

BCC Mtg. Date: December 15, 2020

Effective Date: December 21, 2020

**ORDINANCE NO. 2020 - 40**

**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.**

**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

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

*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 herein, or a duly authorized representative.

*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.

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

**Sec. 9-2. Territorial applicability.**

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

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

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

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

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

(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.

(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.

(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.

(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:

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

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

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

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

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

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

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

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

(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 practitioner of a profession regulated by the board or of any closely related profession.

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

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

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

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

(h) The secretary of the board shall be a person designated by the building official. The secretary shall be responsible for 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 and retaining the decisions of the board.

(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 chairperson's absence) may only vote in the event of a tie vote by the board.

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

(k) All members of the board serve at the pleasure of the 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.

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

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

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

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

(3) In the event the building official and the fire official are unable to agree on a resolution of a conflict between a 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 alternatives which would provide an equivalent degree of life safety and an equivalent method of construction;

(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;

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

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

(7) To review and propose amendments to (i) the building, residential, existing building, plumbing, electrical, 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, ordinances, and regulations in the Orange County Code pertaining to building and construction, including those relating to swimming pools, roofing, sheet metal, and irrigation, but excluding those

relating to housing, moving of structures, and/or underground 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,

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

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

(c) *Draft ordinance.*

(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.

(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 the BCC. This recommendation shall be to adopt, not adopt, or adopt with modifications. If no recommendation is forwarded to the BCC by the end of the review period, the BCC may vote on the adoption of the draft ordinance without a recommendation from the BCBA.

(d) *Conflict provision.*

(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 forth in this chapter shall control.

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

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

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 determination of which conflicting provision is more restrictive shall be made by the building official.

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

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

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

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

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

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

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

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

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

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

### **Sec. 9-7. Violations.**

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

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



code and shall, if supported, issue a written notice of violation for an unsafe building, structure, or system and notify the owner or agent of such premises to correct the violation in accordance with 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.

(c) Violations of this chapter shall be punished as provided by law. The building official or an inspector is authorized 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 relating thereto, and Orange County may bring suit or institute any other legal action required to restrict, enjoin or otherwise prevent the violation of this chapter or of any resolution, rule, regulation, or codes adopted by the BCC pursuant to the powers granted by this chapter.

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

**Sec. 9-8. Reserved.**

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

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

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

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

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

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

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

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

(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:

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

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

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

(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.

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

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

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

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

(i) Any person or entity who is locally registered and does not currently desire to perform any work as a contractor, but desires to preserve their certificate of competency during a period while not engaged as a contractor, may apply for and receive a certificate as an inactive contractor. The fee for such certificate shall be fixed by the BCC and shall be paid upon application. All other certificates shall be deemed active. Anyone applying for and receiving a certificate as an inactive contractor shall not be required to provide a bond as specified above. Inactive contractor certificates shall become void five (5) years after issuance thereof. Thereafter the holder thereof shall be required to meet existing qualifications and apply for a new certificate of competency in accordance with 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 inactive contractor certificate may provide proof to the building official of satisfactory completion of at least seven (7) hours of 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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) *Effect of suspension or revocation of certificates of competency* . The suspension or revocation of a certificate of competency by the BCBA 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.

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

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

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

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

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

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

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

~~c.d.~~ The true intent and meaning of the technical code or any of the regulations thereunder have been misconstrued or incorrectly interpreted.

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

(2) Notice of appeal from the final decision of the building official shall be in writing and filed together with a copy of 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 .*

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

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

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

(a) *Quasi-judicial hearing procedures .*

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

(2) *Hearing, rules of evidence .* The formal rules of evidence shall not apply during quasi-judicial hearings, but fundamental due process shall be observed and govern the proceedings. The chairman of the BCBA shall have the authority to designate evidence as irrelevant, immaterial or unduly repetitious and exclude such evidence accordingly. However, all other evidence 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. Any part of the evidence may be received in written form. The board may request certain evidence to be provided by an architect or engineer registered in the state, in which case it shall be signed and sealed.

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

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

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

(c) *Appeals* . A quasi-judicial decision of the BCBA may be reviewed either as a matter of right by a court of competent 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.

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

**Sec. 9-14. Reserved.**

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

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

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

~~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 upon the premises a notice of compliance.~~

**Sec. 9-18. Reserved.**

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

**Sec. 9-20. Reserved.**

**Secs. 9-21—9-30. Reserved.**



3. *Amendments to Chapter 9, Article II (Building Code)*). Article II (“Building Code”) is hereby amended as follows:

**ARTICLE II.**

**BUILDING CODE**

**DIVISION 1. BUILDING**

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

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.

Sec. 9-32. - Reserved.

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

(a) *Adopted.* Subject to the administrative and technical amendments set forth in subsection (b) below, the Florida Building Code, Building, 6<sup>th</sup> Seventh Edition, as it may be amended from time to time (the "Code"), shall be the governing law relative to building standards in Orange County, Florida ("Orange County"). 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, the more restrictive provisions shall control.

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

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

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

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.

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

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

103. Division of Building Safety.

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

103.2. Employee qualifications.

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

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

103.3. Restrictions on employees. Officers or employees connected with the Division, except one whose only connection is as a member of a board established by this Code, shall not be financially interested: (i) in the furnishing of labor, material, or appliances for the construction, alteration, or maintenance of a building, structure, service, 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 such. Said officers or employees shall not engage in any other work which is inconsistent with their duties or which conflicts with the interest of the Division.

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.

#### 104.2.3. Violation of Code provision.

The building official may revoke a permit upon determination that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the building, structure, or electrical, gas, mechanical, or plumbing system for which the permit was issued is in violation of, or not in conformity with, any provision of this Code.

#### 104.6. Right of entry.

104.6.1. Whenever necessary to make an inspection to enforce any of the provisions of this Code, or whenever the building official has reasonable cause to believe that there exists in any building or upon any premises any condition of Code violation which makes such building, structure, or premises or electrical, gas, mechanical, or plumbing system unsafe, dangerous, or hazardous, the building official may enter such building, structure, or premises at all 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.

104.6.2. When the building official has obtained a proper inspection warrant or other remedy provided by law to secure entry, an owner or occupant or any other person(s) having charge, care, or control of 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.

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

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

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

1. Oil derricks.

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

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

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

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

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

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

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

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

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

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

105.4 Conditions of the permit. The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the building official from requiring the correction of errors in the construction documents and other data. The building official is also authorized to deny a permit or prevent occupancy or use of a structure where in violation of this code or of any other ordinances of this jurisdiction.

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



extension of time, for a period of not more than ninety (90) days, may be allowed at the sole discretion of the building official, prior 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.

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

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

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~~

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

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

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

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

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

I. Reserved.

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

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

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

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

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

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

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

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

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

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

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

110.1.1. Site Debris.

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

(b) All debris shall be kept in such a manner as to prevent it from being spread 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,

nature, or use of a building or part of a building until after the building official has issued a certificate of occupancy in the name 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.

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

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

111.2.1. Notwithstanding the 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.

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

Section 114. Violations.

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

114.2 Notice of violation. The building official or a designee is authorized to serve a notice of violation or order on the person responsible for the erection, 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

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

114.3 Prosecution of violation. If the notice of violation is not complied with promptly, the building official or a designee is authorized to request that the county 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.

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

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

115.2. Issuance. The stop work order shall be in writing and shall be posted on the property or given to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall 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.

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

Section 116. Unsafe buildings or systems. All buildings, structures, electrical, 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



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.**

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

## **DIVISION 2. RESIDENTIAL**

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

(a) Subject to the administrative and technical amendments set forth in subsection (b) below, the Florida Building Code, Residential, ~~6<sup>th</sup>~~Seventh Edition [the "Residential Code"] as it may be amended from time to time, shall be the governing law relative to residential building standards in Orange County, Florida. Floodplain provisions shall be governed and enforced in accordance with this Residential 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, the more restrictive provisions shall control.

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

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

R101.1. 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, Residential.

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

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

~~access, or storage, in an area other than a basement, is not considered a building's 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.~~

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

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

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

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

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

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

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

~~heating, ventilating, air conditioning; plumbing appliances and plumbing fixtures; duct systems; and other service equipment is permitted below the elevation required in Section R322.2 (flood hazard areas including A Zones) or R322.3 (coastal high hazard areas including V Zones) provided they are designed and installed to prevent water from 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.~~

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

~~R322.2.1. Elevation requirements.~~

~~1.—Buildings and structures in flood 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.~~

~~2.—Buildings and structures in flood hazard areas designated as Coastal A Zones 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.~~

~~3.—In areas of shallow flooding (AO Zones), buildings and structures shall have the lowest floor (including basement) elevated at least as high above the highest 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.**

### **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.

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

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

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

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

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

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

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

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

*Energy management system* shall mean an energy conservation program which allows a public utility company to regulate the use of consumers' appliances by radio switch.

*Journeyman electrician* shall mean an electrician who is capable of performing electrical construction work under the supervision of a master electrician.

*Low voltage 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, but not burglar alarms or fire alarms.

*Low voltage construction* shall mean any electrical construction less than fifty (50) volts or equivalent rms, but not fire alarms.

*Maintenance electrician* shall mean a journeyman electrician who is regularly employed by one (1) person, partnership, corporation, business trust or other legal entity to maintain and make 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.

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

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

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

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

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

(b) All electrical construction and all materials and appliances used in connection with the installation, maintenance and 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.**

Violations of this article shall be punished as provided in 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.

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

**Secs. 9-56—9-65. Reserved.**

## **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



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

**Secs. 9-67—9-75. Reserved.**

### **Subdivision II. Reserved**

**Secs. 9-76—9-85. Reserved.**

### **Subdivision III. Permits, Inspections, Etc.**

**Sec. 9-86. Reserved Permits generally.**

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

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

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

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

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

~~(5) — Fire alarm systems.~~

~~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 alarm construction is subject to state licensure requirements, permitting, and inspections by the county fire department.~~

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

~~(b)—Before any permit is issued for the installation or 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.~~

~~(c)—Any permit issued under the provisions of this article shall become invalid if the work authorized thereby is not commenced within six (6) months after issuance or within six (6) 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.~~

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

~~(a)—Unless otherwise exempted in section 9-86, before any electrical wiring, apparatus or equipment for light, heat or power may be installed outdoors or within or attached to any building or structure, either public or private, a written application for a permit shall be made to the electrical division by the electrical contractor who will perform the work. The application shall be signed by the contractor or an authorized employee thereof. When required by the building official, two (2) or more copies of plans, specifications and schedules drawn to scale with sufficient clarity and detail to indicate 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.~~

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

~~(c)—It shall be unlawful for any registered or certified, 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.~~

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

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

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

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

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

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

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

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

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

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

**Sec. 9-89. Inspections and approval required.**

(a) It shall be unlawful for any person, partnership, corporation, business trust or other legal entity to use electric current 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.

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

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

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

**Sec. 9-90. Reserved.**

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

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

**Secs. 9-92—9-100. Reserved.**

**DIVISION 3. CONTRACTORS, JOURNEYMEN, ETC.**

**Subdivision I. General Provisions**

**Sec. 9-101. General responsibilities.**

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

(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.

(c) The license holder (master electrician) when issued a permit, agrees to conform to all division of building safety codes and regulations and ordinances regulating the same, and shall act in 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.

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

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

(b) It shall be unlawful for any master electrician to allow their name to be used, or to knowingly allow themselves to be held out as an officer or employee of any person, partnership, corporation, business trust, or other legal entity holding an electrical 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.

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

No person shall engage in or carry on the business of electrical contracting, nor install, alter or repair any electrical wiring 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.

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

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

**Sec. 9-105. Restrictions on maintenance electricians.**

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

**Sec. 9-106. Reserved.**

**Secs. 9-107—9-115. Reserved.**

**Subdivision II. Certification**

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

(a) Before engaging in the trade or business of electrical 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.**

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

~~(a)~~ Except for state-certified electrical contractors, any person desiring to engage in the capacity of one of the foregoing types of electrical contracting within the county shall first make 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.**

(a) No person shall be deemed qualified to take the master electrician examination until proof of a minimum of two (2) 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.

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

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

(d) No person shall be deemed qualified to take the electrical sign contractor's examination until proof of a minimum of 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.

(e) No person shall be deemed qualified to take the low voltage contractor examination or the alarm system II contractor examination until proof of at least two (2) years' experience as a low 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.~~

~~(f) Notwithstanding the foregoing, any certified master electrical contractor or any state certified burglar and fire alarm 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.**

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

**Secs. 9-121—9-130. Reserved.**

#### **DIVISION 4. TECHNICAL STANDARDS**

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

(a) Adopted. The National Electrical Code, as it may be 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.~~

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

**Sec. 9-132. Reserved.**

**Secs. 9-133—9-150. Reserved.**

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

is hereby amended as follows:

**ARTICLE VI.**

**GAS CODE**

**Sec. 9-251. Reserved**

~~Purpose and scope.~~

~~This article is enacted pursuant to the home rule powers of 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.~~

~~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 the residents of unincorporated Orange County by setting standards for stability, ventilation, and safety to life and property.~~

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

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

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

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

~~(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.~~

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

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

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



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

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

*Section 101.01* 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, Fuel Gas*.

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

**Sec. 9-254. Reserved.**

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

**Sec. 9-256. Reserved.**

**Secs. 9-257—9-275. Reserved.**

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

\*\*\*

**Sec. 9-323. - Code enforcement officers.**

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

(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 designee~~building official.

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

\*\*\*

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

**ARTICLE XIV.**

**MOVING OF STRUCTURES**

**DIVISION 1. GENERALLY**

**Sec. 9-571. Title.**

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

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

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.**

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

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

The unregulated and uncontrolled moving of structures within the county poses a risk to the health, safety, and general welfare of the people of the county. Therefore, the moving of structures must be regulated and controlled through an ordinance so 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.

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

This article shall be effective throughout the county. If this article conflicts with a municipal ordinance, this article shall not be 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

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

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

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

**Sec. 9-580. ~~Reserved~~New location.**

~~Normal inspection procedures shall apply to the moved structure as if it were a new structure. Any improvements to the structure which were required as a condition of issuance of the move 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.**

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

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

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

(d) No person shall use a site as a temporary storage site 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.**

## **DIVISION 2. PERMIT AND TAGS**

### **Sec. 9-596. Required.**

(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.

(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.

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

### **Sec. 9-597. Application.**

(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:

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

(2) The approximate weight of the structure;

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

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

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

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

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

(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

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

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

(1) The applicant;

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

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

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

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

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

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

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

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

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

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

(e) If the structure is proposed to be moved to a permanent location, the zoning department shall render such 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.

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

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

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

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

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

(5) The stored structure will be secured; or



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

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

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

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

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

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

(3) If the structure is to be stored at a temporary 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 owner consents to the use of the site for the period requested; and

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

a. Reviewed the proposed route;

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

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 subsection (h), the division of building safety shall conduct an inspection of the structure for structural defects.~~

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

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

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

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

(~~2~~3) The applicant has complied with each of the terms of section 9-598(h)(3) and (4);

(~~3~~4) There exists an outstanding bond in an amount acceptable to the county given the circumstances of the proposed 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

(~~4~~5) The move permit fee has been paid.

**Sec. 9-600. Reserved.**

[Rest of page intentionally left blank]

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

ADOPTED THIS \_\_\_\_\_ DAY OF DEC 15 2020, 2020.

ORANGE COUNTY, FLORIDA  
By: Board of County Commissioners

By: *Jerry L. Demings*  
for Jerry L. Demings, Mayor

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

By: *Phil Diamond*  
Deputy Clerk

