

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; providing requirements with respect to
54 | electronically submitted building permit applications
55 | and disclosure statements; providing certain exemption
56 | from liability for electronically submitted

57 information that is inaccurate; amending 489.105,
58 F.S.; revising definitions applicable to contractors;
59 repealing mandatory licensing requirements for glass
60 and glazing contractors; reenacting s. 489.105(6),
61 F.S., relating to the definition of the term
62 "contracting"; amending ss. 489.107 and 489.141, F.S.;
63 conforming cross-references; clarifying the
64 responsibilities of certified or registered
65 supervising contractors; amending s. 553.5041, F.S.;
66 correcting a cross-reference; amending s. 553.73,
67 F.S.; adding certain buildings and structures to those
68 that are exempt from the Florida Building Code;
69 amending s. 553.79, F.S.; requiring a local enforcing
70 agency to provide certain information to a permit
71 applicant when a permit is denied or revoked due to
72 specific circumstances; requiring a local building
73 code administrator or inspector to identify specific
74 plan features that are not in compliance with
75 applicable codes, chapters, and sections and to
76 provide such information to a local enforcing agency;
77 requiring a local enforcing agency to provide such
78 information to a permit applicant; requiring the
79 Florida Building Commission to establish a workgroup
80 to assist the commission in developing a rule for
81 implementing certain methods of alternative screen
82 enclosure design; requiring the rule to be
83 incorporated into the Florida Building Code; providing
84 for expiration of the requirement upon adoption and

85 implementation of the rule into the Florida Building
 86 Code; amending s. 553.844, F.S.; extending the
 87 expiration of an exemption from the Florida Building
 88 Code relating to certain equipment and appliances;
 89 amending s. 713.135, F.S.; revising notice of
 90 commencement and applicability of lien for building
 91 permit applications; providing effective dates.

92

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

94

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

97 162.12 Notices.—

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

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

113 ~~with a properly executed proof of mailing or affidavit~~
 114 ~~confirming the first class mailing;~~

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

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

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

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

131 Section 2. Section 255.0518, Florida Statutes, is created
 132 to read:

133 255.0518 Public bids; bid opening.—Notwithstanding s.
 134 119.071(1)(b), the state; any county or municipality of the
 135 state; any department or agency of the state, county, or
 136 municipality; or any other public body or institution must:

137 (1) Open sealed bids or the portions of any sealed bids
 138 that include the prices submitted, which are received pursuant
 139 to a competitive solicitation for construction or repairs on a
 140 public building or public work at a public meeting conducted in

141 compliance with s. 286.011.

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

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

146 Section 3. Paragraphs (b) through (p) of subsection (2) of
 147 section 381.0065, Florida Statutes, are redesignated as
 148 paragraphs (c) through (q), respectively, paragraph (n) of
 149 subsection (4) of that section is amended, paragraphs (w)
 150 through (z) are added to that subsection, and a new paragraph
 151 (b) is added to subsection (2) of that section, to read:

152 381.0065 Onsite sewage treatment and disposal systems;
 153 regulation.—

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

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

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

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

163 c. Is located along an exterior wall;

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

166 e. Has an emergency means of escape and rescue opening to
 167 the outside.

168 2. A room may not be considered a bedroom if it is used to

169 access another room except a bathroom or closet.

170 3. "Bedroom" does not include a hallway, bathroom,
171 kitchen, living room, family room, dining room, den, breakfast
172 nook, pantry, laundry room, sunroom, recreation room, media or
173 video room, or exercise room.

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

197 unit is valid for 2 years from the date of issuance and must be
198 renewed every 2 years. If all information pertaining to the
199 siting, location, and installation conditions or repair of an
200 onsite sewage treatment and disposal system remains the same, a
201 construction or repair permit for the onsite sewage treatment
202 and disposal system may be transferred to another person, if the
203 transferee files, within 60 days after the transfer of
204 ownership, an amended application providing all corrected
205 information and proof of ownership of the property. There is no
206 fee associated with the processing of this supplemental
207 information. A person may not contract to construct, modify,
208 alter, repair, service, abandon, or maintain any portion of an
209 onsite sewage treatment and disposal system without being
210 registered under part III of chapter 489. A property owner who
211 personally performs construction, maintenance, or repairs to a
212 system serving his or her own owner-occupied single-family
213 residence is exempt from registration requirements for
214 performing such construction, maintenance, or repairs on that
215 residence, but is subject to all permitting requirements. A
216 municipality or political subdivision of the state may not issue
217 a building or plumbing permit for any building that requires the
218 use of an onsite sewage treatment and disposal system unless the
219 owner or builder has received a construction permit for such
220 system from the department. A building or structure may not be
221 occupied and a municipality, political subdivision, or any state
222 or federal agency may not authorize occupancy until the
223 department approves the final installation of the onsite sewage
224 treatment and disposal system. A municipality or political

225 subdivision of the state may not approve any change in occupancy
226 or tenancy of a building that uses an onsite sewage treatment
227 and disposal system until the department has reviewed the use of
228 the system with the proposed change, approved the change, and
229 amended the operating permit.

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

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

252 (x)1. An onsite sewage treatment and disposal system is

253 not considered abandoned if the system is disconnected from a
254 structure that was made unusable or destroyed after a disaster,
255 was properly functioning at the time of disconnection, and was
256 not adversely affected by the disaster. The onsite sewage
257 treatment and disposal system may be reconnected to a rebuilt
258 structure if:

259 a. The reconnection of the system is to the same type of
260 structure that contains the same number of bedrooms or less,
261 provided that the square footage of the structure is less than
262 or equal to 110 percent of the original square footage of the
263 structure that existed before the disaster;

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

265 c. The system has not been altered without prior
266 authorization.

267 2. An onsite sewage treatment and disposal system that
268 serves a property that is foreclosed upon is not considered
269 abandoned.

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

280 (z) A modification, replacement, or upgrade of an onsite

281 sewage treatment and disposal system is not required for a
 282 remodeling addition to a single-family home if a bedroom is not
 283 added.

284 Section 4. Section 468.604, Florida Statutes, is amended
 285 to read:

286 468.604 Responsibilities of building code administrators,
 287 plans examiners, and inspectors.—

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

299 (a) The review of construction plans to ensure compliance
 300 with all applicable sections of the code. The construction plans
 301 must be reviewed before the issuance of any building, system
 302 installation, or other construction permit. The review of
 303 construction plans must be done by the building code
 304 administrator or building official or by a person having the
 305 appropriate plans examiner license issued under this chapter.

306 (b) The inspection of each phase of construction where a
 307 building or other construction permit has been issued. The
 308 building code administrator or building official, or a person

309 having the appropriate building code inspector license issued
310 under this chapter, shall inspect the construction or
311 installation to ensure that the work is performed in accordance
312 with applicable sections of the code.

313 (2) It is the responsibility of the building code
314 inspector to conduct inspections of construction, alteration,
315 repair, remodeling, or demolition of structures and the
316 installation of building systems, when permitting is required,
317 to ensure compliance with the Florida Building Code and any
318 applicable local technical amendment to the Florida Building
319 Code. Each building code inspector must be licensed in the
320 appropriate category as defined in s. 468.603. The building code
321 inspector's responsibilities must be performed under the
322 direction of the building code administrator or building
323 official without interference from any unlicensed person.

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

335 (4) The Legislature finds that the electronic filing of
336 construction plans will increase government efficiency, reduce

337 costs, and increase timeliness of processing permits. If the
 338 building code administrator or building official provides for
 339 electronic filing, the construction plans, drawings,
 340 specifications, reports, final documents, or documents prepared
 341 or issued by a licensee may be dated and electronically signed
 342 and sealed by the licensee in accordance with ss. 668.001-
 343 668.006 and may be transmitted electronically to the building
 344 code administrator or building official for approval.

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

347 633.0215 Florida Fire Prevention Code.—

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

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

361 468.609 Administration of this part; standards for
 362 certification; additional categories of certification.—

363 (2) A person may take the examination for certification as
 364 a building code inspector or plans examiner pursuant to this

365 part if the person:

366 (c) Meets eligibility requirements according to one of the
 367 following criteria:

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

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

376 3. Demonstrates a combination of technical education in
 377 the field of construction or a related field and experience
 378 which totals 4 years, with at least 1 year of such total being
 379 experience in construction, building code inspection, or plans
 380 review;

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

389 5. Demonstrates a combination of the completion of an
 390 approved training program in the field of building code
 391 inspection or plan review and a minimum of 2 years' experience
 392 in the field of building code inspection, plan review, fire code

393 inspections and fire plans review of new buildings as a
394 firesafety inspector certified under s. 633.081(2), or
395 construction. The approved training portion of this requirement
396 shall include proof of satisfactory completion of a training
397 program of not less than 300 hours which is approved by the
398 board in the chosen category of building code inspection or plan
399 review in the certification category sought with not less than
400 20 hours of instruction in state laws, rules, and ethics
401 relating to professional standards of practice, duties, and
402 responsibilities of a certificateholder. The board shall
403 coordinate with the Building Officials Association of Florida,
404 Inc., to establish by rule the development and implementation of
405 the training program.

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

416 Section 7. Paragraph (d) of subsection (1) of section
417 468.841, Florida Statutes, is amended to read:

418 468.841 Exemptions.—

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

421 (d) Persons or business organizations acting within the
422 scope of the respective licenses required under part XV of this
423 chapter, chapter 471, part I or II of chapter 481, chapter 482,
424 or chapter 489 are acting on behalf of an insurer under part VI
425 of chapter 626, or are persons in the manufactured housing
426 industry who are licensed under chapter 320, except when any
427 such persons or business organizations hold themselves out for
428 hire to the public as a "certified mold assessor," "registered
429 mold assessor," "licensed mold assessor," "mold assessor,"
430 "professional mold assessor," or any combination thereof stating
431 or implying licensure under this part.

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

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

444 481.329 Exceptions; exemptions from licensure.—

445 (5) ~~Nothing in~~ This part does not prohibit ~~prohibits~~ any
446 person from engaging in the practice of landscape design, as
447 defined in s. 481.303(7), or from ~~not~~ submitting for approval to
448 a governmental agency planting plans that are independent of, or

449 a component of, construction documents that are prepared by a
450 Florida-registered professional ~~such plans to governmental~~
451 ~~agencies for approval.~~ Persons providing landscape design
452 services shall not use the title, term, or designation
453 "landscape architect," "landscape architectural," "landscape
454 architecture," "L.A.," "landscape engineering," or any
455 description tending to convey the impression that she or he is a
456 landscape architect unless she or he is registered as provided
457 in this part.

458 Section 10. Subsection (7) of section 489.103, Florida
459 Statutes, is amended to read:

460 489.103 Exemptions.—This part does not apply to:

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

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

475 2.(b) When repairing or replacing wood shakes or asphalt
476 or fiberglass shingles on one-family, two-family, or three-

477 family residences for the occupancy or use of such owner or
478 tenant of the owner and not offered for sale within 1 year after
479 completion of the work and when the property has been damaged by
480 natural causes from an event recognized as an emergency
481 situation designated by executive order issued by the Governor
482 declaring the existence of a state of emergency as a result and
483 consequence of a serious threat posed to the public health,
484 safety, and property in this state.

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

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

504 (c) To qualify for exemption under this subsection, an

505 owner must personally appear and sign the building permit
 506 application and must satisfy local permitting agency
 507 requirements, if any, proving that the owner has a complete
 508 understanding of the owner's obligations under the law as
 509 specified in the disclosure statement in this section. However,
 510 for purposes of implementing a United States Department of
 511 Energy SunShot Initiative: Rooftop Solar Challenge grant and the
 512 participation of county and municipal governments, including
 513 local permitting agencies under the jurisdiction of such county
 514 and municipal governments, an owner's notarized signature or
 515 personal appearance to sign the permit application is not
 516 required for a solar project, as described in subparagraph
 517 (a)3., if the building permit application is submitted
 518 electronically to the permitting agency and the owner certifies
 519 the application and disclosure statement using the permitting
 520 agency's electronic confirmation system. If any person violates
 521 the requirements of this subsection, the local permitting agency
 522 shall withhold final approval, revoke the permit, or pursue any
 523 action or remedy for unlicensed activity against the owner and
 524 any person performing work that requires licensure under the
 525 permit issued. The local permitting agency shall provide the
 526 person with a disclosure statement in substantially the
 527 following form:

528
 529 DISCLOSURE STATEMENT

530
 531 1. I understand that state law requires construction
 532 to be done by a licensed contractor and have applied

533 | for an owner-builder permit under an exemption from
534 | the law. The exemption specifies that I, as the owner
535 | of the property listed, may act as my own contractor
536 | with certain restrictions even though I do not have a
537 | license.

538 | 2. I understand that building permits are not
539 | required to be signed by a property owner unless he or
540 | she is responsible for the construction and is not
541 | hiring a licensed contractor to assume responsibility.

542 | 3. I understand that, as an owner-builder, I am the
543 | responsible party of record on a permit. I understand
544 | that I may protect myself from potential financial
545 | risk by hiring a licensed contractor and having the
546 | permit filed in his or her name instead of my own
547 | name. I also understand that a contractor is required
548 | by law to be licensed in Florida and to list his or
549 | her license numbers on permits and contracts.

550 | 4. I understand that I may build or improve a one-
551 | family or two-family residence or a farm outbuilding.
552 | I may also build or improve a commercial building if
553 | the costs do not exceed \$75,000. The building or
554 | residence must be for my own use or occupancy. It may
555 | not be built or substantially improved for sale or
556 | lease. If a building or residence that I have built or
557 | substantially improved myself is sold or leased within
558 | 1 year after the construction is complete, the law
559 | will presume that I built or substantially improved it
560 | for sale or lease, which violates the exemption.

561 | 5. I understand that, as the owner-builder, I must
562 | provide direct, onsite supervision of the
563 | construction.

564 | 6. I understand that I may not hire an unlicensed
565 | person to act as my contractor or to supervise persons
566 | working on my building or residence. It is my
567 | responsibility to ensure that the persons whom I
568 | employ have the licenses required by law and by county
569 | or municipal ordinance.

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

582 | 8. I understand that I may not delegate the
583 | responsibility for supervising work to a licensed
584 | contractor who is not licensed to perform the work
585 | being done. Any person working on my building who is
586 | not licensed must work under my direct supervision and
587 | must be employed by me, which means that I must comply
588 | with laws requiring the withholding of federal income

589 tax and social security contributions under the
 590 Federal Insurance Contributions Act (FICA) and must
 591 provide workers' compensation for the employee. I
 592 understand that my failure to follow these laws may
 593 subject me to serious financial risk.

594 9. I agree that, as the party legally and financially
 595 responsible for this proposed construction activity, I
 596 will abide by all applicable laws and requirements
 597 that govern owner-builders as well as employers. I
 598 also understand that the construction must comply with
 599 all applicable laws, ordinances, building codes, and
 600 zoning regulations.

601 10. I understand that I may obtain more information
 602 regarding my obligations as an employer from the
 603 Internal Revenue Service, the United States Small
 604 Business Administration, the Florida Department of
 605 Financial Services, and the Florida Department of
 606 Revenue. I also understand that I may contact the
 607 Florida Construction Industry Licensing Board at
 608 ...(telephone number)... or ...(Internet website
 609 address)... for more information about licensed
 610 contractors.

611 11. I am aware of, and consent to, an owner-builder
 612 building permit applied for in my name and understand
 613 that I am the party legally and financially
 614 responsible for the proposed construction activity at
 615 the following address: ...(address of property)....

616 12. I agree to notify ...(issuer of disclosure

617 statements)... immediately of any additions,
618 deletions, or changes to any of the information that I
619 have provided on this disclosure.

620
621 Licensed contractors are regulated by laws designed to
622 protect the public. If you contract with a person who
623 does not have a license, the Construction Industry
624 Licensing Board and Department of Business and
625 Professional Regulation may be unable to assist you
626 with any financial loss that you sustain as a result
627 of a complaint. Your only remedy against an unlicensed
628 contractor may be in civil court. It is also important
629 for you to understand that, if an unlicensed
630 contractor or employee of an individual or firm is
631 injured while working on your property, you may be
632 held liable for damages. If you obtain an owner-
633 builder permit and wish to hire a licensed contractor,
634 you will be responsible for verifying whether the
635 contractor is properly licensed and the status of the
636 contractor's workers' compensation coverage.

637
638 Before a building permit can be issued, this
639 disclosure statement must be completed and signed by
640 the property owner and returned to the local
641 permitting agency responsible for issuing the permit.
642 A copy of the property owner's driver license, the
643 notarized signature of the property owner, or other
644 type of verification acceptable to the local

645 | permitting agency is required when the permit is
646 | issued.

647 | Signature: ...(signature of property owner)....

648 | Date: ...(date)....

649 | (d) A building permit application and disclosure statement
650 | electronically submitted by an owner to the authority for a
651 | solar project, as described in subparagraph (a)3., must also
652 | contain the following statement:

653 |
654 | OWNER'S ELECTRONIC SUBMISSION STATEMENT: Under penalty
655 | of perjury, I declare that all the information
656 | contained in this building permit application and the
657 | representations made in the required disclosure
658 | statement are true and correct.

659 |
660 | (e) A permitting authority that accepts a building permit
661 | application and disclosure statement in an electronic format
662 | from an owner who is exempt pursuant to this subsection and
663 | applying for a permit relating to a solar project as described
664 | in subparagraph (a)3. is not liable in any civil action for
665 | inaccurate information submitted by the owner using the
666 | authority's electronic confirmation system.

667 | Section 11. Paragraphs (e), (f), (g), (i), (m), (q), and
668 | (r) of subsection (3) of section 489.105, Florida Statutes, are
669 | amended, and subsection (6) of that section is reenacted, to
670 | read:

671 | 489.105 Definitions.—As used in this part:

672 | (3) "Contractor" means the person who is qualified for,

673 and is only responsible for, the project contracted for and
674 means, except as exempted in this part, the person who, for
675 compensation, undertakes to, submits a bid to, or does himself
676 or herself or by others construct, repair, alter, remodel, add
677 to, demolish, subtract from, or improve any building or
678 structure, including related improvements to real estate, for
679 others or for resale to others; and whose job scope is
680 substantially similar to the job scope described in one of the
681 subsequent paragraphs of this subsection. For the purposes of
682 regulation under this part, "demolish" applies only to
683 demolition of steel tanks over 50 feet in height; towers over 50
684 feet in height; other structures over 50 feet in height, other
685 than buildings or residences over three stories tall; and
686 buildings or residences over three stories tall. Contractors are
687 subdivided into two divisions, Division I, consisting of those
688 contractors defined in paragraphs (a)-(c), and Division II,
689 consisting of those contractors defined in paragraphs (d)-(r):
690 (e) "Roofing contractor" means a contractor whose services
691 are unlimited in the roofing trade and who has the experience,
692 knowledge, and skill to install, maintain, repair, alter,
693 extend, or design, if not prohibited by law, and use materials
694 and items used in the installation, maintenance, extension, and
695 alteration of all kinds of roofing, waterproofing, and coating,
696 except when coating is not represented to protect, repair,
697 waterproof, stop leaks, or extend the life of the roof. The
698 scope of work of a roofing contractor also includes skylights
699 and any related work, required roof-deck attachments, and any
700 repair or replacement of wood roof sheathing or fascia as needed

701 during roof repair or replacement and any related work.

702 (f) "Class A air-conditioning contractor" means a
703 contractor whose services are unlimited in the execution of
704 contracts requiring the experience, knowledge, and skill to
705 install, maintain, repair, fabricate, alter, extend, or design,
706 if not prohibited by law, central air-conditioning,
707 refrigeration, heating, and ventilating systems, including duct
708 work in connection with a complete system if such duct work is
709 performed by the contractor as necessary to complete an air-
710 distribution system, boiler and unfired pressure vessel systems,
711 and all appurtenances, apparatus, or equipment used in
712 connection therewith, and any duct cleaning and equipment
713 sanitizing that requires at least a partial disassembling of the
714 system; to install, maintain, repair, fabricate, alter, extend,
715 or design, if not prohibited by law, piping, insulation of
716 pipes, vessels and ducts, pressure and process piping, and
717 pneumatic control piping; to replace, disconnect, or reconnect
718 power wiring on the load side of the dedicated existing
719 electrical disconnect switch; to install, disconnect, and
720 reconnect low voltage heating, ventilating, and air-conditioning
721 control wiring; and to install a condensate drain from an air-
722 conditioning unit to an existing safe waste or other approved
723 disposal other than a direct connection to a sanitary system.
724 The scope of work for such contractor also includes any
725 excavation work incidental thereto, but does not include any
726 work such as liquefied petroleum or natural gas fuel lines
727 within buildings, except for disconnecting or reconnecting
728 changeouts of liquefied petroleum or natural gas appliances

729 within buildings; potable water lines or connections thereto;
730 sanitary sewer lines; swimming pool piping and filters; or
731 electrical power wiring. A Class A air-conditioning contractor
732 may test and evaluate central air-conditioning, refrigeration,
733 heating, and ventilating systems, including duct work; however,
734 a mandatory licensing requirement is not established for the
735 performance of these specific services.

736 (g) "Class B air-conditioning contractor" means a
737 contractor whose services are limited to 25 tons of cooling and
738 500,000 Btu of heating in any one system in the execution of
739 contracts requiring the experience, knowledge, and skill to
740 install, maintain, repair, fabricate, alter, extend, or design,
741 if not prohibited by law, central air-conditioning,
742 refrigeration, heating, and ventilating systems, including duct
743 work in connection with a complete system only to the extent
744 such duct work is performed by the contractor as necessary to
745 complete an air-distribution system being installed under this
746 classification, and any duct cleaning and equipment sanitizing
747 that requires at least a partial disassembling of the system; to
748 install, maintain, repair, fabricate, alter, extend, or design,
749 if not prohibited by law, piping and insulation of pipes,
750 vessels, and ducts; to replace, disconnect, or reconnect power
751 wiring on the load side of the dedicated existing electrical
752 disconnect switch; to install, disconnect, and reconnect low
753 voltage heating, ventilating, and air-conditioning control
754 wiring; and to install a condensate drain from an air-
755 conditioning unit to an existing safe waste or other approved
756 disposal other than a direct connection to a sanitary system.

757 The scope of work for such contractor also includes any
758 excavation work incidental thereto, but does not include any
759 work such as liquefied petroleum or natural gas fuel lines
760 within buildings, except for disconnecting or reconnecting
761 changeouts of liquefied petroleum or natural gas appliances
762 within buildings; potable water lines or connections thereto;
763 sanitary sewer lines; swimming pool piping and filters; or
764 electrical power wiring. A Class B air-conditioning contractor
765 may test and evaluate central air-conditioning, refrigeration,
766 heating, and ventilating systems, including duct work; however,
767 a mandatory licensing requirement is not established for the
768 performance of these specific services.

769 (i) "Mechanical contractor" means a contractor whose
770 services are unlimited in the execution of contracts requiring
771 the experience, knowledge, and skill to install, maintain,
772 repair, fabricate, alter, extend, or design, if not prohibited
773 by law, central air-conditioning, refrigeration, heating, and
774 ventilating systems, including duct work in connection with a
775 complete system if such duct work is performed by the contractor
776 as necessary to complete an air-distribution system, boiler and
777 unfired pressure vessel systems, lift station equipment and
778 piping, and all appurtenances, apparatus, or equipment used in
779 connection therewith, and any duct cleaning and equipment
780 sanitizing that requires at least a partial disassembling of the
781 system; to install, maintain, repair, fabricate, alter, extend,
782 or design, if not prohibited by law, piping, insulation of
783 pipes, vessels and ducts, pressure and process piping, pneumatic
784 control piping, gasoline tanks and pump installations and piping

785 for same, standpipes, air piping, vacuum line piping, oxygen
786 lines, nitrous oxide piping, ink and chemical lines, fuel
787 transmission lines, liquefied petroleum gas lines within
788 buildings, and natural gas fuel lines within buildings; to
789 replace, disconnect, or reconnect power wiring on the load side
790 of the dedicated existing electrical disconnect switch; to
791 install, disconnect, and reconnect low voltage heating,
792 ventilating, and air-conditioning control wiring; and to install
793 a condensate drain from an air-conditioning unit to an existing
794 safe waste or other approved disposal other than a direct
795 connection to a sanitary system. The scope of work for such
796 contractor also includes any excavation work incidental thereto,
797 but does not include any work such as potable water lines or
798 connections thereto, sanitary sewer lines, swimming pool piping
799 and filters, or electrical power wiring. A mechanical contractor
800 may test and evaluate central air-conditioning, refrigeration,
801 heating, and ventilating systems, including duct work; however,
802 a mandatory licensing requirement is not established for the
803 performance of these specific services.

804 (m) "Plumbing contractor" means a contractor whose
805 services are unlimited in the plumbing trade and includes
806 contracting business consisting ~~consists~~ of the execution of
807 contracts requiring the experience, financial means, knowledge,
808 and skill to install, maintain, repair, alter, extend, or, if
809 not prohibited by law, design plumbing. A plumbing contractor
810 may install, maintain, repair, alter, extend, or, if not
811 prohibited by law, design the following without obtaining an
812 additional local regulatory license, certificate, or

813 registration: sanitary drainage or storm drainage facilities,
814 water and sewer plants and substations, ~~venting systems,~~
815 public or private water supply systems, ~~septic tanks,~~ drainage
816 and supply wells, ~~swimming pool piping,~~ irrigation systems,
817 and ~~or~~ solar heating water systems and all appurtenances,
818 apparatus, or equipment used in connection therewith, including
819 boilers and pressure process piping and including the
820 installation of water, natural gas, liquefied petroleum gas and
821 related venting, and storm and sanitary sewer lines; ~~and water~~
822 ~~and sewer plants and substations~~. The scope of work of the
823 plumbing contractor also includes the design, if not prohibited
824 by law, and installation, maintenance, repair, alteration, or
825 extension of air-piping, vacuum line piping, oxygen line piping,
826 nitrous oxide piping, and all related medical gas systems; fire
827 line standpipes and fire sprinklers if authorized by law; ink
828 and chemical lines; fuel oil and gasoline piping and tank and
829 pump installation, except bulk storage plants; and pneumatic
830 control piping systems, all in a manner that complies with all
831 plans, specifications, codes, laws, and regulations applicable.
832 The scope of work of the plumbing contractor applies to private
833 property and public property, including any excavation work
834 incidental thereto, and includes the work of the specialty
835 plumbing contractor. Such contractor shall subcontract, with a
836 qualified contractor in the field concerned, all other work
837 incidental to the work but which is specified as being the work
838 of a trade other than that of a plumbing contractor. This
839 definition does not limit the scope of work of any specialty
840 contractor certified pursuant to s. 489.113(6), and does not

841 require certification or registration under this part of any
842 authorized employee of a public natural gas utility or of a
843 private natural gas utility regulated by the Public Service
844 Commission when disconnecting and reconnecting water lines in
845 the servicing or replacement of an existing water heater. A
846 plumbing contractor may perform drain cleaning and clearing and
847 install or repair rainwater catchment systems; however, a
848 mandatory licensing requirement is not established for the
849 performance of these specific services.

850 ~~(q) "Glass and glazing contractor" means a contractor~~
851 ~~whose services are unlimited in the execution of contracts~~
852 ~~requiring the experience, knowledge, and skill to install,~~
853 ~~attach, maintain, repair, fabricate, alter, extend, or design,~~
854 ~~in residential and commercial applications without any height~~
855 ~~restrictions, all types of windows, glass, and mirrors, whether~~
856 ~~fixed or movable; swinging or sliding glass doors attached to~~
857 ~~existing walls, floors, columns, or other structural members of~~
858 ~~the building; glass holding or supporting mullions or horizontal~~
859 ~~bars; structurally anchored impact resistant opening protection~~
860 ~~attached to existing building walls, floors, columns, or other~~
861 ~~structural members of the building; prefabricated glass, metal,~~
862 ~~or plastic curtain walls; storefront frames or panels; shower~~
863 ~~and tub enclosures; metal fascias; and caulking incidental to~~
864 ~~such work and assembly.~~

865 (q)(r) "Specialty contractor" means a contractor whose
866 scope of work and responsibility is limited to a particular
867 phase of construction established in a category adopted by board
868 rule and whose scope is limited to a subset of the activities

869 described in one of the paragraphs of this subsection.

870 (6) "Contracting" means, except as exempted in this part,
 871 engaging in business as a contractor and includes, but is not
 872 limited to, performance of any of the acts as set forth in
 873 subsection (3) which define types of contractors. The attempted
 874 sale of contracting services and the negotiation or bid for a
 875 contract on these services also constitutes contracting. If the
 876 services offered require licensure or agent qualification, the
 877 offering, negotiation for a bid, or attempted sale of these
 878 services requires the corresponding licensure. However, the term
 879 "contracting" shall not extend to an individual, partnership,
 880 corporation, trust, or other legal entity that offers to sell or
 881 sells completed residences on property on which the individual
 882 or business entity has any legal or equitable interest, or to
 883 the individual or business entity that offers to sell or sells
 884 manufactured or factory-built buildings that will be completed
 885 on site on property on which either party to a contract has any
 886 legal or equitable interest, if the services of a qualified
 887 contractor certified or registered pursuant to the requirements
 888 of this chapter have been or will be retained for the purpose of
 889 constructing or completing such residences.

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

892 489.107 Construction Industry Licensing Board.—

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

895 (b) Division II is comprised of the roofing contractor,
 896 sheet metal contractor, air-conditioning contractor, mechanical

897 contractor, pool contractor, plumbing contractor, and
 898 underground utility and excavation contractor members of the
 899 board; one of the members appointed pursuant to paragraph
 900 (2) (j); and one of the members appointed pursuant to paragraph
 901 (2) (k). Division II has jurisdiction over the regulation of
 902 contractors defined in s. 489.105(3) (d)-(p) ~~489.105(3) (d)-(q)~~.

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

907 Section 13. Paragraph (g) of subsection (2) of section
 908 489.141, Florida Statutes, is amended to read:

909 489.141 Conditions for recovery; eligibility.-

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

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

915 Section 14. Effective upon this act becoming a law,
 916 subsection (2) of section 489.113, Florida Statutes, is amended
 917 to read:

918 489.113 Qualifications for practice; restrictions.-

919 (2) A ~~No~~ person must be ~~who is not~~ certified or registered
 920 to ~~shall~~ engage in the business of contracting in this state.
 921 However, for purposes of complying with ~~the provisions of~~ this
 922 chapter, a subcontractor ~~person~~ who is not certified or
 923 registered may perform construction work under the supervision
 924 of a person who is certified or registered, provided that the

925 work is within the scope of the supervising contractor's
 926 ~~supervisor's~~ license, the supervising contractor is responsible
 927 for the work, and ~~provided that~~ the subcontractor ~~person~~ being
 928 supervised is not engaged in construction work that ~~which~~ would
 929 require a license as a contractor under any of the categories
 930 listed in s. 489.105(3)(d)-(o). This subsection does not affect
 931 the application of any local construction licensing ordinances.
 932 To enforce this subsection:

933 (a) The department shall issue a cease and desist order to
 934 prohibit any person from engaging in the business of contracting
 935 who does not hold the required certification or registration for
 936 the work being performed under this part. For the purpose of
 937 enforcing a cease and desist order, the department may file a
 938 proceeding in the name of the state seeking issuance of an
 939 injunction or a writ of mandamus against any person who violates
 940 any provision of such order.

941 (b) A county, municipality, or local licensing board
 942 created by special act may issue a cease and desist order to
 943 prohibit any person from engaging in the business of contracting
 944 who does not hold the required certification or registration for
 945 the work being performed under this part.

946 Section 15. Paragraph (e) of subsection (5) of section
 947 553.5041, Florida Statutes, is amended to read:

948 553.5041 Parking spaces for persons who have
 949 disabilities.—

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

953 (e)1. The removal of architectural barriers from a parking
954 facility in accordance with 28 C.F.R. s. 36.304 or with s.
955 553.508 must comply with this section unless compliance would
956 cause the barrier removal not to be readily achievable. If
957 compliance would cause the barrier removal not to be readily
958 achievable, a facility may provide parking spaces at alternative
959 locations for persons who have disabilities and provide
960 appropriate signage directing such persons to the alternative
961 parking if readily achievable. The facility may not reduce the
962 required number or dimensions of those spaces or unreasonably
963 increase the length of the accessible route from a parking space
964 to the facility. The removal of an architectural barrier must
965 not create a significant risk to the health or safety of a
966 person who has a disability or to others.

967 2. A facility that is making alterations under s.
968 553.507(2) ~~(b)~~ must comply with this section to the maximum
969 extent feasible. If compliance with parking location
970 requirements is not feasible, the facility may provide parking
971 spaces at alternative locations for persons who have
972 disabilities and provide appropriate signage directing such
973 persons to alternative parking. The facility may not reduce the
974 required number or dimensions of those spaces, or unnecessarily
975 increase the length of the accessible route from a parking space
976 to the facility. The alteration must not create a significant
977 risk to the health or safety of a person who has a disability or
978 to others.

979 Section 16. Subsection (10) of section 553.73, Florida
980 Statutes, is amended to read:

981 553.73 Florida Building Code.—

982 (10) The following buildings, structures, and facilities
 983 are exempt from the Florida Building Code as provided by law,
 984 and any further exemptions shall be as determined by the
 985 Legislature and provided by law:

986 (a) Buildings and structures specifically regulated and
 987 preempted by the Federal Government.

988 (b) Railroads and ancillary facilities associated with the
 989 railroad.

990 (c) Nonresidential farm buildings on farms.

991 (d) Temporary buildings or sheds used exclusively for
 992 construction purposes.

993 (e) Mobile or modular structures used as temporary
 994 offices, except that the provisions of part II relating to
 995 accessibility by persons with disabilities ~~shall~~ apply to such
 996 mobile or modular structures.

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

1000 (g) Temporary sets, assemblies, or structures used in
 1001 commercial motion picture or television production, or any
 1002 sound-recording equipment used in such production, on or off the
 1003 premises.

1004 (h) Storage sheds that are not designed for human
 1005 habitation and that have a floor area of 720 square feet or less
 1006 are not required to comply with the mandatory wind-borne-debris-
 1007 impact standards of the Florida Building Code. In addition, such
 1008 buildings that are 400 square feet or less and that are intended

1009 for use in conjunction with one- and two-family residences are
 1010 not subject to the door height and width requirements of the
 1011 Florida Building Code.

1012 (i) Chickees constructed by the Miccosukee Tribe of
 1013 Indians of Florida or the Seminole Tribe of Florida. As used in
 1014 this paragraph, the term "chickee" means an open-sided wooden
 1015 hut that has a thatched roof of palm or palmetto or other
 1016 traditional materials, and that does not incorporate any
 1017 electrical, plumbing, or other nonwood features.

1018 (j) Family mausoleums not exceeding 250 square feet in
 1019 area which are prefabricated and assembled on site or
 1020 preassembled and delivered on site and have walls, roofs, and a
 1021 floor constructed of granite, marble, or reinforced concrete.

1022 (k) A building or structure having less than 1,000 square
 1023 feet which is constructed and owned by a natural person for
 1024 hunting and which is repaired or reconstructed to the same
 1025 dimension and condition as existed on January 1, 2011, if the
 1026 building or structure:

1027 1. Is not rented or leased or used as a principal
 1028 residence;

1029 2. Is not located within the 100-year floodplain according
 1030 to the Federal Emergency Management Agency's current Flood
 1031 Insurance Rate Map; and

1032 3. Is not connected to an offsite electric power or water
 1033 supply.

1034
 1035 With the exception of paragraphs (a), (b), (c), and (f), in
 1036 order to preserve the health, safety, and welfare of the public,

1037 the Florida Building Commission may, by rule adopted pursuant to
 1038 chapter 120, provide for exceptions to the broad categories of
 1039 buildings exempted in this section, including exceptions for
 1040 application of specific sections of the code or standards
 1041 adopted therein. The Department of Agriculture and Consumer
 1042 Services shall have exclusive authority to adopt by rule,
 1043 pursuant to chapter 120, exceptions to nonresidential farm
 1044 buildings exempted in paragraph (c) when reasonably necessary to
 1045 preserve public health, safety, and welfare. The exceptions must
 1046 be based upon specific criteria, such as under-roof floor area,
 1047 aggregate electrical service capacity, HVAC system capacity, or
 1048 other building requirements. Further, the commission may
 1049 recommend to the Legislature additional categories of buildings,
 1050 structures, or facilities which should be exempted from the
 1051 Florida Building Code, to be provided by law. The Florida
 1052 Building Code does not apply to temporary housing provided by
 1053 the Department of Corrections to any prisoner in the state
 1054 correctional system.

1055 Section 17. Subsections (1) and (2) of section 553.79,
 1056 Florida Statutes, are amended to read:

1057 553.79 Permits; applications; issuance; inspections.—

1058 (1) After the effective date of the Florida Building Code
 1059 adopted as herein provided, it shall be unlawful for any person,
 1060 firm, corporation, or governmental entity to construct, erect,
 1061 alter, modify, repair, or demolish any building within this
 1062 state without first obtaining a permit therefor from the
 1063 appropriate enforcing agency or from such persons as may, by
 1064 appropriate resolution or regulation of the authorized state or

1065 local enforcing agency, be delegated authority to issue such
 1066 permits, upon the payment of such reasonable fees adopted by the
 1067 enforcing agency. The enforcing agency is empowered to revoke
 1068 any such permit upon a determination by the agency that the
 1069 construction, erection, alteration, modification, repair, or
 1070 demolition of the building for which the permit was issued is in
 1071 violation of, or not in conformity with, the provisions of the
 1072 Florida Building Code. Whenever a permit required under this
 1073 section is denied or revoked because a plan or the construction,
 1074 erection, alteration, modification, repair, or demolition of a
 1075 building is found by the local enforcing agency to not be in
 1076 compliance with the Florida Building Code, the local enforcing
 1077 agency must identify the specific plan or project features that
 1078 do not comply with the applicable codes, chapters, and sections
 1079 and provide this information to the permit applicant.

1080 Installation, replacement, removal, or metering of any load
 1081 management control device is exempt from and shall not be
 1082 subject to the permit process and fees otherwise required by
 1083 this section.

1084 (2) Except as provided in subsection (6), an enforcing
 1085 agency may not issue any permit for construction, erection,
 1086 alteration, modification, repair, or demolition of any building
 1087 or structure until the local building code administrator or
 1088 inspector has reviewed the plans and specifications required by
 1089 the Florida Building Code, or local amendment thereto, for such
 1090 proposal and found the plans to be in compliance with the
 1091 Florida Building Code. If the local building code administrator
 1092 or inspector finds that the plans are not in compliance with the

1093 Florida Building Code, the local building code administrator or
 1094 inspector must identify the specific plan features that do not
 1095 comply with the applicable codes, chapters, and sections and
 1096 provide this information to the local enforcing agency. The
 1097 local enforcing agency must then provide this information to the
 1098 permit applicant. In addition, an enforcing agency may not issue
 1099 any permit for construction, erection, alteration, modification,
 1100 repair, or demolition of any building until the appropriate
 1101 firesafety inspector certified pursuant to s. 633.081 has
 1102 reviewed the plans and specifications required by the Florida
 1103 Building Code, or local amendment thereto, for such proposal and
 1104 found that the plans comply with the Florida Fire Prevention
 1105 Code and the Life Safety Code. Any building or structure which
 1106 is not subject to a firesafety code shall not be required to
 1107 have its plans reviewed by the firesafety inspector. Any
 1108 building or structure that is exempt from the local building
 1109 permit process may not be required to have its plans reviewed by
 1110 the local building code administrator. Industrial construction
 1111 on sites where design, construction, and firesafety are
 1112 supervised by appropriate design and inspection professionals
 1113 and which contain adequate in-house fire departments and rescue
 1114 squads is exempt, subject to local government option, from
 1115 review of plans and inspections, providing owners certify that
 1116 applicable codes and standards have been met and supply
 1117 appropriate approved drawings to local building and firesafety
 1118 inspectors. The enforcing agency shall issue a permit to
 1119 construct, erect, alter, modify, repair, or demolish any
 1120 building or structure when the plans and specifications for such

1121 | proposal comply with the provisions of the Florida Building Code
 1122 | and the Florida Fire Prevention Code and the Life Safety Code as
 1123 | determined by the local authority in accordance with this
 1124 | chapter and chapter 633.

1125 | Section 18. (1) The Florida Building Commission shall
 1126 | establish a workgroup to assist the commission in developing a
 1127 | rule for implementing an alternative design method for screen
 1128 | enclosures which allows for the removal of a section of the
 1129 | screen to accommodate high-wind events consistent with the
 1130 | provisions of the Florida Building Code. The workgroup shall be
 1131 | composed of the following members:

1132 | (a) Three members who represent the Building Officials
 1133 | Association of Florida.

1134 | (b) Two members who represent the screen enclosure
 1135 | manufacturing industry.

1136 | (c) Two members who represent the aluminum contractors
 1137 | industry.

1138 | (d) One member who represents the Florida Home Builders
 1139 | Association.

1140 | (e) One member who represents the Florida Swimming Pool
 1141 | Association.

1142 | (f) One member who represents the building products
 1143 | industry.

1144 | (g) One member who is employed as a structural engineer.

1145 | (2) The workgroup shall include in the rule, at a minimum,
 1146 | that:

1147 | (a) Each alternative screen enclosure be designed for
 1148 | site-specific use.

1149 (b) An alternative screen enclosure that serves as a
1150 required barrier for a swimming pool keep the screen in place at
1151 the minimum height required for the barrier.

1152 (c) Each alternative screen enclosure include clear,
1153 highly visible labels for panels that need to be cut, retracted,
1154 or removed when winds are forecast to exceed 75 miles per hour.

1155 (d) Screens that have to be removed, cut, or retracted be
1156 accessible for cutting, retracting, or removing without the use
1157 of ladders or scaffolding.

1158 (e) The contractor provide a replacement screen at the
1159 initial point of sale to repair an alternative screen enclosure
1160 that is designed to require cutting the screen when wind speeds
1161 are forecast to exceed 75 miles per hour.

1162 (f) The contractor installing the alternative screen
1163 enclosures notify the homeowner and the local building
1164 department that the homeowner must cut, retract, or remove a
1165 panel or panels of the screen enclosure in accordance with
1166 engineering or manufacturer's instructions when wind speeds are
1167 forecast to exceed 75 miles per hour.

1168 (3) The Florida Building Commission shall appoint the
1169 workgroup no later than 15 days after the effective date of this
1170 act to draft a proposed rule. Rulemaking shall be initiated
1171 pursuant to chapter 120, Florida Statutes, as soon as
1172 practicable after appointment of the workgroup. The commission
1173 shall file a notice of proposed rule no later than October 1,
1174 2012. The commission shall file the rule for adoption by January
1175 2, 2013, unless the commission files a letter by such date with
1176 the Administrative Procedures Committee explaining the reasons

1177 for not completing rulemaking. Upon final adoption of the rule,
 1178 the commission must incorporate such requirements into the next
 1179 version of the Florida Building Code. This section is repealed
 1180 upon adoption and implementation of the rule into the Florida
 1181 Building Code.

1182 Section 19. Subsection (4) of section 553.844, Florida
 1183 Statutes, is amended to read:

1184 553.844 Windstorm loss mitigation; requirements for roofs
 1185 and opening protection.—

1186 (4) Notwithstanding the provisions of this section,
 1187 exposed mechanical equipment or appliances fastened to a roof or
 1188 installed on the ground in compliance with the code using rated
 1189 stands, platforms, curbs, slabs, or other means are deemed to
 1190 comply with the wind resistance requirements of the 2007 Florida
 1191 Building Code, as amended. Further support or enclosure of such
 1192 mechanical equipment or appliances is not required by a state or
 1193 local official having authority to enforce the Florida Building
 1194 Code. This subsection expires on the effective date of the 2013
 1195 ~~2010~~ Florida Building Code.

1196 Section 20. Paragraph (b) of subsection (6) of section
 1197 713.135, Florida Statutes, is amended, and a new paragraph (d)
 1198 is added to that subsection, to read:

1199 713.135 Notice of commencement and applicability of lien.—

1200 (6)

1201 (b)1. Consistent with the requirements of paragraph (a),
 1202 an authority responsible for issuing building permits under this
 1203 section may accept a building permit application in an
 1204 electronic format, as prescribed by the authority. Building

1205 permit applications submitted to the authority electronically
1206 must contain the following additional statement in lieu of the
1207 requirement in paragraph (a) that a signed, sworn, and notarized
1208 signature of the owner or agent and the contractor be part of
1209 the owner's affidavit:

1210
1211 OWNER'S ELECTRONIC SUBMISSION STATEMENT: Under penalty of
1212 perjury, I declare that all the information contained in this
1213 building permit application is true and correct.

1214
1215 2. For purposes of implementing a United States Department
1216 of Energy SunShot Initiative: Rooftop Solar Challenge grant and
1217 the participation of county and municipal governments, including
1218 local permitting agencies under the jurisdiction of such county
1219 and municipal governments, an owner or contractor is not
1220 required to personally appear and provide a notarized signature
1221 when filing a building permit application, if such building
1222 permit application is electronically submitted to the permitting
1223 authority, the application relates to a solar project, and the
1224 owner or contractor certifies the application, consistent with
1225 this paragraph, using the permitting authority's electronic
1226 confirmation system. For purposes of this subsection, the term
1227 "solar project" means installing, uninstalling, or replacing
1228 solar panels on single-family residential property, multifamily
1229 residential property, or commercial property.

1230 (d) An authority responsible for issuing building permits,
1231 which accepts building permit applications in an electronic
1232 format for solar projects, as defined in subparagraph (b)2., is

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2012

1233 not liable in any civil action for any inaccurate information
1234 submitted by an owner or contractor using the authority's
1235 electronic confirmation system.

1236 Section 21. Except as otherwise expressly provided in this
1237 act, this act shall take effect July 1, 2012.