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LEGISLATIVE ACTION

Senate

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House

The Committee on Rules (Perry) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraphs (c) and (d) are added to subsection
(4) of section 125.56, Florida Statutes, to read:

125.56 Enforcement and amendment of the Florida Building
Code and the Florida Fire Prevention Code; inspection fees;
inspectors; etc.—

(4)

(c) A county that issues building permits may send a



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12 written notice of expiration, by e-mail or United States Postal
13 Service, to the owner of the property and the contractor listed
14 on the permit, no less than 30 days before a building permit is
15 set to expire. The written notice must identify the permit that
16 is set to expire and the date the permit will expire.

17 (d) A county that issues building permits may charge a
18 person only one search fee, in an amount commensurate with the
19 research and time costs incurred by the county, for identifying
20 building permits for each unit or subunit assigned by the county
21 to a particular tax parcel identification number.

22 Section 2. Section 166.222, Florida Statutes, is amended to
23 read:

24 166.222 Building code inspection fees.—

25 (1) The governing body of a municipality may provide a
26 schedule of reasonable inspection fees in order to defer the
27 costs of inspection and enforcement of the provisions of its
28 building code.

29 (2) The governing body of a municipality that issues
30 building permits may charge a person only one search fee, in an
31 amount commensurate with the research and time costs incurred by
32 the governing body, for identifying building permits for each
33 unit or subunit assigned by the governing body to a particular
34 tax parcel identification number.

35 Section 3. Paragraphs (a) and (c) of subsection (7) of
36 section 489.103, Florida Statutes, are amended to read:

37 489.103 Exemptions.—This part does not apply to:

38 (7) (a) Owners of property when acting as their own
39 contractor and providing direct, onsite supervision themselves
40 of all work not performed by licensed contractors:



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41 1. When building or improving farm outbuildings or one-
42 family or two-family residences on such property for the
43 occupancy or use of such owners and not offered for sale or
44 lease, or building or improving commercial buildings, at a cost
45 not to exceed \$75,000, on such property for the occupancy or use
46 of such owners and not offered for sale or lease. In an action
47 brought under this part, proof of the sale or lease, or offering
48 for sale or lease, of any such structure by the owner-builder
49 within 1 year after completion of same creates a presumption
50 that the construction was undertaken for purposes of sale or
51 lease.

52 2. When repairing or replacing wood shakes or asphalt or
53 fiberglass shingles on one-family, two-family, or three-family
54 residences for the occupancy or use of such owner or tenant of
55 the owner and not offered for sale within 1 year after
56 completion of the work and when the property has been damaged by
57 natural causes from an event recognized as an emergency
58 situation designated by executive order issued by the Governor
59 declaring the existence of a state of emergency as a result and
60 consequence of a serious threat posed to the public health,
61 safety, and property in this state.

62 3. When installing, uninstalling, or replacing solar panels
63 on one-family, two-family, or three-family residences, and the
64 local permitting agency's county or municipal government is
65 participating in a "United States Department of Energy SunShot
66 Initiative: Rooftop Solar Challenge" grant. However, an owner
67 must utilize a licensed electrical contractor to effectuate the
68 wiring of the solar panels, including any interconnection to the
69 customer's residential electrical wiring. The limitations of



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70 this exemption shall be expressly stated in the building permit
71 approved and issued by the permitting agency for such project.

72 4. When completing the requirements of a building permit,
73 where the contractor listed on the permit substantially
74 completed the project as determined by the local permitting
75 agency, for a one-family or two-family residence, townhome, or
76 an accessory structure of a one-family or two-family residence
77 or townhome or an individual residential condominium unit or
78 cooperative unit. Prior to qualifying for the exemption, the
79 owner must receive approval from the local permitting agency,
80 and the local permitting agency must determine that the
81 contractor listed on the permit substantially completed the
82 project. An owner who qualifies for the exemption under this
83 subparagraph is not required to occupy the dwelling or unit for
84 at least 1 year after the completion of the project.

85 (c) To qualify for exemption under this subsection, an
86 owner must personally appear and sign the building permit
87 application and must satisfy local permitting agency
88 requirements, if any, proving that the owner has a complete
89 understanding of the owner's obligations under the law as
90 specified in the disclosure statement in this section. However,
91 for purposes of implementing a "United States Department of
92 Energy SunShot Initiative: Rooftop Solar Challenge" grant and
93 the participation of county and municipal governments, including
94 local permitting agencies under the jurisdiction of such county
95 and municipal governments, an owner's notarized signature or
96 personal appearance to sign the permit application is not
97 required for a solar project, as described in subparagraph
98 (a)3., if the building permit application is submitted



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99 electronically to the permitting agency and the owner certifies
100 the application and disclosure statement using the permitting
101 agency's electronic confirmation system. If any person violates
102 the requirements of this subsection, the local permitting agency
103 shall withhold final approval, revoke the permit, or pursue any
104 action or remedy for unlicensed activity against the owner and
105 any person performing work that requires licensure under the
106 permit issued. The local permitting agency shall provide the
107 person with a disclosure statement in substantially the
108 following form:

109
110 DISCLOSURE STATEMENT

- 111
- 112 1. I understand that state law requires construction
113 to be done by a licensed contractor and have applied
114 for an owner-builder permit under an exemption from
115 the law. The exemption specifies that I, as the owner
116 of the property listed, may act as my own contractor
117 with certain restrictions even though I do not have a
118 license.
 - 119
 - 120 2. I understand that building permits are not required
121 to be signed by a property owner unless he or she is
122 responsible for the construction and is not hiring a
123 licensed contractor to assume responsibility.
 - 124
 - 125 3. I understand that, as an owner-builder, I am the
126 responsible party of record on a permit. I understand
127 that I may protect myself from potential financial



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128 risk by hiring a licensed contractor and having the
129 permit filed in his or her name instead of my own
130 name. I also understand that a contractor is required
131 by law to be licensed in Florida and to list his or
132 her license numbers on permits and contracts.
133

134 4. I understand that I may build or improve a one-
135 family or two-family residence or a farm outbuilding.
136 I may also build or improve a commercial building if
137 the costs do not exceed \$75,000. The building or
138 residence must be for my own use or occupancy. It may
139 not be built or substantially improved for sale or
140 lease, unless I am completing the requirements of a
141 building permit where the contractor listed on the
142 permit substantially completed the project. If a
143 building or residence that I have built or
144 substantially improved myself is sold or leased within
145 1 year after the construction is complete, the law
146 will presume that I built or substantially improved it
147 for sale or lease, which violates the exemption.
148

149 5. I understand that, as the owner-builder, I must
150 provide direct, onsite supervision of the
151 construction.
152

153 6. I understand that I may not hire an unlicensed
154 person to act as my contractor or to supervise persons
155 working on my building or residence. It is my
156 responsibility to ensure that the persons whom I



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157 employ have the licenses required by law and by county
158 or municipal ordinance.

159
160 7. I understand that it is a frequent practice of
161 unlicensed persons to have the property owner obtain
162 an owner-builder permit that erroneously implies that
163 the property owner is providing his or her own labor
164 and materials. I, as an owner-builder, may be held
165 liable and subjected to serious financial risk for any
166 injuries sustained by an unlicensed person or his or
167 her employees while working on my property. My
168 homeowner's insurance may not provide coverage for
169 those injuries. I am willfully acting as an owner-
170 builder and am aware of the limits of my insurance
171 coverage for injuries to workers on my property.

172
173 8. I understand that I may not delegate the
174 responsibility for supervising work to a licensed
175 contractor who is not licensed to perform the work
176 being done. Any person working on my building who is
177 not licensed must work under my direct supervision and
178 must be employed by me, which means that I must comply
179 with laws requiring the withholding of federal income
180 tax and social security contributions under the
181 Federal Insurance Contributions Act (FICA) and must
182 provide workers' compensation for the employee. I
183 understand that my failure to follow these laws may
184 subject me to serious financial risk.

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186 9. I agree that, as the party legally and financially
187 responsible for this proposed construction activity, I
188 will abide by all applicable laws and requirements
189 that govern owner-builders as well as employers. I
190 also understand that the construction must comply with
191 all applicable laws, ordinances, building codes, and
192 zoning regulations.

193
194 10. I understand that I may obtain more information
195 regarding my obligations as an employer from the
196 Internal Revenue Service, the United States Small
197 Business Administration, the Florida Department of
198 Financial Services, and the Florida Department of
199 Revenue. I also understand that I may contact the
200 Florida Construction Industry Licensing Board at
201 ...(telephone number)... or ...(Internet website
202 address)... for more information about licensed
203 contractors.

204
205 11. I am aware of, and consent to, an owner-builder
206 building permit applied for in my name and understand
207 that I am the party legally and financially
208 responsible for the proposed construction activity at
209 the following address: ...(address of property)....

210
211 12. I agree to notify ...(issuer of disclosure
212 statements)... immediately of any additions,
213 deletions, or changes to any of the information that I
214 have provided on this disclosure.



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

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

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



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244 Date: ... (date)....

245 Section 4. Subsection (6) of section 489.503, Florida
246 Statutes, is amended to read:

247 489.503 Exemptions.—This part does not apply to:

248 (6) (a) An owner of property making application for permit,
249 supervising, and doing the work in connection with the
250 construction, maintenance, repair, and alteration of and
251 addition to a single-family or duplex residence for his or her
252 own use and occupancy and not intended for sale or an owner of
253 property when acting as his or her own electrical contractor and
254 providing all material supervision himself or herself, when
255 building or improving a farm outbuilding or a single-family or
256 duplex residence on such property for the occupancy or use of
257 such owner and not offered for sale or lease, or building or
258 improving a commercial building with aggregate construction
259 costs of under \$75,000 on such property for the occupancy or use
260 of such owner and not offered for sale or lease. In an action
261 brought under this subsection, proof of the sale or lease, or
262 offering for sale or lease, of more than one such structure by
263 the owner-builder within 1 year after completion of same is
264 prima facie evidence that the construction was undertaken for
265 purposes of sale or lease.

266 (b) An owner of property completing the requirements of a
267 building permit, where the contractor listed on the permit
268 substantially completed the project as determined by the local
269 permitting agency, for a one-family or two family residence,
270 townhome, accessory structure of a one-family or two-family
271 residence or townhome or individual residential condominium unit
272 or cooperative unit. Prior to the owner qualifying for the



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273 exemption, the owner must receive approval from the local
274 permitting agency, and the local permitting agency must
275 determine that the contractor substantially completed the
276 project. An owner who qualifies for the exemption under this
277 paragraph is not required to occupy the dwelling or unit for at
278 least 1 year after the completion of the project.

279 (c) This subsection does not exempt any person who is
280 employed by such owner and who acts in the capacity of a
281 contractor. For the purpose of this subsection, the term "owner
282 of property" includes the owner of a mobile home situated on a
283 leased lot. To qualify for exemption under this subsection, an
284 owner shall personally appear and sign the building permit
285 application and must satisfy local permitting agency
286 requirements, if any, proving that the owner has a complete
287 understanding of the owner's obligations under the law as
288 specified in the disclosure statement in this section. If any
289 person violates the requirements of this subsection, the local
290 permitting agency shall withhold final approval, revoke the
291 permit, or pursue any action or remedy for unlicensed activity
292 against the owner and any person performing work that requires
293 licensure under the permit issued. The local permitting agency
294 shall provide the owner with a disclosure statement in
295 substantially the following form:

296
297 Disclosure Statement
298

299 State law requires electrical contracting to be done by
300 licensed electrical contractors. You have applied for a permit
301 under an exemption to that law. The exemption allows you, as the



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302 owner of your property, to act as your own electrical contractor
303 even though you do not have a license. You may install
304 electrical wiring for a farm outbuilding or a single-family or
305 duplex residence. You may install electrical wiring in a
306 commercial building the aggregate construction costs of which
307 are under \$75,000. The home or building must be for your own use
308 and occupancy. It may not be built for sale or lease, unless you
309 are completing the requirements of a building permit where the
310 contractor listed on the permit substantially completed the
311 project. If you sell or lease more than one building you have
312 wired yourself within 1 year after the construction is complete,
313 the law will presume that you built it for sale or lease, which
314 is a violation of this exemption. You may not hire an unlicensed
315 person as your electrical contractor. Your construction shall be
316 done according to building codes and zoning regulations. It is
317 your responsibility to make sure that people employed by you
318 have licenses required by state law and by county or municipal
319 licensing ordinances.

320 Section 5. Present subsections (15) through (20) of section
321 553.79, Florida Statutes, are redesignated as subsections (17)
322 through (22), respectively, new subsections (15) and (16) are
323 added to that section, and paragraph (c) is added to subsection
324 (1) of that section, to read:

325 553.79 Permits; applications; issuance; inspections.-

326 (c) A local government that issues building permits may
327 send a written notice of expiration, by e-mail or United States
328 Postal Service, to the owner of the property and the contractor
329 listed on the permit, no less than 30 days before a building
330 permit is set to expire. The written notice must identify the



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331 permit that is set to expire and the date the permit will
332 expire.

333 (15) (a) A property owner, regardless of whether the
334 property owner is the one listed on the application for the
335 building permit, may close a building permit by complying with
336 the following requirements:

337 1. The property owner may retain the original contractor
338 listed on the permit or hire a different contractor
339 appropriately licensed in this state to perform the work
340 necessary to satisfy the conditions of the permit and to obtain
341 any necessary inspections in order to close the permit. If a
342 contractor other than the original contractor listed on the
343 permit is hired by the property owner to close the permit, such
344 contractor is not liable for any defects in the work performed
345 by the original contractor and is only liable for the work that
346 he or she performs.

347 2. The property owner may assume the role of an owner-
348 builder, in accordance with ss. 489.103(7) and 489.503(6).

349 3. For purposes of this section, the term "close" means
350 that the requirements of the permit have been satisfied.

351 (b) If a building permit is expired and its requirements
352 have been substantially completed, as determined by the local
353 enforcement agency, the permit may be closed without having to
354 obtain a new building permit, and the work required to close the
355 permit may be done pursuant to the building code in effect at
356 the time the local enforcement agency received the application
357 for the permit, unless the contractor has sought and received
358 approval from the local enforcement agency for an alternative
359 material, design, or method of construction.



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360 (c) A local enforcement agency may close a building permit
361 6 years after the issuance of the permit, even in the absence of
362 a final inspection, if the local enforcement agency determines
363 that no apparent safety hazards exist.

364 (16) (a) A local enforcement agency may not deny issuance of
365 a building permit to, issue a notice of violation to, or fine,
366 penalize, sanction, or assess fees against an arms-length
367 purchaser of a property for value solely because a building
368 permit was applied for by a previous owner of the property was
369 not closed. The local enforcement agency shall maintain all
370 rights and remedies against the property owner and contractor
371 listed on the permit.

372 (b) The local enforcement agency may not deny issuance of a
373 building permit to a contractor solely because the contractor is
374 listed on other building permits that were not closed.

375 Section 6. Paragraph (e) is added to subsection (7) of
376 section 553.80, Florida Statutes, to read:

377 553.80 Enforcement.—

378 (7) The governing bodies of local governments may provide a
379 schedule of reasonable fees, as authorized by s. 125.56(2) or s.
380 166.222 and this section, for enforcing this part. These fees,
381 and any fines or investment earnings related to the fees, shall
382 be used solely for carrying out the local government's
383 responsibilities in enforcing the Florida Building Code. When
384 providing a schedule of reasonable fees, the total estimated
385 annual revenue derived from fees, and the fines and investment
386 earnings related to the fees, may not exceed the total estimated
387 annual costs of allowable activities. Any unexpended balances
388 shall be carried forward to future years for allowable



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389 activities or shall be refunded at the discretion of the local
390 government. The basis for a fee structure for allowable
391 activities shall relate to the level of service provided by the
392 local government and shall include consideration for refunding
393 fees due to reduced services based on services provided as
394 prescribed by s. 553.791, but not provided by the local
395 government. Fees charged shall be consistently applied.

396 (e) The governing body of a local government that issues
397 building permits may charge a person only one search fee, in an
398 amount commensurate with the research and time costs incurred by
399 the governing body, for identifying building permits for each
400 unit or subunit assigned by the governing body to a particular
401 tax parcel identification number.

402 Section 7. Section 440.103, Florida Statutes, is amended to
403 read:

404 440.103 Building permits; identification of minimum premium
405 policy.—Every employer shall, as a condition to applying for and
406 receiving a building permit, show proof and certify to the
407 permit issuer that it has secured compensation for its employees
408 under this chapter as provided in ss. 440.10 and 440.38. Such
409 proof of compensation must be evidenced by a certificate of
410 coverage issued by the carrier, a valid exemption certificate
411 approved by the department, or a copy of the employer's
412 authority to self-insure and shall be presented, electronically
413 or physically, each time the employer applies for a building
414 permit. As provided in s. 553.79(20) ~~s. 553.79(19)~~, for the
415 purpose of inspection and record retention, site plans or
416 building permits may be maintained at the worksite in the
417 original form or in the form of an electronic copy. These plans



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418 and permits must be open to inspection by the building official
419 or a duly authorized representative, as required by the Florida
420 Building Code. As provided in s. 627.413(5), each certificate of
421 coverage must show, on its face, whether or not coverage is
422 secured under the minimum premium provisions of rules adopted by
423 rating organizations licensed pursuant to s. 627.221. The words
424 "minimum premium policy" or equivalent language shall be typed,
425 printed, stamped, or legibly handwritten.

426 Section 8. This act shall take effect October 1, 2019.

427
428 ===== T I T L E A M E N D M E N T =====

429 And the title is amended as follows:

430 Delete everything before the enacting clause
431 and insert:

432 A bill to be entitled
433 An act relating to building permits; amending s.
434 125.56, F.S.; authorizing counties to provide notice
435 to certain persons under certain circumstances;
436 authorizing counties that issue building permits to
437 charge a person a single search fee for a certain
438 amount under certain circumstances; amending s.
439 166.222, F.S.; authorizing the governing bodies of
440 municipalities to charge a person a single search fee
441 for a certain amount under certain circumstances; to
442 charge a person one search fee for a certain amount
443 under certain circumstances; amending ss. 489.103 and
444 489.503, F.S.; providing exemptions to certain
445 contracting requirements; revising forms for
446 disclosure statements; amending s. 553.79, F.S.;



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447 authorizing a local government to provide notice to
448 certain persons under certain circumstances within a
449 specified timeframe; authorizing a property owner to
450 close a permit under certain circumstances; providing
451 that a contractor is not liable for work performed in
452 certain circumstances; defining the term "close";
453 authorizing a local enforcement agency to close a
454 permit under certain circumstances; prohibiting a
455 local enforcement agency from taking certain actions
456 relating to building permits that were applied for but
457 not closed by a previous owner; providing that local
458 enforcement agencies retain all rights and remedies
459 against the property owner and contractor listed on
460 such a permit; amending s. 553.80, F.S.; authorizing
461 the governing body of a local government to charge a
462 person a single search fee one search fee for a
463 certain amount under certain circumstances; amending
464 s. 440.103, F.S.; conforming a cross-reference;
465 providing an effective date.