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ORDINANCE NO. _____

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AN ORDINANCE PERTAINING TO THE BUILDING AND CONSTRUCTION REGULATIONS OF ORANGE COUNTY, FLORIDA; AMENDING CERTAIN PROVISIONS OF CHAPTER 9 (“BUILDING AND CONSTRUCTION REGULATIONS”) OF THE ORANGE COUNTY CODE BY UPDATING SECTION 9-4 (“BUILDING CODES BOARD OF ADJUSTMENTS AND APPEALS (“BCBAA”); CREATION; MEMBERSHIP; MEETINGS; QUORUM; POWERS AND DUTIES”); AMENDING ARTICLE II (“BUILDING CODE”); BY REVISING SECTION 9-33 (“FLORIDA BUILDING CODE, BUILDING, ADOPTED”) AND SECTION 9-39 (“FLORIDA BUILDING CODE, EXISTING BUILDING, ADOPTED”) FOR CONSISTENCY; AND PROVIDING AN EFFECTIVE DATE.

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WHEREAS, Section 553.73, Florida Statutes, requires local governments to adopt and enforce the Florida Building Code as the statewide minimum building code; and

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WHEREAS, the State of Florida has adopted the Florida Building Code, Eighth Edition (2023), which became effective on December 31, 2023, and must be implemented by Orange County; and

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WHEREAS, Orange County administers and enforces the Florida Building Code through its Division of Building Safety, which is responsible for building permitting, inspections, and code enforcement; and

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WHEREAS, the Board of County Commissioners desires to amend Chapter 9 of the Orange County Code to align administrative and operational provisions with the current practices of the Division of Building Safety and to reorganize and remove repetitive or unnecessary language.

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

40 *Section 1. Amendment to Chapter 9 (“Building and Construction Regulations”),*
41 *Article I (“In General”).* Chapter 9, Article I is hereby amended to read as follows, with additions

42 being shown by underlines and deletions being shown by strike-throughs:

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

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

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

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

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

76 (1) One (1) member shall be a state-certified or
77 registered general contractor;
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82 (2) One (1) member shall be a state-certified or
84 registered residential contractor;

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

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

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

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

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

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

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

122 All members of the board shall serve two-year terms to begin on
124 January first, subject to subsection (e) 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.~~

126 (fg) The board shall meet monthly if items are to be heard
and shall meet specially as may be called by the building official. A
128 quorum shall consist of a majority of appointed members.

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

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

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

148 (jk) All members of the board serve at the pleasure of the
BCC and may be removed without cause and without entitlement to
150 a hearing upon a supermajority vote ~~vote of five (5) members~~ of
the board of county commissioners.

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

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

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

164 (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~~ 11);

166 (3) In the event the building official and the fire
168 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
170 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;

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(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;

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

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

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(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;

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

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(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;

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218 (10) To conduct hearings on charges of fraud
and/or willful violation of Orange County Code brought against
220 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;

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

226 (12) To conduct hearings on alleged violations of
228 article IX of this chapter.

Section 2. Amendment to Chapter 9 (“Building and Construction Regulations”),
230 **Article II (“Building Code”), Division 1 (“Building”).** Chapter 9, Article II, Division 1 is hereby
amended to read as follows, with additions being shown by underlines and deletions being shown
232 by strike-throughs:

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

234 (a) *Adopted.* Subject to the administrative and technical
236 amendments set forth in subsection (b) below, the Florida Building
Code, current edition as mandated by the State of Florida, Building,
238 ~~Eighth Edition (2023)~~, as it may be amended from time to time (the
"Code"), shall be the governing law relative to building standards in
240 Orange County, Florida ("Orange County").

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

244 A. *Subsections 101.2.1 and 101.2.2* are hereby created
to read as follows:

246 *101.2.1.* The following Appendix is hereby adopted:

248 Florida Building Code, Residential: Appendix Q

250 *101.2.2.* Construction standards or practices that are not
252 covered by Florida Building Code, Residential shall be in
accordance with the provisions of Florida Building Code, Building.

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256 B. *Subsection 102.2(e) is modified and Subsections*
258 *102.2.7 and 102.5* are hereby created to read as follows:

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

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.

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102.5. Partial Invalidity. In the event that any part or provision of this Code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

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:

104.1. General. The building official is hereby authorized and directed to enforce the provisions of this code. The building official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and

352 procedures shall be in compliance with the intent and purpose of this
code. Such policies and procedures shall not have the effect of
354 waiving requirements specifically provided for in this code.

356 *104.2. Applications and permits.* The building
official shall receive applications, review construction documents
and issue permits for the erection, and alteration, demolition and
358 moving of buildings and structures, inspect the premises for which
such permits have been issued and enforce compliance with the
360 provisions of this code.

362 *104.2.1. Determination of substantially improved or*
substantially damaged existing buildings and structures in flood
hazard areas. For applications for reconstruction, rehabilitation,
364 repair, alteration, addition or other improvement of existing
buildings or structures located in flood hazard areas, the building
366 official shall determine if the proposed work constitutes substantial
improvement or repair of substantial damage. For purposes of
368 enforcing any floodplain management regulation contained herein,
the building official may coordinate with the Orange County Public
370 Works Department in carrying out the aforementioned duty.

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Where the Building Official determines that the
374 proposed work constitutes substantial improvement or repair of
substantial damage, and where required by this Code, the Building
376 Official shall require the building or structure to meet the
requirements of either (i) Section 1612 of the Florida Building Code.
378 Building or (ii) Section R322 of the Florida Building Code,
Residential, as applicable.

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104.4. Inspections. The Building Official shall make
384 the required inspections. Alternatively, the Building Official shall
have the authority to accept reports of inspection by approved
386 agencies and/or individuals. Reports of such inspections shall be in
writing and be certified by a responsible officer of such approved
388 agency or by the approved responsible individual. The Building
Official is authorized to engage such expert opinion as deemed
390 necessary to report on unusual technical issues that arise subject to
the approval of the appointing authority.

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104.5. Identification. The Building Official shall
394 carry official identification when inspecting structures or premises
in the performance of his or her duties pursuant to this Code.
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104.6. Right of entry.

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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.

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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.

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

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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~~ 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.

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104.8.1 Legal defense. Any suit or criminal complaint instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by

444 legal representatives of the jurisdiction until the final termination of
the proceedings. The *building official* or any subordinate shall not
446 be liable for cost in any action, suit or proceeding that is instituted
in pursuance of the provisions of this code.

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450 *104.10 Modifications.* Wherever there are practical
difficulties involved in carrying out the provisions of this code, the
452 *building official* shall have the authority to grant modifications for
individual cases, upon application of the owner or owner's
454 representative, provided the *building official* shall first find that
special individual reason makes the strict letter of this code
456 impractical and the modification is in compliance with the intent and
purpose of ~~the~~ this code and that such modification does not lessen
458 health, accessibility, life and fire safety, or structural requirements.
The details of action granting modifications shall be recorded and
460 entered in the files of the department of building safety.

462 *104.10.1 Flood hazard areas.* The *building official*
shall coordinate with the floodplain administrator to review requests
464 submitted to the *building official* that seek approval to modify the
strict application of the flood resistant construction requirements of
466 the *Florida Building Code* to determine whether such requests
require the granting of a variance pursuant to Section 117.

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470 E. *Subsection 105.1.5* is hereby created and Subsections
472 105.2, 105.2.3, ~~and~~ 105.3.1.2(5), and 105.3.2 are hereby deleted and
recreated to read as follows:

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476 *105.1.5. Public right-of-way.* A permit shall not be
478 given by the building official (i) for construction or alteration of any
building which is to be changed, if such change will affect the
480 exterior walls, bays, balconies, or other appendages or projections
fronting any street, alley, or public lane, or (ii) for the placing on
482 any lot or premises of any building or structure removed from
another lot or premises, unless the applicant has made application
484 for right-of-way permitting from the authority having jurisdiction
over any such street, alley, or public lane.

486 *105.2 Work exempt from permit.* Exemptions from
488 *permit* requirements of this code shall not be deemed to grant

490 authorization for any work to be done in any manner in violation of
491 the provisions of this code or any other laws or ordinances of this
492 jurisdiction, to include work in any special flood hazard area.
493 Exemptions granted under this section do not relieve the owner or
494 contractor from their duty to comply with applicable provisions of
495 the Florida Building Code, Orange County Zoning requirements, or
496 requirements of the *local floodplain management ordinance*.
Permits shall not be required for the following:

498 1. Oil derricks.

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

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

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

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

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

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

524 Electrical:

526 1. Repairs and maintenance: Minor
527 repair work, including, the replacement of lamps or the connection
528 of *approved* portable electrical equipment to *approved* permanently
529 installed receptacles.

530 2. Radio and television transmitting
531 stations: The provisions of this code shall not apply to electrical
532 equipment used for radio and television transmissions but do apply

534 to equipment and wiring for a power supply and the installations of
536 towers and antennas.

538 3. Temporary testing systems: *A permit*
540 shall not be required for the installation of any temporary system
542 required for the testing or servicing of electrical equipment or
544 apparatus.

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544 *105.2.3 Public service agencies.* A permit shall not
546 be required for the installation, alteration or repair of generation,
548 transmission, distribution or metering or other related equipment
550 that is under the ownership and control of public service agencies
552 by established right.

550 *105.2.4 Work requiring a zoning permit and a*
552 *stormwater permit if applicable, to show compliance with Orange*
554 *County Zoning, requirements, or requirements of the local*
556 *floodplain management ordinance, but exempt from permitting and*
558 *review by Building Safety.*

560 1. Construction, alteration or repair
562 performed by the property owner upon his or her own personal
564 residence for a one-story detached, freestanding, accessory structure
566 to a one- or two-family dwelling used as a tool shed, storage shed,
568 pergola, deck, gazebo, or playhouse that does not exceed a one
570 hundred twenty-square foot footprint or thirty inches above lowest
572 adjoining grade, for the owner's personal use. This structure shall
574 not incorporate electrical, HVAC, fuel gas, or plumbing.

564 2. Construction, alteration or repair
566 performed by the property owner upon his or her own personal
568 residence for a one-story detached, as attached/detached
570 accessibility ramp that does not exceed a one hundred twenty-square
572 foot footprint or thirty inches above lowest adjoining grade, for the
574 owner's personal use.

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

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578 105.3.1.2

5. Electrical documents. See Florida Statutes 471.003(2)(h). Any electrical or plumbing or air-conditioning and refrigeration system meeting the following thresholds are required to be designed by a Florida Registered Engineer. The system requires an electrical system with a value of over \$125,000; and requires an aggregate service capacity of over 600 amperes (240 volts) on a residential electrical system or over 800 amperes (240 volts) on a commercial or industrial electrical system. NOTE: It was further clarified by the Commission that the limiting factor of 240 volt or over is required to be designed by an Engineer.

105.3.2 Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one or more extensions of time for additional periods not exceeding 180 days each. The extension shall be requested in writing and justifiable cause demonstrated. Permit applications that have been expired 180 days or less can be reinstated. Permit applications expired over 180 days are considered abandoned, void, and a new permit application must be filed.

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

626 of this Code, nor shall such issuance of a permit prevent the building
628 official from thereafter requiring a correction of errors in plans, or
construction, or of violations of this Code. ~~Every permit issued shall
630 become invalid (i) unless the work authorized by such permit is
commenced and an approved inspection is made within six (6)
632 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
634 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
636 official, prior to the expiration of such permit, provided the
extension is requested in writing and justifiable cause is adequately
638 demonstrated. Any extension granted shall be in writing and signed
by the building official.~~

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

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*105.4.1.2. If a new permit is not obtained within 180
658 days from the date the initial permit became null and void, the
building official is authorized to require that any work which has
660 been commenced, up to and including completion, be removed from
the building site. Alternatively, a new permit may be issued, or
662 reinstated upon application, provided that both the work already in
place and the newly permitted work are in full compliance with all
664 applicable regulations in effect at the time the initial permit became
null and void and any regulations which may have become effective
666 between the date of expiration and date of issuance of the new
permit. Notwithstanding the foregoing, for any work previously in
668 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
670 allowing such compliance will not cause any health or safety
concern.*

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~~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. *Subsections 105.4.1.5, 105.4.1.6 and 105.5.1 are hereby created to read as follows:*

105.4.1.5 Expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

105.4.1.6 Reinstatement. A permit may be reinstated if the permit has been in expired status 180 days or less.

105.5.

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

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

726 ***

728 *107.2.1.1. Supporting data.* The building official
730 shall be allowed to require details, computations, stress diagrams,
and other data necessary to describe the construction or installation
732 and the basis of calculations. All drawings, specifications, and
accompanying data required by the building official to be prepared
734 by an architect or engineer shall be affixed with that professional's
official seal.

736 I. *Reserved.*

738 J. *Subsection 107.2.8* is hereby created to read as
740 follows:

742 ***

744 *107.2.8. 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
748 that the design meets the applicable wind loading requirements of
750 the Florida Building Code, Building and the Florida Building Code,
Residential for any building or structure, addition, or alteration
752 where wind load is applicable (see Section 9-34 of the Orange
County Code).

754 Manufactured/mobile homes.

- 756 1. Site requirements:
- 758 a. Setback/separation (assumed
760 property lines)
- 762 b. Location of septic tank(s), if
applicable

764
766 c. Location of existing and proposed structures

768 2. Structural:

770 a. Windzone

772 b. Anchoring

774 c. Blocking

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

778
780 *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.

784
786 L. *Subsection 109.3.1* is hereby created to read as follows:

788
790 *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.

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

804
806 *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

810 hundred three dollars (\$103.00), whichever is greater, in addition to
812 the required permit fees. This provision shall not apply to
814 emergency work when delay would clearly have placed life or
816 property in imminent danger, as long as any and all required permits
818 are obtained within three (3) business days of commencing such
820 work; any unreasonable delay (as determined by the building
822 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.

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

828 *110.1.1. Site Debris.*

830 (a) The contractor and/or owner of any
832 active or inactive construction project shall be responsible for the
834 clean-up and removal of all construction debris or any other
836 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.

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

842 (c) In the event of an adverse weather or
844 other condition or event that is reasonably anticipated to disturb or
846 otherwise affect construction materials or equipment that are stored
848 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.

850 O. *Section 110* is hereby modified by the deletion and
852 re-creation of Subsection 110.3 "Building," subsection 7 and by the
854 addition of Subsections 110.12 and 110.13. as follows:-

110.3 Required inspections

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Building

7. Swimming pool inspection.

1a. Steel reinforcement and initial bonding inspection.

2b. Underground electric inspection.

3c. Underground piping inspection including a pressure test.

4d. Underground electric inspection under deck area (including the equipotential bonding).

5e. Underground piping inspection under deck area.

6f. Deck inspection: to be made prior to installation of the deck material (with forms, deck drains, and any reinforcement in place.

7g. Swimming Pool Safety Inspection: Made prior to filling the pool with the bonding connections made, the proper drain covers installed and the final barriers installed

8h. Final Electrical inspection.

9i. 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 454.2.17 of this code.

110.12 *Manufacturers and fabricators.* When deemed necessary by the *building official*, he/she shall make, or

902 cause to be made, an inspection of materials or assemblies at the
904 point of manufacture or fabrication. A record shall be made of every
such examination and inspection and of all violations of the
technical codes.

906
908 *110.13 Inspection service.* The *building official* may
make, or cause to be made, the inspections required by Section 110.
910 He or she may accept reports of department inspectors, independent
inspectors or of recognized inspection services, provided that after
912 investigation he/she is satisfied as to their licensure, qualifications
and reliability. A certificate required by any provision of this code
914 shall not be based on such reports unless the same are recorded by
the building code inspector or the architect or engineer performing
916 building code inspections in a manner specified by the building
official. The building official shall ensure that all persons making
such inspections shall be certified in accordance to Chapter 468
918 Florida Statutes; or licensed under Chapter 471 or 481 Florida
Statutes.

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

924 ***

926 *111.1. Building use and occupancy.* An existing
928 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
930 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
932 certificate of occupancy shall not be construed as an approval of a
violation of the provisions of this Code or of any provisions under
934 any laws including, but not limited to, the Orange County Code.

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

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

944 *111.2.1. Notwithstanding the foregoing, no*
946 *certificate of occupancy or completion shall be issued unless and*

948 *until all Orange County and/or other applicable agency holds have*
949 *been released.*

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

952 *Section 114. Violations.*

954 *114.1 Unlawful acts.* It shall be unlawful for any
955 person, firm, company, corporation, or any other entity to erect,
956 construct, alter, extend, repair, move, remove, demolish, or occupy
957 any building, structure, or equipment regulated by this code, or
958 cause same to be done, in conflict with or in violation of any of the
959 provisions of this Code.

960 *114.2 Notice of violation.* The building official or a
961 designee is authorized to serve a notice of violation or order on the
962 person responsible for the erection, construction, alteration,
963 extension, repair, moving, removal, demolition, or occupancy of a
964 building or structure in violation of the provisions of this code, or in
965 violation of a permit or certificate issued under the provisions of this
966 code. Such order shall direct the discontinuance of the illegal action
967 or condition and abatement of the violation.

970 *114.3 Prosecution of violation.* If the notice of
971 violation is not complied with promptly, the building official or a
972 designee is authorized to request that the county institute the
973 appropriate proceeding by law or in equity to prosecute, restrain,
974 correct, and/or abate such violation. The building official or a
975 designee may require the removal or termination of the unlawful
976 occupancy of the building or structure in violation of the provisions
977 of this code or of the order or direction made pursuant thereto.

978 *114.4 Violation; penalties.* Any violation of this
979 Code shall be subject to prosecution in accordance with the law
980 including, but not limited to, the provisions of Section 1-9 of the
981 Orange County Code.

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

986 ***

988 *115.2. Issuance.* The stop work order shall be in
989 writing and shall be posted on the property or given to the owner of
990 the property involved, or to the owner's agent, or to the person doing
991 the work. Upon issuance of a stop work order, the cited work shall

994 immediately cease. The stop work order shall state the reason for the
order, and the conditions under which the cited work will be
996 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.

998 ***

1000 T. *Section 116* is hereby created to read as follows:

1002 Section 116. Unsafe buildings or systems. All
1004 buildings, structures, electrical, gas, mechanical, or plumbing
systems (i) which are unsafe, unsanitary, or do not provide adequate
1006 egress; or (ii) which constitute a fire hazard or are otherwise
dangerous to human life; or (iii) which, in relation to existing use,
1008 constitute a hazard to safety or health; or (iv) were constructed
without obtaining applicable permits in accordance with this
1010 chapter, are considered unsafe buildings or service systems. All such
unsafe buildings, structures, or service systems are hereby declared
1012 illegal and shall be abated by repair and rehabilitation or by
demolition in accordance with the provisions of the Orange County
1014 Code or other local ordinance.

1016 U. *Section 202* is hereby amended to add the definition
of "storable swimming or wading pool," and to amend the
1018 definitions of "substantial damage" and "substantial improvement,"
to respectively read as follows:

1020 **STORABLE SWIMMING or WADING POOL**
1022 means one that is constructed on or above the ground and is capable
of holding water with a maximum depth of 42 inches (1067 mm), or
1024 a pool with nonmetallic, molded polymeric walls or inflatable fabric
walls regardless of dimension.

1026 **SUBSTANTIAL DAMAGE.** Damage of any origin
1028 sustained by a structure whereby the cost of restoring the structure
to its before-damaged condition would equal or exceed 50 percent
1030 of the market value of the structure before the damage occurred. The
term also includes flood-related damage sustained by a structure on
1032 two separate occasions during a 10-year period for which the cost of
repairs at the time of each such flood event, on average, equals or
1034 exceeds 25 percent of the market value of the structure before the
damage occurred.

1036 **SUBSTANTIAL IMPROVEMENT.** Any
1038 combination of repair, reconstruction, rehabilitation, alteration,

1084 2009-12, adopted April 28, 2009; Ord. No. 2009-32, adopted Nov.
1086 3, 2009; and Ord. No. 2011-02, adopted March 8, 2011.
State law reference(s)—State minimum building codes, F.S. §
553.73.

1088 **Section 3. Amendment to Chapter 9 (“Building and Construction Regulations”),**
Article II (“Building Code”), Division 3 (“Existing Building”). Chapter 9, Article II, Division 3
1090 is hereby amended to read as follows, with additions being shown by underlines and deletions
being shown by strike-throughs:

1092 **Sec. 9-39. Florida Building Code, Existing Building,**
1094 **adopted.**

1096 (a) Subject to the administrative amendment set forth in
1098 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.

1100 (b) The Florida Building Code, Existing Building, is amended
as follows:

1102 A. *Section 101.1* is amended to read as follows:

1104 *101.1 Scope.* The provisions of Chapter 1, Florida
1106 Building Code, Building, as amended by Section 9-33(b) of the
Orange County Code, shall govern the administration and
1108 enforcement of the Florida Building Code, Existing Building.

1110 B. The definitions of "Substantial Damage" and
1112 "Substantial Improvement" set forth in Section 202 of the Code are
hereby amended to read as follows:

1114 **SUBSTANTIAL DAMAGE.** For the purpose of
1116 determining compliance with the flood provisions of this code,
damage of any origin sustained by a structure whereby the cost of
1118 restoring the structure to its before-damaged condition would equal
or exceed 50 percent of the market value of the structure before the
1120 damage occurred. The term also includes flood-related damage
sustained by a structure on two separate occasions during a 10-year
1122 period for which the cost of repairs at the time of each such flood
event, on average, equals or exceeds 25 percent of the market value
of the structure before the damage occurred.

1124

1126 SUBSTANTIAL IMPROVEMENT. For the purpose
of determining compliance with the flood provisions of this code,
1128 any combination of repair, reconstruction, rehabilitation, alteration,
addition, or improvement of a building or structure taking place
1130 during the life of the building or structure, the cumulative cost of
which equals or exceeds 50 percent of the market value of the
1132 structure, before the improvement or repair is started. The period of
accumulation begins when the first improvement or repair of each
1134 building or structure is permitted subsequent to September 25, 2009.
If the structure has sustained substantial damage, any repairs are
1136 considered substantial improvement regardless of the actual repair
work performed. The term does not, however, include either:

1138 1. Any project for improvement of a
building required to correct existing health, sanitary, or safety code
1140 violations identified by the code official and that is the minimum
necessary to ensure safe living conditions; or

1142 2. Any alteration of a historic structure,
1144 provided that the alteration will not preclude the structure's
continued designation as a historic structure.

1146 C. Mandatory structural inspections for condominium and
1148 cooperative buildings.

1150 113.8 Substantial Structural Repairs Required per Phase
1152 Two Report. A condominium or cooperative association and any
other owner that is subject to Milestone Inspection, schedule or
1154 commence repairs for substantial structural deterioration within a
specified timeframe after the Division of Building Safety receives a
1156 phase two inspection report; however, such repairs must be
commenced within 365 days after receiving such report.

1158 **Section 4. Effective Date.** This ordinance shall take effect pursuant to general law.

1160 ADOPTED THIS ____ DAY OF _____, ____.

1162 ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

1164 By: _____
1166 Jerry L. Demings
Orange County Mayor

1168 ATTEST: Phil Diamond, CPA, County Comptroller
As Clerk of the Board of County Commissioners

1170

By: _____

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Deputy Clerk