

By the Committee on Community Affairs; and Senator Hooper

578-03552-23

2023512c1

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

578-03552-23

2023512c1

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

32
33 Be It Enacted by the Legislature of the State of Florida:

34
35 Section 1. Paragraphs (f) and (i) of subsection (3) of
36 section 489.105, Florida Statutes, are amended to read:

37 489.105 Definitions.—As used in this part:

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

55 (f) "Class A air-conditioning contractor" means a
56 contractor whose services are unlimited in the execution of
57 contracts requiring the experience, knowledge, and skill to
58 install, maintain, repair, fabricate, alter, extend, or design,

578-03552-23

2023512c1

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

578-03552-23

2023512c1

88 sanitary sewer lines; swimming pool piping and filters; or
89 electrical power wiring. A Class A air-conditioning contractor
90 may test and evaluate central air-conditioning, refrigeration,
91 heating, and ventilating systems, including duct work; however,
92 a mandatory licensing requirement is not established for the
93 performance of these specific services.

94 (i) "Mechanical contractor" means a contractor whose
95 services are unlimited in the execution of contracts requiring
96 the experience, knowledge, and skill to install, maintain,
97 repair, fabricate, alter, extend, or design, if not prohibited
98 by law, central air-conditioning, refrigeration, heating, and
99 ventilating systems, including duct work in connection with a
100 complete system if such duct work is performed by the contractor
101 as necessary to complete an air-distribution system, boiler and
102 unfired pressure vessel systems, lift station equipment and
103 piping, and all appurtenances, apparatus, or equipment used in
104 connection therewith, and any duct cleaning and equipment
105 sanitizing that requires at least a partial disassembling of the
106 system; to install, maintain, repair, fabricate, alter, extend,
107 or design, if not prohibited by law, piping, insulation of
108 pipes, vessels and ducts, pressure and process piping, pneumatic
109 control piping, gasoline tanks and pump installations and piping
110 for same, standpipes, air piping, vacuum line piping, oxygen
111 lines, nitrous oxide piping, ink and chemical lines, fuel
112 transmission lines, liquefied petroleum gas lines within
113 buildings, and natural gas fuel lines within buildings; to
114 replace, disconnect, or reconnect power wiring, breakers, or
115 fuses on the load side of the dedicated existing electrical
116 circuit disconnect switch; to replace, disconnect, or reconnect

578-03552-23

2023512c1

117 power wiring, breakers, or fuses on the line side directly
118 connected to the dedicated existing electrical circuit
119 disconnect switch and not the main breaker; to replace,
120 disconnect, or reconnect air-conditioning disconnect switches
121 and boxes; to install, disconnect, and reconnect low voltage
122 heating, ventilating, and air-conditioning control wiring; and
123 to install a condensate drain from an air-conditioning unit to
124 an existing safe waste or other approved disposal other than a
125 direct connection to a sanitary system. The scope of work for
126 such contractor also includes any excavation work incidental
127 thereto, but does not include any work such as potable water
128 lines or connections thereto, sanitary sewer lines, swimming
129 pool piping and filters, or electrical power wiring. A
130 mechanical contractor may test and evaluate central air-
131 conditioning, refrigeration, heating, and ventilating systems,
132 including duct work; however, a mandatory licensing requirement
133 is not established for the performance of these specific
134 services.

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

137 553.79 Permits; applications; issuance; inspections.-

138 (2) (a)1. Except as provided in subsection (8), an enforcing
139 agency may not issue any permit for construction, erection,
140 alteration, modification, repair, or demolition of any building
141 or structure until the local building code administrator or
142 inspector has reviewed the plans and specifications required by
143 the Florida Building Code, or local amendment thereto, for such
144 proposal and found the plans to be in compliance with the
145 Florida Building Code. If the local building code administrator

578-03552-23

2023512c1

146 or inspector finds that the plans are not in compliance with the
147 Florida Building Code, the local building code administrator or
148 inspector shall identify the specific plan features that do not
149 comply with the applicable codes, identify the specific code
150 chapters and sections upon which the finding is based, and
151 provide this information to the local enforcing agency. If the
152 building code administrator, plans examiner, or inspector
153 requests another local enforcing agency employee or a person
154 contracted by the local enforcing agency to review the plans and
155 that employee or person identifies specific plan features that
156 do not comply with the applicable codes, the building code
157 administrator, plans examiner, or inspector must provide this
158 information to the local enforcing agency. The local enforcing
159 agency shall provide this information to the permit applicant.

160 2. ~~In addition,~~ An enforcing agency may not issue any
161 permit for construction, erection, alteration, modification,
162 repair, or demolition of any building until the appropriate
163 firesafety inspector certified pursuant to s. 633.216 has
164 reviewed the plans and specifications required by the Florida
165 Building Code, or local amendment thereto, for such proposal and
166 found that the plans comply with the Florida Fire Prevention
167 Code and the Life Safety Code. Any building or structure which
168 is not subject to a firesafety code shall not be required to
169 have its plans reviewed by the firesafety inspector.

170 3. Any building or structure that is exempt from the local
171 building permit process may not be required to have its plans
172 reviewed by the local building code administrator. Industrial
173 construction on sites where design, construction, and firesafety
174 are supervised by appropriate design and inspection

578-03552-23

2023512c1

175 professionals and which contain adequate in-house fire
176 departments and rescue squads is exempt, subject to local
177 government option, from review of plans and inspections,
178 providing owners certify that applicable codes and standards
179 have been met and supply appropriate approved drawings to local
180 building and firesafety inspectors.

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

187 (b) After the local enforcing agency issues a permit, the
188 local enforcing agency may not make or require any substantive
189 changes to the plans or specifications except changes required
190 for compliance with the Florida Building Code, the Florida Fire
191 Prevention Code, or the Life Safety Code, or local amendments
192 thereto. If a local enforcing agency makes or requires
193 substantive changes to the plans or specifications after a
194 permit is issued, the local enforcing agency must identify the
195 specific plan features that do not comply with the applicable
196 codes, identify the specific code chapters and sections upon
197 which the finding is based, and provide the information to the
198 permitholder in writing.

199 (c)1. A plans examiner or inspector who fails to provide
200 the building code administrator with the reasons for making or
201 requiring substantive changes to the plans or specifications is
202 subject to disciplinary action against his or her certificate
203 under s. 468.621(1)(i).

578-03552-23

2023512c1

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

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

211 633.208 Minimum firesafety standards.—

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

216 (b) If a municipality, county, or special district
217 determines that the building plans for a building permit
218 application do not comply with the Florida Fire Prevention Code
219 or the Life Safety Code, or local amendments thereto, the local
220 fire official must identify the specific plan features that do
221 not comply with the applicable codes, identify the specific code
222 chapters and sections upon which the determination is based, and
223 provide this information to the permit applicant.

224 (c) After a municipality, county, or special district
225 issues a building permit, it may not make or require any
226 substantive changes to the building plans except those required
227 for compliance with the Florida Fire Prevention Code or the Life
228 Safety Code, or local amendments thereto. If a municipality,
229 county, or special district makes or requires substantive
230 changes to building plans after a permit is issued, the local
231 fire official must identify the specific plan features that do
232 not comply with the Florida Fire Prevention Code or the Life

578-03552-23

2023512c1

233 Safety Code, or local amendments thereto, identify the specific
234 code chapters and sections upon which the finding is based, and
235 provide this information to the permit holder.

236 (d) A local fire official, who is also a certified
237 firesafety inspector, who fails to comply with paragraph (b) or
238 paragraph (c) is subject to disciplinary action against his or
239 her certificate under s. 633.216(5)(f).

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