

1    A bill to be entitled  
 2            An act relating to building permits; amending s.  
 3            125.56, F.S.; authorizing counties to provide notice  
 4            to certain persons under certain circumstances;  
 5            authorizing counties to charge a person one search fee  
 6            in a certain amount under certain circumstances;  
 7            amending s. 166.222, F.S.; authorizing the governing  
 8            body of a municipality to charge a person one search  
 9            fee in a certain amount under certain circumstances;  
 10           amending ss. 489.103 and 489.503, F.S.; providing  
 11           exemptions to certain contracting requirements;  
 12           amending s. 553.79, F.S.; authorizing a local  
 13           government to provide notice to certain persons under  
 14           certain circumstances; authorizing a local enforcement  
 15           agency to close a permit under certain circumstances;  
 16           providing that a contractor is not liable in certain  
 17           circumstances; providing a definition; prohibiting a  
 18           local enforcement agency from penalizing certain  
 19           purchasers of property; amending s. 553.80, F.S.;  
 20           authorizing the governing body of a local government  
 21           to charge a person one search fee in a certain amount  
 22           under certain circumstances; providing an effective  
 23           date.

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

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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 on the permit, no less than 30 days before a building permit is set to expire or will become null and void or invalid. The written notice must identify the permit that is set to expire or that will become null and void or invalid and the date the permit will expire or become null and void or invalid.

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

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

166.222 Building code inspection fees.—

(1) The governing body of a municipality may provide a schedule of reasonable inspection fees in order to defer the

51 costs of inspection and enforcement of the provisions of its  
 52 building code.

53 (2) The governing body of a municipality that issues  
 54 building permits may charge a person only one search fee, in an  
 55 amount commensurate with the research and time costs incurred by  
 56 the governing body, for identifying building permits for each  
 57 unit or subunit assigned by the governing body to a particular  
 58 tax parcel identification number.

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

61 489.103 Exemptions.—This part does not apply to:

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

65 1. When building or improving farm outbuildings or one-  
 66 family or two-family residences on such property for the  
 67 occupancy or use of such owners and not offered for sale or  
 68 lease, or building or improving commercial buildings, at a cost  
 69 not to exceed \$75,000, on such property for the occupancy or use  
 70 of such owners and not offered for sale or lease. In an action  
 71 brought under this part, proof of the sale or lease, or offering  
 72 for sale or lease, of any such structure by the owner-builder  
 73 within 1 year after completion of same creates a presumption  
 74 that the construction was undertaken for purposes of sale or  
 75 lease.

76           2. When repairing or replacing wood shakes or asphalt or  
77 fiberglass shingles on one-family, two-family, or three-family  
78 residences for the occupancy or use of such owner or tenant of  
79 the owner and not offered for sale within 1 year after  
80 completion of the work and when the property has been damaged by  
81 natural causes from an event recognized as an emergency  
82 situation designated by executive order issued by the Governor  
83 declaring the existence of a state of emergency as a result and  
84 consequence of a serious threat posed to the public health,  
85 safety, and property in this state.

86           3. When installing, uninstalling, or replacing solar  
87 panels on one-family, two-family, or three-family residences,  
88 and the local permitting agency's county or municipal government  
89 is participating in a "United States Department of Energy  
90 SunShot Initiative: Rooftop Solar Challenge" grant. However, an  
91 owner must utilize a licensed electrical contractor to  
92 effectuate the wiring of the solar panels, including any  
93 interconnection to the customer's residential electrical wiring.  
94 The limitations of this exemption shall be expressly stated in  
95 the building permit approved and issued by the permitting agency  
96 for such project.

97           4. When completing the requirements of a building permit  
98 for a one-family or two-family residence, townhome, or an  
99 accessory structure of a one-family or two-family residence or  
100 townhome or an individual residential condominium or cooperative

101 unit. The contractor listed on the permit must have  
102 substantially completed the project, as determined by the local  
103 permitting agency, before the owner may qualify for the  
104 exemption. The owner must also receive approval from the local  
105 permitting agency before he or she qualifies for the exemption.  
106 An owner who qualifies for the exemption under this subparagraph  
107 is not required to occupy the dwelling or unit for at least 1  
108 year after the completion of the project.

109 (c) To qualify for exemption under this subsection, an  
110 owner must personally appear and sign the building permit  
111 application and must satisfy local permitting agency  
112 requirements, if any, proving that the owner has a complete  
113 understanding of the owner's obligations under the law as  
114 specified in the disclosure statement in this section. However,  
115 for purposes of implementing a "United States Department of  
116 Energy SunShot Initiative: Rooftop Solar Challenge" grant and  
117 the participation of county and municipal governments, including  
118 local permitting agencies under the jurisdiction of such county  
119 and municipal governments, an owner's notarized signature or  
120 personal appearance to sign the permit application is not  
121 required for a solar project, as described in subparagraph  
122 (a)3., if the building permit application is submitted  
123 electronically to the permitting agency and the owner certifies  
124 the application and disclosure statement using the permitting  
125 agency's electronic confirmation system. If any person violates

126 the requirements of this subsection, the local permitting agency  
127 shall withhold final approval, revoke the permit, or pursue any  
128 action or remedy for unlicensed activity against the owner and  
129 any person performing work that requires licensure under the  
130 permit issued. The local permitting agency shall provide the  
131 person with a disclosure statement in substantially the  
132 following form:

133 DISCLOSURE STATEMENT  
134

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

142  
143 2. I understand that building permits are not  
144 required to be signed by a property owner unless he or  
145 she is responsible for the construction and is not  
146 hiring a licensed contractor to assume responsibility.  
147

148 3. I understand that, as an owner-builder, I am the  
149 responsible party of record on a permit. I understand  
150 that I may protect myself from potential financial

151 risk by hiring a licensed contractor and having the  
152 permit filed in his or her name instead of my own  
153 name. I also understand that a contractor is required  
154 by law to be licensed in Florida and to list his or  
155 her license numbers on permits and contracts.

156  
157 4. I understand that I may build or improve a one-  
158 family or two-family residence or a farm outbuilding.  
159 I may also build or improve a commercial building if  
160 the costs do not exceed \$75,000. The building or  
161 residence must be for my own use or occupancy. It may  
162 not be built or substantially improved for sale or  
163 lease, unless I am completing the requirements of a  
164 building permit and the contractor listed on the  
165 permit has substantially completed the project. If a  
166 building or residence that I have built or  
167 substantially improved myself is sold or leased within  
168 1 year after the construction is complete, the law  
169 will presume that I built or substantially improved it  
170 for sale or lease, which violates the exemption.

171  
172 5. I understand that, as the owner-builder, I must  
173 provide direct, onsite supervision of the  
174 construction.  
175

176 6. I understand that I may not hire an unlicensed  
177 person to act as my contractor or to supervise persons  
178 working on my building or residence. It is my  
179 responsibility to ensure that the persons whom I  
180 employ have the licenses required by law and by county  
181 or municipal ordinance.

182  
183 7. I understand that it is a frequent practice of  
184 unlicensed persons to have the property owner obtain  
185 an owner-builder permit that erroneously implies that  
186 the property owner is providing his or her own labor  
187 and materials. I, as an owner-builder, may be held  
188 liable and subjected to serious financial risk for any  
189 injuries sustained by an unlicensed person or his or  
190 her employees while working on my property. My  
191 homeowner's insurance may not provide coverage for  
192 those injuries. I am willfully acting as an owner-  
193 builder and am aware of the limits of my insurance  
194 coverage for injuries to workers on my property.

195  
196 8. I understand that I may not delegate the  
197 responsibility for supervising work to a licensed  
198 contractor who is not licensed to perform the work  
199 being done. Any person working on my building who is  
200 not licensed must work under my direct supervision and



201 must be employed by me, which means that I must comply  
202 with laws requiring the withholding of federal income  
203 tax and social security contributions under the  
204 Federal Insurance Contributions Act (FICA) and must  
205 provide workers' compensation for the employee. I  
206 understand that my failure to follow these laws may  
207 subject me to serious financial risk.

208  
209 9. I agree that, as the party legally and financially  
210 responsible for this proposed construction activity, I  
211 will abide by all applicable laws and requirements  
212 that govern owner-builders as well as employers. I  
213 also understand that the construction must comply with  
214 all applicable laws, ordinances, building codes, and  
215 zoning regulations.

216  
217 10. I understand that I may obtain more information  
218 regarding my obligations as an employer from the  
219 Internal Revenue Service, the United States Small  
220 Business Administration, the Florida Department of  
221 Financial Services, and the Florida Department of  
222 Revenue. I also understand that I may contact the  
223 Florida Construction Industry Licensing Board at  
224 ... (telephone number) ... or ... (Internet website  
225 address) ... for more information about licensed

226 | contractors.

227 |

228 | 11. I am aware of, and consent to, an owner-builder  
 229 | building permit applied for in my name and understand  
 230 | that I am the party legally and financially  
 231 | responsible for the proposed construction activity at  
 232 | the following address: ...(address of property)....

233 |

234 | 12. I agree to notify ...(issuer of disclosure  
 235 | statements)... immediately of any additions,  
 236 | deletions, or changes to any of the information that I  
 237 | have provided on this disclosure.

238 |

239 | Licensed contractors are regulated by laws designed to  
 240 | protect the public. If you contract with a person who  
 241 | does not have a license, the Construction Industry  
 242 | Licensing Board and Department of Business and  
 243 | Professional Regulation may be unable to assist you  
 244 | with any financial loss that you sustain as a result  
 245 | of a complaint. Your only remedy against an unlicensed  
 246 | contractor may be in civil court. It is also important  
 247 | for you to understand that, if an unlicensed  
 248 | contractor or employee of an individual or firm is  
 249 | injured while working on your property, you may be  
 250 | held liable for damages. If you obtain an owner-

251 builder permit and wish to hire a licensed contractor,  
 252 you will be responsible for verifying whether the  
 253 contractor is properly licensed and the status of the  
 254 contractor's workers' compensation coverage.

255  
 256 Before a building permit can be issued, this  
 257 disclosure statement must be completed and signed by  
 258 the property owner and returned to the local  
 259 permitting agency responsible for issuing the permit.  
 260 A copy of the property owner's driver license, the  
 261 notarized signature of the property owner, or other  
 262 type of verification acceptable to the local  
 263 permitting agency is required when the permit is  
 264 issued.

265  
 266 Signature: ...(signature of property owner)....  
 267 Date: ...(date)....

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

270 489.503 Exemptions.—This part does not apply to:

271 (6) (a) An owner of property making application for permit,  
 272 supervising, and doing the work in connection with the  
 273 construction, maintenance, repair, and alteration of and  
 274 addition to a single-family or duplex residence for his or her  
 275 own use and occupancy and not intended for sale or an owner of

276 | property when acting as his or her own electrical contractor and  
277 | providing all material supervision himself or herself, when  
278 | building or improving a farm outbuilding or a single-family or  
279 | duplex residence on such property for the occupancy or use of  
280 | such owner and not offered for sale or lease, or building or  
281 | improving a commercial building with aggregate construction  
282 | costs of under \$75,000 on such property for the occupancy or use  
283 | of such owner and not offered for sale or lease. In an action  
284 | brought under this subsection, proof of the sale or lease, or  
285 | offering for sale or lease, of more than one such structure by  
286 | the owner-builder within 1 year after completion of same is  
287 | prima facie evidence that the construction was undertaken for  
288 | purposes of sale or lease.

289 |       (b) An owner of property completing the requirements of a  
290 | building permit for a one-family or two-family residence,  
291 | townhome, or an accessory structure of a one-family or two-  
292 | family residence or townhome or an individual residential  
293 | condominium or cooperative unit. The contractor listed on the  
294 | permit must have substantially completed the project, as  
295 | determined by the local permitting agency, before the owner may  
296 | qualify for the exemption. The owner must also receive approval  
297 | from the local permitting agency before he or she qualifies for  
298 | the exemption. An owner who qualifies for the exemption under  
299 | this paragraph is not required to occupy the dwelling or unit  
300 | for at least 1 year after the completion of the project.



326 residence. You may install electrical wiring in a commercial  
327 building the aggregate construction costs of which are under  
328 \$75,000. The home or building must be for your own use and  
329 occupancy. It may not be built or substantially improved for  
330 sale or lease, unless you are completing the requirements of a  
331 building permit and the contractor listed on the permit has  
332 substantially completed the project. If you sell or lease more  
333 than one building you have wired yourself within 1 year after  
334 the construction is complete, the law will presume that you  
335 built it for sale or lease, which is a violation of this  
336 exemption. You may not hire an unlicensed person as your  
337 electrical contractor. Your construction shall be done according  
338 to building codes and zoning regulations. It is your  
339 responsibility to make sure that people employed by you have  
340 licenses required by state law and by county or municipal  
341 licensing ordinances.

342 Section 5. Paragraph (c) is added to subsection (1) of  
343 section 553.79, Florida Statutes, and subsections (15) through  
344 (20) are renumbered as subsections (17) through (22),  
345 respectively, and new subsections (15) and (16) are added to  
346 that section, to read:

347 553.79 Permits; applications; issuance; inspections.—

348 (1)

349 (c) A local government that issues building permits may  
350 send a written notice of expiration, by e-mail or United States

351 Postal Service, to the owner of the property and the contractor  
352 listed on the permit, no less than 30 days before a building  
353 permit is set to expire or will become null and void or invalid.  
354 The written notice must identify the permit that is set to  
355 expire or that will become null and void or invalid and the date  
356 the permit will expire or become null and void or invalid.

357 (15) (a) A property owner, regardless of whether the  
358 property owner is the one listed on the application for the  
359 building permit, may close a building permit by complying with  
360 the following requirements:

361 1. The property owner may retain the original contractor  
362 listed on the permit or hire a different contractor  
363 appropriately licensed in this state to perform the work  
364 necessary to satisfy the conditions of the permit and to obtain  
365 any necessary inspections in order to close the permit. If a  
366 contractor other than the original contractor listed on the  
367 permit is hired by the property owner to close the permit, such  
368 contractor is not liable for any defects in the work performed  
369 by the original contractor and is only liable for the work that  
370 he or she performs; or

371 2. The property owner may assume the role of an owner-  
372 builder as provided in ss. 489.103(7) and 489.503(6).

373 (b) For purposes of this section, the term "close" means  
374 that the requirements of the permit have been satisfied.

375 (c) The requirements to close a permit under this

376 subsection shall be based on the Florida Building Code in effect  
 377 at the time the local enforcement agency receives the  
 378 application for the permit, unless the contractor has sought and  
 379 received approval from the local enforcement agency for an  
 380 alternative material, design, or method of construction.

381 (d) A local enforcement agency may close a building permit  
 382 6 years after the issuance of the permit, even in the absence of  
 383 a final inspection, if the local enforcement agency determines  
 384 that no apparent safety hazards exist.

385 (16)(a) A local enforcement agency may not deny issuance  
 386 of a building permit to, issue a notice of violation to, or  
 387 fine, penalize, sanction, or assess fees against an arms-length  
 388 purchaser of a property for value solely because a building  
 389 permit was applied for by a previous owner of the property and  
 390 was not closed. The local enforcement agency shall maintain all  
 391 rights and remedies against the property owner and contractor  
 392 listed on the permit.

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

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

398 553.80 Enforcement.—

399 (7) The governing bodies of local governments may provide  
 400 a schedule of reasonable fees, as authorized by s. 125.56(2) or



401 s. 166.222 and this section, for enforcing this part. These  
402 fees, and any fines or investment earnings related to the fees,  
403 shall be used solely for carrying out the local government's  
404 responsibilities in enforcing the Florida Building Code. When  
405 providing a schedule of reasonable fees, the total estimated  
406 annual revenue derived from fees, and the fines and investment  
407 earnings related to the fees, may not exceed the total estimated  
408 annual costs of allowable activities. Any unexpended balances  
409 shall be carried forward to future years for allowable  
410 activities or shall be refunded at the discretion of the local  
411 government. The basis for a fee structure for allowable  
412 activities shall relate to the level of service provided by the  
413 local government and shall include consideration for refunding  
414 fees due to reduced services based on services provided as  
415 prescribed by s. 553.791, but not provided by the local  
416 government. Fees charged shall be consistently applied.

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

423 Section 7. This act shall take effect October 1, 2019.