

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. 468.604, F.S.; authorizing a
 6 building code administrator or building official to
 7 approve the electronic filing of building plans and
 8 related documents; amending s. 553.721, F.S.;
 9 allocating a portion of the funds derived from a
 10 surcharge on permit fees to the Florida Building Code
 11 Compliance and Mitigation Program; making technical
 12 and grammatical changes; amending s. 553.73, F.S.;
 13 exempting certain buildings or structures used for
 14 hunting from the Florida Building Code; providing an
 15 effective date.

16
 17 Be It Enacted by the Legislature of the State of Florida:

18
 19 Section 1. Subsection (1) of section 162.12, Florida
 20 Statutes, is amended to read:

21 162.12 Notices.—

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

24 (a) Certified mail, return receipt requested, to ~~provided~~
 25 ~~if such notice is sent under this paragraph to the owner of the~~
 26 ~~property in question at the address listed in the tax~~
 27 collector's office for tax notices, or to ~~and at~~ any other
 28 address provided by the property owner in writing to the local

29 | government for the purpose of receiving notices. For property
 30 | owned by a corporation, notices may be provided by certified
 31 | mail, return receipt requested, to the registered agent of the
 32 | corporation. If any notice sent by certified mail is not signed
 33 | as received within 30 days after the date of mailing ~~by such~~
 34 | ~~owner and is returned as unclaimed or refused,~~ notice may be
 35 | provided by posting as described in subparagraphs (2)(b)1. and
 36 | 2. ~~and by first class mail directed to the addresses furnished~~
 37 | ~~to the local government with a properly executed proof of~~
 38 | ~~mailing or affidavit confirming the first class mailing;~~

39 | (b) Hand delivery by the sheriff or other law enforcement
 40 | officer, code inspector, or other person designated by the local
 41 | governing body;

42 | (c) Leaving the notice at the violator's usual place of
 43 | residence with any person residing therein who is above 15 years
 44 | of age and informing such person of the contents of the notice;
 45 | or

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

48 |
 49 | Evidence that an attempt has been made to hand deliver or mail
 50 | notice as provided in subsection (1), together with proof of
 51 | publication or posting as provided in subsection (2), shall be
 52 | sufficient to show that the notice requirements of this part
 53 | have been met, without regard to whether or not the alleged
 54 | violator actually received such notice.

55 | Section 2. Section 468.604, Florida Statutes, is amended
 56 | to read:

57 | 468.604 Responsibilities of building code administrators,
58 | plans examiners, and inspectors.—

59 | (1) It is the responsibility of the building code
60 | administrator or building official to administrate, supervise,
61 | direct, enforce, or perform the permitting and inspection of
62 | construction, alteration, repair, remodeling, or demolition of
63 | structures and the installation of building systems within the
64 | boundaries of their governmental jurisdiction, when permitting
65 | is required, to ensure compliance with the Florida Building Code
66 | and any applicable local technical amendment to the Florida
67 | Building Code. The building code administrator or building
68 | official shall faithfully perform these responsibilities without
69 | interference from any person. These responsibilities include:

70 | (a) The review of construction plans to ensure compliance
71 | with all applicable sections of the code. The construction plans
72 | must be reviewed before the issuance of any building, system
73 | installation, or other construction permit. The review of
74 | construction plans must be done by the building code
75 | administrator or building official or by a person having the
76 | appropriate plans examiner license issued under this chapter.

77 | (b) The inspection of each phase of construction where a
78 | building or other construction permit has been issued. The
79 | building code administrator or building official, or a person
80 | having the appropriate building code inspector license issued
81 | under this chapter, shall inspect the construction or
82 | installation to ensure that the work is performed in accordance
83 | with applicable sections of the code.

84 | (2) It is the responsibility of the building code

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85 inspector to conduct inspections of construction, alteration,
86 repair, remodeling, or demolition of structures and the
87 installation of building systems, when permitting is required,
88 to ensure compliance with the Florida Building Code and any
89 applicable local technical amendment to the Florida Building
90 Code. Each building code inspector must be licensed in the
91 appropriate category as defined in s. 468.603. The building code
92 inspector's responsibilities must be performed under the
93 direction of the building code administrator or building
94 official without interference from any unlicensed person.

95 (3) It is the responsibility of the plans examiner to
96 conduct review of construction plans submitted in the permit
97 application to assure compliance with the Florida Building Code
98 and any applicable local technical amendment to the Florida
99 Building Code. The review of construction plans must be done by
100 the building code administrator or building official or by a
101 person licensed in the appropriate plans examiner category as
102 defined in s. 468.603. The plans examiner's responsibilities
103 must be performed under the supervision and authority of the
104 building code administrator or building official without
105 interference from any unlicensed person.

106 (4) The Legislature finds that the electronic filing of
107 construction plans will increase government efficiency, reduce
108 costs, and increase the timeliness of processing permits. Upon
109 approval by the building code administrator or building
110 official, construction plans, drawings, specifications, reports,
111 final documents, or documents prepared or issued by a licensee
112 for review by the building code administrator, building

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113 official, or plans examiner may be transmitted electronically
114 and may be signed by the licensee and dated and sealed
115 electronically pursuant to ss. 668.001-668.006.

116 Section 3. Section 553.721, Florida Statutes, is amended
117 to read:

118 553.721 Surcharge.—In order for the Department of Business
119 and Professional Regulation to administer and carry out the
120 purposes of this part and related activities, there is ~~hereby~~
121 created a surcharge, to be assessed at the rate of 1.5 percent
122 of the permit fees associated with enforcement of the Florida
123 Building Code as defined by the uniform account criteria and
124 specifically the uniform account code for building permits
125 adopted for local government financial reporting pursuant to s.
126 218.32. The minimum amount collected on any permit issued shall
127 be \$2. The unit of government responsible for collecting a
128 permit fee pursuant to s. 125.56(4) or s. 166.201 shall collect
129 the ~~such~~ surcharge and electronically remit the funds collected
130 to the department on a quarterly calendar basis ~~beginning not~~
131 ~~later than December 31, 2010,~~ for the preceding quarter, and
132 continuing each third month thereafter. ~~The, and such~~ unit of
133 government shall retain 10 percent of the surcharge collected to
134 fund the participation of building departments in the national
135 and state building code adoption processes and to provide
136 education related to enforcement of the Florida Building Code.
137 All funds remitted to the department pursuant to this section
138 shall be deposited in the Professional Regulation Trust Fund.
139 Funds collected from the ~~such~~ surcharge shall be allocated to
140 fund ~~used exclusively for the duties of the Florida Building~~

141 Commission and the Florida Building Code Compliance and
 142 Mitigation Program under s. 553.841. Funds allocated to the
 143 Florida Building Code Compliance and Mitigation Program shall be
 144 \$925,000 each fiscal year. The funds collected from the
 145 surcharge may ~~and the Department of Business and Professional~~
 146 ~~Regulation under this chapter and shall~~ not be used to fund
 147 research on techniques for mitigation of radon in existing
 148 buildings. Funds used by the department as well as funds to be
 149 transferred to the Department of Health shall be as prescribed
 150 in the annual General Appropriations Act. The department shall
 151 adopt rules governing the collection and remittance of
 152 surcharges pursuant to ~~in accordance with~~ chapter 120.

153 Section 4. Subsection (10) of section 553.73, Florida
 154 Statutes, is amended to read:

155 553.73 Florida Building Code.—

156 (10) The following buildings, structures, and facilities
 157 are exempt from the Florida Building Code as provided by law,
 158 and any further exemptions shall be as determined by the
 159 Legislature and provided by law:

160 (a) Buildings and structures specifically regulated and
 161 preempted by the Federal Government.

162 (b) Railroads and ancillary facilities associated with the
 163 railroad.

164 (c) Nonresidential farm buildings on farms.

165 (d) Temporary buildings or sheds used exclusively for
 166 construction purposes.

167 (e) Mobile or modular structures used as temporary
 168 offices, except that the provisions of part II relating to

169 accessibility by persons with disabilities ~~shall~~ apply to such
170 mobile or modular structures.

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

174 (g) Temporary sets, assemblies, or structures used in
175 commercial motion picture or television production, or any
176 sound-recording equipment used in such production, on or off the
177 premises.

178 (h) Storage sheds that are not designed for human
179 habitation and that have a floor area of 720 square feet or less
180 are not required to comply with the mandatory wind-borne-debris-
181 impact standards of the Florida Building Code. In addition, such
182 buildings that are 400 square feet or less and that are intended
183 for use in conjunction with one- and two-family residences are
184 not subject to the door height and width requirements of the
185 Florida Building Code.

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

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

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

197 feet which is constructed and owned by a natural person for
 198 hunting and which is repaired or reconstructed to the same
 199 dimension and condition as existed on January 1, 2011, if the
 200 building or structure:

201 1. Is not rented or leased or used as a principal
 202 residence;

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

206 3. Is not connected to an off-site electric power or water
 207 supply.

208
 209 With the exception of paragraphs (a), (b), (c), and (f), in
 210 order to preserve the health, safety, and welfare of the public,
 211 the Florida Building Commission may, by rule adopted pursuant to
 212 chapter 120, provide for exceptions to the broad categories of
 213 buildings exempted in this section, including exceptions for
 214 application of specific sections of the code or standards
 215 adopted therein. The Department of Agriculture and Consumer
 216 Services shall have exclusive authority to adopt by rule,
 217 pursuant to chapter 120, exceptions to nonresidential farm
 218 buildings exempted in paragraph (c) when reasonably necessary to
 219 preserve public health, safety, and welfare. The exceptions must
 220 be based upon specific criteria, such as under-roof floor area,
 221 aggregate electrical service capacity, HVAC system capacity, or
 222 other building requirements. Further, the commission may
 223 recommend to the Legislature additional categories of buildings,
 224 structures, or facilities which should be exempted from the

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225 Florida Building Code, to be provided by law. The Florida
226 Building Code does not apply to temporary housing provided by
227 the Department of Corrections to any prisoner in the state
228 correctional system.

229 Section 5. This act shall take effect July 1, 2012.