



| DEVELOPMENT SERVICES DEPARTMENT
OVERVIEW OF HOUSE BILL 803
REGULAR MEETING - JUNE 3, 2026

History of Statutory Permitting Preemptions

Year & Legislation	Scope of Authority Affected	Mandated Service Level Minimums & Exact Deadlines	Core Operational & Fiscal Impact
2009 (F.S. 553 Foundations)	Application Standardization & Local Variance	Establishes uniform statewide baseline using the Florida Building Code (FBC).	Restricts local jurisdictions from creating arbitrary municipal application forms or uncodified construction standards.
2019 (HB 447)	Third-Party Private Providers (F.S. 553.791) & Review Backlogs	<ul style="list-style-type: none"> • 120 Days: Overarching maximum cap to issue a final approval or denial on a completed building permit application (F.S. 553.792). • 30 Days: Mandated advance written notice required prior to a permit's expiration. • 6 Years: Absolute timeframe allowing the City to administratively close stagnant, open permits without a final inspection if no safety hazard exists. 	Bypasses municipal inspectors for commercial/residential development. Eliminates open permit backlogs; legally prohibits penalizing an arms-length property purchaser for a previous owner's unclosed permit.
2021 (HB 1059 / HB 667)	Technology Standards & Delayed Review Penalties	<ul style="list-style-type: none"> • 30-Day Base Review Cap: Standard review baseline. • 15 Business Days: Limit for verifying initial application completeness. • 10 Business Days: Window for the city to review subsequent applicant revisions. 	Forces absolute transition to 100% digital online permitting portals. Introduces mandatory sliding-scale fee refunds (10% to 50% cuts) for municipal review delays.
2023 (HB 1383 / SB 154)	Trade Licensing Preemption & Structural Integrity	Preempts independent municipal authority to regulate or license specific specialty trades.	Eliminates localized contractor licensing variances. Concurrently mandates structural milestone inspections for aging multi-family projects post-Surfside.
2024 (HB 267)	Compressed Turnarounds & Automatic Approvals	<ul style="list-style-type: none"> • 12 Business Days: Maximum cap for site-specific Master Building Permit reviews. • 3 Limitations: Caps the number of times a municipality can request additional information from an applicant to three times total. 	Institutes the high-risk "deemed approved" mechanism. If a building division remains silent past the statutory window, the permit automatically approves by default of law.
2026 (HB 803)	Low-Value Projects, Expedited Tiers, & Fee Structure	<ul style="list-style-type: none"> • 5 Business Days: Existing single-family residential projects under \$15,000. • 10 Business Days: CDBG-DR single-family permits. • 30 Business Days: Residential structures under 7,500 sq ft. • 60 Business Days: Larger residential structures / multi-family (≤ 50 units) / small commercial structures. 	<ul style="list-style-type: none"> • \$7,500 Minor Exemption: Allows simple residential work outside flood hazard areas to bypass traditional permits via a formal written request. • Waiver Ban: Explicitly prohibits cities from asking applicants to waive review timelines. • Fee Forfeiture: Imposes a 100% fee forfeiture penalty if a city miscalculates private provider fee discounts.

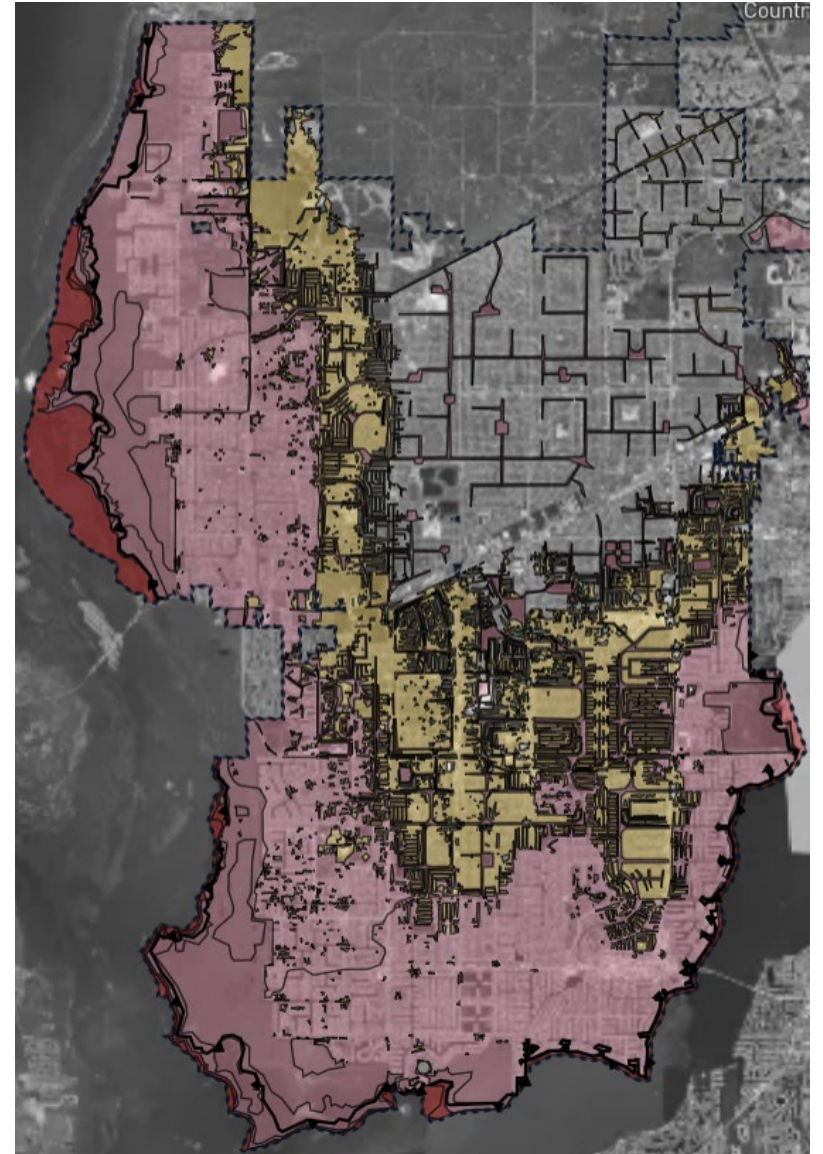
House Bill 803: The \$7,500 Permitting Exemption

- 1. Statutory Dollar Threshold:** Establishes that certain simple, low-risk residential work with a total contract value under \$7,500 may bypass traditional building permit processes.
- 2. Mandatory Written Exemption Pathway:** Eligibility is not automatic or self-certified. To legally qualify, the property owner or licensed contractor must actively submit a formal written request to the City enforcement agency.
- 3. Contract Verification:** The written request must be accompanied by a signed contract or formal documentation detailing the precise scope and total financial valuation of the work.
- 4. Anti-Fraud/Project Splitting Clauses:** The law explicitly prohibits dividing a single project artificially into multiple separate contracts, invoices, phases, or distinct scopes of work to evade the statutory threshold.



House Bill 803: Projects Ineligible for \$7,500 Exemption

1. *Work on a property that is partially or entirely located in a flood hazard area as defined by the Florida Building Code (the Special Flood Hazard Area)*
 - A. Critical Floodplain Caveat:** The text of HB 803 explicitly mandates that no permit exemption shall apply to any development located within a designated flood hazard area where a permit is required by the FBC, local floodplain management regulations, or the National Flood Insurance Program (NFIP).
 - B. Geographic Realities:** As the vast majority of the City of Cape Coral's platted land sits within a strictly regulated Special Flood Hazard Area (SFHA), most local residential properties are legally disqualified from utilizing the \$7,500 permit exemption.
2. *Any **electrical, plumbing, structural, mechanical, or gas work** performed on property containing a single-family dwelling*



Potentially Exempt Residential Work (Under \$7,500 & OUTSIDE Flood Zones)

Work Strictly Subject to Permitting & Inspection (Regardless of Cost)

Interior and exterior cosmetic painting

Core Utility Systems: All Electrical, Plumbing, Mechanical, & Gas Work

Baseboards, crown molding, and internal trim work

Structural Work, foundation modifications, and structural load paths

Replacement of flooring/tile (EXCLUDING wet-area waterproofing/shower pans)

Complete Roofing replacements and structural roofing re-covers

Additional blown-in insulation within existing attic spaces

Window and door replacements requiring structural product anchoring

Minor stucco or plaster repairs on existing masonry walls

Any level of alteration (Level 1, 2, or 3) per the FBC Existing Building

Shed structures under 6'x6'x6' without utility connections

Swimming pool construction, safety barriers, and bonding/grounding

Minor driveway/walkway flatwork (no drainage or grading impacts)

ANY WORK LOCATED WITHIN A REGULATED FLOOD HAZARD AREA

House Bill 803: Temporary Hurricane Protection Barriers

- 1. Limited Statutory Exemption:** *Temporary flood protection barriers and storm surge walls are exempt from permitting only if they satisfy all statutory criteria: they must be completely nonhabitable, **non-load-bearing**, installed on a 1-to-2 family or townhouse property, built exclusively for storm mitigation, and installed by a licensed Chapter 489 contractor.*
- 2. The Special Flood Hazard Area (SFHA) Conflict:** The state legislation explicitly states that this exemption does **not** apply to properties physically located within a Special Flood Hazard Area (SFHA).
- 3. The Non-Load-Bearing Test:** Per accepted engineering principles and local Building Division review, temporary systems that physically anchor into, attach to, or transfer dynamic hydrostatic, hydrodynamic, or wind forces into a building's foundation, structural walls, or opening frames fail the statutory definition of "non-load-bearing."



Mandated Review Timelines for Common Residential Permits (Under \$15,000)

- 1. The 5-Business-Day Mandate:** Dictates a maximum of 5 business days for local enforcement agencies to fully complete plans reviews and issue permits or code-specific deficiency notices for existing single-family residential projects valued under \$15,000.
- 2. Statutory Waiver Ban:** Local governments, building officials, and intake staff are strictly prohibited from asking, suggesting, or forcing an applicant to waive these compressed timelines for administrative convenience.
- 3. The Default Approval Trigger:** If the Development Services Department fails to issue a written notice of specific code deficiencies (citing exact FBC chapters and sections) or issue the permit within the 5-day window, the application is “legally approved by law.”
- 4. The Next-Day Mandate:** Permits approved by default must be physically issued to the contractor on the very next business day following the deadline breach.



New Maximum Review Times

Project Category / Type	Statutory Review Window	Scope Details / Exceptions
Low-Value Residential	5 Business Days	Existing single-family residential structures; projects under \$15,000
Master Building Permits	12 Business Days	Site-specific review utilizing pre-approved master plans (F.S. 553.794)
Small Residential Structures	30 Business Days	New single-family or residential dwellings under 7,500 square feet
Large Residential / Commercial	60 Business Days	Residential >7,500 sq ft, multi-family (≤50 units), small commercial, lot grading
CDBG-Disaster Recovery	10 Business Days	Single-family dwelling applications via CDBG-DR programs

House Bill 803: Private Provider Changes

1. Private Provider Discount Changes

- A. Minimum Discount of 25% (only inspections) or 50% (plan review and inspections).
- B. Discount amount only applicable to building inspections and plan review (not processing and administration)
- C. If a local government fails to apply the discount, it forfeits the ability to collect any fees on the project.

2. Local Government Private Provider Audit Restrictions

- A. Local governments must provide a 5-day advanced notice prior to auditing the work of a private provider.
- B. Local governments may not delay construction due to a private provider audit.

3. Illegal Private Provider Prohibition or Discouragement



New Restrictions to Local Government Permit Expirations

1. Local governments may only expire single-family dwelling building permits:
 - A. 1 year after the issuance of the permit, or
 - B. The next edition of the Florida Building Code **(whichever is later)**
2. Prior to HB 803, permits automatically expired after 180 days of inactivity
3. Under HB 803, a single-family residential permit issued on January 1, 2027 would not expire until December 31, 2029.



Standardized Applications and Restrictions to Local Government Permit Fee Schedules

1. HB 803 requires the Florida Building Commission to developed state-wide, standard permit applications for both commercial and residential permit types by July 1, 2027.
2. HB 803 restricts utilizing project valuation to calculate permit fees.

Cape Coral, Florida									
Growth Management Department—Community Development									
Schedule of New Construction Fees (Plan Check & Inspection Combined)									
(All Construction Types)									
February 8, 2008									
IBC Class	IBC Occupancy Type	Project Size Threshold	Construction Types: I FR, II FR		Construction Types: II, III, V—1 HR		Construction Types: II, III, IV, V—N		
			Base Cost @ Threshold Size	Cost for Each Additional 100 sf *	Base Cost @ Threshold Size	Cost for Each Additional 100 sf *	Base Cost @ Threshold Size	Cost for Each Additional 100 sf *	
A-1	Theater	1,000	\$4,736	\$39.42	\$3,946	\$32.85	\$3,157	\$26.28	
-	-	5,000	\$6,313	\$12.01	\$5,261	\$10.01	\$4,208	\$8.01	
-	-	10,000	\$6,913	\$14.72	\$5,761	\$12.27	\$4,609	\$9.82	
-	-	20,000	\$8,386	\$9.97	\$6,988	\$8.31	\$5,590	\$6.65	
-	-	50,000	\$11,376	\$13.39	\$9,480	\$11.16	\$7,584	\$8.93	
-	-	100,000	\$18,072	\$18.07	\$15,060	\$15.06	\$12,048	\$12.05	
A-2	Church	1,000	\$5,040	\$42.68	\$4,200	\$35.57	\$3,360	\$28.45	
-	-	5,000	\$6,748	\$12.70	\$5,623	\$10.58	\$4,498	\$8.46	
-	-	10,000	\$7,382	\$15.91	\$6,152	\$13.26	\$4,922	\$10.61	
-	-	20,000	\$8,974	\$10.71	\$7,478	\$8.92	\$5,982	\$7.14	
-	-	50,000	\$12,186	\$14.60	\$10,155	\$12.17	\$8,124	\$9.74	
-	-	100,000	\$19,488	\$19.49	\$16,240	\$16.24	\$12,992	\$12.99	
A-2.1	Auditorium	350	\$4,055	\$97.40	\$3,379	\$81.17	\$2,703	\$64.93	
-	-	1,750	\$5,419	\$29.27	\$4,516	\$24.39	\$3,612	\$19.51	
-	-	3,500	\$5,931	\$36.32	\$4,942	\$30.27	\$3,954	\$24.22	
-	-	7,000	\$7,202	\$24.53	\$6,002	\$20.44	\$4,801	\$16.35	
-	-	17,500	\$9,778	\$33.22	\$8,148	\$27.68	\$6,518	\$22.14	
-	-	35,000	\$15,590	\$44.54	\$12,992	\$37.12	\$10,394	\$29.70	
A-2.1	Restaurant	500	\$6,052	\$96.94	\$5,044	\$80.79	\$4,035	\$64.63	
-	-	2,500	\$7,991	\$31.17	\$6,659	\$25.98	\$5,328	\$20.78	
-	-	5,000	\$8,771	\$36.24	\$7,309	\$30.20	\$5,847	\$24.16	
-	-	10,000	\$10,583	\$24.93	\$8,819	\$20.77	\$7,055	\$16.62	
-	-	25,000	\$14,321	\$32.48	\$11,934	\$27.06	\$9,548	\$21.65	
-	-	50,000	\$22,440	\$44.88	\$18,700	\$37.40	\$14,960	\$29.92	
A-3	Small Assembly Buildings	100	\$3,758	\$295.36	\$3,132	\$246.13	\$2,505	\$196.91	
-	-	500	\$4,940	\$97.41	\$4,116	\$81.18	\$3,293	\$64.94	
-	-	1,000	\$5,427	\$110.52	\$4,522	\$92.10	\$3,618	\$73.68	
-	-	2,000	\$6,532	\$76.62	\$5,443	\$63.85	\$4,355	\$51.08	
-	-	5,000	\$8,831	\$98.28	\$7,359	\$81.90	\$5,887	\$65.52	

Discussion / Direction

