enforcing agency shall issue a permit to construct, erect, alter, modify, repair, or demolish any building or structure when the plans and specifications for such proposal comply with the Florida Building Code and the Florida Fire Prevention Code and the Life Safety Code as determined by the local authority in accordance with this chapter and chapter 633.

(b) After the local enforcing agency issues a permit, the local enforcing agency may not make or require any substantive changes to the plans or specifications except changes required for compliance with the Florida Building Code, the Florida Fire Prevention Code, or the Life Safety Code, or local amendments thereto. If a local enforcing agency makes or requires substantive changes to the plans or specifications after a permit is issued, the local enforcing agency must identify the specific plan features that do not comply with the applicable codes, identify the specific code chapters and sections upon which the finding is based, and provide the information to the permitholder in writing.

(c)1. A plans examiner or inspector who fails to provide the building code administrator with the reasons for making or requiring substantive changes to the plans or specifications is subject to disciplinary action against his or her certificate under s. 468.621(1)(i).

2. A building code administrator who fails to provide a permit applicant or permitholder with the reasons for making or requiring substantive changes to the plans or specifications is subject to disciplinary action against his or her certificate under s. 468.621(1)(i).

Section 2. Subsection (2) of section 633.208, Florida Statutes, is amended to read:

633.208 Minimum firesafety standards.—

(2)(a) Pursuant to subsection (1), each municipality, county, and special district with firesafety responsibilities shall enforce the Florida Fire Prevention Code as the minimum firesafety code required by this section.

(b) If a municipality, county, or special district determines that the building plans for a building permit application do not comply with the Florida Fire Prevention Code or the Life Safety Code, or local amendments thereto, the local fire official must identify the specific plan features that do not comply with the applicable codes, identify the specific code chapters and sections upon which the determination is based, and provide this information to the permit applicant.

(c) After a municipality, county, or special district issues a building permit, it may not make or require any substantive changes to the building plans except those required for compliance with the Florida Fire Prevention Code or the Life Safety Code, or local amendments thereto. If a municipality, county, or special district makes or requires substantive changes to building plans after a permit is issued, the local fire official must identify the specific plan features that do not comply with the Florida Fire Prevention Code or the Life Safety Code, or local amendments thereto, identify the specific code chapters and sections upon which the finding is based, and provide this information to the permitholder.

(d) A local fire official who is also a certified firesafety inspector and who fails to comply with paragraph (b) or paragraph (c) is subject to disciplinary action against his or her certificate under s. 633.216(5)(f).

Section 3. This act shall take effect July 1, 2023.

Approved by the Governor June 13, 2023.

Filed in Office Secretary of State June 13, 2023.