

By Senator Simon

3-01007-25

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1 A bill to be entitled
2 An act relating to building construction; amending s.
3 455.2124, F.S.; revising applicability of certain
4 provisions relating to an exemption from continuing
5 education requirements; amending s. 468.603, F.S.;
6 revising definitions; amending s. 468.609, F.S.;
7 requiring the Florida Building Code Administrators and
8 Inspectors Board to establish by rule certain
9 internship programs, certain eligibility criteria for
10 one- and two-family dwelling inspector certifications,
11 and a certain application process; amending s.
12 489.103, F.S.; authorizing an owner or, in certain
13 circumstances, an owner's agent to sign certain
14 documents personally or virtually; revising the form
15 of a required disclosure statement; amending s.
16 489.1195, F.S.; requiring a newly designated
17 qualifying agent to apply to the Department of
18 Business and Professional Regulation for a change of
19 contractor within a certain timeframe in certain
20 jurisdictions; authorizing a business organization to
21 sign a change of contractor form provided by a city or
22 county building department official under certain
23 circumstances; authorizing the owner of a project for
24 which a previous qualifying agent held a building
25 permit to serve a certain notice; requiring a city or
26 county building department official to process a
27 change of contractor in a certain manner upon receipt
28 of a hold harmless affidavit; providing that a
29 qualifying agent designated through a specified change

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30 of contractor process is not responsible for certain
31 work; amending s. 713.135, F.S.; revising the
32 threshold contract value amount at which a building
33 permit issuing authority must require an applicant to
34 file a copy of a notice of commencement; revising the
35 definition of the term "copy of the notice of
36 commencement"; revising the information that must be
37 included in a notice of commencement; requiring that a
38 permit application be signed by the property owner in
39 certain circumstances; revising the form of a building
40 permit application; providing an effective date.

41
42 Be It Enacted by the Legislature of the State of Florida:

43
44 Section 1. Paragraph (b) of subsection (2) of section
45 455.2124, Florida Statutes, is amended to read:

46 455.2124 Proration of or not requiring continuing
47 education.—

48 (2)

49 (b) This subsection does not apply to building code
50 administrators and inspectors regulated pursuant to part XII of
51 chapter 468; engineers regulated pursuant to chapter 471; to
52 certified public accountants regulated pursuant to chapter 473;
53 to brokers, broker associates, and sales associates regulated
54 pursuant to part I of chapter 475; to appraisers regulated
55 pursuant to part II of chapter 475; to architects, interior
56 designers, or landscape architects regulated pursuant to chapter
57 481; or to contractors regulated pursuant to chapter 489.

58 Section 2. Subsection (2) and paragraph (h) of subsection

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59 (5) of section 468.603, Florida Statutes, are amended, and
60 paragraph (e) is added to subsection (8) of that section, to
61 read:

62 468.603 Definitions.—As used in this part:

63 (2) "Building code administrator" or "building official"
64 means any of those employees of municipal or county governments,
65 or any person contracted, with building construction regulation
66 responsibilities who are charged with the responsibility for
67 direct regulatory administration or supervision of plan review,
68 enforcement, or inspection of building construction, erection,
69 repair, addition, remodeling, demolition, or alteration projects
70 that require permitting indicating compliance with building,
71 plumbing, mechanical, electrical, gas, fire prevention, energy,
72 accessibility, and other construction codes as required by state
73 law or municipal or county ordinance. This term is synonymous
74 with "building official" as used in the Florida Building Code.
75 One person employed or contracted by each municipal or county
76 government as a building code administrator or building official
77 and who is so certified under this part may be authorized to
78 perform any plan review or inspection for which certification is
79 required by this part, including performing any plan review or
80 inspection as a currently designated standard certified building
81 official under an interagency service agreement with a
82 jurisdiction having a population of 50,000 or less or with a
83 state university, Florida College System institution, or school
84 district with an enrollment of 50,000 or less.

85 (5) "Categories of building code inspectors" include the
86 following:

87 (h) "Residential inspector" means a person who is qualified

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88 to inspect and determine whether detached ~~that~~ one-family and,
89 ~~two-family, or three-family~~ residences and townhomes not
90 exceeding three stories above grade plane in height with a
91 separate means of egress, ~~not exceeding two habitable stories~~
92 ~~above no more than one uninhabitable story~~ and, in connection
93 therewith, accessory use structures not exceeding three stories
94 above grade plane, ~~in connection therewith~~ are constructed in
95 accordance with the provisions of the governing building,
96 plumbing, mechanical, accessibility, and electrical codes.

97 (8) "Plans examiner" means a person who is qualified to
98 determine that plans submitted for purposes of obtaining
99 building and other permits comply with the applicable building,
100 plumbing, mechanical, electrical, gas, fire prevention, energy,
101 accessibility, and other applicable construction codes. The term
102 includes a residential plans examiner who is qualified to
103 determine that plans submitted for purposes of obtaining
104 building and other permits comply with the applicable
105 residential building, plumbing, mechanical, electrical, gas,
106 energy, accessibility, and other applicable construction codes.
107 Categories of plans examiners include:

108 (e) Residential plans examiner.

109 Section 3. Paragraph (b) of subsection (10) of section
110 468.609, Florida Statutes, is amended to read:

111 468.609 Administration of this part; standards for
112 certification; additional categories of certification.—

113 (10)

114 (b) The board shall by rule establish:

115 1. Reciprocity of certification with any other state that
116 requires an examination administered by the International Code

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117 Council.

118 2. That an applicant for certification as a building code
119 inspector or plans examiner may apply for a provisional
120 certificate valid for the duration of the internship period.

121 3. That partial completion of an internship program is
122 transferable among jurisdictions, private providers, and firms
123 of private providers on a form prescribed by the board.

124 4. That an applicant may apply for a standard certificate
125 on a form prescribed by the board upon successful completion of
126 an internship certification program.

127 5. That an applicant may apply for a standard certificate
128 at least 30 days but no more than 60 days before completing the
129 internship certification program.

130 6. That a building code inspector or plans examiner who has
131 standard certification may seek an additional certification in
132 another category by completing an additional nonconcurrent 1-
133 year internship program in the certification category sought and
134 passing an examination administered by the International Code
135 Council and a board-approved 40-hour code training course.

136 7. A residential inspector internship program, with the
137 following requirements:

138 a. An enrollee must hold an International Code Council
139 certification, or a legacy certification for one- and two-family
140 dwelling inspectors issued by an industry-recognized equivalent
141 organization, as a residential or commercial inspector in the
142 building, electrical, plumbing, and mechanical categories before
143 beginning the internship program, and must:

144 (I) Complete 1 year of on-the-job training in each of the
145 building, electrical, plumbing, and mechanical categories, under

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146 the supervision of a standard certified inspector. Previous
 147 verifiable experience that includes at least 6 months of on-the-
 148 job training in a single category under the supervision of a
 149 standard certified inspector may be counted toward the required
 150 training in that category; however, previously completed
 151 training may not substitute for more than 2 years of the total
 152 on-the-job training required under this sub-sub-subparagraph; or

153 (II) Hold a standard certification as an inspector in a
 154 category listed in s. 468.603(5) and complete at least 6 months
 155 of on-the-job training under the supervision of a standard
 156 certified inspector in each of the following categories in which
 157 the enrollee does not hold a standard certification:

158 (A) Building.

159 (B) Plumbing.

160 (C) Electrical.

161 (D) Mechanical.

162 b. The completion of an 80-hour residential inspector code
 163 training course.

164 8. A residential plans examiner internship program, with
 165 the following requirements:

166 a. An enrollee must hold an International Code Council
 167 certification as a residential or commercial plans examiner in
 168 the building, electrical, plumbing, and mechanical categories
 169 before beginning the internship program, and must:

170 (I) Complete 1 year of on-the-job training in each of the
 171 building, electrical, plumbing, and mechanical categories, under
 172 the supervision of a standard certified plans examiner; or

173 (II) Hold a standard certification as a plans examiner in a
 174 category listed in s. 468.603(5) and complete at least 1 year of

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175 on-the-job training under the supervision of a standard
176 certified plans examiner in each of the following categories in
177 which the enrollee does not hold a standard certification:

178 (A) Building.

179 (B) Plumbing.

180 (C) Electrical.

181 (D) Mechanical.

182 b. The completion of a 40-hour residential plans examiner
183 code training course.

184 9. A roofing inspector internship program, with the
185 following requirements:

186 a. An enrollee must hold an International Code Council
187 certification as a roofing inspector in this state before
188 beginning the internship program, and must:

189 (I) Complete 1 year of on-the-job training as a roofing
190 inspector under the supervision of a standard certified
191 commercial building inspector or roofing inspector; or

192 (II) Hold a standard certification as a residential
193 building inspector and complete at least 200 hours of on-the-job
194 training under the supervision of a standard certified
195 commercial building inspector or roofing inspector.

196 b. The completion of a 40-hour roofing inspector code
197 training course.

198 10. The following eligibility criteria for one- and two-
199 family dwelling inspector certifications:

200 a. Completion of a residential inspector internship
201 program; or

202 b. Completion of a residential plans examiner internship
203 program.

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204 11. An application process for qualified candidates which
205 includes the voluntary certification categories created by the
206 board pursuant to paragraph (a) on provisional certification
207 application forms.

208 Section 4. Paragraph (c) of subsection (7) of section
209 489.103, Florida Statutes, is amended to read:

210 489.103 Exemptions.—This part does not apply to:

211 (7)

212 (c) To qualify for exemption under this subsection, an
213 owner or, for an owner that is a corporate entity, the owner's
214 agent must personally or virtually appear and sign the building
215 permit application and disclosure statement and must satisfy
216 local permitting agency requirements, if any, proving that the
217 owner has a complete understanding of the owner's obligations
218 under the law as specified in the disclosure statement in this
219 section. However, for purposes of implementing a "United States
220 Department of Energy SunShot Initiative: Rooftop Solar
221 Challenge" grant and the participation of county and municipal
222 governments, including local permitting agencies under the
223 jurisdiction of such county and municipal governments, an
224 owner's notarized signature or personal appearance to sign the
225 permit application is not required for a solar project, as
226 described in subparagraph (a)3., if the building permit
227 application is submitted electronically to the permitting agency
228 and the owner certifies the application and disclosure statement
229 using the permitting agency's electronic confirmation system. If
230 any person violates the requirements of this subsection, the
231 local permitting agency shall withhold final approval, revoke
232 the permit, or pursue any action or remedy for unlicensed

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233 activity against the owner and any person performing work that
234 requires licensure under the permit issued. The local permitting
235 agency shall provide the person with a disclosure statement in
236 substantially the following form:

237

238 DISCLOSURE STATEMENT

239

240 1. I understand that state law requires construction
241 to be done by a licensed contractor and have applied
242 for an owner-builder permit under an exemption from
243 the law. The exemption specifies that I, as the owner
244 of the property listed, may act as my own contractor
245 with certain restrictions even though I do not have a
246 license.

247

248 2. I understand that permit applications ~~building~~
249 ~~permits~~ are ~~not~~ required to be signed by a property
250 owner when unless he or she is responsible for the
251 construction and is not hiring a licensed contractor
252 to assume responsibility; when hiring a contractor
253 under a direct contract of greater than \$7,500; or
254 when repairing or replacing an existing heating or
255 air-conditioning system under a direct contract of
256 \$15,000 or greater.

257

258 3. I understand that, as an owner-builder, I am the
259 responsible party of record on a permit. I understand
260 that I may protect myself from potential financial
261 risk by hiring a licensed contractor and having the

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262 permit filed in his or her name instead of my own
263 name. I also understand that a contractor is required
264 by law to be licensed in Florida and to list his or
265 her license numbers on permits and contracts.
266

267 4. I understand that I may build or improve a one-
268 family or two-family residence or a farm outbuilding.
269 I may also build or improve a commercial building if
270 the costs do not exceed \$75,000. The building or
271 residence must be for my own use or occupancy. It may
272 not be built or substantially improved for sale or
273 lease, unless I am completing the requirements of a
274 building permit where the contractor listed on the
275 permit substantially completed the project. If a
276 building or residence that I have built or
277 substantially improved myself is sold or leased within
278 1 year after the construction is complete, the law
279 will presume that I built or substantially improved it
280 for sale or lease, which violates the exemption.
281

282 5. I understand that, as the owner-builder, I must
283 provide direct, onsite supervision of the
284 construction.
285

286 6. I understand that I may not hire an unlicensed
287 person to act as my contractor or to supervise persons
288 working on my building or residence. It is my
289 responsibility to ensure that the persons whom I
290 employ have the licenses required by law and by county

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291 or municipal ordinance.

292

293 7. I understand that it is a frequent practice of
294 unlicensed persons to have the property owner obtain
295 an owner-builder permit that erroneously implies that
296 the property owner is providing his or her own labor
297 and materials. I, as an owner-builder, may be held
298 liable and subjected to serious financial risk for any
299 injuries sustained by an unlicensed person or his or
300 her employees while working on my property. My
301 homeowner's insurance may not provide coverage for
302 those injuries. I am willfully acting as an owner-
303 builder and am aware of the limits of my insurance
304 coverage for injuries to workers on my property.

305

306 8. I understand that I may not delegate the
307 responsibility for supervising work to a licensed
308 contractor who is not licensed to perform the work
309 being done. Any person working on my building who is
310 not licensed must work under my direct supervision and
311 must be employed by me, which means that I must comply
312 with laws requiring the withholding of federal income
313 tax and social security contributions under the
314 Federal Insurance Contributions Act (FICA) and must
315 provide workers' compensation for the employee. I
316 understand that my failure to follow these laws may
317 subject me to serious financial risk.

318

319 9. I agree that, as the party legally and financially

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320 responsible for this proposed construction activity, I
321 will abide by all applicable laws and requirements
322 that govern owner-builders as well as employers. I
323 also understand that the construction must comply with
324 all applicable laws, ordinances, building codes, and
325 zoning regulations.

326

327 10. I understand that I may obtain more information
328 regarding my obligations as an employer from the
329 Internal Revenue Service, the United States Small
330 Business Administration, the Florida Department of
331 Financial Services, and the Florida Department of
332 Revenue. I also understand that I may contact the
333 Florida Construction Industry Licensing Board at
334 ... (telephone number) ... or ... (Internet website
335 address) ... for more information about licensed
336 contractors.

337

338 11. I am aware of, and consent to, an owner-builder
339 building permit applied for in my name and understand
340 that I am the party legally and financially
341 responsible for the proposed construction activity at
342 the following address: ... (address of property) ...

343

344 12. I agree to notify ... (issuer of disclosure
345 statements) ... immediately of any additions,
346 deletions, or changes to any of the information that I
347 have provided on this disclosure.

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349 Licensed contractors are regulated by laws designed to
350 protect the public. If you contract with a person who
351 does not have a license, the Construction Industry
352 Licensing Board and Department of Business and
353 Professional Regulation may be unable to assist you
354 with any financial loss that you sustain as a result
355 of a complaint. Your only remedy against an unlicensed
356 contractor may be in civil court. It is also important
357 for you to understand that, if an unlicensed
358 contractor or employee of an individual or firm is
359 injured while working on your property, you may be
360 held liable for damages. If you obtain an owner-
361 builder permit and wish to hire a licensed contractor,
362 you will be responsible for verifying whether the
363 contractor is properly licensed and the status of the
364 contractor's workers' compensation coverage.

365
366 Before a building permit can be issued, this
367 disclosure statement must be completed and signed by
368 the property owner and returned to the local
369 permitting agency responsible for issuing the permit.
370 A copy of the property owner's driver license, the
371 notarized signature of the property owner, or other
372 type of verification acceptable to the local
373 permitting agency is required when the permit is
374 issued.

375
376 Signature: ...(signature of property owner)....

377 Date: ...(date)....

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379 Section 5. Subsection (4) is added to section 489.1195,
380 Florida Statutes, to read:

381 489.1195 Responsibilities.—

382 (4) (a) When a business organization designates a new
383 qualifying agent, the new qualifying agent must apply to the
384 department for a change of contractor within 90 days after
385 designation in each jurisdiction in which an active permit is
386 held by the business organization's previous qualifying agent.

387 (b) Upon request of a city or county building department
388 official, the business organization may sign a change of
389 contractor form provided by such official for the purpose of
390 withdrawing the business organization's previous qualifying
391 agent as the holder of an active or expired building permit. If
392 the previous qualifying agent who obtained the permit declines
393 to withdraw, is unavailable, or is deceased, the owner of the
394 project for which the permit was issued may serve a notice of
395 change of contractor to the previous qualifying agent at his or
396 her last known mailing or e-mail address and, after providing
397 such notice, must submit a change of contractor form to the
398 building department official along with a hold harmless
399 affidavit in the form specified by the board. Upon receipt of
400 the hold harmless affidavit, the building department official
401 shall process the change of contractor to designate a new
402 qualifying agent without requiring a notification or waiting
403 period.

404 (c) A qualifying agent designated through a change of
405 contractor process pursuant to paragraph (b) is not responsible
406 for his or her predecessor's work but is responsible for any

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407 corrective work performed on his or her predecessor's work.

408 Section 6. Paragraph (e) of subsection (1) and paragraph
409 (a) of subsection (7) of section 713.135, Florida Statutes, are
410 amended, and paragraph (g) is added to subsection (1) of that
411 section, to read:

412 713.135 Notice of commencement and applicability of lien.—

413 (1) When a person applies for a building permit, the
414 authority issuing such permit shall:

415 (e) Require the applicant to file with the issuing
416 authority before the first inspection a copy of the notice of
417 commencement if the direct contract is greater than \$7,000
418 ~~\$5,000~~. For purposes of this paragraph, the term "copy of the
419 notice of commencement" means a ~~certified~~ copy of the recorded
420 notice of commencement, a notarized statement that the notice of
421 commencement has been filed for recording along with a copy
422 thereof, or the clerk's office's official records identifying
423 information that includes the instrument number for the notice
424 of commencement or the number and page of book where the notice
425 of commencement is recorded, as identified by the clerk.

426 1. In the absence of the filing of a copy of the notice of
427 commencement, the issuing authority or a private provider
428 performing inspection services may not perform or approve
429 subsequent inspections until the applicant files by mail,
430 facsimile, hand delivery, or any other means such copy with the
431 issuing authority.

432 2. The copy of the notice of commencement must contain the
433 name and address of the owner, the name and address of the
434 contractor, ~~and~~ the location or address of the property being
435 improved, and a general description of the improvement. The

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436 issuing authority shall verify that the name and address of the
437 owner, the name of the contractor, ~~and~~ the location or address
438 of the property being improved, and the general description of
439 the improvement which is contained in the copy of the notice of
440 commencement are ~~is~~ consistent with the information in the
441 building permit application.

442 3. The issuing authority shall provide the recording
443 information on the copy of the notice of commencement to any
444 person upon request.

445 4. This paragraph does not require the recording of a
446 notice of commencement before the issuance of a building permit.
447 If a local government requires a separate permit or inspection
448 for installation of temporary electrical service or other
449 temporary utility service, land clearing, or other preliminary
450 site work, such permits may be issued and such inspections may
451 be conducted without providing the issuing authority with a copy
452 of the notice of commencement.

453 (g) A permit application must be signed by the owner of the
454 real property when the direct contract between the contractor
455 and such owner is greater than \$7,500 or, if repairing or
456 replacing an existing heating or air-conditioning system, when
457 the direct contract between the contractor and such owner is
458 \$15,000 or greater.

459
460 This subsection does not apply to a direct contract to repair or
461 replace an existing heating or air-conditioning system in an
462 amount less than \$15,000.

463 (7) (a) In addition to any other information required by the
464 authority issuing the permit, the building permit application

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465 must be in substantially the following form:

466

467

Tax Folio No.....

468

BUILDING PERMIT APPLICATION

469

470

Owner's Name.....

471

Owner's Address.....

472

Fee Simple Titleholder's Name (If other than owner).....

473

Fee Simple Titleholder's Address (If other than owner).....

474

City.....

475

State..... Zip.....

476

Contractor's Name.....

477

Contractor's Address.....

478

City.....

479

State..... Zip.....

480

Job Name.....

481

Job Address.....

482

City..... County.....

483

Legal Description.....

484

Bonding Company.....

485

Bonding Company Address.....

486

City..... State.....

487

Architect/Engineer's Name.....

488

Architect/Engineer's Address.....

489

Mortgage Lender's Name.....

490

Mortgage Lender's Address.....

491

492

Application is hereby made to obtain a permit to do the

493

work and installations as indicated. I certify that no work or

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494 installation has commenced prior to the issuance of a permit and
 495 that all work will be performed to meet the standards of all
 496 laws regulating construction in this jurisdiction. I understand
 497 that a separate permit must be secured for ELECTRICAL WORK,
 498 PLUMBING, SIGNS, WELLS, POOLS, FURNACES, BOILERS, HEATERS,
 499 TANKS, and AIR CONDITIONERS, etc., when required by this
 500 jurisdiction.

501
 502 OWNER'S AFFIDAVIT: I certify that all the foregoing information
 503 is accurate and that all work will be done in compliance with
 504 all applicable laws regulating construction and zoning.

505
 506 WARNING TO OWNER: YOUR FAILURE TO RECORD A NOTICE OF
 507 COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR
 508 IMPROVEMENTS TO YOUR PROPERTY. A NOTICE OF
 509 COMMENCEMENT MUST BE RECORDED AND POSTED ON THE JOB
 510 SITE BEFORE THE FIRST INSPECTION.

511
 512 IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR
 513 LENDER OR AN ATTORNEY BEFORE COMMENCING WORK OR
 514 RECORDING YOUR NOTICE OF COMMENCEMENT.

515
 516 ... (Signature of Owner or Agent) ...

517
 518 ... (including contractor) ...

519
 520 STATE OF FLORIDA
 521 COUNTY OF

522

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523 Sworn to (or affirmed) and subscribed before me this
524 day of, ...(year)..., by ...(name of person making
525 statement)....

526
527 ...(Signature of Notary Public - State of Florida)...
528 ...(Print, Type, or Stamp Commissioned Name of Notary Public)...

529
530 Personally Known OR Produced Identification

531
532 Type of Identification Produced.....
533 ...(Signature of Contractor)...

534
535 STATE OF FLORIDA

536 COUNTY OF
537

538 Sworn to (or affirmed) and subscribed before me this
539 day of, ...(year)..., by ...(name of person making
540 statement)....

541 ...(Signature of Notary Public - State of Florida)...
542 ...(Print, Type, or Stamp Commissioned Name of Notary Public)...

543
544 Personally Known OR Produced Identification

545
546 Type of Identification Produced.....
547
548 (Certificate of Competency Holder)

549
550 Contractor's State Certification or Registration No.....

551

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552 Contractor's Certificate of Competency No.....

553

554 APPLICATION APPROVED BY

555Permit Officer

556

557 Section 7. This act shall take effect July 1, 2025.