

ORDINANCE NO. 2020 - __

AN ORDINANCE OF ORANGE COUNTY, FLORIDA, AMENDING CERTAIN PROVISIONS OF CHAPTER 9 ("BUILDING AND CONSTRUCTION REGULATIONS") OF THE ORANGE COUNTY CODE BY AMENDING ARTICLE I ("IN GENERAL"); AMENDING ARTICLE II ("BUILDING CODE") AND ADOPTING THE FLORIDA BUILDING CODE, SEVENTH EDITION (2020); AMENDING ARTICLE III ("ELECTRICAL CODE"); AMENDING ARTICLE VI ("GAS CODE"); AMENDING ARTICLE IX ("CONTRACTOR CERTIFICATION, REGISTRATION, LICENSING"); AMENDING ARTICLE XIV ("MOVING OF STRUCTURES"); AND PROVIDING AN EFFECTIVE DATE.

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RCUD

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY, FLORIDA:

Section 1. Amendments; In General. Chapter 9 ("Building and Construction Regulations") of the Orange County Code is amended as set forth in Sections 2 through 7 below, with additions being shown as underlined and deletions being shown as struck through:

Section 2. Amendments to Chapter 9, Article I ("In General"). Article I ("In General"), is hereby amended as follows:

ARTICLE I. IN GENERAL

Sec. 9-1. Definitions.

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Building codes board of adjustments and appeals ("BCBAA") shall mean the entity created by the board of county commissioners ("BCC") to carry out those duties as described in this chapter relating to the areas of expertise particular to all the applicable technical codes.

Building official shall mean the person appointed by the county mayor, or a duly appointed designee, to enforce the provisions of

38 this chapter, except as otherwise noted herein. The building official
shall cause to be kept a record of all permits issued, plans reviewed,
40 inspections made, notices served, and fees collected by the division
of building safety, defined in section 9-3 herein.

42 *Code enforcement division manager* shall mean the person who
is charged with the duty and responsibility of administering and
enforcing the International Property Maintenance Code, as adopted
44 herein, or a duly authorized representative.

46 *General contractor* shall mean the contractor with the main
responsibility for the project under contract, who hires all of the
subcontractors and suppliers for a project.

48 *Specialty contractor* shall mean any person, firm, or
corporation who by contract with any general contractor, builder,
50 owner-builder or owner of commercial, residential, or other
buildings, assumes responsibility, charge, and direction of the
52 performance of construction work requiring special skills.

Sec. 9-2. Territorial applicability.

54 The BCC may enact rules and regulations to implement and
carry out the provisions of this chapter.

56 This chapter and all regulatory codes adopted under this chapter
and any that may be hereafter adopted shall apply to all areas of the
58 county outside of incorporated municipalities and to those
incorporated municipalities within the county that shall elect to
60 come within the terms of this chapter. Any municipality in the
county may elect to come under the jurisdiction of this chapter by
62 entering into a negotiated interlocal agreement acceptable to the
county. So long as any municipality is under the jurisdiction of this
64 chapter, the BCC may assess within said municipality such fees and
charges as may be necessary to cover the cost of enforcing its
66 regulations and codes.

Sec. 9-3. Division of building safety authorized.

68 The BCC is hereby authorized and empowered to establish and
operate a county division of building safety to employ a building
70 official who may also be the administrative official, and to employ
such inspectors and other personnel and appropriate such funds as it
72 may deem necessary to carry out the provisions of this chapter.

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Sec. 9-4. Building codes board of adjustments and appeals (“BCBAA”); creation; membership; meetings; quorum; powers and duties.

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(a) The BCC is authorized to create a building codes board of adjustments and appeals (“BCBAA” or “board”) for the purposes of securing such technical knowledge as necessary to enable the BCC to adopt reasonable rules and regulations applicable to the construction industry and to provide that the interpretation of and licensing provisions of the construction industry technical codes as adopted pursuant to this chapter and Article III of Chapter 37 shall be administered by the BCBAA.

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(b) There is hereby created the Orange County BCBAA. In addition to the powers and duties given to the BCBAA by the building code, the electrical board of adjustments and appeals in the electrical code, the mechanical board of adjustments and appeals in the mechanical code, and the plumbing board of adjustments and appeals in the plumbing code, the BCBAA shall have those powers and duties as set forth in this section.

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(c) All members of the board appointed hereunder shall comply with the terms of article VI of chapter 2 of this Code (the advisory board’s ordinance), including the qualification and eligibility requirements set forth in section 2-206 of the advisory board’s ordinance. Pursuant to section 2-204(a)(1) of the advisory boards ordinance, all members shall be nominated by the membership and mission review board (“MMRB”). The BCC shall review the nominations and appoint the members.

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(d) The board shall consist of eleven (11) members. The members chosen from the representative professions shall be actively engaged in their respective disciplines or professions during their tenure as members. To the greatest extent possible, the composition of the membership shall be as follows:

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(1) One (1) member shall be a state-certified or registered general contractor unlimited;

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(2) One (1) member shall be a state-certified or registered residential contractor;

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(3) One (1) member shall be a state-certified or registered plumbing contractor;

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(4) One (1) member shall be a state-certified or registered mechanical contractor or mechanical engineer;

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(5) One (1) member shall be a state-certified or registered roofing contractor;

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116 (6) One (1) member shall be a state-licensed
architect;

118 (7) One (1) member shall be a state-licensed
structural engineer, but need not be a civil engineer;

120 (8) One (1) member shall be a state-licensed
electrical engineer or state-certified or registered electrical
122 contractor; and

124 (9) Three (3) members shall be consumer
representatives. Consumer representative shall mean any resident of
the local jurisdiction who is not, and has never been, a member or
126 practitioner of a profession regulated by the board or of any closely
related profession.

128 All members of the board shall serve two-year terms to begin
on January first, subject to subsection I below, and shall not serve
130 more than three (3) consecutive terms.

(e) The initial terms of the four (4) members identified
132 in subsections (d)(1), (3), (5), and (7) above, and of two (2)
consumer advocate members, shall expire one (1) year after their
134 terms begin, and those members may not serve more than two (2)
consecutive terms thereafter. The initial terms of the four (4)
136 members identified in subsections (d)(2), (4), (6), and (8) above, and
of one (1) consumer advocate member, shall expire two (2) years
138 after their terms begin, and those members shall not serve more than
two (2) consecutive terms.

140 (f) All members shall be residents of the county.

142 (g) The board shall meet monthly, if items are to be heard,
~~but at least once per calendar quarter,~~ and shall meet specially as
144 may be called by the building official. A quorum shall consist of ~~six~~
(6) a majority of appointed members.

146 (h) The secretary of the board shall be a person designated
by the building official. The secretary shall be responsible for
148 keeping written minutes at each meeting, making an audio recording
of each meeting, recording the vote of each member, recording the
absence of any member or any failure of a member to vote, and filing
150 and retaining the decisions of the board.

152 (i) At its first meeting each year, the board shall elect a
chairperson and vice-chairperson. They shall each serve a single
one-year term. The chairperson (or vice-chairperson in the
154 chairperson's absence) may only vote in the event of a tie vote by
the board.

156 (j) Any member who is absent from three (3) consecutive
158 regular meetings or twenty-five (25) percent of the regularly
scheduled meetings in any calendar year may be suspended and
replaced.

160 (k) All members of the board serve at the pleasure of the
162 BCC and may be removed without cause and without entitlement to
a hearing upon a vote of five (5) members of the board of county
commissioners.

164 (l) The building official or a designee shall attend all
meetings of the board.

166 (m) The board shall have the following powers and duties,
168 subject to the procedures as may be set forth in both this chapter and
Article II of Chapter 18 of the Orange County Code:

170 (1) To hear any appeal from a decision of the
building official as to the application or interpretation of a technical
code;

172 (2) To hear any appeal from a joint decision of the
174 building official and the fire official, which appeal shall be subject
to the terms of F.S. § 553.73(8);

176 (3) In the event the building official and the fire
official are unable to agree on a resolution of a conflict between a
178 building code and the fire prevention code, to resolve the conflict in
favor of the code which offers the greatest degree of life safety or
180 alternatives which would provide an equivalent degree of life safety
and an equivalent method of construction;

182 (4) To hear any appeal from a notice of unsafe
building issued by the building official pursuant to the Orange
County Code, unless otherwise provided herein;

184 (5) To hear any appeal of a denial or revocation of
a permit pursuant to section 9-11 of the Orange County Code;

186 (6) To hear any appeal from a decision of the
188 building official regarding an application for a certificate of
competency;

190 (7) To review and propose amendments to (i) the
building, residential, existing building, plumbing, electrical,
192 mechanical, gas, or other technical and administrative building and
construction related codes in effect in, or applicable to, the
unincorporated area of Orange County, and (ii) any other laws,
194 ordinances, and regulations in the Orange County Code pertaining
to building and construction, including those relating to swimming
196 pools, roofing, sheet metal, and irrigation, but excluding those

198 relating to housing, moving of structures, and/or underground
200 utilities pipelines;

(8) To act as liaison between Orange County
government and the construction industry;

(9) To conduct hearings on charges brought
against a holder of a certificate of competency, alleging that the
holder has not acted in accordance with the applicable technical
code and/or this chapter, and to, upon a finding of guilt: (i) require
restitution; (ii) levy an administrative fine not to exceed five
thousand dollars (\$5,000.00); (iii) issue a reprimand; (iv) suspend or
revoke the holder's certificate of competency; (v) suspend or revoke
the holder's permit-pulling privileges; (vi) direct that permits be
issued to the holder with specific conditions consistent with state
law; or (vii) any combination thereof. Additionally, a recommended
penalty for action by the Construction Industry Licensing Board of
the State of Florida Department of Professional Regulation shall be
made upon a finding of guilt. This recommended penalty may
include an action of no further action, or a recommendation for
suspension, revocation, or restriction of registration, or a fine to be
levied by the state construction industry licensing board, or a
combination thereof;

(10) To conduct hearings on charges of fraud
and/or willful violation of Orange County Code brought against
state-certified contractors or general contractors who conduct
business in the county, and to, upon a finding of guilt, impose any
penalty allowed by Florida Statutes;

(11) To establish rules and regulations for the
conduct of its business;

(12) To conduct hearings on alleged violations of
article IX of this chapter;

(13) To serve as the countywide compliance review
board in accordance with Florida Statutes Section 553.73.

**Sec. 9-5. Adoption of regulatory codes; conflict provisions;
fees.**

(a) *Authority.* Pursuant to its home rule powers and F.S.
ch. 125, the BCC is hereby authorized and empowered to adopt, by
reference or otherwise, rules and regulations and codes regulating
building safety, prevention of fire hazard, plumbing and electrical
installation and water supply and drainage, and to adopt, by
reference or otherwise, any portion or portions or in its entirety, any
other rule, regulation or code to promote and safeguard the health,

238 safety and general welfare of the public within the area set forth
240 herein. The BCC may provide for the charge and collection of
242 permit and inspection fees for any or all construction work,
electrical or plumbing or other trades regulated by the BCC
hereunder.

244 (b) *Procedure.* Codes, regulations, or amendments
thereto shall be adopted by the BCC in accordance with this chapter.

246 (c) *Draft ordinance.*

248 (1) When the adoption of a code, regulation, or
amendment thereto is mandated and/or warranted, the building
official shall have a draft ordinance prepared.

250 (2) The draft ordinance shall be forwarded first
to the BCBA. The BCBA shall have sixty (60) days to review,
comment, and forward a recommendation on the draft ordinance to
252 the BCC. This recommendation shall be to adopt, not adopt, or adopt
with modifications. If no recommendation is forwarded to the BCC
254 by the end of the review period, the BCC may vote on the adoption
of the draft ordinance without a recommendation from the BCBA.

256 (d) *Conflict provision.*

258 (1) In the event of conflict between the
procedures set forth in this chapter and the procedures set forth in
any regulatory codes adopted under this chapter, the procedures set
260 forth in this chapter shall control.

262 (2) In the event of conflict between any technical
matters as set forth:

264 a. In this chapter and any regulatory codes
adopted under this chapter; or

266 b. In two (2) different regulatory codes or
sections of regulatory codes adopted under this chapter; the more
restrictive of the conflicting provisions shall apply. Such
268 determination of which conflicting provision is more restrictive
shall be made by the building official.

270 **Sec. 9-6. Compliance with codes; permits; prerequisites,
revocation of permits.**

272 (a) *Permit required.* After the adoption of a code for any
such trade or trades as herein provided, it shall be unlawful for any
274 person to construct, alter, repair, remove, or demolish any building,
improvement, or structure, or perform any electrical or plumbing
276 work, or perform any other trade as provided within the scope of this
chapter, except where such work is performed in accordance with
278 the terms of the applicable technical code, and where the person

280 performing such work has obtained a permit therefor from the
281 division of building safety, which permit shall only be issued in
282 accordance with zoning classifications established by the county.
283 Such permit shall be issued upon payment of such reasonable fees
284 as shall be set forth in a schedule of permit fees to be adopted by the
BCC.

285 (b) *Prerequisites.* As a prerequisite to obtaining a permit,
286 the person performing such work shall be:

287 (1) A homeowner and/or property owner
288 performing such work himself as set forth in the Florida Statutes,
this chapter, and related technical codes; or

289 (2) In possession of a certificate of competency
issued by the county in accordance with this chapter; or

290 (3) A state-certified contractor who has
291 registered a license with the building official. Such registration of
292 license shall occur upon presentation of the license and proof of
293 public liability insurance, property damage insurance, and workers'
294 compensation insurance coverages, ~~along with payment of an~~
295 ~~administrative fee.~~ Thereafter, registration may be maintained ~~on an~~
296 ~~annual basis upon payment of an annual administrative fee.~~

297 ~~The administrative fee shall be a reasonable fee~~
298 ~~necessary to cover the administrative costs of such licensing~~
299 ~~registration and maintenance of such records. The fee shall be set~~
300 ~~forth in a schedule of fees to be adopted by the BCC.~~

301 (4) In good financial standing with the division
302 of building safety, having no outstanding debts due to unpaid permit
303 fees, checks returned to the county as uncollectible, or other similar
304 indication of financial irresponsibility.

305 (c) *Revocation of permit .* Any permit issued under this
306 chapter shall be revocable by the building official at any stage of
307 work upon written notice to the permittee stating the grounds for the
308 revocation. Appeal of a decision to revoke a permit shall be treated
309 as an appeal of a building official decision and shall follow those
310 procedures set forth in section 9-11-(c).
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312 Sec. 9-7. Violations.

313 (a) It shall be unlawful for any person to violate the
314 provisions of this chapter and any of the rules, regulations,
315 resolutions, and conditions adopted by the BCC pursuant to the
powers granted by this chapter.

316 (b) Inspectors shall examine all premises related to a
317 suspected or alleged violation of this chapter and/or any technical

320 code and shall, if supported, issue a written notice of violation for
322 an unsafe building, structure, or system and notify the owner or
agent of such premises to correct the violation in accordance with
324 the requirements of this chapter. Any person failing to correct the
violation as instructed by the inspector within the reasonable time
fixed by the inspector shall be in violation of this chapter.

326 (c) Violations of this chapter shall be punished as
provided by law. The building official or an inspector is authorized
328 to condemn any work that may have been done and performed, or to
stop any work in violation of the terms and provisions of the code
330 relating thereto, and Orange County may bring suit or institute any
other legal action required to restrict, enjoin or otherwise prevent the
332 violation of this chapter or of any resolution, rule, regulation, or
codes adopted by the BCC pursuant to the powers granted by this
334 chapter.

336 (d) Any person who violates any provision of this
chapter may be punished as provided in section 1-9.

Sec. 9-8. Reserved.

338 **Sec. 9-9. Contractors.**

Any person desiring to engage in the business or act in the
340 capacity of a general contractor, builder, or any form of building
contractor regulated by this chapter within the county shall first
342 obtain either the appropriate state or county certificate of
competency pursuant to the requirements of this section 9-9. The
344 following provisions shall govern issuance of certificates of
competency in the county:

346 (a) In accordance with F.S. ch. 489, the BCC may
provide for the examination of general contractors, builders, owner-
348 builders, specialty contractors, electrical contractors, plumbing
contractors, mechanical contractors, and practitioners of other trades
350 regulated by this article desiring to secure a certificate of
competency to perform the work embraced in any codes adopted by
352 the board of county commissioners.

354 (b) Standardized examinations, administered and
proctored by Orange County or by ~~an county approved~~ agency
356 approved by the building official, shall be recognized as evidence of
eligibility for issuance of a certificate of competency by the county;
358 further, the examinations shall be evidence of eligibility for
reciprocity with any municipality or county within the state that also
recognizes such examinations.

360 (c) The applicant shall specify in the application the
class of contractor for which s/he seeks a certificate of competency

362 and shall comply with the experience and education requirements of
364 F.S. ch. 489. Each certificate of competency shall show the class of
contracts for which the holder is certified.

366 (d) To qualify for certification, -an applicant must obtain
a minimum score of seventy-five percent (75%) on the appropriate
examination.

368 (e) Any person who is licensed by the county in a
370 particular classification regulated by this article at the time of the
effective date of this article shall be issued a certificate of
372 competency at the time for regular renewal of the same without the
requirement of an examination.

374 (f) No person shall be issued a certificate of competency
to engage in the business of, or act in the capacity of, a contractor
until such person has:

376 (1) Paid the prescribed license fee as provided
herein; and

378 (2) Filed with the county licensing authority a
380 duly executed third party bond in accordance with section 9-10 of
this chapter.

382 (g) The following provisions apply to business
organizations and qualifying agents therefor:

384 (1) If an individual proposes to engage in
contracting in his/her own name, a registration or certification may
be issued only to that individual.

386 (2) If the applicant proposes to engage in
388 contracting as a partnership, corporation, business trust, or other
legal entity, the applicant shall apply through a qualifying agent; the
390 application shall state the name of the partnership and of its partners,
the name of the corporation and of its officers and directors, the
392 name of the business trust and its trustees, or the name of such other
legal entity and its members; and the applicant shall furnish
394 evidence of statutory compliance if a fictitious name is used. Such
application shall also show that the qualifying agent is legally
396 qualified to act for the business organization in all matters connected
with its contracting business and that s/he has authority to supervise
398 construction undertaken by such business organization. The
400 registration or certification, when issued upon application of a
business organization, shall be in the name of the qualifying agent,
402 and the name of the business organization shall be noted thereon. If
there is a change in any information that is required to be stated on
404 the application, the business organization shall, within ten (10) days
after such change occurs, mail the correct information to the
department.

406 (3) The qualifying agent shall be certified or
registered under this article in order for the business organization to
408 be certified or registered in the category of the business conducted
for which the qualifying agent is certified or registered. If any
410 qualifying agent ceases to be affiliated with such business
organization, s/he shall so inform the department. In addition, if
412 such qualifying agent is the only certified or registered individual
affiliated with the business organization, the business organization
414 shall notify the department of the termination of the qualifying agent
and shall have a minimum of sixty (60) days from the termination
416 of the qualifying agent's affiliation with the business organization in
which to employ another qualifying agent. The business
418 organization may not engage in contracting until a qualifying agent
is employed.

420 (4) The qualifying agent shall inform the
department in writing when s/he proposes to engage in contracting
422 in his/her own name or in affiliation with another business
organization, and s/he or such new business organization shall
424 supply the same information to the department as required of
applicants under this article.

426 (h) Nothing in this article nor the regulations adopted
pursuant to this article, shall prohibit any owner from performing
428 their own work upon their own residence, provided such owner first
obtains the necessary building permits and does such work in a
430 manner which complies with all applicable regulations adopted
hereunder.

432 (i) Any person or entity who is locally registered and
does not currently desire to perform any work as a contractor, but
434 desires to preserve their certificate of competency during a period
while not engaged as a contractor, may apply for and receive a
436 certificate as an inactive contractor. The fee for such certificate shall
be fixed by the BCC and shall be paid upon application. All other
438 certificates shall be deemed active. Anyone applying for and
receiving a certificate as an inactive contractor shall not be required
440 to provide a bond as specified above. Inactive contractor certificates
shall become void five (5) years after issuance thereof. Thereafter
442 the holder thereof shall be required to meet existing qualifications
and apply for a new certificate of competency in accordance with
444 the provisions of this article and any successor provisions. In lieu of
the examination provision in section 9-9(a), a holder of an expired
446 inactive contractor certificate may provide proof to the building
official of satisfactory completion of at least seven (7) hours of
448 continuing education credits for each year that the holder was
inactive. The building official shall review the information for
sufficiency, and may grant a waiver of the examination requirement

450 for reinstatement of the certificate of competency as an inactive
451 contractor.

452 (j) Certificates of competency shall be valid for two (2)
453 years. The fee for renewal shall be as set forth in the county fee
454 schedule on file with the division of building safety.

Sec. 9-10. Certificates of competency; bonds.

456 (a) Any person who desires to engage in work as a
457 general contractor, builder, electrical contractor, plumbing
458 contractor, specialty contractor, or other regulated trade herein in the
459 county in the areas subject to the jurisdiction of the BCC under this
460 article for the performance of work embraced in any codes adopted
461 by the board of county commissioners, shall, before engaging in
462 such work, secure an appropriate certificate of competency, if one is
463 required. Any persons within a particular class of contracting work
464 shall post a bond in the sum of five thousand dollars (\$5,000.00)
465 payable to the board of county commissioners or the person for
466 whom such work is performed. It may be a cash bond or a bond with
467 a corporate surety authorized to do business in the state, to be
468 approved and filed with the board of county commissioners. The
469 conditions of the bond shall be that if the principal and all agents
470 and employees of the principal shall faithfully abide by and conform
471 to the provisions of this article, together with all ordinances
472 supplementary thereto, now and hereafter adopted, and all rules,
473 regulations and codes adopted by the board of county
474 commissioners, and shall faithfully and properly perform all
475 obligations and undertakings made pursuant to the provisions of this
476 article in the conduct of the business of the principal, then the
477 obligation shall be null and void; otherwise, it shall remain in full
478 force and effect. The bond shall also be subject to the following
479 provisions:

480 (1) Any claim for injury under the provisions of
481 this bond shall be made by the county or the person for whom such
482 work is performed; provided, however, that no such action may be
483 brought after the expiration of one (1) year from and after the time
484 when that act or default complained of may have occurred.

485 (2) The total aggregate liability of the surety
486 shall be limited to the payment of five thousand dollars (\$5,000.00).

487 (3) The surety may cancel the bond and be
488 relieved of further liability hereunder by delivering thirty (30) days'
489 written notice to the board of county commissioners; provided,
490 however, such cancellation shall not affect any liability incurred or
accrued under the bond prior to the termination of such period.

492 (b) The requirement as to the furnishing of a bond is
493 conditioned upon the BCC adopting a code applicable to the class
494 of work to be performed by the principal, and upon the adoption of
495 such a code, the bond, if required, must be given within the time set
496 by the BCC after the adoption of such code.

497 (c) Nothing in this article, nor the regulations adopted
498 pursuant to this article, shall prohibit any owner from performing
499 his own work upon his own residence, provided such owner first
500 obtains the necessary building permits and does such work in a
501 manner which complies with all applicable zoning regulations and
502 all regulations adopted hereunder.

503 **Sec. 9-11. Appeal from denial of certificate of competency;
504 grievance complaints; appeal from final decision by
505 building official; appeal from notice of unsafe
506 building.**

507 (a) *Appeal from denial of certificate of competency by
508 building official.*

509 (1) When the building official renders a decision
510 denying an application for a certificate of competency, the applicant
511 for the certificate of competency shall have the right to appeal the
512 decision to the BCBA.

513 (2) Notice of appeal from the decision of the
514 building official shall be in writing and filed not later than thirty (30)
515 days after the decision is rendered by the building official.

516 (b) *Grievance complaints; grievance hearing; severity
517 of penalty; effect of suspension or revocation of certificate of
518 competency .*

519 (1) *Complaint and grievance hearing .* Upon the
520 filing of a sworn, completed complaint by an interested party against
521 the holder of a certificate of competency or a state-certified
522 contractor who has done business in the county, and payment of the
523 appropriate nonrefundable application fee, a grievance hearing shall
524 be conducted in the manner provided by section 9-12. Subject to
525 state law, the BCBA may impose an appropriate penalty pursuant
526 to its disciplinary powers where:

527 a. With respect to a holder of a
528 certificate of competency, a violation of one (1) or more of the acts
529 enumerated in F.S. § 489.129(1), as may be amended from time to
530 time, and which is incorporated by reference, has been found to
531 exist; and/or
532

534 b. With respect to a state-certified
contractor, through the public hearing process, such contractor has
536 been found guilty of fraud or a willful building code violation.

538 (2) *Severity of penalty* . The severity of any fine,
reprimand, suspension or revocation shall bear a reasonable
540 relationship to the gravity of the offense, but no period of suspension
shall exceed one (1) year.

542 (3) *Effect of suspension or revocation of
certificates of competency* . The suspension or revocation of a
544 certificate of competency by the BCBAA shall result in the
automatic suspension or revocation, as the case may be, of any
business tax certificate that may have been issued by the county.

546 (4) *Recommended penalty to state board* . Upon
a finding of guilt, in addition to any local penalty, the BCBAA shall
548 make a recommendation regarding a penalty for action by the
Construction Industry Licensing Board of the State of Florida
550 Department of Business and Professional Regulation. This
recommended penalty may include no further action, suspension,
552 revocation, or restriction of registration, a fine to be levied by the
state construction industry licensing board, or a combination
thereof.

554 (5) *Notification to state board* . Within fifteen
(15) days of the denial of the authority of a certified contractor to
556 obtain a building permit, the BCBAA shall submit notification and
information of such permit denial to the department of business and
558 professional regulation.

(c) *Appeal from final decision by building official* .

560 (1) The owner of a building, structure, or service
system, or a duly authorized agent, may appeal a final decision of
562 the building official to the BCBAA whenever any of the following
conditions are claimed to exist:

564 a. The building official rejected or refused
to approve the mode or manner of construction proposed to be
566 followed or materials to be used in the installation or alteration of a
building, structure or service system.

568 b. The provisions of the technical codes do
not apply to the specific case.

570 ~~c. An equally good or more desirable form
of installation can be employed in a specific case.~~

572 cd. The true intent and meaning of the
technical code or any of the regulations thereunder have been
574 misconstrued or incorrectly interpreted.

576 de. The building official has denied or
revoked a permit.

578 (2) Notice of appeal from the final decision of the
building official shall be in writing and filed together with a copy of
580 the final decision not later than thirty (30) days after the final
decision is rendered by the building official.

(d) *Appeal from notice of unsafe building .*

582 (1) A person served with a notice of unsafe
building, or a duly authorized agent, may appeal the notice of unsafe
584 building issued by the building official to the BCBAA.

586 (2) The notice of appeal from the notice of unsafe
building shall be in writing and filed with the building official not
588 later than thirty (30) days after service of the notice of unsafe
building.

**Sec. 9-12. Hearing before BCBAA; final decision by board;
590 appeals.**

(a) *Quasi-judicial hearing procedures .*

592 (1) *Notice .* A quasi-judicial hearing before the
BCBAA may be held at any time after not less than ten (10) days'
594 notice by certified mail, return receipt requested, to the address
given to the division of building safety by the appellant, applicant or
596 complainant. If such notice is returned as unclaimed or refused,
notice may be provided by publication in accordance with F.S. §
598 120.60(5).

600 (2) *Hearing, rules of evidence .* The formal rules
of evidence shall not apply during quasi-judicial hearings, but
602 fundamental due process shall be observed and govern the
proceedings. The chairman of the BCBAA shall have the authority
604 to designate evidence as irrelevant, immaterial or unduly repetitious
and exclude such evidence accordingly. However, all other evidence
606 of a type commonly relied upon by reasonably prudent persons in
the conduct of their affairs shall be admissible, regardless of whether
such evidence would be admissible in a trial in the courts of Florida.
608 Any part of the evidence may be received in written form. The board
may request certain evidence to be provided by an architect or
610 engineer registered in the state, in which case it shall be signed and
sealed.

612 (3) *Hearing testimony .* Any member of the
BCBAA or the attorney representing the board may inquire of or
614 question any witness before the board. Any member of the board, an
appellant or his attorney, an applicant or his attorney, a complainant
616 or his attorney, the person who is the subject of a complaint or his

618 attorney, and/or the building official shall be permitted to inquire of
any witness before the board. The board may consider testimony
620 presented by the building official, the appellant, the applicant, the
complainant, the person who is the subject of a complaint, or any
other witness.

622 (b) *Final decision by board* . The BCBAA shall reach a
decision in every case, regardless of whether it is quasi-judicial or
624 quasi-legislative in nature, without unreasonable or unnecessary
delay. Each quasi-judicial decision of the board shall include the
626 reasons for the decision. Each decision of the board shall be
promptly filed in writing with the secretary of the board and shall be
628 open to public inspection. A certified copy of each decision shall be
sent by certified mail to the appellant, the applicant, the
630 complainant, and/or the person who is the subject of the complaint,
whomever is applicable. Each decision of the board shall be final,
632 and no rehearings shall be allowed.

634 (c) *Appeals* . A quasi-judicial decision of the BCBAA
may be reviewed either as a matter of right by a court of competent
636 jurisdiction upon the filing of an appropriate pleading by an
aggrieved party no later than thirty (30) days after the board's final
decision is rendered, or as otherwise provided by law.

638 **Sec. 9-13. Reserved.**

Sec. 9-14. Reserved.

640 **Sec. 9-15. Reserved.**

Sec. 9-16. Permit fees—Calculation, determination.

642 **Sec. 9-17. Reserved. ~~Concealment prior to inspection.~~**

644 ~~It shall be a violation of this chapter for any person to
permanently conceal any part of an installation in a building or
structure until the inspector has made an initial inspection and left
646 upon the premises a notice of compliance.~~

Sec. 9-18. Reserved.

648 **Sec. 9-19. Reserved.**

Sec. 9-20. Reserved.

650 **Secs. 9-21—9-30. Reserved.**

3. *Amendments to Chapter 9, Article II (Building Code)*). Article II (“Building

652 Code”) is hereby amended as follows:

ARTICLE II.

654 **BUILDING CODE**

DIVISION 1. BUILDING

656 **Sec. 9-31. Authority to enact; purpose.**

658 This article is enacted under the authority of the home rule
power of the county for the purpose of adopting rules and
regulations and codes regulating building safety in the county.

660 Sec. 9-32. - Reserved.

Sec. 9-33. Florida Building Code, Building, adopted.

662 (a) *Adopted.* Subject to the administrative and technical
amendments set forth in subsection (b) below, the Florida Building
664 Code, Building, 6th Seventh Edition, as it may be amended from time
to time (the "Code"), shall be the governing law relative to building
666 standards in Orange County, Florida ("Orange County"). Floodplain
provisions shall be governed and enforced in accordance with the
668 Code and Chapter 19 ("Floodplain Management") of the Orange
County Code. In the case of any apparent conflict between the
670 floodplain regulations set forth in this chapter and those in Chapter
19, the more restrictive provisions shall control.

672 (b) *Amendments.* The Code is hereby amended as
follows:

674 A. *Subsection 101.3.1* is hereby created
to read as follows:

676 101.3.1. Permitting and inspection.
The permitting or inspection of any building
678 system or plan by Orange County under the
requirements of this Code shall not be
680 construed as a warranty of the physical
condition of such building, system, or plan or
682 of their adequacy. Neither Orange County
nor any employee thereof shall be liable in
684 tort for damages for any defect or hazardous
or illegal condition or inadequacy in such
686 building, system, or plan, nor for any failure

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of any component of such, which may occur subsequent to such inspection or permitting.

B. *Subsections 102.2.7 and 102.5* are hereby created to read as follows:

102.2.7. Mobile/ manufactured home repair and remodeling. As defined in Section 320.01(2), Florida Statutes (2016), work performed on mobile/manufactured homes shall be subject to the following guidelines:

(1) Additions including, but not limited to, add-a-rooms, roof-overs, and porches shall be free standing and self-supporting with only the flashing attached to the main unit unless the added unit has been designed to be married to the existing unit. All additions shall be constructed in compliance with state and locally adopted building codes.

(2) Anchoring of additions shall be in compliance with requirements for similar type construction.

(3) Repair or remodeling of a mobile/manufactured home shall require the use of material and design equivalent to the original construction. Structure shall include, but not be limited to, roof system, walls, floor system, windows, and exterior doors of the mobile/manufactured home.

(4) Electrical repair and replacements shall require the use of material and design equivalent to the original construction.

(5) Plumbing repairs and replacements shall require the use of material and design equivalent to the original construction.

(6) Alternatively, work performed on mobile/manufactured homes may be performed in accordance with the Florida Building Code.

728 102.5. Partial Invalidity. If any
section, subsection, sentence, clause, or
730 phrase of this Code is for any reason held to
be invalid and/or unconstitutional, such
732 finding shall not affect the validity of the
remaining portions of this Code.

734 C. *Section 103* is hereby created to read
as follows:

103. Division of Building Safety.

736 103.1. Establishment. There is hereby
created a division to be called the Division of
738 Building Safety (the "Division").

103.2. Employee qualifications.

740 103.2.1. Building official
qualifications. The building official shall be
742 licensed as a Building Code Administrator by
the State of Florida. The building official
744 shall be appointed by the County Mayor or
his/her designee.

746 103.2.2. Employee qualifications. A
person shall not be appointed or hired as
748 inspector or plans examiner unless that
person meets the qualifications for licensure
750 as an inspector or plans examiner in the
appropriate trade, as established by the State
752 of Florida.

754 103.3. Restrictions on employees.
Officers or employees connected with the
756 Division, except one whose only connection
is as a member of a board established by this
758 Code, shall not be financially interested: (i)
in the furnishing of labor, material, or
760 appliances for the construction, alteration, or
maintenance of a building, structure, service,
762 or system; or (ii) in the making of plans, or of
specifications thereof, within the jurisdiction
of the Division, unless they are the owners of
764 such. Said officers or employees shall not
engage in any other work which is
766 inconsistent with their duties or which
conflicts with the interest of the Division.

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D. *Section 104* is hereby amended by creation and addition of the following subsections, as follows:

104.1. General. The building official is hereby authorized and directed to enforce the provisions of this Code; however, for purposes of enforcing any floodplain management regulation contained herein, the building official may coordinate with the Orange County Public Works Department in carrying out the aforementioned duty. The building official shall have the authority to render interpretations of this Code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall be in compliance with the intent and purpose of this Code, and shall not have the effect of waiving requirements specifically provided for in this Code. Any requirements necessary: (i) for the strength, stability, or proper operation of an existing or proposed building or structure or of an electrical, gas, mechanical, or plumbing system; or (ii) for the public safety, health, and general welfare, not specifically covered by this Code, shall be determined by the building official.

104.2. Applications and permits.

104.2.1. Misrepresentation in application. The building official may revoke a permit or approval issued under the provisions of this Code where there has been any false statement or misrepresentation regarding any material fact in the application or plans on which the permit or approval was based.

104.2.2. Revocation of permits. The building official is authorized to reasonably suspend or revoke a permit issued under the provisions of this Code wherever the permit is issued in error or on the basis of incorrect, inaccurate, or incomplete information, or in violation of any ordinance or regulation or any provisions of this Code.

812 104.2.3. Violation of Code provision.
814 The building official may revoke a permit
816 upon determination that the construction,
818 erection, alteration, repair, moving,
820 demolition, installation, or replacement of the
822 building, structure, or electrical, gas,
824 mechanical, or plumbing system for which
826 the permit was issued is in violation of, or not
828 in conformity with, any provision of this
830 Code.

832 104.6. Right of entry.

834 104.6.1. Whenever necessary to make
836 an inspection to enforce any of the provisions
838 of this Code, or whenever the building
840 official has reasonable cause to believe that
842 there exists in any building or upon any
844 premises any condition of Code violation
846 which makes such building, structure, or
848 premises or electrical, gas, mechanical, or
850 plumbing system unsafe, dangerous, or
852 hazardous, the building official may enter
854 such building, structure, or premises at all
856 reasonable times to inspect the same or to
perform any duty imposed upon the building
official by this Code. If such building or
premises is occupied, s/he shall first present
proper credentials and request entry. If such
building, structure, or premises is
unoccupied, s/he shall first make a reasonable
effort to locate the owner or other person(s)
having charge or control of such and request
entry. If entry is refused, the building official
shall have recourse to every remedy provided
by law to secure entry.

846 104.6.2. When the building official
848 has obtained a proper inspection warrant or
850 other remedy provided by law to secure
852 entry, an owner or occupant or any other
854 person(s) having charge, care, or control of
856 any building, structure, or premises shall,
after proper request is made as herein
provided, promptly permit entry therein by
the building official for the purpose of
inspection and examination pursuant to this
Code.

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104.7. Records. The building official shall keep, or cause to be kept, a record of the business of the Division. The records of the Division shall be open to reasonable public inspection, subject to exemptions under the law.

104.8. Liability. Officers or employees or members of a board created by this Code who are charged with the enforcement of this Code, acting for the BCC in the discharge of their duties, shall not thereby render themselves personally liable, and are hereby relieved from all personal liability, for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of such duties. Any suit brought against any officer or employee or board member because of any such act shall be defended by Orange County until the final termination of the proceedings.

104.10.1. Flood hazard area. Floodplain provisions shall be governed and enforced in accordance with the Code and Chapter 19 ("Floodplain Management") of the Orange County Code. In the case of any apparent conflict between the floodplain regulations set forth in this chapter and those in Chapter 19, Orange County Code, the more restrictive provisions shall control.

E. *Subsection 105.1.5* is hereby amended created by creation and addition of the following subsections, to read as follows:

105.1.5. Public right-of-way. A permit shall not be given by the building official (i) for construction or alteration of any building which is to be changed, if such change will affect the exterior walls, bays, balconies, or other appendages or projections fronting any street, alley, or public lane, or (ii) for the placing on any lot or premises of any building or structure removed from another lot or premises, unless the applicant has made application for right-of-way permitting from the authority having

902 jurisdiction over any such street, alley, or
public lane.

904 105.2.4 Work exempt from permit.
Permits shall not be required for the
906 following:

908 1. Oil derricks.

910 2. Sidewalks and driveways
912 not more than 30 inches (762 mm) above
914 adjacent grade, and not over any basement
916 or story below and are not part of an
918 accessible route.

920 3. Painting, papering, tiling,
922 carpeting, cabinets, counter tops and similar
924 finish work.

926 4. Storable swimming or
928 wading pools as defined by this code.
930 Exception: Electrical alterations or
932 connections except for cord-and-plug
934 connection into an existing receptacle.

936 5. Shade cloth structures
938 constructed for nursery or agricultural
940 purposes, not including service systems.

942 6. Window awnings
944 supported by an exterior wall that do not
946 project more than 54 inches (1372 mm) from
948 the exterior wall and do not require
950 additional support of detached one and two
952 family dwellings.

954 7. Non fixed and movable
956 fixtures, cases, racks, counters and partitions
958 not over 5 feet 9 inches (1753 mm) in height.

960 8. Construction, alteration or
962 repair performed by the property owner
964 upon his or her own personal residence for a
966 one-story detached, freestanding, accessory
968 structure to a one or two family dwelling
970 used as a tool shed, storage shed, pergola,
972 deck, gazebo, playhouse or an
974 attached/detached accessibility ramp that
976 does not exceed a one hundred twenty-
978 square foot footprint for the owner's
980 personal use. This structure shall not
982 incorporate electrical, HVAC, fuel gas, or

944 plumbing. Zoning and flood requirements
945 shall be met as required.

946 9. One-and-two family fences
947 six (6) feet or less in height are also exempt
948 in accordance with this section. Zoning and
949 flood requirements shall be met as required.

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951 F. *Subsection 105.4* is hereby deleted
952 and recreated to read as follows:

953 105.4 Conditions of the permit. The
954 issuance or granting of a permit shall not be
955 construed to be a permit for, or an approval
956 of, any violation of any of the provisions of
957 this code or of any other ordinance of the
958 jurisdiction. Permits presuming to give
959 authority to violate or cancel the provisions
960 of this code or other ordinances of the
961 jurisdiction shall not be valid. The issuance
962 of a permit based on construction documents
963 and other data shall not prevent the building
964 official from requiring the correction of
965 errors in the construction documents and
966 other data. The building official is also
967 authorized to deny a permit or prevent
968 occupancy or use of a structure where in
969 violation of this code or of any other
970 ordinances of this jurisdiction.

971 105.4.1. Permit intent. A permit
972 issued shall be construed to be a license to
973 proceed with the identified work and not as
974 authority to violate, cancel, alter, or set aside
975 any of the provisions of this Code, nor shall
976 such issuance of a permit prevent the building
977 official from thereafter requiring a correction
978 of errors in plans, or construction, or of
979 violations of this Code. Every permit issued
980 shall become invalid (i) unless the work
981 authorized by such permit is commenced and
982 an approved inspection is made within six (6)
983 months after its issuance, or (ii) if the work
984 authorized by such permit is suspended or
985 abandoned for a period of six (6) months after
986 the time the work is commenced and/or an
approved inspection is made. One (1)

988 extension of time, for a period of not more
990 than ninety (90) days, may be allowed at the
992 sole discretion of the building official, prior
994 to the expiration of such permit, provided the
extension is requested in writing and
justifiable cause is adequately demonstrated.
Any extension granted shall be in writing and
signed by the building official.

996 105.4.1.1. If permitted work has
commenced and the permit is revoked,
998 becomes null and void, or expires due to lack
of progress or abandonment, a new permit
1000 covering the proposed construction must be
obtained before proceeding with the work.
1002 Unless and until a new permit is issued and
the attendant work is properly completed, no
1004 final inspection may be conducted and no
certificate of occupancy may be issued.
1006 Additionally, at the discretion of the building
official, no new permits may be issued to the
1008 permit holder and/or the property owner for
such work and/or for work elsewhere in the
1010 county until the revoked ~~or, void, or expired~~
permit is brought into compliance, unless
1012 such lack of compliance is due to
circumstances outside the reasonable control
1014 of the permit holder and/or the property
owner, as applicable.

1016 105.4.1.2. If a new permit is not
obtained within 180 days from the date the
1018 initial permit became null and void, the
building official is authorized to require that
1020 any work which has been commenced, up to
and including completion, be removed from
1022 the building site. Alternatively, a new permit
may be issued, upon application, provided
1024 that both the work already in place and the
newly permitted work are in full compliance
1026 with all applicable regulations in effect at the
time the initial permit became null and void
1028 and any regulations which may have become
effective between the date of expiration and
1030 date of issuance of the new permit.
Notwithstanding the foregoing, for any work
1032 previously in place that was inspected and

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approved by the county, the building official may allow compliance with the applicable regulations in effect at the time the initial permit expired, to the extent that allowing such compliance will not cause any health or safety concern.

105.4.1.3. A permit shall be considered to be in an active status so long as the permitted work has received an approved inspection within 180 days of (i) permit issuance or (ii) an approved inspection. This provision shall not be applicable in case of civil commotion or strike or when the work is halted due directly to judicial injunction, order, or similar process.

105.4.1.4. The fee for renewal, reissuance, or extension of a permit shall be set forth by the BCC.

105.4.1.5. A permit issued in connection with a violation of any Orange County Code provision, or in connection with a determination or finding by the Orange County Code Enforcement Board or Special Master, shall not be used to avoid or extend the time for compliance. Any work performed in connection with such permit must be inspected and approved by Orange County prior to issuance of any subsequent permit. If the building official finds that no actual and substantial work has been performed the official may (i) deny issuance of a new permit and/or (ii) refer or remand, as the case may be, the matter to the Code Enforcement Board or Special Master for further action pursuant to this Code and in accordance with Chapter 11, Orange County Code, as may be amended from time to time.

G. *Subsection 105.5.1* is hereby created to read as follows:

~~105.5. Expiration. The holder of any permit that has expired and not been timely brought into compliance may be precluded from receiving any other permits in Orange County; however, additional permits~~

1078 requested in order to bring an expired permit
1079 into compliance may be issued, and the
1080 permit holder may, at the sole discretion of
1081 the building official, be allowed to receive
1082 additional permits in Orange
County. Reserved.

1084 ~~105.5.1 The building official may~~
1085 ~~administratively close expired or inactive~~
1086 ~~stand alone trade permits (not for structural~~
1087 ~~work) at his or her discretion, after ten years~~
1088 ~~of expiration, when no known safety hazard~~
1089 ~~exists and no code violations have been~~
1090 ~~identified. Any such action shall not serve as~~
1091 ~~an approval of any work conducted on~~
1092 ~~property subject to such permit.~~

1093 105.5.12 Closing out or resolving
1094 open or expired permits shall be the
1095 responsibility of the permit applicant and/or
1096 the property owner. Failure to properly close
out or resolve any open or expired permit(s)
shall be considered a violation of this chapter.

1098 H. *Subsection 107.2.1.1* is hereby
created to read as follows:

1100 107.2.1.1. Supporting data. The
1101 building official shall be allowed to require
1102 details, computations, stress diagrams, and
1103 other data necessary to describe the
1104 construction or installation and the basis of
1105 calculations. All drawings, specifications,
1106 and accompanying data required by the
1107 building official to be prepared by an
1108 architect or engineer shall be affixed with that
professional's official seal.

1110 I. Reserved.

1111 J. *Subsection 107.2.6.1* is hereby
1112 created to read as follows:

1113 107.2.6.1. New buildings or
1114 structures, additions to existing buildings or
1115 structures, and alterations to components
1116 which may affect the structural stability of a
1117 building or structure shall be designed by a
1118 Florida-licensed architect or engineer, in
accordance with state statutes. Construction

1120 documents shall show that the design meets
the applicable wind loading requirements of
1122 ~~Section 1609~~ of the Florida Building Code,
Building and ~~R301~~ of the Florida Building
1124 Code, Residential for any building or
structure, addition, or alteration where wind
1126 load is applicable (see Section 9-34 of the
Orange County Code).

1128 K. *Subsection 109.2* is hereby deleted
and recreated to read as follows:

1130 109.2. Schedule of permit fees. On all
buildings, structures, and electrical, gas,
1132 mechanical, and plumbing systems, or for
alterations requiring a permit, a fee for each
1134 permit shall be paid as required in accordance
with the schedule as established by the Board
1136 of County Commissioners.

1138 L. *Subsection 109.3.1* is hereby created
to read as follows:

1140 109.3.1 Building permit valuations,
Division manager. If, in the opinion of the
Division manager, the valuation of any
1142 building, alteration, or structure or of any
electrical, gas, mechanical, or plumbing
1144 system appears to be underestimated on the
application, any corresponding permit shall
1146 be denied, unless the applicant can show
detailed estimates which meet with the
1148 approval of the Division manager. Permit
valuations shall include total cost including,
1150 without limitation, electrical, gas,
mechanical, plumbing, equipment, and other
1152 systems, and including materials and labor.
The permit valuation may be calculated using
1154 the latest Building Valuation Data published
by the International Code Council, or other
1156 applicable model code organization, at the
sole discretion of the Division manager.

1158 M. *Subsection 109.4* is hereby deleted
and recreated to read as follows:

1160 109.4. Work commencing before
permit issuance. Any person who
1162 commences any work on a building or

1164 structure, or electrical, gas, mechanical, or
1165 plumbing system before obtaining the
1166 building official's approval and/or the
1167 necessary permits shall be subject to a
1168 penalty equivalent to double the permit fee,
1169 or one hundred three dollars (\$103.00),
1170 whichever is greater, in addition to the
1171 required permit fees. This provision shall not
1172 apply to emergency work when delay would
1173 clearly have placed life or property in
1174 imminent danger, as long as any and all
1175 required permits are obtained within three (3)
1176 business days of commencing such work; any
1177 unreasonable delay (as determined by the
1178 building official) in obtaining such permits
1179 shall result in a penalty equivalent to double
1180 the permit fee. In any case, payment of a
1181 penalty as described herein shall not
1182 preclude, or be deemed a substitute for,
1183 prosecution for commencing work without
1184 first obtaining a permit. The building official
1185 may grant extensions of time or waive the
1186 fees if justifiable cause (as determined by the
1187 building official) has been adequately
1188 demonstrated, in writing.

1188 N. *Subsection 110.1.1* is hereby created
1189 to read as follows:

1190 110.1.1. Site Debris.

1191 (a) The contractor and/or owner of
1192 any active or inactive construction project
1193 shall be responsible for the clean-up and
1194 removal of all construction debris or any
1195 other miscellaneous discarded articles prior
1196 to receiving final inspection approval.
1197 Construction job sites must be kept clean,
1198 such that accumulation of construction debris
1199 not contained within a storage receptacle or
1200 bin shall not remain on the property for a
1201 period of time exceeding fourteen (14) days.

1202 (b) All debris shall be kept in such
1203 a manner as to prevent it from being spread
1204 by any means.

(c) In the event of an adverse weather or other condition or event that is reasonably anticipated to disturb or otherwise affect construction materials or equipment that are stored at a site, and/or issuance of a Level II or higher activation notice by the Orange County Office of Emergency Management, then such materials or equipment shall be timely removed or otherwise secured so as to avoid any impact to neighboring properties.

O. Reserved

~~Subsection 110.3, (Building), item 6, is hereby deleted and recreated to read as follows:~~

~~6. — Swimming pool inspection. First inspection to be made after excavation and installation of reinforcing steel, bonding, and main drain, prior to placing of concrete.~~

~~Second inspection to be made after the forms and reinforcement are in place and all concealed conduit, piping, and electrical bonding are installed. Slab shall not be placed until all required inspections have been approved by the county.~~

~~Final inspection to be made when the swimming pool is complete and all required enclosure requirements are in place.~~

~~In order to pass final inspection and receive a certificate of completion, a residential swimming pool must meet the requirements relating to pool safety features as described in Section 424.2.17.~~

P. *Subsection 111.1* is hereby deleted and recreated to read as follows:

111.1. Building use and occupancy. An existing building (except for a one or two-family dwelling or non-transient residential buildings) or a new building shall not be occupied or a change made in the occupancy,

1246 nature, or use of a building or part of a
1248 building until after the building official has
1250 issued a certificate of occupancy in the name
1252 of the occupant or tenant. Issuance of a
certificate of occupancy shall not be
construed as an approval of a violation of the
provisions of this Code or of any provisions
under any laws including, but not limited to,
the Orange County Code.

1254 Additionally, until such time that
1256 permanent street identifier and wayfinding
1258 signs are installed, the contractor and/or
owner shall post signage reasonably
identifying streets that serve a project.

1260 Q. *Subsection 111.2.1* is hereby created
to read as follows:

1262 111.2.1. Notwithstanding the
1264 foregoing, no certificate of occupancy or
completion shall be issued unless and until all
Orange County and/or other applicable
agency holds have been released.

1266 R. *Section 114* is hereby created to read
as follows:

1268 Section 114. Violations.

1270 114.1 Unlawful acts. It shall be
1272 unlawful for any person, firm, company,
1274 corporation, or any other entity to erect,
1276 construct, alter, extend, repair, move,
remove, demolish, or occupy any building,
structure, or equipment regulated by this
code, or cause same to be done, in conflict
with or in violation of any of the provisions
of this Code.

1278 114.2 Notice of violation. The
1280 building official or a designee is authorized
1282 to serve a notice of violation or order on the
1284 person responsible for the erection,
1286 construction, alteration, extension, repair,
moving, removal, demolition, or occupancy
of a building or structure in violation of the
provisions of this code, or in violation of a
permit or certificate issued under the
provisions of this code. Such order shall

1288 direct the discontinuance of the illegal action
1290 or condition and abatement of the violation.

1292 114.3 Prosecution of violation. If the
1294 notice of violation is not complied with
1296 promptly, the building official or a designee
1298 is authorized to request that the county
1300 institute the appropriate proceeding by law or
in equity to prosecute, restrain, correct,
and/or abate such violation. The building
official or a designee may require the
removal or termination of the unlawful
occupancy of the building or structure in
violation of the provisions of this code or of
the order or direction made pursuant thereto.

1302 114.4 Violation; penalties. Any
1304 violation of this Code shall be subject to
1306 prosecution in accordance with the law
including, but not limited to, the provisions
of Section 1-9 of the Orange County Code.

1308 S. *Section 115.2* is hereby deleted and
recreated to read as follows:

1310 115.2. Issuance. The stop work order
1312 shall be in writing and shall be posted on the
1314 property or given to the owner of the property
1316 involved, or to the owner's agent, or to the
1318 person doing the work. Upon issuance of a
1320 stop work order, the cited work shall
1322 immediately cease. The stop work order shall
state the reason for the order, and the
conditions under which the cited work will be
permitted to resume. Where an emergency
exists, as determined by the building official,
the building official shall not be required to
give a written notice prior to stopping the
work.

1324 T. *Section 116* is hereby created to read
as follows:

1326 Section 116. Unsafe buildings or
1328 systems. All buildings, structures, electrical,
1330 gas, mechanical, or plumbing systems (i)
which are unsafe, unsanitary, or do not
provide adequate egress; or (ii) which
constitute a fire hazard or are otherwise

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dangerous to human life; or (iii) which, in relation to existing use, constitute a hazard to safety or health, are considered unsafe buildings or service systems; or (iv) were constructed without obtaining applicable permits in accordance with this chapter. All such unsafe buildings, structures, or service systems are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition in accordance with the provisions of the Orange County Code or other local ordinance.

U. Section 202 is hereby amended to add the following definitions to read as follows:

Storable swimming or wading pool means those that are constructed on or above the ground and are capable of holding water with a maximum depth of 42 inches (1067 mm), or a pool with nonmetallic, molded polymeric walls or inflatable fabric walls regardless of dimension.

U. Section 1612.3.1, item 3, is hereby created to read as follows:

3. Any such submissions required by the building official shall be subject to review and approval by the Orange County Public Works Department.

V. Subsection 1612.4 is hereby deleted and recreated to read as follows:

1612.4. Design and construction. The design and construction of buildings and structures located in flood hazard areas, including flood hazard areas subject to high-velocity wave action, shall be in accordance with Chapter 5 of ASCE 7, ASCE 24, and Chapter 19 of the Orange County Code.

W. Section 1804.54, item 5, is hereby created to read as follows:

5. Unless acceptable compensating storage area is provided.

Sec. 9-34. Wind speed requirements.

1372 The basic wind speed requirements for Orange County are
1374 established pursuant to (i) Section 1609.3 and Figures 1609A,
1609B, and 1609C of the Florida Building Code, Building and (ii)
1376 Section 301.2.1 of the Florida Building Code, Residential. The
aforementioned references shall be kept on file at the Orange County
1378 Division of Building Safety and may be accessed online through the
Orange County Infomap link.

DIVISION 2. RESIDENTIAL

1380 **Sec. 9-35. Florida Building Code, Residential, adopted.**

1382 (a) Subject to the administrative and technical
amendments set forth in subsection (b) below, the Florida Building
Code, Residential, ~~6th~~Seventh Edition [the "Residential Code"] as it
1384 may be amended from time to time, shall be the governing law
relative to residential building standards in Orange County, Florida.
1386 Floodplain provisions shall be governed and enforced in accordance
with this Residential Code and Chapter 19 ("Floodplain
1388 Management") of the Orange County Code. In the case of any
apparent conflict between the floodplain regulations set forth in this
1390 chapter and those in Chapter 19, the more restrictive provisions shall
control.

1392 (b) The Florida Building Code, Residential, ~~6th~~Seventh
Edition is hereby amended as follows:

1394 A. ~~Section *s-R101.2 and R101.2.1* are is~~
hereby deleted and recreated to read as
1396 follows:

1398 R101.1. Scope. The provisions of
Chapter 1, Florida Building Code, Building,
as amended by Section 9-33(b) of the Orange
1400 County Code, shall govern the administration
and enforcement of the Florida Building
1402 Code, Residential.

1404 ~~B. Chapter 2 ("Definitions") is hereby~~
~~amended by the addition of a definition for~~
~~the term "Lowest floor" which shall be~~
1406 ~~applied in conjunction with or in the place of~~
~~the term "Habitable space" as and when~~
1408 ~~applicable:~~

1410 ~~LOWEST FLOOR means the lowest~~
~~floor of the lowest enclosed area of a~~
~~structure (including basement). An~~
1412 ~~unfinished or flood-resistant enclosure, used~~
~~solely for parking of vehicles, building~~

1414 access, or storage, in an area other than a
1416 basement, is not considered a building's
1418 lowest floor, provided that such enclosure is
not built so as to render the structure in
violation of the non-elevation design
standards of this chapter.

1420 C.—*Section R309.5, item 1, is hereby*
deleted and recreated to read as follows:

1422 1.—Elevated a minimum of one (1)
1424 foot above the design flood elevation as
determined in Section R322.

1426 D.—*Section R322.1.4 is hereby deleted and*
recreated to read as follows:

1428 322.1.4. Establishing the design flood
elevation. The design flood elevation shall be
used to define areas prone to flooding, and
1430 shall be established in accordance with
Sections 19-7, 19-41, 19-93, and 34-228 of
1432 the Orange County Code.

1434 E.—*Section R322.1.6 is hereby deleted*
and recreated to read as follows:

1436 R322.1.6. Protection of mechanical
and electrical systems. Electrical systems,
equipment, and components; heating,
1438 ventilating, air conditioning; plumbing
appliances and plumbing fixtures; duct
1440 systems; and other service equipment shall be
located a minimum of one (1) foot above the
1442 elevation required in Section R322.2 (flood
hazard areas including A Zones) or R322.3
1444 (coastal high-hazard areas including V
Zones). If replaced as part of a substantial
1446 improvement, electrical systems, equipment,
and components; heating, ventilation, air
1448 conditioning, and plumbing appliances and
plumbing fixtures; duct systems; and other
1450 service equipment shall meet the
requirements of this section. Systems,
1452 fixtures, equipment, and components shall
not be mounted on or penetrate through walls
1454 intended to break away under flood loads.

1456 Exception: Locating electrical
systems, equipment, and components;

1458 heating, ventilating, air conditioning;
1460 plumbing appliances and plumbing fixtures;
1462 duct systems; and other service equipment is
1464 permitted below the elevation required in
1466 Section R322.2 (flood hazard areas including
1468 A Zones) or R322.3 (coastal high hazard
1470 areas including V Zones) provided they are
1472 designed and installed to prevent water from
1474 entering or accumulating within the
components and to resist hydrostatic and
hydrodynamic loads and stresses, including
the effects of buoyancy, during the
occurrence of flooding to the design flood
elevation in accordance with ASCE 24.
Electrical wiring systems are permitted to be
located below the required elevation
provided they conform to the provisions of
the electrical part of this code for wet
locations.

1476 F.— *Section R322.2.1* hereby deleted and
recreated to read as follows:

1478 R322.2.1. Elevation requirements.

1480 1.— Buildings and structures in flood
1482 hazard areas not designated as Coastal A
Zones shall have the lowest floors elevated to
a minimum of one (1) foot above the design
flood elevation.

1484 2.— Buildings and structures in flood
1486 hazard areas designated as Coastal A Zones
1488 shall have the lowest floors elevated to or
above the base flood elevation plus 1 foot
(305 mm), or to the design flood elevation,
whichever is higher.

1490 3.— In areas of shallow flooding (AO
1492 Zones), buildings and structures shall have
1494 the lowest floor (including basement)
1496 elevated at least as high above the highest
1498 adjacent grade at least as high as one (1) foot
above the depth number specified in feet on
the Flood Insurance Rate Maps ("FIRM"), or
at least three (3) feet (914.4 mm) if a depth
number is not specified.

Secs. 9-36—9-38. Reserved.

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DIVISION 3. EXISTING BUILDING

Sec. 9-39. Florida Building Code, Existing Building, adopted.

(a) Subject to the administrative amendment set forth in subsection (b) below, the Florida Building Code, Existing Building, as it may be amended from time to time, shall be the governing law relative to existing building standards in Orange County, Florida.

(b) The Florida Building Code, Existing Building, is amended as follows:

Section 101.1 is amended to read as follows:

101.1 Scope. The provisions of Chapter 1, *Florida Building Code, Building*, as amended by Section 9-33(b) of the Orange County Code, shall govern the administration and enforcement of the *Florida Building Code, Existing Building*.

Secs. 9-40—9-50. Reserved.

Section 4. Amendments to Chapter 9, Article III (“Electrical Code”). Article III

(“Electrical Code”), is hereby amended as follows:

ARTICLE III.

ELECTRICAL CODE

DIVISION 1. GENERALLY

Sec. 9-51. Authority; purpose.

This article is enacted under the home rule powers of the county, for the purpose of providing uniform minimum standards, regulations and requirements for safe and stable design, methods of construction and uses of materials and electrical wiring, apparatus or equipment used for light, heat or power which will afford reasonable protection for public safety, health and general welfare.

Sec. 9-52. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alarm system II contractor shall mean a person who is qualified pursuant to a certificate of competency to install, maintain, repair, alter or extend wiring, conduit, and equipment operating at less than fifty (50) volts or equivalent rms, for all low voltage wiring.

1534 *Apprentice electrician* shall mean a helper or assistant to a
journeyman electrician who is not qualified to work on electrical
1536 construction alone.

Board of adjustments and appeals shall mean the Orange
1538 County Building Codes Board of Adjustments and Appeals.

Chief electrical inspector shall mean the head of the electrical
1540 division as designated by the building official.

Electrical construction shall mean all work and materials used
1542 in installing, maintaining, extending and/or connecting a system of
electrical wiring for light, heat or power, and apparatus or equipment
1544 used in conjunction therewith.

Electrical contractor shall mean a person qualified under the
1546 provisions of this article who holds a master electrician certificate
of competency, who is engaged in the business of electrical
1548 construction, and who possesses the training, experience and
technical knowledge to plan, lay out and supervise the installation
1550 of electric wiring, apparatus or equipment for light, heat or power;
or, in the alternative, a partnership, corporation, business trust or
1552 other legal entity engaged in the business of electrical construction
and operating under a master electrician certificate of competency
1554 issued for its use and benefit in the name of a master electrician.

Electrical division shall mean the electrical division of the
1556 county division of building safety.

Electrical inspector shall mean an employee of the division
1558 responsible for the administration and enforcement of this article.

Electrician shall mean a person qualified under the provisions
1560 of this article who is engaged in the trade or business of electrical
construction.

Energy management system shall mean an energy conservation
1562 program which allows a public utility company to regulate the use
of consumers' appliances by radio switch.
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Journeyman electrician shall mean an electrician who is
1566 capable of performing electrical construction work under the
supervision of a master electrician.

Low voltage contractor shall mean a person who is qualified
1568 pursuant to a certificate of competency to install, maintain, repair,
alter or extend wiring, conduit, and equipment operating at less than
1570 fifty (50) volts or equivalent rms, but not burglar alarms or fire
alarms.
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Low voltage construction shall mean any electrical construction
1574 less than fifty (50) volts or equivalent rms, but not fire alarms.

1576 *Maintenance electrician* shall mean a journeyman electrician
1578 who is regularly employed by one (1) person, partnership,
1580 corporation, business trust or other legal entity to maintain and make
1582 minor repairs to the electrical system wiring, apparatus and
equipment which is installed, contained and used upon the premises
or within or upon the buildings and structures owned, occupied, or
controlled by the person, partnership, corporation, business trust or
other legal entity employing the journeyman electrician.

1584 *Master electrician* shall mean an electrician who is capable of
supervising electrical construction work in accordance with the
provisions of this article.

1586 *Residential journeyman electrician* shall mean a journeyman
1588 electrician who only performs electrical construction work on
residential buildings of three (3) stories or less.

1590 *Sign electrical contractor* shall mean an electrician who is
capable of supervising sign electrical construction work in
1592 accordance with the provisions of this article. A sign electrical
contractor may act as an electrical contractor in the area of sign
wiring only.

1594 **Sec. 9-53. Rules and regulations.**

1596 (a) The board of county commissioners may enact rules
and regulations to implement and carry out the provisions of this
article.

1598 (b) All electrical construction and all materials and
1600 appliances used in connection with the installation, maintenance and
1602 operation of electrical system wiring, apparatus or equipment for
light, heat, power or other purposes shall comply with any rules and
regulations adopted pursuant to this article.

Sec. 9-54. Violations.

1604 Violations of this article shall be punished as provided in
1606 section 1-9. The board of county commissioners may bring suit to
restrain, enjoin, or otherwise prevent violations of this article.

Sec. 9-55. - Interference with electrical inspector.

1608 It shall be unlawful for any person to hinder or interfere with
1610 an electrical inspector in the discharge of his duties under this
article.

Secs. 9-56—9-65. Reserved.

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DIVISION 2.

ADMINISTRATION AND ENFORCEMENT

Subdivision I. General Provisions

Sec. 9-66. Powers and duties of electrical inspectors.

An electrical inspector shall have the following powers and duties:

(1) To issue permits for and to inspect all electrical wiring, apparatus or equipment for light, heat or power on any premises; to monitor compliance with laws, rules and regulations relating to the same; to observe the installation of all electrical construction; and to inspect the work performed by registered and certified electricians under the provisions of this article.

(2) To inspect and approve or reject electrical system wiring, apparatus and fixtures that have been installed to insure compliance with this article and any rules and regulations adopted pursuant to this article.

(3) To give temporary approval to connect and furnish electric current to any electrical system wiring, apparatus or fixture before a final inspection has been completed, if such wiring, apparatus or fixture is in such condition that current may safely be connected thereto and if a necessity exists for such connection.

(4) To inspect or reinspect all wires and apparatus conducting or using electric current for light, heat or power, and to notify the person, firm or corporation owning, using or operating any conductors or apparatus found unsafe to place same in a safe and secure condition.

(5) To immediately open the switch or circuit breaker controlling the supply of current to any electrical system wiring, apparatus or fixture found hazardous, and to post in a conspicuous place near such switch or circuit breaker a notice prohibiting the use of electric current through such wiring or equipment until repairs have been made and inspected in accordance with the provisions of this article. After the notice is posted, no person shall close the switch or circuit breaker which has been opened by an electrical inspector, nor use or attempt to use any current through such wiring, apparatus or fixture which has been condemned, until necessary repairs have been made and approved by the electrical inspector. An electrical inspector shall also notify the person furnishing current to any condemned wiring, apparatus or fixture to disconnect the supply

1652 wires and cut off the current from the premises where such wiring,
1653 apparatus or fixture is located.

1654 **Secs. 9-67—9-75. Reserved.**

Subdivision II. Reserved

1656 **Secs. 9-76—9-85. Reserved.**

Subdivision III. Permits, Inspections, Etc.

1658 **Sec. 9-86. ReservedPermits generally.**

1660 (a) ~~— A permit is required to perform any electrical
1661 construction, to install any electrical wiring, apparatus, or
1662 equipment, or to make any extensions or changes to existing systems
of wiring for light, heat, or power, except under the following
conditions:~~

1664 (1) ~~— Permits are not required for work done by
employees of public utility companies, for installation or repairs of
1665 generation, control, transformation, transmission, distribution or
metering apparatus or equipment, and routine maintenance of same.~~

1668 (2) ~~— Permits are not required for the installation,
maintenance, or service of any public utility energy management
1669 system, provided the work is performed by a licensed electrician on
behalf of a certified electrical contractor or by an employee of a
1670 public utility company.~~

1674 (3) ~~— Permits are not required for repairs of damaged
apparatus or equipment, replacement of luminaries in one and two-
1675 family dwellings, and/or routine maintenance of the same. Repairs
and/or maintenance shall not mean the total replacement of said
1676 equipment, but may mean replacement of luminaries.~~

1678 (4) ~~— Permits are not required on service calls which
involve no wiring and/or installation of equipment by an electrical
1680 contractor, or by a certified master electrician or journeyman
electrician serving in the name of a certified electrical contractor.~~

1682 (5) ~~— Fire alarm systems.~~

1684 a. ~~— In the case of fire alarm construction
and/or any system wired into the fire alarm system, permitting by
the county division of building safety shall not be required. Such fire
1685 alarm construction is subject to state licensure requirements,
permitting, and inspections by the county fire department.~~

1688 ~~b.—The division of building safety will~~
1690 ~~permit and inspect all conduits (only) installed for a fire alarm~~
 ~~system.~~

1692 ~~(b)—Before any permit is issued for the installation or~~
1694 ~~alteration of electrical system wiring, apparatus, or equipment, the~~
 ~~electrical contractor making application for the permit shall pay the~~
 ~~appropriate fee as determined by the board of county~~
 ~~commissioners.~~

1696 ~~(c)—Any permit issued under the provisions of this article~~
1698 ~~shall become invalid if the work authorized thereby is not~~
 ~~commenced within six (6) months after issuance or within six (6)~~
1700 ~~months after the last inspection if work has commenced. A request~~
 ~~for extension not to exceed ninety (90) days must be received in~~
 ~~writing by the chief electrical inspector prior to each expiration date.~~

1702 ~~Sec. 9-87. ReservedApplications for permits.~~

1704 ~~(a)—Unless otherwise exempted in section 9-86, before~~
1706 ~~any electrical wiring, apparatus or equipment for light, heat or power~~
 ~~may be installed outdoors or within or attached to any building or~~
1708 ~~structure, either public or private, a written application for a permit~~
 ~~shall be made to the electrical division by the electrical contractor~~
1710 ~~who will perform the work. The application shall be signed by the~~
 ~~contractor or an authorized employee thereof. When required by the~~
1712 ~~building official, two (2) or more copies of plans, specifications and~~
 ~~schedules drawn to scale with sufficient clarity and detail to indicate~~
1714 ~~the nature and character of the work shall accompany every~~
 ~~application. If the applicant has complied with all provisions of this~~
 ~~article, a permit shall be issued for such installation as described in~~
 ~~the application.~~

1716 ~~(b)—It shall be unlawful for any county registered master~~
1718 ~~electrician to sign permit applications for more than one (1) person,~~
 ~~partnership, corporation, business trust or other legal entity.~~

1720 ~~(c)—It shall be unlawful for any registered or certified,~~
1722 ~~licensed electrical contractor to allow the use of his or its name by~~
 ~~any other person, partnership, corporation, business trust or other~~
 ~~legal entity, directly or indirectly, for the purpose of obtaining a~~
 ~~permit for electrical construction.~~

1724 ~~(d) — Plans and specifications prepared by a professional~~
1725 ~~engineer shall contain the following information:~~

1726 ~~(1) — Title block showing the name of the owner,~~
1727 ~~location of the building, person responsible for preparing the plans,~~
1728 ~~registered electrical engineer responsible for designing the plans,~~
1729 ~~and date such plans are issued. The plans shall also bear the seal of~~
1730 ~~an electrical engineer or architect registered in the state as required~~
1731 ~~by state law.~~

1732 ~~(2) — Legend showing symbols used on drawings as~~
1733 ~~adopted by nationally recognized societies or as explained on the~~
1734 ~~drawings.~~

1735 ~~(3) — Type, location and capacity of all service~~
1736 ~~equipment and meters.~~

1737 ~~(4) — Interrupting ratings of circuit protective~~
1738 ~~devices specified and available symmetrical short circuit current at~~
1739 ~~each panel and switchboard location where fault current is greater~~
1740 ~~than ten thousand (10,000) amperes.~~

1741 ~~(e) — For multiple occupancy buildings and multiple~~
1742 ~~tenant buildings, at the time of permitting, the contractor who~~
1743 ~~installs the metered service shall submit with the permit~~
1744 ~~application a one line riser diagram for the metered electrical~~
1745 ~~services.~~

1746 **Sec. 9-88. Classification of meter service for purposes of**
1747 **permits.**

1748 (a) For the purpose of regulating the issuance of permits,
1749 each recording watt-hour meter and all main feeder wires, sub-
1750 feeder wires and branch circuit wires connecting to same shall be
1751 construed as one (1) meter service. A separate permit shall be
1752 obtained for work performed on each such meter service.

1753 (b) When multiple unit buildings of four (4) or more
1754 units with multiple like units and services are permitted, one (1)
1755 permit will be required, in lieu of the number of unit meters. The
1756 total fees will be added together for all units, and final inspection
1757 approval will be for all units only at the same time.

1758 (c) When electrical work is permitted with no metered
1759 service, the permit fees are to be based on the total cost of all labor,
1760 materials, and fixtures installed.

Sec. 9-89. Inspections and approval required.

1762 (a) It shall be unlawful for any person, partnership,
1764 corporation, business trust or other legal entity to use electric current
1766 in or through any electrical system wiring, apparatus or fixture for
light, heat or power on any premises until the same has been
inspected and approved by an electrical inspector.

1768 (b) It shall be unlawful for any person, firm or
corporation furnishing electric current for light, heat or power to
1770 connect a distributing system to any installation of electrical system
wiring, apparatus or fixture on any premises without first receiving
1772 written permission from an electrical inspector to do so. Such
permission may be given any time after final inspection has been
approved.

1774 (c) It shall be the responsibility of the individual, and the
electrical contractor's company representative whose name the
1776 electrical permit is issued under, to obtain an electrical final
approval, as soon as the work has been completed and energized.

1778 ~~(d) When an electrical contractor has permitted
electrical work, and completed all or part of the electrical work to
1780 the point that the electrical system wiring installed is energized and
is in use without approval by an electrical inspector, and his
1782 electrical permit has expired, the electrical contractor's license may
be suspended until the electrical wiring installed is re-permitted and
1784 appropriate inspections approved.~~

Sec. 9-90. Reserved.

1786 **Sec. 9-91. ReservedOrder of inspections.**

1788 ~~Before an electrical rough wiring inspection can be
performed, the plumbing, mechanical and other trades construction
work must be completed.~~

1790 **Secs. 9-92—9-100. Reserved.**

DIVISION 3. CONTRACTORS, JOURNEYMEN, ETC.

1792 **Subdivision I. General Provisions**

Sec. 9-101. General responsibilities.

1794 (a) An electrical contractor shall be responsible for the
physical and mechanical manner in which electrical materials,
1796 equipment and devices are placed and installed.

1798 (b) An electrical contractor shall be responsible to have
his electrical work permitted as required by this article, and
inspected and approved by an electrical inspector prior to use.

1800 (c) The license holder (master electrician) when issued a
1802 permit, agrees to conform to all division of building safety codes
and regulations and ordinances regulating the same, and shall act in
1804 accordance with the approved plans and specifications. The issuance
of a permit does not authorize any violation of any applicable county
or state statutes, codes or ordinances.

1806 **Sec. 9-102. Business tax certificate.**

1808 (a) The name of the electrical contractor for whom
permit applications may be signed shall be set forth in the business
1810 tax certificate. No person shall be entitled to a business tax
certificate to engage in the business of electrical contracting who is
1812 not a master electrician or who does not employ a certified or
registered master electrician on a full-time basis.

1814 (b) It shall be unlawful for any master electrician to
allow their name to be used, or to knowingly allow themselves to be
1816 held out as an officer or employee of any person, partnership,
corporation, business trust, or other legal entity holding an electrical
1818 contractor's business tax certificate, unless they are such an officer
or employee and do, in fact, supervise electrical construction under
such business tax certificate.

1820 **Sec. 9-103. Registration.**

1822 No person shall engage in or carry on the business of
electrical contracting, nor install, alter or repair any electrical wiring
1824 for which an electrical permit is required, without first registering in
the electrical division the name of the master electrician responsible
for the electrical installation.

1826 **Sec. 9-104. Changing employment.**

1828 Whenever an electrical contractor holding a certificate of
competency shall leave or be discharged or terminated from the
1830 employ of any person or corporation, written notice shall be given
to the division. In such case, all electrical construction work being
1832 performed by the employer shall stand suspended until the employer
has employed another electrical contractor and has given notice in
1834 writing to the division, or until such employer has qualified as an
electrical contractor.

1836

Sec. 9-105. Restrictions on maintenance electricians.

1838 It shall be unlawful for any maintenance electrician to install
1840 any new electrical wiring, apparatus or equipment for light, heat or
power.

Sec. 9-106. Reserved.

1842 **Secs. 9-107—9-115. Reserved.**

Subdivision II. Certification

1844 **Sec. 9-116. Required.**

1846 (a) Before engaging in the trade or business of electrical
1848 construction, every electrical contractor shall either be certified with
the state or have passed the county-approved examination and be
registered with the county pursuant to the provisions of this article.

Sec. 9-117. Examination—Generally.

1850 ~~(a) The board of adjustments and appeals may examine~~
1852 ~~any applicant making application for a certificate of competency as~~
1854 ~~a master electrician, journeyman electrician, residential journeyman~~
~~electrician, sign electrical contractor, low voltage electrical~~
~~contractor or low voltage specialty electrical contractor.~~

1856 ~~(a)~~ Except for state-certified electrical contractors, any
1858 person desiring to engage in the capacity of one of the foregoing
1860 types of electrical contracting within the county shall first make
1862 application for the appropriate certificate of competency, ~~satisfy the~~
~~building codes board of adjustments and appeals of his character and~~
~~integrity,~~ establish proof of his required experience, pass a written
examination, and receive a certificate of competency in accordance
with the provisions of sections 9-9 and 9-10.

Sec. 9-118. Same—Eligibility.

1864 (a) No person shall be deemed qualified to take the
1866 master electrician examination until proof of a minimum of two (2)
1868 years' experience as a licensed journeyman electrician, residential
journeyman electrician or master electrician in the county or another
jurisdiction has been submitted to the board of adjustments and
appeals.

1870 (b) An applicant for the journeyman electrician
1872 examination must have completed a four-year apprenticeship
program or document at least six (6) years of equivalent work
experience.

1874 (c) An applicant for the residential journeyman
1876 examination must have completed a four-year apprenticeship
program or document at least six (6) years of equivalent work
experience.

1878 (d) No person shall be deemed qualified to take the
1880 electrical sign contractor's examination until proof of a minimum of
1882 two (2) years' experience as a sign electrician, journeyman
electrician, or master electrician in the county or another jurisdiction
has been submitted to the building codes board of adjustments and
appeals.

1884 (e) No person shall be deemed qualified to take the low
1886 voltage contractor examination or the alarm system II contractor
1888 examination until proof of at least two (2) years' experience as a low
1890 voltage system installer has been submitted. ~~An individual holding
a state certified unlimited low voltage license shall not be required
to obtain a certificate of competency and may perform unlimited low
voltage construction work upon registering his/her state license with
the county.~~

1892 ~~(f) — Notwithstanding the foregoing, any certified master
1894 electrical contractor or any state certified burglar and fire alarm
1896 contractor may install low voltage construction upon recording
his/her state license with the county. The scope of this article does
not include fire alarm installations in the county.~~

Sec. 9-119. Reserved.

1898 **Sec. 9-120. Reserved.**

Secs. 9-121—9-130. Reserved.

1900 **DIVISION 4. TECHNICAL STANDARDS**

Sec. 9-131. National Electrical Code, adopted.

1902 (a) Adopted. The National Electrical Code, as it may be
1904 amended from time to time, shall be the governing law relative to
electrical standards in Orange County, Florida.

~~Chapter 27 of Florida Building Code, Building, adopted.~~

1906 ~~Adopted.~~ Chapter 27 of the Florida Building Code, Building, as it
1908 may be amended from time to time, shall be the governing law
relative to electrical standards in Orange County, Florida.

Sec. 9-132. Reserved.

1910 **Secs. 9-133—9-150. Reserved.**

Section 5. Amendments to Chapter 9, Article VI (“Gas Code”). Article VI (“Gas Code”)

1912 is hereby amended as follows:

ARTICLE VI.

1914 **GAS CODE**

Sec. 9-251. Reserved

1916 ~~Purpose and scope.~~

1918 ~~This article is enacted pursuant to the home rule powers of~~
1920 ~~Orange County, found in Fla. Const., Art. VIII, § 1(g) and F.S. §§~~
~~125.01, 125.56 and 553.73, for the purpose of adopting rules and~~
~~regulations and codes regulating gas piping, gas appliances and~~
~~related accessories for fuel gases.~~

1922 ~~It shall be the purpose of this article to create a fuel gas code~~
~~which will protect the public safety, health and general welfare of~~
1924 ~~the residents of unincorporated Orange County by setting standards~~
~~for stability, ventilation, and safety to life and property.~~

1926 ~~(1) The provisions of this fuel gas code shall apply to the~~
~~following:~~

1928 ~~a. Installation of consumers' gas piping systems~~
~~from point of delivery at the low pressure inlet connection to the~~
1930 ~~appliance.~~

1932 ~~b. Installation and operation of residential,~~
~~commercial and industrial gas appliances.~~

1934 ~~c. Design, fabrication, installation, tests and~~
~~operation of systems for fuel gases such as manufactured gas,~~
1936 ~~natural gas, undiluted liquified petroleum (LP) gases, LP gas/air or~~
~~mixtures thereof.~~

1938 ~~(2) This fuel gas code does not apply to systems or~~
~~portions of dispensing units, dispensing units for resale and motor~~
~~fuel, or inspections of LP tanks.~~

1940 ~~All listed appliances and equipment shall be installed in~~
~~accordance with their listing. All unlisted appliances and equipment~~
1942 ~~shall be installed in accordance with the manufacturer's instructions~~
~~and applicable gas codes.~~

1944 **Sec. 9-252. Florida Building Code, Fuel Gas, adopted.**

1946 (a) *Adopted.* Subject to the administrative amendments
set forth in subsection (b) below, the *Florida Building Code, Fuel*

1948 Gas, as it may be amended from time to time, shall be the governing
law relative to fuel gas standards in Orange County, Florida.

1950 (b) *Amendment.* The *Florida Building Code, Fuel Gas*,
is amended to read as follows:

Section 101.01 is amended to read as follows:

1952 101.1 Scope. The provisions of Chapter 1,
1954 *Florida Building Code, Building*, as amended
by Section 9-33(b) of the Orange County
1956 Code, shall govern the administration and
enforcement of the *Florida Building Code*,
Fuel Gas.

1958 **Sec. 9-253. Reserved.**

Sec. 9-254. Reserved.

1960 **Sec. 9-255. Reserved.**

Sec. 9-256. Reserved.

1962 **Secs. 9-257—9-275. Reserved.**

*Section 6. Amendments to Chapter 9, Article IX (“Contractor Certification,
1964 Registration, Licensing”).* Section 9-323, “Code Enforcement Officers,” of Article IX
 (“Contractor Certification, Registration, Licensing”) is hereby amended as follows:

1966 ***

Sec. 9-323. - Code enforcement officers.

1968 (a) The board of county commissioners hereby
authorizes the county administrator or the county administrator's
1970 appointee to designate certain persons as defined by Chapter 162,
Florida Statutes, including, but not limited to, the building official,
1972 and designees, and consumer investigators assigned to the Orange
County Consumer Fraud Investigative Unit, established under
1974 chapter 13, Orange County Code, as code enforcement officers who
shall have the powers and limitations prescribed herein and by
1976 statute.

1978 (b) The training and/or qualifications of code
enforcement officers for purposes of this article shall be established
by the ~~county administrator or the county administrator's~~
1980 ~~designee~~building official.

1982 (c) Pursuant to the authority established in Chapters 489
and 162, Florida Statutes, a code enforcement officer may issue a
1984 citation alleging engagement in any activity outlined in section 9-
324.

1986 *Section 7. Amendments to Chapter 9, Article XIV (“Moving of Structures”).* Article
XIV (“MOVING OF STRUCTURES”) is hereby amended as follows:

1988 **ARTICLE XIV.**
MOVING OF STRUCTURES
1990 **DIVISION 1. GENERALLY**

Sec. 9-571. Title.

1992 This article shall be known and may be cited as the "Orange
County Ordinance Governing the Moving of Structures."

1994 **Sec. 9-572. Authority.**

1996 This article is enacted pursuant to the home rule power of the
county, specifically, Fla. Const. art. VIII and F.S. chs. 125 and 163.

Sec. 9-573. Purpose.

1998 The purpose of this article is to comprehensively regulate
and control the moving of structures within the county in order to
2000 protect the health, safety, and general welfare of the people of the
county.

2002 **Sec. 9-574. Findings of fact.**

2004 The unregulated and uncontrolled moving of structures
within the county poses a risk to the health, safety, and general
2006 welfare of the people of the county. Therefore, the moving of
structures must be regulated and controlled through an ordinance so
2008 that the moving of structures can be accomplished in a manner
which, to the greatest extent possible, safeguards the health, safety,
and general welfare of the people of the county.

2010 **Sec. 9-575. Territorial applicability.**

2012 This article shall be effective throughout the county. If this
article conflicts with a municipal ordinance, this article shall not be
2014 effective to the extent of such conflict. If this article and a municipal
ordinance cover the same subject matter without conflict, then both

the municipal ordinance and this article shall be effective, each being deemed supplemental to the other.

Sec. 9-576. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

En route storage site shall mean a transit site for a structure which is being moved under a move permit from its original location to a permanent location or temporary storage site. (An "en route storage site" and a "temporary storage site" are mutually exclusive.)

Move permit or permit to move shall mean a permit issued by the division of building safety after the zoning and transportation departments have approved (with or without conditions) an application to move a structure, which permit allows the applicant to move the structure after the division of building safety has affixed tags to the structure.

Structure shall mean any building for which a person would have to obtain a building permit from the division of building safety to erect or construct. The word "structure" does not mean a "manufactured building" or a "mobile home," as those terms are respectively defined in the Florida Manufactured Building Act of 1979 [F.S. § 553.35 et seq.].

Temporary storage site shall mean a site which serves as a holding site for a structure which is being moved from its original location when a permanent location has not yet been determined. A "move permit" is required to move a structure to a temporary storage site. (A "temporary storage site" and an "en route storage site" are mutually exclusive.)

Sec. 9-577. Violations.

(a) A violation of this article shall be punishable in accordance with section 1-9.

(b) Notwithstanding subsection (a), the county may obtain an injunction or other legal or equitable relief in the circuit court against any person violating this article. If the county prevails, it shall be entitled to recover its reasonable attorneys' fees and costs.

Sec. 9-578. Appeals.

Any person aggrieved by a decision of the zoning [or] transportation [departments] or division of building safety under this article, except a decision by the transportation department pursuant to section 9-579(c), may file a notice of appeal with the clerk to the

board of county commissioners. The notice may be filed only after each of those departments has completed its review of the application. The notice shall be accompanied by an appeal fee. The board of county commissioners shall thereafter entertain the appeal, and render a decision thereon.

Sec. 9-579. Moving the structure.

(a) If the applicant has obtained a move permit from the division of building safety, he shall prepare the structure for the move. After he has made such preparations, he shall request the division of building safety to inspect the prepared structure. If the structure passes the inspection, the division of building safety shall affix tags to the structure which state that it is authorized to be moved, and that the move permit is able to be exercised.

(b) Prior to the move:

(1) The applicant shall do the following:

a. Confirm with the transportation department the time and day of the move no less than forty-eight (48) hours before the move is to begin;

b. Arrange for an escort service which shall at a minimum consist of two (2) law enforcement officers riding in separate vehicles, and an employee of the transportation department riding in yet another vehicle, with at least one (1) escort vehicle traveling to the rear of the structure being moved, and at least one (1) escort vehicle traveling to the front of the structure being moved;

c. Remove any obstacles along the proposed route, including ground-mounted traffic signs, mailboxes, guard rails, and private improvements within the right-of-way;

(2) If required by the transportation department, the transportation department shall remove, at the applicant's cost, any overhead traffic signs, overhead or ground traffic signals, and overhead or ground flashing school signs, and overhead signs; and

(3) If required by the affected utility company, shall remove its affected facilities at the applicant's cost. However, nothing in the foregoing sentence is intended to require the applicant to pay more than the reasonable expenses actually incurred by the affected utility company in removing its affected facilities.

(c) The structure shall be moved any day of the week, except county holidays, only between the hours of 11:00 p.m. to 5:00 a.m. of the following day, unless the applicant has obtained prior written permission from the transportation department for a

2096 different time and day upon good cause shown and upon the
2098 transportation department's ability to accommodate the requested
2100 different time and day. For purposes of this subsection "good cause"
2102 shall mean a reason which is not ordinarily or commonly
2104 encountered by a person who moves structures between the hours of
2106 11:00 p.m. and 5:00 a.m. of the following day. The transportation
2108 department's decision may be reviewed by the county public works
2110 director upon the applicant's request.

2104 (d) The structure shall be moved along the approved
2106 route with the law enforcement escorts and the escort from the
2108 transportation department.

2108 (e) After the move, the applicant shall promptly replace
2110 any removed obstacles or fixtures which he is responsible for
replacing.

2110 **Sec. 9-580. ReservedNew location.**

2112 ~~Normal inspection procedures shall apply to the moved
2114 structure as if it were a new structure. Any improvements to the
2116 structure which were required as a condition of issuance of the move
2118 permit shall be completed no later than ninety (90) days after the
footer inspection. A certificate of occupancy shall be issued only
after all "conditions subsequent" which were imposed by the zoning,
transportation, and building departments have been completed to the
satisfaction of those departments.~~

Sec. 9-581. Storage restrictions.

2120 (a) No person shall store a structure at an en route
2122 storage site for longer than seventy-two (72) hours.

2122 (b) No person shall store a structure on public property,
2124 including a right-of-way, a stormwater retention pond, or county-
owned property, without the prior, written consent of the
governmental body with jurisdiction.

2126 (c) No person shall store a structure on private property
without the prior, written approval of the property owner.

2128 (d) No person shall use a site as a temporary storage site
2130 for more than one (1) year if the temporary storage site, or structure
stored thereon, would not satisfy minimum zoning requirements.

Secs. 9-582—9-595. Reserved.

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DIVISION 2. PERMIT AND TAGS

Sec. 9-596. Required.

2136

(a) Subject to subsection (b), no person shall move any structure within the county unless and until he has applied under this article for a permit to move such structure, has obtained a move permit, has procured tags from the division of building safety to move the structure, and has complied with all conditions precedent of the move permit.

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(b) A person may move a structure without a move permit if the structure is being moved from a site within a specific construction zone to another site within the same construction zone.

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(c) No person shall fail to comply in a timely manner with all conditions subsequent of a move permit.

Sec. 9-597. Application.

2148

(a) Any person who proposes to move a structure within the county shall complete a county-approved application for a move permit. The completed application shall include the following information and shall be accompanied by the following documents:

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(1) A scaled drawing showing the exterior dimensions of the structure proposed to be moved;

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(2) The approximate weight of the structure;

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(3) Recent photographs of all sides of the structure;

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(4) The proposed route of the proposed move, and an alternate proposed route;

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(5) The proposed time and day of the move, and a proposed alternate time and day;

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(6) The location of any proposed temporary storage site for the structure;

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(7) The location and address to which the structure is proposed to be moved;

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(8) If the structure is proposed to be moved to a permanent location and address within the unincorporated area of the county, a site plan for the location and address to which the structure is proposed to be moved, which site plan has been prepared and completed in accordance with the requirements of chapter 38 of the Orange County Code; and

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2172 (9) A signed statement from the owner of the
2173 structure stating that the owner understands and agrees that no
2174 certificate of occupancy will be issued by the county for the moved
2175 structure unless and until all conditions subsequent (including
2176 paying the costs of escort services and the costs of removing
2177 obstacles) are completed to the satisfaction of the zoning [and]
2178 transportation [departments] and division of building safety.

2178 (b) The completed application shall be signed by the
2179 following persons:

2180 (1) The applicant;

2181 (2) The person who proposes to move the
2182 structure (if he is not the applicant); and

2183 (3) The owner of the structure which is proposed
2184 to be moved (if he is not the applicant or the person who proposes
2185 to move the structure).

2186 **Sec. 9-598. Processing.**

2187 (a) The applicant shall deliver the completed application
2188 for a permit under this article to the zoning department. The zoning
2189 department shall promptly forward a copy of the completed
2190 application to the transportation department. The transportation
2191 department shall review the completed application. In conjunction
2192 with its review, it shall conduct an inspection of the proposed route.
2193 Taking into account relevant factors, including the dimensions and
2194 weight of the structure proposed to be moved, and the proposed time
2195 and day of the move, the transportation department shall examine
2196 the condition of the proposed route, determine the classifications of
2197 the roads on the proposed route, determine the width of the roads
2198 along the proposed route, and determine the nature and extent of
2199 obstacles along the proposed route. (It shall also conduct an
2200 inspection of a portion or all of the proposed alternate route, if a
2201 portion or all of the proposed first route is unacceptable.) The
2202 applicant may accompany the transportation department during an
2203 inspection if he has made prior arrangements to do so.

2204 (b) After its review of the application, the transportation
2205 department shall:

2206 (1) conditions, deny the proposed route in whole
2207 or in part, and, if it denied the proposed route in whole or in part,
2208 approve an alternate route in whole or in part, with or without
2209 conditions;

2210 (2) Approve a time and day for the move; and

2212 (3) Provide a nonbinding estimate of the costs of
the escort services, and the costs of removing obstacles along the
proposed route.

2214 (c) While the transportation department is reviewing a
copy of the application, the zoning department shall itself review the
2216 application. In conjunction with its review, it may conduct an
inspection of the structure proposed to be moved. It may also
2218 conduct an inspection of the location of any proposed temporary
storage site if the location is situated within the unincorporated area
2220 of the county. It shall examine the site plan and it may conduct an
inspection of the site and footprint of the location and address to
2222 which the structure is proposed to be moved if the proposed location
is situated within the unincorporated area of the county in order to
2224 determine whether the location of the moved structure would satisfy
minimum zoning requirements.

2226 (d) After its review, the zoning department shall approve
the application in whole or in part, with or without conditions, or
2228 deny the application.

2230 (e) If the structure is proposed to be moved to a
permanent location, the zoning department shall render such
2232 decision based upon whether the permanent location of the moved
structure, or the moved structure itself, would satisfy minimum
zoning requirements at the permanent location.

2234 (f) If the structure is proposed to be moved to a
temporary storage site, the zoning department shall not consider
2236 whether the temporary storage site, or the structure itself, would
satisfy minimum zoning requirements at the temporary storage site,
2238 unless the temporary storage site is located within a district in which
the storage of structures is not allowed under the county's zoning
2240 regulations, in which event it shall render such decision based upon
whether:

2242 (1) An adjacent or nearby residential
neighborhood will be adversely affected;

2244 (2) The operation and maintenance of an
adjacent road or other public facility will be adversely affected;

2246 (3) The stored structure may create an attractive
nuisance for children in an adjacent or nearby residential
2248 neighborhood;

2250 (4) The stored structure may create a hazard to
the public health or safety;

(5) The stored structure will be secured; or

2252 (6) A diagram has been submitted showing
where the structure will be stored on the temporary storage site.

2254 In considering the above criteria, the zoning department shall
2256 consider and may impose any measures which the applicant can
reasonably take to mitigate any adverse effects on the public health,
2258 safety, aesthetics, and the proper functioning of public roads and
facilities.

(g) If the structure is proposed to be placed at an en route
2260 storage site, it shall not consider whether the en route storage site,
or the structure itself, would satisfy minimum zoning requirements
2262 at the en route storage site.

(h) If the transportation department and the zoning
2264 department each approve the application with or without conditions,
the applicant shall submit the following documents to the division
2266 of building safety in order to obtain a move permit:

(1) The application which was approved by the
2268 zoning department;

(2) The application which was approved by the
2270 transportation department;

(3) If the structure is to be stored at a temporary
2272 storage site or an en route storage site, a signed statement from the
owner of the property upon which the site is located stating that the
2274 owner consents to the use of the site for the period requested; and

(4) Letters from each utility company which will
2276 be affected by the move which show that each utility company has
done the following:

2278 a. Reviewed the proposed route;

2280 b. Agreed to make any adjustments to its
facilities along the route; and

2282 c. Agreed to disconnect its facilities at
the location from which the structure is to be moved.

~~(i) Upon receipt of all the documents mentioned in
2284 subsection (h), the division of building safety shall conduct an
inspection of the structure for structural defects.~~

2286 **Sec. 9-599. Issuance.**

The division of building safety shall issue the applicant a
2288 move permit only after verifying the following:

(1) The zoning and transportation departments have
2290 each approved the application with or without conditions;

2292 ~~(2) The structure proposed to be moved does not have
any irreparable structural defects;~~

2294 (23) The applicant has complied with each of the terms of
section 9-598(h)(3) and (4);

2296 (34) There exists an outstanding bond in an amount
acceptable to the county given the circumstances of the proposed
2298 move, which bond is intended solely to protect against damages
which may occur during the move, not to ensure that "conditions
subsequent" to the move will be satisfied; and

2300 (45) The move permit fee has been paid.

Sec. 9-600. Reserved.

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2316 **Section 8. Effective date.** This ordinance shall become effective pursuant to general
law.

2318 **ADOPTED THIS _____ DAY OF _____, 2020.**

2320 **ORANGE COUNTY, FLORIDA**
2322 **By: Board of County Commissioners**

2324 By: _____
 Jerry L. Demings, Mayor

2326 **ATTEST:** Phil Diamond, CPA, County Comptroller
2328 As Clerk of the Board of County Commissioners

2330 By: _____
 Deputy Clerk

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