

By the Committee on Rules; and Senators Perry, Hutson, and Bracy

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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 that issue building permits to
6 charge a person a single search fee for a certain
7 amount under certain circumstances; amending s.
8 166.222, F.S.; authorizing the governing bodies of
9 municipalities to charge a person a single search fee
10 for a certain amount under certain circumstances; to
11 charge a person one search fee for a certain amount
12 under certain circumstances; amending ss. 489.103 and
13 489.503, F.S.; providing exemptions to certain
14 contracting requirements; revising forms for
15 disclosure statements; amending s. 553.79, F.S.;
16 authorizing a local government to provide notice to
17 certain persons under certain circumstances within a
18 specified timeframe; authorizing a property owner to
19 close a permit under certain circumstances; providing
20 that a contractor is not liable for work performed in
21 certain circumstances; defining the term "close";
22 authorizing a local enforcement agency to close a
23 permit under certain circumstances; prohibiting a
24 local enforcement agency from taking certain actions
25 relating to building permits that were applied for but
26 not closed by a previous owner; providing that local
27 enforcement agencies retain all rights and remedies
28 against the property owner and contractor listed on
29 such a permit; amending s. 553.80, F.S.; authorizing

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30 the governing body of a local government to charge a
31 person a single search fee one search fee for a
32 certain amount under certain circumstances; amending
33 s. 440.103, F.S.; conforming a cross-reference;
34 providing an effective date.

35
36 Be It Enacted by the Legislature of the State of Florida:

37
38 Section 1. Paragraphs (c) and (d) are added to subsection
39 (4) of section 125.56, Florida Statutes, to read:

40 125.56 Enforcement and amendment of the Florida Building
41 Code and the Florida Fire Prevention Code; inspection fees;
42 inspectors; etc.—

43 (4)

44 (c) A county that issues building permits may send a
45 written notice of expiration, by e-mail or United States Postal
46 Service, to the owner of the property and the contractor listed
47 on the permit, no less than 30 days before a building permit is
48 set to expire. The written notice must identify the permit that
49 is set to expire and the date the permit will expire.

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

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

57 166.222 Building code inspection fees.—

58 (1) The governing body of a municipality may provide a

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59 schedule of reasonable inspection fees in order to defer the
60 costs of inspection and enforcement of the provisions of its
61 building code.

62 (2) The governing body of a municipality that issues
63 building permits may charge a person only one search fee, in an
64 amount commensurate with the research and time costs incurred by
65 the governing body, for identifying building permits for each
66 unit or subunit assigned by the governing body to a particular
67 tax parcel identification number.

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

70 489.103 Exemptions.—This part does not apply to:

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

74 1. When building or improving farm outbuildings or one-
75 family or two-family residences on such property for the
76 occupancy or use of such owners and not offered for sale or
77 lease, or building or improving commercial buildings, at a cost
78 not to exceed \$75,000, on such property for the occupancy or use
79 of such owners and not offered for sale or lease. In an action
80 brought under this part, proof of the sale or lease, or offering
81 for sale or lease, of any such structure by the owner-builder
82 within 1 year after completion of same creates a presumption
83 that the construction was undertaken for purposes of sale or
84 lease.

85 2. When repairing or replacing wood shakes or asphalt or
86 fiberglass shingles on one-family, two-family, or three-family
87 residences for the occupancy or use of such owner or tenant of

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88 the owner and not offered for sale within 1 year after
89 completion of the work and when the property has been damaged by
90 natural causes from an event recognized as an emergency
91 situation designated by executive order issued by the Governor
92 declaring the existence of a state of emergency as a result and
93 consequence of a serious threat posed to the public health,
94 safety, and property in this state.

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

105 4. When completing the requirements of a building permit,
106 where the contractor listed on the permit substantially
107 completed the project as determined by the local permitting
108 agency, for a one-family or two-family residence, townhome, or
109 an accessory structure of a one-family or two-family residence
110 or townhome or an individual residential condominium unit or
111 cooperative unit. Prior to qualifying for the exemption, the
112 owner must receive approval from the local permitting agency,
113 and the local permitting agency must determine that the
114 contractor listed on the permit substantially completed the
115 project. An owner who qualifies for the exemption under this
116 subparagraph is not required to occupy the dwelling or unit for

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117 at least 1 year after the completion of the project.

118 (c) To qualify for exemption under this subsection, an
119 owner must personally appear and sign the building permit
120 application and must satisfy local permitting agency
121 requirements, if any, proving that the owner has a complete
122 understanding of the owner's obligations under the law as
123 specified in the disclosure statement in this section. However,
124 for purposes of implementing a "United States Department of
125 Energy SunShot Initiative: Rooftop Solar Challenge" grant and
126 the participation of county and municipal governments, including
127 local permitting agencies under the jurisdiction of such county
128 and municipal governments, an owner's notarized signature or
129 personal appearance to sign the permit application is not
130 required for a solar project, as described in subparagraph
131 (a)3., if the building permit application is submitted
132 electronically to the permitting agency and the owner certifies
133 the application and disclosure statement using the permitting
134 agency's electronic confirmation system. If any person violates
135 the requirements of this subsection, the local permitting agency
136 shall withhold final approval, revoke the permit, or pursue any
137 action or remedy for unlicensed activity against the owner and
138 any person performing work that requires licensure under the
139 permit issued. The local permitting agency shall provide the
140 person with a disclosure statement in substantially the
141 following form:

142
143 DISCLOSURE STATEMENT

144
145 1. I understand that state law requires construction

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146 to be done by a licensed contractor and have applied
147 for an owner-builder permit under an exemption from
148 the law. The exemption specifies that I, as the owner
149 of the property listed, may act as my own contractor
150 with certain restrictions even though I do not have a
151 license.

152
153 2. I understand that building permits are not required
154 to be signed by a property owner unless he or she is
155 responsible for the construction and is not hiring a
156 licensed contractor to assume responsibility.

157
158 3. I understand that, as an owner-builder, I am the
159 responsible party of record on a permit. I understand
160 that I may protect myself from potential financial
161 risk by hiring a licensed contractor and having the
162 permit filed in his or her name instead of my own
163 name. I also understand that a contractor is required
164 by law to be licensed in Florida and to list his or
165 her license numbers on permits and contracts.

166
167 4. I understand that I may build or improve a one-
168 family or two-family residence or a farm outbuilding.
169 I may also build or improve a commercial building if
170 the costs do not exceed \$75,000. The building or
171 residence must be for my own use or occupancy. It may
172 not be built or substantially improved for sale or
173 lease, unless I am completing the requirements of a
174 building permit where the contractor listed on the

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175 permit substantially completed the project. If a
176 building or residence that I have built or
177 substantially improved myself is sold or leased within
178 1 year after the construction is complete, the law
179 will presume that I built or substantially improved it
180 for sale or lease, which violates the exemption.

181
182 5. I understand that, as the owner-builder, I must
183 provide direct, onsite supervision of the
184 construction.

185
186 6. I understand that I may not hire an unlicensed
187 person to act as my contractor or to supervise persons
188 working on my building or residence. It is my
189 responsibility to ensure that the persons whom I
190 employ have the licenses required by law and by county
191 or municipal ordinance.

192
193 7. I understand that it is a frequent practice of
194 unlicensed persons to have the property owner obtain
195 an owner-builder permit that erroneously implies that
196 the property owner is providing his or her own labor
197 and materials. I, as an owner-builder, may be held
198 liable and subjected to serious financial risk for any
199 injuries sustained by an unlicensed person or his or
200 her employees while working on my property. My
201 homeowner's insurance may not provide coverage for
202 those injuries. I am willfully acting as an owner-
203 builder and am aware of the limits of my insurance

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204 coverage for injuries to workers on my property.

205

206 8. I understand that I may not delegate the
207 responsibility for supervising work to a licensed
208 contractor who is not licensed to perform the work
209 being done. Any person working on my building who is
210 not licensed must work under my direct supervision and
211 must be employed by me, which means that I must comply
212 with laws requiring the withholding of federal income
213 tax and social security contributions under the
214 Federal Insurance Contributions Act (FICA) and must
215 provide workers' compensation for the employee. I
216 understand that my failure to follow these laws may
217 subject me to serious financial risk.

218

219 9. I agree that, as the party legally and financially
220 responsible for this proposed construction activity, I
221 will abide by all applicable laws and requirements
222 that govern owner-builders as well as employers. I
223 also understand that the construction must comply with
224 all applicable laws, ordinances, building codes, and
225 zoning regulations.

226

227 10. I understand that I may obtain more information
228 regarding my obligations as an employer from the
229 Internal Revenue Service, the United States Small
230 Business Administration, the Florida Department of
231 Financial Services, and the Florida Department of
232 Revenue. I also understand that I may contact the

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233 Florida Construction Industry Licensing Board at
234 ...(telephone number)... or ...(Internet website
235 address)... for more information about licensed
236 contractors.

237
238 11. I am aware of, and consent to, an owner-builder
239 building permit applied for in my name and understand
240 that I am the party legally and financially
241 responsible for the proposed construction activity at
242 the following address: ...(address of property)....

243
244 12. I agree to notify ...(issuer of disclosure
245 statements)... immediately of any additions,
246 deletions, or changes to any of the information that I
247 have provided on this disclosure.

248
249 Licensed contractors are regulated by laws designed to
250 protect the public. If you contract with a person who
251 does not have a license, the Construction Industry
252 Licensing Board and Department of Business and
253 Professional Regulation may be unable to assist you
254 with any financial loss that you sustain as a result
255 of a complaint. Your only remedy against an unlicensed
256 contractor may be in civil court. It is also important
257 for you to understand that, if an unlicensed
258 contractor or employee of an individual or firm is
259 injured while working on your property, you may be
260 held liable for damages. If you obtain an owner-
261 builder permit and wish to hire a licensed contractor,

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262 you will be responsible for verifying whether the
 263 contractor is properly licensed and the status of the
 264 contractor's workers' compensation coverage.

265
 266 Before a building permit can be issued, this
 267 disclosure statement must be completed and signed by
 268 the property owner and returned to the local
 269 permitting agency responsible for issuing the permit.
 270 A copy of the property owner's driver license, the
 271 notarized signature of the property owner, or other
 272 type of verification acceptable to the local
 273 permitting agency is required when the permit is
 274 issued.

275
 276 Signature: ...(signature of property owner)....

277 Date: ...(date)....

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

280 489.503 Exemptions.—This part does not apply to:

281 (6) (a) An owner of property making application for permit,
 282 supervising, and doing the work in connection with the
 283 construction, maintenance, repair, and alteration of and
 284 addition to a single-family or duplex residence for his or her
 285 own use and occupancy and not intended for sale or an owner of
 286 property when acting as his or her own electrical contractor and
 287 providing all material supervision himself or herself, when
 288 building or improving a farm outbuilding or a single-family or
 289 duplex residence on such property for the occupancy or use of
 290 such owner and not offered for sale or lease, or building or

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291 improving a commercial building with aggregate construction
292 costs of under \$75,000 on such property for the occupancy or use
293 of such owner and not offered for sale or lease. In an action
294 brought under this subsection, proof of the sale or lease, or
295 offering for sale or lease, of more than one such structure by
296 the owner-builder within 1 year after completion of same is
297 prima facie evidence that the construction was undertaken for
298 purposes of sale or lease.

299 (b) An owner of property completing the requirements of a
300 building permit, where the contractor listed on the permit
301 substantially completed the project as determined by the local
302 permitting agency, for a one-family or two family residence,
303 townhome, accessory structure of a one-family or two-family
304 residence or townhome or individual residential condominium unit
305 or cooperative unit. Prior to the owner qualifying for the
306 exemption, the owner must receive approval from the local
307 permitting agency, and the local permitting agency must
308 determine that the contractor substantially completed the
309 project. An owner who qualifies for the exemption under this
310 paragraph is not required to occupy the dwelling or unit for at
311 least 1 year after the completion of the project.

312 (c) This subsection does not exempt any person who is
313 employed by such owner and who acts in the capacity of a
314 contractor. For the purpose of this subsection, the term "owner
315 of property" includes the owner of a mobile home situated on a
316 leased lot. To qualify for exemption under this subsection, an
317 owner shall personally appear and sign the building permit
318 application and must satisfy local permitting agency
319 requirements, if any, proving that the owner has a complete

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320 understanding of the owner's obligations under the law as
321 specified in the disclosure statement in this section. If any
322 person violates the requirements of this subsection, the local
323 permitting agency shall withhold final approval, revoke the
324 permit, or pursue any action or remedy for unlicensed activity
325 against the owner and any person performing work that requires
326 licensure under the permit issued. The local permitting agency
327 shall provide the owner with a disclosure statement in
328 substantially the following form:

329

330 Disclosure Statement

331

332 State law requires electrical contracting to be done by
333 licensed electrical contractors. You have applied for a permit
334 under an exemption to that law. The exemption allows you, as the
335 owner of your property, to act as your own electrical contractor
336 even though you do not have a license. You may install
337 electrical wiring for a farm outbuilding or a single-family or
338 duplex residence. You may install electrical wiring in a
339 commercial building the aggregate construction costs of which
340 are under \$75,000. The home or building must be for your own use
341 and occupancy. It may not be built for sale or lease, unless you
342 are completing the requirements of a building permit where the
343 contractor listed on the permit substantially completed the
344 project. If you sell or lease more than one building you have
345 wired yourself within 1 year after the construction is complete,
346 the law will presume that you built it for sale or lease, which
347 is a violation of this exemption. You may not hire an unlicensed
348 person as your electrical contractor. Your construction shall be

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349 done according to building codes and zoning regulations. It is
350 your responsibility to make sure that people employed by you
351 have licenses required by state law and by county or municipal
352 licensing ordinances.

353 Section 5. Present subsections (15) through (20) of section
354 553.79, Florida Statutes, are redesignated as subsections (17)
355 through (22), respectively, new subsections (15) and (16) are
356 added to that section, and paragraph (c) is added to subsection
357 (1) of that section, to read:

358 553.79 Permits; applications; issuance; inspections.-

359 (1)

360 (c) A local government that issues building permits may
361 send a written notice of expiration, by e-mail or United States
362 Postal Service, to the owner of the property and the contractor
363 listed on the permit, no less than 30 days before a building
364 permit is set to expire. The written notice must identify the
365 permit that is set to expire and the date the permit will
366 expire.

367 (15) (a) A property owner, regardless of whether the
368 property owner is the one listed on the application for the
369 building permit, may close a building permit by complying with
370 the following requirements:

371 1. The property owner may retain the original contractor
372 listed on the permit or hire a different contractor
373 appropriately licensed in this state to perform the work
374 necessary to satisfy the conditions of the permit and to obtain
375 any necessary inspections in order to close the permit. If a
376 contractor other than the original contractor listed on the
377 permit is hired by the property owner to close the permit, such

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378 contractor is not liable for any defects in the work performed
379 by the original contractor and is only liable for the work that
380 he or she performs.

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

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

385 (b) If a building permit is expired and its requirements
386 have been substantially completed, as determined by the local
387 enforcement agency, the permit may be closed without having to
388 obtain a new building permit, and the work required to close the
389 permit may be done pursuant to the building code in effect at
390 the time the local enforcement agency received the application
391 for the permit, unless the contractor has sought and received
392 approval from the local enforcement agency for an alternative
393 material, design, or method of construction.

394 (c) A local enforcement agency may close a building permit
395 6 years after the issuance of the permit, even in the absence of
396 a final inspection, if the local enforcement agency determines
397 that no apparent safety hazards exist.

398 (16) (a) A local enforcement agency may not deny issuance of
399 a building permit to, issue a notice of violation to, or fine,
400 penalize, sanction, or assess fees against an arms-length
401 purchaser of a property for value solely because a building
402 permit was applied for by a previous owner of the property was
403 not closed. The local enforcement agency shall maintain all
404 rights and remedies against the property owner and contractor
405 listed on the permit.

406 (b) The local enforcement agency may not deny issuance of a

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407 building permit to a contractor solely because the contractor is
408 listed on other building permits that were not closed.

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

411 553.80 Enforcement.—

412 (7) The governing bodies of local governments may provide a
413 schedule of reasonable fees, as authorized by s. 125.56(2) or s.
414 166.222 and this section, for enforcing this part. These fees,
415 and any fines or investment earnings related to the fees, shall
416 be used solely for carrying out the local government's
417 responsibilities in enforcing the Florida Building Code. When
418 providing a schedule of reasonable fees, the total estimated
419 annual revenue derived from fees, and the fines and investment
420 earnings related to the fees, may not exceed the total estimated
421 annual costs of allowable activities. Any unexpended balances
422 shall be carried forward to future years for allowable
423 activities or shall be refunded at the discretion of the local
424 government. The basis for a fee structure for allowable
425 activities shall relate to the level of service provided by the
426 local government and shall include consideration for refunding
427 fees due to reduced services based on services provided as
428 prescribed by s. 553.791, but not provided by the local
429 government. Fees charged shall be consistently applied.

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

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436 Section 7. Section 440.103, Florida Statutes, is amended to
437 read:

438 440.103 Building permits; identification of minimum premium
439 policy.—Every employer shall, as a condition to applying for and
440 receiving a building permit, show proof and certify to the
441 permit issuer that it has secured compensation for its employees
442 under this chapter as provided in ss. 440.10 and 440.38. Such
443 proof of compensation must be evidenced by a certificate of
444 coverage issued by the carrier, a valid exemption certificate
445 approved by the department, or a copy of the employer's
446 authority to self-insure and shall be presented, electronically
447 or physically, each time the employer applies for a building
448 permit. As provided in s. 553.79(20) ~~s. 553.79(19)~~, for the
449 purpose of inspection and record retention, site plans or
450 building permits may be maintained at the worksite in the
451 original form or in the form of an electronic copy. These plans
452 and permits must be open to inspection by the building official
453 or a duly authorized representative, as required by the Florida
454 Building Code. As provided in s. 627.413(5), each certificate of
455 coverage must show, on its face, whether or not coverage is
456 secured under the minimum premium provisions of rules adopted by
457 rating organizations licensed pursuant to s. 627.221. The words
458 "minimum premium policy" or equivalent language shall be typed,
459 printed, stamped, or legibly handwritten.

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