

2026 Legislation Imposes New Requirements on Building Permit Fees and Development Order and Development Permit Fees

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CS/CS/HB 803 and CS/CS/CS/HB 399 impose new requirements and limitations on fees associated with building permits, development permits, and development orders. The changes to building permit fees are effective July 1, 2026. The changes to development order and development permit fees are effective January 1, 2027.

Current Law

Building Permit Fees (section 553.80, Florida Statutes)

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. Such fees shall be used solely for carrying out the local government's responsibilities in enforcing the Building Code (the direct costs and reasonable indirect costs associated with training, review of building plans, building inspections, re-inspections, building permit processing, and fire inspections. All building permit and inspection fee schedules must be posted on the local government's website. A building permit fee must be limited to an amount sufficient to cover the local government's costs in enforcing the Building Code. 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 annual costs of allowable activities. Any unexpended balances must be carried forward to future years for allowable activities ([CS/CS/CS/SB 1614](#), passed in the 2026 Session, eliminates the construction of a building to house the building enforcement agency as an allowable activity), 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.

New Requirements for

Building Permit Fees [CS/CS/HB 803](#)

(Effective July 1, 2026)

CS/CS/HB 803 revises requirements relating to building permits and exemptions from building permits, building permit fees, and private providers. This paper addresses only the changes to building permit fees. Please see the bill text linked above for additional changes to the law relating to building permits and private providers. The bill:

- ▶ Prohibits inspection fees based on the total cost of the project and prohibits inspection fees that exceed the actual inspection costs incurred by the local government.
- ▶ Current law requires that if a private provider is used for building inspection or plans review, the local government must reduce the permit fee by the amount of cost savings realized by the local government for not having to perform such services. Such reduction may be calculated on a flat fee or percentage basis, or any other reasonable means. The fee must reflect the actual cost incurred by the local government, including the labor cost of the personnel providing such services and the clerical and supervisory assistance required to comply with section 553.791.
- ▶ Local governments may not charge fees for plans review or building inspections if a private provider is used to perform these services. The bill also prohibits punitive administrative fees when a private provider is used.
- ▶ Permit fees for commercial construction projects must be reduced by at least 25% when a private provider is used for plans review or building inspection services and by at least 50% when a private provider is used for all plans review and building inspection services. If the local government fails to reduce the fee by the percentage provided, the local government forfeits the ability to collect any fees for the commercial construction project.

Refer to this House of Representatives [Final Bill Analysis](#) and the bill text, linked above, for information on the remainder of the bill.

Current Law

Development Permit & Order Fees (excluding building permits) ([section 166.033](#), Florida Statutes)

Section 166.033, Florida Statutes, does not currently impose any restrictions on the calculation of fees for development orders and permits. However, section 166.033(4) does require the fee to be reduced by specified percentages if the statute's timeframes for review and final action on a permit application are not met. Note that section 166.033 excludes building permits. For information on restrictions relating to building permit fees, please refer to section 553.80, Florida Statutes.

New Law

Development Permit & Order Fees ([CS/CS/CS/HB 399](#)) *Effective January 1, 2027*

CS/CS/CS/HB 399 revises requirements for fees associated with development orders and permits, assessing the compatibility of residential land uses, variances for large destination resorts, parity of off-site constructed dwellings with site-built single-family homes, and the permitting of compost facilities. With respect to fees for development orders and permits, the bill adds a new subsection (9) to section 166.033, which requires the following:

- ▶ The amount of any application fee associated with a development permit or development order must reasonably relate to the direct and reasonable indirect costs associated with the review, processing, and final disposition of the application and must be published on the municipality's fee schedule.
- ▶ The fee may not be based on a percentage of construction costs, site costs, or project valuation.

Refer to this [House Final Bill Analysis](#) and the bill text, linked above, for information on the remainder of the bill.