

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 require  
12          substantive changes to plans or specifications after a  
13          permit has been issued to provide certain information  
14          to the permit holder; providing that a building code  
15          administrator, inspector, or plans reviewer is subject  
16          to disciplinary action under certain circumstances;  
17          amending s. 633.208, F.S.; requiring local fire  
18          officials to provide certain information to a permit  
19          applicant if building plans do not comply with the  
20          Florida Fire Prevention Code or Life Safety Code;  
21          prohibiting a municipality, county, or special  
22          district from making or requiring substantive changes  
23          to building plans after a permit has been issued;  
24          providing exceptions; requiring a local fire official  
25          to provide certain information to the permit holder if

26 a municipality, county, or special district requires  
 27 substantive changes to building plans after a permit  
 28 is issued; providing that a local fire official who is  
 29 a certified firesafety inspector is subject to  
 30 disciplinary action under certain circumstances;  
 31 providing an effective date.

32

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

34

35 Section 1. Paragraph (f) of subsection (3) of section  
 36 489.105, Florida Statutes, is amended to read:

37 489.105 Definitions.—As used in this part:

38 (3) "Contractor" means the person who is qualified for,  
 39 and is only responsible for, the project contracted for and  
 40 means, 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,  
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 line load side of the  
72 dedicated existing electrical circuit disconnect switch; to  
73 replace, disconnect, or reconnect air-conditioning disconnect  
74 switches and boxes; to install, disconnect, and reconnect low  
75 voltage heating, ventilating, and air-conditioning control

76 wiring; and to install a condensate drain from an air-  
77 conditioning unit to an existing safe waste or other approved  
78 disposal other than a direct connection to a sanitary system.  
79 The scope of work for such contractor also includes any  
80 excavation work incidental thereto, but does not include any  
81 work such as liquefied petroleum or natural gas fuel lines  
82 within buildings, except for disconnecting or reconnecting  
83 changeouts of liquefied petroleum or natural gas appliances  
84 within buildings; potable water lines or connections thereto;  
85 sanitary sewer lines; swimming pool piping and filters; or  
86 electrical power wiring. A Class A air-conditioning contractor  
87 may test and evaluate central air-conditioning, refrigeration,  
88 heating, and ventilating systems, including duct work; however,  
89 a mandatory licensing requirement is not established for the  
90 performance of these specific services.

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

93 553.79 Permits; applications; issuance; inspections.—

94 (2) (a)1. Except as provided in subsection (8), an  
95 enforcing agency may not issue any permit for construction,  
96 erection, alteration, modification, repair, or demolition of any  
97 building or structure until the local building code  
98 administrator or inspector has reviewed the plans and  
99 specifications required by the Florida Building Code, or local  
100 amendment thereto, for such proposal and found the plans to be

101 in compliance with the Florida Building Code. If the local  
102 building code administrator or inspector finds that the plans  
103 are not in compliance with the Florida Building Code, the local  
104 building code administrator or inspector shall identify the  
105 specific plan features that do not comply with the applicable  
106 codes, identify the specific code chapters and sections upon  
107 which the finding is based, and provide this information to the  
108 local enforcing agency. If the building code administrator or  
109 inspector requests another person to review the plans and such  
110 person identifies specific plan features that do not comply with  
111 the applicable codes, the building code administrator or  
112 inspector must provide this information to the local enforcing  
113 agency. The local enforcing agency shall provide this  
114 information to the permit applicant.

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