



768214

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/18/2019	.	
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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



768214

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:



768214

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



768214

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



768214

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



768214

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



768214

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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768214

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.





768214

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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)....



768214

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



768214

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



768214

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



768214

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.



768214

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



768214

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



768214

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.;





768214

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.