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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/07/2023	.	
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The Committee on Community Affairs (Hooper) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraphs (f) and (i) of subsection (3) of
section 489.105, Florida Statutes, are amended to read:

489.105 Definitions.—As used in this part:

(3) "Contractor" means the person who is qualified for, and
is only responsible for, the project contracted for and means,
except as exempted in this part, the person who, for



11 compensation, undertakes to, submits a bid to, or does himself
12 or herself or by others construct, repair, alter, remodel, add
13 to, demolish, subtract from, or improve any building or
14 structure, including related improvements to real estate, for
15 others or for resale to others; and whose job scope is
16 substantially similar to the job scope described in one of the
17 paragraphs of this subsection. For the purposes of regulation
18 under this part, the term "demolish" applies only to demolition
19 of steel tanks more than 50 feet in height; towers more than 50
20 feet in height; other structures more than 50 feet in height;
21 and all buildings or residences. Contractors are subdivided into
22 two divisions, Division I, consisting of those contractors
23 defined in paragraphs (a)-(c), and Division II, consisting of
24 those contractors defined in paragraphs (d)-(q):

25 (f) "Class A air-conditioning contractor" means a
26 contractor whose services are unlimited in the execution of
27 contracts requiring the experience, knowledge, and skill to
28 install, maintain, repair, fabricate, alter, extend, or design,
29 if not prohibited by law, central air-conditioning,
30 refrigeration, heating, and ventilating systems, including duct
31 work in connection with a complete system if such duct work is
32 performed by the contractor as necessary to complete an air-
33 distribution system, boiler and unfired pressure vessel systems,
34 and all appurtenances, apparatus, or equipment used in
35 connection therewith, and any duct cleaning and equipment
36 sanitizing that requires at least a partial disassembling of the
37 system; to install, maintain, repair, fabricate, alter, extend,
38 or design, if not prohibited by law, piping, insulation of
39 pipes, vessels and ducts, pressure and process piping, and



40 pneumatic control piping; to replace, disconnect, or reconnect
41 power wiring, breakers, or fuses on the load side of the
42 dedicated existing electrical circuit disconnect switch; to
43 replace, disconnect, or reconnect power wiring, breakers, or
44 fuses on the line side directly connected to the dedicated
45 existing electrical circuit disconnect switch and not the main
46 breaker; to replace, disconnect, or reconnect air-conditioning
47 disconnect switches and boxes; to install, disconnect, and
48 reconnect low voltage heating, ventilating, and air-conditioning
49 control wiring; and to install a condensate drain from an air-
50 conditioning unit to an existing safe waste or other approved
51 disposal other than a direct connection to a sanitary system.
52 The scope of work for such contractor also includes any
53 excavation work incidental thereto, but does not include any
54 work such as liquefied petroleum or natural gas fuel lines
55 within buildings, except for disconnecting or reconnecting
56 changeouts of liquefied petroleum or natural gas appliances
57 within buildings; potable water lines or connections thereto;
58 sanitary sewer lines; swimming pool piping and filters; or
59 electrical power wiring. A Class A air-conditioning contractor
60 may test and evaluate central air-conditioning, refrigeration,
61 heating, and ventilating systems, including duct work; however,
62 a mandatory licensing requirement is not established for the
63 performance of these specific services.

64 (i) "Mechanical contractor" means a contractor whose
65 services are unlimited in the execution of contracts requiring
66 the experience, knowledge, and skill to install, maintain,
67 repair, fabricate, alter, extend, or design, if not prohibited
68 by law, central air-conditioning, refrigeration, heating, and



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69 ventilating systems, including duct work in connection with a
70 complete system if such duct work is performed by the contractor
71 as necessary to complete an air-distribution system, boiler and
72 unfired pressure vessel systems, lift station equipment and
73 piping, and all appurtenances, apparatus, or equipment used in
74 connection therewith, and any duct cleaning and equipment
75 sanitizing that requires at least a partial disassembling of the
76 system; to install, maintain, repair, fabricate, alter, extend,
77 or design, if not prohibited by law, piping, insulation of
78 pipes, vessels and ducts, pressure and process piping, pneumatic
79 control piping, gasoline tanks and pump installations and piping
80 for same, standpipes, air piping, vacuum line piping, oxygen
81 lines, nitrous oxide piping, ink and chemical lines, fuel
82 transmission lines, liquefied petroleum gas lines within
83 buildings, and natural gas fuel lines within buildings; to
84 replace, disconnect, or reconnect power wiring, breakers, or
85 fuses on the load side of the dedicated existing electrical
86 circuit disconnect switch; to replace, disconnect, or reconnect
87 power wiring, breakers, or fuses on the line side directly
88 connected to the dedicated existing electrical circuit
89 disconnect switch and not the main breaker; to replace,
90 disconnect, or reconnect air-conditioning disconnect switches
91 and boxes; to install, disconnect, and reconnect low voltage
92 heating, ventilating, and air-conditioning control wiring; and
93 to install a condensate drain from an air-conditioning unit to
94 an existing safe waste or other approved disposal other than a
95 direct connection to a sanitary system. The scope of work for
96 such contractor also includes any excavation work incidental
97 thereto, but does not include any work such as potable water



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98 lines or connections thereto, sanitary sewer lines, swimming
99 pool piping and filters, or electrical power wiring. A
100 mechanical contractor may test and evaluate central air-
101 conditioning, refrigeration, heating, and ventilating systems,
102 including duct work; however, a mandatory licensing requirement
103 is not established for the performance of these specific
104 services.

105 Section 2. Subsection (2) of section 553.79, Florida
106 Statutes, is amended to read:

107 553.79 Permits; applications; issuance; inspections.-

108 (2) (a)1. Except as provided in subsection (8), an enforcing
109 agency may not issue any permit for construction, erection,
110 alteration, modification, repair, or demolition of any building
111 or structure until the local building code administrator or
112 inspector has reviewed the plans and specifications required by
113 the Florida Building Code, or local amendment thereto, for such
114 proposal and found the plans to be in compliance with the
115 Florida Building Code. If the local building code administrator
116 or inspector finds that the plans are not in compliance with the
117 Florida Building Code, the local building code administrator or
118 inspector shall identify the specific plan features that do not
119 comply with the applicable codes, identify the specific code
120 chapters and sections upon which the finding is based, and
121 provide this information to the local enforcing agency. If the
122 building code administrator, plans examiner, or inspector
123 requests another local enforcing agency employee or a person
124 contracted by the local enforcing agency to review the plans and
125 that employee or person identifies specific plan features that
126 do not comply with the applicable codes, the building code



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127 administrator, plans examiner, or inspector must provide this
128 information to the local enforcing agency. The local enforcing
129 agency shall provide this information to the permit applicant.

130 2. In addition, An enforcing agency may not issue any
131 permit for construction, erection, alteration, modification,
132 repair, or demolition of any building until the appropriate
133 firesafety inspector certified pursuant to s. 633.216 has
134 reviewed the plans and specifications required by the Florida
135 Building Code, or local amendment thereto, for such proposal and
136 found that the plans comply with the Florida Fire Prevention
137 Code and the Life Safety Code. Any building or structure which
138 is not subject to a firesafety code shall not be required to
139 have its plans reviewed by the firesafety inspector.

140 3. Any building or structure that is exempt from the local
141 building permit process may not be required to have its plans
142 reviewed by the local building code administrator. Industrial
143 construction on sites where design, construction, and firesafety
144 are supervised by appropriate design and inspection
145 professionals and which contain adequate in-house fire
146 departments and rescue squads is exempt, subject to local
147 government option, from review of plans and inspections,
148 providing owners certify that applicable codes and standards
149 have been met and supply appropriate approved drawings to local
150 building and firesafety inspectors.

151 4. The enforcing agency shall issue a permit to construct,
152 erect, alter, modify, repair, or demolish any building or
153 structure when the plans and specifications for such proposal
154 comply with the Florida Building Code and the Florida Fire
155 Prevention Code and the Life Safety Code as determined by the



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156 local authority in accordance with this chapter and chapter 633.

157 (b) After the local enforcing agency issues a permit, the
158 local enforcing agency may not make or require any substantive
159 changes to the plans or specifications except changes required
160 for compliance with the Florida Building Code, the Florida Fire
161 Prevention Code, or the Life Safety Code, or local amendments
162 thereto. If a local enforcing agency makes or requires
163 substantive changes to the plans or specifications after a
164 permit is issued, the local enforcing agency must identify the
165 specific plan features that do not comply with the applicable
166 codes, identify the specific code chapters and sections upon
167 which the finding is based, and provide the information to the
168 permitholder in writing.

169 (c)1. A plans examiner or inspector who fails to provide
170 the building code administrator with the reasons for making or
171 requiring substantive changes to the plans or specifications is
172 subject to disciplinary action against his or her certificate
173 under s. 468.621(1)(i).

174 2. A building code administrator who fails to provide a
175 permit applicant or permitholder with the reasons for making or
176 requiring substantive changes to the plans or specifications is
177 subject to disciplinary action against his or her certificate
178 under s. 468.621(1)(i).

179 Section 3. Subsection (2) of section 633.208, Florida
180 Statutes, is amended to read:

181 633.208 Minimum firesafety standards.—

182 (2)(a) Pursuant to subsection (1), each municipality,
183 county, and special district with firesafety responsibilities
184 shall enforce the Florida Fire Prevention Code as the minimum



185 firesafety code required by this section.

186 (b) If a municipality, county, or special district
187 determines that the building plans for a building permit
188 application do not comply with the Florida Fire Prevention Code
189 or the Life Safety Code, or local amendments thereto, the local
190 fire official must identify the specific plan features that do
191 not comply with the applicable codes, identify the specific code
192 chapters and sections upon which the determination is based, and
193 provide this information to the permit applicant.

194 (c) After a municipality, county, or special district
195 issues a building permit, it may not make or require any
196 substantive changes to the building plans except those required
197 for compliance with the Florida Fire Prevention Code or the Life
198 Safety Code, or local amendments thereto. If a municipality,
199 county, or special district makes or requires substantive
200 changes to building plans after a permit is issued, the local
201 fire official must identify the specific plan features that do
202 not comply with the Florida Fire Prevention Code or the Life
203 Safety Code, or local amendments thereto, identify the specific
204 code chapters and sections upon which the finding is based, and
205 provide this information to the permitholder.

206 (d) A local fire official, who is also a certified
207 firesafety inspector, who fails to comply with paragraph (b) or
208 paragraph (c) is subject to disciplinary action against his or
209 her certificate under s. 633.216(5)(f).

210 Section 4. This act shall take effect July 1, 2023.

211
212 ===== T I T L E A M E N D M E N T =====

213 And the title is amended as follows:



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214 Delete everything before the enacting clause
215 and insert:

216 A bill to be entitled
217 An act relating to building construction; amending s.
218 489.105, F.S.; revising definitions; amending s.
219 553.79, F.S.; requiring local building code
220 administrators, plans examiners, or inspectors to
221 provide certain information to the local enforcing
222 agency under certain circumstances; prohibiting local
223 enforcing agencies from making or requiring
224 substantive changes to plans or specifications after a
225 permit has been issued; providing exceptions;
226 requiring local enforcing agencies that require
227 substantive changes to plans or specifications after a
228 permit has been issued to provide certain information
229 to the permitholder in writing; providing that a plans
230 examiner, inspector, or building code administrator is
231 subject to disciplinary action under certain
232 circumstances; amending s. 633.208, F.S.; requiring
233 local fire officials to provide certain information to
234 a permit applicant if building plans do not comply
235 with the Florida Fire Prevention Code or the Life
236 Safety Code; prohibiting a municipality, county, or
237 special district from making or requiring substantive
238 changes to building plans after a permit has been
239 issued; providing exceptions; requiring a local fire
240 official to provide certain information to the
241 permitholder if a municipality, county, or special
242 district requires substantive changes to building



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243 plans after a permit is issued; providing that a local
244 fire official who is a certified firesafety inspector
245 is subject to disciplinary action under certain
246 circumstances; providing an effective date.