

1 A bill to be entitled
2 An act relating to building construction; amending s.
3 489.105, F.S.; revising definitions; amending s.
4 553.79, F.S.; requiring local building code
5 administrators, plans examiners, or inspectors to
6 provide certain information to the local enforcing
7 agency under certain circumstances; prohibiting local
8 enforcing agencies from making or requiring
9 substantive changes to plans or specifications after a
10 permit has been issued; providing exceptions;
11 requiring local enforcing agencies that require
12 substantive changes to plans or specifications after a
13 permit has been issued to provide certain information
14 to the permit holder in writing; providing that a
15 building code administrator, plans examiner, or
16 inspector is subject to disciplinary action under
17 certain circumstances; amending s. 633.208, F.S.;
18 requiring local fire officials to provide certain
19 information to a permit applicant if building plans do
20 not comply with the Florida Fire Prevention Code or
21 Life Safety Code; prohibiting a municipality, county,
22 or special district from making or requiring
23 substantive changes to building plans after a permit
24 has been issued; providing exceptions; requiring a
25 local fire official to provide certain information to

26 | the permitholder if a municipality, county, or special
 27 | district requires substantive changes to building
 28 | plans after a permit is issued; providing that a local
 29 | fire official who is a certified firesafety inspector
 30 | is subject to disciplinary action under certain
 31 | circumstances; providing an effective date.

32 |

33 | Be It Enacted by the Legislature of the State of Florida:

34 |

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

37 | 489.105 Definitions.—As used in this part:

38 | (3) "Contractor" means the person who is qualified for,
 39 | and is only responsible for, the project contracted for and
 40 | means, except as exempted in this part, the person who, for
 41 | compensation, undertakes to, submits a bid to, or does himself
 42 | or herself or by others construct, repair, alter, remodel, add
 43 | to, demolish, subtract from, or improve any building or
 44 | structure, including related improvements to real estate, for
 45 | others or for resale to others; and whose job scope is
 46 | substantially similar to the job scope described in one of the
 47 | paragraphs of this subsection. For the purposes of regulation
 48 | under this part, the term "demolish" applies only to demolition
 49 | of steel tanks more than 50 feet in height; towers more than 50
 50 | feet in height; other structures more than 50 feet in height;

51 and all buildings or residences. Contractors are subdivided into
52 two divisions, Division I, consisting of those contractors
53 defined in paragraphs (a)-(c), and Division II, consisting of
54 those contractors defined in paragraphs (d)-(q):

55 (f) "Class A air-conditioning contractor" means a
56 contractor whose services are unlimited in the execution of
57 contracts requiring the experience, knowledge, and skill to
58 install, maintain, repair, fabricate, alter, extend, or design,
59 if not prohibited by law, central air-conditioning,
60 refrigeration, heating, and ventilating systems, including duct
61 work in connection with a complete system if such duct work is
62 performed by the contractor as necessary to complete an air-
63 distribution system, boiler and unfired pressure vessel systems,
64 and all appurtenances, apparatus, or equipment used in
65 connection therewith, and any duct cleaning and equipment
66 sanitizing that requires at least a partial disassembling of the
67 system; to install, maintain, repair, fabricate, alter, extend,
68 or design, if not prohibited by law, piping, insulation of
69 pipes, vessels and ducts, pressure and process piping, and
70 pneumatic control piping; to replace, disconnect, or reconnect
71 power wiring, breakers, or fuses on the load side of the
72 dedicated existing electrical circuit disconnect switch; to
73 replace, disconnect, or reconnect power wiring, breakers, or
74 fuses on the line side directly connected to the dedicated
75 existing electrical circuit disconnect switch and not the main

76 | breaker; to replace, disconnect, or reconnect air-conditioning
77 | disconnect switches and boxes; to install, disconnect, and
78 | reconnect low voltage heating, ventilating, and air-conditioning
79 | control wiring; and to install a condensate drain from an air-
80 | conditioning unit to an existing safe waste or other approved
81 | disposal other than a direct connection to a sanitary system.
82 | The scope of work for such contractor also includes any
83 | excavation work incidental thereto, but does not include any
84 | work such as liquefied petroleum or natural gas fuel lines
85 | within buildings, except for disconnecting or reconnecting
86 | changeouts of liquefied petroleum or natural gas appliances
87 | within buildings; potable water lines or connections thereto;
88 | sanitary sewer lines; swimming pool piping and filters; or
89 | electrical power wiring. A Class A air-conditioning contractor
90 | may test and evaluate central air-conditioning, refrigeration,
91 | heating, and ventilating systems, including duct work; however,
92 | a mandatory licensing requirement is not established for the
93 | performance of these specific services.

94 | (i) "Mechanical contractor" means a contractor whose
95 | services are unlimited in the execution of contracts requiring
96 | the experience, knowledge, and skill to install, maintain,
97 | repair, fabricate, alter, extend, or design, if not prohibited
98 | by law, central air-conditioning, refrigeration, heating, and
99 | ventilating systems, including duct work in connection with a
100 | complete system if such duct work is performed by the contractor

101 as necessary to complete an air-distribution system, boiler and
102 unfired pressure vessel systems, lift station equipment and
103 piping, and all appurtenances, apparatus, or equipment used in
104 connection therewith, and any duct cleaning and equipment
105 sanitizing that requires at least a partial disassembling of the
106 system; to install, maintain, repair, fabricate, alter, extend,
107 or design, if not prohibited by law, piping, insulation of
108 pipes, vessels and ducts, pressure and process piping, pneumatic
109 control piping, gasoline tanks and pump installations and piping
110 for same, standpipes, air piping, vacuum line piping, oxygen
111 lines, nitrous oxide piping, ink and chemical lines, fuel
112 transmission lines, liquefied petroleum gas lines within
113 buildings, and natural gas fuel lines within buildings; to
114 replace, disconnect, or reconnect power wiring, breakers, or
115 fuses on the load side of the dedicated existing electrical
116 circuit disconnect switch; to replace, disconnect, or reconnect
117 power wiring, breakers, or fuses on the line side directly
118 connected to the dedicated existing electrical circuit
119 disconnect switch and not the main breaker; to replace,
120 disconnect, or reconnect air-conditioning disconnect switches
121 and boxes; to install, disconnect, and reconnect low voltage
122 heating, ventilating, and air-conditioning control wiring; and
123 to install a condensate drain from an air-conditioning unit to
124 an existing safe waste or other approved disposal other than a
125 direct connection to a sanitary system. The scope of work for

126 such contractor also includes any excavation work incidental
 127 thereto, but does not include any work such as potable water
 128 lines or connections thereto, sanitary sewer lines, swimming
 129 pool piping and filters, or electrical power wiring. A
 130 mechanical contractor may test and evaluate central air-
 131 conditioning, refrigeration, heating, and ventilating systems,
 132 including duct work; however, a mandatory licensing requirement
 133 is not established for the performance of these specific
 134 services.

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

137 553.79 Permits; applications; issuance; inspections.—

138 (2)(a)1. Except as provided in subsection (8), an
 139 enforcing agency may not issue any permit for construction,
 140 erection, alteration, modification, repair, or demolition of any
 141 building or structure until the local building code
 142 administrator or inspector has reviewed the plans and
 143 specifications required by the Florida Building Code, or local
 144 amendment thereto, for such proposal and found the plans to be
 145 in compliance with the Florida Building Code. If the local
 146 building code administrator or inspector finds that the plans
 147 are not in compliance with the Florida Building Code, the local
 148 building code administrator or inspector shall identify the
 149 specific plan features that do not comply with the applicable
 150 codes, identify the specific code chapters and sections upon

151 | which the finding is based, and provide this information to the
152 | local enforcing agency. If the building code administrator,
153 | plans examiner, or inspector requests another local enforcing
154 | agency employee or a person contracted by the local enforcing
155 | agency to review the plans and such employee or person
156 | identifies specific plan features that do not comply with the
157 | applicable codes, the building code administrator, plans
158 | examiner, or inspector must provide this information to the
159 | local enforcing agency. The local enforcing agency shall provide
160 | this information to the permit applicant.

161 | 2. ~~In addition,~~ An enforcing agency may not issue any
162 | permit for construction, erection, alteration, modification,
163 | repair, or demolition of any building until the appropriate
164 | firesafety inspector certified pursuant to s. 633.216 has
165 | reviewed the plans and specifications required by the Florida
166 | Building Code, or local amendment thereto, for such proposal and
167 | found that the plans comply with the Florida Fire Prevention
168 | Code and the Life Safety Code. Any building or structure which
169 | is not subject to a firesafety code shall not be required to
170 | have its plans reviewed by the firesafety inspector.

171 | 3. Any building or structure that is exempt from the local
172 | building permit process may not be required to have its plans
173 | reviewed by the local building code administrator. Industrial
174 | construction on sites where design, construction, and firesafety
175 | are supervised by appropriate design and inspection

176 professionals and which contain adequate in-house fire
177 departments and rescue squads is exempt, subject to local
178 government option, from review of plans and inspections,
179 providing owners certify that applicable codes and standards
180 have been met and supply appropriate approved drawings to local
181 building and firesafety inspectors.

182 4. The enforcing agency shall issue a permit to construct,
183 erect, alter, modify, repair, or demolish any building or
184 structure when the plans and specifications for such proposal
185 comply with the Florida Building Code and the Florida Fire
186 Prevention Code and the Life Safety Code as determined by the
187 local authority in accordance with this chapter and chapter 633.

188 (b) After the local enforcing agency issues a permit, the
189 local enforcing agency may not make or require any substantive
190 changes to the plans or specifications except changes required
191 for compliance with the Florida Building Code, the Florida Fire
192 Prevention Code, or the Life Safety Code, or local amendments
193 thereto. If a local enforcing agency makes or requires
194 substantive changes to the plans or specifications after a
195 permit is issued, the local enforcing agency must identify the
196 specific plan features that do not comply with the applicable
197 codes, identify the specific code chapters and sections upon
198 which the finding is based, and provide the information to the
199 permitholder in writing.

200 (c)1. A plans examiner or inspector who fails to provide
201 the building code administrator with the reasons for making or
202 requiring substantive changes to the plans or specifications is
203 subject to disciplinary action against his or her certificate
204 under s. 468.621(1)(i).

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

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

212 633.208 Minimum firesafety standards.—

213 (2)(a) Pursuant to subsection (1), each municipality,
214 county, and special district with firesafety responsibilities
215 shall enforce the Florida Fire Prevention Code as the minimum
216 firesafety code required by this section.

217 (b) If a municipality, county, or special district
218 determines that the building plans for a building permit
219 application do not comply with the Florida Fire Prevention Code
220 or Life Safety Code, or local amendments thereto, the local fire
221 official must identify the specific plan features that do not
222 comply with the applicable codes, identify the specific code
223 chapters and sections upon which the determination is based, and
224 provide this information to the permit applicant.

225 (c) After a municipality, county, or special district
 226 issues a building permit, it may not make or require any
 227 substantive changes to the building plans except those required
 228 for compliance with the Florida Fire Prevention Code or Life
 229 Safety Code, or local amendments thereto. If a municipality,
 230 county, or special district makes or requires substantive
 231 changes to building plans after a permit is issued, the local
 232 fire official must identify the specific plan features that do
 233 not comply with the Florida Fire Prevention Code or Life Safety
 234 Code, or local amendments thereto, identify the specific code
 235 chapters and sections upon which the finding is based, and
 236 provide this information to the permit holder.

237 (d) A local fire official, who is also a certified
 238 firesafety inspector, who fails to comply with paragraph (b) or
 239 paragraph (c) is subject to disciplinary action against his or
 240 her certificate under s. 633.216(6)(f).

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