

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;  
11          amending ss. 489.103 and 489.503, F.S.; providing  
12          exemptions to certain contracting requirements;  
13          revising forms for disclosure statements; amending s.  
14          553.79, F.S.; authorizing a local government to  
15          provide notice to certain persons under certain  
16          circumstances within a specified timeframe;  
17          authorizing a property owner to close a permit under  
18          certain circumstances; providing that a contractor is  
19          not liable for work performed in certain  
20          circumstances; defining the term "close"; authorizing  
21          a local enforcement agency to close a permit under  
22          certain circumstances; prohibiting a local enforcement  
23          agency from taking certain actions relating to  
24          building permits that were applied for but not closed  
25          by a previous owner; providing that local enforcement

26 agencies retain all rights and remedies against the  
 27 property owner and contractor listed on such a permit;  
 28 amending s. 553.80, F.S.; authorizing the governing  
 29 body of a local government to charge a person a single  
 30 search fee one search fee for a certain amount under  
 31 certain circumstances; amending s. 440.103, F.S.;  
 32 conforming a cross-reference; providing an effective  
 33 date.

34

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

36

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

39 125.56 Enforcement and amendment of the Florida Building  
 40 Code and the Florida Fire Prevention Code; inspection fees;  
 41 inspectors; etc.—

42 (4)

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

49 (d) A county that issues building permits may charge a  
 50 person only one search fee, in an amount commensurate with the

51 research and time costs incurred by the county, for identifying  
 52 building permits for each unit or subunit assigned by the county  
 53 to a particular tax parcel identification number.

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

56 166.222 Building code inspection fees.—

57 (1) The governing body of a municipality may provide a  
 58 schedule of reasonable inspection fees in order to defer the  
 59 costs of inspection and enforcement of the provisions of its  
 60 building code.

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

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

69 489.103 Exemptions.—This part does not apply to:

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

73 1. When building or improving farm outbuildings or one-  
 74 family or two-family residences on such property for the  
 75 occupancy or use of such owners and not offered for sale or

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

84 |         2. When repairing or replacing wood shakes or asphalt or  
85 | fiberglass shingles on one-family, two-family, or three-family  
86 | residences for the occupancy or use of such owner or tenant of  
87 | the owner and not offered for sale within 1 year after  
88 | completion of the work and when the property has been damaged by  
89 | natural causes from an event recognized as an emergency  
90 | situation designated by executive order issued by the Governor  
91 | declaring the existence of a state of emergency as a result and  
92 | consequence of a serious threat posed to the public health,  
93 | safety, and property in this state.

94 |         3. When installing, uninstalling, or replacing solar  
95 | panels on one-family, two-family, or three-family residences,  
96 | and the local permitting agency's county or municipal government  
97 | is participating in a "United States Department of Energy  
98 | SunShot Initiative: Rooftop Solar Challenge" grant. However, an  
99 | owner must utilize a licensed electrical contractor to  
100 | effectuate the wiring of the solar panels, including any

101 interconnection to the customer's residential electrical wiring.  
102 The limitations of this exemption shall be expressly stated in  
103 the building permit approved and issued by the permitting agency  
104 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  
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  
 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  
154 required to be signed by a property owner unless he or  
155 she is responsible for the construction and is not  
156 hiring a 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  
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.

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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  
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.

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

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

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

Licensed contractors are regulated by laws designed to 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,  
262 you will be responsible for verifying whether the  
263 contractor is properly licensed and the status of the  
264 contractor's workers' compensation coverage.

265  
266 Before a building permit can be issued, this  
267 disclosure statement must be completed and signed by  
268 the property owner and returned to the local  
269 permitting agency responsible for issuing the permit.  
270 A copy of the property owner's driver license, the  
271 notarized signature of the property owner, or other  
272 type of verification acceptable to the local  
273 permitting agency is required when the permit is  
274 issued.

275

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

277 Date: ...(date)....

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

280 489.503 Exemptions.—This part does not apply to:

281 (6) (a) An owner of property making application for permit,  
 282 supervising, and doing the work in connection with the  
 283 construction, maintenance, repair, and alteration of and  
 284 addition to a single-family or duplex residence for his or her  
 285 own use and occupancy and not intended for sale or an owner of  
 286 property when acting as his or her own electrical contractor and  
 287 providing all material supervision himself or herself, when  
 288 building or improving a farm outbuilding or a single-family or  
 289 duplex residence on such property for the occupancy or use of  
 290 such owner and not offered for sale or lease, or building or  
 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  
320 understanding of the owner's obligations under the law as  
321 specified in the disclosure statement in this section. If any  
322 person violates the requirements of this subsection, the local  
323 permitting agency shall withhold final approval, revoke the  
324 permit, or pursue any action or remedy for unlicensed activity  
325 against the owner and any person performing work that requires

326 licensure under the permit issued. The local permitting agency  
327 shall provide the owner with a disclosure statement in  
328 substantially the following form:

329

330 Disclosure Statement

331

332 State law requires electrical contracting to be done by  
333 licensed electrical contractors. You have applied for a permit  
334 under an exemption to that law. The exemption allows you, as the  
335 owner of your property, to act as your own electrical contractor  
336 even though you do not have a license. You may install  
337 electrical wiring for a farm outbuilding or a single-family or  
338 duplex residence. You may install electrical wiring in a  
339 commercial building the aggregate construction costs of which  
340 are under \$75,000. The home or building must be for your own use  
341 and occupancy. It may not be built for sale or lease, unless you  
342 are completing the requirements of a building permit where the  
343 contractor listed on the permit substantially completed the  
344 project. If you sell or lease more than one building you have  
345 wired yourself within 1 year after the construction is complete,  
346 the law will presume that you built it for sale or lease, which  
347 is a violation of this exemption. You may not hire an unlicensed  
348 person as your electrical contractor. Your construction shall be  
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  
354 section 553.79, Florida Statutes, are redesignated as  
355 subsections (17) through (22), respectively, new subsections  
356 (15) and (16) are added to that section, and paragraph (c) is  
357 added to subsection (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  
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  
399 of a building permit to, issue a notice of violation to, or  
400 fine, 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  
407 a building permit to a contractor solely because the contractor  
408 is 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  
413 a schedule of reasonable fees, as authorized by s. 125.56(2) or  
414 s. 166.222 and this section, for enforcing this part. These  
415 fees, and any fines or investment earnings related to the fees,  
416 shall 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.

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

438 440.103 Building permits; identification of minimum  
 439 premium policy.—Every employer shall, as a condition to applying  
 440 for and receiving a building permit, show proof and certify to  
 441 the permit issuer that it has secured compensation for its  
 442 employees under this chapter as provided in ss. 440.10 and  
 443 440.38. Such proof of compensation must be evidenced by a  
 444 certificate of coverage issued by the carrier, a valid exemption  
 445 certificate approved by the department, or a copy of the  
 446 employer's authority to self-insure and shall be presented,  
 447 electronically or physically, each time the employer applies for  
 448 a building permit. As provided in s. 553.79(20) ~~s. 553.79(19)~~,  
 449 for the purpose of inspection and record retention, site plans  
 450 or 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.