

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; creating s. 255.0518, F.S.; requiring the
6 state or any county, municipality, or other public
7 body or institution to open sealed bids or certain
8 portions of sealed bids and disclose certain
9 information at a public meeting; amending s. 381.0065,
10 F.S.; revising the definition of the term "bedroom"
11 for purposes of requirements governing onsite sewage
12 treatment and disposal systems; conforming a cross-
13 reference; providing that a permit for the
14 installation, modification, or repair of an onsite
15 sewage treatment and disposal system approved by the
16 Department of Health transfers along with the title to
17 the property in a real estate transaction; prohibiting
18 the transferred title from being encumbered by new
19 permit requirements; providing criteria for an
20 abandoned onsite sewage treatment and disposal system;
21 providing guidelines for the reconnection of an
22 abandoned system; providing for the applicability of
23 rules to the construction of an onsite sewage
24 treatment and disposal system; providing certain
25 exemptions for a remodeled single-family home;
26 amending ss. 468.604 and 633.0215, F.S.; authorizing a
27 building code administrator or building official or a
28 fire code administrator or fire official to approve

29 | the electronic filing of building plans and related
30 | documents; amending s. 468.609, F.S.; revising the
31 | eligibility requirements of a building code inspector
32 | or plans examiner; revising criteria for the issuance
33 | of provisional certificates; amending s. 468.841,
34 | F.S.; adding landscape architects to those who are
35 | exempt from complying with provisions related to mold
36 | assessment; clarifying the intent of the Legislature
37 | in the adoption of certain amendments to s.
38 | 489.105(6), F.S., and specifying that the amendments
39 | were intended to be remedial in nature, clarify
40 | existing law, and apply retroactively to any contract
41 | for the sale of manufactured or factory-built
42 | buildings that will be completed on site and otherwise
43 | comply with the requirements of state law; amending s.
44 | 481.329, F.S.; revising the types of planting plans
45 | that a landscaping designer may submit to governmental
46 | agencies; amending s. 489.103, F.S.; providing an
47 | exemption from construction contracting requirements
48 | for an owner who installs, uninstalls, or replaces
49 | solar panels on certain residences while acting as the
50 | contractor; providing that an owner's notarized
51 | signature or personal appearance to sign a permit for
52 | certain projects is not required under certain
53 | circumstances; amending 489.105, F.S.; revising
54 | definitions applicable to contractors; repealing
55 | mandatory licensing requirements for glass and glazing
56 | contractors; amending ss. 489.107 and 489.141, F.S.;

57 conforming cross-references; amending s. 489.113,
58 F.S.; preempting to the state the regulation of
59 certain hoisting equipment; providing that the act
60 does not apply to the regulation of elevators or to
61 airspace height restrictions; amending s. 553.5041,
62 F.S.; correcting a cross-reference; amending s.
63 553.73, F.S.; adding certain buildings and structures
64 to those that are exempt from the Florida Building
65 Code; amending s. 553.79, F.S.; requiring a local
66 enforcing agency to provide certain information to a
67 permit applicant when a permit is denied or revoked
68 due to specific circumstances; requiring a local
69 building code administrator or inspector to identify
70 specific plan features that are not in compliance with
71 applicable codes, chapters, and sections and to
72 provide such information to a local enforcing agency;
73 requiring a local enforcing agency to provide such
74 information to a permit applicant; requiring the
75 Florida Building Commission to establish a workgroup
76 to assist the commission in developing a rule for
77 implementing certain methods of alternative screen
78 enclosure design; requiring the rule to be
79 incorporated into the Florida Building Code; providing
80 for expiration of the requirement upon adoption and
81 implementation of the rule into the Florida Building
82 Code; amending s. 553.844, F.S.; extending the
83 expiration of an exemption from the Florida Building
84 Code relating to certain equipment and appliances;

85 providing an effective date.

86

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

88

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

91 162.12 Notices.—

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

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

109 (b) Hand delivery by the sheriff or other law enforcement
 110 officer, code inspector, or other person designated by the local
 111 governing body;

112 (c) Leaving the notice at the violator's usual place of

CS/CS/HB 651

2012

113 residence with any person residing therein who is above 15 years
114 of age and informing such person of the contents of the notice;
115 or

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

118
119 Evidence that an attempt has been made to hand deliver or mail
120 notice as provided in subsection (1), together with proof of
121 publication or posting as provided in subsection (2), shall be
122 sufficient to show that the notice requirements of this part
123 have been met, without regard to whether or not the alleged
124 violator actually received such notice.

125 Section 2. Section 255.0518, Florida Statutes, is created
126 to read:

127 255.0518 Public bids; bid opening.—Notwithstanding s.
128 119.071(1)(b), the state; any county or municipality of the
129 state; any department or agency of the state, county, or
130 municipality; or any other public body or institution must:

131 (1) Open sealed bids or the portions of any sealed bids
132 that include the prices submitted, which are received pursuant
133 to a competitive solicitation for construction or repairs on a
134 public building or public work at a public meeting conducted in
135 compliance with s. 286.011.

136 (2) Announce at that meeting the name of each bidder and
137 the price submitted.

138 (3) Make available upon request the name of each bidder
139 and the price submitted.

140 Section 3. Paragraphs (b) through (p) of subsection (2) of

CS/CS/HB 651

2012

141 section 381.0065, Florida Statutes, are redesignated as
142 paragraphs (c) through (q), respectively, paragraph (n) of
143 subsection (4) of that section is amended, paragraphs (w)
144 through (z) are added to that subsection, and a new paragraph
145 (b) is added to subsection (2) of that section, to read:

146 381.0065 Onsite sewage treatment and disposal systems;
147 regulation.—

148 (2) DEFINITIONS.—As used in ss. 381.0065–381.0067, the
149 term:

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

152 a. For site-built dwellings, has a minimum of 70 square
153 feet of conditioned space;

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

157 c. Is located along an exterior wall;

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

160 e. Has an emergency means of escape and rescue opening to
161 the outside.

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

164 3. "Bedroom" does not include a hallway, bathroom,
165 kitchen, living room, family room, dining room, den, breakfast
166 nook, pantry, laundry room, sunroom, recreation room, media or
167 video room, or exercise room.

168 (4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may

169 | not construct, repair, modify, abandon, or operate an onsite
170 | sewage treatment and disposal system without first obtaining a
171 | permit approved by the department. The department may issue
172 | permits to carry out this section, but shall not make the
173 | issuance of such permits contingent upon prior approval by the
174 | Department of Environmental Protection, except that the issuance
175 | of a permit for work seaward of the coastal construction control
176 | line established under s. 161.053 shall be contingent upon
177 | receipt of any required coastal construction control line permit
178 | from the Department of Environmental Protection. A construction
179 | permit is valid for 18 months from the issuance date and may be
180 | extended by the department for one 90-day period under rules
181 | adopted by the department. A repair permit is valid for 90 days
182 | from the date of issuance. An operating permit must be obtained
183 | prior to the use of any aerobic treatment unit or if the
184 | establishment generates commercial waste. Buildings or
185 | establishments that use an aerobic treatment unit or generate
186 | commercial waste shall be inspected by the department at least
187 | annually to assure compliance with the terms of the operating
188 | permit. The operating permit for a commercial wastewater system
189 | is valid for 1 year from the date of issuance and must be
190 | renewed annually. The operating permit for an aerobic treatment
191 | unit is valid for 2 years from the date of issuance and must be
192 | renewed every 2 years. If all information pertaining to the
193 | siting, location, and installation conditions or repair of an
194 | onsite sewage treatment and disposal system remains the same, a
195 | construction or repair permit for the onsite sewage treatment
196 | and disposal system may be transferred to another person, if the

197 transferee files, within 60 days after the transfer of
198 ownership, an amended application providing all corrected
199 information and proof of ownership of the property. There is no
200 fee associated with the processing of this supplemental
201 information. A person may not contract to construct, modify,
202 alter, repair, service, abandon, or maintain any portion of an
203 onsite sewage treatment and disposal system without being
204 registered under part III of chapter 489. A property owner who
205 personally performs construction, maintenance, or repairs to a
206 system serving his or her own owner-occupied single-family
207 residence is exempt from registration requirements for
208 performing such construction, maintenance, or repairs on that
209 residence, but is subject to all permitting requirements. A
210 municipality or political subdivision of the state may not issue
211 a building or plumbing permit for any building that requires the
212 use of an onsite sewage treatment and disposal system unless the
213 owner or builder has received a construction permit for such
214 system from the department. A building or structure may not be
215 occupied and a municipality, political subdivision, or any state
216 or federal agency may not authorize occupancy until the
217 department approves the final installation of the onsite sewage
218 treatment and disposal system. A municipality or political
219 subdivision of the state may not approve any change in occupancy
220 or tenancy of a building that uses an onsite sewage treatment
221 and disposal system until the department has reviewed the use of
222 the system with the proposed change, approved the change, and
223 amended the operating permit.

224 (n) Evaluations for determining the seasonal high-water

225 table elevations or the suitability of soils for the use of a
226 new onsite sewage treatment and disposal system shall be
227 performed by department personnel, professional engineers
228 registered in the state, or such other persons with expertise,
229 as defined by rule, in making such evaluations. Evaluations for
230 determining mean annual flood lines shall be performed by those
231 persons identified in paragraph (2)(j) ~~(2)(i)~~. The department
232 shall accept evaluations submitted by professional engineers and
233 such other persons as meet the expertise established by this
234 section or by rule unless the department has a reasonable
235 scientific basis for questioning the accuracy or completeness of
236 the evaluation.

237 (w) A permit that is approved by the department and issued
238 for the installation, modification, or repair of an onsite
239 sewage treatment and disposal system shall be transferred along
240 with the title to the property in a real estate transaction. A
241 title may not be encumbered at the time of transfer by new
242 permit requirements by a governmental entity for an onsite
243 sewage treatment and disposal system which differ from the
244 permitting requirements in effect at the time the system was
245 permitted, modified, or repaired.

246 (x)1. An onsite sewage treatment and disposal system is
247 not considered abandoned if the system is disconnected from a
248 structure that was made unusable or destroyed after a disaster,
249 was properly functioning at the time of disconnection, and was
250 not adversely affected by the disaster. The onsite sewage
251 treatment and disposal system may be reconnected to a rebuilt
252 structure if:

253 a. The reconnection of the system is to the same type of
254 structure that contains the same number of bedrooms or less,
255 provided that the square footage of the structure is less than
256 or equal to 110 percent of the original square footage of the
257 structure that existed before the disaster;

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

259 c. The system has not been altered without prior
260 authorization.

261 2. An onsite sewage treatment and disposal system that
262 serves a property that is foreclosed upon is not considered
263 abandoned.

264 (y) If an onsite sewage treatment and disposal system
265 permittee receives, relies upon, and undertakes construction of
266 a system based upon a validly issued construction permit under
267 rules applicable at the time of construction but a change to a
268 rule occurs after the approval of the system for construction
269 but before the final approval of the system, the rules
270 applicable and in effect at the time of construction approval
271 apply at the time of final approval if fundamental site
272 conditions have not changed between the time of construction
273 approval and the time of final approval.

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

278 Section 4. Section 468.604, Florida Statutes, is amended
279 to read:

280 468.604 Responsibilities of building code administrators,

281 plans examiners, and inspectors.—

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

293 (a) The review of construction plans to ensure compliance
 294 with all applicable sections of the code. The construction plans
 295 must be reviewed before the issuance of any building, system
 296 installation, or other construction permit. The review of
 297 construction plans must be done by the building code
 298 administrator or building official or by a person having the
 299 appropriate plans examiner license issued under this chapter.

300 (b) The inspection of each phase of construction where a
 301 building or other construction permit has been issued. The
 302 building code administrator or building official, or a person
 303 having the appropriate building code inspector license issued
 304 under this chapter, shall inspect the construction or
 305 installation to ensure that the work is performed in accordance
 306 with applicable sections of the code.

307 (2) It is the responsibility of the building code
 308 inspector to conduct inspections of construction, alteration,

309 repair, remodeling, or demolition of structures and the
310 installation of building systems, when permitting is required,
311 to ensure compliance with the Florida Building Code and any
312 applicable local technical amendment to the Florida Building
313 Code. Each building code inspector must be licensed in the
314 appropriate category as defined in s. 468.603. The building code
315 inspector's responsibilities must be performed under the
316 direction of the building code administrator or building
317 official without interference from any unlicensed person.

318 (3) It is the responsibility of the plans examiner to
319 conduct review of construction plans submitted in the permit
320 application to assure compliance with the Florida Building Code
321 and any applicable local technical amendment to the Florida
322 Building Code. The review of construction plans must be done by
323 the building code administrator or building official or by a
324 person licensed in the appropriate plans examiner category as
325 defined in s. 468.603. The plans examiner's responsibilities
326 must be performed under the supervision and authority of the
327 building code administrator or building official without
328 interference from any unlicensed person.

329 (4) The Legislature finds that the electronic filing of
330 construction plans will increase government efficiency, reduce
331 costs, and increase timeliness of processing permits. If the
332 building code administrator or building official provides for
333 electronic filing, the construction plans, drawings,
334 specifications, reports, final documents, or documents prepared
335 or issued by a licensee may be dated and electronically signed
336 and sealed by the licensee in accordance with ss. 668.001-

337 668.006 and may be transmitted electronically to the building
 338 code administrator or building official for approval.

339 Section 5. Subsection (15) is added to section 633.0215,
 340 Florida Statutes, to read:

341 633.0215 Florida Fire Prevention Code.—

342 (15) The Legislature finds that the electronic filing of
 343 construction plans will increase government efficiency, reduce
 344 costs, and increase timeliness of processing permits. If the
 345 fire code administrator or fire official provides for electronic
 346 filing, the construction plans, drawings, specifications,
 347 reports, final documents, or documents prepared or issued by a
 348 licensee may be dated and electronically signed and sealed by
 349 the licensee in accordance with ss. 668.001-668.006 and may be
 350 transmitted electronically to the fire code administrator or
 351 fire official for approval.

352 Section 6. Paragraph (c) of subsection (2) and paragraph
 353 (a) of subsection (7) of section 468.609, Florida Statutes, are
 354 amended to read:

355 468.609 Administration of this part; standards for
 356 certification; additional categories of certification.—

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

360 (c) Meets eligibility requirements according to one of the
 361 following criteria:

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

365 2. Demonstrates a combination of postsecondary education
366 in the field of construction or a related field and experience
367 which totals 4 years, with at least 1 year of such total being
368 experience in construction, building code inspection, or plans
369 review;

370 3. Demonstrates a combination of technical education in
371 the field of construction or a related field and experience
372 which totals 4 years, with at least 1 year of such total being
373 experience in construction, building code inspection, or plans
374 review;

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

383 5. Demonstrates a combination of the completion of an
384 approved training program in the field of building code
385 inspection or plan review and a minimum of 2 years' experience
386 in the field of building code inspection, plan review, fire code
387 inspections and fire plans review of new buildings as a
388 firesafety inspector certified under s. 633.081(2), or
389 construction. The approved training portion of this requirement
390 shall include proof of satisfactory completion of a training
391 program of not less than 300 hours which is approved by the
392 board in the chosen category of building code inspection or plan

393 review in the certification category sought with not less than
 394 20 hours of instruction in state laws, rules, and ethics
 395 relating to professional standards of practice, duties, and
 396 responsibilities of a certificateholder. The board shall
 397 coordinate with the Building Officials Association of Florida,
 398 Inc., to establish by rule the development and implementation of
 399 the training program.

400 (7) (a) The board may provide for the issuance of
 401 provisional certificates valid for 1 year ~~such period, not less~~
 402 ~~than 3 years nor more than 5 years~~, as specified by board rule,
 403 to any newly employed or promoted building code inspector or
 404 plans examiner who meets the eligibility requirements described
 405 in subsection (2) and any newly employed or promoted building
 406 code administrator who meets the eligibility requirements
 407 described in subsection (3). The provisional certificate may be
 408 renewed by the board for just cause; however, a provisional
 409 certificate is not valid for more than 3 years.

410 Section 7. Paragraph (d) of subsection (1) of section
 411 468.841, Florida Statutes, is amended to read:

412 468.841 Exemptions.—

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

415 (d) Persons or business organizations acting within the
 416 scope of the respective licenses required under part XV of this
 417 chapter, chapter 471, part I or II of chapter 481, chapter 482,
 418 or chapter 489 are acting on behalf of an insurer under part VI
 419 of chapter 626, or are persons in the manufactured housing
 420 industry who are licensed under chapter 320, except when any

421 such persons or business organizations hold themselves out for
422 hire to the public as a "certified mold assessor," "registered
423 mold assessor," "licensed mold assessor," "mold assessor,"
424 "professional mold assessor," or any combination thereof stating
425 or implying licensure under this part.

426 Section 8. The amendments to s. 489.105(6), Florida
427 Statutes, made by section 30 of chapter 2008-240, Laws of
428 Florida, were intended to protect the sanctity of contracts for
429 the sale of manufactured or factory-built buildings that will be
430 completed on site and to ensure that those contracts are legal
431 and enforceable contracts under state law. The amendments were
432 intended to be remedial in nature, clarify existing law, and
433 apply retroactively to any contract for the sale of manufactured
434 or factory-built buildings that will be completed on site and
435 otherwise comply with state law.

436 Section 9. Subsection (5) of section 481.329, Florida
437 Statutes, is amended to read:

438 481.329 Exceptions; exemptions from licensure.—

439 (5) ~~Nothing in~~ This part does not prohibit ~~prohibits~~ any
440 person from engaging in the practice of landscape design, as
441 defined in s. 481.303(7), or from ~~not~~ submitting ~~such plans to~~
442 ~~governmental agencies~~ for approval to governmental agencies
443 planting plans, including, but not limited to, planting plans
444 independent of or a component of construction documents. Persons
445 providing landscape design services shall not use the title,
446 term, or designation "landscape architect," "landscape
447 architectural," "landscape architecture," "L.A.," "landscape
448 engineering," or any description tending to convey the

449 | impression that she or he is a landscape architect unless she or
 450 | he is registered as provided in this part.

451 | Section 10. Subsection (7) of section 489.103, Florida
 452 | Statutes, is amended to read:

453 | 489.103 Exemptions.—This part does not apply to:

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

457 | ~~1.(a)~~ When building or improving farm outbuildings or one-
 458 | family or two-family residences on such property for the
 459 | occupancy or use of such owners and not offered for sale or
 460 | lease, or building or improving commercial buildings, at a cost
 461 | not to exceed \$75,000, on such property for the occupancy or use
 462 | of such owners and not offered for sale or lease. In an action
 463 | brought under this part, proof of the sale or lease, or offering
 464 | for sale or lease, of any such structure by the owner-builder
 465 | within 1 year after completion of same creates a presumption
 466 | that the construction was undertaken for purposes of sale or
 467 | lease.

468 | ~~2.(b)~~ When repairing or replacing wood shakes or asphalt
 469 | or fiberglass shingles on one-family, two-family, or three-
 470 | family residences for the occupancy or use of such owner or
 471 | tenant of the owner and not offered for sale within 1 year after
 472 | completion of the work and when the property has been damaged by
 473 | natural causes from an event recognized as an emergency
 474 | situation designated by executive order issued by the Governor
 475 | declaring the existence of a state of emergency as a result and
 476 | consequence of a serious threat posed to the public health,

477 safety, and property in this state.

478 3. When installing, uninstalling, or replacing solar
479 panels on one-family, two-family, or three-family residences
480 when the local permitting agency's county or municipal
481 government is participating in a United States Department of
482 Energy SunShot Initiative: Rooftop Solar Challenge grant.
483 However, an owner must use a licensed electrical contractor to
484 wire of the solar panels, including any interconnection to the
485 customer's residential electrical wiring. The limitations of
486 this exemption must be expressly stated in the building permit
487 approved and issued by the permitting agency for such project.

488 (b) This subsection does not exempt any person who is
489 employed by or has a contract with such owner and who acts in
490 the capacity of a contractor. The owner may not delegate the
491 owner's responsibility to directly supervise all work to any
492 other person unless that person is registered or certified under
493 this part and the work being performed is within the scope of
494 that person's license. For the purposes of this subsection, the
495 term "owners of property" includes the owner of a mobile home
496 situated on a leased lot.

497 (c) To qualify for exemption under this subsection, an
498 owner must personally appear and sign the building permit
499 application and must satisfy local permitting agency
500 requirements, if any, proving that the owner has a complete
501 understanding of the owner's obligations under the law as
502 specified in the disclosure statement in this section. However,
503 for purposes of implementing a United States Department of
504 Energy SunShot Initiative: Rooftop Solar Challenge grant and the

505 participation of county and municipal governments, including
506 local permitting agencies under the jurisdiction of such county
507 and municipal governments, an owner's notarized signature or
508 personal appearance to sign the permit application is not
509 required for a solar project, as described in subparagraph
510 (a)3., if the building permit application is submitted
511 electronically to the permitting agency and the owner certifies
512 the application and disclosure statement using the permitting
513 agency's electronic confirmation system. If any person violates
514 the requirements of this subsection, the local permitting agency
515 shall withhold final approval, revoke the permit, or pursue any
516 action or remedy for unlicensed activity against the owner and
517 any person performing work that requires licensure under the
518 permit issued. The local permitting agency shall provide the
519 person with a disclosure statement in substantially the
520 following form:

521
522 DISCLOSURE STATEMENT

523
524 1. I understand that state law requires construction
525 to be done by a licensed contractor and have applied
526 for an owner-builder permit under an exemption from
527 the law. The exemption specifies that I, as the owner
528 of the property listed, may act as my own contractor
529 with certain restrictions even though I do not have a
530 license.

531 2. I understand that building permits are not
532 required to be signed by a property owner unless he or

533 she is responsible for the construction and is not
534 hiring a licensed contractor to assume responsibility.

535 3. I understand that, as an owner-builder, I am the
536 responsible party of record on a permit. I understand
537 that I may protect myself from potential financial
538 risk by hiring a licensed contractor and having the
539 permit filed in his or her name instead of my own
540 name. I also understand that a contractor is required
541 by law to be licensed in Florida and to list his or
542 her license numbers on permits and contracts.

543 4. I understand that I may build or improve a one-
544 family or two-family residence or a farm outbuilding.
545 I may also build or improve a commercial building if
546 the costs do not exceed \$75,000. The building or
547 residence must be for my own use or occupancy. It may
548 not be built or substantially improved for sale or
549 lease. If a building or residence that I have built or
550 substantially improved myself is sold or leased within
551 1 year after the construction is complete, the law
552 will presume that I built or substantially improved it
553 for sale or lease, which violates the exemption.

554 5. I understand that, as the owner-builder, I must
555 provide direct, onsite supervision of the
556 construction.

557 6. I understand that I may not hire an unlicensed
558 person to act as my contractor or to supervise persons
559 working on my building or residence. It is my
560 responsibility to ensure that the persons whom I

561 employ have the licenses required by law and by county
562 or municipal ordinance.

563 7. I understand that it is a frequent practice of
564 unlicensed persons to have the property owner obtain
565 an owner-builder permit that erroneously implies that
566 the property owner is providing his or her own labor
567 and materials. I, as an owner-builder, may be held
568 liable and subjected to serious financial risk for any
569 injuries sustained by an unlicensed person or his or
570 her employees while working on my property. My
571 homeowner's insurance may not provide coverage for
572 those injuries. I am willfully acting as an owner-
573 builder and am aware of the limits of my insurance
574 coverage for injuries to workers on my property.

575 8. I understand that I may not delegate the
576 responsibility for supervising work to a licensed
577 contractor who is not licensed to perform the work
578 being done. Any person working on my building who is
579 not licensed must work under my direct supervision and
580 must be employed by me, which means that I must comply
581 with laws requiring the withholding of federal income
582 tax and social security contributions under the
583 Federal Insurance Contributions Act (FICA) and must
584 provide workers' compensation for the employee. I
585 understand that my failure to follow these laws may
586 subject me to serious financial risk.

587 9. I agree that, as the party legally and financially
588 responsible for this proposed construction activity, I

589 will abide by all applicable laws and requirements
590 that govern owner-builders as well as employers. I
591 also understand that the construction must comply with
592 all applicable laws, ordinances, building codes, and
593 zoning regulations.

594 10. I understand that I may obtain more information
595 regarding my obligations as an employer from the
596 Internal Revenue Service, the United States Small
597 Business Administration, the Florida Department of
598 Financial Services, and the Florida Department of
599 Revenue. I also understand that I may contact the
600 Florida Construction Industry Licensing Board at
601 ... (telephone number) ... or ... (Internet website
602 address) ... for more information about licensed
603 contractors.

604 11. I am aware of, and consent to, an owner-builder
605 building permit applied for in my name and understand
606 that I am the party legally and financially
607 responsible for the proposed construction activity at
608 the following address: ... (address of property)

609 12. I agree to notify ... (issuer of disclosure
610 statements) ... immediately of any additions,
611 deletions, or changes to any of the information that I
612 have provided on this disclosure.

613
614 Licensed contractors are regulated by laws designed to
615 protect the public. If you contract with a person who
616 does not have a license, the Construction Industry

617 Licensing Board and Department of Business and
 618 Professional Regulation may be unable to assist you
 619 with any financial loss that you sustain as a result
 620 of a complaint. Your only remedy against an unlicensed
 621 contractor may be in civil court. It is also important
 622 for you to understand that, if an unlicensed
 623 contractor or employee of an individual or firm is
 624 injured while working on your property, you may be
 625 held liable for damages. If you obtain an owner-
 626 builder permit and wish to hire a licensed contractor,
 627 you will be responsible for verifying whether the
 628 contractor is properly licensed and the status of the
 629 contractor's workers' compensation coverage.

630
 631 Before a building permit can be issued, this
 632 disclosure statement must be completed and signed by
 633 the property owner and returned to the local
 634 permitting agency responsible for issuing the permit.
 635 A copy of the property owner's driver license, the
 636 notarized signature of the property owner, or other
 637 type of verification acceptable to the local
 638 permitting agency is required when the permit is
 639 issued.

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

641 Date: ...(date)....

642 Section 11. Paragraphs (e), (f), (g), (i), (m), (q), and
 643 (r) of subsection (3) of section 489.105, Florida Statutes, are
 644 amended to read:

645 489.105 Definitions.—As used in this part:

646 (3) "Contractor" means the person who is qualified for,
647 and is only responsible for, the project contracted for and
648 means, except as exempted in this part, the person who, for
649 compensation, undertakes to, submits a bid to, or does himself
650 or herself or by others construct, repair, alter, remodel, add
651 to, demolish, subtract from, or improve any building or
652 structure, including related improvements to real estate, for
653 others or for resale to others; and whose job scope is
654 substantially similar to the job scope described in one of the
655 subsequent paragraphs of this subsection. For the purposes of
656 regulation under this part, "demolish" applies only to
657 demolition of steel tanks over 50 feet in height; towers over 50
658 feet in height; other structures over 50 feet in height, other
659 than buildings or residences over three stories tall; and
660 buildings or residences over three stories tall. Contractors are
661 subdivided into two divisions, Division I, consisting of those
662 contractors defined in paragraphs (a)-(c), and Division II,
663 consisting of those contractors defined in paragraphs (d)-(r):

664 (e) "Roofing contractor" means a contractor whose services
665 are unlimited in the roofing trade and who has the experience,
666 knowledge, and skill to install, maintain, repair, alter,
667 extend, or design, if not prohibited by law, and use materials
668 and items used in the installation, maintenance, extension, and
669 alteration of all kinds of roofing, waterproofing, and coating,
670 except when coating is not represented to protect, repair,
671 waterproof, stop leaks, or extend the life of the roof. The
672 scope of work of a roofing contractor also includes skylights

673 and any related work, required roof-deck attachments, and any
674 repair or replacement of wood roof sheathing or fascia as needed
675 during roof repair or replacement and any related work.

676 (f) "Class A air-conditioning contractor" means a
677 contractor whose services are unlimited in the execution of
678 contracts requiring the experience, knowledge, and skill to
679 install, maintain, repair, fabricate, alter, extend, or design,
680 if not prohibited by law, central air-conditioning,
681 refrigeration, heating, and ventilating systems, including duct
682 work in connection with a complete system if such duct work is
683 performed by the contractor as necessary to complete an air-
684 distribution system, boiler and unfired pressure vessel systems,
685 and all appurtenances, apparatus, or equipment used in
686 connection therewith, and any duct cleaning and equipment
687 sanitizing that requires at least a partial disassembling of the
688 system; to install, maintain, repair, fabricate, alter, extend,
689 or design, if not prohibited by law, piping, insulation of
690 pipes, vessels and ducts, pressure and process piping, and
691 pneumatic control piping; to replace, disconnect, or reconnect
692 power wiring on the load side of the dedicated existing
693 electrical disconnect switch; to install, disconnect, and
694 reconnect low voltage heating, ventilating, and air-conditioning
695 control wiring; and to install a condensate drain from an air-
696 conditioning unit to an existing safe waste or other approved
697 disposal other than a direct connection to a sanitary system.
698 The scope of work for such contractor also includes any
699 excavation work incidental thereto, but does not include any
700 work such as liquefied petroleum or natural gas fuel lines

701 within buildings, except for disconnecting or reconnecting
702 changeouts of liquefied petroleum or natural gas appliances
703 within buildings; potable water lines or connections thereto;
704 sanitary sewer lines; swimming pool piping and filters; or
705 electrical power wiring. A Class A air-conditioning contractor
706 may test and evaluate central air-conditioning, refrigeration,
707 heating, and ventilating systems, including duct work; however,
708 a mandatory licensing requirement is not established for the
709 performance of these specific services.

710 (g) "Class B air-conditioning contractor" means a
711 contractor whose services are limited to 25 tons of cooling and
712 500,000 Btu of heating in any one system in the execution of
713 contracts requiring the experience, knowledge, and skill to
714 install, maintain, repair, fabricate, alter, extend, or design,
715 if not prohibited by law, central air-conditioning,
716 refrigeration, heating, and ventilating systems, including duct
717 work in connection with a complete system only to the extent
718 such duct work is performed by the contractor as necessary to
719 complete an air-distribution system being installed under this
720 classification, and any duct cleaning and equipment sanitizing
721 that requires at least a partial disassembling of the system; to
722 install, maintain, repair, fabricate, alter, extend, or design,
723 if not prohibited by law, piping and insulation of pipes,
724 vessels, and ducts; to replace, disconnect, or reconnect power
725 wiring on the load side of the dedicated existing electrical
726 disconnect switch; to install, disconnect, and reconnect low
727 voltage heating, ventilating, and air-conditioning control
728 wiring; and to install a condensate drain from an air-

729 conditioning unit to an existing safe waste or other approved
730 disposal other than a direct connection to a sanitary system.
731 The scope of work for such contractor also includes any
732 excavation work incidental thereto, but does not include any
733 work such as liquefied petroleum or natural gas fuel lines
734 within buildings, except for disconnecting or reconnecting
735 changeouts of liquefied petroleum or natural gas appliances
736 within buildings; potable water lines or connections thereto;
737 sanitary sewer lines; swimming pool piping and filters; or
738 electrical power wiring. A Class B air-conditioning contractor
739 may test and evaluate central air-conditioning, refrigeration,
740 heating, and ventilating systems, including duct work; however,
741 a mandatory licensing requirement is not established for the
742 performance of these specific services.

743 (i) "Mechanical contractor" means a contractor whose
744 services are unlimited in the execution of contracts requiring
745 the experience, knowledge, and skill to install, maintain,
746 repair, fabricate, alter, extend, or design, if not prohibited
747 by law, central air-conditioning, refrigeration, heating, and
748 ventilating systems, including duct work in connection with a
749 complete system if such duct work is performed by the contractor
750 as necessary to complete an air-distribution system, boiler and
751 unfired pressure vessel systems, lift station equipment and
752 piping, and all appurtenances, apparatus, or equipment used in
753 connection therewith, and any duct cleaning and equipment
754 sanitizing that requires at least a partial disassembling of the
755 system; to install, maintain, repair, fabricate, alter, extend,
756 or design, if not prohibited by law, piping, insulation of

CS/CS/HB 651

2012

757 pipes, vessels and ducts, pressure and process piping, pneumatic
758 control piping, gasoline tanks and pump installations and piping
759 for same, standpipes, air piping, vacuum line piping, oxygen
760 lines, nitrous oxide piping, ink and chemical lines, fuel
761 transmission lines, liquefied petroleum gas lines within
762 buildings, and natural gas fuel lines within buildings; to
763 replace, disconnect, or reconnect power wiring on the load side
764 of the dedicated existing electrical disconnect switch; to
765 install, disconnect, and reconnect low voltage heating,
766 ventilating, and air-conditioning control wiring; and to install
767 a condensate drain from an air-conditioning unit to an existing
768 safe waste or other approved disposal other than a direct
769 connection to a sanitary system. The scope of work for such
770 contractor also includes any excavation work incidental thereto,
771 but does not include any work such as potable water lines or
772 connections thereto, sanitary sewer lines, swimming pool piping
773 and filters, or electrical power wiring. A mechanical contractor
774 may test and evaluate central air-conditioning, refrigeration,
775 heating, and ventilating systems, including duct work; however,
776 a mandatory licensing requirement is not established for the
777 performance of these specific services.

778 (m) "Plumbing contractor" means a contractor whose
779 services are unlimited in the plumbing trade and includes
780 contracting business consisting ~~consists~~ of the execution of
781 contracts requiring the experience, financial means, knowledge,
782 and skill to install, maintain, repair, alter, extend, or, if
783 not prohibited by law, design plumbing. A plumbing contractor
784 may install, maintain, repair, alter, extend, or, if not

785 prohibited by law, design the following without obtaining an
 786 additional local regulatory license, certificate, or
 787 registration: sanitary drainage or storm drainage facilities,
 788 water and sewer plants and substations, ~~†~~ venting systems,
 789 public or private water supply systems,
 790 † septic tanks,
 791 † drainage and supply wells,
 792 † swimming pool piping,
 793 † irrigation systems,
 794 and, ~~or~~ solar heating water systems and all appurtenances,
 795 apparatus, or equipment used in connection therewith, including
 796 boilers and pressure process piping and including the
 797 installation of water, natural gas, liquefied petroleum gas and
 798 related venting, and storm and sanitary sewer lines; ~~and water~~
 799 ~~and sewer plants and substations.~~ The scope of work of the
 800 plumbing contractor also includes the design, if not prohibited
 801 by law, and installation, maintenance, repair, alteration, or
 802 extension of air-piping, vacuum line piping, oxygen line piping,
 803 nitrous oxide piping, and all related medical gas systems; fire
 804 line standpipes and fire sprinklers if authorized by law; ink
 805 and chemical lines; fuel oil and gasoline piping and tank and
 806 pump installation, except bulk storage plants; and pneumatic
 807 control piping systems, all in a manner that complies with all
 808 plans, specifications, codes, laws, and regulations applicable.
 809 The scope of work of the plumbing contractor applies to private
 810 property and public property, including any excavation work
 811 incidental thereto, and includes the work of the specialty
 812 plumbing contractor. Such contractor shall subcontract, with a
 qualified contractor in the field concerned, all other work
 incidental to the work but which is specified as being the work
 of a trade other than that of a plumbing contractor. This

813 definition does not limit the scope of work of any specialty
 814 contractor certified pursuant to s. 489.113(6), and does not
 815 require certification or registration under this part of any
 816 authorized employee of a public natural gas utility or of a
 817 private natural gas utility regulated by the Public Service
 818 Commission when disconnecting and reconnecting water lines in
 819 the servicing or replacement of an existing water heater. A
 820 plumbing contractor may perform drain cleaning and clearing and
 821 install or repair rainwater catchment systems; however, a
 822 mandatory licensing requirement is not established for the
 823 performance of these specific services.

824 ~~(q) "Glass and glazing contractor" means a contractor~~
 825 ~~whose services are unlimited in the execution of contracts~~
 826 ~~requiring the experience, knowledge, and skill to install,~~
 827 ~~attach, maintain, repair, fabricate, alter, extend, or design,~~
 828 ~~in residential and commercial applications without any height~~
 829 ~~restrictions, all types of windows, glass, and mirrors, whether~~
 830 ~~fixed or movable; swinging or sliding glass doors attached to~~
 831 ~~existing walls, floors, columns, or other structural members of~~
 832 ~~the building; glass holding or supporting mullions or horizontal~~
 833 ~~bars; structurally anchored impact-resistant opening protection~~
 834 ~~attached to existing building walls, floors, columns, or other~~
 835 ~~structural members of the building; prefabricated glass, metal,~~
 836 ~~or plastic curtain walls; storefront frames or panels; shower~~
 837 ~~and tub enclosures; metal fascias; and caulking incidental to~~
 838 ~~such work and assembly.~~

839 (q)(r) "Specialty contractor" means a contractor whose
 840 scope of work and responsibility is limited to a particular

841 phase of construction established in a category adopted by board
 842 rule and whose scope is limited to a subset of the activities
 843 described in one of the paragraphs of this subsection.

844 Section 12. Paragraphs (b) and (c) of subsection (4) of
 845 section 489.107, Florida Statutes, are amended to read:

846 489.107 Construction Industry Licensing Board.—

847 (4) The board shall be divided into two divisions,
 848 Division I and Division II.

849 (b) Division II is comprised of the roofing contractor,
 850 sheet metal contractor, air-conditioning contractor, mechanical
 851 contractor, pool contractor, plumbing contractor, and
 852 underground utility and excavation contractor members of the
 853 board; one of the members appointed pursuant to paragraph
 854 (2) (j); and one of the members appointed pursuant to paragraph
 855 (2) (k). Division II has jurisdiction over the regulation of
 856 contractors defined in s. 489.105(3) (d) - (p) ~~489.105(3) (d) - (q)~~.

857 (c) Jurisdiction for the regulation of specialty
 858 contractors defined in s. 489.105(3) (q) ~~489.105(3) (r)~~ shall lie
 859 with the division having jurisdiction over the scope of work of
 860 the specialty contractor as defined by board rule.

861 Section 13. Paragraph (g) of subsection (2) of section
 862 489.141, Florida Statutes, is amended to read:

863 489.141 Conditions for recovery; eligibility.—

864 (2) A claimant is not qualified to make a claim for
 865 recovery from the recovery fund, if:

866 (g) The claimant has contracted with a licensee to perform
 867 a scope of work described in s. 489.105(3) (d) - (q) ~~489.105(3) (d) -~~
 868 ~~(r)~~.

869 Section 14. Subsection (11) is added to section 489.113,
 870 Florida Statutes, to read:

871 489.113 Qualifications for practice; restrictions.—

872 (11) Any local act, law, ordinance, or regulation,
 873 including, but not limited to, a local building code or building
 874 permit requirement, of a county, municipality, or other
 875 political subdivision that pertains to hoisting equipment,
 876 including power-operated cranes, derricks, hoists, elevators,
 877 and conveyors used in construction, demolition, or excavation
 878 work, that is not already preempted by the Occupational Safety
 879 and Health Administration under 29 C.F.R. parts 1910 and 1926,
 880 including, but not limited to, local worksite regulation
 881 regarding hurricane preparedness or public safety, is prohibited
 882 and is preempted to the state. This subsection does not apply to
 883 the regulation of elevators under chapter 399 or to airspace
 884 height restrictions in chapter 333.

885 Section 15. Paragraph (e) of subsection (5) of section
 886 553.5041, Florida Statutes, is amended to read:

887 553.5041 Parking spaces for persons who have
 888 disabilities.—

889 (5) Accessible perpendicular and diagonal accessible
 890 parking spaces and loading zones must be designed and located to
 891 conform to ss. 502 and 503 of the standards.

892 (e)1. The removal of architectural barriers from a parking
 893 facility in accordance with 28 C.F.R. s. 36.304 or with s.
 894 553.508 must comply with this section unless compliance would
 895 cause the barrier removal not to be readily achievable. If
 896 compliance would cause the barrier removal not to be readily

897 | achievable, a facility may provide parking spaces at alternative
898 | locations for persons who have disabilities and provide
899 | appropriate signage directing such persons to the alternative
900 | parking if readily achievable. The facility may not reduce the
901 | required number or dimensions of those spaces or unreasonably
902 | increase the length of the accessible route from a parking space
903 | to the facility. The removal of an architectural barrier must
904 | not create a significant risk to the health or safety of a
905 | person who has a disability or to others.

906 | 2. A facility that is making alterations under s.
907 | 553.507(2) ~~(b)~~ must comply with this section to the maximum
908 | extent feasible. If compliance with parking location
909 | requirements is not feasible, the facility may provide parking
910 | spaces at alternative locations for persons who have
911 | disabilities and provide appropriate signage directing such
912 | persons to alternative parking. The facility may not reduce the
913 | required number or dimensions of those spaces, or unnecessarily
914 | increase the length of the accessible route from a parking space
915 | to the facility. The alteration must not create a significant
916 | risk to the health or safety of a person who has a disability or
917 | to others.

918 | Section 16. Subsection (10) of section 553.73, Florida
919 | Statutes, is amended to read:

920 | 553.73 Florida Building Code.—

921 | (10) The following buildings, structures, and facilities
922 | are exempt from the Florida Building Code as provided by law,
923 | and any further exemptions shall be as determined by the
924 | Legislature and provided by law:

CS/CS/HB 651

2012

- 925 (a) Buildings and structures specifically regulated and
926 preempted by the Federal Government.
- 927 (b) Railroads and ancillary facilities associated with the
928 railroad.
- 929 (c) Nonresidential farm buildings on farms.
- 930 (d) Temporary buildings or sheds used exclusively for
931 construction purposes.
- 932 (e) Mobile or modular structures used as temporary
933 offices, except that the provisions of part II relating to
934 accessibility by persons with disabilities ~~shall~~ apply to such
935 mobile or modular structures.
- 936 (f) Those structures or facilities of electric utilities,
937 as defined in s. 366.02, which are directly involved in the
938 generation, transmission, or distribution of electricity.
- 939 (g) Temporary sets, assemblies, or structures used in
940 commercial motion picture or television production, or any
941 sound-recording equipment used in such production, on or off the
942 premises.
- 943 (h) Storage sheds that are not designed for human
944 habitation and that have a floor area of 720 square feet or less
945 are not required to comply with the mandatory wind-borne-debris-
946 impact standards of the Florida Building Code. In addition, such
947 buildings that are 400 square feet or less and that are intended
948 for use in conjunction with one- and two-family residences are
949 not subject to the door height and width requirements of the
950 Florida Building Code.
- 951 (i) Chickees constructed by the Miccosukee Tribe of
952 Indians of Florida or the Seminole Tribe of Florida. As used in

953 | this paragraph, the term "chickee" means an open-sided wooden
954 | hut that has a thatched roof of palm or palmetto or other
955 | traditional materials, and that does not incorporate any
956 | electrical, plumbing, or other nonwood features.

957 | (j) Family mausoleums not exceeding 250 square feet in
958 | area which are prefabricated and assembled on site or
959 | preassembled and delivered on site and have walls, roofs, and a
960 | floor constructed of granite, marble, or reinforced concrete.

961 | (k) A building or structure having less than 1,000 square
962 | feet which is constructed and owned by a natural person for
963 | hunting and which is repaired or reconstructed to the same
964 | dimension and condition as existed on January 1, 2011, if the
965 | building or structure:

966 | 1. Is not rented or leased or used as a principal
967 | residence;

968 | 2. Is not located within the 100-year floodplain according
969 | to the Federal Emergency Management Agency's current Flood
970 | Insurance Rate Map; and

971 | 3. Is not connected to an offsite electric power or water
972 | supply.

973 |
974 | With the exception of paragraphs (a), (b), (c), and (f), in
975 | order to preserve the health, safety, and welfare of the public,
976 | the Florida Building Commission may, by rule adopted pursuant to
977 | chapter 120, provide for exceptions to the broad categories of
978 | buildings exempted in this section, including exceptions for
979 | application of specific sections of the code or standards
980 | adopted therein. The Department of Agriculture and Consumer

981 Services shall have exclusive authority to adopt by rule,
 982 pursuant to chapter 120, exceptions to nonresidential farm
 983 buildings exempted in paragraph (c) when reasonably necessary to
 984 preserve public health, safety, and welfare. The exceptions must
 985 be based upon specific criteria, such as under-roof floor area,
 986 aggregate electrical service capacity, HVAC system capacity, or
 987 other building requirements. Further, the commission may
 988 recommend to the Legislature additional categories of buildings,
 989 structures, or facilities which should be exempted from the
 990 Florida Building Code, to be provided by law. The Florida
 991 Building Code does not apply to temporary housing provided by
 992 the Department of Corrections to any prisoner in the state
 993 correctional system.

994 Section 17. Subsections (1) and (2) of section 553.79,
 995 Florida Statutes, are amended to read:

996 553.79 Permits; applications; issuance; inspections.—

997 (1) After the effective date of the Florida Building Code
 998 adopted as herein provided, it shall be unlawful for any person,
 999 firm, corporation, or governmental entity to construct, erect,
 1000 alter, modify, repair, or demolish any building within this
 1001 state without first obtaining a permit therefor from the
 1002 appropriate enforcing agency or from such persons as may, by
 1003 appropriate resolution or regulation of the authorized state or
 1004 local enforcing agency, be delegated authority to issue such
 1005 permits, upon the payment of such reasonable fees adopted by the
 1006 enforcing agency. The enforcing agency is empowered to revoke
 1007 any such permit upon a determination by the agency that the
 1008 construction, erection, alteration, modification, repair, or

CS/CS/HB 651

2012

1009 demolition of the building for which the permit was issued is in
 1010 violation of, or not in conformity with, the provisions of the
 1011 Florida Building Code. Whenever a permit required under this
 1012 section is denied or revoked because a plan or the construction,
 1013 erection, alteration, modification, repair, or demolition of a
 1014 building is found by the local enforcing agency to not be in
 1015 compliance with the Florida Building Code, the local enforcing
 1016 agency must identify the specific plan or project features that
 1017 do not comply with the applicable codes, chapters, and sections
 1018 and provide this information to the permit applicant.

1019 Installation, replacement, removal, or metering of any load
 1020 management control device is exempt from and shall not be
 1021 subject to the permit process and fees otherwise required by
 1022 this section.

1023 (2) Except as provided in subsection (6), an enforcing
 1024 agency may not issue any permit for construction, erection,
 1025 alteration, modification, repair, or demolition of any building
 1026 or structure until the local building code administrator or
 1027 inspector has reviewed the plans and specifications required by
 1028 the Florida Building Code, or local amendment thereto, for such
 1029 proposal and found the plans to be in compliance with the
 1030 Florida Building Code. If the local building code administrator
 1031 or inspector finds that the plans are not in compliance with the
 1032 Florida Building Code, the local building code administrator or
 1033 inspector must identify the specific plan features that do not
 1034 comply with the applicable codes, chapters, and sections and
 1035 provide this information to the local enforcing agency. The
 1036 local enforcing agency must then provide this information to the

1037 permit applicant. In addition, an enforcing agency may not issue
 1038 any permit for construction, erection, alteration, modification,
 1039 repair, or demolition of any building until the appropriate
 1040 firesafety inspector certified pursuant to s. 633.081 has
 1041 reviewed the plans and specifications required by the Florida
 1042 Building Code, or local amendment thereto, for such proposal and
 1043 found that the plans comply with the Florida Fire Prevention
 1044 Code and the Life Safety Code. Any building or structure which
 1045 is not subject to a firesafety code shall not be required to
 1046 have its plans reviewed by the firesafety inspector. Any
 1047 building or structure that is exempt from the local building
 1048 permit process may not be required to have its plans reviewed by
 1049 the local building code administrator. Industrial construction
 1050 on sites where design, construction, and firesafety are
 1051 supervised by appropriate design and inspection professionals
 1052 and which contain adequate in-house fire departments and rescue
 1053 squads is exempt, subject to local government option, from
 1054 review of plans and inspections, providing owners certify that
 1055 applicable codes and standards have been met and supply
 1056 appropriate approved drawings to local building and firesafety
 1057 inspectors. The enforcing agency shall issue a permit to
 1058 construct, erect, alter, modify, repair, or demolish any
 1059 building or structure when the plans and specifications for such
 1060 proposal comply with the provisions of the Florida Building Code
 1061 and the Florida Fire Prevention Code and the Life Safety Code as
 1062 determined by the local authority in accordance with this
 1063 chapter and chapter 633.

1064 Section 18. (1) The Florida Building Commission shall

CS/CS/HB 651

2012

1065 establish a workgroup to assist the commission in developing a
1066 rule for implementing an alternative design method for screen
1067 enclosures which allows for the removal of a section of the
1068 screen to accommodate high-wind events consistent with the
1069 provisions of the Florida Building Code. The workgroup shall be
1070 composed of the following members:

1071 (a) Three members who represent the Building Officials
1072 Association of Florida.

1073 (b) Two members who represent the screen enclosure
1074 manufacturing industry.

1075 (c) Two members who represent the aluminum contractors
1076 industry.

1077 (d) One member who represents the Florida Home Builders
1078 Association.

1079 (e) One member who represents the Florida Swimming Pool
1080 Association.

1081 (f) One member who represents the building products
1082 industry.

1083 (g) One member who is employed as a structural engineer.

1084 (2) The workgroup shall include in the rule, at a minimum,
1085 that:

1086 (a) Each alternative screen enclosure be designed for
1087 site-specific use.

1088 (b) An alternative screen enclosure that serves as a
1089 required barrier for a swimming pool keep the screen in place at
1090 the minimum height required for the barrier.

1091 (c) Each alternative screen enclosure include clear,
1092 highly visible labels for panels that need to be cut, retracted,

1093 or removed when winds are forecast to exceed 75 miles per hour.

1094 (d) Screens that have to be removed, cut, or retracted be
 1095 accessible for cutting, retracting, or removing without the use
 1096 of ladders or scaffolding.

1097 (e) The contractor provide a replacement screen at the
 1098 initial point of sale to repair an alternative screen enclosure
 1099 that is designed to require cutting the screen when wind speeds
 1100 are forecast to exceed 75 miles per hour.

1101 (f) The contractor installing the alternative screen
 1102 enclosures notify the homeowner and the local building
 1103 department that the homeowner must cut, retract, or remove a
 1104 panel or panels of the screen enclosure in accordance with
 1105 engineering or manufacturer's instructions when wind speeds are
 1106 forecast to exceed 75 miles per hour.

1107 (3) The Florida Building Commission shall appoint the
 1108 workgroup no later than 15 days after the effective date of this
 1109 act to draft a proposed rule. Rulemaking shall be initiated
 1110 pursuant to chapter 120, Florida Statutes, as soon as
 1111 practicable after appointment of the workgroup. The commission
 1112 shall file a notice of proposed rule no later than October 1,
 1113 2012. The commission shall file the rule for adoption by January
 1114 2, 2013, unless the commission files a letter by such date with
 1115 the Administrative Procedures Committee explaining the reasons
 1116 for not completing rulemaking. Upon final adoption of the rule,
 1117 the commission must incorporate such requirements into the next
 1118 version of the Florida Building Code. This section is repealed
 1119 upon adoption and implementation of the rule into the Florida
 1120 Building Code.

CS/CS/HB 651

2012

1121 Section 19. Subsection (4) of section 553.844, Florida
1122 Statutes, is amended to read:

1123 553.844 Windstorm loss mitigation; requirements for roofs
1124 and opening protection.—

1125 (4) Notwithstanding the provisions of this section,
1126 exposed mechanical equipment or appliances fastened to a roof or
1127 installed on the ground in compliance with the code using rated
1128 stands, platforms, curbs, slabs, or other means are deemed to
1129 comply with the wind resistance requirements of the 2007 Florida
1130 Building Code, as amended. Further support or enclosure of such
1131 mechanical equipment or appliances is not required by a state or
1132 local official having authority to enforce the Florida Building
1133 Code. This subsection expires on the effective date of the 2013
1134 ~~2010~~ Florida Building Code.

1135 Section 20. This act shall take effect July 1, 2012.