

By Senator Hooper

21-00481A-23

2023512__

1 A bill to be entitled
2 An act relating to building construction; amending s.
3 489.105, F.S.; revising the definition of the term
4 "class A air-conditioning contractor"; amending s.
5 553.79, F.S.; requiring local building code
6 administrators or inspectors to provide certain
7 information to the local enforcing agency; prohibiting
8 local enforcing agencies from making or requiring
9 substantive changes to plans or specifications after a
10 permit has been issued; providing exceptions;
11 requiring local enforcing agencies that make or
12 require substantive changes to plans or specifications
13 after a permit has been issued to provide certain
14 information to the permitholder; providing that a
15 building code administrator, inspector, or plans
16 reviewer is subject to disciplinary action under
17 certain circumstances; amending s. 633.208, F.S.;
18 requiring local fire officials to provide certain
19 information to a permit applicant if building plans do
20 not comply with the Florida Fire Prevention Code or
21 Life Safety Code; prohibiting a municipality, county,
22 or special district from making or requiring
23 substantive changes to building plans after a permit
24 has been issued; providing exceptions; requiring a
25 local fire official to provide certain information to
26 the permitholder if a municipality, county, or special
27 district makes or requires substantive changes to
28 building plans after a permit is issued; providing
29 that a local fire official who is a certified

21-00481A-23

2023512__

30 firesafety inspector is subject to disciplinary action
31 under certain circumstances; providing an effective
32 date.
33

34 Be It Enacted by the Legislature of the State of Florida:
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36 Section 1. Paragraph (f) of subsection (3) of section
37 489.105, Florida Statutes, is amended to read:

38 489.105 Definitions.—As used in this part:

39 (3) "Contractor" means the person who is qualified for, and
40 is only responsible for, the project contracted for and means,
41 except as exempted in this part, the person who, for
42 compensation, undertakes to, submits a bid to, or does himself
43 or herself or by others construct, repair, alter, remodel, add
44 to, demolish, subtract from, or improve any building or
45 structure, including related improvements to real estate, for
46 others or for resale to others; and whose job scope is
47 substantially similar to the job scope described in one of the
48 paragraphs of this subsection. For the purposes of regulation
49 under this part, the term "demolish" applies only to demolition
50 of steel tanks more than 50 feet in height; towers more than 50
51 feet in height; other structures more than 50 feet in height;
52 and all buildings or residences. Contractors are subdivided into
53 two divisions, Division I, consisting of those contractors
54 defined in paragraphs (a)-(c), and Division II, consisting of
55 those contractors defined in paragraphs (d)-(q):

56 (f) "Class A air-conditioning contractor" means a
57 contractor whose services are unlimited in the execution of
58 contracts requiring the experience, knowledge, and skill to

21-00481A-23

2023512__

59 install, maintain, repair, fabricate, alter, extend, or design,
60 if not prohibited by law, central air-conditioning,
61 refrigeration, heating, and ventilating systems, including duct
62 work in connection with a complete system if such duct work is
63 performed by the contractor as necessary to complete an air-
64 distribution system, boiler and unfired pressure vessel systems,
65 and all appurtenances, apparatus, or equipment used in
66 connection therewith, and any duct cleaning and equipment
67 sanitizing that requires at least a partial disassembling of the
68 system; to install, maintain, repair, fabricate, alter, extend,
69 or design, if not prohibited by law, piping, insulation of
70 pipes, vessels and ducts, pressure and process piping, and
71 pneumatic control piping; to replace, disconnect, or reconnect
72 power wiring, breakers, or fuses on the line or load side of the
73 dedicated existing electrical circuit disconnect switch; to
74 replace, disconnect, or reconnect air-conditioning disconnect
75 switches and boxes; to install, disconnect, and reconnect low
76 voltage heating, ventilating, and air-conditioning control
77 wiring; and to install a condensate drain from an air-
78 conditioning unit to an existing safe waste or other approved
79 disposal other than a direct connection to a sanitary system.
80 The scope of work for such contractor also includes any
81 excavation work incidental thereto, but does not include any
82 work such as liquefied petroleum or natural gas fuel lines
83 within buildings, except for disconnecting or reconnecting
84 changeouts of liquefied petroleum or natural gas appliances
85 within buildings; potable water lines or connections thereto;
86 sanitary sewer lines; swimming pool piping and filters; or
87 electrical power wiring. A Class A air-conditioning contractor

21-00481A-23

2023512__

88 may test and evaluate central air-conditioning, refrigeration,
89 heating, and ventilating systems, including duct work; however,
90 a mandatory licensing requirement is not established for the
91 performance of these specific services.

92 Section 2. Subsection (2) of section 553.79, Florida
93 Statutes, is amended to read:

94 553.79 Permits; applications; issuance; inspections.—

95 (2) (a)1. Except as provided in subsection (8), an enforcing
96 agency may not issue any permit for construction, erection,
97 alteration, modification, repair, or demolition of any building
98 or structure until the local building code administrator or
99 inspector has reviewed the plans and specifications required by
100 the Florida Building Code, or local amendment thereto, for such
101 proposal and found the plans to be in compliance with the
102 Florida Building Code. If the local building code administrator
103 or inspector finds that the plans are not in compliance with the
104 Florida Building Code, the local building code administrator or
105 inspector shall identify the specific plan features that do not
106 comply with the applicable codes, identify the specific code
107 chapters and sections upon which the finding is based, and
108 provide this information to the local enforcing agency. If the
109 building code administrator or inspector requests another person
110 to review the plans and such person identifies specific plan
111 features that do not comply with the applicable codes, the
112 building code administrator or inspector must provide this
113 information to the local enforcing agency. The local enforcing
114 agency shall provide this information to the permit applicant.

115 2. ~~In addition,~~ An enforcing agency may not issue any
116 permit for construction, erection, alteration, modification,

21-00481A-23

2023512__

117 repair, or demolition of any building until the appropriate
118 firesafety inspector certified pursuant to s. 633.216 has
119 reviewed the plans and specifications required by the Florida
120 Building Code, or local amendment thereto, for such proposal and
121 found that the plans comply with the Florida Fire Prevention
122 Code and the Life Safety Code. Any building or structure which
123 is not subject to a firesafety code shall not be required to
124 have its plans reviewed by the firesafety inspector.

125 3. Any building or structure that is exempt from the local
126 building permit process may not be required to have its plans
127 reviewed by the local building code administrator. Industrial
128 construction on sites where design, construction, and firesafety
129 are supervised by appropriate design and inspection
130 professionals and which contain adequate in-house fire
131 departments and rescue squads is exempt, subject to local
132 government option, from review of plans and inspections,
133 providing owners certify that applicable codes and standards
134 have been met and supply appropriate approved drawings to local
135 building and firesafety inspectors.

136 4. The enforcing agency shall issue a permit to construct,
137 erect, alter, modify, repair, or demolish any building or
138 structure when the plans and specifications for such proposal
139 comply with the Florida Building Code and the Florida Fire
140 Prevention Code and the Life Safety Code as determined by the
141 local authority in accordance with this chapter and chapter 633.

142 (b) After the local enforcing agency issues a permit, the
143 local enforcing agency may not make or require any substantive
144 changes to the plans or specifications except changes required
145 for compliance with the Florida Building Code, the Florida Fire

21-00481A-23

2023512__

146 Prevention Code, or the Life Safety Code, or local amendments
147 thereto. If a local enforcing agency makes or requires
148 substantive changes to the plans or specifications after a
149 permit is issued, the local enforcing agency must identify the
150 specific plan features that do not comply with the applicable
151 codes, identify the specific code chapters and sections upon
152 which the finding is based, and provide the information to the
153 permitholder.

154 (c)1. A plans reviewer or inspector who fails to provide
155 the building code administrator with the reasons for making or
156 requiring substantive changes to the plans or specifications is
157 subject to disciplinary action against his or her certificate
158 under s. 468.621(1)(i).

159 2. A building code administrator who fails to provide a
160 permit applicant or permitholder with the reasons for making or
161 requiring substantive changes to the plans or specifications is
162 subject to disciplinary action against his or her certificate
163 under s. 468.621(1)(i).

164 Section 3. Subsection (2) of section 633.208, Florida
165 Statutes, is amended to read:

166 633.208 Minimum firesafety standards.—

167 (2) (a) Pursuant to subsection (1), each municipality,
168 county, and special district with firesafety responsibilities
169 shall enforce the Florida Fire Prevention Code as the minimum
170 firesafety code required by this section.

171 (b) If a municipality, county, or special district
172 determines that the building plans for a building permit
173 application do not comply with the Florida Fire Prevention Code
174 or Life Safety Code, or local amendments thereto, the local fire

21-00481A-23

2023512__

175 official must identify the specific plan features that do not
176 comply with the applicable codes, identify the specific code
177 chapters and sections upon which the determination is based, and
178 provide this information to the permit applicant.

179 (c) After a municipality, county, or special district
180 issues a building permit, it may not make or require any
181 substantive changes to the building plans except those required
182 for compliance with the Florida Fire Prevention Code or Life
183 Safety Code, or local amendments thereto. If a municipality,
184 county, or special district makes or requires substantive
185 changes to building plans after a permit is issued, the local
186 fire official must identify the specific plan features that do
187 not comply with the Florida Fire Prevention Code or Life Safety
188 Code, or local amendments thereto, identify the specific code
189 chapters and sections upon which the finding is based, and
190 provide this information to the permitholder.

191 (d) A local fire official, who is also a certified
192 firesafety inspector, who fails to comply with paragraph (b) or
193 paragraph (c) is subject to disciplinary action against his or
194 her certificate under s. 633.216(6) (f).

195 Section 4. This act shall take effect July 1, 2023.