

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Diamond offered the following:

**Amendment (with title amendment)**

Remove everything after the enacting clause and insert:

Section 1. Paragraphs (c) and (d) are added to subsection (4) of section 125.56, Florida Statutes, to read:

125.56 Enforcement and amendment of the Florida Building Code and the Florida Fire Prevention Code; inspection fees; inspectors; etc.-

(4)

(c) A county that issues building permits may send a written notice of expiration, by e-mail or United States Postal Service, to the owner of the property and the contractor listed

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14 on the permit, no less than 30 days before a building permit is  
15 set to expire. The written notice must identify the permit that  
16 is set to expire and the date the permit will expire.

17 (d) A county that issues building permits may charge a  
18 person only one search fee, in an amount commensurate with the  
19 research and time costs incurred by the county, for identifying  
20 building permits for each unit or subunit assigned by the county  
21 to a particular tax parcel identification number.

22 Section 2. Section 166.222, Florida Statutes, is amended  
23 to read:

24 166.222 Building code inspection fees.—

25 (1) The governing body of a municipality may provide a  
26 schedule of reasonable inspection fees in order to defer the  
27 costs of inspection and enforcement of the provisions of its  
28 building code.

29 (2) The governing body of a municipality that issues  
30 building permits may charge a person only one search fee, in an  
31 amount commensurate with the research and time costs incurred by  
32 the governing body, for identifying building permits for each  
33 unit or subunit assigned by the governing body to a particular  
34 tax parcel identification number.

35 Section 3. Paragraphs (a) and (c) of subsection (7) of  
36 section 489.103, Florida Statutes, are amended to read:

37 489.103 Exemptions.—This part does not apply to:

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

41 1. When building or improving farm outbuildings or one-  
42 family or two-family residences on such property for the  
43 occupancy or use of such owners and not offered for sale or  
44 lease, or building or improving commercial buildings, at a cost  
45 not to exceed \$75,000, on such property for the occupancy or use  
46 of such owners and not offered for sale or lease. In an action  
47 brought under this part, proof of the sale or lease, or offering  
48 for sale or lease, of any such structure by the owner-builder  
49 within 1 year after completion of same creates a presumption  
50 that the construction was undertaken for purposes of sale or  
51 lease.

52 2. When repairing or replacing wood shakes or asphalt or  
53 fiberglass shingles on one-family, two-family, or three-family  
54 residences for the occupancy or use of such owner or tenant of  
55 the owner and not offered for sale within 1 year after  
56 completion of the work and when the property has been damaged by  
57 natural causes from an event recognized as an emergency  
58 situation designated by executive order issued by the Governor  
59 declaring the existence of a state of emergency as a result and  
60 consequence of a serious threat posed to the public health,  
61 safety, and property in this state.

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62 3. When installing, uninstalling, or replacing solar  
63 panels on one-family, two-family, or three-family residences,  
64 and the local permitting agency's county or municipal government  
65 is participating in a "United States Department of Energy  
66 SunShot Initiative: Rooftop Solar Challenge" grant. However, an  
67 owner must utilize a licensed electrical contractor to  
68 effectuate the wiring of the solar panels, including any  
69 interconnection to the customer's residential electrical wiring.  
70 The limitations of this exemption shall be expressly stated in  
71 the building permit approved and issued by the permitting agency  
72 for such project.

73 4. When completing the requirements of a building permit,  
74 where the contractor listed on the permit substantially  
75 completed the project as determined by the local permitting  
76 agency, for a one-family or two-family residence, townhome, or  
77 an accessory structure of a one-family or two-family residence  
78 or townhome or an individual residential condominium unit or  
79 cooperative unit. Prior to qualifying for the exemption, the  
80 owner must receive approval from the local permitting agency,  
81 and the local permitting agency must determine that the  
82 contractor listed on the permit substantially completed the  
83 project. An owner who qualifies for the exemption under this  
84 subparagraph is not required to occupy the dwelling or unit for  
85 at least 1 year after the completion of the project.

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86 (c) To qualify for exemption under this subsection, an  
87 owner must personally appear and sign the building permit  
88 application and must satisfy local permitting agency  
89 requirements, if any, proving that the owner has a complete  
90 understanding of the owner's obligations under the law as  
91 specified in the disclosure statement in this section. However,  
92 for purposes of implementing a "United States Department of  
93 Energy SunShot Initiative: Rooftop Solar Challenge" grant and  
94 the participation of county and municipal governments, including  
95 local permitting agencies under the jurisdiction of such county  
96 and municipal governments, an owner's notarized signature or  
97 personal appearance to sign the permit application is not  
98 required for a solar project, as described in subparagraph  
99 (a)3., if the building permit application is submitted  
100 electronically to the permitting agency and the owner certifies  
101 the application and disclosure statement using the permitting  
102 agency's electronic confirmation system. If any person violates  
103 the requirements of this subsection, the local permitting agency  
104 shall withhold final approval, revoke the permit, or pursue any  
105 action or remedy for unlicensed activity against the owner and  
106 any person performing work that requires licensure under the  
107 permit issued. The local permitting agency shall provide the  
108 person with a disclosure statement in substantially the  
109 following form:  
110

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## DISCLOSURE STATEMENT

111  
112  
113 1. I understand that state law requires construction  
114 to be done by a licensed contractor and have applied  
115 for an owner-builder permit under an exemption from  
116 the law. The exemption specifies that I, as the owner  
117 of the property listed, may act as my own contractor  
118 with certain restrictions even though I do not have a  
119 license.

120  
121 2. I understand that building permits are not  
122 required to be signed by a property owner unless he or  
123 she is responsible for the construction and is not  
124 hiring a licensed contractor to assume responsibility.  
125

126 3. I understand that, as an owner-builder, I am the  
127 responsible party of record on a permit. I understand  
128 that I may protect myself from potential financial  
129 risk by hiring a licensed contractor and having the  
130 permit filed in his or her name instead of my own  
131 name. I also understand that a contractor is required  
132 by law to be licensed in Florida and to list his or  
133 her license numbers on permits and contracts.  
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135 4. I understand that I may build or improve a one-  
136 family or two-family residence or a farm outbuilding.  
137 I may also build or improve a commercial building if  
138 the costs do not exceed \$75,000. The building or  
139 residence must be for my own use or occupancy. It may  
140 not be built or substantially improved for sale or  
141 lease, unless I am completing the requirements of a  
142 building permit where the contractor listed on the  
143 permit substantially completed the project. If a  
144 building or residence that I have built or  
145 substantially improved myself is sold or leased within  
146 1 year after the construction is complete, the law  
147 will presume that I built or substantially improved it  
148 for sale or lease, which violates the exemption.

149  
150 5. I understand that, as the owner-builder, I must  
151 provide direct, onsite supervision of the  
152 construction.

153  
154 6. I understand that I may not hire an unlicensed  
155 person to act as my contractor or to supervise persons  
156 working on my building or residence. It is my  
157 responsibility to ensure that the persons whom I  
158 employ have the licenses required by law and by county  
159 or municipal ordinance.

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160  
161 7. I understand that it is a frequent practice of  
162 unlicensed persons to have the property owner obtain  
163 an owner-builder permit that erroneously implies that  
164 the property owner is providing his or her own labor  
165 and materials. I, as an owner-builder, may be held  
166 liable and subjected to serious financial risk for any  
167 injuries sustained by an unlicensed person or his or  
168 her employees while working on my property. My  
169 homeowner's insurance may not provide coverage for  
170 those injuries. I am willfully acting as an owner-  
171 builder and am aware of the limits of my insurance  
172 coverage for injuries to workers on my property.  
173

174 8. I understand that I may not delegate the  
175 responsibility for supervising work to a licensed  
176 contractor who is not licensed to perform the work  
177 being done. Any person working on my building who is  
178 not licensed must work under my direct supervision and  
179 must be employed by me, which means that I must comply  
180 with laws requiring the withholding of federal income  
181 tax and social security contributions under the  
182 Federal Insurance Contributions Act (FICA) and must  
183 provide workers' compensation for the employee. I

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184 understand that my failure to follow these laws may  
185 subject me to serious financial risk.

186  
187 9. I agree that, as the party legally and financially  
188 responsible for this proposed construction activity, I  
189 will abide by all applicable laws and requirements  
190 that govern owner-builders as well as employers. I  
191 also understand that the construction must comply with  
192 all applicable laws, ordinances, building codes, and  
193 zoning regulations.

194  
195 10. I understand that I may obtain more information  
196 regarding my obligations as an employer from the  
197 Internal Revenue Service, the United States Small  
198 Business Administration, the Florida Department of  
199 Financial Services, and the Florida Department of  
200 Revenue. I also understand that I may contact the  
201 Florida Construction Industry Licensing Board at  
202 ...(telephone number)... or ...(Internet website  
203 address)... for more information about licensed  
204 contractors.

205  
206 11. I am aware of, and consent to, an owner-builder  
207 building permit applied for in my name and understand  
208 that I am the party legally and financially

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209 responsible for the proposed construction activity at  
210 the following address: ...(address of property)....

211  
212 12. I agree to notify ...(issuer of disclosure  
213 statements)... immediately of any additions,  
214 deletions, or changes to any of the information that I  
215 have provided on this disclosure.

216  
217 Licensed contractors are regulated by laws designed to  
218 protect the public. If you contract with a person who  
219 does not have a license, the Construction Industry  
220 Licensing Board and Department of Business and  
221 Professional Regulation may be unable to assist you  
222 with any financial loss that you sustain as a result  
223 of a complaint. Your only remedy against an unlicensed  
224 contractor may be in civil court. It is also important  
225 for you to understand that, if an unlicensed  
226 contractor or employee of an individual or firm is  
227 injured while working on your property, you may be  
228 held liable for damages. If you obtain an owner-  
229 builder permit and wish to hire a licensed contractor,  
230 you will be responsible for verifying whether the  
231 contractor is properly licensed and the status of the  
232 contractor's workers' compensation coverage.

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234 Before a building permit can be issued, this  
235 disclosure statement must be completed and signed by  
236 the property owner and returned to the local  
237 permitting agency responsible for issuing the permit.  
238 A copy of the property owner's driver license, the  
239 notarized signature of the property owner, or other  
240 type of verification acceptable to the local  
241 permitting agency is required when the permit is  
242 issued.

243  
244 Signature: ...(signature of property owner)....

245 Date: ...(date)....

246 Section 4. Subsection (6) of section 489.503, Florida  
247 Statutes, is amended to read:

248 489.503 Exemptions.—This part does not apply to:

249 (6) (a) An owner of property making application for permit,  
250 supervising, and doing the work in connection with the  
251 construction, maintenance, repair, and alteration of and  
252 addition to a single-family or duplex residence for his or her  
253 own use and occupancy and not intended for sale or an owner of  
254 property when acting as his or her own electrical contractor and  
255 providing all material supervision himself or herself, when  
256 building or improving a farm outbuilding or a single-family or  
257 duplex residence on such property for the occupancy or use of  
258 such owner and not offered for sale or lease, or building or

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259 improving a commercial building with aggregate construction  
260 costs of under \$75,000 on such property for the occupancy or use  
261 of such owner and not offered for sale or lease. In an action  
262 brought under this subsection, proof of the sale or lease, or  
263 offering for sale or lease, of more than one such structure by  
264 the owner-builder within 1 year after completion of same is  
265 prima facie evidence that the construction was undertaken for  
266 purposes of sale or lease.

267 (b) An owner of property completing the requirements of a  
268 building permit, where the contractor listed on the permit  
269 substantially completed the project as determined by the local  
270 permitting agency, for a one-family or two family residence,  
271 townhome, accessory structure of a one-family or two-family  
272 residence or townhome or individual residential condominium unit  
273 or cooperative unit. Prior to the owner qualifying for the  
274 exemption, the owner must receive approval from the local  
275 permitting agency, and the local permitting agency must  
276 determine that the contractor substantially completed the  
277 project. An owner who qualifies for the exemption under this  
278 paragraph is not required to occupy the dwelling or unit for at  
279 least 1 year after the completion of the project.

280 (c) This subsection does not exempt any person who is  
281 employed by such owner and who acts in the capacity of a  
282 contractor. For the purpose of this subsection, the term "owner  
283 of property" includes the owner of a mobile home situated on a

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284 leased lot. To qualify for exemption under this subsection, an  
285 owner shall personally appear and sign the building permit  
286 application and must satisfy local permitting agency  
287 requirements, if any, proving that the owner has a complete  
288 understanding of the owner's obligations under the law as  
289 specified in the disclosure statement in this section. If any  
290 person violates the requirements of this subsection, the local  
291 permitting agency shall withhold final approval, revoke the  
292 permit, or pursue any action or remedy for unlicensed activity  
293 against the owner and any person performing work that requires  
294 licensure under the permit issued. The local permitting agency  
295 shall provide the owner with a disclosure statement in  
296 substantially the following form:

297  
298 Disclosure Statement

299  
300 State law requires electrical contracting to be done by  
301 licensed electrical contractors. You have applied for a permit  
302 under an exemption to that law. The exemption allows you, as the  
303 owner of your property, to act as your own electrical contractor  
304 even though you do not have a license. You may install  
305 electrical wiring for a farm outbuilding or a single-family or  
306 duplex residence. You may install electrical wiring in a  
307 commercial building the aggregate construction costs of which  
308 are under \$75,000. The home or building must be for your own use

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309 and occupancy. It may not be built for sale or lease, unless you  
310 are completing the requirements of a building permit where the  
311 contractor listed on the permit substantially completed the  
312 project. If you sell or lease more than one building you have  
313 wired yourself within 1 year after the construction is complete,  
314 the law will presume that you built it for sale or lease, which  
315 is a violation of this exemption. You may not hire an unlicensed  
316 person as your electrical contractor. Your construction shall be  
317 done according to building codes and zoning regulations. It is  
318 your responsibility to make sure that people employed by you  
319 have licenses required by state law and by county or municipal  
320 licensing ordinances.

321 Section 5. Present subsections (15) through (20) of  
322 section 553.79, Florida Statutes, are redesignated as  
323 subsections (17) through (22), respectively, new subsections  
324 (15) and (16) are added to that section, and paragraph (c) is  
325 added to subsection (1) of that section, to read:

326 553.79 Permits; applications; issuance; inspections.-

327 (1)

328 (c) A local government that issues building permits may  
329 send a written notice of expiration, by e-mail or United States  
330 Postal Service, to the owner of the property and the contractor  
331 listed on the permit, no less than 30 days before a building  
332 permit is set to expire. The written notice must identify the

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333 permit that is set to expire and the date the permit will  
334 expire.

335 (15) (a) A property owner, regardless of whether the  
336 property owner is the one listed on the application for the  
337 building permit, may close a building permit by complying with  
338 the following requirements:

339 1. The property owner may retain the original contractor  
340 listed on the permit or hire a different contractor  
341 appropriately licensed in this state to perform the work  
342 necessary to satisfy the conditions of the permit and to obtain  
343 any necessary inspections in order to close the permit. If a  
344 contractor other than the original contractor listed on the  
345 permit is hired by the property owner to close the permit, such  
346 contractor is not liable for any defects in the work performed  
347 by the original contractor and is only liable for the work that  
348 he or she performs.

349 2. The property owner may assume the role of an owner-  
350 builder, in accordance with ss. 489.103(7) and 489.503(6).

351 3. For purposes of this section, the term "close" means  
352 that the requirements of the permit have been satisfied.

353 (b) If a building permit is expired and its requirements  
354 have been substantially completed, as determined by the local  
355 enforcement agency, the permit may be closed without having to  
356 obtain a new building permit, and the work required to close the  
357 permit may be done pursuant to the building code in effect at

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358 the time the local enforcement agency received the application  
359 for the permit, unless the contractor has sought and received  
360 approval from the local enforcement agency for an alternative  
361 material, design, or method of construction.

362 (c) A local enforcement agency may close a building permit  
363 6 years after the issuance of the permit, even in the absence of  
364 a final inspection, if the local enforcement agency determines  
365 that no apparent safety hazards exist.

366 (16) (a) A local enforcement agency may not deny issuance  
367 of a building permit to, issue a notice of violation to, or  
368 fine, penalize, sanction, or assess fees against an arms-length  
369 purchaser of a property for value solely because a building  
370 permit was applied for by a previous owner of the property was  
371 not closed. The local enforcement agency shall maintain all  
372 rights and remedies against the property owner and contractor  
373 listed on the permit.

374 (b) The local enforcement agency may not deny issuance of  
375 a building permit to a contractor solely because the contractor  
376 is listed on other building permits that were not closed.

377 Section 6. Paragraph (e) is added to subsection (7) of  
378 section 553.80, Florida Statutes, to read:

379 553.80 Enforcement.—

380 (7) The governing bodies of local governments may provide  
381 a schedule of reasonable fees, as authorized by s. 125.56(2) or  
382 s. 166.222 and this section, for enforcing this part. These

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383 fees, and any fines or investment earnings related to the fees,  
384 shall be used solely for carrying out the local government's  
385 responsibilities in enforcing the Florida Building Code. When  
386 providing a schedule of reasonable fees, the total estimated  
387 annual revenue derived from fees, and the fines and investment  
388 earnings related to the fees, may not exceed the total estimated  
389 annual costs of allowable activities. Any unexpended balances  
390 shall be carried forward to future years for allowable  
391 activities or shall be refunded at the discretion of the local  
392 government. The basis for a fee structure for allowable  
393 activities shall relate to the level of service provided by the  
394 local government and shall include consideration for refunding  
395 fees due to reduced services based on services provided as  
396 prescribed by s. 553.791, but not provided by the local  
397 government. Fees charged shall be consistently applied.

398 (e) The governing body of a local government that issues  
399 building permits may charge a person only one search fee, in an  
400 amount commensurate with the research and time costs incurred by  
401 the governing body, for identifying building permits for each  
402 unit or subunit assigned by the governing body to a particular  
403 tax parcel identification number.

404 Section 7. Section 440.103, Florida Statutes, is amended  
405 to read:

406 440.103 Building permits; identification of minimum  
407 premium policy.—Every employer shall, as a condition to applying

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408 for and receiving a building permit, show proof and certify to  
409 the permit issuer that it has secured compensation for its  
410 employees under this chapter as provided in ss. 440.10 and  
411 440.38. Such proof of compensation must be evidenced by a  
412 certificate of coverage issued by the carrier, a valid exemption  
413 certificate approved by the department, or a copy of the  
414 employer's authority to self-insure and shall be presented,  
415 electronically or physically, each time the employer applies for  
416 a building permit. As provided in s. 553.79(20) ~~s. 553.79(19)~~,  
417 for the purpose of inspection and record retention, site plans  
418 or building permits may be maintained at the worksite in the  
419 original form or in the form of an electronic copy. These plans  
420 and permits must be open to inspection by the building official  
421 or a duly authorized representative, as required by the Florida  
422 Building Code. As provided in s. 627.413(5), each certificate of  
423 coverage must show, on its face, whether or not coverage is  
424 secured under the minimum premium provisions of rules adopted by  
425 rating organizations licensed pursuant to s. 627.221. The words  
426 "minimum premium policy" or equivalent language shall be typed,  
427 printed, stamped, or legibly handwritten.

428 Section 8. This act shall take effect October 1, 2019.  
429

430 -----

431 **T I T L E A M E N D M E N T**

432 Remove everything before the enacting clause and insert:

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433                                   A bill to be entitled  
434           An act relating to building permits; amending s.  
435           125.56, F.S.; authorizing counties to provide notice  
436           to certain persons under certain circumstances;  
437           authorizing counties that issue building permits to  
438           charge a person a single search fee for a certain  
439           amount under certain circumstances; amending s.  
440           166.222, F.S.; authorizing the governing bodies of  
441           municipalities to charge a person a single search fee  
442           for a certain amount under certain circumstances; to  
443           charge a person one search fee for a certain amount  
444           under certain circumstances; amending ss. 489.103 and  
445           489.503, F.S.; providing exemptions to certain  
446           contracting requirements; revising forms for  
447           disclosure statements; amending s. 553.79, F.S.;  
448           authorizing a local government to provide notice to  
449           certain persons under certain circumstances within a  
450           specified timeframe; authorizing a property owner to  
451           close a permit under certain circumstances; providing  
452           that a contractor is not liable for work performed in  
453           certain circumstances; defining the term "close";  
454           authorizing a local enforcement agency to close a  
455           permit under certain circumstances; prohibiting a  
456           local enforcement agency from taking certain actions  
457           relating to building permits that were applied for but

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458 | not closed by a previous owner; providing that local  
459 | enforcement agencies retain all rights and remedies  
460 | against the property owner and contractor listed on  
461 | such a permit; amending s. 553.80, F.S.; authorizing  
462 | the governing body of a local government to charge a  
463 | person a single search fee one search fee for a  
464 | certain amount under certain circumstances; amending  
465 | s. 440.103, F.S.; conforming a cross-reference;  
466 | providing an effective date.

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