

Amendment No. 1.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>    </u>	(Y/N)
ADOPTED AS AMENDED	<u>    </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>    </u>	(Y/N)
FAILED TO ADOPT	<u>    </u>	(Y/N)
WITHDRAWN	<u>    </u>	(Y/N)
OTHER	<u>    </u>	

1 Committee/Subcommittee hearing bill: Commerce Committee  
 2 Representative Diamond offered the following:

**Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

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

8 125.56 Enforcement and amendment of the Florida Building  
 9 Code and the Florida Fire Prevention Code; inspection fees;  
 10 inspectors; etc.—

11 (4)

12 (c) A county that issues building permits may send a  
 13 written notice of expiration, by e-mail or United States Postal  
 14 Service, to the owner of the property and the contractor listed  
 15 on the permit, no less than 30 days before a building permit is  
 16 set to expire or will become null and void or invalid. The

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17 written notice must identify the permit that is set to expire or  
18 that will become null and void or invalid and the date the  
19 permit will expire or become null and void or invalid.

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

25 Section 2. Section 166.222, Florida Statutes, is amended  
26 to read:

27 166.222 Building code inspection fees.—

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

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

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

40 489.103 Exemptions.—This part does not apply to:

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

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

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

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

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

88 (c) To qualify for exemption under this subsection, an  
89 owner must personally appear and sign the building permit

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

## 112 DISCLOSURE STATEMENT

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

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

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

130 4. I understand that I may build or improve a one-family or  
131 two-family residence or a farm outbuilding. I may also build or  
132 improve a commercial building if the costs do not exceed  
133 \$75,000. The building or residence must be for my own use or  
134 occupancy. It may not be built or substantially improved for  
135 sale or lease, unless I am completing the requirements of a

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136 building permit and the contractor listed on the permit  
137 substantially completed the project. If a building or residence  
138 that I have built or substantially improved myself is sold or  
139 leased within 1 year after the construction is complete, the law  
140 will presume that I built or substantially improved it for sale  
141 or lease, which violates the exemption.

142 5. I understand that, as the owner-builder, I must provide  
143 direct, onsite supervision of the construction.

144 6. I understand that I may not hire an unlicensed person to act  
145 as my contractor or to supervise persons working on my building  
146 or residence. It is my responsibility to ensure that the persons  
147 whom I employ have the licenses required by law and by county or  
148 municipal ordinance.

149 7. I understand that it is a frequent practice of unlicensed  
150 persons to have the property owner obtain an owner-builder  
151 permit that erroneously implies that the property owner is  
152 providing his or her own labor and materials. I, as an owner-  
153 builder, may be held liable and subjected to serious financial  
154 risk for any injuries sustained by an unlicensed person or his  
155 or her employees while working on my property. My homeowner's  
156 insurance may not provide coverage for those injuries. I am  
157 willfully acting as an owner-builder and am aware of the limits  
158 of my insurance coverage for injuries to workers on my property.

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159 8. I understand that I may not delegate the responsibility for  
160 supervising work to a licensed contractor who is not licensed to  
161 perform the work being done. Any person working on my building  
162 who is not licensed must work under my direct supervision and  
163 must be employed by me, which means that I must comply with laws  
164 requiring the withholding of federal income tax and social  
165 security contributions under the Federal Insurance Contributions  
166 Act (FICA) and must provide workers' compensation for the  
167 employee. I understand that my failure to follow these laws may  
168 subject me to serious financial risk.

169 9. I agree that, as the party legally and financially  
170 responsible for this proposed construction activity, I will  
171 abide by all applicable laws and requirements that govern owner-  
172 builders as well as employers. I also understand that the  
173 construction must comply with all applicable laws, ordinances,  
174 building codes, and zoning regulations.

175 10. I understand that I may obtain more information regarding  
176 my obligations as an employer from the Internal Revenue Service,  
177 the United States Small Business Administration, the Florida  
178 Department of Financial Services, and the Florida Department of  
179 Revenue. I also understand that I may contact the Florida  
180 Construction Industry Licensing Board at ...(telephone  
181 number)... or ...(Internet website address)... for more  
182 information about licensed contractors.

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183 11. I am aware of, and consent to, an owner-builder building  
184 permit applied for in my name and understand that I am the party  
185 legally and financially responsible for the proposed  
186 construction activity at the following address: ...(address of  
187 property)....

188 12. I agree to notify ...(issuer of disclosure statements)...  
189 immediately of any additions, deletions, or changes to any of  
190 the information that I have provided on this disclosure.

191 Licensed contractors are regulated by laws designed to protect  
192 the public. If you contract with a person who does not have a  
193 license, the Construction Industry Licensing Board and  
194 Department of Business and Professional Regulation may be unable  
195 to assist you with any financial loss that you sustain as a  
196 result of a complaint. Your only remedy against an unlicensed  
197 contractor may be in civil court. It is also important for you  
198 to understand that, if an unlicensed contractor or employee of  
199 an individual or firm is injured while working on your property,  
200 you may be held liable for damages. If you obtain an owner-  
201 builder permit and wish to hire a licensed contractor, you will  
202 be responsible for verifying whether the contractor is properly  
203 licensed and the status of the contractor's workers'  
204 compensation coverage.

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205 Before a building permit can be issued, this disclosure  
206 statement must be completed and signed by the property owner and  
207 returned to the local permitting agency responsible for issuing  
208 the permit. A copy of the property owner's driver license, the  
209 notarized signature of the property owner, or other type of  
210 verification acceptable to the local permitting agency is  
211 required when the permit is issued.

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

213 Date: ...(date)....

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

216 489.503 Exemptions.—This part does not apply to:

217 (6) (a) An owner of property making application for  
218 permit, supervising, and doing the work in connection with the  
219 construction, maintenance, repair, and alteration of and  
220 addition to a single-family or duplex residence for his or her  
221 own use and occupancy and not intended for sale or an owner of  
222 property when acting as his or her own electrical contractor and  
223 providing all material supervision himself or herself, when  
224 building or improving a farm outbuilding or a single-family or  
225 duplex residence on such property for the occupancy or use of  
226 such owner and not offered for sale or lease, or building or  
227 improving a commercial building with aggregate construction  
228 costs of under \$75,000 on such property for the occupancy or use

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229 of such owner and not offered for sale or lease. In an action  
230 brought under this subsection, proof of the sale or lease, or  
231 offering for sale or lease, of more than one such structure by  
232 the owner-builder within 1 year after completion of same is  
233 prima facie evidence that the construction was undertaken for  
234 purposes of sale or lease.

235 (b) An owner of property completing the requirements of a  
236 building permit for a one-family or two family residence,  
237 townhome, accessory structure of a one-family or two-family  
238 residence or townhome, individual residential condominium unit,  
239 or individual residential cooperative unit. The contractor  
240 listed on the permit must have substantially completed the  
241 project as determined by the local permitting agency prior to  
242 the owner qualifying for the exemption. The owner must also  
243 receive approval from the local permitting agency prior to  
244 qualifying for the exemption. An owner who qualifies for the  
245 exemption under this paragraph is not required to occupy the  
246 dwelling or unit for at least 1 year after the completion of the  
247 project.

248 (c) This subsection does not exempt any person who is  
249 employed by such owner and who acts in the capacity of a  
250 contractor. For the purpose of this subsection, the term "owner  
251 of property" includes the owner of a mobile home situated on a  
252 leased lot. To qualify for exemption under this subsection, an  
253 owner shall personally appear and sign the building permit

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278 project. If you sell or lease more than one building you have  
279 wired yourself within 1 year after the construction is complete,  
280 the law will presume that you built it for sale or lease, which  
281 is a violation of this exemption. You may not hire an unlicensed  
282 person as your electrical contractor. Your construction shall be  
283 done according to building codes and zoning regulations. It is  
284 your responsibility to make sure that people employed by you  
285 have licenses required by state law and by county or municipal  
286 licensing ordinances.

287 Section 5. Paragraph (c) is added to subsection (1) of  
288 section 553.79, Florida Statutes, and subsections (15) through  
289 (20) are renumbered as subsections (17) through (22),  
290 respectively, and new subsections (15) and (16) are added to  
291 that section to read:

292 553.79 Permits; applications; issuance; inspections.—

293 (1) (a) After the effective date of the Florida Building  
294 Code adopted as herein provided, it shall be unlawful for any  
295 person, firm, corporation, or governmental entity to construct,  
296 erect, alter, modify, repair, or demolish any building within  
297 this state without first obtaining a permit therefor from the  
298 appropriate enforcing agency or from such persons as may, by  
299 appropriate resolution or regulation of the authorized state or  
300 local enforcing agency, be delegated authority to issue such  
301 permits, upon the payment of such reasonable fees adopted by the

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302 enforcing agency. The enforcing agency is empowered to revoke  
303 any such permit upon a determination by the agency that the  
304 construction, erection, alteration, modification, repair, or  
305 demolition of the building for which the permit was issued is in  
306 violation of, or not in conformity with, the provisions of the  
307 Florida Building Code. Whenever a permit required under this  
308 section is denied or revoked because the plan, or the  
309 construction, erection, alteration, modification, repair, or  
310 demolition of a building, is found by the local enforcing agency  
311 to be not in compliance with the Florida Building Code, the  
312 local enforcing agency shall identify the specific plan or  
313 project features that do not comply with the applicable codes,  
314 identify the specific code chapters and sections upon which the  
315 finding is based, and provide this information to the permit  
316 applicant. A plans reviewer or building code administrator who  
317 is responsible for issuing a denial, revocation, or modification  
318 request but fails to provide to the permit applicant a reason  
319 for denying, revoking, or requesting a modification, based on  
320 compliance with the Florida Building Code or local ordinance, is  
321 subject to disciplinary action against his or her license  
322 pursuant to s. 468.621(1)(i). Installation, replacement,  
323 removal, or metering of any load management control device is  
324 exempt from and shall not be subject to the permit process and  
325 fees otherwise required by this section.

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326 (b) A local enforcement agency shall post each type of  
327 building permit application on its website. Completed  
328 applications must be able to be submitted electronically to the  
329 appropriate building department. Accepted methods of electronic  
330 submission include, but are not limited to, e-mail submission of  
331 applications in portable document format or submission of  
332 applications through an electronic fill-in form available on the  
333 building department's website or through a third-party  
334 submission management software. Payments, attachments, or  
335 drawings required as part of the permit application may be  
336 submitted in person in a nonelectronic format, at the discretion  
337 of the building official.

338 (c) A local government that issues building permits may  
339 send a written notice of expiration, by e-mail or United States  
340 Postal Service, to the owner of the property and the contractor  
341 listed on the permit, no less than 30 days before a building  
342 permit is set to expire or will become null and void or invalid.  
343 The written notice must identify the permit that is set to  
344 expire or that will become null and void or invalid and the date  
345 the permit will expire or become null and void or invalid.

346 (15) (a) A property owner, regardless of whether the  
347 property owner is the one listed on the application for the  
348 building permit, may close a building permit by complying with  
349 the following requirements:

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350 1. The property owner may retain the original contractor  
351 listed on the permit or hire a different contractor  
352 appropriately licensed in this state to perform the work  
353 necessary to satisfy the conditions of the permit and obtain any  
354 necessary inspections in order to close the permit. If a  
355 contractor other than the original contractor listed on the  
356 permit is hired by the owner to close the permit, the contractor  
357 shall not be liable for any defects in the work performed by the  
358 original contractor and shall only be liable for the work the  
359 contractor performs.

360 2. Alternatively, the owner may assume the role of an  
361 owner-builder, in accordance with s. 489.103(7) and s.  
362 489.503(6).

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

365 (b) The requirements to close a permit pursuant to this  
366 subsection shall be based on the building code in effect at the  
367 time the local enforcement agency received the application for  
368 the permit, unless the contractor has sought and received  
369 approval from the local enforcement agency for an alternative  
370 material, design, or method of construction.

371 (c) A local enforcement agency may close a building permit  
372 6 years after the issuance of the permit, even in the absence of  
373 a final inspection, if the local enforcement agency determines  
374 that no apparent safety hazards exist.

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375 (16) (a) A local enforcement agency may not deny issuance of  
376 a building permit to, issue a notice of violation to, fine,  
377 penalize, sanction, or assess fees against an arms-length  
378 purchaser of a property for value solely because a building  
379 permit applied for by a previous owner of the property was not  
380 closed. The local enforcement agency shall maintain all rights  
381 and remedies against the property owner and contractor listed on  
382 the permit.

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

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

388 553.80 Enforcement.—

389 (7) The governing bodies of local governments may provide  
390 a schedule of reasonable fees, as authorized by s. 125.56(2) or  
391 s. 166.222 and this section, for enforcing this part. These  
392 fees, and any fines or investment earnings related to the fees,  
393 shall be used solely for carrying out the local government's  
394 responsibilities in enforcing the Florida Building Code. When  
395 providing a schedule of reasonable fees, the total estimated  
396 annual revenue derived from fees, and the fines and investment  
397 earnings related to the fees, may not exceed the total estimated  
398 annual costs of allowable activities. Any unexpended balances  
399 shall be carried forward to future years for allowable

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400 activities or shall be refunded at the discretion of the local  
401 government. The basis for a fee structure for allowable  
402 activities shall relate to the level of service provided by the  
403 local government and shall include consideration for refunding  
404 fees due to reduced services based on services provided as  
405 prescribed by s. 553.791, but not provided by the local  
406 government. Fees charged shall be consistently applied.

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

413 Section 7. The effective date of the bill is October  
414 1, 2019.

415  
416 -----

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

417 Remove everything before the enacting clause and insert:  
418 An act relating to building permits; amending s.  
419 125.56, F.S.; allowing counties to provide notice in  
420 certain circumstances; prohibiting counties from  
421 charging a person an additional search fee under  
422 certain circumstances; amending s. 166.222, F.S.;

423 prohibiting the governing body of a municipality from  
424

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425 charging a person an additional search fee under  
426 certain circumstances; amending s. 489.103, F.S.;  
427 creating an exemption; amending s. 489.503, F.S.;  
428 creating an exemption; amending s. 553.79, F.S.;  
429 allowing local governments to provide notice in  
430 certain circumstances; prohibiting a local enforcement  
431 agency from penalizing a subsequent arms-length  
432 purchaser under certain circumstances; authorizing a  
433 local enforcement agency to close a permit under  
434 certain circumstances; providing that a contractor is  
435 not liable in certain circumstances; amending s.  
436 553.80, F.S.; prohibiting the governing body of a  
437 local government from charging a person an additional  
438 search fee under certain circumstances; providing an  
439 effective date.