

34

35 **WHEREAS**, Section 553.73, Florida Statutes, authorizes local governments to
36 adopt "local" amendments to provide for the local administration of the Florida Building
37 Code provided that said amendments do not reduce the minimum standards of the Florida
38 Building Code; and

39

40 **WHEREAS**, pursuant to 163.3174(4)(c), F.S. the Town's Local Planning Agency
41 has reviewed this ordinance amending the Town's local amendments to the Florida
42 Building Code and has recommended to the Town Council that it adopt the ordinance;
43 and

44

45 **WHEREAS**, the Town Council has determined the amendments contained herein,
46 are consistent with the adopted Comprehensive Plan of the Town of Jupiter, Florida as
47 required by 163.3194(2), F.S.; and

48

49 **WHEREAS**, the Town Council has determined that the amendments herein
50 properly implement the amendments to the Florida Building Code and that the "local"
51 amendments are necessary for the Town's efficient administration of the Town's Building
52 Code; and

53

54 **NOW THEREFORE**, be it ordained by the Town Council of the Town of Jupiter,
55 Florida that:

56

57 **Section 1: Enforcement**

58 The *building official* of the Town of Jupiter, Florida, shall have the authority and
59 responsibility to enforce this Ordinance. The *building official* or his designee, and police
60 or code enforcement officers of the town are authorized by Chapter 162, Florida Statutes
61 and Chapter 8 of the Town's Code of Ordinances to enforce the provisions of the *Florida*
62 *Building Code*, including the "local" amendments which are set forth in this Ordinance.

63 **Section 2: The More Stringent Standards Apply**

64 It is the intent of this ordinance to maintain the highest standards for the Building and
65 Construction Codes of the Town of Jupiter, Florida. In the event of a conflict between the
66 standards of the several codes hereby adopted, the more stringent provisions shall
67 prevail.

68 **Section 3: Repeal of Laws in Conflict**

69 Any and all other Ordinances of the Town of Jupiter, Florida, or parts thereof, which are
70 in conflict herewith, or any part hereof, are hereby repealed.

71 **Section 4: Severability**

72 If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any
73 reason held invalid or unconstitutional by any court of competent jurisdiction, such portion

74 shall be deemed a separate, distinct and independent provision and such holding shall
75 not affect the validity of the remaining portions hereof.

76

77 **Section 5: Amendments to Chapter 21 of the Town Code.**

78 Chapter 21, Buildings and Building Regulations is revised as follows:

79 Sec. 21-87. Building Code-adopted by reference.

80 The local amendments to the *Florida Building Code*, as set forth in the attached Exhibit
81 "A" which is incorporated herein, is hereby adopted and incorporated into the Town Code
82 of Laws and Ordinances as though fully set forth herein.

83 **Section 6: Effective Date**

84 This Ordinance shall become effective December 31, 2023.

85 Exhibit "A" - Town of Jupiter Administrative Amendments to the *Florida Building Code*

**TOWN OF JUPITER ADMENDMENTS TO THE
FLORIDA BUILDING CODE 8TH EDITION 2023**

CHAPTER 1
Table of Contents

9	Section 101	GENERAL
10	Section 102	APPLICABILITY
11	Section 103	DEPARTMENT OF BUILDING SAFETY
12	Section 104	DUTIES AND POWERS OF THE BUILDING OFFICIAL
13	Section 105	PERMITS
14	Section 106	FLOOR AND ROOF DESIGN LOADS
15	Section 107	SUBMITTAL DOCUMENTS
16	Section 108	TEMPORARY STRUCTURES AND USES
17	Section 109	FEEES
18	Section 110	INSPECTIONS
19	Section 111	CERTIFICATES OF OCCUPANCY AND COMPLETION
20	Section 112	SERVICE UTILITIES
21	Section 113	CONSTRUCTION BOARD OF ADJUSTMENTS AND APPEALS
22		
23	Section 114	VIOLATIONS
24	Section 115	STOP WORK ORDERS
25	Section 116	UNSAFE STRUCTURES AND EQUIPMENT
26	Section 117	VARIANCES IN FLOOD HAZARD AREAS
27	Section 118	IMPACT OF CONSTRUCTION
28	Section 119	SEVERABILITY

CHAPTER 1
SCOPE AND ADMINISTRATION
PART 1—SCOPE AND APPLICATION

SECTION 101
GENERAL

41
42
43
44 **101.1 Title.** These regulations shall be known as the *Florida Building Code*, hereinafter
45 referred to as "this code."
46

47 **101.2 Scope.** The provisions of this code shall apply to the construction, *alteration*,
48 relocation, enlargement, replacement, *repair*, equipment, use and occupancy, location,
49 maintenance, removal and demolition of every building or structure or any
50 appurtenances connected or attached to such buildings or structures.

51 **Exceptions:**

- 52 1. Detached one-and two-family *dwelling*s and multiple single-family *dwelling*s
53 (*townhouses*) not more than three *stories above grade plane* in height with a
54 separate *means of egress*, and their accessory structures not more than three
55 *stories above grade plane* in height, shall comply with this Code or the *Florida*
56 *Building Code, Residential*.
57 2. Code requirements that address snow loads and earthquake protection shall not be
58 utilized or enforced.
59

60 **101.2.1 Appendices.** Provisions in the appendices shall not apply unless specifically
61 adopted. ORDINANCE 28-17 18-23
62

63 **101.2.2 Residential construction standards or practices which are not covered by**
64 Florida Building Code, residential volume shall be in accordance with the provisions of
65 Florida Building Code, Building.
66

67 **101.3 Intent.** The purpose of this code is to establish the minimum requirements to
68 provide a reasonable level of safety, public health and general welfare through
69 structural strength, *means of egress* facilities, stability, sanitation, adequate light and
70 ventilation, energy conservation, and safety to life and property from fire and other
71 hazards attributed to the built environment and to provide a reasonable level of safety
72 to fire fighters and emergency responders during emergency operations.
73

74 **101.3.1 Quality control.** Quality control of materials and workmanship is not within the
75 purview of this code except as it relates to the purposes stated herein.
76

77 **101.3.2 Warranty and Liability.** The permitting, plan review or inspection of any
78 building, system or plan by the town, under the requirements of this code, are not
79 intended to be and should not be construed by a court as a warranty of the physical
80 condition of such building, system or plan or their adequacy. The town shall not be
81 liable in tort for damages or hazardous or illegal condition or inadequacy in such

82 building, system or plan, nor for any failure of any component of such, which may occur
83 subsequent to such inspection or permitting. Further, no town employee shall be liable
84 in tort for damage from such conditions, in accordance with Section 768.28 Florida
85 Statutes, as may be amended or replaced.

86
87 **101.4 Referenced codes.** The other codes listed in Sections 101.4.1 through 101.4.9
88 and referenced elsewhere in this code shall be considered part of the requirements of
89 this code to the prescribed extent of each such reference.

90
91 **101.4.1 Gas.** The provisions of the *Florida Building Code, Fuel Gas* shall apply to the
92 installation of gas piping from the point of delivery, gas appliances and related
93 accessories as covered in this code. These requirements apply to gas piping systems
94 extending from the point of delivery to the inlet connections of appliances and the
95 installation and operation of residential and commercial gas appliances and related
96 accessories.

97
98 **101.4.2 Mechanical.** The provisions of the *Florida Building Code, Mechanical* shall
99 apply to the installation, *alterations, repairs* and replacement of mechanical systems,
100 including equipment, appliances, fixtures, fittings and/or appurtenances, including
101 ventilating, heating, cooling, air-conditioning and refrigeration systems, incinerators and
102 other energy related systems.

103
104 **101.4.3 Plumbing.** The provisions of the *Florida Building Code, Plumbing* shall apply to
105 the installation, *alteration, repair* and replacement of plumbing systems, including
106 equipment, appliances, fixtures, fittings and appurtenances, and where connected to a
107 water or sewage system and all aspects of a medical gas system.

108
109 **101.4.4 Housing standard.** ~~Reserved.~~ Chapter 21-107 Town of Jupiter Code

110
111 **101.4.5 Fire prevention.** For provisions related to fire prevention, refer to the *Florida*
112 *Fire Prevention Code*. The *Florida Fire Prevention Code* shall apply to matters affecting
113 or relating to structures, processes and premises from the hazard of fire and explosion
114 arising from the storage, handling or use of structures, materials or devices; from
115 conditions hazardous to life, property or public welfare in the occupancy of structures or
116 premises; and from the construction, extension, *repair, alteration* or removal of fire
117 suppression, automatic sprinkler systems, fire alarm panels and alarm systems or fire
118 hazards in the structure or on the premises from occupancy or operation.

119
120 **101.4.6 Energy.** The provisions of the *Florida Building Code, Energy Conservation*
121 shall apply to all matters governing the design and construction of buildings for energy
122 efficiency.

123

124 **101.4.7 Existing buildings.** The provisions of the *Florida Building Code, Existing*
125 *Building* shall apply to matters governing the *repair, alteration, change of occupancy,*
126 *addition* to and relocation of existing buildings.

127

128 **101.4.8 Accessibility.** For provisions related to accessibility, refer to the *Florida*
129 *Building Code, Accessibility.*

130

131 **101.4.9 Manufactured buildings.** For additional administrative and special code
132 requirements, see Section 458, *Florida Building Code, Building,* and Rule 61-41 F.A.C.

133

134 **101.4.10 Flood damage prevention.** Chapter 22 of the Jupiter Code of Ordinances.

135

136 **101.4.11 Electrical.** The provisions of Chapter 27 of the *Florida Building Code, Building*
137 *shall apply to the installation of electrical systems, including alterations, repairs,*
138 *replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.*

139

140 **101.5 Building official.** Whenever, the *building official* is mentioned in this code, it
141 shall also mean the *building official's* designee, wherever applicable.

142

143

144

SECTION 102 APPLICABILITY

145

146

147 **102.1 General.** Where there is a conflict between a general requirement and a specific
148 requirement, the specific requirement shall be applicable. Where, in any specific case,
149 different sections of this code specify different materials, methods of construction or
150 other requirements, the most restrictive shall govern.

151

152 **102.1.1** *The Florida Building Code* does not apply to, and no code enforcement action
153 shall be brought with respect to, zoning requirements, land use requirements or the
154 enforcement of the covenanta and restrictions of a community association, and owner
155 specifications or programmatic requirements which do not pertain to and govern the
156 design, construction, erection, alteration, modification, repair or demolition of public or
157 private buildings, structures or facilities or to programmatic requirements that do not
158 pertain to enforcement of the *Florida Building Code.* Additionally, a local code
159 enforcement agency may not administer or enforce the *Florida Building Code, Building*
160 to prevent the siting of any publicly owned facility, including, but not limited to,
161 correctional facilities, juvenile justice facilities, or state universities, community colleges,
162 or public education facilities, as provided by law.

163

164 **102.2 Building.** The provisions of the *Florida Building Code* shall apply to the
165 construction, erection, alteration, modification, repair, equipment, use and occupancy,
166 location, maintenance, removal and demolition of every public and private building,
167 structure or facility or floating residential structure, or any appurtenances connected or
168 attached to such buildings, structures or facilities. Additions, alterations, repairs and
169 changes of use or occupancy group in all buildings and structures shall comply with the
170 provisions provided in the *Florida Building Code, Existing Building*. The following
171 buildings, structures and facilities are exempt from the *Florida Building Code* as
172 provided by law, and any further exemptions shall be as determined by the legislature
173 and provided by law:

174

(a) Building and structures specifically regulated and preempted by the federal
175 government.

176

(b) Railroads and ancillary facilities associated with the railroad.

177

(c) Nonresidential farm buildings on farms.

178

(d) Temporary buildings or sheds used exclusively for construction purposes.

179

(e) Mobile or modular structures used as temporary offices, except that the provisions
180 of Part II (Sections 553.501-553.513, *Florida Statutes*) relating to accessibility by
181 persons with disabilities shall apply to such mobile or modular structures. Permits
182 shall be required for structural support and tie-down, electric supply and all other
183 such utility connections to mobile or modular structures as required by the town.

184

(f) Those structures or facilities of electric utilities, as defined in Section 366.02, *Florida*
185 *Statutes*, which are directly involved in the generation, transmission, or distribution
186 of electricity.

187

(g) Temporary sets, assemblies, or structures used in commercial motion picture or
188 television production, or any sound-recording equipment used in such production,
189 on or off the premises.

190

(h) Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole
191 Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided
192 wooden hut that has a thatched roof of palm or palmetto or other traditional
193 materials, and that does not incorporate any electrical, plumbing, or other non-wood
194 features.

195

(i) Family mausoleums not exceeding 250 square feet (23 m²) in area which are
196 prefabricated and assembled on site or preassembled and delivered on site and
197 have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.

198

(j) Temporary housing provided by the Department of Corrections to any prisoner in
199 the state correctional system.

200

(k) A building or structure having less than 1,000 square feet (93 m²) which is
201 constructed and owned by a natural person for hunting and which is repaired or
202 reconstructed to the same dimension and condition as existed on January 1, 2011,
203 if the building or structure:

204

1. Is not rented or leased or used as a principal residence;

- 205 2. Is not located within the 100-year flood plain according to the Federal
206 Emergency Management Agency's current Flood Insurance Rate Map; and
207 3. Is not connected to an off-site electric power or water supply.

208 (l) A drone port as defined in s. 330.41(2).

209 (M) Service providers of water, sewer, storm, gas, cable, telephone, or other similar
210 utility systems are exempt to the point of service connection for the building or
211 structure.

212

213 **102.2.1** In addition to the requirements of Sections 553.79 and 553.80, *Florida*
214 *Statutes*, facilities subject to the provisions of Chapter 395, *Florida Statutes*, and Part II
215 of Chapter 400, *Florida Statutes*, shall have facility plans reviewed and construction
216 surveyed by the state agency authorized to do so under the requirements of Chapter
217 395, *Florida Statutes*, and Part II of Chapter 400, *Florida Statutes*, and the certification
218 requirements of the federal government.

219

220 **102.2.2** Residential buildings or structures moved into or within a county or municipality
221 shall not be required to be brought into compliance with the state minimum building
222 code in force at the time the building or structure is moved, provided:

- 223 1. The building or structure is structurally sound and in occupiable condition for its
224 intended use;
225 2. The occupancy use classification for the building or structure is not changed as a
226 result of the move;
227 3. The building is not substantially remodeled;
228 4. Current fire code requirements for ingress and egress are met;
229 5. Electrical, gas and plumbing systems meet the codes in force at the time of
230 construction and are operational and safe for reconnection; and
231 6. Foundation plans are sealed by a professional engineer or architect licensed to
232 practice in this state, if required by the *Florida Building Code, Building* for all
233 residential buildings or structures of the same occupancy class.
234 7. The requirements of the Florida Building Code, "Existing Building Volume" are also
235 satisfied.

236

237

238 **(See Florida Building Code, Existing Building Chapter 13 for additional**
239 **requirements for Relocated or Moved Buildings)**

240

241 **102.2.3** The *building official* shall apply the same standard to a moved residential
242 building or structure as that applied to the remodeling of any comparable residential
243 building or structure to determine whether the moved structure is substantially
244 remodeled. The cost of the foundation on which the moved building or structure is
245 placed shall not be included in the cost of remodeling for purposes of determining

246 whether a moved building or structure has been substantially remodeled.

247

248 **102.2.4** This section does not apply to the jurisdiction and authority of the Department
249 of Agriculture and Consumer Services to inspect amusement rides or the Department
250 of Financial Services to inspect state-owned buildings and boilers.

251

252 **102.2.5** Each enforcement district or local enforcement agency shall be governed by a
253 board, the composition of which shall be determined by the affected localities.

254

1. At its own option, each enforcement district or local enforcement agency may adopt rules granting to the owner of a single-family residence one or more exemptions from the Florida Building Code relating to:

255

256 a) Addition, alteration, or repairs performed by the property owner upon his or her
257 own property, provided any addition, ~~or~~ alteration or repair shall not exceed 1,000
258 square feet (93 m²) or the square footage of the primary structure, whichever is
259 less.

260

261 b) Addition, alteration, or repairs by a nonowner within a specific cost limitation set
262 by rule, provided the total cost shall not exceed \$5,000 within any 12-month
263 period.

264

c) Building plans review and inspection fees.

265

2. However, the exemptions under subparagraph 1 do not apply to single-family residences that are located in mapped flood hazard areas, as defined in the code, unless the enforcement district or local enforcement agency has determined that the work, which is otherwise exempt, does not constitute a substantial improvement, including the repair of substantial damage, of such single-family residences.

266

267 3. Each code exemption, as defined in sub-subparagraphs 1a, 1b, and 1c shall be certified to
268 the local board 10 days prior to implementation and shall only be effective in the
269 territorial jurisdiction of the enforcement district or local enforcement agency
270 implementing it.

271

272 **102.2.6** This section does not apply to swings and other playground equipment
273 accessory to a one- or two-family dwelling.

274

Exception: Electrical service to such playground equipment shall be in accordance with Chapter 27 of this code.

275

276 **102.3 Application of references.** References to chapter or section numbers, or to
277 provisions not specifically identified by number, shall be construed to refer to such
278 chapter, section or provision of this code.

279

280 **102.4 Referenced codes and standards.** The codes and standards referenced in this
281 code shall be considered part of the requirements of this code to the prescribed extent
282 of each such reference and as further regulated in Sections 102.4.1 and 102.4.2.

283

284

285

286

287

288 **102.4.1 Conflicts.** Where conflicts occur between provisions of this code and
289 referenced codes and standards, the provisions of this code shall apply.

290
291 **102.4.2 Provisions in referenced codes and standards.** Where the extent of the
292 reference to a referenced code or standard includes subject matter that is within the
293 scope of this code or the Florida Codes listed in Section 101.4, the provisions of this
294 code or the Florida Codes listed in Section 101.4, as applicable, shall take precedence
295 over the provisions in the referenced code or standard.

296
297 **102.5 Partial invalidity.** ~~Reserved~~ Should any part or provision of these local
298 amendments code be held to be illegal or void, this finding shall not have the effect of
299 making void or illegal any of the other parts or provisions.

300
301
302 **102.6 Existing structures.** The legal occupancy of any structure existing on the date
303 of adoption of this code shall be permitted to continue without change, except as
304 otherwise specifically provided in this code, the *Florida Building Code, Existing Building*
305 *or the Florida Fire Prevention Code, or as is deemed necessary by the building official*
306 for the health, safety, and general welfare of the occupants and the public.

307
308 **102.6.1 Buildings not previously occupied.** A building or portion of a building that
309 has not been previously occupied or used for its intended purpose in accordance with
310 the laws in existence at the time of its completion shall comply with the provisions of the
311 *Florida Building Code, Building or Florida Building Code, Residential*, as applicable, for
312 new construction or with any current *permit* for such occupancy.

313
314 **102.6.2 Buildings previously occupied.** The legal occupancy of any building existing
315 on the date of adoption of this code shall be permitted to continue without change,
316 except as otherwise specifically provided in this code, the *Florida Fire Prevention Code*,
317 or as is deemed necessary by the *building official* for the general safety and welfare of
318 the occupants and the public.

319
320 **102.7 Relocation of manufactured buildings.**

- 321 (1) Relocation of an existing manufactured building does not constitute an alteration.
322 (2) A relocated building shall comply with wind speed requirements of the new location,
323 using the appropriate wind speed map. If the existing building was manufactured in
324 compliance with the Standard Building Code (prior to March 1, 2002), the wind
325 speed map of the Standard Building Code shall be applicable. If the existing building
326 was manufactured in compliance with the *Florida Building Code* (on or after March
327 1, 2002), the wind speed map of the *Florida Building Code* shall be applicable.
328 (3) A relocated building shall comply with the *flood hazard area* requirements of the
329 new location, if applicable.

330
331
332
333
334
335
336
337
338
339
340
341
342
343
344
345
346
347
348
349
350
351
352
353
354
355
356
357
358
359
360
361
362
363
364
365
366
367
368
369
370

102.8 Existing mechanical equipment. An agency or local government may not require that existing mechanical equipment located on or above the surface of a roof be installed in compliance with the requirements of the *Florida Building Code* except during reroofing when the equipment is being replaced or moved and is not in compliance with the provisions of the *Florida Building Code* relating to roof-mounted mechanical units.

PART 2—ADMINISTRATION AND ENFORCEMENT

**SECTION 103
DEPARTMENT OF BUILDING SAFETY
RESERVED**

103.1 Creation of enforcement agency. The Department of Building Safety is hereby created and the official in charge thereof shall be known as the *building official*.

103.2 Appointment. The *building official* shall be appointed by the town manager.

103.3 Deputies

103.4 Restrictions on employees. An officer or employee connected with the department, except one whose only connection is as a member of the board established by this code, shall not be financially interested in the furnishing of labor, material, or appliances for the construction, alteration, or maintenance of a building, structure, service, system, or in the making of plans or of specifications within the Town's limits, thereof, unless he/she is the owner of such. This officer or employee shall not engage in any other work which is inconsistent with their duties or conflict with the interests of the department.

**SECTION 104
DUTIES AND POWERS OF BUILDING OFFICIAL**

104.1 General. ~~RESERVED.~~ The *building official* is hereby authorized and directed to enforce the provisions of this code. The *building official* shall have the authority to render interpretations of this code and to adopt policies and procedures to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

371

372 **104.2 Applications and permits.** ~~RESERVED.~~ The building official shall receive
373 applications, review construction documents and issue permits for the erection, and
374 alteration, demolition and moving of buildings and structures, inspect the premises for
375 which such permits have been issued and enforce compliance with the provisions of
376 this code.

377

378 **104.2.1 Determination of substantially improved or substantially damaged**
379 **existing buildings and structures in flood hazard areas.** ~~RESERVED.~~ For
380 applications for reconstruction, rehabilitation, repair, alteration, addition or other
381 improvement of existing buildings or structures located in flood hazard areas, the
382 building official shall determine if the proposed work constitutes substantial
383 improvement or repair of substantial damage. Where the building official determines
384 that the proposed work constitutes substantial improvement or repair of substantial
385 damage, and where required by this code, the building official shall require the building
386 to meet the requirements of Section 1612 or R322 of the Florida Building Code,
387 Residential, as applicable.

388

389 **104.3 Notices and orders.** ~~RESERVED.~~ The building official shall issue all necessary
390 notices or orders to ensure compliance with this code.

391

392 **104.4 Inspections.** ~~RESERVED.~~ The building official shall make all the required
393 inspections, or the building official shall have the authority to accept reports of
394 inspection by approved agencies or individuals. Reports of such inspections shall be in
395 writing and be certified by a responsible officer of such approved agency or by the
396 responsible individual. The building official is authorized to engage such expert
397 opinions as deemed necessary to report upon unusual technical issues that arise.

398

399 **104.5 Identification.** The building official shall carry proper identification when
400 inspecting structures or premises in the performance of duties under this code.

401

402 **104.6 Right of entry.** ~~RESERVED.~~ Where it is necessary to make an inspection to
403 enforce the provisions of this code, or where the building official has reasonable cause
404 to believe that there exists in a structure or upon a premises a condition which is
405 contrary to or in violation of this code which makes the structure or premises unsafe,
406 dangerous or hazardous, the building official is authorized to enter the structure or
407 premises at reasonable times to inspect or to perform the duties imposed by this code,
408 provided that if such structure or premises be occupied that credentials be presented to
409 the occupant and entry requested. If such structure or premises is unoccupied, the
410 building official shall first make a reasonable effort to locate the owner or other person
having charge or control of the structure or premises and request entry. If entry is

411 refused, the *building official* may elect to obtain an administrative search warrant to
412 secure entry.

413

414 **104.7 Department records.** ~~RESERVED.~~ The *building official* shall keep official
415 records of applications received, *permits* and certificates issued, fees collected, reports
416 of inspections, and notices and orders issued. Such records shall be retained in the
417 official records for the period required for retention of public records as required by the
418 Public Records Act, codified at Chapter 119, Florida Statutes.

419

420 **104.8 Liability.** ~~RESERVED.~~ The *building official*, member of the town's Building Board
421 of Appeals or an employee charged with the enforcement of this code, while acting for
422 the town in good faith and without malice in the discharge of the duties required by this
423 code or other pertinent law or ordinance, shall not thereby be civilly or criminally
424 rendered liable personally and is hereby relieved from personal liability for any damage
425 accruing to persons or property as a result of any act or by reason of an act or omission
426 in the discharge of his or her official duties. Any suit instituted against an officer or
427 employee because of an act performed by that officer or employee in the lawful
428 discharge of his or her duties and under the provisions of this code shall be defended
429 by the town at the town's expense.

430

431 **104.8.1 Legal defense.** ~~RESERVED.~~ Any suit or criminal complaint instituted against
432 the Building Official or town employees because of an act performed by the Building
433 Official or employee in the lawful discharge of his or her duties and under the provisions
434 of this code shall be defended by town at the town's expense. The *building official* or
435 any subordinate employee shall not be liable for cost in any action, suit or proceeding
436 that is instituted in pursuance of the provisions of this code.

437

438 **104.9 Approved materials and equipment.** Materials, equipment and devices
439 *approved* by the *building official* shall be constructed and installed in accordance with
440 such approval.

441

442 **104.9.1 Used materials and equipment.** The use of used materials that meet the
443 requirements of this code for new materials is permitted. Used equipment and devices
444 shall not be reused unless *approved* by the *building official*.

445

446 **104.10 Modifications.** ~~RESERVED.~~ Wherever there are practical difficulties involved in
447 carrying out the provisions of this code, the *building official* shall have the authority to
448 grant modifications for individual cases, upon application of the owner or owner's
449 representative, provided the *building official* shall first find that the strict application of
450 this code would be unreasonable or impractical and a reasonable modification to the

451 provisions of the code would be in compliance with the intent and purpose of this code
452 and that such modification does not adversely impact the health, safety, general
453 welfare, or structural requirements set forth in the Florida Building Code.
454

455 **104.10.1 Flood hazard areas.** ~~RESERVED.~~ The *building official* shall coordinate with
456 the floodplain administrator to review requests for a variance pursuant to Section 117
457 [of the FBC?] to modify the strict application of the flood resistant construction
458 requirements of the *Florida Building Code*.
459

460 **104.11 Alternative materials, design and methods of construction and equipment.**
461 The provisions of this code are not intended to prevent the installation of any material or
462 to prohibit any design or method of construction not specifically prescribed by this code,
463 provided that any such alternative has been *approved*. An alternative material, design or
464 method of construction shall be *approved* where the *building official* finds that the
465 proposed alternative meets all the following:

466 1. The alternative material, design or method of construction is satisfactory and
467 complies with the intent of the provisions of this code,
468 2. The material, method or work offered is, for the purpose intended, not less than the
469 equivalent of that prescribed in this code as it pertains to the following:

- 470 2.1. Quality.
471 2.2. Strength.
472 2.3. Effectiveness.
473 2.4. *Fire resistance*.
474 2.5. Durability.
475 2.6. Safety.

476 Where the alternative material, design or method of construction is not *approved*, the
477 *building official* shall respond in writing, stating the reasons why the alternative was
478 not *approved*.
479

480 **104.11.1 Research reports.** Supporting data, where necessary to assist in the
481 approval of materials or assemblies not specifically provided for in this code, shall
482 consist of valid research reports from *approved* sources.
483

484 **104.11.2 Tests.** Whenever there is insufficient evidence of compliance with the
485 provisions of this code, or evidence that a material or method does not conform to the
486 requirements of this code, or to substantiate claims for alternative materials or
487 methods, the *building official* shall have the authority to require tests as evidence of
488 compliance to be made at no expense to the jurisdiction. Test methods shall be as
489 specified in this code or by other recognized test standards. In the absence of
490 recognized and accepted test methods, the *building official* shall approve the testing

491 procedures. Tests shall be performed by an *approved agency*. Reports of such tests
492 shall be retained by the *building official* for the period required for retention of public
493 records.

494

495 **104.12 Requirements not covered by code.** Any requirements necessary for
496 strength, stability or proper operation of an existing or proposed building, structure,
497 electrical, gas, mechanical or plumbing system, or for the public safety, health and
498 general welfare, not specifically covered by this or other technical codes, shall be
499 determined by the *building official*.

500

501

SECTION 105

502

PERMITS

503

504 **105.1 Required.** Any *owner* or owner's authorized agent who intends to construct,
505 enlarge, alter, *repair*, move, demolish or change the occupancy of a building or
506 structure, or to erect, install, enlarge, alter, *repair*, remove, convert or replace any
507 impact-resistant coverings, electrical, gas, mechanical or plumbing system or fire
508 protection system, or accessible or flood resistant site element, the installation of which
509 is regulated by this code, or to cause any such work to be performed, shall first make
510 application to the *building official* and obtain the required *permit*.

511

512 **105.1.1 Annual facility *permit*.** In lieu of an individual *permit* for each *alteration* to an
513 existing electrical, gas, mechanical, plumbing or interior nonstructural office system(s),
514 the *building official* is authorized to issue an annual *permit* for any occupancy to
515 facilitate routine or emergency service, repair, refurbishing, minor renovations of service
516 systems or manufacturing equipment installations/relocations. The *building official* shall
517 be notified of major changes and shall retain the right to make inspections at the facility
518 site as deemed necessary. An annual facility *permit* shall be assessed with an annual
519 fee and shall be valid for one year from date of issuance. A separate *permit* shall be
520 obtained for each facility and for each construction trade, as applicable. The *permit*
521 application shall contain a general description of the parameters of work intended to be
522 performed during the year.

523

524

525

526 **105.1.2 Annual Facility *permit* records.** The person to whom an annual *permit* is
527 issued shall keep a detailed record of *alterations* made under such annual *permit*. The
528 *building official* shall always have access to such records or such records shall be filed
529 with the *building official* as designated. The *building official* is authorized to revoke or
530 withhold the issuance of the future annual permits for properties upon which code
531 violations exist.

532

533 **105.1.3 Food permit.** In accordance with Section 500.12, *Florida Statutes*, a food
534 *permit* from the Department of Agriculture and Consumer Services is required of any
535 person who operates a food establishment or retail store.

536

537 **105.1.4 Public swimming pool.** The local enforcing agency may not issue a building
538 permit to construct, develop, or modify a public swimming pool without proof of
539 application, whether complete or incomplete, for an operating *permit* pursuant to
540 Section 514.031, *Florida Statutes*. A certificate of completion or occupancy may not be
541 issued until such operating *permit* is issued. The local enforcing agency shall conduct
542 their review of the building *permit* application upon filing and in accordance with
543 Chapter 553, *Florida Statutes*. The local enforcing agency may confer with the
544 Department of Health, if necessary, but may not delay the building *permit* application
545 review while awaiting comment from the Department of Health.

546

547 **105.2 Work exempt from Building Department permit.** Exemptions from *permit*
548 requirements of this code shall not be deemed to grant authorization for any work to be
549 done in any manner in violation of the provisions of this code or any other laws or
550 ordinances of this jurisdiction, to include work in any special *flood hazard area*.
551 Exemptions granted under this section do not relieve the owner or contractor from their
552 duty to comply with applicable provisions of the Florida Building Code, and
553 requirements of the local floodplain management ordinance. As determined by the
554 building official. Permits shall not be required for the following:

555

556 **(Building permits exempted by this section may be subject to Zoning review and**

557

558 **approval)**

559

560 1. Building permits are not required for replacement or repair work having value of less
561 than \$1,000.00, or greater with the permission of the building official providing,
562 however, that such work will not adversely affect the structural integrity, fire rating,
563 exit access or egress requirements.

564

565 2. Cabinets & countertops with no reconfiguration for 1&2 Family Dwellings, Painting,
566 papering, tiling, carpeting, and similar finish work, with no electrical or plumbing work

567

568 3. One-story detached accessory structures used as tool and storage sheds, playhouses
569 and similar uses, provided the floor area does not exceed 120 square feet (11 m2).
570 may be subject to Zoning Approval and Zoning permits

571

572 4. 1 & 2 family fences that are not pool barriers or masonry walls and not over 6 feet
573 (1829 mm) high. may be subject to Zoning review and approval

574

575 5. Painting, papering, tiling, carpeting and similar finish work.

576

577 6. Temporary motion picture, television and theater stage sets and scenery.

572 7. Swings and other playground equipment accessory to detached one- and two-family
573 dwelling except for the electrical service, may be subject to Zoning review and
574 approval

575 8. Retractable awnings supported by an exterior wall and do not require additional
576 support, of Groups R-3 may be subject to Zoning review and approval
577

578 **Electrical:**
579

580 1. Repairs and maintenance: Repair or replacement of like common household
581 electrical fixtures, switches, and outlets on the load side of the electrical source.
582 Minor repair work, including the replacement of lamps or the connection of
583 approved portable electrical equipment to approved permanently installed
584 receptacles.
585

586 2. Radio and television transmitting stations: The provisions of this code shall
587 not apply to electrical equipment used for radio and television transmissions, but
588 do apply to equipment and wiring for a power supply and the installations of towers
589 and antennas.
590

591 3. Temporary testing systems: A permit shall not be required for the installation of
592 any temporary system required for the testing or servicing of electrical equipment
593 or apparatus.
594

595 **Gas:**

- 596 1. Portable heating appliance.
597 2. Replacement of any minor part that does not alter approval of equipment or make
598 such equipment unsafe.
599

600 **Mechanical:**

- 601 1. Portable heating appliance.
602 2. Portable ventilation equipment.
603 3. Portable cooling unit.
604 4. Steam, hot or chilled water piping within any heating or cooling equipment regulated
605 by this code.
606 5. Replacement of any part that does not alter its approval or make it unsafe.
607 6. Portable evaporative cooler.
608 7. Self-contained refrigeration system containing 10 pounds (4.54 kg) or less of
609 refrigerant and actuated by motors of 1 horsepower (0.75 kW) or less.
610 8. The installation, replacement, removal or metering of any electrical load

611 management control device where installed by a utility service provider.

612

613 **Plumbing:**

614 1. The stopping of leaks in drains, water, soil, waste or vent pipe, provided,
615 however, that if any concealed trap, drain pipe, water, soil, waste or vent
616 pipe becomes defective and it becomes necessary to remove and replace
617 the same with new material, such work shall be considered as new work
618 and a *permit* shall be obtained and inspection made as provided in this
619 code.

620 2. The clearing of stoppages or the repairing of leaks in pipes, valves or
621 fixtures and the removal and reinstallation of water closets, provided such
622 repairs do not involve or require the replacement or rearrangement of
623 valves, pipes or fixtures.

624 3. The replacement of common household plumbing fixtures to existing supply
625 lines and outlets. This does not include water heaters, bathtubs and showers.

626

627 **105.2.1 Emergency repairs.** Where equipment replacements and repairs must be
628 performed in an emergency, the *permit* application shall be submitted within the next
629 working business day to the *building official*. Notification shall be given to the building
630 official including the work address, nature of emergency and scope of work
631 immediately, or by next business day.

632

633 **105.2.2 Minor repairs.** Ordinary minor repairs may be made with the approval of the
634 *building official* without a *permit*, provided the repairs do not include the cutting away of
635 any wall, partition or portion thereof, the removal or cutting of any structural beam or
636 load-bearing support, or the removal or change of any required *means of egress*, or
637 rearrangement of parts of a structure affecting the egress requirements; nor shall
638 ordinary repairs include *addition to*, *alteration of*, replacement or relocation of any
639 standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar
640 piping, electric wiring systems or mechanical equipment or other work affecting public
641 health or general safety, and such repairs shall not violate any of the provisions of the
642 technical codes.

643

644 **105.2.3 Public service agencies.** ~~RESERVED:~~ A *permit* is not required for the
645 installation, alteration or repair of generation, transmission, distribution or metering or
646 other related equipment that is under the ownership and control of public service
647 agencies by established right.

648

649 **105.3 Application for *permit*.** To obtain a *permit*, the applicant shall first file an
650 application therefor in writing on a form furnished by the building department for that
651 purpose.

652 *Permit* application forms shall be in the format prescribed by a local administrative
653 board, if applicable, and must comply with the requirements of Sections 713.135(5)
654 and (6), *Florida Statutes*.
655

656 Each application shall be inscribed with the date of application, and the code in
657 effect as of that date. For a building *permit* for which an application is submitted
658 prior to the effective date of the *Florida Building Code*, the state minimum building
659 code in effect in the permitting jurisdiction on the date of the application governs the
660 permitted work for the life of the *permit* and any extension granted to the *permit*.
661

662 Effective October 1, 2017, a local enforcement agency shall post each type of building
663 *permit* application on its website. Completed applications must be able to be submitted
664 electronically to the appropriate building department. Accepted methods of electronic
665 submission include, but are not limited to, e-mail submission of applications in portable
666 document format or submission of applications through an electronic fill-in form
667 available on the building department's website or through a third-party submission
668 management software. Payments, attachments, or drawings required as part of the
669 application may be submitted in person in a nonelectronic format, at the discretion of the
670 *building official*.
671

672 **105.3.1 Action on application.** The *building official* shall examine or cause to be
673 examined applications for *permits* and amendments thereto within a reasonable time
674 after filing. If the application or the *construction documents* do not conform to the
675 requirements of pertinent laws, the *building official* shall reject such application in
676 writing, stating the reasons therefor. If the *building official* is satisfied that the proposed
677 work conforms to the requirements of this code and laws and ordinances applicable
678 thereto, the *building official* shall issue a *permit* therefor as soon as practicable. When
679 authorized through contractual agreement with a school board, in acting on applications
680 for *permits*, the *building official* shall give priority to any applications for the construction
681 of, or addition or renovation to, any school or educational facility.
682

683 **105.3.1.1** If a state university, Florida college or public-school district elects to use a
684 local government's code enforcement offices, fees charged by counties and
685 municipalities for enforcement of the *Florida Building Code* on buildings, structures, and
686 facilities of state universities, state colleges, and public-school districts shall not be more
687 than the actual labor and administrative costs incurred for plans review and inspections
688 to ensure compliance with the code.
689

690 **105.3.1.2** No *permit* may be issued for any building construction, erection, alteration,
691 modification, repair, or addition unless the applicant for such *permit* provides to the
692 enforcing agency which issues the *permit* any of the following documents which apply to
693 the construction for which the *permit* is to be issued and which shall be prepared by or

694 under the direction of an engineer registered under Chapter 471, *Florida Statutes*:

695

696 1. Plumbing documents for any new building or addition which requires a plumbing
697 system with more than 250 fixture units or which costs more than \$125,000.

698 2. Fire sprinkler documents for any new building or addition which includes a fire
699 sprinkler system which contains 50 or more sprinkler heads. Personnel as

700 authorized by chapter 633 *Florida Statutes*, may design a new fire protection system

701 of 49 or fewer sprinklers; may design the alteration of an existing fire sprinkler

702 system if the alteration consists of the relocation, addition or deletion of 249 or fewer

703 sprinklers and the addition of up to 49 sprinklers, as long as the cumulative total

704 number of fire sprinklers being added, relocated, or deleted does not exceed 249,

705 notwithstanding the size of the existing fire sprinkler system; or may design the

706 alteration of an existing fire sprinkler system if the alteration consists of the

707 relocation or deletion of 249 or fewer sprinklers, notwithstanding the size of the

708 existing fire sprinkler system, if there is no change of occupancy of the affected

709 areas, as defined in this Code and the Florida Fire Prevention Code, and there is no

710 change in the water demand as defined in NFPA 13, "Standard for the Installation of

711 Sprinkler Systems," and if the occupancy hazard classification as defined in NFPA

712 13 is reduced or remains the same as a result of the alteration.

713 3. Heating, ventilation, and air-conditioning documents for any new building or addition

714 which requires more than a 15-ton-per-system capacity which is designed to

715 accommodate 100 or more persons or for which the system costs more than

716 \$125,000. This paragraph does not include any document for the replacement or

717 repair of an existing system in which the work does not require altering a structural

718 part of the building or for work on a residential one-, two-, three-, or four-family

719 structure.

720 An air-conditioning system may be designed by an installing air-conditioning

721 contractor certified under Chapter 489, *Florida Statutes*, to serve any building or

722 addition which is designed to accommodate fewer than 100 persons and requires

723 an air-conditioning system with a value of \$125,000 or less; and when a 15-ton-per

724 system or less is designed for a singular space of a building and each 15-ton

725 system or less has an independent duct system. Systems not complying with the

726 above require design documents that are to be sealed by a professional engineer.

727

728 **Example 1:** When a space has two 10-ton systems with each having an

729 independent duct system, the contractor may design these two systems since each

730 unit (system) is less than 15 tons.

731

732 **Example 2:** Consider a small single-story office building which consists of six

733 individual offices where each office has a single three-ton package air conditioning

734 heat pump. The six heat pumps are connected to a single water-cooling tower. The

735 cost of the entire heating, ventilation and air-conditioning work is \$47,000 and the

736 office building accommodates fewer than 100 persons. Because the six mechanical
737 units are connected to a common water tower, this is an 18-ton system.

738

739 **Note:** It was further clarified by the Commission that the limiting criteria of 100
740 persons and \$125,000 apply to the building occupancy load and the cost for the
741 total air-conditioning system of the building.

742

743 4. Any specialized mechanical, electrical, or plumbing document for any new building
744 or addition which includes a medical gas, oxygen, steam, vacuum, toxic air filtration,
745 halon, or fire detection and alarm system which costs more than \$5,000.

746

Exception:

747

Simplified permitting processes.

748

(1) As used in this section, the term:

749

(a) "Component" means valves, fire sprinklers, escutcheons, hangers,
750 compressors, or any other item deemed acceptable by the local enforcing
751 agency. For purposes of this paragraph, a valve does not include
752 pressure-regulating, pressure-reducing, or pressure-control valves.

753

(b) "Contractor" means a person who:

754

1. Is qualified to engage in the business of electrical or alarm system
755 contracting pursuant to a certificate or registration issued by the department
756 under part II of chapter 489, Florida Statutes; or

757

2. Is qualified to engage in the business of fire protection system
758 contracting pursuant to a license or certificate issued by the State Fire
759 Marshal.

760

(c) "Fire alarm system project" means a fire alarm system alteration of a total of
761 20 or fewer initiating devices and notification devices, or the installation or
762 replacement of a fire communicator connected to an existing fire alarm control
763 panel in an existing commercial, residential, apartment, cooperative, or
764 condominium building.

765

766

(d) "Fire sprinkler system project" means a fire protection system alteration
767 of a total of 20 or fewer fire sprinklers in which the sprinklers are of the
768 same K-factor and located in spaces where there is no change of hazard
769 classification or increased system coverage area, or the installation or
770 replacement of an equivalent fire sprinkler system component in an
771 existing commercial, residential, apartment, cooperative, or condominium
772 building. For purposes of this paragraph, a component is equivalent if the
773 component has the same or better characteristics, including electrical,
774
775

776 hydraulic, pressure losses, and required listings and spacing as the
777 component being replaced.

778
779 (2)(a) A local enforcement agency may require a contractor, as a condition of
780 obtaining a *permit* for a fire alarm system project or fire sprinkler system project,
781 to submit a completed application and payment.

782 (b) A local enforcement agency may not require a contractor to submit plans or
783 specifications as a condition of obtaining a *permit* for a fire alarm system
784 project or fire sprinkler system project.

785
786 (3) A local enforcement agency must issue a *permit* for a fire alarm system project or
787 fire sprinkler system project in person or electronically.

788
789 (4) A local enforcement agency must require at least one inspection of a fire alarm
790 system project or fire sprinkler system project to ensure compliance with applicable
791 codes and standards. If a fire alarm system project or fire sprinkler system project
792 fails an inspection, the contractor must take corrective action as necessary to pass
793 inspection.

794
795 (5) (a) For a fire sprinkler alarm system project, a contractor must keep a copy of the
796 plans and specifications at the fire alarm system project worksite and make such
797 plans and specifications available to the inspector at each inspection.

798 (b) For a fire sprinkler system project to alter an existing fire protection
799 system, a contractor must keep a copy of the plans and specifications at
800 the fire sprinkler system project worksite and make such plans and
801 specifications available to the inspector at each inspection.

802 (c) For a fire sprinkler system project to install or replace a component, a
803 contractor must keep a copy of the manufacturer's installation instructions
804 and any pertinent testing instructions needed to certify or accept the
805 component at the fire sprinkler system project worksite and make such
806 documents available to the inspector at each inspection.

807
808 5. Electrical documents. See *Florida Statutes* 471.003(2)(h). Any electrical, plumbing
809 or air-conditioning and refrigeration system meeting the following thresholds are
810 required to be designed by a Florida Registered Engineer. The system, requires an
811 electrical system with a value of over \$125,000; and requires an aggregate service
812 capacity of over 600 amperes (240 volts) on a residential electrical system or over
813 800 amperes (240 volts) on a commercial or industrial electrical system;

814 **Note:** It was further clarified that the limiting factor of 240 volt or over is required to
815 be designed by an Engineer. Documents requiring an engineer seal by this part
816 shall not be valid unless a professional engineer who possesses a valid certificate of

817 registration has signed, dated, and stamped such document as provided in Section
818 471.025, *Florida Statutes*.

819 6. All public swimming pools and public bathing places defined by and regulated under
820 Chapter 514, *Florida Statutes*.

821

822 **105.3.1.3 Reviewing application for building permit.**

823 1. When reviewing an application for a building *permit*, a local government may not
824 request additional information from the applicant more than three times, unless the
825 applicant waives such limitation in writing.

826 2. If a local government requests additional information from an applicant and the
827 applicant submits the requested additional information to the local government within
828 30 days after receiving the request, the local government must, within 15 days after
829 receiving such information:

830 a. Determine if the application is properly completed;

831 b. Approve the application;

832 c. Approve the application with conditions;

833 d. Deny the application; or

834 e. Advise the applicant of information, if any, that is needed to deem the application
835 properly completed or to determine the sufficiency of the application.

836 3. If a local government makes a second request for additional information from the
837 applicant and the applicant submits the requested additional information to the local
838 government within 30 days after receiving the request, the local government must,
839 within 10 days after receiving such information:

840 a. Determine if the application is properly completed;

841 b. Approve the application;

842 c. Approve the application with conditions;

843 d. Deny the application; or

844 e. Advise the applicant of information, if any, that is needed to deem the application
845 properly completed or to determine the sufficiency of the application.

846 4. Before a third request for additional information may be made, the applicant must be
847 offered an opportunity to meet with the local government to attempt to resolve
848 outstanding issues. If a local government makes a third request for additional
849 information from the applicant and the applicant submits the requested additional
850 information to the local government within 30 days after receiving the request, the
851 local government must, within 10 days after receiving such information unless the
852 applicant waived the local government's limitation in writing, determine that the
853 application is complete and:

854 a. Approve the application;

855 b. Approve the application with conditions; or

856 c. Deny the application.

857 5. If the applicant believes the request for additional information is not authorized by
858 ordinance, rule, statute, or other legal authority, the local government, at the
859 applicant's request, must process the application and either approve the application,
860 approve the application with conditions, or deny the application.
861

862 **105.3.2 Time limitation of application.** An application for a *permit* for any proposed
863 work shall be deemed to have been abandoned becoming null and void 180 days after
864 the date of filing, or for any 180 day period of abandonment or suspension during the
865 application process, unless such application has been pursued in good faith or a *permit*
866 has been issued; except that the *building official* is authorized to grant one or more
867 extensions of time for additional periods not exceeding 90 days each. The extension
868 shall be requested in writing prior to the abandonment date, and justifiable cause
869 demonstrated. The fee for renewal, re-issuance, and extension of a permit application
870 shall be set forth by the town. There may be fees or requirements from other
871 government agencies for permit application extensions and renewals.
872

873 **105.3.3** An enforcing authority may not issue a building *permit* for any building
874 construction, erection, alteration, modification, repair or addition unless the *permit*
875 either includes on its face or there is attached to the *permit* the following statement:
876 "NOTICE: In addition to the requirements of this *permit*, there may be additional
877 restrictions applicable to this property that may be found in the public records of this
878 county, and there may be additional *permits* required from other governmental entities
879 such as water management districts, state agencies, or federal agencies."
880

881 **105.3.4** A building *permit* for a single-family residential dwelling must be issued within
882 30 working days of application therefor unless unusual circumstances require a longer
883 time for processing the application or unless the *permit* application fails to satisfy the
884 *Florida Building Code* or the enforcing agency's laws or ordinances.
885

886 **105.3.5 Identification of minimum premium policy.** Except as otherwise provided in
887 Chapter 440, *Florida Statutes*, Workers' Compensation, every employer shall, as a
888 condition to receiving a building *permit*, show proof that it has secured compensation
889 for its employees as provided in Sections 440.10 and 440.38, *Florida Statutes*.
890

891 **105.3.6 Asbestos removal.** Moving, removal or disposal of asbestos-containing
892 materials on a residential building where the owner occupies the building, the building
893 is not for sale or lease, and the work is performed according to the owner-builder
894 limitations provided in this paragraph. To qualify for exemption under this paragraph, an
895 owner must personally appear and sign the building *permit* application. The permitting
896 agency shall provide the person with a disclosure statement in substantially the
897 following form:
898

899 **Disclosure Statement:** State law requires asbestos abatement to be done by
900 licensed contractors. You have applied for a *permit* under an exemption to that
901 law. The exemption allows you, as the owner of your property, to act as your
902 own asbestos abatement contractor even though you do not have a license. You
903 must supervise the construction yourself. You may move, remove or dispose of
904 asbestos-containing materials on a residential building where you occupy the
905 building and the building is not for sale or lease, or the building is a farm
906 outbuilding on your property. If you sell or lease such building within 1 year after
907 the asbestos abatement is complete, the law will presume that you intended to
908 sell or lease the property at the time the work was done, which is a violation of
909 this exemption. You may not hire an unlicensed person as your contractor. Your
910 work must be done according to all local, state and federal laws and regulations
911 which apply to asbestos abatement projects. It is your responsibility to make
912 sure that people employed by you have licenses required by state law and by
913 county or municipal licensing ordinances.
914

915 **105.3.7 Applicable Code for Manufactured Buildings.** Manufacturers should be
916 permitted to complete all buildings designed and *approved* prior to the effective date of
917 a new code edition, provided a clear signed contract is in place. The contract shall
918 provide specific data mirroring that required by an application for *permit*, specifically,
919 without limitation, date of execution, building owner or dealer, and anticipated date of
920 completion. However, the construction activity must commence within 6 months of the
921 contract's execution. The contract is subject to verification by the Department of
922 Business and Professional Regulation.
923

924 **105.3.8** A local government may not require a contract between a builder and an owner
925 for the issuance of a building *permit* or as a requirement for the submission of a building
926 *permit* application.
927

928 **105.3. 9 Public right of way.** A *permit* shall not be given by the *building official* for the
929 construction of any building, or for the alteration of any building where said building is to
930 be changed and such change will affect the exterior walls, bays, balconies, or other
931 appendages or projections fronting on any street, alley or public lane, or for the placing
932 on any lot or premises of any building or structure removed from another lot or
933 premises, unless the applicant has received a *right of way permit* from the authority
934 having jurisdiction over the street, alley or public lane.
935

936 **105.4 Conditions of the *permit*.** The issuance or granting of a *permit* shall not be
937 construed to be a *permit* for, or an approval of, any violation of any of the provisions of
938 this code or of any other ordinance of the jurisdiction. *Permits* presuming to give
939 authority to violate or cancel the provisions of this code or other ordinances of the

940 jurisdiction shall not be valid. The issuance of a *permit* based on *construction*
941 *documents* and other data shall not prevent the *building official* from requiring the
942 correction of errors in the *construction documents* and other data. The *building official*
943 is also authorized to prevent occupancy or use of a structure where in violation of this
944 code or of any other ordinance of this jurisdiction or of any other federal, state and local
945 laws, ordinances, codes and regulations.

946
947 **105.4.1 *Permit intent.*** A *permit* issued shall be construed to be a license to proceed
948 with the work and not as authority to violate, cancel, alter or set aside any of the
949 provisions of the technical codes, nor shall issuance of a *permit* prevent the *building*
950 *official* from thereafter requiring a correction of errors in plans, construction or violations
951 of this code. Every *permit* issued shall become invalid unless the work authorized by
952 such *permit* is commenced within 6 months after its issuance, or if the work authorized
953 by such *permit* is suspended or abandoned for a period of 6 months after the time the
954 work is commenced.

955
956 **105.4.1.1** If work has commenced and the *permit* is revoked, becomes null and
957 void, or expires because of lack of progress or abandonment, a new *permit*
958 covering the proposed construction shall be obtained before proceeding with the
959 work.

960
961 **105.4.1.2** If a new *permit*, or *revalidation (renewal)* of the original *permit*, is not
962 obtained within 180 days from the date the initial *permit* became null and void,
963 the *building official* is authorized to require that any work which has been
964 commenced or completed be removed from the building site. Alternately, a new
965 *permit* may be issued on application, providing the work in place and required to
966 complete the structure meets all applicable regulations in effect at the time the
967 initial *permit* became null and void and any regulations which may have become
968 effective between the date of expiration and the date of issuance of the new
969 *permit*.

970
971 **105.4.1.3** Work shall be in active progress when the *permit* has received an
972 *approved* inspection within 180 days. This provision shall not be applicable in
973 case of civil commotion or strike or when the building work is halted due directly
974 to judicial injunction, order or similar process., or due to action by an
975 environmental or archeological agency having jurisdiction. The building official is
976 authorized to grant, in writing, one or more extensions of time, for periods not
977 more than 3 months each. The extension shall be requested in writing and
978 justifiable cause demonstrated, prior to expiration.

979
980 **105.4.1.4** The fee for renewal reissuance and extension of a *permit* shall be set
981 forth by the administrative authority. There may be fees or requirements from

982 other government agencies for permit extensions and renewals.

983

984 **105.4.1.5** After the local enforcing agency issues a permit, the local enforcing
985 agency may not make or require any substantive changes to the plans or
986 specifications except changes required for compliance with the Florida Building
987 Code, the Florida Fire Prevention Code, or the Life Safety Code, or local
988 amendments thereto. If a local enforcing agency makes or requires substantive
989 changes to the plans or specifications after a permit is issued, the local enforcing
990 agency must identify the specific plan features that do not comply with the
991 applicable codes, identify the specific code chapters and sections upon which
992 the finding is based, and provide the information to the permit holder in writing.

993

994

995 **105.5 Expiration.** Every permit issued shall become invalid unless the work on the site
996 authorized by such permit is commenced within 180 days after its issuance, or if the
997 work authorized on the site by such permit holder and property owner shall be
998 responsible to either complete all work in accordance with the permitted plans and
999 inspection or remove any partially completed work in a safe and code compliant
1000 manner. The building official is authorized to grant, in writing, one or more extensions of
1001 time, for periods not more than 180 days each. The extension shall be requested in
1002 writing and justifiable cause demonstrated as determined by the building official.

1003

1004 **105.5.1 Additional options for closing a permit.** Pursuant to Section 553.79(15),
1005 Florida Statutes, a property owner, regardless of whether the property owner is the one
1006 listed on the application for the building permit, may close a building permit by
1007 complying with the following requirements:

1008

1009

1010

1011

1012

1013

1014

1015

1016

1017

1018

1019

1020

1021

1022

1023

1. The property owner may retain the original contractor listed on the permit or hire a different contractor appropriately licensed in this state to perform the work necessary to satisfy the conditions of the permit and to obtain any necessary inspection to close the permit. If a contractor other than the original contractor listed on the permit is hired by the property owner to close the permit, such contractor is not liable for any defects in the work performed by the original contractor and is only liable for the work that he or she performs.
2. The property owner may assume the role of an owner-builder, in accordance with Sections 489.103(7) and 489.503(6), Florida Statutes.
3. If a building permit is expired and its requirements have been substantially completed, as determined by the local enforcement agency, the permit may be closed without having to obtain a new building permit, and the work required to close the permit may be done pursuant to the building code in effect at the time the local enforcement agency received the application for the permit, unless the contractor has sought and received approval from the local enforcement agency for an alternative material, design or method of construction.

1024 4. A local enforcement agency may close a building *permit* 6 years after the
1025 issuance of the *permit*, even in the absence of a final inspection, if the locale
1026 enforcement agency determines that no apparent safety hazard exists.
1027 For purposes of this section, the term “close” means that the requirements of the
1028 *permit* have been satisfied.
1029

1030 105.5.2 For the purposes of this subsection, a *closed permit* shall mean a *permit* for
1031 which all requirements for completion have been satisfied or a *permit* that has been
1032 administratively closed by the *building official*.
1033

1034 105.5.3 For the purposes of this subsection, an *open permit* shall mean a *permit* that
1035 has not satisfied all requirements for completion as defined in 105.5.1.1.
1036

1037 **105.6 Denial or revocation.** Whenever a *permit* required under this section is denied
1038 or revoked because the plan, or the construction, erection, alteration, modification,
1039 repair, or demolition of a building, is found by the local enforcing agency to be not in
1040 compliance with the *Florida Building Code*, the local enforcing agency shall identify the
1041 specific plan or project features that do not comply with the applicable codes, identify
1042 the specific code chapters and sections upon which the finding is based, and provide
1043 this information to the *permit* applicant. If the local building code administrator or
1044 inspector finds that the plans are not in compliance with the *Florida Building Code*, the
1045 local building code administrator or inspector shall identify the specific plan features that
1046 do not comply with the applicable codes, identify the specific code chapters and
1047 sections upon which the finding is based, and provide this information to the local
1048 enforcing agency. The local enforcing agency shall provide this information to the
1049 *permit* applicant.
1050

1051 105.6.1 Pursuant to Section 553.79(16), Florida Statutes, a local enforcement agency
1052 may not deny issuance of a building *permit* to; issue a notice of violation to; or fine,
1053 penalize, sanction or assess fees against an arm’s-length purchaser of a property for
1054 value solely because a building *permit* applied for by a previous owner of the property
1055 was not closed. The local enforcement agency shall maintain all rights and remedies
1056 against the property owner and contractor listed on the *permit*.
1057

1058 105.6.2 Pursuant to Section 553.79(16), Florida Statutes, a local enforcement agency
1059 may not deny issuance of a building *permit* to a contractor solely because the
1060 contractor is listed on other building *permits* that were not closed. A local enforcement
1061 agency has the authority to deny a new *permit* application from an applicant for other
1062 reasons.
1063

1064 **105.6.3 Misrepresentation of application.** The *building official* may suspend or
1065 revoke a permit or approval, issued under the provisions of this code, when there has
1066 been any false statement or misrepresentation as to the material fact in the application
1067 or plans on which the permit or approval was based.

1068
1069
1070 **105.7 Placement of *permit*.** The building *permit* or copy shall be kept on the site of the
1071 work until the completion of the project.

1072
1073 **105.8 Notice of commencement.** In accordance with Section 713.135, *Florida*
1074 *Statutes*, when any person applies for a building *permit*, the authority issuing such
1075 *permit* shall print on the face of each *permit* card in no less than 14-point, capitalized,
1076 boldfaced type: "WARNING TO OWNER: YOUR FAILURE TO RECORD A NOTICE
1077 OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR
1078 IMPROVEMENTS TO YOUR PROPERTY. A NOTICE OF COMMENCEMENT MUST
1079 BE RECORDED AND POSTED ON THE JOB SITE BEFORE THE FIRST
1080 INSPECTION. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR
1081 LENDER OR AN ATTORNEY BEFORE RECORDING YOUR NOTICE OF
1082 COMMENCEMENT."

1083
1084 **105.9 Asbestos.** The enforcing agency shall require each building *permit* for the
1085 demolition or renovation of an existing structure to contain an asbestos notification
1086 statement which indicates the owner's or operator's responsibility to comply with the
1087 provisions of Section 469.003, *Florida Statutes*, and to notify the Department of
1088 Environmental Protection of his or her intentions to remove asbestos, when applicable,
1089 in accordance with state and federal law.

1090
1091 **105.10 Certificate of protective treatment for prevention of termites.** A weather-
1092 resistant job-site posting board shall be provided to receive duplicate treatment
1093 certificates as each required protective treatment is completed, providing a copy for the
1094 person the *permit* is issued to and another copy for the building *permit* files. The
1095 treatment certificate shall provide the product used, identity of the applicator, time and
1096 date of the treatment, site location, area treated, chemical used, percent concentration
1097 and number of gallons used, to establish a verifiable record of protective treatment. If
1098 the soil chemical barrier method for termite prevention is used, final exterior treatment
1099 shall be completed prior to final building approval.

1100
1101
1102 **105.11 Notice of termite protection.** A permanent sign which identifies the termite
1103 treatment provider and need for reinspection and treatment contract renewal shall be
1104 provided. The sign shall be posted near the water heater or electric panel.

1105

1106 **105.12 Work starting before *permit* issuance.** Upon written request and approval of
1107 the *building official*, the scope of work delineated in the *building permit* application and
1108 plan may be started prior to the final approval and issuance of the *permit*, provided any
1109 work completed is entirely at risk of the *permit* applicant and the work does not proceed
1110 past the first required inspection.

1111
1112 **105.13 Phased *permit* approval.** After submittal of the appropriate *construction*
1113 *documents*, the *building official* is authorized to issue a *permit* for the construction of
1114 foundations or any other part of a building or structure before the *construction*
1115 *documents* for the whole building or structure have been submitted. The holder of such
1116 *permit* for the foundation or other parts of a building or structure shall proceed at the
1117 holder's own risk with the building operation and without assurance that a *permit* for the
1118 entire structure will be granted. Corrections may be required to meet the requirements
1119 of the technical codes.

1120
1121 **105.14 *Permit* issued on basis of an affidavit.** Whenever a *permit* is issued in
1122 reliance upon an affidavit or whenever the work to be covered by a *permit* involves
1123 installation under conditions which, in the opinion of the *building official*, are hazardous
1124 or complex, the *building official* shall require that the architect or engineer who signed
1125 the affidavit or prepared the drawings or computations shall supervise such work. In
1126 addition, they shall be responsible for conformity to the *permit*, provide copies of
1127 inspection reports as inspections are performed, and upon completion make and file
1128 with the *building official* written affidavit that the work has been done in conformity to
1129 the reviewed plans and with the structural provisions of the technical codes. In the
1130 event such architect or engineer is not available, the owner shall employ in his stead a
1131 competent person or agency whose qualifications are reviewed by the *building official*.
1132 The *building official* shall ensure that any person conducting plans review is qualified as
1133 a plan's examiner under Part XII of Chapter 468, *Florida Statutes*, and that any person
1134 conducting inspections is qualified as a building inspector under Part XII of Chapter 468,
1135 *Florida Statutes*.

1136
1137 **105.14.1 Affidavits in flood hazard areas.** *Permit* issued on basis of an affidavit shall
1138 not extend to the flood load and flood resistance requirements of the *Florida Building*
1139 *Code* and the *building official* shall review an inspect those requirements.

1140
1141 **105.15 Opening protection.** When any activity requiring a *building permit*, not
1142 including roof covering replacement or repair work associated with the prevention of
1143 degradation of the residence, that is applied for on or after July 1, 2008, and for which
1144 the estimated cost is \$50,000 or more for a site built single-family detached residential
1145 structure that is located in the wind-borne debris region as defined in this code and that
1146 has an insured value of \$750,000 or more, or, if the site built single-family detached
1147 residential structure is uninsured or for which documentation of insured value is not

1148 presented, has a just valuation for the structure for purposes of ad valorem taxation of
1149 \$750,000 or more; opening protections as required within this code or *Florida Building*
1150 *Code, Residential* for new construction shall be provided.

1151 **Exception:** Where defined wind-borne debris regions have not changed, single
1152 family detached residential structures permitted subject to the *Florida Building Code*
1153 are not required to comply with this section.

1154

1155 **105.16 Inspection of existing residential building not impacted by construction.**

1156 (a) A local enforcing agency, and any local building code administrator, inspector, or
1157 other official or entity, may not require as a condition of issuance of a one- or two-
1158 family residential building *permit* the inspection of any portion of a building,
1159 structure, or real property that is not directly impacted by the construction, erection,
1160 alteration, modification, repair, or demolition of the building, structure, or real
1161 property for which the *permit* is sought.

1162 (b) This subsection does not apply to a building *permit* sought for:

1163 1. A substantial improvement as defined in s. 161.54, *Florida Statutes* or as defined
1164 in the *Florida Building Code*.

1165 2. A change of occupancy as defined in the *Florida Building Code*.

1166 3. A conversion from residential to nonresidential or mixed use pursuant to s.
1167 553.507(2)(a), *Florida Statutes* or as defined in the *Florida Building Code*.

1168 4. A historic building as defined in the *Florida Building Code*.

1169 (c) This subsection does not prohibit a local enforcing agency, or any local building
1170 code administrator, inspector, or other official or entity, from:

1171 1. Citing any violation inadvertently observed in plain view during the ordinary
1172 course of an inspection conducted in accordance with the prohibition in
1173 paragraph (a).

1174 2. Inspecting a physically nonadjacent portion of a building, structure, or real
1175 property that is directly impacted by the construction, erection, alteration,
1176 modification, repair, or demolition of the building, structure, or real property for
1177 which the *permit* is sought in accordance with the prohibition in paragraph (a).

1178 3. Inspecting any portion of a building, structure, or real property for which the
1179 owner or other person having control of the building, structure, or real property
1180 has voluntarily consented to the inspection of that portion of the building,
1181 structure, or real property in accordance with the prohibition in paragraph (a).

1182 4. Inspecting any portion of a building, structure, or real property pursuant to an
1183 inspection warrant issued in accordance with ss. 933.20-933.30, *Florida*
1184 *Statutes*.

1185

1186 **105.17 Streamlined low-voltage alarm system installation permitting.**

1187 (I) As used in this section, the term:

1188 (a) "Contractor" means a person who is qualified to engage in the business of
1189 electrical or alarm system contracting pursuant to a certificate or registration

- 1190 issued by the department under Part II of Chapter 489, *Florida Statutes*.
- 1191 (b) "Low-voltage alarm system project" means a project related to the installation,
- 1192 maintenance, inspection, replacement, or service of a new or existing alarm
- 1193 system, as defined in s. 489.505, *Florida Statutes*, including video cameras and
- 1194 closed-circuit television systems used to signal or detect a burglary, fire, robbery,
- 1195 or medical emergency, that is hardwired and operating at low voltage, as defined
- 1196 in the *National Electrical Code Standard 70*, Current Edition, or a new or existing
- 1197 low-voltage electric fence. The term also includes ancillary components or
- 1198 equipment attached to a low-voltage alarm system, or low-voltage electric fence,
- 1199 including, but not limited to, home-automation equipment, thermostats, closed-
- 1200 circuit television systems, access controls, battery recharging devices, and video
- 1201 cameras.
- 1202 (c) "Low-voltage electric fence" means an alarm system, as defined in s. 489.505,
- 1203 that consists of a fence structure and an energizer powered by a commercial
- 1204 storage battery not exceeding 12 volts which produces an electric charge upon
- 1205 contact with the fence structure.
- 1206 (d) "Wireless alarm system" means a burglar alarm system or smoke detector that is
- 1207 not hardwired.
- 1208 (2) Notwithstanding any provision of this code, this section applies to all low-voltage
- 1209 alarm system projects for which a *permit* is required by a local enforcement agency.
- 1210 However, a *permit* is not required to install, maintain, inspect, replace, or service a
- 1211 wireless alarm system, including any ancillary components or equipment attached to
- 1212 the system.
- 1213 (3) A low-voltage electric fence must meet all the following requirements to be
- 1214 permitted as a low-voltage alarm system project and no further *permit* shall be
- 1215 required for the low-voltage alarm system project other than as provided in this
- 1216 section:
- 1217 (a) The electric charge produced by the fence upon contact must not exceed
- 1218 energizer characteristics set forth in paragraph 22.108 and depicted in Figure
- 1219 102 of International Electrotechnical Commission Standard No. 60335-2-76,
- 1220 Current Edition.
- 1221 (b) A nonelectric fence or wall must completely enclose the low-voltage electric
- 1222 fence. The low- voltage electric fence may be up to 2 feet higher than the
- 1223 perimeter nonelectric fence or wall.
- 1224 (c) The low-voltage electric fence must be identified using warning signs attached to
- 1225 the fence at intervals of not more than 60 feet.
- 1226 (d) The low-voltage electric fence shall not be installed in an area zoned exclusively
- 1227 for single- family or multi-family residential use.
- 1228 (e) The low-voltage electric fence shall not enclose the portions of a property which
- 1229 are used for residential purposes.
- 1230 (4) This section does not apply to the installation or replacement of a fire alarm if a plan
- 1231 review is required.

- 1232 (5) A local enforcement agency shall make uniform basic *permit* labels available for
1233 purchase by a contractor to be used for the installation or replacement of a new or
1234 existing alarm system at a cost as indicated in s. 553.793, *Florida Statutes*. The
1235 local enforcement agency may not require the payment of any additional fees,
1236 charges, or expenses associated with the installation or replacement of a new or
1237 existing alarm.
- 1238 (a) A local enforcement agency may not require a contractor, as a condition of
1239 purchasing a label, to submit information other than identification information of
1240 the licensee and proof of registration or certification as a contractor.
- 1241 (b) A label is valid for 1 year after the date of purchase and may only be used within
1242 the jurisdiction of the local enforcement agency that issued the label. A
1243 contractor may purchase labels in bulk for one or more unspecified current or
1244 future projects.
- 1245 (6) A contractor shall post an unused uniform basic *permit* label in a conspicuous place
1246 on the premises of the low-voltage alarm system project site before commencing
1247 work on the project.
- 1248 (7) A contractor is not required to notify the local enforcement agency before
1249 commencing work on a low-voltage alarm system project. However, a contractor
1250 must submit a Uniform Notice of a Low-Voltage Alarm System Project as provided
1251 under subsection (7) to the local enforcement agency within 14 days after
1252 completing the project. A local enforcement agency may take disciplinary action
1253 against a contractor who fails to timely submit a Uniform Notice of a Low-Voltage
1254 Alarm System Project.
- 1255 (8) The Uniform Notice of a Low-Voltage Alarm System Project may be submitted
1256 electronically or by facsimile if all submissions are signed by the owner, tenant,
1257 contractor, or authorized representative of such persons. The Uniform Notice of a
1258 Low-Voltage Alarm System Project shall be in the format prescribed by the local
1259 enforcement agency and must comply with the requirements of s. 553.793(7),
1260 *Florida Statutes*.
- 1261 (9) A local enforcement agency may coordinate directly with the owner or customer to
1262 inspect a low-voltage alarm system to ensure compliance with applicable codes and
1263 standards. If a low-voltage alarm system project fails an inspection, the contractor
1264 must take corrective action as necessary to pass inspection.
- 1265 (10) A municipality, county, district, or other entity of local government may not adopt or
1266 maintain in effect any ordinance or rule regarding a low-voltage alarm system
1267 project that is inconsistent with this section.
- 1268 (11) A uniform basic *permit* label shall not be required for the subsequent maintenance,
1269 inspection, or service of an alarm system that was permitted in accordance with this
1270 section.
- 1271 The provisions of this act are not intended to impose new or additional licensure
1272 requirements on persons licensed in accordance with the applicable provisions of
1273 Chapter 489, *Florida Statutes*.

1274
1275
1276
1277
1278
1279
1280
1281
1282
1283
1284
1285
1286
1287
1288
1289
1290
1291
1292
1293
1294
1295
1296
1297
1298
1299
1300
1301
1302
1303
1304
1305
1306
1307
1308
1309
1310
1311
1312
1313
1314
1315

**SECTION 106
FLOOR AND ROOF DESIGN LOADS**

106.1 Live loads posted. In commercial or industrial buildings, for each floor or portion thereof designed for *live loads* exceeding 50 psf (2.40 kN/m²), such design *live loads* shall be conspicuously posted by the owner or the owner's authorized agent in that part of each *story* in which they apply, using durable signs. It shall be unlawful to remove or deface such notices.

106.2 Issuance of certificate of occupancy. A certificate of occupancy required by Section 111 shall not be issued until the floor load signs, required by Section 106.1, have been installed.

106.3 Restrictions on loading. It shall be unlawful to place, or cause or *permit* to be placed, on any floor or roof of a building, structure or portion thereof, a load greater than is permitted by this code.

**SECTION 107
SUBMITTAL DOCUMENTS**

107.1 General. Submittal documents consisting of *construction documents*, statement of *special inspections*, geotechnical report and other data shall be submitted with each *permit application in accordance with Florida Statute 553.79*. The *construction documents* shall be prepared by a *registered design professional* where required by Chapter 471, *Florida Statutes & 61G15 Florida Administrative Code* or Chapter 481, *Florida Statutes & 61G1 Florida Administrative Code*. Where special conditions exist, the *building official* is authorized to require additional *construction documents* to be prepared by a *registered design professional*.

Exception: The *building official* is authorized to waive the submission of *construction documents* and other data not required to be prepared by a *registered design professional* if it is found that the nature of the work applied for is such that review of *construction documents* is not necessary to obtain compliance with this code.

107.2 Construction documents. *Construction documents* shall be in accordance with Sections 107.2.1 through 107.2.6.

107.2.1 Information on construction documents. *Construction documents* shall be

1316 dimensioned and drawn upon suitable material. Electronic media documents are
1317 permitted to be submitted where *approved* by the *building official*. *Construction*
1318 *documents* shall be of sufficient clarity to indicate the location, nature and extent of the
1319 work proposed and show in detail that it will conform to the provisions of this code and
1320 relevant laws, ordinances, rules and regulations, as determined by the *building official*.
1321 Such drawings and specifications shall contain information, in the form of notes or
1322 otherwise, as to the quality of materials, where quality is essential to conformity with the
1323 technical codes. Such information shall be specific, and the technical codes shall not
1324 be cited or in part, nor shall the term "legal" or its equivalent be used as a substitute for
1325 specific information. All information, drawings, specifications and accompanying data
1326 shall bear the name and signature of the person responsible for the design.

1327
1328 **107.2.1.1 for roof assemblies required by the code.** The construction documents
1329 shall illustrate, describe and delineate the type of roofing system, materials, fastening
1330 requirements, flashing requirements and wind resistance rating that are required to be
1331 installed. Product evaluation and installation shall indicate compliance with the wind
1332 criteria required for the specific site or a statement by an architect or engineer for the
1333 specific site must be submitted with the construction documents.

1334
1335 **107.2.1.2 Additional data.** The building official may require details, computations,
1336 stress diagrams, and other data necessary to describe the construction or installation
1337 and the basis of calculations. All drawings, specifications and accompanying data
1338 required by the building official to be prepared by an architect or engineer shall be
1339 affixed with their official seal, and date as state law requires.

1340
1341 **107.2.2 Fire protection system shop drawings.** Shop drawings for the *fire protection*
1342 *system(s)* shall be submitted to indicate conformance to this code and the *construction*
1343 *documents* and shall be *approved* prior to the start of system installation. Shop
1344 drawings shall contain all information as required by the referenced installation
1345 standards in Chapter 9.

1346
1347 **107.2.3 Means of egress.** The *construction documents* shall show in sufficient detail
1348 the location, construction, size and character of all portions of the *means of egress*
1349 including the path of the *exit discharge* to the *public way* in compliance with the
1350 provisions of this code. In other than occupancies in Groups R-2, R-3, and I-1, the
1351 *construction documents* shall designate the number of occupants to be accommodated
1352 on every floor, and in all rooms and spaces.

1353
1354 **107.2.4 Exterior wall envelope.** *Construction documents* for all buildings shall
1355 describe the *exterior wall envelope* in sufficient detail to determine compliance with this
1356 code. The *construction documents* shall provide details of the *exterior wall envelope* as

1357 required, including flashing, intersections with dissimilar materials, corners, end details,
1358 control joints, intersections at roof, eaves or parapets, means of drainage, water-
1359 resistive membrane and details around openings.

1360 The *construction documents* shall include manufacturer's installation instructions that
1361 provide supporting documentation that the proposed penetration and opening details
1362 described in the *construction documents* maintain the weather resistance of the *exterior*
1363 *wall envelope*. The supporting documentation shall fully describe the exterior wall
1364 system which was tested, where applicable, as well as the test procedure used.

1365
1366 **107.2.5 Exterior balcony and elevated walking surfaces.** Where balcony or other
1367 elevated walking surfaces are exposed to water from direct or blowing rain or irrigation,
1368 and the structural framing is protected by an impervious moisture barrier, the
1369 construction documents shall include details for all elements of the impervious moisture
1370 barrier system. The construction documents shall include manufacturer's installation
1371 instructions.

1372
1373 **107.2.6 Site plan.** The *construction documents* submitted with the application for
1374 *permit* shall be accompanied by a site plan showing to scale the size and location of
1375 new construction and existing structures on the site, distances from *lot lines*, the
1376 established street grades and the proposed finished grades and, as applicable, *flood*
1377 *hazard areas*, *floodways*, and *design flood elevations*; and it shall be drawn in
1378 accordance with an accurate boundary line survey. In the case of demolition, the site
1379 plan shall show construction to be demolished and the location and size of existing
1380 structures and construction that are to remain on the site or plot. The *building official* is
1381 authorized to waive or modify the requirement for a site plan where the application for
1382 *permit* is for *alteration* or *repair* or where other- wise warranted.

1383
1384 **107.2.6.1 Design flood elevations.** Where *design flood elevations* are not specified,
1385 they shall be established in accordance with Section 1612.3.1.

1386
1387 **107.2.6.2** For the purpose of inspection and record retention, site plans for a building
1388 may be maintained in the form of an electronic copy at the worksite. These plans must
1389 be open to inspection by the *building official* or a duly authorized representative, as
1390 required by the *Florida Building Code*.

1391
1392 **107.2.7 Structural information.** The *construction documents* shall provide the
1393 information specified in Section 1603.

1394
1395 **107.3 Examination of documents.** The *building official* shall examine or cause to be
1396 examined the accompanying submittal documents and shall ascertain by such
1397 examinations whether the construction indicated and described is in accordance with
1398 the requirements of this code and other pertinent laws or ordinances.

1399 **Exceptions:**

- 1400 1. Building plans approved pursuant to Section 553.77(5), *Florida Statutes*, and state-
1401 approved manufactured buildings are exempt from local codes enforcing agency
1402 plan reviews except for provisions of the code relating to erection, assembly or
1403 construction at the site. Erection, assembly and construction at the site are subject
1404 to local permitting and inspections. Photocopies of plans approved according to
1405 Rule 61-41.009, *Florida Administrative Code*, shall be sufficient for local *permit*
1406 application documents of record for the modular building portion of the permitted
1407 project.
- 1408 2. Industrial construction on sites where design, construction and fire safety are
1409 supervised by appropriately licensed design and inspection professionals and which
1410 contain adequate in-house fire departments and rescue squads is exempt, subject
1411 to approval by the building official, from review of plans and inspections, providing
1412 the appropriate licensed design and inspection professionals certify that applicable
1413 codes and standards have been met and supply appropriate approved drawings to
1414 local building and fire-safety inspectors.

1415
1416 **107.3.1 Approval of construction documents.** When the *building official* issues a
1417 *permit*, the *construction documents* shall be *approved*, in writing or by stamp, as
1418 "Reviewed for Code Compliance." One set of *construction documents* so reviewed shall
1419 be retained by the *building official*. The other set shall be returned to the applicant, shall
1420 be kept at the site of work and shall be open to inspection by the *building official* or a
1421 duly authorized representative.

1422
1423 **107.3.2 Previous approvals.** This code shall not require changes in the *construction*
1424 *documents*, construction or designated occupancy of a structure for which a lawful
1425 *permit* has been heretofore issued or otherwise law- fully authorized, and the
1426 construction of which has been pursued in good faith within 180 days after the effective
1427 date of this code and has not been abandoned.

1428
1429 **107.3.3 Phased approval.** The *building official* is authorized to issue a *permit* for the
1430 construction of foundations or any other part of a building or structure before the
1431 *construction documents* for the whole building or structure have been submitted,
1432 provided that adequate information and detailed statements have been filed complying
1433 with pertinent requirements of this code. The holder of such *permit* for the foundation or
1434 other parts of a building or structure shall proceed at the holder's own risk with the
1435 building operation and without assurance that a *permit* for the entire structure will be
1436 granted.

1437
1438 **107.3.4 Design professional in responsible charge.** ~~Reserved.~~ Where it is required
1439 that documents be prepared by a registered design professional, the building official
1440 shall be authorized to require the owner or the owner's authorized agent to engage and

1441 designate on the building permit application a registered design professional who shall
1442 act as the registered design professional. If the circumstances require, the owner or the
1443 owner's authorized agent shall designate a successor registered design professional in
1444 responsible charge who shall perform the duties required of the original registered
1445 design professional. The building official shall be notified in writing by the owner or
1446 owner's authorized agent if the designated registered design professional changes or is
1447 unable to continue to perform the duties. Successor registered design professional in
1448 responsible charge licensed under Chapter 471 Florida Statutes shall comply with
1449 Section 471.025(4) Florida Statute and the procedure set forth in 61G15-27.001 Florida
1450 Administrative Code; or licensed under Chapter 481 Florida Statutes shall comply with
1451 Section 481.221(6) Florida Statute and the procedure set forth in 61G1-18.002 Florida
1452 Administrative Code.

1453
1454 The registered design professional in responsible charge shall be responsible for
1455 reviewing and coordinating submittal documents prepared by others, including phased
1456 and deferred submittal items, for compatibility with the design of the building.

1457
1458 **107.3.4.1 Deferred submittals.** For the purposes of this section, deferred submittals
1459 are defined as those portions of the design that are not submitted at the time of the
1460 application and that are to be submitted to the building official.

1461
1462 Deferral of any submittal items shall have the prior approval of the building official. The
1463 registered design professional in responsible charge shall list the deferred submittals
1464 on the construction documents for review by the building official.

1465
1466 Documents for deferred submittal items shall be submitted to the registered design
1467 professional in responsible charge who shall review them and forward them to the
1468 building official with a notation indicating that the deferred submittal documents have
1469 been reviewed and found to be in general conformance to the design of the building.
1470 The deferred submittal items shall not be installed until the deferred submittal
1471 documents have been approved by the building official.

1472
1473 **107.3.4.2** Certifications by contractors authorized under the provisions of Section
1474 489.115(4)(b), Florida Statutes, shall be considered equivalent to sealed plans and
1475 specifications by a person licensed under Chapter 471, Florida Statutes, or Chapter
1476 481, Florida Statutes, by local enforcement agencies for plans review for permitting
1477 purposes relating to compliance with the wind- resistance provisions of the code or
1478 alternate methodologies approved by the Florida Building Commission for one- and
1479 two-family dwellings. Local enforcement agencies may rely upon such certification by
1480 contractors that the plans and specifications submitted conform to the requirements of
1481 the code for wind resistance. Upon good cause shown, local government code
1482 enforcement agencies may accept or reject plans sealed by persons licensed under
1483 Chapters 471, 481 or 489, Florida Statutes.

1484

1485 **107.3.5 Minimum plan review criteria for buildings.** The examination of the
1486 documents by the *building official* shall include the following minimum criteria and
1487 documents: a floor plan; site plan; foundation plan; floor/roof framing plan or truss
1488 layout; all fenestration and building envelope penetrations; flashing; and rough opening
1489 dimensions; and all exterior elevations:

1490

1491 **Commercial Buildings:**

1492

1493 **Building:**

1494

1. Site requirements:

1495

Parking

1496

Fire access

1497

Vehicle loading

1498

Driving/turning radius

1499

Fire hydrant/water supply/post indicator valve (PIV)

1500

Set back/separation (assumed property lines)

1501

Location of specific tanks, water lines and sewer lines

1502

Flood hazard areas, flood zones, and design flood elevations

1503

2. Occupancy group and special occupancy requirements shall be determined (with

1504

cross check with the energy code submittal).

1505

3. Minimum type of construction shall be determined (see Table 503).

1506

4. Fire-resistant construction requirements shall include the following components:

1507

Fire-resistant separations

1508

Fire-resistant protection for type of construction

1509

Protection of openings and penetrations of rated walls

1510

Fire blocking and draft stopping and calculated fire resistance

1511

5. Fire suppression systems shall include:

1512

Early warning smoke evacuation systems

1513

Schematic fire sprinklers

1514

Standpipes

1515

Pre-engineered systems

1516

Riser diagram.

1517

6. Life safety systems shall be determined and shall include the following

1518

requirements:

1519

Occupant load and egress capacities

1520

Early warning

1521

Smoke control

1522

Stair pressurization

1523

Systems schematic

1524

7. Occupancy load/egress requirements shall include:

1525

Occupancy load

1526

Gross

1527

Net

- 1528 Means of egress
- 1529 Exit access
- 1530 Exit
- 1531 Exit discharge
- 1532 Stairs construction/geometry and protection
- 1533 Doors
- 1534 Emergency lighting and exit signs
- 1535 Specific occupancy requirements
- 1536 Construction requirements
- 1537 Horizontal exits/exit passageways
- 1538 Exit access travel distance
- 1539 Common path of egress travel distance
- 1540 8. Structural requirements shall include:
- 1541 Soil conditions/analysis
- 1542 Termite protection
- 1543 Design loads
- 1544 Wind requirements
- 1545 Building envelope
- 1546 Impact resistant coverings or systems
- 1547 Structural calculations (if required)
- 1548 Foundation
- 1549 Flood requirements in accordance with Section 1612, including lowest floor
- 1550 elevations, enclosures, flood damage- resistant materials
- 1551 Wall systems Floor systems
- 1552 Roof systems
- 1553 Threshold inspection plan
- 1554 Stair systems
- 1555 9. Materials shall be reviewed and shall at a minimum include the following:
- 1556 Wood
- 1557 Steel
- 1558 Aluminum
- 1559 Concrete
- 1560 Plastic
- 1561 Glass
- 1562 Masonry
- 1563 Gypsum board and plaster Insulating (mechanical)
- 1564 Roofing
- 1565 Insulation
- 1566 Building envelope portions of the Energy Code (including calculation and
- 1567 mandatory requirements)
- 1568 10. Accessibility requirements shall include the following:
- 1569 Site requirements
- 1570 Accessible route

- 1571 Vertical accessibility
- 1572 Toilet and bathing facilities
- 1573 Drinking fountains
- 1574 Equipment
- 1575 Special occupancy requirements
- 1576 Fair housing requirements
- 1577 11. Interior requirements shall include the following:
- 1578 Interior finishes (flame spread/smoke development)
- 1579 Light and ventilation (including corresponding portion of the energy code)
- 1580 Sanitation
- 1581 12. Special systems:
- 1582 Elevators
- 1583 Escalators
- 1584 Lifts
- 1585 13. Swimming pools:
- 1586 Barrier requirements
- 1587 Spas
- 1588 Wading pools
- 1589 14. Location and installation details. The specific location and installation details of
- 1590 each fire door, fire damper, ceiling damper and smoke damper shall be shown
- 1591 and properly identified on the building plans by the designer.
- 1592 **Electrical:**
- 1593 1. Electrical:
- 1594 Wiring
- 1595 Services
- 1596 Feeders and branch circuits
- 1597 Overcurrent protection
- 1598 Grounding
- 1599 Wiring methods and materials
- 1600 GFCIs
- 1601 Electrical portions of the Energy Code (including calculation and mandatory
- 1602 requirements)
- 1603 2. Equipment
- 1604 3. Special occupancies
- 1605 4. Emergency systems
- 1606 5. Communication systems
- 1607 6. Low voltage
- 1608 7. Load calculations
- 1609 8. *Design flood elevation*
- 1610 **Plumbing:**
- 1611 1. Minimum plumbing facilities
- 1612 2. Fixture requirements

- 1613 3. Water supply piping
- 1614 4. Sanitary drainage
- 1615 5. Water heaters
- 1616 6. Vents
- 1617 7. Roof drainage
- 1618 8. Back flow prevention
- 1619 9. Irrigation
- 1620 10. Location of water supply line
- 1621 11. Grease traps
- 1622 12. Environmental requirements
- 1623 13. Plumbing riser
- 1624 14. Design flood elevation
- 1625 15. Water/plumbing portions of the Energy Code (including calculation and
- 1626 mandatory requirements)
- 1627 **Mechanical:**
- 1628 1. Mechanical portions of the Energy calculations
- 1629 2. Exhaust systems:
- 1630 Clothes dryer exhaust
- 1631 Kitchen equipment exhaust
- 1632 Specialty exhaust systems
- 1633 3. Equipment
- 1634 4. Equipment location
- 1635 5. Make-up air
- 1636 6. Roof-mounted equipment
- 1637 7. Duct systems
- 1638 8. Ventilation
- 1639 9. Combustion air
- 1640 10. Chimneys, fireplaces and vents
- 1641 11. Appliances
- 1642 12. Boilers
- 1643 13. Refrigeration
- 1644 14. Bathroom ventilation
- 1645 15. Laboratory
- 1646 16. *Design flood elevation*
- 1647 17. Smoke and/or Fire Dampers
- 1648 **Gas:**
- 1649 1. Gas piping
- 1650 2. Venting
- 1651 3. Combustion air
- 1652 4. Chimneys and vents

- 1653 5. Appliances
1654 6. Type of gas
1655 7. Fireplaces
1656 8. LP tank location
1657 9. Riser diagram/shutoffs
1658 10. *Design flood elevation*
1659 11. Gas portions of the Energy Code (including calculation and mandatory
1660 requirements)
1661 **Demolition:**
1662 1. Asbestos removal
1663 **Residential (one- and two-family):**
1664 1. Site requirements:
1665 Set back/separation (assumed property lines) Location of septic tanks
1666 2. Fire-resistant construction (if required)
1667 3. Fire
1668 4. Smoke and/or carbon monoxide alarm/detector locations
1669 5. Egress:
1670 Egress window size and location stairs construction requirements
1671 6. Structural requirements shall include:
1672 Wall section from foundation through roof, including assembly and materials
1673 connector tables wind requirements structural calculations (if required)
1674 Termite protection
1675 Design loads
1676 Wind requirements
1677 Building envelope
1678 Foundation
1679 Wall systems
1680 Floor systems
1681 Roof systems
1682 *Flood hazard areas, flood zones, design flood elevations, lowest floor elevations,*
1683 *enclosures, equipment, and flood damage- resistant materials*
1684 7. Accessibility requirements:
1685 Show/identify
1686 Accessible bath
1687 8. Impact resistant coverings or systems
1688 9. Residential Energy Code submittal (including calculation and mandatory
1689 requirements)
1690 10. Electrical:
1691 Electric service riser with wire sizes, conduit detail and grounding detail.
1692 Complete load calculations, Panel schedules

- 1693 11. Mechanical:
- 1694 Equipment and location, Duct systems
- 1695 12. Plumbing:
- 1696 Plumbing riser
- 1697 13. Gas
- 1698 Gas piping
- 1699 Venting
- 1700 Combustion air
- 1701 Chimneys and vents
- 1702 Appliances
- 1703 Type of gas
- 1704 Fireplaces
- 1705 LP tank location
- 1706 Riser diagram/shutoffs
- 1707 14. Swimming Pools
- 1708 Barrier requirements
- 1709 Spas
- 1710 Wading pools
- 1711
- 1712
- 1713 **Manufactured buildings/housing:**
- 1714 1. Site requirements
- 1715 Setback/separation (assumed property lines)
- 1716 Location of septic tanks (if applicable)
- 1717 2. Structural
- 1718 Wind zone
- 1719 Flood
- 1720 Anchoring
- 1721 Blocking
- 1722 3. Plumbing
- 1723 List potable water source and meter size (if applicable)
- 1724 4. Mechanical
- 1725 Exhaust systems
- 1726 Clothes dryer exhaust
- 1727 Kitchen equipment exhaust

- 1728 5. Electrical exterior disconnect location
1729 **Exemptions:** Plans examination by the *building official* shall not be required for
1730 the following work:
1731 1. Replacing existing equipment such as mechanical units, water heaters,
1732 etc.
1733 2. Reroofs
1734 3. Minor electrical, plumbing and mechanical repairs
1735 4. Annual maintenance *permits*
1736 5. Prototype plans:
1737 Except for local site adaptations, siding, foundations and/or modifications.
1738 Except for structures that require waiver.
1739 6. Manufactured buildings plan except for foundations and modifications of
1740 buildings on site and as listed above in manufactured buildings/housing.
1741

1742 **107.4 Amended construction documents.** Work shall be installed in accordance with
1743 the *approved construction documents*, and any changes made during construction that
1744 are not in compliance with the *approved construction documents* shall be resubmitted
1745 for approval as an amended set of *construction documents*.
1746

1747 **107.5 Retention of construction documents.** One set of *approved construction*
1748 *documents* shall be retained by the *building official* for a period of not less than 180
1749 days from date of completion of the permitted work, or as required by state or local
1750 laws.

1751 **107.6 Affidavits.** The *building official* may accept an affidavit from a registered
1752 architect or engineer stating that the plans submitted conform to the technical codes.
1753 For buildings and structures, the affidavit shall state that the plans conform to the laws
1754 as to egress, type of construction and general arrangement and, if accompanied by
1755 drawings, show the structural design and that the plans and design conform to the
1756 requirements of the technical codes as to strength, stresses, strains, loads and stability.
1757 The *building official* may without any examination or inspection accept such affidavit,
1758 provided the architect or engineer who made such affidavit agrees to submit to the
1759 *building official* copies of inspection reports as inspections are performed and upon
1760 completion of the structure, electrical, gas, mechanical or plumbing systems a
1761 certification that the structure, electrical, gas, mechanical or plumbing system has been
1762 erected in accordance with the requirements of the technical codes. Where the *building*
1763 *official* relies upon such affidavit, the architect or engineer shall assume full
1764 responsibility for compliance with all provisions of the technical codes and other
1765 pertinent laws or ordinances. The *building official* shall ensure that any person
1766 conducting plans review is qualified as a plan's examiner under Part XII of Chapter 468,
1767 *Florida Statutes*, and that any person conducting inspections is qualified as a building
1768 inspector under Part XII of Chapter 468, *Florida Statutes*. Nothing aforesaid shall

1769 prelude plan review or inspections by the *building official* (see also Section 105.14)
1770
1771

1772 **107.6.1 Building *permits* issued in flood hazard areas based on an affidavit.**

1773 Pursuant to the requirements of federal regulation for participation in the
1774 National Flood Insurance Program (44 C.F.R. Parts 59 and 60), the authority
1775 granted to the *building official* to issue *permits*, to rely on inspections, and to
1776 accept plans and *construction documents* based on affidavits and plans
1777 submitted pursuant to Sections 105.14 and 107.6, shall not extend to the flood
1778 load and flood-resistance construction requirements of the *Florida Building*
1779 *Code*.

1780
1781 **107.6.2 Affidavits Provided Pursuant to Section 553.791, Florida**

1782 **Statutes.** For a building or structure in a *flood hazard area*, the *building official*
1783 shall review any affidavit certifying compliance with the flood load and flood-
1784 resistant construction requirements of the Florida Building Code.
1785

1786 **107.7** If the local building code administrator or inspector finds that the plans are not in
1787 compliance with the Florida Building Code, the local building code administrator or
1788 inspector shall identify the specific plan features that do not comply with the applicable
1789 codes, identify the specific code chapters and sections upon which the finding is based,
1790 and provide this information to the local enforcing agency. If the building code
1791 administrator, plans examiner, or inspector requests another local enforcing agency
1792 employee or a person contracted by the local enforcing agency to review the plans and
1793 that employee or person identifies specific plan features that do not comply with the
1794 applicable codes, the building code administrator, plans examiner, or inspector must
1795 provide this information to the local enforcing agency. The local enforcing agency shall
1796 provide this information to the permit applicant.
1797

1798
1799 **SECTION 108**
1800 **TEMPORARY STRUCTURES AND USES**
1801

1802 **108.1 General.** The *building official* is authorized to issue a *permit* for temporary
1803 structures and temporary uses. Such *permits* shall be limited as to time of service, but
1804 shall not be permitted for more than 180 days. The *building official* is authorized to grant
1805 extensions for demonstrated cause.
1806

1807 **108.2 Conformance.** Temporary structures and uses shall comply with the
1808 requirements in Section 3103.
1809

1810 **108.3 Temporary power.** The *building official* is authorized to give permission to
1811 temporarily supply and use power in part of an electric installation before such
1812 installation has been fully completed and the final certificate of completion has been
1813 issued. The part covered by the temporary certificate shall comply with the requirements
1814 specified for temporary lighting, heat or power in NFPA 70.

1815
1816 **108.4 Termination of approval.** The *building official* is authorized to terminate such
1817 *permit* for a temporary structure or use and to order the temporary structure or use to
1818 be discontinued.

1819
1820 **SECTION 109**
1821 **FEES**

1822
1823 **109.1 Payment of fees.** A *permit* shall not be valid until the fees prescribed by law
1824 have been paid, nor shall an
1825 amendment to a *permit* be released until the additional fee, if any, has been paid.
1826

1827 **109.2 Schedule of *permit* fees.** On buildings, structures, electrical, gas, mechanical,
1828 and plumbing systems or *alterations* requiring a *permit*, a fee for each *permit* shall be
1829 paid as required, in accordance with the schedule as established by the applicable
1830 governing authority.

1831
1832 **109.2.1 Types of Fees Enumerated.** Fees may be charged for but not limited to the
1833 following:

- 1834 1. Permits;
1835 2. Plans examination;
1836 3. Certificates of competency (including fees for applications, examinations, renewal,
1837 late renewal, and reciprocity);
1838 4. Temporary certificate of occupancy;
1839 5. Re-inspections;
1840 6. Administrative fees (including fees for investigative and legal costs incurred in the
1841 context of certain disciplinary cases heard by the board);
1842 7. Variance requests;
1843 8. Administrative appeals;
1844 9. Violations; and
1845 10. Other fees as established by local resolution or ordinance.

1846
1847 **109.3 Building permit valuations.** The applicant for a *permit* shall provide an
1848 estimated *permit* value at time of application. *Permit* valuations shall include total value
1849 of work, including materials and labor, for which the *permit* is being issued, such as
1850 electrical, gas, mechanical, plumbing equipment and permanent systems. If, in the

1851 opinion of the *building official*, the valuation is underestimated on the application, the
1852 *permit* shall be denied, unless the applicant can show detailed estimates to meet the
1853 approval of the *building official*. Final building *permit* valuation shall be set by the
1854 *building official*.

1855
1856 **109.4 Work commencing before *permit* issuance.** Any person who commences any
1857 work on a building, structure, electrical, gas, mechanical or plumbing system before
1858 obtaining the necessary *permits* or without prior approval from the *building official* as
1859 permitted in Section 105.2.2 or 105.12 shall be subject to a fee of two times the
1860 required permit fee. ~~established by the *building official* that shall be in addition to the~~
1861 ~~required *permit* fees.~~ This provision shall not apply to emergency work when delay
1862 would clearly have placed life or property in imminent danger. But in all such cases the
1863 required *permit(s)* must be applied for within three (3) business days and any
1864 unreasonable delay in obtaining those *permit(s)* shall result in the charge of a double
1865 fee. The payment of a double fee shall not preclude or be deemed a substitute for
1866 prosecution for commencing work without first obtaining a *permit*. The *building official*
1867 may grant extensions of time or waive fees when justifiable cause has been
1868 demonstrated in writing.

1869
1870
1871 **109.5 Related fees. Reserved.** The payment of the fee for the construction, alteration,
1872 removal or demolition for work done in connection to or concurrently with the work
1873 authorized by a building *permit* shall not relieve the applicant or holder of the *permit*
1874 from the payment of other fees that are prescribed by law.

1875
1876 **109.6 Refunds. Reserved.** The *building official* is authorized to establish a refund
1877 policy.

1878
1879 **SECTION 110**
1880 **INSPECTIONS**

1881
1882 **110.1 General.** Construction or work for which a *permit* is required shall be subject to
1883 inspection by the *building official* and such construction or work shall remain exposed
1884 and provided with access for inspection purposes until *approved*. Approval as a result
1885 of an inspection shall not be construed to be an approval of a violation of the provisions
1886 of this code or of other ordinances of the jurisdiction. Inspections presuming to give
1887 authority to violate or cancel the provisions of this code or of other ordinances of the
1888 jurisdiction shall not be valid. It shall be the duty of the *owner* or the *owner's* authorized
1889 agent to cause the work to remain exposed and provided with access for inspection
1890 purposes. The *building official* shall be permitted to require a boundary line survey
1891 prepared by a Florida licensed professional surveyor and mapper whenever the

1892 boundary lines cannot be readily determined in the field. Neither the *building official* nor
1893 the jurisdiction shall be liable for expense entailed in the removal or replacement of any
1894 material required to allow inspection.

1895

1896 **110.1.1 Manufacturers and fabricators.** When deemed necessary by the *building*
1897 *official*, he/she shall make, or cause to be made, an inspection of materials or
1898 assemblies at the point of manufacture or fabrication. A record shall be made of every
1899 such examination and inspection and of all violations of the technical codes.

1900

1901 **110.1.2 Inspection service.** The *building official* may make, or cause to be made, the
1902 inspections required by Section 110. He or she may accept reports of department
1903 inspectors, independent inspectors or of recognized inspection services, provided that
1904 after investigation he/she is satisfied as to their licensure, qualifications and reliability.
1905 A certificate required by any provision of this code shall not be based on such reports
1906 unless the same are recorded by the building code inspector or the architect or
1907 engineer performing building code inspections in a manner specified by the *building*
1908 *official*. The *building official* shall ensure that all persons making such inspections are
1909 certified in accordance to Chapter 468 Florida Statutes; or licensed under Chapter 471
1910 or 481 Florida Statutes.

1911

1912 **110.1.2.1 Affidavit for inspection.** With specific prior approval of, and in a format
1913 acceptable to the building official, an affidavit for certification of inspection may be
1914 accepted from the permit qualifier; when accompanied by sufficient photographic
1915 evidence of sufficient detail to demonstrate code compliance. The photographic
1916 evidence shall be comprehensive in the display of the installation and/or construction
1917 and job location identifiers. The affidavit and accompanying photographs shall be
1918 provided to the inspector onsite, at the next scheduled inspection. If the photographs
1919 are found to be insufficient by the building official to demonstrate compliance with this
1920 code and/or the approved construction document, or clearly display location identifiers,
1921 or are missing, the inspector shall require the contractor to obtain the services of a
1922 registered Florida professional engineer to inspect and certify the installation and/or
1923 construction.

1924

1925 **110.1.2.2 Exception:** Affidavits may not be accepted for inspection of
1926 elements of construction which require inspection by the local jurisdiction
1927 under the requirements of Title 44, Code of Federal Regulations, Parts 59 and
1928 60, and the local flood damage prevention ordinance.

1929

1930 **110.2 Preliminary inspection.** Before issuing a *permit*, the *building official* is
1931 authorized to examine or cause to be examined buildings, structures and sites for which

1932 an application has been filed.

1933

1934 **110.3 Required inspections.** The *building official* upon notification from the *permit*
1935 holder or his or her agent shall make the following inspections, or any other such
1936 inspection as deemed necessary and shall either release that portion of the
1937 construction or shall notify the *permit* holder or his or her agent of any violations which
1938 must be corrected to comply with the technical codes. The *building official* shall
1939 determine the timing and sequencing of when inspections occur and what elements
1940 are inspected at each inspection.

1941 **Building**

1942 1. Foundation inspection. To be made after trenches are excavated, any required
1943 reinforcing steel is in place, forms erected and shall at a minimum include the
1944 following building components:

1945 Stem-wall

1946 Monolithic slab-on-grade

1947 Piling/pile caps

1948 Footers/grade beams

1949 1.1. Slab Inspection: Concrete slab and under-floor inspections shall be made
1950 after in-slab or under-floor reinforcing steel and building service equipment,
1951 conduit, piping accessories and other ancillary equipment items are in place, but
1952 before any concrete is placed or floor sheathing installed, including the subfloor.

1953 1.2. A foundation/form board survey prepared and certified by a Florida
1954 licensed professional surveyor and mapper may be required, prior to approval of
1955 the slab inspection. The survey shall certify placement of the building on the site,
1956 illustrate all surrounding setback dimensions and shall be available at the job site
1957 for review by the building inspector. In lieu of providing a survey, the contractor
1958 may elect to uncover all property line markers and string-up all property lines in
1959 preparation for inspection.

1960 1.3. In flood hazard areas, upon placement of the lowest floor, including
1961 basement, and prior to further vertical construction, the elevation certification
1962 shall be submitted to the *building official*.

1963 2. Framing inspection. To be made after the roof, all framing, *fire blocking* and bracing
1964 is in place, all concealing wiring, all pipes, chimneys, ducts and vents are complete
1965 and the rough electrical, plumbing, heating wires, pipes and ducts are *approved* and
1966 shall at a minimum include the following building components:

1967 Window/door framing

1968 Window U-factor/SHGC (as indicated on *approved* energy calculations)

1969 Vertical cells/columns

1970 Lintel/tie beams

1971 Framing/trusses/bracing/connectors (including truss layout and engineered
1972 drawings)

- 1973 Draft stopping/fire blocking
- 1974 Curtain wall framing
- 1975 Energy insulation (Insulation R-factor as indicated on approved energy calculations)
- 1976 Accessibility
- 1977 Verify rough opening dimensions are within tolerances.
- 1978 Window/door buck attachment
- 1979
- 1980 2.1 Insulation Inspection: To be made after the framing inspection is approved and
- 1981 the insulation is in place, according to approved energy calculation submittal.
- 1982 Includes wall and ceiling insulation.
- 1983 2.2 Lath and gypsum board inspection for fire-resistance rated or shear assemblies.
- 1984 Lath and gypsum board inspections shall be made after lathing and gypsum
- 1985 board, interior and exterior, is in place, but before ant plastering is applied or
- 1986 gypsum board joints and fasteners are taped and finished.
- 1987 2.3 Lintel/tie beams/columns/masonry units. To be made after masonry units,
- 1988 forms, reinforcing steel, shoring, conduit, piping accessories, and other ancillary
- 1989 equipment items are in place, but before any concrete is placed.
- 1990 3. Sheathing inspection. To be made either as part of a dry-in inspection or done
- 1991 separately at the request of the contractor after all roof and wall sheathing and
- 1992 fasteners are complete and shall at a minimum include the following building
- 1993 components:
- 1994 Roof sheathing
- 1995 Wall sheathing
- 1996 Continuous air barrier
- 1997 Exterior siding/cladding
- 1998 Floor sheathing
- 1999 Sheathing fasteners
- 2000 Roof/wall dry-in
- 2001 Gypsum board, as required
- 2002 Sheathing/cladding inspection
- 2003 Sheathing fasteners installed and found to be missing the structural member
- 2004 (shiners) shall be removed and properly reinstalled prior to installation of the dry-in
- 2005 material.
- 2006 4. Exterior wall coverings. Shall at a minimum include the following building
- 2007 components in progress inspections:
- 2008 Exterior wall coverings and veneers
- 2009 Soffit coverings
- 2010 5. Roofing inspection. Shall at a minimum be made in at least two inspections and
- 2011 include the following building components:
- 2012 Dry-in
- 2013 Insulation

- 2014 Roof coverings (including In Progress as necessary)
- 2015 Insulation on roof deck (according to submitted energy calculation)
- 2016 Flashing
- 2017 5.1 Re-roof sheathing inspection. An affidavit with a notarized signature of a state or
- 2018 locally licensed roofing contractor for the installation of additional sheathing
- 2019 fasteners as required by the Existing Building Code may be accepted at the
- 2020 discretion of the building official.
- 2021 6. Final inspection. To be made after the building is completed and ready for
- 2022 occupancy.
- 2023 6.1. In *flood hazard areas*, as part of the final inspection, a final certification of the
- 2024 lowest floor elevation or the elevation to which a building is dry floodproofed, as
- 2025 applicable, shall be submitted to the authority having jurisdiction.
- 2026 7. Swimming pool inspection. First inspection to be made after excavation and
- 2027 installation of reinforcing steel, bonding and main drain and prior to placing of
- 2028 concrete.
- 2029 1. Steel reinforcement inspection
- 2030 2. Underground electric inspection
- 2031 3. Underground piping inspection including a pressure test.
- 2032 4. Underground electric inspection under deck area (including the equipotential
- 2033 bonding)
- 2034 5. Underground piping inspection under deck area
- 2035 6. Deck inspection: to be made prior to installation of the deck material (with forms,
- 2036 deck drains, and any reinforcement in place
- 2037 7. Safety Inspection; Made prior to filling the pool with the bonding connections
- 2038 made, the proper drain covers installed and the final barriers installed.
- 2039 8. Final pool piping
- 2040 9. Final Electrical inspection
- 2041 10. Final inspection to be made when the swimming pool is complete and all
- 2042 required enclosure requirements are in place.
- 2043 In order to pass final inspection and receive a certificate of completion, a residential
- 2044 swimming pool must meet the requirements relating to pool safety features as
- 2045 described in Section 454.2.17 of this code.
- 2046 8. Demolition inspections. First inspection to be made after all utility connections have
- 2047 been dis- connected and secured in such manner that no unsafe or unsanitary
- 2048 conditions shall exist during or after demolition operations.
- 2049 Final inspection to be made after all demolition work is completed.
- 2050 9. Manufactured building inspections. The building department shall inspect
- 2051 construction of foundations; connecting buildings to foundations; installation of parts
- 2052 identified on plans as site installed items, joining the modules, including utility cross-
- 2053 overs; utility connections from the building to utility lines on site; and any other work
- 2054 done on site which requires compliance with the *Florida Building Code*. Additional

2055 inspections may be required for public educational facilities (see Section 453.27.20
2056 of this code).

2057 10. Where impact-resistant coverings or impact-resistant systems are installed, the
2058 *building official* shall schedule adequate inspections of impact-resistant coverings
2059 or impact-resistant systems to determine the following:

2060 The system indicated on the plans was installed.

2061 The system is installed in accordance with the manufacturer's installation
2062 instructions and the product approval.

2063 **Electrical**

2064 1. Underground inspection. To be made after trenches or ditches are excavated,
2065 conduit or cable installed, and before any backfill is put in place.

2066 2. Rough-in inspection. To be made after the roof, framing, *fire blocking* and bracing
2067 is in place and prior to the installation of wall or ceiling membranes.

2068 3. Final inspection. To be made after the building is complete, all required electrical
2069 fixtures are in place and properly connected or protected, and the structure is
2070 ready for occupancy.

2071 4. Existing Swimming Pools. To be made after all repairs or alterations are
2072 complete, all required electrical equipment, GFCI protection, and equipotential
2073 bonding are in place on said alterations or repairs.

2074 **Plumbing**

2075 1. Underground inspection. To be made after trenches or ditches are excavated,
2076 piping installed, and before any backfill is put in place.

2077 2. Rough-in inspection. To be made after the roof, framing, *fire blocking* and
2078 bracing is in place and all soil, waste and vent piping is complete, and prior
2079 to this installation of wall or ceiling membranes. Includes plumbing provisions
2080 of the energy code and approved energy calculation provisions.

2081 3. Final inspection. To be made after the building is complete, all plumbing
2082 fixtures are in place and properly connected, and the structure is ready for
2083 occupancy.

2084 **Note:** See Section 312 of the *Florida Building Code, Plumbing* for required tests.

2085 **Mechanical**

2086 1. Underground inspection. To be made after trenches or ditches are excavated,
2087 underground duct and fuel piping installed, and before any backfill is put in place.

2088 2. Rough-in inspection. To be made after the roof, framing, *fire blocking* and bracing are
2089 in place and all ducting, and other concealed components are complete, and prior to
2090 the installation of wall or ceiling membranes.

2091 Includes mechanical provisions of the energy code and approved energy calculation
2092 provisions.

2093 3. Final inspection. To be made after the building is complete, the mechanical system is
2094 in place and properly connected, and the structure is ready for occupancy.

2095 **Gas**

2096 1. Rough piping inspection. To be made after all new piping authorized by the permit

- 2097 has been installed, and before any such piping has been covered or concealed or
2098 any fixtures or gas appliances have been connected.
2099 Includes gas provisions of the energy code and approved energy calculation
2100 provisions.
- 2101 2. Final piping inspection. To be made after all piping authorized by the *permit* has
2102 been installed and after all portions which are to be concealed by plastering or
2103 otherwise have been so concealed, and before any fixtures or gas appliances have
2104 been connected. This inspection shall include a pressure test.
 - 2105 3. Final inspection. To be made on all new gas work authorized by the *permit* and such
2106 portions of existing systems as may be affected by new work or any changes, to
2107 ensure compliance with all the requirements of this code and to assure that the
2108 installation and construction of the gas system is in accordance with reviewed plans.

2109 **Site Debris**

- 2110 1. The contractor and/or owner of any active or inactive construction project shall be
2111 responsible for the clean-up and removal of all construction debris or any other
2112 miscellaneous discarded articles during the construction project and prior to
2113 receiving final inspection approval. Construction job sites must always be kept
2114 clean and in a safe condition.
- 2115 2. All debris shall be kept in such a manner as to prevent it from being spread by any
2116 means.

2117
2118 **110.3.1 Footing and foundation inspection. Reserved.**

2119 Footing and foundation inspections shall be made after excavations for footings are
2120 complete and any required reinforcing steel is in place. For concrete foundations, any
2121 required forms shall be in place prior to inspection. Materials for the foundation shall be
2122 on the job, except where concrete is ready mixed in accordance with ASTM C 94, the
2123 concrete need not be on the job.

2124
2125 **110.3.2 Concrete slab and under-floor inspection. Reserved.** Concrete slab and
2126 under-floor inspections shall be made after in-slab or under-floor reinforcing steel and
2127 building service equipment, conduit, piping accessories and other ancillary equipment
2128 items are in place, but before any concrete is placed or floor sheathing installed,
2129 including the subfloor.

2130
2131 **110.3.3 Lowest floor elevation. Reserved.** In flood hazard areas, upon placement of
2132 the lowest floor, including the basement, and prior to further vertical construction, the
2133 elevation certification required in Section 1612.4 of the Florida Building Code, Building
2134 and Section R322 of the Florida Building Code, Residential, shall be submitted to the
2135 building official.

2136 **110.3.4 Frame inspection. Reserved.** Framing inspections shall be made after the roof
2137 deck or sheathing, all framing, fire blocking and bracing are in place and pipes,
2138 chimneys and vents to be concealed are complete and the rough electrical, plumbing,

2139 heating wires, pipes and ducts are approved.

2140

2141 **110.3.5 Lath, gypsum board and gypsum panel product inspection.** Lath, gypsum
2142 board and gypsum panel product inspections shall be made after lathing, gypsum
2143 board and gypsum panel products, interior and exterior, are in place, but before any
2144 plastering is applied or gypsum board and gypsum panel product joints and fasteners
2145 are taped and finished.

2146 **Exception:** Gypsum board and gypsum panel products that are not part of a fire-
2147 resistance-rated assembly or a shear assembly.

2148

2149 **110.3.6 Weather-exposed balcony and walking surface waterproofing.** Where
2150 balcony or other elevated walking surfaces are exposed to water from direct or blowing
2151 rain or irrigation, and the structural framing is protected by an impervious moisture
2152 barrier, all elements of the impervious-moisture-barrier system shall not be concealed
2153 until inspected and *approved*.

2154

2155 **110.3.7 Fire and smoke-resistant penetrations.** Protection of joints and penetrations
2156 in *fire-resistance-rated* assemblies, *smoke barriers* and smoke partitions shall not be
2157 concealed from view until inspected and *approved*.

2158

2159 **110.3.8 Energy efficiency inspections.** Inspections shall be made to determine
2160 compliance with *FBC, Energy Conservation* and confirm with the *approved energy code*
2161 *submittal (by appropriate trade) and corresponding mandatory requirements* and shall
2162 include, but not be limited to, inspections for: *corresponding envelope insulation R- and*
2163 *U-values, fenestration U-value, and Solar Heat Gain Coefficient*, duct system R-value,
2164 and HVAC, *lighting, electrical* and water-heating equipment efficiency.

2165

2166 **110.3.9 Other inspections.** In addition to the inspections specified in Sections 110.3
2167 through 110.3.8, the *building official* is authorized to make or require other inspections
2168 of any construction work to ascertain compliance with the provisions of this code and
2169 other laws that are enforced by the department of building safety.

2170

2171 **110.3.10 Special inspections. Reserved.** The building official may make, or cause to
2172 be made by others, the inspections required by Section 109. The building official may
2173 accept reports of inspectors of recognized inspection services, provided that after
2174 investigation the building official is satisfied as to their qualifications and reliability. A
2175 certificate called for by any provision of the technical codes shall not be based on such
2176 reports unless the same are in writing and certified by a special inspector. The building
2177 official may require the owner to employ an inspection service in the following
2178 instances:

2179

- 2180 1. For buildings or additions of Type I construction
- 2181 2. For all major structural alterations
- 2182 3. Where the concrete design is based on compressive strength (f 'c) in
- 2183 excess of 3000 pounds per square inch
- 2184 4. For pile driving
- 2185 5. For buildings with area greater than 20,000 square foot
- 2186 6. For buildings more than 2 stories in height
- 2187 7. For buildings and structures of unusual design or methods of construction
- 2188 8. Towers
- 2189

2190 Such inspectors shall be adequately present at times work is underway on the
2191 structural elements of the building. Such inspectors shall be a registered architect, or
2192 engineer, or a person licensed under Chapter 468, Part XII, Florida Statutes. Such
2193 inspectors shall submit weekly progress reports including the daily inspections to the
2194 building official.

2195
2196 At the completion of the construction work or project, such inspectors shall submit a
2197 certificate of compliance to the building official, stating that the work was done in
2198 compliance with this code and in accordance with the permitted drawing. Final
2199 inspection shall be made by the building official before a Certificate of Occupancy or
2200 Certificate of Completion is issued; and confirmation inspections may be made at any
2201 time to monitor activities and resident inspectors.

2202
2203 110.3.11 Final inspection. ~~Reserved.~~ The final inspection shall be made after all work
2204 required by the building permit is completed.

2205
2206 110.3.11.1 Flood hazard documentation. ~~Reserved.~~
2207 If located in a flood hazard area, documentation as required in Section 1612.5 of the
2208 Florida Building Code, Building; or Section R322 of the Florida Building Code,
2209 Residential and definitions of the Florida Building Code, Existing Building with the
2210 technical amendments adopted under ordinance 19-21 shall be submitted to the
2211 building official prior to the final inspection.

2212
2213 110.3.11.2 Commercial Energy Code documentation. If required by energy code
2214 path submittal, confirmation that commissioning result requirements have been
2215 received by building owner.

2216
2217 110.3.11.3 Residential Energy Code documentation. If required by energy code path
2218 submittal (R405), confirmation that the envelope and duct test requirements shall be
2219 received by building official.

2220

2221 **110.3.12 Termites.** Building components and building surroundings required to be
2222 protected from termite damage in accordance with Section 1503.7, Section 2304.12.9
2223 or Section 2304.12.4, specifically required to be inspected for termites in accordance
2224 with Section 2114, or required to have chemical soil treatment in accordance with
2225 Section 1816 shall not be covered or concealed until the release from the *building*
2226 *official* has been received.

2227

2228 **110.3.13 Impact-resistant coverings or systems.** Where impact-resistant coverings
2229 or systems are installed to meet requirements of this code, the *building official* shall
2230 schedule adequate inspections of impact-resistant coverings or systems to determine
2231 the following:

2232

1. The system indicated on the plans was installed.

2233

2. The system is installed in accordance with the manufacturer's installation
2234 instructions and the product approval.

2235

2236 **110.4 Inspection agencies.** ~~Reserved.~~ The *building official* is authorized to accept
2237 reports of *approved* inspection agencies, provided such agencies satisfy the
2238 requirements as to qualifications and reliability.

2239

2240 **110.5 Inspection requests.** It shall be the duty of the holder of the *building permit* or
2241 their duly authorized agent to notify the *building official* when work is ready for
2242 inspection. It shall be the duty of the *permit* holder to provide access to and means for
2243 inspections of such work that are required by this code.

2244

2245 **110.6 Approval required.** Work shall not be done beyond the point indicated in each
2246 successive inspection without first obtaining the approval of the *building official*. The
2247 *building official*, upon notification, shall make the requested inspections and shall either
2248 indicate the portion of the construction that is satisfactory as completed, or notify the
2249 *permit* holder or his or her agent wherein the same fails to comply with this code. Any
2250 portions that do not comply shall be corrected and such portion shall not be covered or
2251 concealed until authorized by the *building official*.

2252

2253 **110.7 Shoring.** For threshold buildings, shoring and associated formwork or falsework
2254 shall be designed and inspected by a Florida licensed professional engineer prior to
2255 any required mandatory inspections by the threshold building inspector.

2256

2257 **110.8 Threshold building.**

2258

2259 **110.8.1** During new construction or during repair or restoration projects in which the
2260 structural system or structural loading of a building is being modified, the enforcing

2261 agency shall require a special inspector to perform structural inspections on a threshold
2262 building pursuant to a structural inspection plan prepared by the engineer or architect of
2263 record. The structural inspection plan must be submitted to the enforcing agency prior
2264 to the issuance of a building *permit* for the construction of a threshold building. The
2265 purpose of the structural inspection plans is to provide specific inspection procedures
2266 and schedules so that the building can be adequately inspected for compliance with the
2267 permitted documents. The special inspector may not serve as a surrogate in carrying
2268 out the responsibilities of the *building official*, the architect, or the engineer of record.
2269 The contractor's contractual or statutory obligations are not relieved by any action of
2270 the special inspector.

2271
2272 **110.8.2** The special inspector shall determine that a professional engineer who
2273 specializes in shoring design has inspected the shoring and reshoring for conformance
2274 with the shoring and reshoring plans submitted to the enforcing agency. A fee simple
2275 title owner of a building, which does not meet the minimum size, height, occupancy,
2276 occupancy classification, or number-of-stories criteria which would result in
2277 classification as a threshold building under s. 553.71(7), *Florida Statutes* may designate
2278 such building as a threshold building, subject to more than the minimum number of
2279 inspections required by the *Florida Building Code*.

2280
2281 **110.8.3** The fee owner of a threshold building shall select and pay all costs of
2282 employing a special inspector, but the special inspector shall be responsible to the
2283 enforcement agency. The inspector shall be a person certified, licensed or registered
2284 under Chapter 471, *Florida Statutes*, as an engineer or under Chapter 481, *Florida*
2285 *Statutes*, as an architect.

2286
2287 **110.8.4** Each enforcement agency shall require that, on every threshold building:

2288
2289 **110.8.4.1** The special inspector, upon completion of the building and prior to the
2290 issuance of a certificate of occupancy, file a signed and sealed statement with the
2291 enforcement agency in substantially the following form: "To the best of my knowledge
2292 and belief, the above described construction of all structural load-bearing components
2293 complies with the permitted documents, and the shoring and reshoring conforms to the
2294 shoring and reshoring plans submitted to the enforcement agency."

2295
2296 **110.8.4.2** Any proposal to install an alternate structural product or system to which
2297 building codes apply be submitted to the enforcement agency for review for compliance
2298 with the codes and made part of the enforcement agency's recorded set of *permit*
2299 documents.

2300
2301 **110.8.4.3** All shoring and reshoring procedures, plans and details be submitted to the
2302 enforcement agency for recordkeeping. Each shoring and reshoring installation shall be

2303 supervised, inspected and certified to be in compliance with the shoring documents by
2304 the contractor.

2305

2306 **110.8.4.4** All plans for the building which are required to be signed and sealed by the
2307 architect or engineer of record contain a statement that, to the best of the architect's or
2308 engineer's knowledge, the plans and specifications comply with the applicable
2309 minimum building codes and the applicable fire-safety standards as determined by the
2310 local authority in accordance with this section and Chapter 633, *Florida Statutes*.

2311

2312 **110.8.5** No enforcing agency may issue a building *permit* for construction of any
2313 threshold building except to a licensed general contractor, as defined in Section
2314 489.105(3)(a), *Florida Statutes*, or to a licensed building contractor, as defined in
2315 Section 489.105(3)(b), *Florida Statutes*, within the scope of her or his license. The
2316 named contractor to whom the building *permit* is issued shall have the responsibility for
2317 supervision, direction, management and control of the construction activities on the
2318 project for which the building *permit* was issued.

2319

2320 **110.8.6** The building department may allow a special inspector to conduct the minimum
2321 structural inspection of threshold buildings required by this code, Section 553.73,
2322 *Florida Statutes*, without duplicative inspection by the building department. The *building*
2323 *official* is responsible for ensuring that any person conducting inspections is qualified as
2324 a building inspector under Part XII of Chapter 468, *Florida Statutes*, or certified as a
2325 special inspector under Chapter 471 or 481, *Florida Statutes*. Inspections of threshold
2326 buildings required by Section 553.79(5), *Florida Statutes*, are in addition to the minimum
2327 inspections required by this code.

2328

2329 **110.9 Mandatory structural inspections for condominium and cooperative**
2330 **buildings.**

2331

2332 **110.9.1 General.** The Legislature finds that maintaining the structural integrity of a
2333 building throughout the life of the building is of paramount importance in order to ensure
2334 that buildings are structurally sound so as to not pose a threat to the public health,
2335 safety, or welfare. As such, the Legislature finds that the imposition of a statewide
2336 structural inspection program for aging condominium and cooperative buildings in this
2337 state is necessary to ensure that such buildings are safe for continued use.

2338

2339 **110.9.2. As used in this section, the terms:**

2340 (a) "Milestone inspection" means a structural inspection of a building, including an
2341 inspection of load-bearing elements and the primary structural members and primary
2342 structural systems as those terms are defined in s. 627.706, *Florida Statutes*, by an
2343 architect licensed under chapter 481 or engineer licensed under chapter

2344 471 authorized to practice in this state for the purposes of attesting to the life safety
2345 and adequacy of the structural components of the building and, to the extent
2346 reasonably possible, determining the general structural condition of the building as it
2347 affects the safety of such building, including a determination of any necessary
2348 maintenance, repair, or replacement of any structural component of the building. The
2349 purpose of such inspection is not to determine if the condition of an existing building
2350 is in compliance with the Florida Building Code or the fire-safety code. The milestone
2351 inspection services may be provided by a team of professionals with an architect or
2352 engineer acting as a registered design professional in responsible charge with all
2353 work and reports signed and sealed by the appropriate qualified team member.
2354 (b) "Substantial structural deterioration" means substantial structural distress or
2355 substantial structural weakness that negatively affects a building's general structural
2356 condition and integrity. The term does not include surface imperfections such as
2357 cracks, distortion, sagging, deflections, misalignment, signs of leakage, or peeling of
2358 finishes unless the licensed engineer or architect performing the phase one or phase
2359 two inspection determines that such surface imperfections are a sign of substantial
2360 structural deterioration.

2361
2362 **110.9.3. (a)** An owner or owners of a building that is three stories or more in
2363 height as determined by the Florida Building Code and that is subject, in whole or
2364 in part, to the condominium or cooperative form of ownership as a residential
2365 condominium under chapter 718, Florida Statutes, or a residential cooperative
2366 under chapter 719, Florida Statutes, must have a milestone inspection performed
2367 by December 31 of the year in which the building reaches 30 years of age, based
2368 on the date the certificate of occupancy for the building was issued, and every 10
2369 years thereafter. If a building reached 30 years of age before July 1, 2022, the
2370 building's initial milestone inspection must be performed before December 31,
2371 2024. If a building reaches 30 years of age on or after July 1, 2022, and before
2372 December 31, 2024, the building's initial milestone inspection must be performed
2373 before December 31, 2025. If the date of issuance for the certificate of
2374 occupancy is not available, the date of issuance of the building's certificate of
2375 occupancy shall be the date of occupancy evidenced in any record of the local
2376 building official.

2377 (b) The local enforcement agency may determine that local circumstances, including
2378 environmental conditions such as proximity to salt water as defined in s. 379.101,
2379 require that a milestone inspection must be performed by December 31 of the year in
2380 which the building reaches 25 years of age, based on the date the certificate of
2381 occupancy for the building was issued, and every 10 years thereafter.

2382 (c) The local enforcement agency may extend the date by which a building's
2383 initial milestone inspection must be completed upon a showing of good cause by

2384 the owner or owners of the building that the inspection cannot be timely
2385 completed if the owner or owners have entered into a contract with an architect
2386 or engineer to perform the milestone inspection and the inspection cannot
2387 reasonably be completed before the deadline or other circumstance to justify an
2388 extension.

2389 (d) The local enforcement agency may accept an inspection report prepared by
2390 a licensed engineer or architect for a structural integrity and condition inspection
2391 of a building performed before July 1, 2022, if the inspection and report
2392 substantially comply with the requirements of this section. Notwithstanding when
2393 such inspection was completed, the condominium or cooperative association
2394 must comply with the unit owner notice requirements in Section 110.9.9. The
2395 inspection for which an inspection report is accepted by the local enforcement
2396 agency under this paragraph is deemed a milestone inspection for the applicable
2397 requirements in chapters 718 and 719. If a previous inspection and report is
2398 accepted by the local enforcement agency under this paragraph, the deadline for
2399 the building's subsequent 10-year milestone inspection is based on the date of
2400 the accepted previous inspection.

2401
2402 **110.9.4.** The milestone inspection report must be arranged by a condominium or
2403 cooperative association and any owner of any portion of the building which is not
2404 subject to the condominium or cooperative form of ownership. The condominium
2405 association or cooperative association and any owner of any portion of the
2406 building which is not subject to the condominium or cooperative form of
2407 ownership are each responsible for ensuring compliance with the requirements of
2408 this section. The condominium association or cooperative association is
2409 responsible for all costs associated with the milestone inspection attributable to
2410 the portions of a building which the association is responsible to maintain under
2411 the governing documents of the association. This section does not apply to a
2412 single-family, two-family, or three-family dwelling with three or fewer habitable
2413 stories above ground.

2414
2415 **110.9.5.** Upon determining that a building must have a milestone inspection, the
2416 local enforcement agency must provide written notice of such required inspection
2417 to the condominium association or cooperative association and any owner of any
2418 portion of the building which is not subject to the condominium or cooperative
2419 form of ownership, as applicable, by certified mail, return receipt requested. The
2420 condominium or cooperative association must notify the unit owners of the
2421 required milestone inspection within 14 days after receipt of the written notice
2422 from the local enforcement agency and provide the date that the milestone
2423 inspection must be completed. Such notice may be given by electronic

2424 submission to unit owners who consent to receive notice by electronic
2425 submission or by posting on the association's website.

2426
2427 **110.9.6.** Phase one of the milestone inspection must be completed within 180 days after
2428 the owner or owners of the building receive the written notice under Section 110.9.5.
2429 For purposes of this section, completion of phase one of the milestone inspection
2430 means the licensed engineer or architect who performed the phase one inspection
2431 submitted the inspection report by e-mail, United States Postal Service, or commercial
2432 delivery service to the local enforcement agency.

2433
2434 **110.9.7.** A milestone inspection consists of two phases:

2435
2436 **110.9.7.1.** For phase one of the milestone inspection, a licensed architect or engineer
2437 authorized to practice in this state shall perform a visual examination of habitable and
2438 non-habitable areas of a building, including the major structural components of a
2439 building, and provide a qualitative assessment of the structural conditions of the
2440 building. If the architect or engineer finds no signs of substantial structural deterioration
2441 to any building components under visual examination, phase two of the inspection, as
2442 provided in Section 110.9.7.2, is not required. An architect or engineer who completes a
2443 phase one milestone inspection shall prepare and submit an inspection report pursuant
2444 to Section 110.9.8.

2445
2446 **110.9.7.2.** A phase two of the milestone inspection must be performed if any substantial
2447 structural deterioration is identified during phase one. A phase two inspection may
2448 involve destructive or nondestructive testing at the inspector's direction. The inspection
2449 may be as extensive or as limited as necessary to fully assess areas of structural
2450 distress in order to confirm that the building is structurally sound and safe for its
2451 intended use and to recommend a program for fully assessing and repairing distressed
2452 and damaged portions of the building. When determining testing locations, the inspector
2453 must give preference to locations that are the least disruptive and most easily repairable
2454 while still being representative of the structure. If a phase two inspection is required,
2455 within 180 days after submitting a phase one inspection report the architect or engineer
2456 performing the phase two inspection must submit a phase two progress report to the
2457 local enforcement agency with a timeline for completion of the phase two inspection. An
2458 inspector who completes a phase two milestone inspection shall prepare and submit an
2459 inspection report pursuant to Section 110.9.8.

2460
2461 **110.9.8.** Upon completion of a phase one or phase two milestone inspection, the
2462 architect or engineer who performed the inspection must submit a sealed copy of the
2463 inspection report with a separate summary of, at minimum, the material findings and

2464 recommendations in the inspection report to the condominium association or
2465 cooperative association, to any other owner of any portion of the building which is not
2466 subject to the condominium or cooperative form of ownership, and to the *building official*
2467 of the local government which has jurisdiction. The inspection report must, at a
2468 minimum, meet all of the following criteria:

- 2469 (a) Bear the seal and signature, or the electronic signature, of the licensed engineer or
2470 architect who performed the inspection.
2471 (b) Indicate the manner and type of inspection forming the basis for the inspection
2472 report.
2473 (c) Identify any substantial structural deterioration, within a reasonable professional
2474 probability based on the scope of the inspection, describe the extent of such
2475 deterioration, and identify any recommended repairs for such deterioration.
2476 (d) State whether unsafe or dangerous conditions, as those terms are defined in the
2477 Florida Building Code, were observed.
2478 (e) Recommend any remedial or preventive repair for any items that are damaged but
2479 are not substantial structural deterioration.
2480 (f) Identify and describe any items requiring further inspection.

2481
2482 **110.9.9.** Within 45 days after receiving the applicable inspection report, the
2483 condominium or cooperative association must distribute a copy of the inspector-
2484 prepared summary of the inspection report to each condominium unit owner or
2485 cooperative unit owner, regardless of the findings or recommendations in the report, by
2486 United States mail or personal delivery at the mailing address, property address, or
2487 any other address of the owner provided to fulfill the association's notice requirements
2488 under chapter 718 or chapter 719, as applicable, and by electronic transmission to the
2489 e-mail address or facsimile number provided to fulfill the association's notice
2490 requirements to unit owners who previously consented to received notice by electronic
2491 transmission; must post a copy of the inspector-prepared summary in a conspicuous
2492 place on the condominium or cooperative property; and must publish the full report and
2493 inspector- prepared summary on the association's website, if the association is required
2494 to have a website.

2495
2496 **110.9.10.** A local enforcement agency may prescribe timelines and penalties with
2497 respect to compliance with this section.

2498
2499 **110.9.11.** A board of county commissioners or municipal governing body may adopt an
2500 ordinance requiring that a condominium or cooperative association and any other owner
2501 that is subject to this section schedule or commence repairs for substantial structural
2502 deterioration within a specified timeframe after the local enforcement agency receives a
2503 phase two inspection report; however, such repairs must be commenced within 365

2504 days after receiving such report. If an owner of the building fails to submit proof to the
2505 local enforcement agency that repairs have been scheduled or have commenced for
2506 substantial structural deterioration identified in a phase two inspection report within the
2507 required timeframe, the local enforcement agency must review and determine if the
2508 building is unsafe for human occupancy.

2509
2510 **SECTION 111**
2511 **CERTIFICATE OF OCCUPANCY**
2512

2513 **111.1 Use and occupancy.** A building or structure shall not be used or occupied, and
2514 a change in the existing use or occupancy classification of a building or structure or
2515 portion thereof shall not be made, until the *building official* has issued a certificate of
2516 occupancy therefor as provided herein. Issuance of a certificate of occupancy shall not
2517 be construed as an approval of a violation of the provisions of this code or of other
2518 ordinances of the jurisdiction.

2519 **Exception:** Certificates of occupancy are not required for work exempt from *permits* in
2520 accordance with Section 105.2.

2521
2522 **111.2 Certificate issued.** After the *building official* inspects the building or structure
2523 and does not find violations of the provisions of this code or other laws that are
2524 enforced by the department of building safety, the *building official* shall issue a
2525 certificate of occupancy that contains the following:

- 2526 1. The building *permit* number.
2527 2. The address of the structure.
2528 3. The name and address of the *owner* or the owner's authorized agent.
2529 4. A description of that portion of the structure for which the certificate is issued.
2530 5. A statement that the described portion of the structure has been inspected for
2531 compliance with the requirements of this code for the occupancy and division of
2532 occupancy and the use for which the proposed occupancy is classified.
2533 6. For buildings and structures in *flood hazard areas*, a statement that documentation
2534 of the as-built lowest floor elevation has been provided and is retained in the
2535 records of the *authority having jurisdiction*.
2536 7. The name of the *building official*.
2537 8. The edition of the code under which the *permit* was issued.
2538 9. The use and occupancy, in accordance with the provisions of Chapter 3.
2539 10. The type of construction as defined in Chapter 6.
2540 11. The design *occupant load*.
2541 12. If an *automatic sprinkler system* is provided, whether the sprinkler system is
2542 required.
2543 13. Any special stipulations and conditions of the building *permit*.
2544

2545 **111.3 Temporary occupancy.** The *building official* is authorized to issue a temporary
2546 certificate of occupancy before the completion of the entire work covered by the *permit*,
2547 provided that such portion or portions shall be occupied safely. The *building official*
2548 shall set a time period during which the temporary certificate of occupancy is valid. A
2549 temporary/partial Certificate of Occupancy or Certificate of Completion may be issued
2550 for a portion or portions of a building that may safely be occupied prior to final
2551 completion of the building. The building official may require, once all life safety issues
2552 have been complied with, an applicant to provide adequate cash surety for unfinished
2553 work or revision of plans until a permanent Certificate of Occupancy or Certificate of
2554 Completion is granted. The purpose of the cash surety is to insure completion of work
2555 under this permit. Such cash surety shall be equal to one hundred ten percent (110%)
2556 of the estimated value of the remaining work, including labor and material, as
2557 determined by the design professional. The design professional shall submit a signed
2558 and sealed document attesting to the amount required to cover the cash surety. If work
2559 has not been completed and all finals requested within 90 days of issuance of the initial
2560 Temporary/Partial Certificate of Occupancy or Certificate of Completion, the jurisdiction
2561 retains the right to have the applicant surrender the cash surety. The jurisdiction then
2562 may use the surety to finish the remaining work. The surety shall be in the form of cash
2563 money, certified check, or cashier's check. Surety shall be returned upon approval of all
2564 final inspections and upon written request that has been approved by the building
2565 official. This provision is only for the Florida Building Code; all other Agency approvals
2566 necessary for construction must be secured prior to this provision being applied.
2567

2568 **111.4 Revocation.** The *building official* is authorized to, in writing, suspend or revoke a
2569 certificate of occupancy or completion issued under the provisions of this code
2570 wherever the certificate is issued in error, or based on incorrect information supplied, or
2571 where it is determined that the building or structure or portion thereof is in violation of
2572 any ordinance or regulation or any of the provisions of this code.
2573

2574 **111.5 Certificate of completion.** A certificate of completion is proof that a structure or
2575 system is complete and for certain types of *permits* is released for use and may be
2576 connected to a utility system. This certificate does not grant authority to occupy a
2577 building, such as shell building, prior to the issuance of a certificate of occupancy.
2578

SECTION 112 SERVICE UTILITIES

2581
2582 **112.1 Connection of service utilities.** A person shall not make connections from a
2583 utility, source of energy, fuel or power to any building or system that is regulated by this
2584 code for which a *permit* is required, until released by the *building official*.
2585

2586 **112.2 Temporary connection.** The *building official* shall have the authority to authorize

2587 the temporary connection of the building or system to the utility, source of energy, fuel
2588 or power.

2589
2590 **112.3 Authority to disconnect service utilities.** The *building official* shall have the
2591 authority to authorize disconnection of utility service to the building, structure or system
2592 regulated by this code and the referenced codes and standards set forth in Section
2593 101.4 in case of emergency where necessary to eliminate an immediate hazard to life
2594 or property or where such utility connection has been made without the approval
2595 required by Section 112.1 or 112.2. The *building official* shall notify the serving utility,
2596 and wherever possible the *owner* and occupant of the building, structure or service
2597 system of the decision to disconnect prior to taking such action. If not notified prior to
2598 disconnecting, the *owner* or occupant of the building, structure or service system shall
2599 be notified in writing, as soon as practical thereafter.

2600
2601 **SECTION 113**
2602 **BOARD OF APPEALS**
2603 Reserved.

2604
2605 **113.1 Appointment**

2606 The Construction Board of Adjustments and Appeals of the Town of Jupiter, Florida, shall
2607 consist of seven (7) members appointed by the Town Council. The nomination shall be
2608 subject to the confirmation of a majority vote of the Town Council. All members of the
2609 Board may be appointed at-large by council persons.

2610
2611 **113.2 Membership**

2612 The Board shall be composed of individuals with knowledge and experience of the
2613 technical codes and in the field of construction. Members shall consist of one (1)
2614 registered architect; one (1) registered engineer; one (1) building contractor; One (1)
2615 electrical contractor; one (1) mechanical contractor; one (1) plumbing contractor; and one
2616 (1) roofing contractor.

2617
2618 **113.2.2 Terms:** The terms of office of the board members shall be staggered so
2619 no more than one-third of the Board is appointed or replaced in any 12-month
2620 period. Vacancies shall be filled for an unexpired term in the manner in which
2621 original appointments are required to be made. Three absences of any member
2622 from required meetings of the Board in a 12 month period, may subject that
2623 member to removal by the Town Council.

2624
2625 **113.2.3 Organization:** At the first meeting of the Construction Board of Adjustment
2626 and Appeals, the members shall elect a Chairperson and a Vice-Chairperson. The
2627 Chairperson and Vice-Chairperson shall serve a one (1) year term, but may be

2628 re-elected for additional terms at the discretion of the Construction Board of
2629 Adjustments and Appeals. The Chairperson shall preside at all meetings and shall
2630 direct the business affairs of the Board, subject to the directions of the members.
2631 The Vice-Chairperson shall act in the absence of the Chairperson in the conduct
2632 of meetings or otherwise and shall perform such duties as may be delegated to
2633 him/her by the Chairperson from time to time. In acting in the Chairperson's
2634 absence, the Vice-Chairperson shall have all the powers of and be subject to all
2635 restrictions upon, the Chairperson. The election of a Chairperson and
2636 Vice-Chairperson shall occur during the month of the one year anniversary of the
2637 Board's first meeting and each subsequent yearly anniversary thereafter.

2638
2639 **113.2.4 Quorum and voting:** A simple majority of the board members shall
2640 constitute a quorum and a majority vote of the quorum shall be required for any
2641 action to be valid.

2642
2643 **113.2.5 Minutes:** Minutes shall be maintained of all meetings and hearings held
2644 by the Construction Board of Adjustments and Appeals, and all hearings shall be
2645 open to the public. The Building Department shall provide clerical and
2646 administrative personnel as may be reasonably required by the board for proper
2647 performance of its duties. The Town Attorney or his/her designee shall attend
2648 meetings to serve as counsel to the Board. The Director of the Building
2649 Department or his designee shall attend meetings to present the Town's position
2650 to the Board.

2651
2652
2653

2654 **113.3 Powers**

2655 The Construction Board of Adjustments and Appeals shall have the power, as further
2656 defined in 116.4, to hear appeals of decisions and interpretations of the *building official*,
2657 to consider variances of the technical codes and to discipline state-certified contractors
2658 as provided for in Section 489.113(4) (b), Florida Statutes.

2659

2660 **113.3.1 Rules of evidence:** The formal rules of evidence shall not apply but
2661 fundamental due process shall be observed and govern the proceedings. Upon
2662 determination of the Chairperson, irrelevant, immaterial or unduly repetitious
2663 evidence may be excluded, but all other evidence of a type commonly relied upon
2664 by reasonably prudent persons in the conduct of their affairs shall be admissible,
2665 whether such evidence would be admissible in a trial in the courts of Florida. Any
2666 part of the evidence may be received in written form. The Board may request

2667 certain evidence to be provided by an architect or engineer registered in the State
2668 of Florida, in which case it shall be signed and sealed.

2669
2670 **113.3.2 Testimony:** Any member of the Construction Board of Adjustments and
2671 Appeals, or the attorney representing the Board, may inquire of or question any
2672 witness before the Board. Any member of the Board, a petitioner (hereinafter also
2673 referred to as respondent) his/her attorney, and/or building officials shall be
2674 permitted to inquire of any witness before the Board.

2675
2676 **113.4 Appeals**

2677 **113.4.1 Appeals of decisions.** The owner of a building, structure or service system,
2678 or his duly authorized agent, may appeal a decision of the building official to the
2679 construction board of adjustments and appeals whenever any one of the following
2680 conditions are claimed to exist:

2681
2682 1. The building official rejected or refused to approve the mode or manner of
2683 construction proposed to be followed or materials to be used in the installation or
2684 alteration of a building, structure or service system.

2685
2686 2. The provisions of this or the technical codes do not apply to this specific
2687 case.

2688
2689 3. That an equally good or more desirable form of installation can be employed
2690 in any specific case.

2691
2692 4. The true intent and meaning of this or the technical codes or any of the
2693 regulations there under, have been misconstrued or incorrectly interpreted.

2694 **113.4.2 Variances:** The Construction Board of Adjustments and Appeals, shall have
2695 the authority to vary the application of any provision of this or the technical codes to
2696 any case when, in its opinion, the enforcement thereof would do injustice and would
2697 be contrary to the spirit and purpose of this or the technical codes or public interest,
2698 and finds all the following:

2699
2700 1. That special conditions and circumstances exist which are peculiar to the
2701 building, structure or service system involved and which are not applicable to
2702 others.

2703
2704 2. That the special conditions and circumstances do not result from the action or
2705 inaction of the applicant.

2706

- 2707 3. That granting the variance requested will not confer on the applicant any
2708 special privilege that is denied by this or the technical codes to other
2709 buildings, structures or service system.
- 2710
- 2711 4. That the variance granted is the minimum variance that will make possible the
2712 reasonable use of the building, structure or service system.
- 2713
- 2714 5. That the granting of the variance will be in harmony with the general intent
2715 and purpose of the technical codes and will not be detrimental to the public
2716 health, safety and general welfare.
- 2717
- 2718 6. That strict compliance with the technical codes would create an undue
2719 hardship on the applicant.

2720

2721 113.4.3 Conditions of the variance: In granting the variance, the board may
2722 prescribe a reasonable time limit within which the action for which the variance is
2723 required shall be commenced or completed or both. In addition, the Board may
2724 prescribe appropriate conditions and safeguards in conformity with this code.
2725 Violation of the conditions of a variance shall be deemed a violation of this code.

2726

2727 **113.5 Decisions**

2728 The Construction Board of Adjustment and Appeals shall render a written decision which
2729 shall include the reasons for the decision.

2730

2731 113.5.1 Exhaustion of Administrative Remedies: Any person aggrieved of a
2732 decision of the *building official* shall exhaust the remedy provided herein before
2733 challenging the decision in a court of Law.

2734 113.5.2 Notice of appeal. Notice of appeal shall be in writing and filed within 30
2735 calendar days after the *building official* renders the decision. Appeals shall be in
2736 a form acceptable to the *building official*.

2737

2738 **113.6 Local Construction Regulation Board.** The local government may also utilize this
2739 Board to convene as the Local Construction Regulation Board (LCRB), as provided in
2740 F.S. 489.113. The LCRB may deny, suspend, revoke or limit the authority of a certified
2741 contractor to obtain a building permit or permit with specific conditions, if the board has
2742 found such contractor, through public hearing, to be guilty of fraud or a willful building
2743 code violation within the county or municipality that the board represents. The board may
2744 also, deny, suspend, revoke or limit the authority of a certified contractor to obtain a
2745 building permit or permit with specific conditions, if it has proof through the public hearing
2746 process, that a contractor has been found guilty in another county or municipality within
2747 the past 12 months, of fraud or a willful building code violation and after providing notice
2748 of an opportunity to be heard to the contractor, finds that such fraud or violation would
2749 have been fraud or a violation if committed in the county or municipality that the local
2750 construction board represents. Notification of and information concerning such permit
2751 denial shall be submitted to the department within 15 days after the local construction
2752 regulation board decides to deny the permit.

2753
2754 **113.1 General.** To hear and decide appeals of orders, decisions or determinations
2755 made by the *building official* relative to the application and interpretation of this code,
2756 there shall be and is hereby created a board of appeals. The board of appeals shall be
2757 appointed by the applicable governing authority and shall hold office at its pleasure.
2758 The board shall adopt rules of procedure for conducting its business.

2759
2760 **113.2 Limitations on authority.** An application for appeal shall be based on a claim
2761 that the true intent of this code or the rules legally adopted thereunder have been
2762 incorrectly interpreted, the provisions of this code do not fully apply or an equally good
2763 or better form of construction is proposed. The board shall have no authority to waive
2764 requirements of this code.

2765
2766 **113.3 Qualifications.** The board of appeals shall consist of members who are qualified
2767 by experience and training to pass on matters pertaining to building construction and
2768 are not employees of the jurisdiction.

2769
2770
2771
2772
2773
2774
2775
2776
2777
2778

SECTION 114
VIOLATIONS
Reserved.

114.1 Unlawful acts. It shall be unlawful for any person, firm or corporation to erect,

2779 construct, alter, extend, repair, move, remove, demolish or occupy any building,
2780 structure or equipment regulated by this code, or cause same to be done, in conflict
2781 with or in violation of any of the provisions of this code.

2782
2783 **114.2 Notice of violation.** The *building official* is authorized to serve a notice of
2784 violation or order on the person responsible for the erection, construction, *alteration*,
2785 extension, repair, moving, removal, demolition or occupancy of a building or structure in
2786 violation of the provisions of this code, or in violation of a *permit* or certificate issued
2787 under the provisions of this code. Such order shall direct the discontinuance of the
2788 illegal action or condition and the abatement of the violation.

2789
2790 **114.3 Prosecution of violation.** If the notice of violation is not complied with promptly,
2791 the *building official* is authorized to request hearing before the town's Code
2792 Enforcement Special Magistrate.

2793
2794
2795
2796
2797
2798

**SECTION 115
STOP WORK ORDER**

2799 **115.1 Authority.** Where the *building official* finds any work regulated by this code being
2800 performed in a manner either contrary to the provisions of this code or dangerous or
2801 unsafe, the *building official* is authorized to issue a stop work order.

2802
2803 **115.2 Issuance.** The stop work order shall be in writing and shall be given to the *owner*
2804 of the property involved, the owner's authorized agent or the person performing the
2805 work. Upon issuance of a stop work order, the cited work shall immediately cease. The
2806 stop work order shall state the reason for the order and the conditions under which the
2807 cited work will be permitted to resume.

2808
2809 **115.3 Unlawful continuance.** Any person who shall continue any work after having
2810 been served with a stop work order, except such work as that person is directed to
2811 perform to remove a violation or unsafe condition, shall be subject to penalties as
2812 prescribed by law.

**SECTION 116
UNSAFE STRUCTURES AND EQUIPMENT**

Reserved.

2813
2814
2815
2816
2817
2818
2819

116.1 Unsafe buildings or systems. All buildings, structures, electrical, gas,
mechanical or plumbing systems which are unsafe, unsanitary, or do not provide
adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human

2820 life, or which in relation to existing use, constitute a hazard to safety or health, are
2821 considered unsafe buildings or service systems. A vacant structure that is not secured
2822 against entry shall be deemed unsafe. All such unsafe buildings, structures or service
2823 systems are hereby declared illegal and shall be ordered by the *building official* to be
2824 abated by the owner, through repair and rehabilitation or by demolition in accordance with
2825 this Code. The extent of repairs shall be determined by the *building official*.
2826

2827 **116.1.1** When the *building official* determines a building, structure, electrical, gas,
2828 mechanical or plumbing system or portion thereof is unsafe, as set forth in this
2829 Code he/she shall *provide* the owner, agent or person in control of such building,
2830 structure, electrical, gas, mechanical or plumbing system a written notice of
2831 violation stating the defects thereof. This notice shall require the owner within a
2832 stated time either to complete specified repairs or improvements, or to demolish
2833 and remove the building, structure, electrical, gas, mechanical or plumbing system
2834 or portion thereof.
2835

2836 **116.1.2** If necessary, the notice shall also require the building, structure, electrical,
2837 gas, mechanical, plumbing systems or portion thereof to be vacated and/or
2838 disconnected, and not reoccupied and/or reconnected until the specified repairs
2839 and improvements are completed, inspected and approved by the *building official*.
2840 The *building official* shall post at each entrance to the building a placard stating:
2841 THIS BUILDING IS UNSAFE AND ITS USE OR OCCUPANCY HAS BEEN
2842 PROHIBITED BY THE BUILDING OFFICIAL. This placard shall remain posted
2843 until the required repairs are made or demolition is completed. It shall be unlawful
2844 for any person, firm or corporation or its officers, agents, or other servants, to
2845 remove the posting without written permission of the *building official*, or for any
2846 person to enter the building, or use the building or system(s) except for the purpose
2847 of making the required repairs or of demolishing same.
2848

2849 **116.1.3** In case the owner, agent, or person in control cannot be found within the
2850 stated time limit, or, if such owner, agent, or person in control shall fail, neglect, or
2851 refuse to comply with notice to repair, rehabilitate, or to demolish, and remove said
2852 building, structure, electrical, gas, mechanical or plumbing system or portion
2853 thereof, the *building official*, acting as a code inspector, shall notify an enforcement
2854 board and request a hearing. In the case of the violation posing a serious threat,
2855 and after having ascertained the cost, the *building official* may take action to cause
2856 such building, structure, electrical, gas, mechanical or plumbing system or portion
2857 thereof, to be demolished, secured, repaired, or required to remain vacant or
2858 unused. Taking such action does not create a continuing obligation on the part of

2859 the building official to continue with maintaining such building, structure, or system;
2860 or create liability for any damage to the property.

2861
2862 116.1.4 The decision of the building official shall be final in cases of emergency,
2863 which, in the opinion of the building official, involve imminent danger to human life
2864 or health, or the property of others. He/she shall promptly cause such building,
2865 structure, electrical, gas, mechanical or plumbing system or portion thereof to be
2866 made safe or cause its removal. For this purpose, he/she may at once enter such
2867 structure or land on which it stands, or abutting land or structures, with such
2868 assistance and at such cost as he may deem necessary. He/she may order the
2869 vacating of adjacent structures and may require the protection of the public by
2870 appropriate fence or such other means as may be necessary, and for this purpose
2871 may close a public or private way.

2872
2873 116.2 Enforcement proceedings; hearings. Violation proceedings and hearings for
2874 unsafe structures and equipment may be presented to the town's code enforcement
2875 special magistrate in accordance with the provisions set forth in Florida Statute 162 and
2876 the Town Code

2877
2878
2879
2880 116.1 Conditions. Structures or existing equipment that are or hereafter become
2881 unsafe, insanitary or deficient because of inadequate means of egress facilities,
2882 inadequate light and ventilation, or which constitute a fire hazard, or are otherwise
2883 dangerous to human life or the public welfare, or that involve illegal or improper
2884 occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe
2885 structures shall be taken down and removed or made safe, as the building official
2886 deems necessary and as provided for in this section. A vacant structure that is not
2887 secured against entry shall be deemed unsafe.

2888
2889 116.2 Record. The building official shall cause a report to be filed on an unsafe
2890 condition. The report shall state the occupancy of the structure and the nature of the
2891 unsafe condition.

2892
2893 116.3 Notice. If an unsafe condition is found, the building official shall serve on the
2894 owner, agent or person in control of the structure, a written notice that describes the
2895 condition deemed unsafe and specifies the required repairs or improvements to be
2896 made to abate the unsafe condition, or that requires the unsafe structure to be
2897 demolished within a stipulated time. Such notice shall require the person thus notified
2898 to declare immediately to the building official acceptance or rejection of the terms of the

2899 order.

2900

2901 116.4 Method of service. Such notice shall be deemed properly served if a copy
2902 thereof is (a) delivered to the owner personally; (b) sent by certified or registered mail
2903 addressed to the owner at the last known address with the return receipt requested; or
2904 (c) delivered in any other manner as prescribed by local or state law. If the certified or
2905 registered letter is returned showing that the letter was not delivered, a copy thereof
2906 shall be posted in a conspicuous place in or about the structure affected by such notice.
2907 Service of such notice in the foregoing manner upon the owner's agent or upon the
2908 person responsible for the structure shall constitute service of notice upon the owner.

2909

2910 116.5 Restoration. Where the structure or equipment determined to be unsafe by the
2911 *building official* is restored to a safe condition, to the extent that repairs, *alterations* or
2912 *additions* are made or a change of occupancy occurs during the restoration of the
2913 structure, such *repairs, alterations, additions* and change of occupancy shall comply
2914 with the requirements of Section 105.2.2 and the *Florida Building Code, Existing*
2915 *Building.*

2916

2917

SECTION 117 VARIANCES IN FLOOD HAZARD AREAS

2918

2919

2920 **117.1 Flood hazard areas.** Pursuant to Section 553.73(5), *Florida Statutes*, the
2921 variance procedures adopted in the local flood plain management ordinance
2922 shall apply to requests submitted to the *building official* for variances to the
2923 provisions of Section 1612.4 of the *Florida Building Code, Building* or, as
2924 applicable, the provisions of Section R322 of the *Florida Building Code,*
2925 *Residential.* This section shall not apply to Section 3109 of the *Florida Building*
2926 *Code, Building.*

2927

2928

SECTION 118 Impact of construction.

2929

2930

2931 **118.1 Impact of construction.** All construction activity regulated by this code
2932 shall be performed in a manner so as not to adversely impact the condition of
2933 adjacent property, unless such activity is permitted to affect said property
2934 pursuant to a consent granted by the applicable property owner, under terms or
2935 conditions agreeable to the applicable property owner. This includes, but is not
2936 limited to, the control of dust, noise, water or drainage run-offs, debris, and the
2937 storage of construction materials. New construction activity shall not adversely
2938 impact legal historic surface water drainage flows serving adjacent properties,
2939 and may require special drainage design complying with engineering standards

2940 to preserve the positive drainage patterns of the affected sites. Accordingly,
2941 developers, contractors and owners of all new residential development, including
2942 additions, pools, patios, driveways, decks or similar items, on existing properties
2943 resulting in a significant decrease of permeable land area on any parcel or has
2944 altered the drainage flow on the developed property shall, as a permit condition,
2945 provide a professionally prepared drainage plan clearly indicating compliance
2946 with this paragraph. Upon completion of the improvement, a certification from a
2947 licensed professional shall be submitted to the inspector to receive approval of
2948 the final inspection.

2949

2950

2951

2952

SECTION 119
SEVERABILITY

2953

2954

2955

If any section, subsection, sentence, clause or phrase of this code is for any
2956 reason held to be unconstitutional, such decision shall not affect the validity of
2957 the remaining portions of this code.

2958

2959

2960

Upon First Reading this 21st day of November, 2023, the foregoing Ordinance was offered by Councilor Andy Fore, who moved its adoption. The motion was seconded by Vice-Mayor Ron Delaney, and upon being put to a roll call vote, the vote was as follows:

	AYE	NAY
MAYOR JIM KURETSKI	X	_____
VICE-MAYOR RON DELANEY	X	_____
COUNCILOR ANDY FORE	X	_____
COUNCILOR CAMERON MAY	X	_____
COUNCILOR MALISE SUNDSTROM	X	_____

Upon Second Reading this 19th day of December, 2023, the foregoing Ordinance was offered by Councilor Andy Fore, who moved its adoption. The motion was seconded by Councilor Cameron May, and upon being put to a roll call vote, the vote was as follows:

	AYE	NAY
MAYOR JIM KURETSKI	X	_____
VICE-MAYOR RON DELANEY	X	_____
COUNCILOR ANDY FORE	X	_____
COUNCILOR CAMERON MAY	X	_____
COUNCILOR MALISE SUNDSTROM	X	_____

The Mayor thereupon executed Ordinance 18-23 on this 22 day of DEC, 2023.

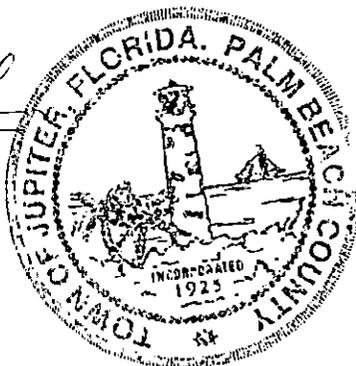
TOWN OF JUPITER, FLORIDA

ATTEST:



STEPHANIE PROFFER,
DEPUTY TOWN CLERK
FOR LAURA CAHILL,
TOWN CLERK

(TOWN SEAL)



BY:


JIM KURETSKI
MAYOR


THOMAS J. BAIRD, ESQ.
Approved as to form and
legal sufficiency