

By the Committee on Rules; and Senators Perry, Hutson, and Bracy

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1                   A bill to be entitled  
2           An act relating to building permits; amending s.  
3           125.56, F.S.; authorizing counties to provide notice  
4           to certain persons under certain circumstances;  
5           authorizing counties that issue building permits to  
6           charge a person a single search fee for a certain  
7           amount under certain circumstances; amending s.  
8           166.222, F.S.; authorizing the governing bodies of  
9           municipalities to charge a person a single search fee  
10          for a certain amount under certain circumstances; to  
11          charge a person one search fee for a certain amount  
12          under certain circumstances; amending ss. 489.103 and  
13          489.503, F.S.; providing exemptions to certain  
14          contracting requirements; revising forms for  
15          disclosure statements; amending s. 553.79, F.S.;  
16          authorizing a local government to provide notice to  
17          certain persons under certain circumstances within a  
18          specified timeframe; authorizing a property owner to  
19          close a permit under certain circumstances; providing  
20          that a contractor is not liable for work performed in  
21          certain circumstances; defining the term "close";  
22          authorizing a local enforcement agency to close a  
23          permit under certain circumstances; prohibiting a  
24          local enforcement agency from taking certain actions  
25          relating to building permits that were applied for but  
26          not closed by a previous owner; providing that local  
27          enforcement agencies retain all rights and remedies  
28          against the property owner and contractor listed on  
29          such a permit; amending s. 553.80, F.S.; authorizing

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30 the governing body of a local government to charge a  
31 person a single search fee one search fee for a  
32 certain amount under certain circumstances; amending  
33 s. 440.103, F.S.; conforming a cross-reference;  
34 providing an effective date.

35  
36 Be It Enacted by the Legislature of the State of Florida:

37  
38 Section 1. Paragraphs (c) and (d) are added to subsection  
39 (4) of section 125.56, Florida Statutes, to read:

40 125.56 Enforcement and amendment of the Florida Building  
41 Code and the Florida Fire Prevention Code; inspection fees;  
42 inspectors; etc.—

43 (4)

44 (c) A county that issues building permits may send a  
45 written notice of expiration, by e-mail or United States Postal  
46 Service, to the owner of the property and the contractor listed  
47 on the permit, no less than 30 days before a building permit is  
48 set to expire. The written notice must identify the permit that  
49 is set to expire and the date the permit will expire.

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

55 Section 2. Section 166.222, Florida Statutes, is amended to  
56 read:

57 166.222 Building code inspection fees.—

58 (1) The governing body of a municipality may provide a

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59 schedule of reasonable inspection fees in order to defer the  
60 costs of inspection and enforcement of the provisions of its  
61 building code.

62 (2) The governing body of a municipality that issues  
63 building permits may charge a person only one search fee, in an  
64 amount commensurate with the research and time costs incurred by  
65 the governing body, for identifying building permits for each  
66 unit or subunit assigned by the governing body to a particular  
67 tax parcel identification number.

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

70 489.103 Exemptions.—This part does not apply to:

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

74 1. When building or improving farm outbuildings or one-  
75 family or two-family residences on such property for the  
76 occupancy or use of such owners and not offered for sale or  
77 lease, or building or improving commercial buildings, at a cost  
78 not to exceed \$75,000, on such property for the occupancy or use  
79 of such owners and not offered for sale or lease. In an action  
80 brought under this part, proof of the sale or lease, or offering  
81 for sale or lease, of any such structure by the owner-builder  
82 within 1 year after completion of same creates a presumption  
83 that the construction was undertaken for purposes of sale or  
84 lease.

85 2. When repairing or replacing wood shakes or asphalt or  
86 fiberglass shingles on one-family, two-family, or three-family  
87 residences for the occupancy or use of such owner or tenant of

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88 the owner and not offered for sale within 1 year after  
89 completion of the work and when the property has been damaged by  
90 natural causes from an event recognized as an emergency  
91 situation designated by executive order issued by the Governor  
92 declaring the existence of a state of emergency as a result and  
93 consequence of a serious threat posed to the public health,  
94 safety, and property in this state.

95 3. When installing, uninstalling, or replacing solar panels  
96 on one-family, two-family, or three-family residences, and the  
97 local permitting agency's county or municipal government is  
98 participating in a "United States Department of Energy SunShot  
99 Initiative: Rooftop Solar Challenge" grant. However, an owner  
100 must utilize a licensed electrical contractor to effectuate the  
101 wiring of the solar panels, including any interconnection to the  
102 customer's residential electrical wiring. The limitations of  
103 this exemption shall be expressly stated in the building permit  
104 approved and issued by the permitting agency for such project.

105 4. When completing the requirements of a building permit,  
106 where the contractor listed on the permit substantially  
107 completed the project as determined by the local permitting  
108 agency, for a one-family or two-family residence, townhome, or  
109 an accessory structure of a one-family or two-family residence  
110 or townhome or an individual residential condominium unit or  
111 cooperative unit. Prior to qualifying for the exemption, the  
112 owner must receive approval from the local permitting agency,  
113 and the local permitting agency must determine that the  
114 contractor listed on the permit substantially completed the  
115 project. An owner who qualifies for the exemption under this  
116 subparagraph is not required to occupy the dwelling or unit for

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117 at least 1 year after the completion of the project.

118 (c) To qualify for exemption under this subsection, an  
119 owner must personally appear and sign the building permit  
120 application and must satisfy local permitting agency  
121 requirements, if any, proving that the owner has a complete  
122 understanding of the owner's obligations under the law as  
123 specified in the disclosure statement in this section. However,  
124 for purposes of implementing a "United States Department of  
125 Energy SunShot Initiative: Rooftop Solar Challenge" grant and  
126 the participation of county and municipal governments, including  
127 local permitting agencies under the jurisdiction of such county  
128 and municipal governments, an owner's notarized signature or  
129 personal appearance to sign the permit application is not  
130 required for a solar project, as described in subparagraph  
131 (a)3., if the building permit application is submitted  
132 electronically to the permitting agency and the owner certifies  
133 the application and disclosure statement using the permitting  
134 agency's electronic confirmation system. If any person violates  
135 the requirements of this subsection, the local permitting agency  
136 shall withhold final approval, revoke the permit, or pursue any  
137 action or remedy for unlicensed activity against the owner and  
138 any person performing work that requires licensure under the  
139 permit issued. The local permitting agency shall provide the  
140 person with a disclosure statement in substantially the  
141 following form:

142  
143 DISCLOSURE STATEMENT

144  
145 1. I understand that state law requires construction

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146 to be done by a licensed contractor and have applied  
147 for an owner-builder permit under an exemption from  
148 the law. The exemption specifies that I, as the owner  
149 of the property listed, may act as my own contractor  
150 with certain restrictions even though I do not have a  
151 license.

152  
153 2. I understand that building permits are not required  
154 to be signed by a property owner unless he or she is  
155 responsible for the construction and is not hiring a  
156 licensed contractor to assume responsibility.

157  
158 3. I understand that, as an owner-builder, I am the  
159 responsible party of record on a permit. I understand  
160 that I may protect myself from potential financial  
161 risk by hiring a licensed contractor and having the  
162 permit filed in his or her name instead of my own  
163 name. I also understand that a contractor is required  
164 by law to be licensed in Florida and to list his or  
165 her license numbers on permits and contracts.

166  
167 4. I understand that I may build or improve a one-  
168 family or two-family residence or a farm outbuilding.  
169 I may also build or improve a commercial building if  
170 the costs do not exceed \$75,000. The building or  
171 residence must be for my own use or occupancy. It may  
172 not be built or substantially improved for sale or  
173 lease, unless I am completing the requirements of a  
174 building permit where the contractor listed on the

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175 permit substantially completed the project. If a  
176 building or residence that I have built or  
177 substantially improved myself is sold or leased within  
178 1 year after the construction is complete, the law  
179 will presume that I built or substantially improved it  
180 for sale or lease, which violates the exemption.

181  
182 5. I understand that, as the owner-builder, I must  
183 provide direct, onsite supervision of the  
184 construction.

185  
186 6. I understand that I may not hire an unlicensed  
187 person to act as my contractor or to supervise persons  
188 working on my building or residence. It is my  
189 responsibility to ensure that the persons whom I  
190 employ have the licenses required by law and by county  
191 or municipal ordinance.

192  
193 7. I understand that it is a frequent practice of  
194 unlicensed persons to have the property owner obtain  
195 an owner-builder permit that erroneously implies that  
196 the property owner is providing his or her own labor  
197 and materials. I, as an owner-builder, may be held  
198 liable and subjected to serious financial risk for any  
199 injuries sustained by an unlicensed person or his or  
200 her employees while working on my property. My  
201 homeowner's insurance may not provide coverage for  
202 those injuries. I am willfully acting as an owner-  
203 builder and am aware of the limits of my insurance

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204 coverage for injuries to workers on my property.

205

206 8. I understand that I may not delegate the  
207 responsibility for supervising work to a licensed  
208 contractor who is not licensed to perform the work  
209 being done. Any person working on my building who is  
210 not licensed must work under my direct supervision and  
211 must be employed by me, which means that I must comply  
212 with laws requiring the withholding of federal income  
213 tax and social security contributions under the  
214 Federal Insurance Contributions Act (FICA) and must  
215 provide workers' compensation for the employee. I  
216 understand that my failure to follow these laws may  
217 subject me to serious financial risk.

218

219 9. I agree that, as the party legally and financially  
220 responsible for this proposed construction activity, I  
221 will abide by all applicable laws and requirements  
222 that govern owner-builders as well as employers. I  
223 also understand that the construction must comply with  
224 all applicable laws, ordinances, building codes, and  
225 zoning regulations.

226

227 10. I understand that I may obtain more information  
228 regarding my obligations as an employer from the  
229 Internal Revenue Service, the United States Small  
230 Business Administration, the Florida Department of  
231 Financial Services, and the Florida Department of  
232 Revenue. I also understand that I may contact the

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233 Florida Construction Industry Licensing Board at  
234 ...(telephone number)... or ...(Internet website  
235 address)... for more information about licensed  
236 contractors.

237  
238 11. I am aware of, and consent to, an owner-builder  
239 building permit applied for in my name and understand  
240 that I am the party legally and financially  
241 responsible for the proposed construction activity at  
242 the following address: ...(address of property)....

243  
244 12. I agree to notify ...(issuer of disclosure  
245 statements)... immediately of any additions,  
246 deletions, or changes to any of the information that I  
247 have provided on this disclosure.

248  
249 Licensed contractors are regulated by laws designed to  
250 protect the public. If you contract with a person who  
251 does not have a license, the Construction Industry  
252 Licensing Board and Department of Business and  
253 Professional Regulation may be unable to assist you  
254 with any financial loss that you sustain as a result  
255 of a complaint. Your only remedy against an unlicensed  
256 contractor may be in civil court. It is also important  
257 for you to understand that, if an unlicensed  
258 contractor or employee of an individual or firm is  
259 injured while working on your property, you may be  
260 held liable for damages. If you obtain an owner-  
261 builder permit and wish to hire a licensed contractor,



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291 improving a commercial building with aggregate construction  
292 costs of under \$75,000 on such property for the occupancy or use  
293 of such owner and not offered for sale or lease. In an action  
294 brought under this subsection, proof of the sale or lease, or  
295 offering for sale or lease, of more than one such structure by  
296 the owner-builder within 1 year after completion of same is  
297 prima facie evidence that the construction was undertaken for  
298 purposes of sale or lease.

299 (b) An owner of property completing the requirements of a  
300 building permit, where the contractor listed on the permit  
301 substantially completed the project as determined by the local  
302 permitting agency, for a one-family or two family residence,  
303 townhome, accessory structure of a one-family or two-family  
304 residence or townhome or individual residential condominium unit  
305 or cooperative unit. Prior to the owner qualifying for the  
306 exemption, the owner must receive approval from the local  
307 permitting agency, and the local permitting agency must  
308 determine that the contractor substantially completed the  
309 project. An owner who qualifies for the exemption under this  
310 paragraph is not required to occupy the dwelling or unit for at  
311 least 1 year after the completion of the project.

312 (c) This subsection does not exempt any person who is  
313 employed by such owner and who acts in the capacity of a  
314 contractor. For the purpose of this subsection, the term "owner  
315 of property" includes the owner of a mobile home situated on a  
316 leased lot. To qualify for exemption under this subsection, an  
317 owner shall personally appear and sign the building permit  
318 application and must satisfy local permitting agency  
319 requirements, if any, proving that the owner has a complete



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349 done according to building codes and zoning regulations. It is  
350 your responsibility to make sure that people employed by you  
351 have licenses required by state law and by county or municipal  
352 licensing ordinances.

353 Section 5. Present subsections (15) through (20) of section  
354 553.79, Florida Statutes, are redesignated as subsections (17)  
355 through (22), respectively, new subsections (15) and (16) are  
356 added to that section, and paragraph (c) is added to subsection  
357 (1) of that section, to read:

358 553.79 Permits; applications; issuance; inspections.-

359 (1)

360 (c) A local government that issues building permits may  
361 send a written notice of expiration, by e-mail or United States  
362 Postal Service, to the owner of the property and the contractor  
363 listed on the permit, no less than 30 days before a building  
364 permit is set to expire. The written notice must identify the  
365 permit that is set to expire and the date the permit will  
366 expire.

367 (15) (a) A property owner, regardless of whether the  
368 property owner is the one listed on the application for the  
369 building permit, may close a building permit by complying with  
370 the following requirements:

371 1. The property owner may retain the original contractor  
372 listed on the permit or hire a different contractor  
373 appropriately licensed in this state to perform the work  
374 necessary to satisfy the conditions of the permit and to obtain  
375 any necessary inspections in order to close the permit. If a  
376 contractor other than the original contractor listed on the  
377 permit is hired by the property owner to close the permit, such

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378 contractor is not liable for any defects in the work performed  
379 by the original contractor and is only liable for the work that  
380 he or she performs.

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

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

385 (b) If a building permit is expired and its requirements  
386 have been substantially completed, as determined by the local  
387 enforcement agency, the permit may be closed without having to  
388 obtain a new building permit, and the work required to close the  
389 permit may be done pursuant to the building code in effect at  
390 the time the local enforcement agency received the application  
391 for the permit, unless the contractor has sought and received  
392 approval from the local enforcement agency for an alternative  
393 material, design, or method of construction.

394 (c) A local enforcement agency may close a building permit  
395 6 years after the issuance of the permit, even in the absence of  
396 a final inspection, if the local enforcement agency determines  
397 that no apparent safety hazards exist.

398 (16) (a) A local enforcement agency may not deny issuance of  
399 a building permit to, issue a notice of violation to, or fine,  
400 penalize, sanction, or assess fees against an arms-length  
401 purchaser of a property for value solely because a building  
402 permit was applied for by a previous owner of the property was  
403 not closed. The local enforcement agency shall maintain all  
404 rights and remedies against the property owner and contractor  
405 listed on the permit.

406 (b) The local enforcement agency may not deny issuance of a

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407 building permit to a contractor solely because the contractor is  
408 listed on other building permits that were not closed.

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

411 553.80 Enforcement.—

412 (7) The governing bodies of local governments may provide a  
413 schedule of reasonable fees, as authorized by s. 125.56(2) or s.  
414 166.222 and this section, for enforcing this part. These fees,  
415 and any fines or investment earnings related to the fees, shall  
416 be used solely for carrying out the local government's  
417 responsibilities in enforcing the Florida Building Code. When  
418 providing a schedule of reasonable fees, the total estimated  
419 annual revenue derived from fees, and the fines and investment  
420 earnings related to the fees, may not exceed the total estimated  
421 annual costs of allowable activities. Any unexpended balances  
422 shall be carried forward to future years for allowable  
423 activities or shall be refunded at the discretion of the local  
424 government. The basis for a fee structure for allowable  
425 activities shall relate to the level of service provided by the  
426 local government and shall include consideration for refunding  
427 fees due to reduced services based on services provided as  
428 prescribed by s. 553.791, but not provided by the local  
429 government. Fees charged shall be consistently applied.

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

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436 Section 7. Section 440.103, Florida Statutes, is amended to  
437 read:

438 440.103 Building permits; identification of minimum premium  
439 policy.—Every employer shall, as a condition to applying for and  
440 receiving a building permit, show proof and certify to the  
441 permit issuer that it has secured compensation for its employees  
442 under this chapter as provided in ss. 440.10 and 440.38. Such  
443 proof of compensation must be evidenced by a certificate of  
444 coverage issued by the carrier, a valid exemption certificate  
445 approved by the department, or a copy of the employer's  
446 authority to self-insure and shall be presented, electronically  
447 or physically, each time the employer applies for a building  
448 permit. As provided in s. 553.79(20) ~~s. 553.79(19)~~, for the  
449 purpose of inspection and record retention, site plans or  
450 building permits may be maintained at the worksite in the  
451 original form or in the form of an electronic copy. These plans  
452 and permits must be open to inspection by the building official  
453 or a duly authorized representative, as required by the Florida  
454 Building Code. As provided in s. 627.413(5), each certificate of  
455 coverage must show, on its face, whether or not coverage is  
456 secured under the minimum premium provisions of rules adopted by  
457 rating organizations licensed pursuant to s. 627.221. The words  
458 "minimum premium policy" or equivalent language shall be typed,  
459 printed, stamped, or legibly handwritten.

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