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A bill to be entitled An act relating to building regulation; amending s. 455.2124, F.S.; revising the requirements for an individual to be exempt from completing continuing education; providing applicability; amending s. 468.603, F.S.; revising definitions; amending s. 468.609, F.S.; requiring the Florida Building Code Administrators and Inspectors Board to establish a certain application with voluntary categories with the necessary forms and examinations for each category of plans examiners; requiring the board to amend eligibility criteria for certain inspector certifications; requiring the board to create certain internship programs; providing criteria for such internship programs; amending s. 489.103, F.S.; exempting owners of property from certain requirements; authorizing an owner, not inclusive of a corporate entity, to appear in person or virtually and physically or electronically sign a building permit application and disclosure statement to receive a specified exemption; revising specified information in the disclosure statement; amending s. 489.1195, F.S.; defining the term "change of contractor"; requiring a new primary qualifying agent for the contracting company to file with the Department of Business and

Page 1 of 24

HB 707 2025

Professional Regulation applications for active permits within a certain amount of time after a change in previous qualifying agent's status; authorizing, upon request, the current contracting company to sign a change of contractor form; providing that an owner may submit certain information to the building official in order to process a change of contractor form; providing for limited liability; amending s. 713.135, F.S.; requiring an applicant to file a notice of commencement if a direct contract is more than a specified amount; revising the definition of "copy of the notice of commencement"; removing the need for a certified copy of a recorded notice of commencement; requiring the copy of the notice of commencement to include a general description of the improvement; revising the building permit application form; requiring an owner to sign a permit application under certain circumstances; providing an effective date.

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

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## Subsection (2) of section 455.2124, Florida Section 1. Statutes, is amended to read:

455.2124 Proration of or not requiring continuing education.-50

Page 2 of 24

(2)(a) A board, or the department when there is no board, shall exempt an individual from completing the continuing education required for renewal of a license for a renewal period if:

- 1. The individual holds  $\underline{a}$  an active license issued by the board or department to practice the profession;
- 2. The individual has continuously held the license for at least 10 years; and
- 3. No disciplinary action is imposed on the individual's license.
- administrators and inspectors regulated pursuant to part XII of chapter 468; engineers regulated pursuant to chapter 471; to certified public accountants regulated pursuant to chapter 473; to brokers, broker associates, and sales associates regulated pursuant to part I of chapter 475; to appraisers regulated pursuant to part II of chapter 475; to architects, interior designers, or landscape architects regulated pursuant to chapter 481; or to contractors regulated pursuant to chapter 489.
- Section 2. Subsection (2) and paragraph (h) of subsection (5) of section 468.603, Florida Statutes, are amended, and paragraph (e) is added to subsection (8) of that section, to read:
  - 468.603 Definitions.—As used in this part:
  - (2) "Building code administrator" or "building official"

Page 3 of 24

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means any of those employees of municipal or county governments, or any person contracted, with building construction regulation responsibilities who are charged with the responsibility for direct regulatory administration or supervision of plan review, enforcement, or inspection of building construction, erection, repair, addition, remodeling, demolition, or alteration projects that require permitting indicating compliance with building, plumbing, mechanical, electrical, gas, fire prevention, energy, accessibility, and other construction codes as required by state law or municipal or county ordinance. This term is synonymous with "building official" as used in the Florida Building Code. One person employed or contracted by each municipal or county government as a building code administrator or building official and who is so certified under this part may be authorized to perform any plan review or inspection for which certification is required by this part, which also includes including performing any plan review or inspection as a currently designated standard certified building official under an interagency service agreement with:

- (a) A jurisdiction having a population of 50,000 or less; or
- (b) A public school district, a Florida College System institution, or a state university that has a student enrollment of 50,000 or less.
  - (5) "Categories of building code inspectors" include the

Page 4 of 24

101 following:

- (h) "Residential inspector" means a person who is qualified to inspect and determine that <u>detached</u> one-family <u>and</u>, two-family, or three-family residences, and townhouses that have a separate means of egress and the accessory structures in connection therewith which do not exceed three stories above grade plane in height, not exceeding two habitable stories above no more than one uninhabitable story and accessory use structures in connection therewith are constructed in accordance with the provisions of the governing building, plumbing, mechanical, accessibility, and electrical codes.
- (8) "Plans examiner" means a person who is qualified to determine that plans submitted for purposes of obtaining building and other permits comply with the applicable building, plumbing, mechanical, electrical, gas, fire prevention, energy, accessibility, and other applicable construction codes. The term includes a residential plans examiner who is qualified to determine that plans submitted for purposes of obtaining building and other permits comply with the applicable residential building, plumbing, mechanical, electrical, gas, energy, accessibility, and other applicable construction codes. Categories of plans examiners include:
  - (e) Residential plans examiner.
- Section 3. Subsection (10) of section 468.609, Florida Statutes, is amended, and subsection (11) is added to that

Page 5 of 24

## 126 section, to read:

- 468.609 Administration of this part; standards for certification; additional categories of certification; internship programs.—
- (10) (a) The board may by rule create categories of certification in addition to those defined in s. 468.603(5) and (8). Such certification categories <u>are shall</u> not be mandatory and <u>may shall</u> not act to diminish the scope of any certificate created by statute.
  - (b) The board shall by rule establish:
- 1. Reciprocity of certification with any other state that requires an examination administered by the International Code Council.
- 2. That an applicant for certification as a building code inspector or plans examiner may apply for a provisional certificate valid for the duration of the internship period.
- 3. That partial completion of an internship program is transferable among jurisdictions, private providers, and firms of private providers on a form prescribed by the board.
- 4. That an applicant may apply for a standard certificate on a form prescribed by the board upon successful completion of an internship certification program.
- 5. That an applicant may apply for a standard certificate at least 30 days but no more than 60 days before completing the internship certification program.

Page 6 of 24

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

- 7. An application for a provisional certificate which allows qualified applicants to select the following voluntary categories:
  - a. Commercial or residential pool inspector.
  - b. Modular inspector.

- c. Modular plans examiner.
- d. Residential plans examiner.
- e. Roofing inspector.
- 8. The necessary forms and the appropriate examinations for each category of plans examiner as defined in s. 468.603(8).
- (c) The board shall amend the eligibility criteria for one-family and two-family dwelling inspector certification to include completion of a residential inspector internship program and completion of a residential plans examiner internship program.
- (11) The board shall by rule create the following internship programs with the corresponding criteria:
- (a) A residential inspector internship program. To be eligible for the internship program, a person must complete an

Page 7 of 24

176 80-hour residential inspector code training course and: 177 Before entering the program, hold a certification 178 from the International Codes Council as a residential or 179 commercial inspector in each of the following categories: 180 (I) Building. 181 (II) Electrical. 182 (III) Plumbing. 183 (IV) Mechanical. 184 185 A person certified as a one-family and two-family dwelling or residential inspector under a legacy certification issued by the 186 187 International Codes Council on or after January 1, 2003, or by 188 the Building Officials and Code Administrators International, 189 the International Conference of Building Officials, or the 190 Southern Building Code Congress International before January 1, 191 2003, meets the requirements of this sub-subparagraph; and 192 b. Complete a 4-year internship program that includes 1-193 year of on-the-job training under the supervision of a standard 194 certified inspector in each of the categories listed under subsubparagraph 1.a. The internship program may be reduced to no 195 196 less than 2 years if the person has verifiable work experience 197 or education with at least 6 months of on-the-job training under 198 the supervision of a standard certified inspector in each of the 199 categories listed under sub-subparagraph 1.a.; or 200 2. Hold a standard certification as an inspector in any of

Page 8 of 24

the categories listed in s. 468.603(5) and completed an

internship program that includes not less than 6 months of on-
the-job training under the supervision of a standard certified
inspector in each of the categories listed under sub-
subparagraph 1.a.
(b) A residential plans examiner internship program. To be
eligible for the internship program, a person must complete a
40-hour residential plans examiner training course and:
1.a. Before entering the program, hold a certification
from the International Codes Council as a residential or
commercial inspector in each of the following categories:
(I) Building.
(II) Electrical.
(III) Plumbing.
(IV) Mechanical; and

- b. Complete a 4-year internship program that includes 1-year of on-the-job training under the supervision of a standard certified plans examiner in each of the categories listed under sub-subparagraph 1.a.; or
- 2. Hold a standard certification as a plans examiner in any of the categories listed in s. 468.603(5) and completed an internship program that includes not less than 1 year of on-the-job training under the supervision of a standard certified plans examiner in each of the categories listed under sub-subparagraph 1.a.

Page 9 of 24

(c) A roofing inspector internship program. To be eligible

for the internship program, a person must complete a 40-hour
roofing inspector training course and:
1.a. Before entering the program, hold a certification
from the International Codes Council as a roofing inspector; and
b. Complete a 1-year internship program that includes on-
the-job training as a roofing inspector under the supervision of
a standard certified commercial building inspector or roofing
inspector; or
2. Hold a standard certification as a residential building
inspector and completed an internship program that includes at
least 200 hours of on-the-job training under the supervision of
a standard certified commercial building inspector or roofing
inspector.

- Section 4. Paragraphs (a) and (c) of subsection (7) of section 489.103, Florida Statutes, are amended to read:
  - 489.103 Exemptions.—This part does not apply to:
- (7) (a) An owner Owners of property when acting as his or her their own contractor and providing the direct, onsite supervision themselves of all work not performed by licensed contractors:
- 1. When building or improving farm outbuildings or one-family or two-family residences on such property for the occupancy or use of such owners and not offered for sale or lease, or building or improving commercial buildings, at a cost

Page 10 of 24

not to exceed \$75,000, on such property for the occupancy or use of such owners and not offered for sale or lease. In an action brought under this part, proof of the sale or lease, or offering for sale or lease, of any such structure by the owner-builder within 1 year after completion of same creates a presumption that the construction was undertaken for purposes of sale or lease.

- 2. When repairing or replacing wood shakes or asphalt or fiberglass shingles on one-family, two-family, or three-family residences for the occupancy or use of such owner or tenant of the owner and not offered for sale within 1 year after completion of the work and when the property has been damaged by natural causes from an event recognized as an emergency situation designated by executive order issued by the Governor declaring the existence of a state of emergency as a result and consequence of a serious threat posed to the public health, safety, and property in this state.
- 3. When installing, uninstalling, or replacing solar panels on one-family, two-family, or three-family residences, and the local permitting agency's county or municipal government is participating in a "United States Department of Energy SunShot Initiative: Rooftop Solar Challenge" grant. However, an owner must utilize a licensed electrical contractor to effectuate the wiring of the solar panels, including any interconnection to the owner's customer's residential electrical

Page 11 of 24

wiring. The limitations of this exemption shall be expressly stated in the building permit approved and issued by the permitting agency for such project.

- 4. When completing the requirements of a building permit, where the contractor listed on the permit substantially completed the project as determined by the local permitting agency, for a one-family or two-family residence, townhome, or an accessory structure of a one-family or two-family residence or townhome or an individual residential condominium unit or cooperative unit. Before Prior to qualifying for the exemption, the owner must receive approval from the local permitting agency, and the local permitting agency must determine that the contractor listed on the permit substantially completed the project. An owner who qualifies for the exemption under this subparagraph is not required to occupy the dwelling or unit for at least 1 year after the completion of the project.
- (c) To qualify for exemption under this subsection, an owner, not inclusive of a corporate entity, must personally appear either in person or virtually and physically or electronically sign the building permit application and disclosure statement, and must satisfy local permitting agency requirements, if any, proving that the owner has a complete understanding of the owner's obligations under the law as specified in the disclosure statement in this section. However, for purposes of implementing a "United States Department of

Page 12 of 24

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Energy SunShot Initiative: Rooftop Solar Challenge" grant and the participation of county and municipal governments, including local permitting agencies under the jurisdiction of such county and municipal governments, an owner's notarized or electronic signature or personal or virtual appearance to sign the permit application and disclosure statement is not required for a solar project, as described in subparagraph (a)3., if the building permit application is submitted electronically to the permitting agency and the owner certifies the application and disclosure statement using the permitting agency's electronic confirmation system. If any person violates the requirements of this subsection, the local permitting agency shall withhold final approval, revoke the permit, or pursue any action or remedy for unlicensed activity against the owner and any person performing work that requires licensure under the permit issued. The local permitting agency shall provide the owner person with a disclosure statement in substantially the following form:

## DISCLOSURE STATEMENT

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

Page 13 of 24

HB 707 2025

326	<del>are not</del> required to be signed by a property owner <u>in the</u>
327	following situations:
328	a. If the property owner unless he or she is responsible for
329	the construction and is not hiring a licensed contractor to
330	assume responsibility.
331	b. If the property owner hires a contractor and the direct
332	contract is for more than \$7,500.
333	c. If the property owner is repairing or replacing an existing
334	heating or air-conditioning system and the direct contract is
335	\$15,000 or more.
336	3. I understand that, as an owner-builder, I am the responsible
337	party of record on a permit. I understand that I may protect
338	myself from potential financial risk by hiring a licensed
339	contractor and having the permit filed in his or her name
340	instead of my own name. I also understand that a contractor is
341	required by law to be licensed in Florida and to list his or her
342	license numbers on permits and contracts.
343	4. I understand that I may build or improve a one-family or
344	two-family residence or a farm outbuilding. I may also build or
345	improve a commercial building if the costs do not exceed
346	\$75,000. The building or residence must be for my own use or

Page 14 of 24

substantially completed the project. If a building or residence

occupancy. It may not be built or substantially improved for

sale or lease, unless I am completing the requirements of a

building permit where the contractor listed on the permit

CODING: Words stricken are deletions; words underlined are additions.

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- 351 that I have built or substantially improved myself is sold or
- 352 leased within 1 year after the construction is complete, the law
- 353 will presume that I built or substantially improved it for sale
- 354 or lease, which violates the exemption.
- 355 5. I understand that, as the owner-builder, I must provide
- 356 direct, onsite supervision of the construction.
- 357 6. I understand that I may not hire an unlicensed person to act
- as my contractor or to supervise persons working on my building
- or residence. It is my responsibility to ensure that the persons
- 360 whom I employ have the licenses required by law and by county or
- 361 municipal ordinance.
- 362 7. I understand that it is a frequent practice of unlicensed
- 363 persons to have the property owner obtain an owner-builder
- 364 permit that erroneously implies that the property owner is
- 365 providing his or her own labor and materials. I, as an owner-
- 366 builder, may be held liable and subjected to serious financial
- 367 risk for any injuries sustained by an unlicensed person or his
- or her employees while working on my property. My homeowner's
- 369 insurance may not provide coverage for those injuries. I am
- 370 willfully acting as an owner-builder and am aware of the limits
- of my insurance coverage for injuries to workers on my property.
- 372 8. I understand that I may not delegate the responsibility for
- 373 supervising work to a licensed contractor who is not licensed to
- perform the work being done. Any person working on my building
- 375 who is not licensed must work under my direct supervision and

376 must be employed by me, which means that I must comply with laws 377 requiring the withholding of federal income tax and social 378 security contributions under the Federal Insurance Contributions 379 Act (FICA) and must provide workers' compensation for the 380 employee. I understand that my failure to follow these laws may 381 subject me to serious financial risk. 382 I agree that, as the party legally and financially 383 responsible for this proposed construction activity, I will 384 abide by all applicable laws and requirements that govern owner-385 builders as well as employers. I also understand that the construction must comply with all applicable laws, ordinances, 386 387 building codes, and zoning regulations. 388 10. I understand that I may obtain more information regarding 389 my obligations as an employer from the Internal Revenue Service, 390 the United States Small Business Administration, the Florida 391 Department of Financial Services, and the Florida Department of 392 Revenue. I also understand that I may contact the Florida 393 Construction Industry Licensing Board at ... (telephone 394 number) ... or ... (Internet website address) ... for more 395 information about licensed contractors. 396 I am aware of, and consent to, an owner-builder building 397 permit applied for in my name and understand that I am the party legally and financially responsible for the proposed 398 construction activity at the following address: ... (address of 399

Page 16 of 24

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400

property)....

401	12. I agree to notify(issuer of disclosure statements)
402	immediately of any additions, deletions, or changes to any of
403	the information that I have provided on this disclosure.
404	Licensed contractors are regulated by laws designed to protect
405	the public. If you contract with a person who does not have a
406	license, the Construction Industry Licensing Board and
407	Department of Business and Professional Regulation may be unable
408	to assist you with any financial loss that you sustain as a
409	result of a complaint. Your only remedy against an unlicensed
410	contractor may be in civil court. It is also important for you
411	to understand that, if an unlicensed contractor or employee of
412	an individual or firm is injured while working on your property,
413	you may be held liable for damages. If you obtain an owner-
414	builder permit and wish to hire a licensed contractor, you will
415	be responsible for verifying whether the contractor is properly
416	licensed and the status of the contractor's workers'
417	compensation coverage.
418	Before a building permit can be issued, this disclosure
419	statement must be completed and signed by the property owner and
420	returned to the local permitting agency responsible for issuing
421	the permit. A copy of the property owner's driver license, the
422	notarized signature of the property owner, or other type of
423	verification acceptable to the local permitting agency is
424	required when the permit is issued.
425	Signature:(signature of property owner)

Page 17 of 24

426 Date: ... (date) .... 427 Section 5. Subsection (4) is added to section 489.1195, 428 Florida Statutes, to read: 429 489.1195 Responsibilities.-430 (4) (a) For purposes of this subsection, the term "change of contractor" means a change from one contracting company to 431 432 another, a change of the licensed qualifying agent within the 433 same contracting company, or a change to a contracting company's 434 name while keeping the same licensed qualifying agent. 435 (b) A new primary qualifying agent for the contracting 436 company must file with the department an application for each 437 active permit in this state for a change of qualifying agent 438 within 90 days after the previous qualifying agent's status has 439 terminated. 440 (c) Upon the request of a project owner, the current 441 contracting company may sign a change of contractor form 442 provided by the building official on an active or expired 443 permit. If the current contracting company declines or is 444 unavailable to sign such form or is deceased, the project owner 445 must serve notice of a change of contractor to the current contracting company's corporate address or e-mail address. The 446 447 project owner must then submit a change of contractor form, along with a hold harmless affidavit, to the building official. 448 449 Upon receipt of the form and affidavit, the building official 450 must process a change of contractor form without any further

Page 18 of 24

451 notification or waiting period.

- (d) After a change of qualifying agent under paragraph (b) or paragraph (c), the new qualifying agent is not liable for any work done by the previous qualifying agent, but is responsible for any corrective work and new work performed.
- Section 6. Paragraph (e) of subsection (1), subsection (3), and paragraph (a) of subsection (7) of section 713.135, Florida Statutes, are amended, and paragraph (e) is added to subsection (7) of that section, to read:
  - 713.135 Notice of commencement and applicability of lien.-
- (1) When a person applies for a building permit, the authority issuing such permit shall:
- (e) Require the applicant to file with the issuing authority before the first inspection a copy of the notice of commencement if the direct contract is greater than \$7,500 \$5,000. For purposes of this paragraph, the term "copy of the notice of commencement" means a certified copy of the recorded notice of commencement with the recording information, a notarized statement that the notice of commencement has been filed for recording along with a copy thereof, or the clerk's office's official records identifying information that includes the instrument number for the notice of commencement or the number and page of book where the notice of commencement is recorded, as identified by the clerk.
  - 1. In the absence of the filing of a copy of the notice of

Page 19 of 24

commencement, the issuing authority or a private provider performing inspection services may not perform or approve subsequent inspections until the applicant files by mail, facsimile, hand delivery, or any other means such copy with the issuing authority.

- 2. The copy of the notice of commencement must contain the name and address of the owner, the name and address of the contractor, and the location or address of the property being improved, and a general description of the improvement being done. The issuing authority shall verify that the information name and address of the owner, the name of the contractor, and the location or address of the property being improved which is contained in the copy of the notice of commencement is consistent with the information in the building permit application.
- 3. The issuing authority shall provide the recording information on the copy of the notice of commencement to any person upon request.
- 4. This paragraph does not require the recording of a notice of commencement before the issuance of a building permit. If a local government requires a separate permit or inspection for installation of temporary electrical service or other temporary utility service, land clearing, or other preliminary site work, such permits may be issued and such inspections may be conducted without providing the issuing authority with a copy

501 of the notice of commencement. 502 503 This subsection does not apply to a direct contract to repair or replace an existing heating or air-conditioning system in an 504 505 amount less than \$15,000. 506 An issuing authority under subsection (1) is not 507 liable in any civil action for the failure to verify that a 508 certified copy of the recorded notice of commencement with the 509 recording information, a notarized statement that the notice of 510 commencement has been filed for recording along with a copy thereof, or the clerk's office's official records identifying 511 512 information that includes the instrument number for the notice 513 of commencement or the number and page of book where the notice 514 of commencement is recorded, as identified by the clerk, has 515 been filed in accordance with this section. (7) (a) In addition to any other information required by 516 517 the authority issuing the permit, the building permit 518 application must be in substantially the following form: 519 Tax Folio No..... 520 BUILDING PERMIT APPLICATION 521 Owner's Name..... 522 Owner's Address..... 523 Fee Simple Titleholder's Name (If other than owner)..... 524 Fee Simple Titleholder's Address (If other than owner)...... 525 City

Page 21 of 24

526	State Zip
527	Contractor's Name
528	Contractor's Address
529	City
530	State Zip
531	Job Name
532	Job Address
533	City County
534	Legal Description
535	Bonding Company
536	Bonding Company Address
537	City State
538	Architect/Engineer's Name
539	Architect/Engineer's Address
540	Mortgage Lender's Name
541	Mortgage Lender's Address
542	Application is hereby made to obtain a permit to do the
543	work and installations as indicated. I certify that no work or
544	installation has commenced <u>before</u> <del>prior to</del> the issuance of a
545	permit and that all work will be performed to meet the standards
546	of all laws regulating construction in this jurisdiction. I
547	understand that a separate permit must be secured for ELECTRICAL
548	WORK, PLUMBING, SIGNS, WELLS, POOLS, FURNACES, BOILERS, HEATERS,
549	TANKS, and AIR CONDITIONERS, etc., if required by this
550	<u>jurisdiction.</u>

Page 22 of 24

CODING: Words  $\frac{\text{stricken}}{\text{stricken}}$  are deletions; words  $\frac{\text{underlined}}{\text{ore}}$  are additions.

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551
     OWNER'S AFFIDAVIT: I certify that all the foregoing information
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     is accurate and that all work will be done in compliance with
553
     all applicable laws regulating construction and zoning.
554
     WARNING TO OWNER: YOUR FAILURE TO RECORD A NOTICE OF
555
     COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO
556
     YOUR PROPERTY. A NOTICE OF COMMENCEMENT MUST BE RECORDED AND
557
     POSTED ON THE JOB SITE BEFORE THE FIRST INSPECTION.
558
     IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR
559
     AN ATTORNEY BEFORE COMMENCING WORK OR RECORDING YOUR NOTICE OF
560
     COMMENCEMENT.
561
                                    ... (Signature of Owner or Agent)...
562
                                            ... (including contractor) ...
563
     STATE OF FLORIDA
564
     COUNTY OF ....
565
          Sworn to (or affirmed) and subscribed before me this ....
566
     day of ...., ... (year) ..., by ... (name of person making
567
     statement) ....
568
                  ... (Signature of Notary Public - State of Florida) ...
569
      ... (Print, Type, or Stamp Commissioned Name of Notary Public)...
570
          Personally Known .... OR Produced Identification ....
571
          Type of Identification Produced.....
572
                                        ... (Signature of Contractor)...
573
     STATE OF FLORIDA
574
     COUNTY OF ....
          Sworn to (or affirmed) and subscribed before me this ....
575
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Page 23 of 24

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576
     day of ...., ... (year)..., by ... (name of person making
577
     statement) ....
578
                 ... (Signature of Notary Public - State of Florida) ...
      ...(Print, Type, or Stamp Commissioned Name of Notary Public)...
579
580
          Personally Known .... OR Produced Identification ....
581
          Type of Identification Produced.....
582
                     (Certificate of Competency Holder)
583
     Contractor's State Certification or Registration No....
584
     Contractor's Certificate of Competency No......
585
     APPLICATION APPROVED BY
586
     .....Permit Officer
587
          (e) Even if an owner hires a licensed contractor, the
588
     owner must still sign the permit application if the direct
589
     contract is for more than $7,500 or, if repairing or replacing
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     an existing heating or air-conditioning system, the direct
591
     contract is for $15,000 or more.
592
          Section 7. This act shall take effect July 1, 2025.
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Page 24 of 24