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1 A bill to be entitled
2 An act relating to building construction and
3 inspection; amending s. 162.12, F.S.; revising the
4 authorized methods of sending notices to violators of
5 local codes; creating s. 255.0518, F.S.; requiring a
6 county or municipality, a department or agency of the
7 state, a county, or a municipality, or any other
8 public body or institution to open a sealed bid and
9 announce the name of each bidder and the price
10 submitted in the bid at a public meeting and make such
11 information available upon request; amending s.
12 381.0065, F.S.; revising the definition of the term
13 "bedroom" for purposes of requirements governing
14 onsite sewage treatment and disposal systems;
15 conforming a cross-reference; providing that a permit
16 for the installation, modification, or repair of an
17 onsite sewage treatment and disposal system approved
18 by the Department of Health transfers along with the
19 title to the property in a real estate transaction;
20 prohibiting the transferred title from being
21 encumbered by new permit requirements; providing
22 criteria for an abandoned onsite sewage treatment and
23 disposal system; providing guidelines for the
24 reconnection of an abandoned system; providing for the
25 applicability of rules to the construction of an
26 onsite sewage treatment and disposal system; providing
27 certain exemptions for a remodeled single-family home;
28 amending s. 468.604, F.S.; authorizing a building code
29 administrator or building official to approve the

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30 electronic filing of building plans and related
31 documents; amending s. 468.609, F.S.; revising the
32 eligibility requirements of a building code inspector
33 or plans examiner; revising criteria for the issuance
34 of provisional certificates; amending s. 468.841,
35 F.S.; including a person or a business organization
36 acting within the scope of a landscape architecture
37 license in the exemption from certain provisions
38 related to mold assessment; amending s. 481.329, F.S.;
39 clarifying the authority of a landscape design
40 practitioner to submit planting plans; amending s.
41 489.103, F.S.; providing an exemption from
42 construction contracting requirements for an owner who
43 installs, removes, or replaces solar panels on certain
44 residences while acting as the contractor; providing
45 for an electronic signature on the permit application;
46 requiring the building permit application and
47 disclosure statement to include a declaration
48 statement by the owner; providing that the issuing
49 authority is not liable in any civil action for
50 inaccurate information submitted by the owner using
51 the authority's electronic permitting system; amending
52 s. 489.105, F.S.; revising the definition of the term
53 "demolish" for purposes of describing the scope of
54 work of a contractor to include all buildings or
55 residences of certain heights; clarifying the
56 definition of the terms "roofing contractor," "Class A
57 air-conditioning contractor," "Class B air-
58 conditioning contractor," "mechanical contractor," and

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59 "plumbing contractor"; removing the term "glazing
60 contractor" from within the definition of the term
61 "contractor" for purposes of licensing by the
62 Department of Business and Professional Regulation;
63 reenacting s. 489.105(6), F.S., relating to the
64 definition of the term "contracting"; clarifying the
65 intent of the Legislature in the adoption of certain
66 amendments to s. 489.105(6), F.S., and specifying that
67 the amendments were intended to be remedial in nature,
68 clarify existing law, and apply retroactively to any
69 contract for the sale of manufactured or factory-built
70 buildings that will be completed on site and otherwise
71 comply with the requirements under state law; amending
72 s. 489.113, F.S.; clarifying that subcontractors may
73 perform construction work under the supervision of a
74 person who is certified or registered; amending s.
75 553.5041, F.S.; correcting a cross-reference; amending
76 s. 553.721, F.S.; allocating a portion of the funds
77 derived from a surcharge on permit fees to the Florida
78 Building Code Compliance and Mitigation Program;
79 making technical and grammatical changes; amending s.
80 553.73, F.S.; exempting certain buildings or
81 structures used for hunting from the Florida Building
82 Code; amending s. 553.79, F.S.; requiring that a
83 building code enforcing agency, administrator, and
84 inspector provide certain information to a permit
85 applicant upon a finding of noncompliance with the
86 Florida Building Code; amending s. 553.844, F.S.;
87 extending the expiration date to 2013 for exemption of

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88 certain equipment installation meeting the 2007
89 building code; amending s. 633.0215, F.S.; authorizing
90 the electronic filing of certain construction plans
91 for approval by the fire code administrator or fire
92 official; amending s. 713.135, F.S.; providing that an
93 owner or contractor is not required to personally
94 appear and provide a notarized signature when filing a
95 building permit application for a solar project if
96 certain conditions are met; providing that the issuing
97 authority is not liable in any civil action for
98 inaccurate information submitted by the owner using
99 the authority's electronic permitting system;
100 requiring the Florida Building Commission to establish
101 a workgroup to assist in the development of rules for
102 an alternative design method for screen enclosures;
103 providing for membership of the workgroup; providing
104 factors that must be included in the rule; providing
105 dates for appointment of the workgroup and adoption of
106 a rule; requiring the commission to incorporate the
107 alternative design method for screen enclosures into
108 the Florida Building Code; providing conditions for
109 expiration of the provision; providing effective
110 dates.

111
112 Be It Enacted by the Legislature of the State of Florida:

113
114 Section 1. Subsection (1) of section 162.12, Florida
115 Statutes, is amended to read:

116 162.12 Notices.—

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

119 (a) Certified mail to, ~~return receipt requested, provided~~
120 ~~if such notice is sent under this paragraph to the owner of the~~
121 ~~property in question at the address listed in the tax~~
122 ~~collector's office for tax notices, or to and at any other~~
123 ~~address provided by the property owner in writing to the local~~
124 ~~government for the purpose of receiving notices. For property~~
125 ~~owned by a corporation, notices may be provided by certified~~
126 ~~mail to the registered agent of the corporation. If any notice~~
127 ~~sent by certified mail is not signed as received within 30 days~~
128 ~~after the date of mailing by such owner and is returned as~~
129 ~~unclaimed or refused, notice may be provided by posting as~~
130 ~~described in subparagraphs (2) (b)1. and 2. and by first class~~
131 ~~mail directed to the addresses furnished to the local government~~
132 ~~with a properly executed proof of mailing or affidavit~~
133 ~~confirming the first class mailing;~~

134 (b) Hand delivery by the sheriff or other law enforcement
135 officer, code inspector, or other person designated by the local
136 governing body;

137 (c) Leaving the notice at the violator's usual place of
138 residence with any person residing therein who is above 15 years
139 of age and informing such person of the contents of the notice;
140 or

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

143
144 Evidence that an attempt has been made to hand deliver or mail
145 notice as provided in subsection (1), together with proof of

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146 publication or posting as provided in subsection (2), shall be
147 sufficient to show that the notice requirements of this part
148 have been met, without regard to whether or not the alleged
149 violator actually received such notice.

150 Section 2. Section 255.0518, Florida Statutes, is created
151 to read:

152 255.0518 Public bids; bid opening.—Notwithstanding s.
153 119.071(1)(b), a county or municipality, a department or agency
154 of the state, a county, or a municipality, or any other public
155 body or institution must:

156 (1) Open a sealed bid or the portion of a sealed bid that
157 includes the price submitted, which is received pursuant to a
158 competitive solicitation for construction or repairs on a public
159 building or public work, at a public meeting conducted in
160 compliance with s. 286.011.

161 (2) Announce at that meeting the name of each bidder and
162 the price submitted in the bid.

163 (3) Make available upon request the name of each bidder and
164 the price submitted in the bid.

165 Section 3. Present paragraphs (b) through (p) of subsection
166 (2) of section 381.0065, Florida Statutes, are redesignated as
167 paragraphs (c) through (q), respectively, a new paragraph (b) is
168 added to that subsection, paragraph (n) of subsection (4) is
169 amended, and paragraphs (w) through (z) are added to that
170 subsection, to read:

171 381.0065 Onsite sewage treatment and disposal systems;
172 regulation.—

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

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

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

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

182 c. Is located along an exterior wall;

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

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

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

189 3. "Bedroom" does not include a hallway, bathroom, kitchen,
190 living room, family room, dining room, den, breakfast nook,
191 pantry, laundry room, sunroom, recreation room, media/video
192 room, or exercise room.

193 (4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may not
194 construct, repair, modify, abandon, or operate an onsite sewage
195 treatment and disposal system without first obtaining a permit
196 approved by the department. The department may issue permits to
197 carry out this section, but shall not make the issuance of such
198 permits contingent upon prior approval by the Department of
199 Environmental Protection, except that the issuance of a permit
200 for work seaward of the coastal construction control line
201 established under s. 161.053 shall be contingent upon receipt of
202 any required coastal construction control line permit from the
203 Department of Environmental Protection. A construction permit is

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204 valid for 18 months from the issuance date and may be extended
205 by the department for one 90-day period under rules adopted by
206 the department. A repair permit is valid for 90 days from the
207 date of issuance. An operating permit must be obtained prior to
208 the use of any aerobic treatment unit or if the establishment
209 generates commercial waste. Buildings or establishments that use
210 an aerobic treatment unit or generate commercial waste shall be
211 inspected by the department at least annually to assure
212 compliance with the terms of the operating permit. The operating
213 permit for a commercial wastewater system is valid for 1 year
214 from the date of issuance and must be renewed annually. The
215 operating permit for an aerobic treatment unit is valid for 2
216 years from the date of issuance and must be renewed every 2
217 years. If all information pertaining to the siting, location,
218 and installation conditions or repair of an onsite sewage
219 treatment and disposal system remains the same, a construction
220 or repair permit for the onsite sewage treatment and disposal
221 system may be transferred to another person, if the transferee
222 files, within 60 days after the transfer of ownership, an
223 amended application providing all corrected information and
224 proof of ownership of the property. There is no fee associated
225 with the processing of this supplemental information. A person
226 may not contract to construct, modify, alter, repair, service,
227 abandon, or maintain any portion of an onsite sewage treatment
228 and disposal system without being registered under part III of
229 chapter 489. A property owner who personally performs
230 construction, maintenance, or repairs to a system serving his or
231 her own owner-occupied single-family residence is exempt from
232 registration requirements for performing such construction,

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233 maintenance, or repairs on that residence, but is subject to all
234 permitting requirements. A municipality or political subdivision
235 of the state may not issue a building or plumbing permit for any
236 building that requires the use of an onsite sewage treatment and
237 disposal system unless the owner or builder has received a
238 construction permit for such system from the department. A
239 building or structure may not be occupied and a municipality,
240 political subdivision, or any state or federal agency may not
241 authorize occupancy until the department approves the final
242 installation of the onsite sewage treatment and disposal system.
243 A municipality or political subdivision of the state may not
244 approve any change in occupancy or tenancy of a building that
245 uses an onsite sewage treatment and disposal system until the
246 department has reviewed the use of the system with the proposed
247 change, approved the change, and amended the operating permit.

248 (n) Evaluations for determining the seasonal high-water
249 table elevations or the suitability of soils for the use of a
250 new onsite sewage treatment and disposal system shall be
251 performed by department personnel, professional engineers
252 registered in the state, or such other persons with expertise,
253 as defined by rule, in making such evaluations. Evaluations for
254 determining mean annual flood lines shall be performed by those
255 persons identified in paragraph (2)(j) ~~(2)(i)~~. The department
256 shall accept evaluations submitted by professional engineers and
257 such other persons as meet the expertise established by this
258 section or by rule unless the department has a reasonable
259 scientific basis for questioning the accuracy or completeness of
260 the evaluation.

261 (w) A permit that is approved by the department and issued

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262 for the installation, modification, or repair of an onsite
263 sewage treatment and disposal system shall be transferred along
264 with the title to the property in a real estate transaction. A
265 title may not be encumbered at the time of transfer by new
266 permit requirements by a governmental entity for an onsite
267 sewage treatment and disposal system which differ from the
268 permitting requirements in effect at the time the system was
269 permitted, modified, or repaired.

270 (x)1. An onsite sewage treatment and disposal system is not
271 considered abandoned if the system is disconnected from a
272 structure that was made unusable or destroyed following a
273 disaster and was properly functioning at the time of
274 disconnection and was not adversely affected by the disaster.
275 The onsite sewage treatment and disposal system may be
276 reconnected to a rebuilt structure if:

277 a. The reconnection of the system is to the same type of
278 structure which contains the same number of bedrooms or fewer,
279 provided that the square footage of the structure is less than
280 or equal to 110 percent of the original square footage of the
281 structure that existed before the disaster;

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

283 c. The system has not been altered without prior
284 authorization.

285 2. An onsite sewage treatment and disposal system that
286 serves a property that is foreclosed upon is not considered
287 abandoned.

288 (y) If an onsite sewage treatment and disposal system
289 permittee receives, relies upon, and undertakes construction of
290 a system based upon a validly issued construction permit under

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291 rules applicable at the time of construction but a change to a
292 rule occurs within 5 years after the approval of the system for
293 construction but before the final approval of the system, the
294 rules applicable and in effect at the time of construction
295 approval apply at the time of final approval if fundamental site
296 conditions have not changed between the time of construction
297 approval and final approval.

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

302 Section 4. Section 468.604, Florida Statutes, is amended to
303 read:

304 468.604 Responsibilities of building code administrators,
305 plans examiners, and inspectors.—

306 (1) It is the responsibility of the building code
307 administrator or building official to administrate, supervise,
308 direct, enforce, or perform the permitting and inspection of
309 construction, alteration, repair, remodeling, or demolition of
310 structures and the installation of building systems within the
311 boundaries of their governmental jurisdiction, when permitting
312 is required, to ensure compliance with the Florida Building Code
313 and any applicable local technical amendment to the Florida
314 Building Code. The building code administrator or building
315 official shall faithfully perform these responsibilities without
316 interference from any person. These responsibilities include:

317 (a) The review of construction plans to ensure compliance
318 with all applicable sections of the code. The construction plans
319 must be reviewed before the issuance of any building, system

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320 installation, or other construction permit. The review of
321 construction plans must be done by the building code
322 administrator or building official or by a person having the
323 appropriate plans examiner license issued under this chapter.

324 (b) The inspection of each phase of construction where a
325 building or other construction permit has been issued. The
326 building code administrator or building official, or a person
327 having the appropriate building code inspector license issued
328 under this chapter, shall inspect the construction or
329 installation to ensure that the work is performed in accordance
330 with applicable sections of the code.

331 (2) It is the responsibility of the building code inspector
332 to conduct inspections of construction, alteration, repair,
333 remodeling, or demolition of structures and the installation of
334 building systems, when permitting is required, to ensure
335 compliance with the Florida Building Code and any applicable
336 local technical amendment to the Florida Building Code. Each
337 building code inspector must be licensed in the appropriate
338 category as defined in s. 468.603. The building code inspector's
339 responsibilities must be performed under the direction of the
340 building code administrator or building official without
341 interference from any unlicensed person.

342 (3) It is the responsibility of the plans examiner to
343 conduct review of construction plans submitted in the permit
344 application to assure compliance with the Florida Building Code
345 and any applicable local technical amendment to the Florida
346 Building Code. The review of construction plans must be done by
347 the building code administrator or building official or by a
348 person licensed in the appropriate plans examiner category as

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349 defined in s. 468.603. The plans examiner's responsibilities
350 must be performed under the supervision and authority of the
351 building code administrator or building official without
352 interference from any unlicensed person.

353 (4) The Legislature finds that the electronic filing of
354 construction plans will increase government efficiency, reduce
355 costs, and increase timeliness of processing permits. If the
356 building code administrator or building official provides for
357 electronic filing, the construction plans, drawings,
358 specifications, reports, final documents, or documents prepared
359 or issued by a licensee may be dated and electronically signed
360 and sealed by the licensee in accordance with part I of chapter
361 668 and may be transmitted electronically to the building code
362 administrator or building official for approval.

363 Section 5. Paragraph (c) of subsection (2) and paragraph
364 (a) of subsection (7) of section 468.609, Florida Statutes, are
365 amended to read:

366 468.609 Administration of this part; standards for
367 certification; additional categories of certification.—

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

371 (c) Meets eligibility requirements according to one of the
372 following criteria:

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

376 2. Demonstrates a combination of postsecondary education in
377 the field of construction or a related field and experience

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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 3. Demonstrates a combination of technical education in the
382 field of construction or a related field and experience which
383 totals 4 years, with at least 1 year of such total being
384 experience in construction, building code inspection, or plans
385 review;

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

394 5. Demonstrates a combination of the completion of an
395 approved training program in the field of building code
396 inspection or plan review and a minimum of 2 years' experience
397 in the field of building code inspection, plan review, fire code
398 inspections and fire plans review of new buildings as a
399 firesafety inspector certified under s. 633.081(2), or
400 construction. The approved training portion of this requirement
401 shall include proof of satisfactory completion of a training
402 program of not less than 300 hours which is approved by the
403 board in the chosen category of building code inspection or plan
404 review in the certification category sought with not less than
405 20 hours of instruction in state laws, rules, and ethics
406 relating to professional standards of practice, duties, and

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407 responsibilities of a certificateholder. The board shall
408 coordinate with the Building Officials Association of Florida,
409 Inc., to establish by rule the development and implementation of
410 the training program.

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

421 Section 6. Paragraph (d) of subsection (1) of section
422 468.841, Florida Statutes, is amended to read:

423 468.841 Exemptions.—

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

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

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436 thereof stating or implying licensure under this part.

437 Section 7. Subsection (5) of section 481.329, Florida
438 Statutes, is amended to read:

439 481.329 Exceptions; exemptions from licensure.—

440 (5) ~~Nothing in~~ This part does not prohibit ~~prohibits~~ any
441 person from engaging in the practice of landscape design, as
442 defined in s. 481.303(7), or from ~~not~~ submitting for approval to
443 a governmental agency planting plans that are independent of, or
444 a component of, construction documents that are prepared by a
445 Florida-registered professional ~~such plans to governmental~~
446 agencies for approval. Persons providing landscape design
447 services shall not use the title, term, or designation
448 "landscape architect," "landscape architectural," "landscape
449 architecture," "L.A.," "landscape engineering," or any
450 description tending to convey the impression that she or he is a
451 landscape architect unless she or he is registered as provided
452 in this part.

453 Section 8. Subsection (7) of section 489.103, Florida
454 Statutes, is amended to read:

455 489.103 Exemptions.—This part does not apply to:

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

459 1. (a) When building or improving farm outbuildings or one-
460 family or two-family residences on such property for the
461 occupancy or use of such owners and not offered for sale or
462 lease, or building or improving commercial buildings, at a cost
463 not to exceed \$75,000, on such property for the occupancy or use
464 of such owners and not offered for sale or lease. In an action

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465 brought under this part, proof of the sale or lease, or offering
466 for sale or lease, of any such structure by the owner-builder
467 within 1 year after completion of same creates a presumption
468 that the construction was undertaken for purposes of sale or
469 lease.

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

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

490 (b) This subsection does not exempt any person who is
491 employed by or has a contract with such owner and who acts in
492 the capacity of a contractor. The owner may not delegate the
493 owner's responsibility to directly supervise all work to any

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494 other person unless that person is registered or certified under
495 this part and the work being performed is within the scope of
496 that person's license. For the purposes of this subsection, the
497 term "owners of property" includes the owner of a mobile home
498 situated on a leased lot.

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

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DISCLOSURE STATEMENT

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

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

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

4. I understand that I may build or improve a one-family or two-family residence or a farm outbuilding. I may also build or improve a commercial building if the costs do not exceed \$75,000. The building or

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552 residence must be for my own use or occupancy. It may
553 not be built or substantially improved for sale or
554 lease. If a building or residence that I have built or
555 substantially improved myself is sold or leased within
556 1 year after the construction is complete, the law
557 will presume that I built or substantially improved it
558 for sale or lease, which violates the exemption.
559

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

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

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

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581 builder and am aware of the limits of my insurance
582 coverage for injuries to workers on my property.
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584 8. I understand that I may not delegate the
585 responsibility for supervising work to a licensed
586 contractor who is not licensed to perform the work
587 being done. Any person working on my building who is
588 not licensed must work under my direct supervision and
589 must be employed by me, which means that I must comply
590 with laws requiring the withholding of federal income
591 tax and social security contributions under the
592 Federal Insurance Contributions Act (FICA) and must
593 provide workers' compensation for the employee. I
594 understand that my failure to follow these laws may
595 subject me to serious financial risk.
596

597 9. I agree that, as the party legally and financially
598 responsible for this proposed construction activity, I
599 will abide by all applicable laws and requirements
600 that govern owner-builders as well as employers. I
601 also understand that the construction must comply with
602 all applicable laws, ordinances, building codes, and
603 zoning regulations.
604

605 10. I understand that I may obtain more information
606 regarding my obligations as an employer from the
607 Internal Revenue Service, the United States Small
608 Business Administration, the Florida Department of
609 Financial Services, and the Florida Department of

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610 Revenue. I also understand that I may contact the
611 Florida Construction Industry Licensing Board at
612 ...(telephone number)... or ...(Internet website
613 address)... for more information about licensed
614 contractors.

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

621
622 12. I agree to notify ...(issuer of disclosure
623 statements)... immediately of any additions,
624 deletions, or changes to any of the information that I
625 have provided on this disclosure.

626
627 Licensed contractors are regulated by laws designed to
628 protect the public. If you contract with a person who
629 does not have a license, the Construction Industry
630 Licensing Board and Department of Business and
631 Professional Regulation may be unable to assist you
632 with any financial loss that you sustain as a result
633 of a complaint. Your only remedy against an unlicensed
634 contractor may be in civil court. It is also important
635 for you to understand that, if an unlicensed
636 contractor or employee of an individual or firm is
637 injured while working on your property, you may be
638 held liable for damages. If you obtain an owner-

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639 builder permit and wish to hire a licensed contractor,
640 you will be responsible for verifying whether the
641 contractor is properly licensed and the status of the
642 contractor's workers' compensation coverage.

643

644 Before a building permit can be issued, this
645 disclosure statement must be completed and signed by
646 the property owner and returned to the local
647 permitting agency responsible for issuing the permit.
648 A copy of the property owner's driver license, the
649 notarized signature of the property owner, or other
650 type of verification acceptable to the local
651 permitting agency is required when the permit is
652 issued.

653

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

655 Date: ...(date)....

656

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

661

662 OWNER'S ELECTRONIC SUBMISSION STATEMENT: Under penalty
663 of perjury, I declare that all the information
664 contained in this building permit application and the
665 representations made in the required disclosure
666 statement are true and correct.

667

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668 (e) A permitting authority that accepts a building permit
669 application and disclosure statement in an electronic format
670 from an owner who is exempt pursuant to this subsection and who
671 applies for a permit relating to a solar project, as described
672 in subparagraph (a)3., is not liable in any civil action for
673 inaccurate information submitted by the owner using the
674 authority's electronic confirmation system.

675 Section 9. Subsection (3) of section 489.105, Florida
676 Statutes, is amended, and subsection (6) of that section is
677 reenacted, to read:

678 489.105 Definitions.—As used in this part:

679 (3) "Contractor" means the person who is qualified for, and
680 is only responsible for, the project contracted for and means,
681 except as exempted in this part, the person who, for
682 compensation, undertakes to, submits a bid to, or does himself
683 or herself or by others construct, repair, alter, remodel, add
684 to, demolish, subtract from, or improve any building or
685 structure, including related improvements to real estate, for
686 others or for resale to others; and whose job scope is
687 substantially similar to the job scope described in one of the
688 ~~subsequent~~ paragraphs of this subsection. For the purposes of
689 regulation under this part, the term "demolish" applies only to
690 demolition of steel tanks more than ~~over~~ 50 feet in height;
691 towers more than ~~over~~ 50 feet in height; other structures more
692 than ~~over~~ 50 feet in height; and ~~all, other than~~ buildings or
693 residences ~~over three stories tall; and buildings or residences~~
694 ~~over three stories tall~~. Contractors are subdivided into two
695 divisions, Division I, consisting of those contractors defined
696 in paragraphs (a)-(c), and Division II, consisting of those

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697 contractors defined in paragraphs (d)-(g) ~~(d)-(r)~~:

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

703 (b) "Building contractor" means a contractor whose services
704 are limited to construction of commercial buildings and single-
705 dwelling or multiple-dwelling residential buildings, which do
706 not exceed three stories in height, and accessory use structures
707 in connection therewith or a contractor whose services are
708 limited to remodeling, repair, or improvement of any size
709 building if the services do not affect the structural members of
710 the building.

711 (c) "Residential contractor" means a contractor whose
712 services are limited to construction, remodeling, repair, or
713 improvement of one-family, two-family, or three-family
714 residences not exceeding two habitable stories above no more
715 than one uninhabitable story and accessory use structures in
716 connection therewith.

717 (d) "Sheet metal contractor" means a contractor whose
718 services are unlimited in the sheet metal trade and who has the
719 experience, knowledge, and skill necessary for the manufacture,
720 fabrication, assembling, handling, erection, installation,
721 dismantling, conditioning, adjustment, insulation, alteration,
722 repair, servicing, or design, if not prohibited by law, of
723 ferrous or nonferrous metal work of U.S. No. 10 gauge or its
724 equivalent or lighter gauge and of other materials, including,
725 but not limited to, fiberglass, used in lieu thereof and of air-

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726 handling systems, including the setting of air-handling
727 equipment and reinforcement of same, the balancing of air-
728 handling systems, and any duct cleaning and equipment sanitizing
729 that requires at least a partial disassembling of the system.

730 (e) "Roofing contractor" means a contractor whose services
731 are unlimited in the roofing trade and who has the experience,
732 knowledge, and skill to install, maintain, repair, alter,
733 extend, or design, if not prohibited by law, and use materials
734 and items used in the installation, maintenance, extension, and
735 alteration of all kinds of roofing, waterproofing, and coating,
736 except when coating is not represented to protect, repair,
737 waterproof, stop leaks, or extend the life of the roof. The
738 scope of work of a roofing contractor also includes skylights
739 and any related work, required roof-deck attachments, and any
740 repair or replacement of wood roof sheathing or fascia as needed
741 during roof repair or replacement and any related work.

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

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755 or design, if not prohibited by law, piping, insulation of
756 pipes, vessels and ducts, pressure and process piping, and
757 pneumatic control piping; to replace, disconnect, or reconnect
758 power wiring on the load side of the dedicated existing
759 electrical disconnect switch; to install, disconnect, and
760 reconnect low voltage heating, ventilating, and air-conditioning
761 control wiring; and to install a condensate drain from an air-
762 conditioning unit to an existing safe waste or other approved
763 disposal other than a direct connection to a sanitary system.
764 The scope of work for such contractor also includes any
765 excavation work incidental thereto, but does not include any
766 work such as liquefied petroleum or natural gas fuel lines
767 within buildings, except for disconnecting or reconnecting
768 changeouts of liquefied petroleum or natural gas appliances
769 within buildings; potable water lines or connections thereto;
770 sanitary sewer lines; swimming pool piping and filters; or
771 electrical power wiring. A Class A air-conditioning contractor
772 may test and evaluate central air-conditioning, refrigeration,
773 heating, and ventilating systems, including duct work; however,
774 a mandatory licensing requirement is not established for the
775 performance of these specific services.

776 (g) "Class B air-conditioning contractor" means a
777 contractor whose services are limited to 25 tons of cooling and
778 500,000 Btu of heating in any one system in the execution of
779 contracts requiring the experience, knowledge, and skill to
780 install, maintain, repair, fabricate, alter, extend, or design,
781 if not prohibited by law, central air-conditioning,
782 refrigeration, heating, and ventilating systems, including duct
783 work in connection with a complete system only to the extent

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784 such duct work is performed by the contractor as necessary to
785 complete an air-distribution system being installed under this
786 classification, and any duct cleaning and equipment sanitizing
787 that requires at least a partial disassembling of the system; to
788 install, maintain, repair, fabricate, alter, extend, or design,
789 if not prohibited by law, piping and insulation of pipes,
790 vessels, and ducts; to replace, disconnect, or reconnect power
791 wiring on the load side of the dedicated existing electrical
792 disconnect switch; to install, disconnect, and reconnect low
793 voltage heating, ventilating, and air-conditioning control
794 wiring; and to install a condensate drain from an air-
795 conditioning unit to an existing safe waste or other approved
796 disposal other than a direct connection to a sanitary system.
797 The scope of work for such contractor also includes any
798 excavation work incidental thereto, but does not include any
799 work such as liquefied petroleum or natural gas fuel lines
800 within buildings, except for disconnecting or reconnecting
801 changeouts of liquefied petroleum or natural gas appliances
802 within buildings; potable water lines or connections thereto;
803 sanitary sewer lines; swimming pool piping and filters; or
804 electrical power wiring. A Class B air-conditioning contractor
805 may test and evaluate central air-conditioning, refrigeration,
806 heating, and ventilating systems, including duct work; however,
807 a mandatory licensing requirement is not established for the
808 performance of these specific services.

809 (h) "Class C air-conditioning contractor" means a
810 contractor whose business is limited to the servicing of air-
811 conditioning, heating, or refrigeration systems, including any
812 duct cleaning and equipment sanitizing that requires at least a

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813 partial disassembling of the system, and whose certification or
814 registration, issued pursuant to this part, was valid on October
815 1, 1988. Only a person who was registered or certified as a
816 Class C air-conditioning contractor as of October 1, 1988, shall
817 be so registered or certified after October 1, 1988. However,
818 the board shall continue to license and regulate those Class C
819 air-conditioning contractors who held Class C licenses before
820 October 1, 1988.

821 (i) "Mechanical contractor" means a contractor whose
822 services are unlimited in the execution of contracts requiring
823 the experience, knowledge, and skill to install, maintain,
824 repair, fabricate, alter, extend, or design, if not prohibited
825 by law, central air-conditioning, refrigeration, heating, and
826 ventilating systems, including duct work in connection with a
827 complete system if such duct work is performed by the contractor
828 as necessary to complete an air-distribution system, boiler and
829 unfired pressure vessel systems, lift station equipment and
830 piping, and all appurtenances, apparatus, or equipment used in
831 connection therewith, and any duct cleaning and equipment
832 sanitizing that requires at least a partial disassembling of the
833 system; to install, maintain, repair, fabricate, alter, extend,
834 or design, if not prohibited by law, piping, insulation of
835 pipes, vessels and ducts, pressure and process piping, pneumatic
836 control piping, gasoline tanks and pump installations and piping
837 for same, standpipes, air piping, vacuum line piping, oxygen
838 lines, nitrous oxide piping, ink and chemical lines, fuel
839 transmission lines, liquefied petroleum gas lines within
840 buildings, and natural gas fuel lines within buildings; to
841 replace, disconnect, or reconnect power wiring on the load side

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842 of the dedicated existing electrical disconnect switch; to
843 install, disconnect, and reconnect low voltage heating,
844 ventilating, and air-conditioning control wiring; and to install
845 a condensate drain from an air-conditioning unit to an existing
846 safe waste or other approved disposal other than a direct
847 connection to a sanitary system. The scope of work for such
848 contractor also includes any excavation work incidental thereto,
849 but does not include any work such as potable water lines or
850 connections thereto, sanitary sewer lines, swimming pool piping
851 and filters, or electrical power wiring. A mechanical contractor
852 may test and evaluate central air-conditioning, refrigeration,
853 heating, and ventilating systems, including duct work; however,
854 a mandatory licensing requirement is not established for the
855 performance of these specific services.

856 (j) "Commercial pool/spa contractor" means a contractor
857 whose scope of work involves, but is not limited to, the
858 construction, repair, and servicing of any swimming pool, or hot
859 tub or spa, whether public, private, or otherwise, regardless of
860 use. The scope of work includes the installation, repair, or
861 replacement of existing equipment, any cleaning or equipment
862 sanitizing that requires at least a partial disassembling,
863 excluding filter changes, and the installation of new pool/spa
864 equipment, interior finishes, the installation of package pool
865 heaters, the installation of all perimeter piping and filter
866 piping, and the construction of equipment rooms or housing for
867 pool/spa equipment, and also includes the scope of work of a
868 swimming pool/spa servicing contractor. The scope of such work
869 does not include direct connections to a sanitary sewer system
870 or to potable water lines. The installation, construction,

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871 modification, or replacement of equipment permanently attached
872 to and associated with the pool or spa for the purpose of water
873 treatment or cleaning of the pool or spa requires licensure;
874 however, the usage of such equipment for the purposes of water
875 treatment or cleaning does not require licensure unless the
876 usage involves construction, modification, or replacement of
877 such equipment. Water treatment that does not require such
878 equipment does not require a license. In addition, a license is
879 not required for the cleaning of the pool or spa in a way that
880 does not affect the structural integrity of the pool or spa or
881 its associated equipment.

882 (k) "Residential pool/spa contractor" means a contractor
883 whose scope of work involves, but is not limited to, the
884 construction, repair, and servicing of a residential swimming
885 pool, or hot tub or spa, regardless of use. The scope of work
886 includes the installation, repair, or replacement of existing
887 equipment, any cleaning or equipment sanitizing that requires at
888 least a partial disassembling, excluding filter changes, and the
889 installation of new pool/spa equipment, interior finishes, the
890 installation of package pool heaters, the installation of all
891 perimeter piping and filter piping, and the construction of
892 equipment rooms or housing for pool/spa equipment, and also
893 includes the scope of work of a swimming pool/spa servicing
894 contractor. The scope of such work does not include direct
895 connections to a sanitary sewer system or to potable water
896 lines. The installation, construction, modification, or
897 replacement of equipment permanently attached to and associated
898 with the pool or spa for the purpose of water treatment or
899 cleaning of the pool or spa requires licensure; however, the

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900 usage of such equipment for the purposes of water treatment or
901 cleaning does not require licensure unless the usage involves
902 construction, modification, or replacement of such equipment.
903 Water treatment that does not require such equipment does not
904 require a license. In addition, a license is not required for
905 the cleaning of the pool or spa in a way that does not affect
906 the structural integrity of the pool or spa or its associated
907 equipment.

908 (1) "Swimming pool/spa servicing contractor" means a
909 contractor whose scope of work involves, but is not limited to,
910 the repair and servicing of a swimming pool, or hot tub or spa,
911 whether public or private, or otherwise, regardless of use. The
912 scope of work includes the repair or replacement of existing
913 equipment, any cleaning or equipment sanitizing that requires at
914 least a partial disassembling, excluding filter changes, and the
915 installation of new pool/spa equipment, interior refinishing,
916 the reinstallation or addition of pool heaters, the repair or
917 replacement of all perimeter piping and filter piping, the
918 repair of equipment rooms or housing for pool/spa equipment, and
919 the substantial or complete draining of a swimming pool, or hot
920 tub or spa, for the purpose of repair or renovation. The scope
921 of such work does not include direct connections to a sanitary
922 sewer system or to potable water lines. The installation,
923 construction, modification, substantial or complete disassembly,
924 or replacement of equipment permanently attached to and
925 associated with the pool or spa for the purpose of water
926 treatment or cleaning of the pool or spa requires licensure;
927 however, the usage of such equipment for the purposes of water
928 treatment or cleaning does not require licensure unless the

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929 usage involves construction, modification, substantial or
930 complete disassembly, or replacement of such equipment. Water
931 treatment that does not require such equipment does not require
932 a license. In addition, a license is not required for the
933 cleaning of the pool or spa in a way that does not affect the
934 structural integrity of the pool or spa or its associated
935 equipment.

936 (m) "Plumbing contractor" means a contractor whose services
937 are unlimited in the plumbing trade and includes contracting
938 business consisting ~~consists~~ of the execution of contracts
939 requiring the experience, financial means, knowledge, and skill
940 to install, maintain, repair, alter, extend, or, if not
941 prohibited by law, design plumbing. A plumbing contractor may
942 install, maintain, repair, alter, extend, or, if not prohibited
943 by law, design the following without obtaining an additional
944 local regulatory license, certificate, or registration: sanitary
945 drainage or storm drainage facilities, water and sewer plants
946 and substations, ~~venting systems,~~ public or private water
947 supply systems, ~~septic tanks,~~ drainage and supply wells, ~~swimming pool piping,~~ irrigation systems, ~~and~~ ~~or~~ solar heating
948 water systems and all appurtenances, apparatus, or equipment
949 used in connection therewith, including boilers and pressure
950 process piping and including the installation of water, natural
951 gas, liquefied petroleum gas and related venting, and storm and
952 sanitary sewer lines; ~~and water and sewer plants and~~
953 ~~substations~~. The scope of work of the plumbing contractor also
954 includes the design, if not prohibited by law, and installation,
955 maintenance, repair, alteration, or extension of air-piping,
956 vacuum line piping, oxygen line piping, nitrous oxide piping,

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958 and all related medical gas systems; fire line standpipes and
959 fire sprinklers if authorized by law; ink and chemical lines;
960 fuel oil and gasoline piping and tank and pump installation,
961 except bulk storage plants; and pneumatic control piping
962 systems, all in a manner that complies with all plans,
963 specifications, codes, laws, and regulations applicable. The
964 scope of work of the plumbing contractor applies to private
965 property and public property, including any excavation work
966 incidental thereto, and includes the work of the specialty
967 plumbing contractor. Such contractor shall subcontract, with a
968 qualified contractor in the field concerned, all other work
969 incidental to the work but which is specified as being the work
970 of a trade other than that of a plumbing contractor. This
971 definition does not limit the scope of work of any specialty
972 contractor certified pursuant to s. 489.113(6), and does not
973 require certification or registration under this part of any
974 authorized employee of a public natural gas utility or of a
975 private natural gas utility regulated by the Public Service
976 Commission when disconnecting and reconnecting water lines in
977 the servicing or replacement of an existing water heater. A
978 plumbing contractor may perform drain cleaning and clearing and
979 install or repair rainwater catchment systems; however, a
980 mandatory licensing requirement is not established for the
981 performance of these specific services.

982 (n) "Underground utility and excavation contractor" means a
983 contractor whose services are limited to the construction,
984 installation, and repair, on public or private property, whether
985 accomplished through open excavations or through other means,
986 including, but not limited to, directional drilling, auger

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987 boring, jacking and boring, trenchless technologies, wet and dry
988 taps, grouting, and slip lining, of main sanitary sewer
989 collection systems, main water distribution systems, storm sewer
990 collection systems, and the continuation of utility lines from
991 the main systems to a point of termination up to and including
992 the meter location for the individual occupancy, sewer
993 collection systems at property line on residential or single-
994 occupancy commercial properties, or on multioccupancy properties
995 at manhole or wye lateral extended to an invert elevation as
996 engineered to accommodate future building sewers, water
997 distribution systems, or storm sewer collection systems at storm
998 sewer structures. However, an underground utility and excavation
999 contractor may install empty underground conduits in rights-of-
1000 way, easements, platted rights-of-way in new site development,
1001 and sleeves for parking lot crossings no smaller than 2 inches
1002 in diameter if each conduit system installed is designed by a
1003 licensed professional engineer or an authorized employee of a
1004 municipality, county, or public utility and the installation of
1005 such conduit does not include installation of any conductor
1006 wiring or connection to an energized electrical system. An
1007 underground utility and excavation contractor may not install
1008 piping that is an integral part of a fire protection system as
1009 defined in s. 633.021 beginning at the point where the piping is
1010 used exclusively for such system.

1011 (o) "Solar contractor" means a contractor whose services
1012 consist of the installation, alteration, repair, maintenance,
1013 relocation, or replacement of solar panels for potable solar
1014 water heating systems, swimming pool solar heating systems, and
1015 photovoltaic systems and any appurtenances, apparatus, or

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1016 equipment used in connection therewith, whether public, private,
1017 or otherwise, regardless of use. A contractor, certified or
1018 registered pursuant to this chapter, is not required to become a
1019 certified or registered solar contractor or to contract with a
1020 solar contractor in order to provide services enumerated in this
1021 paragraph that are within the scope of the services such
1022 contractors may render under this part.

1023 (p) "Pollutant storage systems contractor" means a
1024 contractor whose services are limited to, and who has the
1025 experience, knowledge, and skill to install, maintain, repair,
1026 alter, extend, or design, if not prohibited by law, and use
1027 materials and items used in the installation, maintenance,
1028 extension, and alteration of, pollutant storage tanks. Any
1029 person installing a pollutant storage tank shall perform such
1030 installation in accordance with the standards adopted pursuant
1031 to s. 376.303.

1032 ~~(q) "Glass and glazing contractor" means a contractor whose~~
1033 ~~services are unlimited in the execution of contracts requiring~~
1034 ~~the experience, knowledge, and skill to install, attach,~~
1035 ~~maintain, repair, fabricate, alter, extend, or design, in~~
1036 ~~residential and commercial applications without any height~~
1037 ~~restrictions, all types of windows, glass, and mirrors, whether~~
1038 ~~fixed or movable; swinging or sliding glass doors attached to~~
1039 ~~existing walls, floors, columns, or other structural members of~~
1040 ~~the building; glass holding or supporting mullions or horizontal~~
1041 ~~bars; structurally anchored impact-resistant opening protection~~
1042 ~~attached to existing building walls, floors, columns, or other~~
1043 ~~structural members of the building; prefabricated glass, metal,~~
1044 ~~or plastic curtain walls; storefront frames or panels; shower~~

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1045 ~~and tub enclosures; metal fascias; and caulking incidental to~~
1046 ~~such work and assembly.~~

1047 (q)~~(r)~~ "Specialty contractor" means a contractor whose
1048 scope of work and responsibility is limited to a particular
1049 phase of construction established in a category adopted by board
1050 rule and whose scope is limited to a subset of the activities
1051 described in one of the paragraphs of this subsection.

1052 (6) "Contracting" means, except as exempted in this part,
1053 engaging in business as a contractor and includes, but is not
1054 limited to, performance of any of the acts as set forth in
1055 subsection (3) which define types of contractors. The attempted
1056 sale of contracting services and the negotiation or bid for a
1057 contract on these services also constitutes contracting. If the
1058 services offered require licensure or agent qualification, the
1059 offering, negotiation for a bid, or attempted sale of these
1060 services requires the corresponding licensure. However, the term
1061 "contracting" shall not extend to an individual, partnership,
1062 corporation, trust, or other legal entity that offers to sell or
1063 sells completed residences on property on which the individual
1064 or business entity has any legal or equitable interest, or to
1065 the individual or business entity that offers to sell or sells
1066 manufactured or factory-built buildings that will be completed
1067 on site on property on which either party to a contract has any
1068 legal or equitable interest, if the services of a qualified
1069 contractor certified or registered pursuant to the requirements
1070 of this chapter have been or will be retained for the purpose of
1071 constructing or completing such residences.

1072 Section 10. The amendments to s. 489.105(6), Florida
1073 Statutes, as enacted by s. 30 of chapter 2008-240, Laws of

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1074 Florida, were intended to protect the sanctity of contracts for
1075 the sale of manufactured or factory-built buildings that will be
1076 completed on site and to ensure that those contracts are legal
1077 and enforceable contracts under state law. The amendments were
1078 intended to be remedial in nature, clarify existing law, and
1079 apply retroactively to any contract for the sale of manufactured
1080 or factory-built buildings that will be completed on site and
1081 otherwise comply with state law.

1082 Section 11. Effective upon this act becoming a law,
1083 subsection (2) of section 489.113, Florida Statutes, is amended
1084 to read:

1085 489.113 Qualifications for practice; restrictions.—

1086 (2) A ~~No~~ person must be ~~who is not~~ certified or registered
1087 in order to ~~shall~~ engage in the business of contracting in this
1088 state. However, for purposes of complying with the provisions of
1089 this chapter, a subcontractor ~~person~~ who is not certified or
1090 registered may perform construction work under the supervision
1091 of a person who is certified or registered, provided that the
1092 work is within the scope of the supervising contractor's
1093 ~~supervisor's~~ license, the supervising contractor is responsible
1094 for the work, and ~~provided that~~ the subcontractor ~~person~~ being
1095 supervised is not engaged in construction work that ~~which~~ would
1096 require a license as a contractor under any of the categories
1097 listed in s. 489.105(3)(d)-(o). This subsection does not affect
1098 the application of any local construction licensing ordinances.
1099 To enforce this subsection:

1100 (a) The department shall issue a cease and desist order to
1101 prohibit any person from engaging in the business of contracting
1102 who does not hold the required certification or registration for

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1103 the work being performed under this part. For the purpose of
1104 enforcing a cease and desist order, the department may file a
1105 proceeding in the name of the state seeking issuance of an
1106 injunction or a writ of mandamus against any person who violates
1107 any provision of such order.

1108 (b) A county, municipality, or local licensing board
1109 created by special act may issue a cease and desist order to
1110 prohibit any person from engaging in the business of contracting
1111 who does not hold the required certification or registration for
1112 the work being performed under this part.

1113 Section 12. Paragraph (e) of subsection (5) of section
1114 553.5041, Florida Statutes, is amended to read:

1115 553.5041 Parking spaces for persons who have disabilities.—

1116 (5) Accessible perpendicular and diagonal accessible
1117 parking spaces and loading zones must be designed and located to
1118 conform to ss. 502 and 503 of the standards.

1119 (e)1. The removal of architectural barriers from a parking
1120 facility in accordance with 28 C.F.R. s. 36.304 or with s.
1121 553.508 must comply with this section unless compliance would
1122 cause the barrier removal not to be readily achievable. If
1123 compliance would cause the barrier removal not to be readily
1124 achievable, a facility may provide parking spaces at alternative
1125 locations for persons who have disabilities and provide
1126 appropriate signage directing such persons to the alternative
1127 parking if readily achievable. The facility may not reduce the
1128 required number or dimensions of those spaces or unreasonably
1129 increase the length of the accessible route from a parking space
1130 to the facility. The removal of an architectural barrier must
1131 not create a significant risk to the health or safety of a

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1132 person who has a disability or to others.

1133 2. A facility that is making alterations under s.
1134 553.507(2) ~~(b)~~ must comply with this section to the maximum
1135 extent feasible. If compliance with parking location
1136 requirements is not feasible, the facility may provide parking
1137 spaces at alternative locations for persons who have
1138 disabilities and provide appropriate signage directing such
1139 persons to alternative parking. The facility may not reduce the
1140 required number or dimensions of those spaces, or unnecessarily
1141 increase the length of the accessible route from a parking space
1142 to the facility. The alteration must not create a significant
1143 risk to the health or safety of a person who has a disability or
1144 to others.

1145 Section 13. Section 553.721, Florida Statutes, is amended
1146 to read:

1147 553.721 Surcharge.—In order for the Department of Business
1148 and Professional Regulation to administer and carry out the
1149 purposes of this part and related activities, there is ~~hereby~~
1150 created a surcharge, to be assessed at the rate of 1.5 percent
1151 of the permit fees associated with enforcement of the Florida
1152 Building Code as defined by the uniform account criteria and
1153 specifically the uniform account code for building permits
1154 adopted for local government financial reporting pursuant to s.
1155 218.32. The minimum amount collected on any permit issued shall
1156 be \$2. The unit of government responsible for collecting a
1157 permit fee pursuant to s. 125.56(4) or s. 166.201 shall collect
1158 the ~~such~~ surcharge and electronically remit the funds collected
1159 to the department on a quarterly calendar basis ~~beginning not~~
1160 ~~later than December 31, 2010,~~ for the preceding quarter, and

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1161 continuing each third month thereafter. ~~The, and such~~ unit of
1162 government shall retain 10 percent of the surcharge collected to
1163 fund the participation of building departments in the national
1164 and state building code adoption processes and to provide
1165 education related to enforcement of the Florida Building Code.
1166 All funds remitted to the department pursuant to this section
1167 shall be deposited in the Professional Regulation Trust Fund.
1168 Funds collected from the ~~such~~ surcharge shall be allocated to
1169 fund used exclusively for the duties of the Florida Building
1170 Commission and the Florida Building Code Compliance and
1171 Mitigation Program under s. 553.841. Beginning in the 2013-2014
1172 fiscal year, funds allocated to the Florida Building Code
1173 Compliance and Mitigation Program shall be \$925,000 each fiscal
1174 year. The funds collected from the surcharge may and the
1175 ~~Department of Business and Professional Regulation under this~~
1176 ~~chapter and shall~~ not be used to fund research on techniques for
1177 mitigation of radon in existing buildings. Funds used by the
1178 department as well as funds to be transferred to the Department
1179 of Health shall be as prescribed in the annual General
1180 Appropriations Act. The department shall adopt rules governing
1181 the collection and remittance of surcharges pursuant to ~~in~~
1182 ~~accordance with~~ chapter 120.

1183 Section 14. Subsection (10) of section 553.73, Florida
1184 Statutes, is amended to read:

1185 553.73 Florida Building Code.—

1186 (10) The following buildings, structures, and facilities
1187 are exempt from the Florida Building Code as provided by law,
1188 and any further exemptions shall be as determined by the
1189 Legislature and provided by law:

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1190 (a) Buildings and structures specifically regulated and
1191 preempted by the Federal Government.

1192 (b) Railroads and ancillary facilities associated with the
1193 railroad.

1194 (c) Nonresidential farm buildings on farms.

1195 (d) Temporary buildings or sheds used exclusively for
1196 construction purposes.

1197 (e) Mobile or modular structures used as temporary offices,
1198 except that the provisions of part II relating to accessibility
1199 by persons with disabilities ~~shall~~ apply to such mobile or
1200 modular structures.

1201 (f) Those structures or facilities of electric utilities,
1202 as defined in s. 366.02, which are directly involved in the
1203 generation, transmission, or distribution of electricity.

1204 (g) Temporary sets, assemblies, or structures used in
1205 commercial motion picture or television production, or any
1206 sound-recording equipment used in such production, on or off the
1207 premises.

1208 (h) Storage sheds that are not designed for human
1209 habitation and that have a floor area of 720 square feet or less
1210 are not required to comply with the mandatory wind-borne-debris-
1211 impact standards of the Florida Building Code. In addition, such
1212 buildings that are 400 square feet or less and that are intended
1213 for use in conjunction with one- and two-family residences are
1214 not subject to the door height and width requirements of the
1215 Florida Building Code.

1216 (i) Chickees constructed by the Miccosukee Tribe of Indians
1217 of Florida or the Seminole Tribe of Florida. As used in this
1218 paragraph, the term "chickee" means an open-sided wooden hut

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1219 that has a thatched roof of palm or palmetto or other
1220 traditional materials, and that does not incorporate any
1221 electrical, plumbing, or other nonwood features.

1222 (j) Family mausoleums not exceeding 250 square feet in area
1223 which are prefabricated and assembled on site or preassembled
1224 and delivered on site and have walls, roofs, and a floor
1225 constructed of granite, marble, or reinforced concrete.

1226 (k) A building or structure having less than 1,000 square
1227 feet which is constructed and owned by a natural person for
1228 hunting and which is repaired or reconstructed to the same
1229 dimension and condition as existed on January 1, 2011, if the
1230 building or structure:

1231 1. Is not rented or leased or used as a principal
1232 residence;

1233 2. Is not located within the 100-year floodplain according
1234 to the Federal Emergency Management Agency's current Flood
1235 Insurance Rate Map; and

1236 3. Is not connected to an off-site electric power or water
1237 supply.

1238
1239 With the exception of paragraphs (a), (b), (c), and (f), in
1240 order to preserve the health, safety, and welfare of the public,
1241 the Florida Building Commission may, by rule adopted pursuant to
1242 chapter 120, provide for exceptions to the broad categories of
1243 buildings exempted in this section, including exceptions for
1244 application of specific sections of the code or standards
1245 adopted therein. The Department of Agriculture and Consumer
1246 Services shall have exclusive authority to adopt by rule,
1247 pursuant to chapter 120, exceptions to nonresidential farm

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1248 buildings exempted in paragraph (c) when reasonably necessary to
1249 preserve public health, safety, and welfare. The exceptions must
1250 be based upon specific criteria, such as under-roof floor area,
1251 aggregate electrical service capacity, HVAC system capacity, or
1252 other building requirements. Further, the commission may
1253 recommend to the Legislature additional categories of buildings,
1254 structures, or facilities which should be exempted from the
1255 Florida Building Code, to be provided by law. The Florida
1256 Building Code does not apply to temporary housing provided by
1257 the Department of Corrections to any prisoner in the state
1258 correctional system.

1259 Section 15. Subsections (1) and (2) of section 553.79,
1260 Florida Statutes, are amended to read:

1261 553.79 Permits; applications; issuance; inspections.—

1262 (1) After the effective date of the Florida Building Code
1263 adopted as herein provided, it shall be unlawful for any person,
1264 firm, corporation, or governmental entity to construct, erect,
1265 alter, modify, repair, or demolish any building within this
1266 state without first obtaining a permit therefor from the
1267 appropriate enforcing agency or from such persons as may, by
1268 appropriate resolution or regulation of the authorized state or
1269 local enforcing agency, be delegated authority to issue such
1270 permits, upon the payment of such reasonable fees adopted by the
1271 enforcing agency. The enforcing agency is empowered to revoke
1272 any such permit upon a determination by the agency that the
1273 construction, erection, alteration, modification, repair, or
1274 demolition of the building for which the permit was issued is in
1275 violation of, or not in conformity with, the provisions of the
1276 Florida Building Code. Whenever a permit required under this

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1277 section is denied or revoked because the plan, or the
1278 construction, erection, alteration, modification, repair, or
1279 demolition of a building, is found by the local enforcing agency
1280 to be not in compliance with the Florida Building Code, the
1281 local enforcing agency shall identify the specific plan or
1282 project features that do not comply with the applicable codes,
1283 identify the specific code chapters and sections upon which the
1284 finding is based, and provide this information to the permit
1285 applicant. Installation, replacement, removal, or metering of
1286 any load management control device is exempt from and shall not
1287 be subject to the permit process and fees otherwise required by
1288 this section.

1289 (2) Except as provided in subsection (6), an enforcing
1290 agency may not issue any permit for construction, erection,
1291 alteration, modification, repair, or demolition of any building
1292 or structure until the local building code administrator or
1293 inspector has reviewed the plans and specifications required by
1294 the Florida Building Code, or local amendment thereto, for such
1295 proposal and found the plans to be in compliance with the
1296 Florida Building Code. If the local building code administrator
1297 or inspector finds that the plans are not in compliance with the
1298 Florida Building Code, the local building code administrator or
1299 inspector shall identify the specific plan features that do not
1300 comply with the applicable codes, identify the specific code
1301 chapters and sections upon which the finding is based, and
1302 provide this information to the local enforcing agency. The
1303 local enforcing agency shall provide this information to the
1304 permit applicant. In addition, an enforcing agency may not issue
1305 any permit for construction, erection, alteration, modification,

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1306 repair, or demolition of any building until the appropriate
1307 firesafety inspector certified pursuant to s. 633.081 has
1308 reviewed the plans and specifications required by the Florida
1309 Building Code, or local amendment thereto, for such proposal and
1310 found that the plans comply with the Florida Fire Prevention
1311 Code and the Life Safety Code. Any building or structure which
1312 is not subject to a firesafety code shall not be required to
1313 have its plans reviewed by the firesafety inspector. Any
1314 building or structure that is exempt from the local building
1315 permit process may not be required to have its plans reviewed by
1316 the local building code administrator. Industrial construction
1317 on sites where design, construction, and firesafety are
1318 supervised by appropriate design and inspection professionals
1319 and which contain adequate in-house fire departments and rescue
1320 squads is exempt, subject to local government option, from
1321 review of plans and inspections, providing owners certify that
1322 applicable codes and standards have been met and supply
1323 appropriate approved drawings to local building and firesafety
1324 inspectors. The enforcing agency shall issue a permit to
1325 construct, erect, alter, modify, repair, or demolish any
1326 building or structure when the plans and specifications for such
1327 proposal comply with the provisions of the Florida Building Code
1328 and the Florida Fire Prevention Code and the Life Safety Code as
1329 determined by the local authority in accordance with this
1330 chapter and chapter 633.

1331 Section 16. Subsection (4) of section 553.844, Florida
1332 Statutes, is amended to read:

1333 553.844 Windstorm loss mitigation; requirements for roofs
1334 and opening protection.—

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1335 (4) Notwithstanding the provisions of this section, exposed
1336 mechanical equipment or appliances fastened to a roof or
1337 installed on the ground in compliance with the code using rated
1338 stands, platforms, curbs, slabs, or other means are deemed to
1339 comply with the wind resistance requirements of the 2007 Florida
1340 Building Code, as amended. Further support or enclosure of such
1341 mechanical equipment or appliances is not required by a state or
1342 local official having authority to enforce the Florida Building
1343 Code. This subsection expires on the effective date of the 2013
1344 ~~2010~~ Florida Building Code.

1345 Section 17. Subsection (15) is added to section 633.0215,
1346 Florida Statutes, to read:

1347 633.0215 Florida Fire Prevention Code.—

1348 (15) The Legislature finds that the electronic filing of
1349 construction plans will increase governmental efficiency, reduce
1350 costs, and increase timeliness of processing permits. If the
1351 fire code administrator or fire official provides for electronic
1352 filing, any construction plans, drawings, specifications,
1353 reports, final documents, or documents prepared or issued by a
1354 licensee may be dated and electronically signed and sealed by
1355 the licensee in accordance with part I of chapter 668, and may
1356 be transmitted electronically to the fire code administrator or
1357 fire official for approval.

1358 Section 18. Paragraph (b) of subsection (6) of section
1359 713.135, Florida Statutes, is amended, and paragraph (d) is
1360 added to that subsection, to read:

1361 713.135 Notice of commencement and applicability of lien.—

1362 (6)

1363 (b)1. Consistent with the requirements of paragraph (a), an

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1364 authority responsible for issuing building permits under this
1365 section may accept a building permit application in an
1366 electronic format, as prescribed by the authority. Building
1367 permit applications submitted to the authority electronically
1368 must contain the following additional statement in lieu of the
1369 requirement in paragraph (a) that a signed, sworn, and notarized
1370 signature of the owner or agent and the contractor be part of
1371 the owner's affidavit:

1372
1373 OWNER'S ELECTRONIC SUBMISSION STATEMENT: Under penalty
1374 of perjury, I declare that all the information
1375 contained in this building permit application is true
1376 and correct.

1377
1378 2. For purposes of implementing a "United States Department
1379 of Energy SunShot Initiative: Rooftop Solar Challenge" grant and
1380 the participation of county and municipal governments, including
1381 local permitting agencies under the jurisdiction of such county
1382 and municipal governments, an owner or contractor shall not be
1383 required to personally appear and provide a notarized signature
1384 when filing a building permit application, if such building
1385 permit application will be electronically submitted to the
1386 permitting authority, the application relates to a solar
1387 project, and the owner or contractor certifies the application,
1388 consistent with this paragraph, using the permitting authority's
1389 electronic confirmation system. For purposes of this subsection,
1390 a "solar project" means installing, uninstalling, or replacing
1391 solar panels on single-family residential property, multi-family
1392 residential property, or commercial property.

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1393 (d) An authority responsible for issuing building permits
1394 which accepts building permit applications in an electronic
1395 format for solar projects, as defined in subparagraph (b)2., is
1396 not liable in any civil action for any inaccurate information
1397 submitted by an owner or contractor using the authority's
1398 electronic confirmation system.

1399 Section 19. The Florida Building Commission shall establish
1400 a workgroup to assist the commission in developing a rule for
1401 implementing an alternative design method for screen enclosures
1402 which allows for the removal of a section of the screen to
1403 accommodate high-wind events consistent with the provisions of
1404 the Florida Building Code.

1405 (1) The workgroup shall be comprised of the following
1406 representatives:

1407 (a) Two members who represent the screen enclosure
1408 manufacturing industry;

1409 (b) Two members who represent the aluminum contractors
1410 industry;

1411 (c) One member who represents the Florida Home Builders
1412 Association;

1413 (d) One member who represents the Florida Swimming Pool
1414 Association;

1415 (e) Three members who represent the Building Officials
1416 Association of Florida;

1417 (f) One member who represents the building products
1418 industry; and

1419 (g) One member who is employed as a structural engineer.

1420 (2) The workgroup shall address the following factors to be
1421 included in the rule:

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1422 (a) An alternative design method for a screen enclosure
1423 that is site-specific engineered;

1424 (b) A screen enclosure design using the alternative method
1425 that serves as a barrier that is required for a swimming pool
1426 and remains in place at the minimum height required for the
1427 barrier;

1428 (c) A screen enclosure design using clear, highly visible
1429 labels for panels that can be cut, retracted, or removed when
1430 winds are forecasted to exceed 75 mph;

1431 (d) A design for a screen that can be removed, cut, or
1432 retracted without the use of a ladder or scaffolding;

1433 (e) A requirement that the contractor provide replacement
1434 screen at the initial point of sale to repair the screen
1435 enclosure for designs that require cutting; and

1436 (f) An alternative design for a screen enclosure that
1437 requires the contractor to provide notice to the homeowner and
1438 the local building department that the homeowner must cut,
1439 retract, or remove a panel or panels of the screen enclosure in
1440 accordance with engineering or manufacturer's instructions when
1441 wind speeds are expected to exceed 75 mph.

1442 (3) The Florida Building Commission shall appoint the
1443 workgroup no later than 15 days after the effective date of this
1444 act to draft a proposed rule. Rulemaking must be initiated
1445 pursuant to chapter 120, Florida Statutes, as soon as
1446 practicable after appointment of the workgroup. The commission
1447 shall file a notice of proposed rule by October 1, 2012. The
1448 Florida Building Code Commission shall file the rule for
1449 adoption by January 2, 2013, unless the commission files a
1450 letter on or before that date with the Joint Administrative

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1451 Procedures Committee explaining the reasons for not completing
1452 rulemaking. Upon final adoption of the rule, the Florida
1453 Building Commission shall incorporate these requirements into
1454 the next version of the Florida Building Code. This section
1455 expires upon adoption of the rule and its inclusion in the
1456 Florida Building Code.

1457 Section 20. Except as otherwise expressly provided in this
1458 act and except for this section, which shall take effect upon
1459 this act becoming a law, this act shall take effect July 1,
1460 2012.