

By the Committees on Budget Subcommittee on General Government Appropriations; and Community Affairs; and Senator Bennett

601-02768-12

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1                   A bill to be entitled  
2           An act relating to building construction and  
3           inspection; amending s. 162.12, F.S.; revising the  
4           authorized methods of sending notices to violators of  
5           local codes; amending s. 381.0065, F.S.; revising the  
6           definition of the term "bedroom" for purposes of  
7           requirements governing onsite sewage treatment and  
8           disposal systems; conforming a cross-reference;  
9           providing that a permit for the installation,  
10          modification, or repair of an onsite sewage treatment  
11          and disposal system approved by the Department of  
12          Health transfers along with the title to the property  
13          in a real estate transaction; prohibiting the  
14          transferred title from being encumbered by new permit  
15          requirements; providing criteria for an abandoned  
16          onsite sewage treatment and disposal system; providing  
17          guidelines for the reconnection of an abandoned  
18          system; providing for the applicability of rules to  
19          the construction of an onsite sewage treatment and  
20          disposal system; providing certain exemptions for a  
21          remodeled single-family home; amending s. 468.604,  
22          F.S.; authorizing a building code administrator or  
23          building official to approve the electronic filing of  
24          building plans and related documents; amending s.  
25          468.609, F.S.; revising the eligibility requirements  
26          of a building code inspector or plans examiner;  
27          revising criteria for the issuance of provisional  
28          certificates; amending s. 468.841, F.S.; including a  
29          person or a business organization acting within the

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30 scope of a landscape architecture license in the  
31 exemption from certain provisions related to mold  
32 assessment; amending s. 489.103, F.S.; providing an  
33 exemption from construction contracting requirements  
34 for an owner who installs, removes, or replaces solar  
35 panels on certain residences while acting as the  
36 contractor; providing for an electronic signature on  
37 the permit application; requiring the building permit  
38 application and disclosure statement to include a  
39 declaration statement by the owner; providing that the  
40 issuing authority is not liable in any civil action  
41 for inaccurate information submitted by the owner  
42 using the authority's electronic permitting system;  
43 amending s. 489.105, F.S.; revising the definition of  
44 the term "demolish" for purposes of describing the  
45 scope of work of a contractor to include all buildings  
46 or residences of certain heights; clarifying the  
47 definition of the term "plumbing contractor"; removing  
48 the term "glazing contractor" from within the  
49 definition of the term "contractor" for purposes of  
50 licensing by the Department of Business and  
51 Professional Regulation; reenacting s. 489.105(6),  
52 F.S., relating to the definition of the term  
53 "contracting"; clarifying the intent of the  
54 Legislature in the adoption of certain amendments to  
55 s. 489.105(6), F.S., and specifying that the  
56 amendments were intended to be remedial in nature,  
57 clarify existing law, and apply retroactively to any  
58 contract for the sale of manufactured or factory-built

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59 buildings that will be completed on site and otherwise  
60 comply with the requirements under state law; amending  
61 ss. 489.127 and 489.531, F.S.; increasing the maximum  
62 civil penalties that may be assessed against  
63 unlicensed contractors; amending s. 553.721, F.S.;  
64 allocating a portion of the funds derived from a  
65 surcharge on permit fees to the Florida Building Code  
66 Compliance and Mitigation Program; making technical  
67 and grammatical changes; amending s. 553.73, F.S.;  
68 exempting certain buildings or structures used for  
69 hunting from the Florida Building Code; amending s.  
70 553.844, F.S.; extending the expiration date to 2013  
71 for exemption of certain equipment installation  
72 meeting the 2007 building code; amending s. 633.0215,  
73 F.S.; authorizing the electronic filing of certain  
74 construction plans for approval by the fire code  
75 administrator or fire official; amending s. 713.135,  
76 F.S.; providing that an owner or contractor is not  
77 required to personally appear and provide a notarized  
78 signature when filing a building permit application  
79 for a solar project if certain conditions are met;  
80 providing that the issuing authority is not liable in  
81 any civil action for inaccurate information submitted  
82 by the owner using the authority's electronic  
83 permitting system; requiring the Florida Building  
84 Commission to establish a workgroup to assist in the  
85 development of rules for an alternative design method  
86 for screen enclosures; providing for membership of the  
87 workgroup; providing factors that must be included in

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88 the rule; providing dates for appointment of the  
89 workgroup and adoption of a rule; requiring the  
90 commission to incorporate the alternative design  
91 method for screen enclosures into the Florida Building  
92 Code; providing conditions for expiration of the  
93 provision; providing an effective date.

94

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

96

97 Section 1. Subsection (1) of section 162.12, Florida  
98 Statutes, is amended to read:

99 162.12 Notices.—

100 (1) All notices required by this part must ~~shall~~ be  
101 provided to the alleged violator by:

102 (a) Certified mail to, ~~return receipt requested, provided~~  
103 ~~if such notice is sent under this paragraph to the owner of the~~  
104 ~~property in question at the address listed in the tax~~  
105 ~~collector's office for tax notices, or to and ~~at~~ any other~~  
106 ~~address provided by the property owner in writing to the local~~  
107 ~~government for the purpose of receiving notices. For property~~  
108 ~~owned by a corporation, notices may be provided by certified~~  
109 ~~mail to the registered agent of the corporation. If any notice~~  
110 ~~sent by certified mail is not signed as received within 30 days~~  
111 ~~after the date of mailing by such owner and is returned as~~  
112 ~~unclaimed or refused, notice may be provided by posting as~~  
113 ~~described in subparagraphs (2) (b)1. and 2. and by first class~~  
114 ~~mail directed to the addresses furnished to the local government~~  
115 ~~with a properly executed proof of mailing or affidavit~~  
116 ~~confirming the first class mailing;~~

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117 (b) Hand delivery by the sheriff or other law enforcement  
118 officer, code inspector, or other person designated by the local  
119 governing body;

120 (c) Leaving the notice at the violator's usual place of  
121 residence with any person residing therein who is above 15 years  
122 of age and informing such person of the contents of the notice;  
123 or

124 (d) In the case of commercial premises, leaving the notice  
125 with the manager or other person in charge.

126

127 Evidence that an attempt has been made to hand deliver or mail  
128 notice as provided in subsection (1), together with proof of  
129 publication or posting as provided in subsection (2), shall be  
130 sufficient to show that the notice requirements of this part  
131 have been met, without regard to whether or not the alleged  
132 violator actually received such notice.

133 Section 2. Present paragraphs (b) through (p) of subsection  
134 (2) of section 381.0065, Florida Statutes, are redesignated as  
135 paragraphs (c) through (q), respectively, a new paragraph (b) is  
136 added to that subsection, paragraph (n) of subsection (4) is  
137 amended, and paragraphs (w) through (z) are added to that  
138 subsection, to read:

139 381.0065 Onsite sewage treatment and disposal systems;  
140 regulation.—

141 (2) DEFINITIONS.—As used in ss. 381.0065-381.0067, the  
142 term:

143 (b)1. "Bedroom" means a room that can be used for sleeping  
144 and that:

145 a. For site-built dwellings, has a minimum of 70 square

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146 feet of conditioned space;

147 b. For manufactured homes, is constructed according to the  
148 standards of the United States Department of Housing and Urban  
149 Development and has a minimum of 50 square feet of floor area;

150 c. Is located along an exterior wall;

151 d. Has a closet and a door or an entrance where a door  
152 could be reasonably installed; and

153 e. Has an emergency means of escape and rescue opening to  
154 the outside in accordance with the Florida Building Code.

155 2. A room may not be considered a bedroom if it is used to  
156 access another room except a bathroom or closet.

157 3. "Bedroom" does not include a hallway, bathroom, kitchen,  
158 living room, family room, dining room, den, breakfast nook,  
159 pantry, laundry room, sunroom, recreation room, media/video  
160 room, or exercise room.

161 (4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may not  
162 construct, repair, modify, abandon, or operate an onsite sewage  
163 treatment and disposal system without first obtaining a permit  
164 approved by the department. The department may issue permits to  
165 carry out this section, but shall not make the issuance of such  
166 permits contingent upon prior approval by the Department of  
167 Environmental Protection, except that the issuance of a permit  
168 for work seaward of the coastal construction control line  
169 established under s. 161.053 shall be contingent upon receipt of  
170 any required coastal construction control line permit from the  
171 Department of Environmental Protection. A construction permit is  
172 valid for 18 months from the issuance date and may be extended  
173 by the department for one 90-day period under rules adopted by  
174 the department. A repair permit is valid for 90 days from the

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175 date of issuance. An operating permit must be obtained prior to  
176 the use of any aerobic treatment unit or if the establishment  
177 generates commercial waste. Buildings or establishments that use  
178 an aerobic treatment unit or generate commercial waste shall be  
179 inspected by the department at least annually to assure  
180 compliance with the terms of the operating permit. The operating  
181 permit for a commercial wastewater system is valid for 1 year  
182 from the date of issuance and must be renewed annually. The  
183 operating permit for an aerobic treatment unit is valid for 2  
184 years from the date of issuance and must be renewed every 2  
185 years. If all information pertaining to the siting, location,  
186 and installation conditions or repair of an onsite sewage  
187 treatment and disposal system remains the same, a construction  
188 or repair permit for the onsite sewage treatment and disposal  
189 system may be transferred to another person, if the transferee  
190 files, within 60 days after the transfer of ownership, an  
191 amended application providing all corrected information and  
192 proof of ownership of the property. There is no fee associated  
193 with the processing of this supplemental information. A person  
194 may not contract to construct, modify, alter, repair, service,  
195 abandon, or maintain any portion of an onsite sewage treatment  
196 and disposal system without being registered under part III of  
197 chapter 489. A property owner who personally performs  
198 construction, maintenance, or repairs to a system serving his or  
199 her own owner-occupied single-family residence is exempt from  
200 registration requirements for performing such construction,  
201 maintenance, or repairs on that residence, but is subject to all  
202 permitting requirements. A municipality or political subdivision  
203 of the state may not issue a building or plumbing permit for any

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204 building that requires the use of an onsite sewage treatment and  
205 disposal system unless the owner or builder has received a  
206 construction permit for such system from the department. A  
207 building or structure may not be occupied and a municipality,  
208 political subdivision, or any state or federal agency may not  
209 authorize occupancy until the department approves the final  
210 installation of the onsite sewage treatment and disposal system.  
211 A municipality or political subdivision of the state may not  
212 approve any change in occupancy or tenancy of a building that  
213 uses an onsite sewage treatment and disposal system until the  
214 department has reviewed the use of the system with the proposed  
215 change, approved the change, and amended the operating permit.

216 (n) Evaluations for determining the seasonal high-water  
217 table elevations or the suitability of soils for the use of a  
218 new onsite sewage treatment and disposal system shall be  
219 performed by department personnel, professional engineers  
220 registered in the state, or such other persons with expertise,  
221 as defined by rule, in making such evaluations. Evaluations for  
222 determining mean annual flood lines shall be performed by those  
223 persons identified in paragraph (2)(j) ~~(2)(i)~~. The department  
224 shall accept evaluations submitted by professional engineers and  
225 such other persons as meet the expertise established by this  
226 section or by rule unless the department has a reasonable  
227 scientific basis for questioning the accuracy or completeness of  
228 the evaluation.

229 (w) A permit that is approved by the department and issued  
230 for the installation, modification, or repair of an onsite  
231 sewage treatment and disposal system shall be transferred along  
232 with the title to the property in a real estate transaction. A



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233 title may not be encumbered at the time of transfer by new  
234 permit requirements by a governmental entity for an onsite  
235 sewage treatment and disposal system which differ from the  
236 permitting requirements in effect at the time the system was  
237 permitted, modified, or repaired.

238 (x)1. An onsite sewage treatment and disposal system is not  
239 considered abandoned if the system is disconnected from a  
240 structure that was made unusable or destroyed following a  
241 disaster and was properly functioning at the time of  
242 disconnection and was not adversely affected by the disaster.  
243 The onsite sewage treatment and disposal system may be  
244 reconnected to a rebuilt structure if:

245 a. The reconnection of the system is to the same type of  
246 structure which contains the same number of bedrooms or fewer,  
247 provided that the square footage of the structure is less than  
248 or equal to 110 percent of the original square footage of the  
249 structure that existed before the disaster;

250 b. The system is not a sanitary nuisance; and

251 c. The system has not been altered without prior  
252 authorization.

253 2. An onsite sewage treatment and disposal system that  
254 serves a property that is foreclosed upon is not considered  
255 abandoned.

256 (y) If an onsite sewage treatment and disposal system  
257 permittee receives, relies upon, and undertakes construction of  
258 a system based upon a validly issued construction permit under  
259 rules applicable at the time of construction but a change to a  
260 rule occurs within 5 years after the approval of the system for  
261 construction but before the final approval of the system, the

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262 rules applicable and in effect at the time of construction  
263 approval apply at the time of final approval if fundamental site  
264 conditions have not changed between the time of construction  
265 approval and final approval.

266 (z) A modification, replacement, or upgrade of an onsite  
267 sewage treatment and disposal system is not required for a  
268 remodeling addition to a single-family home if a bedroom is not  
269 added.

270 Section 3. Section 468.604, Florida Statutes, is amended to  
271 read:

272 468.604 Responsibilities of building code administrators,  
273 plans examiners, and inspectors.—

274 (1) It is the responsibility of the building code  
275 administrator or building official to administrate, supervise,  
276 direct, enforce, or perform the permitting and inspection of  
277 construction, alteration, repair, remodeling, or demolition of  
278 structures and the installation of building systems within the  
279 boundaries of their governmental jurisdiction, when permitting  
280 is required, to ensure compliance with the Florida Building Code  
281 and any applicable local technical amendment to the Florida  
282 Building Code. The building code administrator or building  
283 official shall faithfully perform these responsibilities without  
284 interference from any person. These responsibilities include:

285 (a) The review of construction plans to ensure compliance  
286 with all applicable sections of the code. The construction plans  
287 must be reviewed before the issuance of any building, system  
288 installation, or other construction permit. The review of  
289 construction plans must be done by the building code  
290 administrator or building official or by a person having the

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291 appropriate plans examiner license issued under this chapter.

292 (b) The inspection of each phase of construction where a  
293 building or other construction permit has been issued. The  
294 building code administrator or building official, or a person  
295 having the appropriate building code inspector license issued  
296 under this chapter, shall inspect the construction or  
297 installation to ensure that the work is performed in accordance  
298 with applicable sections of the code.

299 (2) It is the responsibility of the building code inspector  
300 to conduct inspections of construction, alteration, repair,  
301 remodeling, or demolition of structures and the installation of  
302 building systems, when permitting is required, to ensure  
303 compliance with the Florida Building Code and any applicable  
304 local technical amendment to the Florida Building Code. Each  
305 building code inspector must be licensed in the appropriate  
306 category as defined in s. 468.603. The building code inspector's  
307 responsibilities must be performed under the direction of the  
308 building code administrator or building official without  
309 interference from any unlicensed person.

310 (3) It is the responsibility of the plans examiner to  
311 conduct review of construction plans submitted in the permit  
312 application to assure compliance with the Florida Building Code  
313 and any applicable local technical amendment to the Florida  
314 Building Code. The review of construction plans must be done by  
315 the building code administrator or building official or by a  
316 person licensed in the appropriate plans examiner category as  
317 defined in s. 468.603. The plans examiner's responsibilities  
318 must be performed under the supervision and authority of the  
319 building code administrator or building official without

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320 interference from any unlicensed person.

321 (4) The Legislature finds that the electronic filing of  
322 construction plans will increase government efficiency, reduce  
323 costs, and increase timeliness of processing permits. If the  
324 building code administrator or building official provides for  
325 electronic filing, the construction plans, drawings,  
326 specifications, reports, final documents, or documents prepared  
327 or issued by a licensee may be dated and electronically signed  
328 and sealed by the licensee in accordance with part I of chapter  
329 668 and may be transmitted electronically to the building code  
330 administrator or building official for approval.

331 Section 4. Paragraph (c) of subsection (2) and paragraph  
332 (a) of subsection (7) of section 468.609, Florida Statutes, are  
333 amended to read:

334 468.609 Administration of this part; standards for  
335 certification; additional categories of certification.—

336 (2) A person may take the examination for certification as  
337 a building code inspector or plans examiner pursuant to this  
338 part if the person:

339 (c) Meets eligibility requirements according to one of the  
340 following criteria:

341 1. Demonstrates 5 years' combined experience in the field  
342 of construction or a related field, building code inspection, or  
343 plans review corresponding to the certification category sought;

344 2. Demonstrates a combination of postsecondary education in  
345 the field of construction or a related field and experience  
346 which totals 4 years, with at least 1 year of such total being  
347 experience in construction, building code inspection, or plans  
348 review;

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349           3. Demonstrates a combination of technical education in the  
350 field of construction or a related field and experience which  
351 totals 4 years, with at least 1 year of such total being  
352 experience in construction, building code inspection, or plans  
353 review;

354           4. Currently holds a standard certificate as issued by the  
355 board, or a fire safety inspector license issued pursuant to  
356 chapter 633, has a minimum of 5 years' verifiable full-time  
357 experience in inspection or plan review, and satisfactorily  
358 completes a building code inspector or plans examiner training  
359 program of not less than 200 hours in the certification category  
360 sought. The board shall establish by rule criteria for the  
361 development and implementation of the training programs; or

362           5. Demonstrates a combination of the completion of an  
363 approved training program in the field of building code  
364 inspection or plan review and a minimum of 2 years' experience  
365 in the field of building code inspection, plan review, fire code  
366 inspections and fire plans review of new buildings as a  
367 firesafety inspector certified under s. 633.081(2), or  
368 construction. The approved training portion of this requirement  
369 shall include proof of satisfactory completion of a training  
370 program of not less than 300 hours which is approved by the  
371 board in the chosen category of building code inspection or plan  
372 review in the certification category sought with not less than  
373 20 hours of instruction in state laws, rules, and ethics  
374 relating to professional standards of practice, duties, and  
375 responsibilities of a certificateholder. The board shall  
376 coordinate with the Building Officials Association of Florida,  
377 Inc., to establish by rule the development and implementation of

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378 the training program.

379 (7) (a) The board may provide for the issuance of  
380 provisional certificates valid for 1 year ~~such period, not less~~  
381 ~~than 3 years nor more than 5 years~~, as specified by board rule,  
382 to any newly employed or promoted building code inspector or  
383 plans examiner who meets the eligibility requirements described  
384 in subsection (2) and any newly employed or promoted building  
385 code administrator who meets the eligibility requirements  
386 described in subsection (3). The provisional license may be  
387 renewed by the board for just cause; however, a provisional  
388 license is not valid for a period longer than 3 years.

389 Section 5. Paragraph (d) of subsection (1) of section  
390 468.841, Florida Statutes, is amended to read:

391 468.841 Exemptions.—

392 (1) The following persons are not required to comply with  
393 any provisions of this part relating to mold assessment:

394 (d) Persons or business organizations acting within the  
395 scope of the respective licenses required under part XV of this  
396 chapter, chapter 471, part I or part II of chapter 481, chapter  
397 482, or chapter 489 are acting on behalf of an insurer under  
398 part VI of chapter 626, or are persons in the manufactured  
399 housing industry who are licensed under chapter 320, except when  
400 any such persons or business organizations hold themselves out  
401 for hire to the public as a "certified mold assessor,"  
402 "registered mold assessor," "licensed mold assessor," "mold  
403 assessor," "professional mold assessor," or any combination  
404 thereof stating or implying licensure under this part.

405 Section 6. Subsection (7) of section 489.103, Florida  
406 Statutes, is amended to read:

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407 489.103 Exemptions.—This part does not apply to:

408 (7) (a) Owners of property when acting as their own  
409 contractor and providing direct, onsite supervision themselves  
410 of all work not performed by licensed contractors:

411 1. (a) When building or improving farm outbuildings or one-  
412 family or two-family residences on such property for the  
413 occupancy or use of such owners and not offered for sale or  
414 lease, or building or improving commercial buildings, at a cost  
415 not to exceed \$75,000, on such property for the occupancy or use  
416 of such owners and not offered for sale or lease. In an action  
417 brought under this part, proof of the sale or lease, or offering  
418 for sale or lease, of any such structure by the owner-builder  
419 within 1 year after completion of same creates a presumption  
420 that the construction was undertaken for purposes of sale or  
421 lease.

422 2. (b) When repairing or replacing wood shakes or asphalt or  
423 fiberglass shingles on one-family, two-family, or three-family  
424 residences for the occupancy or use of such owner or tenant of  
425 the owner and not offered for sale within 1 year after  
426 completion of the work and when the property has been damaged by  
427 natural causes from an event recognized as an emergency  
428 situation designated by executive order issued by the Governor  
429 declaring the existence of a state of emergency as a result and  
430 consequence of a serious threat posed to the public health,  
431 safety, and property in this state.

432 3. After the local building official approves  
433 implementation of the United States Department of Energy Solar  
434 SunShot Initiative, when installing, uninstalling, or replacing  
435 solar panels on one-family, two-family, or three-family

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436 residences for the occupancy or use of such owner or tenant of  
437 the owner.

438 (b) This subsection does not exempt any person who is  
439 employed by or has a contract with such owner and who acts in  
440 the capacity of a contractor. The owner may not delegate the  
441 owner's responsibility to directly supervise all work to any  
442 other person unless that person is registered or certified under  
443 this part and the work being performed is within the scope of  
444 that person's license. For the purposes of this subsection, the  
445 term "owners of property" includes the owner of a mobile home  
446 situated on a leased lot.

447 (c) To qualify for exemption under this subsection, an  
448 owner must personally appear and sign the building permit  
449 application and must satisfy local permitting agency  
450 requirements, if any, proving that the owner has a complete  
451 understanding of the owner's obligations under the law as  
452 specified in the disclosure statement in this section. An  
453 owner's notarized signature or personal appearance to sign the  
454 permit application is not required for a solar project, as  
455 described in subparagraph (a)3., if the building permit  
456 application is submitted electronically to the permitting  
457 authority and the owner certifies the application and disclosure  
458 statement using the permitting authority's electronic  
459 confirmation system. If any person violates the requirements of  
460 this subsection, the local permitting agency shall withhold  
461 final approval, revoke the permit, or pursue any action or  
462 remedy for unlicensed activity against the owner and any person  
463 performing work that requires licensure under the permit issued.  
464 The local permitting agency shall provide the person with a



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465 disclosure statement in substantially the following form:  
466

467 DISCLOSURE STATEMENT  
468

469 1. I understand that state law requires construction  
470 to be done by a licensed contractor and have applied  
471 for an owner-builder permit under an exemption from  
472 the law. The exemption specifies that I, as the owner  
473 of the property listed, may act as my own contractor  
474 with certain restrictions even though I do not have a  
475 license.  
476

477 2. I understand that building permits are not required  
478 to be signed by a property owner unless he or she is  
479 responsible for the construction and is not hiring a  
480 licensed contractor to assume responsibility.  
481

482 3. I understand that, as an owner-builder, I am the  
483 responsible party of record on a permit. I understand  
484 that I may protect myself from potential financial  
485 risk by hiring a licensed contractor and having the  
486 permit filed in his or her name instead of my own  
487 name. I also understand that a contractor is required  
488 by law to be licensed in Florida and to list his or  
489 her license numbers on permits and contracts.  
490

491 4. I understand that I may build or improve a one-  
492 family or two-family residence or a farm outbuilding.  
493 I may also build or improve a commercial building if

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494 the costs do not exceed \$75,000. The building or  
495 residence must be for my own use or occupancy. It may  
496 not be built or substantially improved for sale or  
497 lease. If a building or residence that I have built or  
498 substantially improved myself is sold or leased within  
499 1 year after the construction is complete, the law  
500 will presume that I built or substantially improved it  
501 for sale or lease, which violates the exemption.

502

503 5. I understand that, as the owner-builder, I must  
504 provide direct, onsite supervision of the  
505 construction.

506

507 6. I understand that I may not hire an unlicensed  
508 person to act as my contractor or to supervise persons  
509 working on my building or residence. It is my  
510 responsibility to ensure that the persons whom I  
511 employ have the licenses required by law and by county  
512 or municipal ordinance.

513

514 7. I understand that it is a frequent practice of  
515 unlicensed persons to have the property owner obtain  
516 an owner-builder permit that erroneously implies that  
517 the property owner is providing his or her own labor  
518 and materials. I, as an owner-builder, may be held  
519 liable and subjected to serious financial risk for any  
520 injuries sustained by an unlicensed person or his or  
521 her employees while working on my property. My  
522 homeowner's insurance may not provide coverage for

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523 those injuries. I am willfully acting as an owner-  
524 builder and am aware of the limits of my insurance  
525 coverage for injuries to workers on my property.  
526

527 8. I understand that I may not delegate the  
528 responsibility for supervising work to a licensed  
529 contractor who is not licensed to perform the work  
530 being done. Any person working on my building who is  
531 not licensed must work under my direct supervision and  
532 must be employed by me, which means that I must comply  
533 with laws requiring the withholding of federal income  
534 tax and social security contributions under the  
535 Federal Insurance Contributions Act (FICA) and must  
536 provide workers' compensation for the employee. I  
537 understand that my failure to follow these laws may  
538 subject me to serious financial risk.  
539

540 9. I agree that, as the party legally and financially  
541 responsible for this proposed construction activity, I  
542 will abide by all applicable laws and requirements  
543 that govern owner-builders as well as employers. I  
544 also understand that the construction must comply with  
545 all applicable laws, ordinances, building codes, and  
546 zoning regulations.  
547

548 10. I understand that I may obtain more information  
549 regarding my obligations as an employer from the  
550 Internal Revenue Service, the United States Small  
551 Business Administration, the Florida Department of

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552 Financial Services, and the Florida Department of  
553 Revenue. I also understand that I may contact the  
554 Florida Construction Industry Licensing Board at  
555 ...(telephone number)... or ...(Internet website  
556 address)... for more information about licensed  
557 contractors.

558  
559 11. I am aware of, and consent to, an owner-builder  
560 building permit applied for in my name and understand  
561 that I am the party legally and financially  
562 responsible for the proposed construction activity at  
563 the following address: ...(address of property)....

564  
565 12. I agree to notify ...(issuer of disclosure  
566 statements)... immediately of any additions,  
567 deletions, or changes to any of the information that I  
568 have provided on this disclosure.

569  
570 Licensed contractors are regulated by laws designed to  
571 protect the public. If you contract with a person who  
572 does not have a license, the Construction Industry  
573 Licensing Board and Department of Business and  
574 Professional Regulation may be unable to assist you  
575 with any financial loss that you sustain as a result  
576 of a complaint. Your only remedy against an unlicensed  
577 contractor may be in civil court. It is also important  
578 for you to understand that, if an unlicensed  
579 contractor or employee of an individual or firm is  
580 injured while working on your property, you may be

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581 held liable for damages. If you obtain an owner-  
582 builder permit and wish to hire a licensed contractor,  
583 you will be responsible for verifying whether the  
584 contractor is properly licensed and the status of the  
585 contractor's workers' compensation coverage.

586

587 Before a building permit can be issued, this  
588 disclosure statement must be completed and signed by  
589 the property owner and returned to the local  
590 permitting agency responsible for issuing the permit.  
591 A copy of the property owner's driver license, the  
592 notarized signature of the property owner, or other  
593 type of verification acceptable to the local  
594 permitting agency is required when the permit is  
595 issued.

596

597 Signature: ...(signature of property owner)....

598 Date: ...(date)....

599

600 (d) A building permit application and disclosure statement  
601 electronically submitted by an owner to the authority for a  
602 solar project, as described in subparagraph (a)3., must also  
603 contain the following additional statement:

604

605 OWNER'S ELECTRONIC SUBMISSION STATEMENT: Under penalty  
606 of perjury, I declare that all the information  
607 contained in this building permit application and the  
608 representations made in the required disclosure  
609 statement are true and correct.

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610

611 (e) A permitting authority that accepts a building permit  
612 application and disclosure statement in an electronic format  
613 from an owner who is exempt pursuant to this subsection and who  
614 applies for a permit relating to a solar project, as described  
615 in subparagraph (a)3., is not liable in any civil action for  
616 inaccurate information submitted by the owner using the  
617 authority's electronic confirmation system.

618

619 Section 7. Subsection (3) of section 489.105, Florida  
620 Statutes, is amended, and subsection (6) of that section is  
621 reenacted, to read:

621

489.105 Definitions.—As used in this part:

622

623 (3) "Contractor" means the person who is qualified for, and  
624 is only responsible for, the project contracted for and means,  
625 except as exempted in this part, the person who, for  
626 compensation, undertakes to, submits a bid to, or does himself  
627 or herself or by others construct, repair, alter, remodel, add  
628 to, demolish, subtract from, or improve any building or  
629 structure, including related improvements to real estate, for  
630 others or for resale to others; and whose job scope is  
631 substantially similar to the job scope described in one of the  
632 ~~subsequent~~ paragraphs of this subsection. For the purposes of  
633 regulation under this part, the term "demolish" applies only to  
634 demolition of steel tanks more than ~~over~~ 50 feet in height;  
635 towers more than ~~over~~ 50 feet in height; other structures more  
636 than ~~over~~ 50 feet in height; and all, ~~other than~~ buildings or  
637 residences ~~over three stories tall; and buildings or residences~~  
638 ~~over three stories tall~~. Contractors are subdivided into two  
divisions, Division I, consisting of those contractors defined

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639 in paragraphs (a)-(c), and Division II, consisting of those  
640 contractors defined in paragraphs (d)-(g) ~~(d)-(r)~~:

641 (a) "General contractor" means a contractor whose services  
642 are unlimited as to the type of work which he or she may do, who  
643 may contract for any activity requiring licensure under this  
644 part, and who may perform any work requiring licensure under  
645 this part, except as otherwise expressly provided in s. 489.113.

646 (b) "Building contractor" means a contractor whose services  
647 are limited to construction of commercial buildings and single-  
648 dwelling or multiple-dwelling residential buildings, which do  
649 not exceed three stories in height, and accessory use structures  
650 in connection therewith or a contractor whose services are  
651 limited to remodeling, repair, or improvement of any size  
652 building if the services do not affect the structural members of  
653 the building.

654 (c) "Residential contractor" means a contractor whose  
655 services are limited to construction, remodeling, repair, or  
656 improvement of one-family, two-family, or three-family  
657 residences not exceeding two habitable stories above no more  
658 than one uninhabitable story and accessory use structures in  
659 connection therewith.

660 (d) "Sheet metal contractor" means a contractor whose  
661 services are unlimited in the sheet metal trade and who has the  
662 experience, knowledge, and skill necessary for the manufacture,  
663 fabrication, assembling, handling, erection, installation,  
664 dismantling, conditioning, adjustment, insulation, alteration,  
665 repair, servicing, or design, if not prohibited by law, of  
666 ferrous or nonferrous metal work of U.S. No. 10 gauge or its  
667 equivalent or lighter gauge and of other materials, including,

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668 but not limited to, fiberglass, used in lieu thereof and of air-  
669 handling systems, including the setting of air-handling  
670 equipment and reinforcement of same, the balancing of air-  
671 handling systems, and any duct cleaning and equipment sanitizing  
672 that requires at least a partial disassembling of the system.

673 (e) "Roofing contractor" means a contractor whose services  
674 are unlimited in the roofing trade and who has the experience,  
675 knowledge, and skill to install, maintain, repair, alter,  
676 extend, or design, if not prohibited by law, and use materials  
677 and items used in the installation, maintenance, extension, and  
678 alteration of all kinds of roofing, waterproofing, and coating,  
679 except when coating is not represented to protect, repair,  
680 waterproof, stop leaks, or extend the life of the roof. The  
681 scope of work of a roofing contractor also includes required  
682 roof-deck attachments and any repair or replacement of wood roof  
683 sheathing or fascia as needed during roof repair or replacement.

684 (f) "Class A air-conditioning contractor" means a  
685 contractor whose services are unlimited in the execution of  
686 contracts requiring the experience, knowledge, and skill to  
687 install, maintain, test, evaluate, repair, fabricate, alter,  
688 extend, or design, if not prohibited by law, central air-  
689 conditioning, refrigeration, heating, and ventilating systems,  
690 including duct work in connection with a complete system if such  
691 duct work is performed by the contractor as necessary to  
692 complete an air-distribution system, boiler and unfired pressure  
693 vessel systems, and all appurtenances, apparatus, or equipment  
694 used in connection therewith, and any duct cleaning and  
695 equipment sanitizing that requires at least a partial  
696 disassembling of the system; to install, maintain, repair,



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697 fabricate, alter, extend, or design, if not prohibited by law,  
698 piping, insulation of pipes, vessels and ducts, pressure and  
699 process piping, and pneumatic control piping; to replace,  
700 disconnect, or reconnect power wiring on the load side of the  
701 dedicated existing electrical disconnect switch; to install,  
702 disconnect, and reconnect low voltage heating, ventilating, and  
703 air-conditioning control wiring; and to install a condensate  
704 drain from an air-conditioning unit to an existing safe waste or  
705 other approved disposal other than a direct connection to a  
706 sanitary system. The scope of work for such contractor also  
707 includes any excavation work incidental thereto, but does not  
708 include any work such as liquefied petroleum or natural gas fuel  
709 lines within buildings, except for disconnecting or reconnecting  
710 changeouts of liquefied petroleum or natural gas appliances  
711 within buildings; potable water lines or connections thereto;  
712 sanitary sewer lines; swimming pool piping and filters; or  
713 electrical power wiring.

714 (g) "Class B air-conditioning contractor" means a  
715 contractor whose services are limited to 25 tons of cooling and  
716 500,000 Btu of heating in any one system in the execution of  
717 contracts requiring the experience, knowledge, and skill to  
718 install, maintain, test, evaluate, repair, fabricate, alter,  
719 extend, or design, if not prohibited by law, central air-  
720 conditioning, refrigeration, heating, and ventilating systems,  
721 including duct work in connection with a complete system only to  
722 the extent such duct work is performed by the contractor as  
723 necessary to complete an air-distribution system being installed  
724 under this classification, and any duct cleaning and equipment  
725 sanitizing that requires at least a partial disassembling of the

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726 system; to install, maintain, repair, fabricate, alter, extend,  
727 or design, if not prohibited by law, piping and insulation of  
728 pipes, vessels, and ducts; to replace, disconnect, or reconnect  
729 power wiring on the load side of the dedicated existing  
730 electrical disconnect switch; to install, disconnect, and  
731 reconnect low voltage heating, ventilating, and air-conditioning  
732 control wiring; and to install a condensate drain from an air-  
733 conditioning unit to an existing safe waste or other approved  
734 disposal other than a direct connection to a sanitary system.  
735 The scope of work for such contractor also includes any  
736 excavation work incidental thereto, but does not include any  
737 work such as liquefied petroleum or natural gas fuel lines  
738 within buildings, except for disconnecting or reconnecting  
739 changeouts of liquefied petroleum or natural gas appliances  
740 within buildings; potable water lines or connections thereto;  
741 sanitary sewer lines; swimming pool piping and filters; or  
742 electrical power wiring.

743 (h) "Class C air-conditioning contractor" means a  
744 contractor whose business is limited to the servicing of air-  
745 conditioning, heating, or refrigeration systems, including any  
746 duct cleaning and equipment sanitizing that requires at least a  
747 partial disassembling of the system, and whose certification or  
748 registration, issued pursuant to this part, was valid on October  
749 1, 1988. Only a person who was registered or certified as a  
750 Class C air-conditioning contractor as of October 1, 1988, shall  
751 be so registered or certified after October 1, 1988. However,  
752 the board shall continue to license and regulate those Class C  
753 air-conditioning contractors who held Class C licenses before  
754 October 1, 1988.

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755 (i) "Mechanical contractor" means a contractor whose  
756 services are unlimited in the execution of contracts requiring  
757 the experience, knowledge, and skill to install, maintain, test,  
758 evaluate, repair, fabricate, alter, extend, or design, if not  
759 prohibited by law, central air-conditioning, refrigeration,  
760 heating, and ventilating systems, including duct work in  
761 connection with a complete system if such duct work is performed  
762 by the contractor as necessary to complete an air-distribution  
763 system, boiler and unfired pressure vessel systems, lift station  
764 equipment and piping, and all appurtenances, apparatus, or  
765 equipment used in connection therewith, and any duct cleaning  
766 and equipment sanitizing that requires at least a partial  
767 disassembling of the system; to install, maintain, repair,  
768 fabricate, alter, extend, or design, if not prohibited by law,  
769 piping, insulation of pipes, vessels and ducts, pressure and  
770 process piping, pneumatic control piping, gasoline tanks and  
771 pump installations and piping for same, standpipes, air piping,  
772 vacuum line piping, oxygen lines, nitrous oxide piping, ink and  
773 chemical lines, fuel transmission lines, liquefied petroleum gas  
774 lines within buildings, and natural gas fuel lines within  
775 buildings; to replace, disconnect, or reconnect power wiring on  
776 the load side of the dedicated existing electrical disconnect  
777 switch; to install, disconnect, and reconnect low voltage  
778 heating, ventilating, and air-conditioning control wiring; and  
779 to install a condensate drain from an air-conditioning unit to  
780 an existing safe waste or other approved disposal other than a  
781 direct connection to a sanitary system. The scope of work for  
782 such contractor also includes any excavation work incidental  
783 thereto, but does not include any work such as potable water

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784 lines or connections thereto, sanitary sewer lines, swimming  
785 pool piping and filters, or electrical power wiring.

786 (j) "Commercial pool/spa contractor" means a contractor  
787 whose scope of work involves, but is not limited to, the  
788 construction, repair, and servicing of any swimming pool, or hot  
789 tub or spa, whether public, private, or otherwise, regardless of  
790 use. The scope of work includes the installation, repair, or  
791 replacement of existing equipment, any cleaning or equipment  
792 sanitizing that requires at least a partial disassembling,  
793 excluding filter changes, and the installation of new pool/spa  
794 equipment, interior finishes, the installation of package pool  
795 heaters, the installation of all perimeter piping and filter  
796 piping, and the construction of equipment rooms or housing for  
797 pool/spa equipment, and also includes the scope of work of a  
798 swimming pool/spa servicing contractor. The scope of such work  
799 does not include direct connections to a sanitary sewer system  
800 or to potable water lines. The installation, construction,  
801 modification, or replacement of equipment permanently attached  
802 to and associated with the pool or spa for the purpose of water  
803 treatment or cleaning of the pool or spa requires licensure;  
804 however, the usage of such equipment for the purposes of water  
805 treatment or cleaning does not require licensure unless the  
806 usage involves construction, modification, or replacement of  
807 such equipment. Water treatment that does not require such  
808 equipment does not require a license. In addition, a license is  
809 not required for the cleaning of the pool or spa in a way that  
810 does not affect the structural integrity of the pool or spa or  
811 its associated equipment.

812 (k) "Residential pool/spa contractor" means a contractor

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813 whose scope of work involves, but is not limited to, the  
814 construction, repair, and servicing of a residential swimming  
815 pool, or hot tub or spa, regardless of use. The scope of work  
816 includes the installation, repair, or replacement of existing  
817 equipment, any cleaning or equipment sanitizing that requires at  
818 least a partial disassembling, excluding filter changes, and the  
819 installation of new pool/spa equipment, interior finishes, the  
820 installation of package pool heaters, the installation of all  
821 perimeter piping and filter piping, and the construction of  
822 equipment rooms or housing for pool/spa equipment, and also  
823 includes the scope of work of a swimming pool/spa servicing  
824 contractor. The scope of such work does not include direct  
825 connections to a sanitary sewer system or to potable water  
826 lines. The installation, construction, modification, or  
827 replacement of equipment permanently attached to and associated  
828 with the pool or spa for the purpose of water treatment or  
829 cleaning of the pool or spa requires licensure; however, the  
830 usage of such equipment for the purposes of water treatment or  
831 cleaning does not require licensure unless the usage involves  
832 construction, modification, or replacement of such equipment.  
833 Water treatment that does not require such equipment does not  
834 require a license. In addition, a license is not required for  
835 the cleaning of the pool or spa in a way that does not affect  
836 the structural integrity of the pool or spa or its associated  
837 equipment.

838 (1) "Swimming pool/spa servicing contractor" means a  
839 contractor whose scope of work involves, but is not limited to,  
840 the repair and servicing of a swimming pool, or hot tub or spa,  
841 whether public or private, or otherwise, regardless of use. The

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842 scope of work includes the repair or replacement of existing  
843 equipment, any cleaning or equipment sanitizing that requires at  
844 least a partial disassembling, excluding filter changes, and the  
845 installation of new pool/spa equipment, interior refinishing,  
846 the reinstallation or addition of pool heaters, the repair or  
847 replacement of all perimeter piping and filter piping, the  
848 repair of equipment rooms or housing for pool/spa equipment, and  
849 the substantial or complete draining of a swimming pool, or hot  
850 tub or spa, for the purpose of repair or renovation. The scope  
851 of such work does not include direct connections to a sanitary  
852 sewer system or to potable water lines. The installation,  
853 construction, modification, substantial or complete disassembly,  
854 or replacement of equipment permanently attached to and  
855 associated with the pool or spa for the purpose of water  
856 treatment or cleaning of the pool or spa requires licensure;  
857 however, the usage of such equipment for the purposes of water  
858 treatment or cleaning does not require licensure unless the  
859 usage involves construction, modification, substantial or  
860 complete disassembly, or replacement of such equipment. Water  
861 treatment that does not require such equipment does not require  
862 a license. In addition, a license is not required for the  
863 cleaning of the pool or spa in a way that does not affect the  
864 structural integrity of the pool or spa or its associated  
865 equipment.

866 (m) "Plumbing contractor" means a contractor whose services  
867 are unlimited in the plumbing trade and includes ~~contracting~~  
868 ~~business consists of~~ the execution of contracts requiring the  
869 experience, financial means, knowledge, and skill to install,  
870 maintain, repair, alter, extend, or, if not prohibited by law,

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871 design plumbing. A plumbing contractor may install, maintain,  
872 repair, alter, extend, or, if not prohibited by law, design the  
873 following without obtaining an additional local regulatory  
874 license, certificate, or registration: sanitary drainage or  
875 storm drainage facilities, water and sewer plants and  
876 substations, ~~†~~ venting systems, water supply backflow  
877 prevention, ~~†~~ public or private water supply systems, ~~†~~ septic  
878 tanks, ~~†~~ drainage and supply wells, drain cleaning and clearing,  
879 rainwater catchment systems, ~~†~~ swimming pool piping, ~~†~~ irrigation  
880 systems, and, ~~†~~ ~~or~~ solar heating water systems, and all  
881 appurtenances, apparatus, or equipment used in connection  
882 therewith, including boilers and pressure process piping and  
883 including the installation of water, natural gas, liquefied  
884 petroleum gas and related venting, and storm and sanitary sewer  
885 lines; ~~and water and sewer plants and substations.~~ The scope of  
886 work of the plumbing contractor also includes the design, if not  
887 prohibited by law, and installation, maintenance, repair,  
888 alteration, or extension of air-piping, vacuum line piping,  
889 oxygen line piping, nitrous oxide piping, and all related  
890 medical gas systems; fire line standpipes and fire sprinklers if  
891 authorized by law; ink and chemical lines; fuel oil and gasoline  
892 piping and tank and pump installation, except bulk storage  
893 plants; and pneumatic control piping systems, all in a manner  
894 that complies with all plans, specifications, codes, laws, and  
895 regulations applicable. The scope of work of the plumbing  
896 contractor applies to private property and public property,  
897 including any excavation work incidental thereto, and includes  
898 the work of the specialty plumbing contractor. Such contractor  
899 shall subcontract, with a qualified contractor in the field

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900 concerned, all other work incidental to the work but which is  
901 specified as being the work of a trade other than that of a  
902 plumbing contractor. This definition does not limit the scope of  
903 work of any specialty contractor certified pursuant to s.  
904 489.113(6), and does not require certification or registration  
905 under this part of any authorized employee of a public natural  
906 gas utility or of a private natural gas utility regulated by the  
907 Public Service Commission when disconnecting and reconnecting  
908 water lines in the servicing or replacement of an existing water  
909 heater.

910 (n) "Underground utility and excavation contractor" means a  
911 contractor whose services are limited to the construction,  
912 installation, and repair, on public or private property, whether  
913 accomplished through open excavations or through other means,  
914 including, but not limited to, directional drilling, auger  
915 boring, jacking and boring, trenchless technologies, wet and dry  
916 taps, grouting, and slip lining, of main sanitary sewer  
917 collection systems, main water distribution systems, storm sewer  
918 collection systems, and the continuation of utility lines from  
919 the main systems to a point of termination up to and including  
920 the meter location for the individual occupancy, sewer  
921 collection systems at property line on residential or single-  
922 occupancy commercial properties, or on multioccupancy properties  
923 at manhole or wye lateral extended to an invert elevation as  
924 engineered to accommodate future building sewers, water  
925 distribution systems, or storm sewer collection systems at storm  
926 sewer structures. However, an underground utility and excavation  
927 contractor may install empty underground conduits in rights-of-  
928 way, easements, platted rights-of-way in new site development,



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929 and sleeves for parking lot crossings no smaller than 2 inches  
930 in diameter if each conduit system installed is designed by a  
931 licensed professional engineer or an authorized employee of a  
932 municipality, county, or public utility and the installation of  
933 such conduit does not include installation of any conductor  
934 wiring or connection to an energized electrical system. An  
935 underground utility and excavation contractor may not install  
936 piping that is an integral part of a fire protection system as  
937 defined in s. 633.021 beginning at the point where the piping is  
938 used exclusively for such system.

939 (o) "Solar contractor" means a contractor whose services  
940 consist of the installation, alteration, repair, maintenance,  
941 relocation, or replacement of solar panels for potable solar  
942 water heating systems, swimming pool solar heating systems, and  
943 photovoltaic systems and any appurtenances, apparatus, or  
944 equipment used in connection therewith, whether public, private,  
945 or otherwise, regardless of use. A contractor, certified or  
946 registered pursuant to this chapter, is not required to become a  
947 certified or registered solar contractor or to contract with a  
948 solar contractor in order to provide services enumerated in this  
949 paragraph that are within the scope of the services such  
950 contractors may render under this part.

951 (p) "Pollutant storage systems contractor" means a  
952 contractor whose services are limited to, and who has the  
953 experience, knowledge, and skill to install, maintain, repair,  
954 alter, extend, or design, if not prohibited by law, and use  
955 materials and items used in the installation, maintenance,  
956 extension, and alteration of, pollutant storage tanks. Any  
957 person installing a pollutant storage tank shall perform such

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958 installation in accordance with the standards adopted pursuant  
959 to s. 376.303.

960 ~~(g) "Glass and glazing contractor" means a contractor whose~~  
961 ~~services are unlimited in the execution of contracts requiring~~  
962 ~~the experience, knowledge, and skill to install, attach,~~  
963 ~~maintain, repair, fabricate, alter, extend, or design, in~~  
964 ~~residential and commercial applications without any height~~  
965 ~~restrictions, all types of windows, glass, and mirrors, whether~~  
966 ~~fixed or movable; swinging or sliding glass doors attached to~~  
967 ~~existing walls, floors, columns, or other structural members of~~  
968 ~~the building; glass holding or supporting mullions or horizontal~~  
969 ~~bars; structurally anchored impact-resistant opening protection~~  
970 ~~attached to existing building walls, floors, columns, or other~~  
971 ~~structural members of the building; prefabricated glass, metal,~~  
972 ~~or plastic curtain walls; storefront frames or panels; shower~~  
973 ~~and tub enclosures; metal fascias; and caulking incidental to~~  
974 ~~such work and assembly.~~

975 (q) ~~(r)~~ "Specialty contractor" means a contractor whose  
976 scope of work and responsibility is limited to a particular  
977 phase of construction established in a category adopted by board  
978 rule and whose scope is limited to a subset of the activities  
979 described in one of the paragraphs of this subsection.

980 (6) "Contracting" means, except as exempted in this part,  
981 engaging in business as a contractor and includes, but is not  
982 limited to, performance of any of the acts as set forth in  
983 subsection (3) which define types of contractors. The attempted  
984 sale of contracting services and the negotiation or bid for a  
985 contract on these services also constitutes contracting. If the  
986 services offered require licensure or agent qualification, the

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987 offering, negotiation for a bid, or attempted sale of these  
988 services requires the corresponding licensure. However, the term  
989 "contracting" shall not extend to an individual, partnership,  
990 corporation, trust, or other legal entity that offers to sell or  
991 sells completed residences on property on which the individual  
992 or business entity has any legal or equitable interest, or to  
993 the individual or business entity that offers to sell or sells  
994 manufactured or factory-built buildings that will be completed  
995 on site on property on which either party to a contract has any  
996 legal or equitable interest, if the services of a qualified  
997 contractor certified or registered pursuant to the requirements  
998 of this chapter have been or will be retained for the purpose of  
999 constructing or completing such residences.

1000 Section 8. The amendments to s. 489.105(6), Florida  
1001 Statutes, as enacted by s. 30 of chapter 2008-240, Laws of  
1002 Florida, were intended to protect the sanctity of contracts for  
1003 the sale of manufactured or factory-built buildings that will be  
1004 completed on site and to ensure that those contracts are legal  
1005 and enforceable contracts under state law. The amendments were  
1006 intended to be remedial in nature, clarify existing law, and  
1007 apply retroactively to any contract for the sale of manufactured  
1008 or factory-built buildings that will be completed on site and  
1009 otherwise comply with state law.

1010 Section 9. Paragraph (c) of subsection (5) of section  
1011 489.127, Florida Statutes, is amended to read:

1012 489.127 Prohibitions; penalties.—

1013 (5) Each county or municipality may, at its option,  
1014 designate one or more of its code enforcement officers, as  
1015 defined in chapter 162, to enforce, as set out in this

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1016 subsection, the provisions of subsection (1) and s. 489.132(1)  
1017 against persons who engage in activity for which a county or  
1018 municipal certificate of competency or license or state  
1019 certification or registration is required.

1020 (c) The local governing body of the county or municipality  
1021 is authorized to enforce codes and ordinances against unlicensed  
1022 contractors under the provisions of this subsection and may  
1023 enact an ordinance establishing procedures for implementing this  
1024 subsection, including a schedule of penalties to be assessed by  
1025 the code enforcement officer. The maximum civil penalty which  
1026 may be levied shall not exceed \$2,000 ~~\$500~~. Moneys collected  
1027 pursuant to this subsection shall be retained locally, as  
1028 provided for by local ordinance, and may be set aside in a  
1029 specific fund to support future enforcement activities against  
1030 unlicensed contractors.

1031 Section 10. Paragraph (c) of subsection (4) of section  
1032 489.531, Florida Statutes, is amended to read:

1033 489.531 Prohibitions; penalties.—

1034 (4) Each county or municipality may, at its option,  
1035 designate one or more of its code enforcement officers, as  
1036 defined in chapter 162, to enforce, as set out in this  
1037 subsection, the provisions of subsection (1) against persons who  
1038 engage in activity for which county or municipal certification  
1039 is required.

1040 (c) The local governing body of the county or municipality  
1041 is authorized to enforce codes and ordinances against unlicensed  
1042 contractors under the provisions of this section and may enact  
1043 an ordinance establishing procedures for implementing this  
1044 section, including a schedule of penalties to be assessed by the

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1045 code enforcement officers. The maximum civil penalty which may  
1046 be levied shall not exceed \$2,000 ~~\$500~~. Moneys collected  
1047 pursuant to this section shall be retained locally as provided  
1048 for by local ordinance and may be set aside in a specific fund  
1049 to support future enforcement activities against unlicensed  
1050 contractors.

1051 Section 11. Section 553.721, Florida Statutes, is amended  
1052 to read:

1053 553.721 Surcharge.—In order for the Department of Business  
1054 and Professional Regulation to administer and carry out the  
1055 purposes of this part and related activities, there is ~~hereby~~  
1056 created a surcharge, to be assessed at the rate of 1.5 percent  
1057 of the permit fees associated with enforcement of the Florida  
1058 Building Code as defined by the uniform account criteria and  
1059 specifically the uniform account code for building permits  
1060 adopted for local government financial reporting pursuant to s.  
1061 218.32. The minimum amount collected on any permit issued shall  
1062 be \$2. The unit of government responsible for collecting a  
1063 permit fee pursuant to s. 125.56(4) or s. 166.201 shall collect  
1064 the such surcharge and electronically remit the funds collected  
1065 to the department on a quarterly calendar basis ~~beginning not~~  
1066 ~~later than December 31, 2010,~~ for the preceding quarter, and  
1067 continuing each third month thereafter. ~~The, and such~~ unit of  
1068 government shall retain 10 percent of the surcharge collected to  
1069 fund the participation of building departments in the national  
1070 and state building code adoption processes and to provide  
1071 education related to enforcement of the Florida Building Code.  
1072 All funds remitted to the department pursuant to this section  
1073 shall be deposited in the Professional Regulation Trust Fund.

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1074 Funds collected from the ~~such~~ surcharge shall be allocated to  
1075 fund used exclusively for the duties of the Florida Building  
1076 Commission and the Florida Building Code Compliance and  
1077 Mitigation Program under s. 553.841. Funds allocated to the  
1078 Florida Building Code Compliance and Mitigation Program shall be  
1079 \$925,000 each fiscal year. The funds collected from the  
1080 surcharge may ~~and the Department of Business and Professional~~  
1081 ~~Regulation under this chapter and shall~~ not be used to fund  
1082 research on techniques for mitigation of radon in existing  
1083 buildings. Funds used by the department as well as funds to be  
1084 transferred to the Department of Health shall be as prescribed  
1085 in the annual General Appropriations Act. The department shall  
1086 adopt rules governing the collection and remittance of  
1087 surcharges pursuant to ~~in accordance with~~ chapter 120.

1088 Section 12. Subsection (10) of section 553.73, Florida  
1089 Statutes, is amended to read:

1090 553.73 Florida Building Code.—

1091 (10) The following buildings, structures, and facilities  
1092 are exempt from the Florida Building Code as provided by law,  
1093 and any further exemptions shall be as determined by the  
1094 Legislature and provided by law:

1095 (a) Buildings and structures specifically regulated and  
1096 preempted by the Federal Government.

1097 (b) Railroads and ancillary facilities associated with the  
1098 railroad.

1099 (c) Nonresidential farm buildings on farms.

1100 (d) Temporary buildings or sheds used exclusively for  
1101 construction purposes.

1102 (e) Mobile or modular structures used as temporary offices,

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1103 except that the provisions of part II relating to accessibility  
1104 by persons with disabilities ~~shall~~ apply to such mobile or  
1105 modular structures.

1106 (f) Those structures or facilities of electric utilities,  
1107 as defined in s. 366.02, which are directly involved in the  
1108 generation, transmission, or distribution of electricity.

1109 (g) Temporary sets, assemblies, or structures used in  
1110 commercial motion picture or television production, or any  
1111 sound-recording equipment used in such production, on or off the  
1112 premises.

1113 (h) Storage sheds that are not designed for human  
1114 habitation and that have a floor area of 720 square feet or less  
1115 are not required to comply with the mandatory wind-borne-debris-  
1116 impact standards of the Florida Building Code. In addition, such  
1117 buildings that are 400 square feet or less and that are intended  
1118 for use in conjunction with one- and two-family residences are  
1119 not subject to the door height and width requirements of the  
1120 Florida Building Code.

1121 (i) Chickees constructed by the Miccosukee Tribe of Indians  
1122 of Florida or the Seminole Tribe of Florida. As used in this  
1123 paragraph, the term "chickee" means an open-sided wooden hut  
1124 that has a thatched roof of palm or palmetto or other  
1125 traditional materials, and that does not incorporate any  
1126 electrical, plumbing, or other nonwood features.

1127 (j) Family mausoleums not exceeding 250 square feet in area  
1128 which are prefabricated and assembled on site or preassembled  
1129 and delivered on site and have walls, roofs, and a floor  
1130 constructed of granite, marble, or reinforced concrete.

1131 (k) A building or structure having less than 1,000 square

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1132 feet which is constructed and owned by a natural person for  
1133 hunting and which is repaired or reconstructed to the same  
1134 dimension and condition as existed on January 1, 2011, if the  
1135 building or structure:

1136 1. Is not rented or leased or used as a principal  
1137 residence;

1138 2. Is not located within the 100-year floodplain according  
1139 to the Federal Emergency Management Agency's current Flood  
1140 Insurance Rate Map; and

1141 3. Is not connected to an off-site electric power or water  
1142 supply.

1143  
1144 With the exception of paragraphs (a), (b), (c), and (f), in  
1145 order to preserve the health, safety, and welfare of the public,  
1146 the Florida Building Commission may, by rule adopted pursuant to  
1147 chapter 120, provide for exceptions to the broad categories of  
1148 buildings exempted in this section, including exceptions for  
1149 application of specific sections of the code or standards  
1150 adopted therein. The Department of Agriculture and Consumer  
1151 Services shall have exclusive authority to adopt by rule,  
1152 pursuant to chapter 120, exceptions to nonresidential farm  
1153 buildings exempted in paragraph (c) when reasonably necessary to  
1154 preserve public health, safety, and welfare. The exceptions must  
1155 be based upon specific criteria, such as under-roof floor area,  
1156 aggregate electrical service capacity, HVAC system capacity, or  
1157 other building requirements. Further, the commission may  
1158 recommend to the Legislature additional categories of buildings,  
1159 structures, or facilities which should be exempted from the  
1160 Florida Building Code, to be provided by law. The Florida



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1161 Building Code does not apply to temporary housing provided by  
1162 the Department of Corrections to any prisoner in the state  
1163 correctional system.

1164 Section 13. Subsection (4) of section 553.844, Florida  
1165 Statutes, is amended to read:

1166 553.844 Windstorm loss mitigation; requirements for roofs  
1167 and opening protection.—

1168 (4) Notwithstanding the provisions of this section, exposed  
1169 mechanical equipment or appliances fastened to a roof or  
1170 installed on the ground in compliance with the code using rated  
1171 stands, platforms, curbs, slabs, or other means are deemed to  
1172 comply with the wind resistance requirements of the 2007 Florida  
1173 Building Code, as amended. Further support or enclosure of such  
1174 mechanical equipment or appliances is not required by a state or  
1175 local official having authority to enforce the Florida Building  
1176 Code. This subsection expires on the effective date of the 2013  
1177 ~~2010~~ Florida Building Code.

1178 Section 14. Subsection (15) is added to section 633.0215,  
1179 Florida Statutes, to read:

1180 633.0215 Florida Fire Prevention Code.—

1181 (15) The Legislature finds that the electronic filing of  
1182 construction plans will increase governmental efficiency, reduce  
1183 costs, and increase timeliness of processing permits. If the  
1184 fire code administrator or fire official provides for electronic  
1185 filing, any construction plans, drawings, specifications,  
1186 reports, final documents, or documents prepared or issued by a  
1187 licensee may be dated and electronically signed and sealed by  
1188 the licensee in accordance with part I of chapter 668, and may  
1189 be transmitted electronically to the fire code administrator or

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1190 fire official for approval.

1191 Section 15. Paragraph (b) of subsection (6) of section  
1192 713.135, Florida Statutes, is amended, and paragraph (d) is  
1193 added to that subsection, to read:

1194 713.135 Notice of commencement and applicability of lien.-  
1195 (6)

1196 (b)1. Consistent with the requirements of paragraph (a), an  
1197 authority responsible for issuing building permits under this  
1198 section may accept a building permit application in an  
1199 electronic format, as prescribed by the authority. Building  
1200 permit applications submitted to the authority electronically  
1201 must contain the following additional statement in lieu of the  
1202 requirement in paragraph (a) that a signed, sworn, and notarized  
1203 signature of the owner or agent and the contractor be part of  
1204 the owner's affidavit:

1205  
1206 OWNER'S ELECTRONIC SUBMISSION STATEMENT: Under penalty  
1207 of perjury, I declare that all the information  
1208 contained in this building permit application is true  
1209 and correct.

1210  
1211 2. An owner or contractor is not required to personally  
1212 appear and provide a notarized signature when filing a building  
1213 permit application for a solar project as described in s.  
1214 489.103(7)(a)3. if the building permit application is  
1215 electronically submitted to the permitting authority and the  
1216 owner or contractor certifies that the application is consistent  
1217 with this paragraph using the permitting authority's electronic  
1218 confirmation system.

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1219 (d) An authority responsible for issuing building permits  
1220 which accepts building permit applications in an electronic  
1221 format for solar projects, as defined in subparagraph (b)2., is  
1222 not liable in any civil action for any inaccurate information  
1223 submitted by an owner or contractor using the authority's  
1224 electronic confirmation system.

1225 Section 16. The Florida Building Commission shall establish  
1226 a workgroup to assist the commission in developing a rule for  
1227 implementing an alternative design method for screen enclosures  
1228 which allows for the removal of a section of the screen to  
1229 accommodate high-wind events consistent with the provisions of  
1230 the Florida Building Code.

1231 (1) The workgroup shall be comprised of the following  
1232 representatives:

1233 (a) Two members who represent the screen enclosure  
1234 manufacturing industry;

1235 (b) Two members who represent the aluminum contractors  
1236 industry;

1237 (c) One member who represents the Florida Home Builders  
1238 Association;

1239 (d) One member who represents the Florida Swimming Pool  
1240 Association;

1241 (e) Three members who represent the Building Officials  
1242 Association of Florida;

1243 (f) One member who represents the building products  
1244 industry; and

1245 (g) One member who is employed as a structural engineer.

1246 (2) The workgroup shall address the following factors to be  
1247 included in the rule:

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1248 (a) An alternative design method for a screen enclosure  
1249 that is site-specific engineered;

1250 (b) A screen enclosure design using the alternative method  
1251 that serves as a barrier that is required for a swimming pool  
1252 and remains in place at the minimum height required for the  
1253 barrier;

1254 (c) A screen enclosure design using clear, highly visible  
1255 labels for panels that can be cut, retracted, or removed when  
1256 winds are forecasted to exceed 75 mph;

1257 (d) A design for a screen that can be removed, cut, or  
1258 retracted without the use of a ladder or scaffolding;

1259 (e) A requirement that the contractor provide replacement  
1260 screen at the initial point of sale to repair the screen  
1261 enclosure for designs that require cutting; and

1262 (f) An alternative design for a screen enclosure that  
1263 requires the contractor to provide notice to the homeowner and  
1264 the local building department that the homeowner must cut,  
1265 retract, or remove a panel or panels of the screen enclosure in  
1266 accordance with engineering or manufacturer's instructions when  
1267 wind speeds are expected to exceed 75 mph.

1268 (3) The Florida Building Commission shall appoint the  
1269 workgroup no later than August 1, 2012, complete the draft rule  
1270 by November 1, 2012, and adopt the rule by January 1, 2013. The  
1271 Florida Building Commission shall incorporate the alternative  
1272 screen enclosure design method requirements into the next  
1273 version of the Florida Building Code. This section expires upon  
1274 adoption and implementation of the requirements into the Florida  
1275 Building Code.

1276 Section 17. This act shall take effect July 1, 2012.