

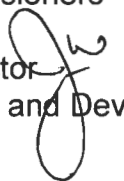


Interoffice Memorandum

AGENDA ITEM

September 18, 2020

TO: Mayor Jerry L. Demings
— AND —
Board of County Commissioners

FROM: Jon V. Weiss, P.E., Director 
Planning, Environmental, and Development
Services Department

**CONTACT PERSON: Shane Gerwig, CBO, Building Official
Division of Building Safety
(407) 836-5824**

SUBJECT: October 27, 2020 – Work Session Item
Building Code Update Proposed Amendments

Every three years, the Florida Building Commission adopts updates to the Florida Building Code. The effective date of the next update (Florida Building Code, Seventh Edition) is scheduled for December 31, 2020. In order to remain consistent with statutory requirements and the rules of the Florida Administrative Code, it is important that Orange County adopt modifications to reflect the applicable building codes.

This three-year cycle allows stakeholders to review local administrative provisions of the code. Division of Building Safety staff continues to partner with construction industry stakeholders to develop business-friendly modifications that maintain the integrity of the Florida Building Code. Staff has prepared a draft ordinance to Orange County Code Chapter 9, Building and Construction Regulations.

This work session will serve to provide an overview of the proposed changes to Chapter 9 in advance of a public hearing before the Board that will be scheduled before the end of the year.

This item is for informational purposes only; no action is required.

JSG/MD

Attachment

C: Chris Testerman, AICP, Deputy County Administrator
Roberta Alfonso, Assistant County Attorney, County Attorney's Office
Alan C. Plante, Manager, Division of Building Safety
Shane Gerwig, CBO, Building Official

ORDINANCE NO. 2020 -

AN ORDINANCE OF ORANGE COUNTY, FLORIDA, AMENDING CERTAIN PROVISIONS OF CHAPTER 9 (“BUILDING AND CONSTRUCTION REGULATIONS”) OF THE ORANGE COUNTY CODE BY AMENDING ARTICLE I (“IN GENERAL”); AMENDING ARTICLE II (“BUILDING CODE”) AND ADOPTING THE FLORIDA BUILDING CODE, 7th EDITION (2020); AMENDING ARTICLE III (“ELECTRICAL CODE”); AMENDING ARTICLE VI (“GAS CODE”); AMENDING ARTICLE VII (“PROPERTY MAINTENANCE 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 8 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

36 relating to the areas of expertise particular to all the applicable
37 technical codes.

38 *Building official* shall mean the person appointed by the
39 county mayor, or a duly appointed designee, to enforce the
40 provisions of this chapter, except as otherwise noted herein. The
41 building official shall cause to be kept a record of all permits
42 issued, plans reviewed, inspections made, notices served, and fees
43 collected by the division of building safety, defined in section 9-3
44 herein.

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

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

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

Sec. 9-2. Territorial applicability.

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

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

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

72 The BCC is hereby authorized and empowered to establish
73 and operate a county division of building safety to employ a
74 building official who may also be the administrative official, and
75 to employ such inspectors and other personnel and appropriate

76 such funds as it may deem necessary to carry out the provisions of
77 this chapter.

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

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

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

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

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

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

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

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

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

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

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

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

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

126 (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.

132 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.

134 (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.

144 (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.

148 (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.

154 (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

198 to building and construction, including those relating to swimming
200 pools, roofing, sheet metal, and irrigation, but excluding those
relating to housing, moving of structures, and/or underground
utilities pipelines;

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

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

222 (10) To conduct hearings on charges of fraud
and/or willful violation of Orange County Code brought against
224 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;

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

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

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

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

234 (a) *Authority.* Pursuant to its home rule powers and F.S.
236 ch. 125, the BCC is hereby authorized and empowered to adopt, by
reference or otherwise, rules and regulations and codes regulating
238 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

280 building, improvement, or structure, or perform any electrical or
282 plumbing work, or perform any other trade as provided within the
284 scope of this chapter, except where such work is performed in
286 accordance with the terms of the applicable technical code, and
288 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.

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

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

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

298 (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
300 public liability insurance, property damage insurance, and
workers' compensation insurance coverages, ~~along with payment~~
302 ~~of an administrative fee.~~ Thereafter, registration may be
maintained ~~on an annual basis upon payment of an annual~~
304 ~~administrative fee.~~

306 ~~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~~
308 ~~forth in a schedule of fees to be adopted by the BCC.~~

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

314 (c) *Revocation of permit .* Any permit issued under this
chapter shall be revocable by the building official at any stage of
316 work upon written notice to the permittee stating the grounds for
the revocation. Appeal of a decision to revoke a permit shall be
318 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.

320 (a) It shall be unlawful for any person to violate the
provisions of this chapter and any of the rules, regulations,

322 resolutions, and conditions adopted by the BCC pursuant to the
323 powers granted by this chapter.

324 (b) Inspectors shall examine all premises related to a
325 suspected or alleged violation of this chapter and/or any technical
326 code and shall, if supported, issue a written notice of violation for
327 an unsafe building, structure, or system and notify the owner or
328 agent of such premises to correct the violation in accordance with
329 the requirements of this chapter. Any person failing to correct the
330 violation as instructed by the inspector within the reasonable time
331 fixed by the inspector shall be in violation of this chapter.

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

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

Sec. 9-8. Reserved.

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

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

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

359 (b) Standardized examinations, administered and
360 proctored by Orange County or by an ~~county approved~~ agency
361 approved by the building official, shall be recognized as evidence
362 of eligibility for issuance of a certificate of competency by the
363 county; further, the examinations shall be evidence of eligibility

364 for reciprocity with any municipality or county within the state that
365 also recognizes such examinations.

366 (c) The applicant shall specify in the application the
367 class of contractor for which s/he seeks a certificate of competency
368 and shall comply with the experience and education requirements
369 of F.S. ch. 489. Each certificate of competency shall show the class
370 of contracts for which the holder is certified.

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

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

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

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

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

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

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

392 (2) If the applicant proposes to engage in
393 contracting as a partnership, corporation, business trust, or other
394 legal entity, the applicant shall apply through a qualifying agent;
395 the application shall state the name of the partnership and of its
396 partners, the name of the corporation and of its officers and
397 directors, the name of the business trust and its trustees, or the
398 name of such other legal entity and its members; and the applicant
399 shall furnish evidence of statutory compliance if a fictitious name
400 is used. Such application shall also show that the qualifying agent
401 is legally qualified to act for the business organization in all
402 matters connected with its contracting business and that s/he has
403 authority to supervise construction undertaken by such business
404 organization. The registration or certification, when issued upon
application of a business organization, shall be in the name of the

406 qualifying agent, and the name of the business organization shall
408 be noted thereon. If there is a change in any information that is
410 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.

412 (3) The qualifying agent shall be certified or
414 registered under this article in order for the business organization
416 to be certified or registered in the category of the business
418 conducted for which the qualifying agent is certified or registered.
420 If any qualifying agent ceases to be affiliated with such business
422 organization, s/he shall so inform the department. In addition, if
424 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.

426 (4) The qualifying agent shall inform the
428 department in writing when s/he proposes to engage in contracting
430 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.

432 (h) Nothing in this article nor the regulations adopted
434 pursuant to this article, shall prohibit any owner from performing
436 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.

438 (i) Any person or entity who is locally registered and
440 does not currently desire to perform any work as a contractor, but
442 desires to preserve their certificate of competency during a period
444 while not engaged as a contractor, may apply for and receive a
446 certificate as an inactive contractor. The fee for such certificate
448 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

450 provisions. In lieu of the examination provision in section 9-9(a), a
452 holder of an expired inactive contractor certificate may provide
454 proof to the building official of satisfactory completion of at least
456 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.

458 (j) Certificates of competency shall be valid for two (2)
460 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.

462 (a) Any person who desires to engage in work as a
464 general contractor, builder, electrical contractor, plumbing
466 contractor, specialty contractor, or other regulated trade herein in
468 the county in the areas subject to the jurisdiction of the BCC under
470 this article for the performance of work embraced in any codes
472 adopted by the board of county commissioners, shall, before
474 engaging in such work, secure an appropriate certificate of
476 competency, if one is required. Any persons within a particular
478 class of contracting work shall post a bond in the sum of five
480 thousand dollars (\$5,000.00) payable to the board of county
482 commissioners or the person for whom such work is performed. It
484 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:

486 (1) Any claim for injury under the provisions of
488 this bond shall be made by the county or the person for whom such
490 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.

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

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

500 (b) The requirement as to the furnishing of a bond is
conditioned upon the BCC adopting a code applicable to the class
502 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
504 set by the BCC after the adoption of such code.

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

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

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

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

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

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

528 (1) *Complaint and grievance hearing .* Upon the
filing of a sworn, completed complaint by an interested party
530 against the holder of a certificate of competency or a state-certified
contractor who has done business in the county, and payment of
532 the appropriate nonrefundable application fee, a grievance hearing
shall be conducted in the manner provided by section 9-12. Subject

534 to state law, the BCBAA may impose an appropriate penalty
pursuant to its disciplinary powers where:

536 a. With respect to a holder of a
certificate of competency, a violation of one (1) or more of the acts
538 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
540 exist; and/or

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

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

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

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

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

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

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

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

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

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

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

584 ~~d~~e. The building official has denied or
revoked a permit.

586 (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
588 final decision is rendered by the building official.

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

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

594 (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
596 unsafe building.

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

(a) *Quasi-judicial hearing procedures .*

600 (1) *Notice .* A quasi-judicial hearing before the
BCBAA may be held at any time after not less than ten (10) days'
602 notice by certified mail, return receipt requested, to the address
given to the division of building safety by the appellant, applicant
604 or complainant. If such notice is returned as unclaimed or refused,
notice may be provided by publication in accordance with F.S. §
606 120.60(5).

608 (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
610 proceedings. The chairman of the BCBAA shall have the authority
to designate evidence as irrelevant, immaterial or unduly
612 repetitious and exclude such evidence accordingly. However, all
other evidence of a type commonly relied upon by reasonably
614 prudent persons in the conduct of their affairs shall be admissible,
regardless of whether such evidence would be admissible in a trial
616 in the courts of Florida. Any part of the evidence may be received

618 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.

620 (3) *Hearing testimony* . Any member of the
BCBAA or the attorney representing the board may inquire of or
622 question any witness before the board. Any member of the board,
an appellant or his attorney, an applicant or his attorney, a
624 complainant or his attorney, the person who is the subject of a
complaint or his attorney, and/or the building official shall be
626 permitted to inquire of any witness before the board. The board
may consider testimony presented by the building official, the
628 appellant, the applicant, the complainant, the person who is the
subject of a complaint, or any other witness.

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

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

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

Sec. 9-14. Reserved.

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

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

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

652 ~~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
654 upon the premises a notice of compliance.~~

Sec. 9-18. Reserved.

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

Sec. 9-20. Reserved.

658 **Secs. 9-21—9-30. Reserved.**

Section 3. Amendments to Chapter 9, Article II (Building Code”). Article II

660 (“Building Code”) is hereby amended as follows:

ARTICLE II.

662 **BUILDING CODE**

DIVISION 1. BUILDING

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

666 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.

668 Sec. 9-32. - Reserved.

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

670 (a) *Adopted.* Subject to the administrative and technical
672 amendments set forth in subsection (b) below, the Florida Building
Code, Building, 6th Seventh Edition, as it may be amended from
674 time to time (the "Code"), shall be the governing law relative to
building standards in Orange County, Florida ("Orange County").
676 Floodplain provisions shall be governed and enforced in
accordance with the Code and Chapter 19 ("Floodplain
678 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
680 provisions shall control.

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

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

686 101.3.1. Permitting and inspection.
The permitting or inspection of any building
688 system or plan by Orange County under the
requirements of this Code shall not be
construed as a warranty of the physical

690 condition of such building, system, or plan
692 or of their adequacy. Neither Orange County
694 nor any employee thereof shall be liable in
696 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.

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

700 102.2.7. Mobile/ manufactured home
702 repair and remodeling. As defined in Section
704 320.01(2), Florida Statutes (2016), work
performed on mobile/manufactured homes
shall be subject to the following guidelines:

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

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

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

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

728 (5) Plumbing repairs and
replacements shall require the use of

730 material and design equivalent to the
731 original construction.

732 (6) Alternatively, work per-
733 formed on mobile/manufactured homes may
734 be performed in accordance with the Florida
Building Code.

736 102.5. Partial Invalidity. If any
737 section, subsection, sentence, clause, or
738 phrase of this Code is for any reason held to
739 be invalid and/or unconstitutional, such
740 finding shall not affect the validity of the
remaining portions of this Code.

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

744 103. Division of Building Safety.

746 103.1. Establishment. There is
hereby created a division to be called the
747 Division of Building Safety (the "Division").

748 103.2. Employee qualifications.

750 103.2.1. Building official
751 qualifications. The building official shall be
752 licensed as a Building Code Administrator
753 by the State of Florida. The building official
754 shall be appointed by the County Mayor or
his/her designee.

756 103.2.2. Employee qualifications. A
757 person shall not be appointed or hired as
758 inspector or plans examiner unless that
759 person meets the qualifications for licensure
760 as an inspector or plans examiner in the
appropriate trade, as established by the State
of Florida.

762 103.3. Restrictions on employees.
763 Officers or employees connected with the
764 Division, except one whose only connection
765 is as a member of a board established by this
766 Code, shall not be financially interested: (i)
767 in the furnishing of labor, material, or
768 appliances for the construction, alteration, or
769 maintenance of a building, structure, service,
770 or system; or (ii) in the making of plans, or

772 of specifications thereof, within the
jurisdiction of the Division, unless they are
774 the owners of such. Said officers or
employees shall not engage in any other
776 work which is inconsistent with their duties
or which conflicts with the interest of the
Division.

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

782 104.1. General. The building official
is hereby authorized and directed to enforce
784 the provisions of this Code; however, for
purposes of enforcing any floodplain
786 management regulation contained herein,
the building official may coordinate with the
788 Orange County Public Works Department in
carrying out the aforementioned duty. The
790 building official shall have the authority to
render interpretations of this Code and to
792 adopt policies and procedures in order to
clarify the application of its provisions. Such
794 interpretations, policies, and procedures
shall be in compliance with the intent and
796 purpose of this Code, and shall not have the
effect of waiving requirements specifically
798 provided for in this Code. Any requirements
necessary: (i) for the strength, stability, or
800 proper operation of an existing or proposed
building or structure or of an electrical, gas,
802 mechanical, or plumbing system; or (ii) for
the public safety, health, and general
804 welfare, not specifically covered by this
Code, shall be determined by the building
official.

806 104.2. Applications and permits.

808 104.2.1. Misrepresentation in
application. The building official may
810 revoke a permit or approval issued under the
provisions of this Code where there has been
812 any false statement or misrepresentation
regarding any material fact in the application
or plans on which the permit or approval
814 was based.

816 104.2.2. Revocation of permits. The
building official is authorized to reasonably
818 suspend or revoke a permit issued under the
provisions of this Code wherever the permit
820 is issued in error or on the basis of incorrect,
inaccurate, or incomplete information, or in
822 violation of any ordinance or regulation or
any provisions of this Code.

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

104.6. Right of entry.

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

858 104.6.2. When the building official
860 has obtained a proper inspection warrant or
862 other remedy provided by law to secure
864 entry, an owner or occupant or any other
866 person(s) having charge, care, or control of
868 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.

870 104.7. Records. The building official
shall keep, or cause to be kept, a record of
872 the business of the Division. The records of
the Division shall be open to reasonable
874 public inspection, subject to exemptions
under the law.

876 104.8. Liability. Officers or
employees or members of a board created by
878 this Code who are charged with the
enforcement of this Code, acting for the
BCC in the discharge of their duties, shall
880 not thereby render themselves personally
liable, and are hereby relieved from all
882 personal liability, for any damage that may
accrue to persons or property as a result of
884 any act required or permitted in the
discharge of such duties. Any suit brought
886 against any officer or employee or board
member because of any such act shall be
888 defended by Orange County until the final
termination of the proceedings.

890 104.10.1. Flood hazard area.
Floodplain provisions shall be governed and
892 enforced in accordance with the Code and
Chapter 19 ("Floodplain Management") of
894 the Orange County Code. In the case of any
apparent conflict between the floodplain
896 regulations set forth in this chapter and those
in Chapter 19, Orange County Code, the
898 more restrictive provisions shall control.

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

902 105.1.5. Public right-of-way. A
904 permit shall not be given by the building
906 official (i) for construction or alteration of
908 any building which is to be changed, if such
910 change will affect the exterior walls, bays,
912 balconies, or other appendages or
914 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.

916 105.2.4 Work exempt from permit.
918 Permits shall not be required for the
following:

- 920 1. Oil derricks.
- 922 2. Sidewalks and driveways
924 not more than 30 inches (762 mm) above
926 adjacent grade, and not over any basement
928 or story below and are not part of an
930 accessible route.
- 932 3. Painting, papering, tiling,
934 carpeting, cabinets, counter tops and
936 similar finish work.
- 938 4. Storable swimming or
940 wading pools as defined by this code.
942 Exception: Electrical alterations or
944 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.

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

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

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

968 105.4 Conditions of the permit. The
970 issuance or granting of a permit shall not be
972 construed to be a permit for, or an approval
of, any violation of any of the provisions of
974 this code or of any other ordinance of the
jurisdiction. Permits presuming to give
976 authority to violate or cancel the provisions
of this code or other ordinances of the
978 jurisdiction shall not be valid. The issuance
of a permit based on construction documents
980 and other data shall not prevent the building
official from requiring the correction of
982 errors in the construction documents and
other data. The building official is also
984 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.

986 105.4.1. Permit intent. A permit
988 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

990 any of the provisions of this Code, nor shall
992 such issuance of a permit prevent the
994 building official from thereafter requiring a
996 correction of errors in plans, or construction,
998 or of violations of this Code. Every permit
1000 issued shall become invalid (i) unless the
1002 work authorized by such permit is
1004 commenced and an approved inspection is
1006 made within six (6) months after its
1008 issuance, or (ii) if the work authorized by
1010 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.

1012 105.4.1.1. If permitted work has
1014 commenced and the permit is revoked,
1016 becomes null and void, or expires due to
1018 lack of progress or abandonment, a new
1020 permit covering the proposed construction
1022 must be obtained before proceeding with the
1024 work. Unless and until a new permit is
1026 issued and the attendant work is properly
1028 completed, no final inspection may be
1030 conducted and no certificate of occupancy
1032 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.

1034 105.4.1.2. If a new permit is not
obtained within 180 days from the date the

1036 initial permit became null and void, the
1038 building official is authorized to require that
1040 any work which has been commenced, up to
1042 and including completion, be removed from
1044 the building site. Alternatively, a new permit
1046 may be issued, upon application, provided
1048 that both the work already in place and the
1050 newly permitted work are in full compliance
1052 with all applicable regulations in effect at
1054 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 in
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.

1056 105.4.1.3. A permit shall be
1058 considered to be in an active status so long
as the permitted work has received an
approved inspection within 180 days of (i)
1060 permit issuance or (ii) an approved
inspection. This provision shall not be
1062 applicable in case of civil commotion or
strike or when the work is halted due
1064 directly to judicial injunction, order, or
similar process.

1066 105.4.1.4. The fee for renewal,
1068 reissuance, or extension of a permit shall be
set forth by the BCC.

1070 105.4.1.5. A permit issued in
connection with a violation of any Orange
County Code provision, or in connection
1072 with a determination or finding by the
Orange County Code Enforcement Board or
1074 Special Master, shall not be used to avoid or
extend the time for compliance. Any work
1076 performed in connection with such permit
must be inspected and approved by Orange
1078 County prior to issuance of any subsequent
permit. If the building official finds that no

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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

1124 construction or installation and the basis of
1125 calculations. All drawings, specifications,
1126 and accompanying data required by the
1127 building official to be prepared by an
1128 architect or engineer shall be affixed with
that professional's official seal.

I. Reserved.

1130 J. *Subsection 107.2.6.1* is hereby
created to read as follows:

1132 107.2.6.1. New buildings or
1133 structures, additions to existing buildings or
1134 structures, and alterations to components
1135 which may affect the structural stability of a
1136 building or structure shall be designed by a
1137 Florida-licensed architect or engineer, in
1138 accordance with state statutes. Construction
1139 documents shall show that the design meets
1140 the applicable wind loading requirements of
1141 ~~Section 1609~~ of the Florida Building Code,
1142 Building and ~~R301~~ of the Florida Building
1143 Code, Residential for any building or
1144 structure, addition, or alteration where wind
1145 load is applicable (see Section 9-34 of the
1146 Orange County Code).

1148 K. *Subsection 109.2* is hereby deleted
and recreated to read as follows:

1150 109.2. Schedule of permit fees. On
1151 all buildings, structures, and electrical, gas,
1152 mechanical, and plumbing systems, or for
1153 alterations requiring a permit, a fee for each
1154 permit shall be paid as required in
accordance with the schedule as established
by the Board of County Commissioners.

1156 L. *Subsection 109.3.1* is hereby created
to read as follows:

1158 109.3.1 Building permit valuations,
1159 Division manager. If, in the opinion of the
1160 Division manager, the valuation of any
1161 building, alteration, or structure or of any
1162 electrical, gas, mechanical, or plumbing
1163 system appears to be underestimated on the
1164 application, any corresponding permit shall
be denied, unless the applicant can show

1166 detailed estimates which meet with the
1168 approval of the Division manager. Permit
valuations shall include total cost including,
1170 without limitation, electrical, gas,
mechanical, plumbing, equipment, and other
1172 systems, and including materials and labor.
The permit valuation may be calculated
1174 using the latest Building Valuation Data
published by the International Code Council,
1176 or other applicable model code organization,
at the sole discretion of the Division
manager.

1178 M. *Subsection 109.4* is hereby deleted
and recreated to read as follows:

1180 109.4. Work commencing before
permit issuance. Any person who
1182 commences any work on a building or
structure, or electrical, gas, mechanical, or
1184 plumbing system before obtaining the
building official's approval and/or the
1186 necessary permits shall be subject to a
penalty equivalent to double the permit fee,
1188 or one hundred three dollars (\$103.00),
whichever is greater, in addition to the
1190 required permit fees. This provision shall
not apply to emergency work when delay
1192 would clearly have placed life or property in
imminent danger, as long as any and all
1194 required permits are obtained within three
(3) business days of commencing such
1196 work; any unreasonable delay (as
determined by the building official) in
1198 obtaining such permits shall result in a
penalty equivalent to double the permit fee.
1200 In any case, payment of a penalty as
described herein shall not preclude, or be
1202 deemed a substitute for, prosecution for
commencing work without first obtaining a
1204 permit. The building official may grant
extensions of time or waive the fees if
1206 justifiable cause (as determined by the
building official) has been adequately
1208 demonstrated, in writing.

1210 N. *Subsection 110.1.1* is hereby created
to read as follows:

110.1.1. Site Debris.

1212 (a) The contractor and/or owner of
1214 any active or inactive construction project
1216 shall be responsible for the clean-up and
1218 removal of all construction debris or any
1220 other miscellaneous discarded articles prior
1222 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.

1224 (b) All debris shall be kept in such
1226 a manner as to prevent it from being spread
by any means.

1228 (c) In the event of an adverse
1230 weather or other condition or event that is
1232 reasonably anticipated to disturb or
1234 otherwise affect construction materials or
1236 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.

1238 O. Reserved

1240 ~~Subsection 110.3. (Building), item 6, is
hereby deleted and recreated to read as
follows:~~

1242 ~~6. Swimming pool inspection. First
inspection to be made after excavation and
1244 installation of reinforcing steel, bonding,
and main drain, prior to placing of concrete.~~

1246 ~~Second inspection to be made after the
forms and reinforcement are in place and all
1248 concealed conduit, piping, and electrical
bonding are installed. Slab shall not be~~

1250 placed until all required inspections have
1251 been approved by the county.

1252 ~~Final inspection to be made when the~~
1253 ~~swimming pool is complete and all required~~
1254 ~~enclosure requirements are in place.~~

1255 ~~In order to pass final inspection and receive~~
1256 ~~a certificate of completion, a residential~~
1257 ~~swimming pool must meet the requirements~~
1258 ~~relating to pool safety features as described~~
~~in Section 424.2.17.~~

1260 P. *Subsection 111.1* is hereby deleted
and recreated to read as follows:

1262 111.1. Building use and occupancy.
1263 An existing building (except for a one or
1264 two-family dwelling or non-transient
1265 residential buildings) or a new building shall
1266 not be occupied or a change made in the
1267 occupancy, nature, or use of a building or
1268 part of a building until after the building
1269 official has issued a certificate of occupancy
1270 in the name of the occupant or tenant.
1271 Issuance of a certificate of occupancy shall
1272 not be construed as an approval of a
1273 violation of the provisions of this Code or of
1274 any provisions under any laws including, but
not limited to, the Orange County Code.

1276 Additionally, until such time that
1277 permanent street identifier and wayfinding
1278 signs are installed, the contractor and/or
1279 owner shall post signage reasonably
1280 identifying streets that serve a project.

1281 Q. *Subsection 111.2.1* is hereby created
1282 to read as follows:

1283 111.2.1. Notwithstanding the
1284 foregoing, no certificate of occupancy or
1285 completion shall be issued unless and until
1286 all Orange County and/or other applicable
agency holds have been released.

1288 R. *Section 114* is hereby created to read
1289 as follows:

1290 Section 114. Violations.

1292 114.1 Unlawful acts. It shall be
1294 unlawful for any person, firm, company,
1296 corporation, or any other entity to erect,
1298 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.

1300 114.2 Notice of violation. The
1302 building official or a designee is authorized
1304 to serve a notice of violation or order on the
1306 person responsible for the erection,
1308 construction, alteration, extension, repair,
1310 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.

1312 114.3 Prosecution of violation. If the
1314 notice of violation is not complied with
1316 promptly, the building official or a designee
1318 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.

1324 114.4 Violation; penalties. Any
1326 violation of this Code shall be subject to
1328 prosecution in accordance with the law
including, but not limited to, the provisions
of Section 1-9 of the Orange County Code.

1330 S. *Section 115.2* is hereby deleted and
recreated to read as follows:

1332 115.2. Issuance. The stop work order
1334 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,

1336 or to the person doing the work. Upon
1338 issuance of a stop work order, the cited work
1340 shall immediately cease. The stop work
1342 order shall state the reason for the order, and
1344 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.

1346 T. *Section 116* is hereby created to read
as follows:

1348 Section 116. Unsafe buildings or
1350 systems. All buildings, structures, electrical,
1352 gas, mechanical, or plumbing systems (i)
1354 which are unsafe, unsanitary, or do not
1356 provide adequate egress; or (ii) which
1358 constitute a fire hazard or are otherwise
1360 dangerous to human life; or (iii) which, in
1362 relation to existing use, constitute a hazard
1364 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.

1366 U. Section 202 is hereby amended to
add the following definitions to read as
follows:

1368 Storable swimming or wading pool
1370 means those that are constructed on or
1372 above the ground and are capable of
1374 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.

1376 U. *Section 1612.3.1*, item 3, is hereby
created to read as follows:

1378 3. Any such submissions required
by the building official shall be subject to
1380 review and approval by the Orange County
Public Works Department.

1382 V. *Subsection 1612.4* is hereby deleted
and recreated to read as follows:

1384 1612.4. Design and construction.
The design and construction of buildings
1386 and structures located in flood hazard areas,
including flood hazard areas subject to high-
1388 velocity wave action, shall be in accordance
with Chapter 5 of ASCE 7, ASCE 24, and
1390 Chapter 19 of the Orange County Code.

1392 W. *Section 1804.54*, item 5, is hereby
created to read as follows:

1394 5. Unless acceptable compensating
storage area is provided.

Sec. 9-34. Wind speed requirements.

1396 The basic wind speed requirements for Orange County are
established pursuant to (i) Section 1609.3 and Figures 1609A,
1398 1609B, and 1609C of the Florida Building Code, Building and (ii)
Section 301.2.1 of the Florida Building Code, Residential. The
1400 aforementioned references shall be kept on file at the Orange
County Division of Building Safety and may be accessed online
1402 through the Orange County Infomap link.

DIVISION 2. RESIDENTIAL

1404 **Sec. 9-35. Florida Building Code, Residential, adopted.**

1406 (a) Subject to the administrative and technical
amendments set forth in subsection (b) below, the Florida Building
Code, Residential, ~~6th~~^{7th} Seventh Edition [the "Residential Code"] as
1408 it may be amended from time to time, shall be the governing law
relative to residential building standards in Orange County,
1410 Florida. Floodplain provisions shall be governed and enforced in
accordance with this Residential Code and Chapter 19
1412 ("Floodplain Management") of the Orange County Code. In the
case of any apparent conflict between the floodplain regulations set
1414 forth in this chapter and those in Chapter 19, the more restrictive
provisions shall control.

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(b) The Florida Building Code, Residential, 6th 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 R322.1.1 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.~~

1458 E. ~~Section R322.1.6 is hereby deleted~~
and recreated to read as follows:

1460 ~~R322.1.6. Protection of mechanical~~
and ~~electrical systems. Electrical systems,~~
1462 ~~equipment, and components; heating,~~
ventilating, ~~air conditioning; plumbing~~
1464 ~~appliances and plumbing fixtures; duct~~
systems; and other service equipment shall
1466 ~~be located a minimum of one (1) foot above~~
the elevation required in Section R322.2
1468 ~~(flood hazard areas including A Zones) or~~
R322.3 (coastal high hazard areas including
1470 ~~V Zones). If replaced as part of a substantial~~
improvement, electrical systems, equipment,
1472 ~~and components; heating, ventilation, air~~
conditioning, and plumbing appliances and
1474 ~~plumbing fixtures; duct systems; and other~~
service equipment shall meet the
1476 ~~requirements of this section. Systems,~~
fixtures, equipment, and components shall
1478 ~~not be mounted on or penetrate through~~
walls intended to break away under flood
loads.

1480 ~~Exception: Locating electrical~~
systems, ~~equipment, and components;~~
1482 ~~heating, ventilating, air conditioning;~~
plumbing appliances and plumbing fixtures;
1484 ~~duct systems; and other service equipment is~~
permitted below the elevation required in
1486 ~~Section R322.2 (flood hazard areas~~
including A Zones) or R322.3 (coastal high-
1488 ~~hazard areas including V Zones) provided~~
they are designed and installed to prevent
1490 ~~water from entering or accumulating within~~
the components and to resist hydrostatic and
1492 ~~hydrodynamic loads and stresses, including~~
the effects of buoyancy, during the
1494 ~~occurrence of flooding to the design flood~~
elevation in accordance with ASCE 24.
1496 ~~Electrical wiring systems are permitted to be~~
located below the required elevation
1498 ~~provided they conform to the provisions of~~
the electrical part of this code for wet
1500 ~~locations.~~

1502 F. ~~Section R322.2.1 hereby deleted and~~
recreated to read as follows:

R322.2.1. Elevation requirements:

1504 1. ~~Buildings and structures in~~
1506 ~~flood hazard areas not designated as Coastal~~
1508 ~~A Zones shall have the lowest floors~~
~~elevated to a minimum of one (1) foot above~~
~~the design flood elevation.~~

1510 2. ~~Buildings and structures in~~
1512 ~~flood hazard areas designated as Coastal A~~
1514 ~~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.~~

1516 3. ~~In areas of shallow flooding~~
~~(AO Zones), buildings and structures shall~~
1518 ~~have the lowest floor (including basement)~~
~~elevated at least as high above the highest~~
1520 ~~adjacent grade at least as high as one (1)~~
1522 ~~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.~~

1524 **Secs. 9-36—9-38. Reserved.**

DIVISION 3. EXISTING BUILDING

1526 **Sec. 9-39. Florida Building Code, Existing Building, adopted.**

1528 (a) Subject to the administrative amendment set forth in
1530 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.

1532 (b) The Florida Building Code, Existing Building, is
amended as follows:

1534 *Section 101.1* is amended to read as follows:

1536 101.1 Scope. The provisions of Chapter 1, *Florida*
1538 *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.

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.

1618 *Sign electrical contractor* shall mean an electrician who is
1620 capable of supervising sign electrical construction work in
accordance with the provisions of this article. A sign electrical
1622 contractor may act as an electrical contractor in the area of sign
wiring only.

Sec. 9-53. Rules and regulations.

1624 (a) The board of county commissioners may enact rules
and regulations to implement and carry out the provisions of this
1626 article.

1628 (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
1630 for light, heat, power or other purposes shall comply with any rules
and regulations adopted pursuant to this article.

1632 **Sec. 9-54. Violations.**

Violations of this article shall be punished as provided in
1634 section 1-9. The board of county commissioners may bring suit to
restrain, enjoin, or otherwise prevent violations of this article.

1636 Sec. 9-55. - Interference with electrical inspector.

1638 It shall be unlawful for any person to hinder or interfere
with an electrical inspector in the discharge of his duties under this
article.

1640 **Secs. 9-56—9-65. Reserved.**

DIVISION 2.

1642 **ADMINISTRATION AND ENFORCEMENT**

Subdivision I. General Provisions

1644 **Sec. 9-66. Powers and duties of electrical inspectors.**

1646 An electrical inspector shall have the following powers and
duties:

1648 (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
1650 relating to the same; to observe the installation of all electrical
construction; and to inspect the work performed by registered and
1652 certified electricians under the provisions of this article.

1654 (2) To inspect and approve or reject electrical system
wiring, apparatus and fixtures that have been installed to insure
1656 compliance with this article and any rules and regulations adopted
pursuant to this article.

1658 (3) To give temporary approval to connect and furnish
electric current to any electrical system wiring, apparatus or fixture
1660 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.

1662 (4) To inspect or reinspect all wires and apparatus
conducting or using electric current for light, heat or power, and to
1664 notify the person, firm or corporation owning, using or operating
any conductors or apparatus found unsafe to place same in a safe
1666 and secure condition.

1668 (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
1670 place near such switch or circuit breaker a notice prohibiting the
use of electric current through such wiring or equipment until
1672 repairs have been made and inspected in accordance with the
provisions of this article. After the notice is posted, no person shall
1674 close the switch or circuit breaker which has been opened by an
electrical inspector, nor use or attempt to use any current through
1676 such wiring, apparatus or fixture which has been condemned, until
necessary repairs have been made and approved by the electrical
1678 inspector. An electrical inspector shall also notify the person
furnishing current to any condemned wiring, apparatus or fixture to
1680 disconnect the supply wires and cut off the current from the
premises where such wiring, apparatus or fixture is located.

1682 **Secs. 9-67—9-75. Reserved.**

Subdivision II. Reserved

1684 **Secs. 9-76—9-85. Reserved.**

Subdivision III. Permits, Inspections, Etc.

1686 **Sec. 9-86. ReservedPermits generally.**

1688 ~~(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
1690 systems of wiring for light, heat, or power, except under the
following conditions:~~

1692 (1) — ~~Permits are not required for work done by~~
1694 ~~employees of public utility companies, for installation or repairs of~~
~~generation, control, transformation, transmission, distribution or~~
1696 ~~metering apparatus or equipment, and routine maintenance of~~
~~same.~~

1698 (2) — ~~Permits are not required for the installation,~~
~~maintenance, or service of any public utility energy management~~
1700 ~~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.~~

1702 (3) — ~~Permits are not required for repairs of~~
~~damaged apparatus or equipment, replacement of luminaries in~~
1704 ~~one and two family dwellings, and/or routine maintenance of the~~
~~same. Repairs and/or maintenance shall not mean the total~~
1706 ~~replacement of said equipment, but may mean replacement of~~
~~luminaries.~~

1708 (4) — ~~Permits are not required on service calls~~
~~which involve no wiring and/or installation of equipment by an~~
1710 ~~electrical contractor, or by a certified master electrician or~~
~~journeyman electrician serving in the name of a certified electrical~~
1712 ~~contractor.~~

(5) — ~~Fire alarm systems.~~

1714 a. — ~~In the case of fire alarm construction~~
~~and/or any system wired into the fire alarm system, permitting by~~
1716 ~~the county division of building safety shall not be required. Such~~
~~fire alarm construction is subject to state licensure requirements,~~
1718 ~~permitting, and inspections by the county fire department.~~

1720 b. — ~~The division of building safety will~~
~~permit and inspect all conduits (only) installed for a fire alarm~~
~~system.~~

1722 (b) — ~~Before any permit is issued for the installation or~~
~~alteration of electrical system wiring, apparatus, or equipment, the~~
1724 ~~electrical contractor making application for the permit shall pay the~~
~~appropriate fee as determined by the board of county~~
1726 ~~commissioners.~~

1728 (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)~~
1730 ~~months after the last inspection if work has commenced. A request~~
~~for extension not to exceed ninety (90) days must be received in~~
1732 ~~writing by the chief electrical inspector prior to each expiration~~
~~date.~~

1734 Sec. 9-87. ~~Reserved~~Applications for permits.

1736 (a) ~~Unless otherwise exempted in section 9-86, before~~
1738 ~~any electrical wiring, apparatus or equipment for light, heat or~~
1740 ~~power may be installed outdoors or within or attached to any~~
1742 ~~building or structure, either public or private, a written application~~
1744 ~~for a permit shall be made to the electrical division by the electrical~~
1746 ~~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.~~

1748 (b) ~~It shall be unlawful for any county registered master~~
1750 ~~electrician to sign permit applications for more than one (1)~~
~~person, partnership, corporation, business trust or other legal~~
~~entity.~~

1752 (c) ~~It shall be unlawful for any registered or certified,~~
1754 ~~licensed electrical contractor to allow the use of his or its name by~~
1756 ~~any other person, partnership, corporation, business trust or other~~
~~legal entity, directly or indirectly, for the purpose of obtaining a~~
~~permit for electrical construction.~~

1758 (d) ~~Plans and specifications prepared by a professional~~
~~engineer shall contain the following information:~~

1760 (1) ~~Title block showing the name of the owner,~~
1762 ~~location of the building, person responsible for preparing the plans,~~
1764 ~~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.~~

1766 (2) ~~Legend showing symbols used on drawings as~~
~~adopted by nationally recognized societies or as explained on the~~
~~drawings.~~

1768 (3) ~~Type, location and capacity of all service~~
~~equipment and meters.~~

1770 (4) — Interrupting ratings of circuit protective
1772 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.

1774 (e) — For multiple occupancy buildings and multiple-
1776 tenant buildings, at the time of permitting, the contractor who
installs the metered service shall submit with the permit
1778 application a one line riser diagram for the metered electrical
services.

1780 **Sec. 9-88. Classification of meter service for purposes of
permits.**

1782 (a) For the purpose of regulating the issuance of
permits, each recording watt-hour meter and all main feeder wires,
1784 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.

1786 (b) When multiple unit buildings of four (4) or more
units with multiple like units and services are permitted, one (1)
1788 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
1790 approval will be for all units only at the same time.

1792 (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.

1794 **Sec. 9-89. Inspections and approval required.**

1796 (a) It shall be unlawful for any person, partnership,
corporation, business trust or other legal entity to use electric
1798 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.

1800 (b) It shall be unlawful for any person, firm or
corporation furnishing electric current for light, heat or power to
1802 connect a distributing system to any installation of electrical
system wiring, apparatus or fixture on any premises without first
1804 receiving written permission from an electrical inspector to do so.
Such permission may be given any time after final inspection has
1806 been approved.

1808 (c) It shall be the responsibility of the individual, and
the electrical contractor's company representative whose name the

1810 electrical permit is issued under, to obtain an electrical final
approval, as soon as the work has been completed and energized.

1812 ~~(d) When an electrical contractor has permitted
electrical work, and completed all or part of the electrical work to
1814 the point that the electrical system wiring installed is energized and
is in use without approval by an electrical inspector, and his
1816 electrical permit has expired, the electrical contractor's license may
be suspended until the electrical wiring installed is re-permitted
and appropriate inspections approved.~~

1818 **Sec. 9-90. Reserved.**

Sec. 9-91. ReservedOrder of inspections.

1820 ~~Before an electrical rough wiring inspection can be
performed, the plumbing, mechanical and other trades construction
1822 work must be completed.~~

Secs. 9-92—9-100. Reserved.

1824 **DIVISION 3. CONTRACTORS, JOURNEYMEN, ETC.**

Subdivision I. General Provisions

1826 **Sec. 9-101. General responsibilities.**

1828 (a) An electrical contractor shall be responsible for the
physical and mechanical manner in which electrical materials,
equipment and devices are placed and installed.

1830 (b) An electrical contractor shall be responsible to have
his electrical work permitted as required by this article, and
1832 inspected and approved by an electrical inspector prior to use.

1834 (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
1836 in accordance with the approved plans and specifications. The
issuance of a permit does not authorize any violation of any
1838 applicable county or state statutes, codes or ordinances.

Sec. 9-102. Business tax certificate.

1840 (a) The name of the electrical contractor for whom
permit applications may be signed shall be set forth in the business
1842 tax certificate. No person shall be entitled to a business tax
certificate to engage in the business of electrical contracting who is
1844 not a master electrician or who does not employ a certified or
registered master electrician on a full-time basis.

1846 (b) It shall be unlawful for any master electrician to
1848 allow their name to be used, or to knowingly allow themselves to
1850 be held out as an officer or employee of any person, partnership,
1852 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.

1854 No person shall engage in or carry on the business of
1856 electrical contracting, nor install, alter or repair any electrical
1858 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.

1860 Whenever an electrical contractor holding a certificate of
1862 competency shall leave or be discharged or terminated from the
employ of any person or corporation, written notice shall be given
1864 to the division. In such case, all electrical construction work being
performed by the employer shall stand suspended until the
1866 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.

1868 **Sec. 9-105. Restrictions on maintenance electricians.**

1870 It shall be unlawful for any maintenance electrician to
install any new electrical wiring, apparatus or equipment for light,
heat or power.

1872 **Sec. 9-106. Reserved.**

Secs. 9-107—9-115. Reserved.

1874 **Subdivision II. Certification**

Sec. 9-116. Required.

1876 (a) Before engaging in the trade or business of
1878 electrical construction, every electrical contractor shall either be
certified with the state or have passed the county-approved
1880 examination and be registered with the county pursuant to the
provisions of this article.

Sec. 9-117. Examination—Generally.

1882 (a) ~~The board of adjustments and appeals may examine~~
any applicant making application for a certificate of competency as
1884 a ~~master electrician, journeyman electrician, residential~~
~~journeyman electrician, sign electrical contractor, low voltage~~
1886 ~~electrical contractor or low voltage specialty electrical contractor.~~

 (ab) Except for state-certified electrical contractors, any
1888 person desiring to engage in the capacity of one of the foregoing
types of electrical contracting within the county shall first make
1890 application for the appropriate certificate of competency, ~~satisfy~~
~~the building codes board of adjustments and appeals of his~~
1892 ~~character and integrity,~~ establish proof of his required experience,
pass a written examination, and receive a certificate of competency
1894 in accordance with the provisions of sections 9-9 and 9-10.

Sec. 9-118. Same—Eligibility.

1896 (a) No person shall be deemed qualified to take the
master electrician examination until proof of a minimum of two (2)
1898 years' experience as a licensed journeyman electrician, residential
journeyman electrician or master electrician in the county or
1900 another jurisdiction has been submitted to the board of adjustments
and appeals.

1902 (b) An applicant for the journeyman electrician
examination must have completed a four-year apprenticeship
1904 program or document at least six (6) years of equivalent work
experience.

1906 (c) An applicant for the residential journeyman
examination must have completed a four-year apprenticeship
1908 program or document at least six (6) years of equivalent work
experience.

1910 (d) No person shall be deemed qualified to take the
electrical sign contractor's examination until proof of a minimum
1912 of two (2) years' experience as a sign electrician, journeyman
electrician, or master electrician in the county or another
1914 jurisdiction has been submitted to the building codes board of
adjustments and appeals.

1916 (e) No person shall be deemed qualified to take the low
voltage contractor examination or the alarm system II contractor
1918 examination until proof of at least two (2) years' experience as a
low voltage system installer has been submitted. ~~An individual~~
1920 ~~holding a state-certified unlimited low voltage license shall not be~~
~~required to obtain a certificate of competency and may perform~~
1922 ~~unlimited low voltage construction work upon registering his/her~~
~~state license with the county.~~

1924 (f) ~~Notwithstanding the foregoing, any certified master~~
1926 ~~electrical contractor or any state certified burglar and fire alarm~~
~~contractor may install low voltage construction upon recording~~
1928 ~~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.

1930 **Sec. 9-120. Reserved.**

Secs. 9-121—9-130. Reserved.

1932 **DIVISION 4. TECHNICAL STANDARDS**

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

1934 (a) Adopted. The National Electrical Code, as it may be
1936 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.~~

1938 ~~Adopted. Chapter 27 of the Florida Building Code, Building, as it~~
~~may be amended from time to time, shall be the governing law~~
1940 ~~relative to electrical standards in Orange County, Florida.~~

Sec. 9-132. Reserved.

1942 **Secs. 9-133—9-150. Reserved.**

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

1944 *Code”) is hereby amended as follows:*

ARTICLE VI.

1946 **GAS CODE**

Sec. 9-251. Reserved

1948 **Purpose and scope.**

1950 This article is enacted pursuant to the home rule powers of
1952 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.~~

1954 It shall be the purpose of this article to create a fuel gas
1956 code which will protect the public safety, health and general
welfare of the residents of unincorporated Orange County by
1958 setting standards for stability, ventilation, and safety to life and
property.

1960 (1) ~~The provisions of this fuel gas code shall apply to the
following:~~

1962 a. ~~Installation of consumers' gas piping systems
from point of delivery at the low pressure inlet connection to the
appliance.~~

1964 b. ~~Installation and operation of residential,
commercial and industrial gas appliances.~~

1966 c. ~~Design, fabrication, installation, tests and
operation of systems for fuel gases such as manufactured gas,
1968 natural gas, undiluted liquified petroleum (LP) gases, LP gas/air or
mixtures thereof.~~

1970 (2) ~~This fuel gas code does not apply to systems or
portions of dispensing units, dispensing units for resale and motor
1972 fuel, or inspections of LP tanks.~~

1974 All listed appliances and equipment shall be installed in
accordance with their listing. All unlisted appliances and
1976 equipment shall be installed in accordance with the manufacturer's
instructions and applicable gas codes.

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

1978 (a) *Adopted.* Subject to the administrative amendments
set forth in subsection (b) below, the *Florida Building Code, Fuel
1980 Gas*, as it may be amended from time to time, shall be the
governing law relative to fuel gas standards in Orange County,
1982 Florida.

1984 (b) *Amendment.* The *Florida Building Code, Fuel Gas*,
is amended to read as follows:

1986 *Section 101.01* is amended to read as
follows:

1988 101.1 Scope. The provisions of Chapter 1,
Florida Building Code, Building, as
1990 amended by Section 9-33(b) of the Orange
County Code, shall govern the
1992 administration and enforcement of the
Florida Building Code, Fuel Gas.

Sec. 9-253. Reserved.

2026

ARTICLE XIV.

MOVING OF STRUCTURES

2028

DIVISION 1. GENERALLY

Sec. 9-571. Title.

2030

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

2032

Sec. 9-572. Authority.

2034

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.

2036

Sec. 9-573. Purpose.

2038

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.

2040

Sec. 9-574. Findings of fact.

2042

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.

2044

2046

2048

Sec. 9-575. Territorial applicability.

2050

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.

2052

2054

2056

Sec. 9-576. Definitions.

2058

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:

2060

En route storage site shall mean a transit site for a structure which is being moved under a move permit from its original

2062 location to a permanent location or temporary storage site. (An "en
2064 route storage site" and a "temporary storage site" are mutually
exclusive.)

2066 *Move permit* or *permit to move* shall mean a permit issued
2068 by the division of building safety after the zoning and
2070 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.

2072 *Structure* shall mean any building for which a person
2074 would have to obtain a building permit from the division of
2076 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.].

2078 *Temporary storage site* shall mean a site which serves as a
2080 holding site for a structure which is being moved from its original
2082 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.

2084 (a) A violation of this article shall be punishable in
accordance with section 1-9.

2086 (b) Notwithstanding subsection (a), the county may
2088 obtain an injunction or other legal or equitable relief in the circuit
2090 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.

2092 Any person aggrieved by a decision of the zoning [or]
2094 transportation [departments] or division of building safety under
2096 this article, except a decision by the transportation department
pursuant to section 9-579(c), may file a notice of appeal with the
2098 clerk to the board of county commissioners. The notice may be
2100 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.

2102 (a) If the applicant has obtained a move permit from
2104 the division of building safety, he shall prepare the structure for the
2106 move. After he has made such preparations, he shall request the
2108 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:

2110 (1) The applicant shall do the following:

2112 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;

2114 b. Arrange for an escort service which
2116 shall at a minimum consist of two (2) law enforcement officers
riding in separate vehicles, and an employee of the transportation
2118 department riding in yet another vehicle, with at least one (1)
escort vehicle traveling to the rear of the structure being moved,
2120 and at least one (1) escort vehicle traveling to the front of the
structure being moved;

2122 c. Remove any obstacles along the
proposed route, including ground-mounted traffic signs,
2124 mailboxes, guard rails, and private improvements within the right-
of-way;

2126 (2) If required by the transportation department,
the transportation department shall remove, at the applicant's cost,
2128 any overhead traffic signs, overhead or ground traffic signals, and
overhead or ground flashing school signs, and overhead signs; and

2130 (3) If required by the affected utility company,
shall remove its affected facilities at the applicant's cost. However,
2132 nothing in the foregoing sentence is intended to require the
applicant to pay more than the reasonable expenses actually
2134 incurred by the affected utility company in removing its affected
facilities.

2136 (c) The structure shall be moved any day of the week,
except county holidays, only between the hours of 11:00 p.m. to
2138 5:00 a.m. of the following day, unless the applicant has obtained
prior written permission from the transportation department for a
2140 different time and day upon good cause shown and upon the
transportation department's ability to accommodate the requested
2142 different time and day. For purposes of this subsection "good
cause" shall mean a reason which is not ordinarily or commonly
2144 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

2146 transportation department's decision may be reviewed by the
2147 county public works director upon the applicant's request.

2148 (d) The structure shall be moved along the approved
2149 route with the law enforcement escorts and the escort from the
2150 transportation department.

2151 (e) After the move, the applicant shall promptly replace
2152 any removed obstacles or fixtures which he is responsible for
2153 replacing.

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

2154 ~~Normal inspection procedures shall apply to the moved~~
2155 ~~structure as if it were a new structure. Any improvements to the~~
2156 ~~structure which were required as a condition of issuance of the~~
2157 ~~move permit shall be completed no later than ninety (90) days after~~
2158 ~~the footer inspection. A certificate of occupancy shall be issued~~
2159 ~~only after all "conditions subsequent" which were imposed by the~~
2160 ~~zoning, transportation, and building departments have been~~
2161 ~~completed to the satisfaction of those departments.~~

2162 **Sec. 9-581. Storage restrictions.**

2163 (a) No person shall store a structure at an en route
2164 storage site for longer than seventy-two (72) hours.

2165 (b) No person shall store a structure on public property,
2166 including a right-of-way, a stormwater retention pond, or county-
2167 owned property, without the prior, written consent of the
2168 governmental body with jurisdiction.

2169 (c) No person shall store a structure on private property
2170 without the prior, written approval of the property owner.

2171 (d) No person shall use a site as a temporary storage
2172 site for more than one (1) year if the temporary storage site, or
2173 structure stored thereon, would not satisfy minimum zoning
2174 requirements.

Secs. 9-582—9-595. Reserved.

2175 **DIVISION 2. PERMIT AND TAGS**

Sec. 9-596. Required.

2177 (a) Subject to subsection (b), no person shall move any
2178 structure within the county unless and until he has applied under
2179 this article for a permit to move such structure, has obtained a
2180 move permit, has procured tags from the division of building

2182 safety to move the structure, and has complied with all conditions
2184 precedent of the move permit.

2184 (b) A person may move a structure without a move
2186 permit if the structure is being moved from a site within a specific
2188 construction zone to another site within the same construction
zone.

2188 (c) No person shall fail to comply in a timely manner
with all conditions subsequent of a move permit.

2190 **Sec. 9-597. Application.**

2192 (a) Any person who proposes to move a structure
2194 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:

2196 (1) A scaled drawing showing the exterior
dimensions of the structure proposed to be moved;

2198 (2) The approximate weight of the structure;

2200 (3) Recent photographs of all sides of the
structure;

2202 (4) The proposed route of the proposed move,
and an alternate proposed route;

2204 (5) The proposed time and day of the move, and
a proposed alternate time and day;

2206 (6) The location of any proposed temporary
storage site for the structure;

2208 (7) The location and address to which the
structure is proposed to be moved;

2210 (8) If the structure is proposed to be moved to a
2212 permanent location and address within the unincorporated area of
the county, a site plan for the location and address to which the
2214 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

2216 (9) A signed statement from the owner of the
structure stating that the owner understands and agrees that no
2218 certificate of occupancy will be issued by the county for the moved
structure unless and until all conditions subsequent (including
2220 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.

2222 (b) The completed application shall be signed by the
following persons:

2224 (1) The applicant;

2226 (2) The person who proposes to move the
structure (if he is not the applicant); and

2228 (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).

2230 **Sec. 9-598. Processing.**

2232 (a) The applicant shall deliver the completed
application for a permit under this article to the zoning department.
2234 The zoning department shall promptly forward a copy of the
completed application to the transportation department. The
2236 transportation department shall review the completed application.
In conjunction with its review, it shall conduct an inspection of the
2238 proposed route. Taking into account relevant factors, including the
dimensions and weight of the structure proposed to be moved, and
2240 the proposed time and day of the move, the transportation
department shall examine the condition of the proposed route,
2242 determine the classifications of the roads on the proposed route,
determine the width of the roads along the proposed route, and
2244 determine the nature and extent of obstacles along the proposed
route. (It shall also conduct an inspection of a portion or all of the
2246 proposed alternate route, if a portion or all of the proposed first
route is unacceptable.) The applicant may accompany the
2248 transportation department during an inspection if he has made prior
arrangements to do so.

2250 (b) After its review of the application, the
transportation department shall:

2252 (1) conditions, deny the proposed route in whole
or in part, and, if it denied the proposed route in whole or in
2254 part, approve an alternate route in whole or in part, with or
without conditions;

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

2256 (3) Provide a nonbinding estimate of the costs
of the escort services, and the costs of removing obstacles along
2258 the proposed route.

2260 (c) While the transportation department is reviewing a
copy of the application, the zoning department shall itself review
2262 the application. In conjunction with its review, it may conduct an
inspection of the structure proposed to be moved. It may also

2264 conduct an inspection of the location of any proposed temporary
2265 storage site if the location is situated within the unincorporated
2266 area of the county. It shall examine the site plan and it may
2267 conduct an inspection of the site and footprint of the location and
2268 address to which the structure is proposed to be moved if the
2269 proposed location is situated within the unincorporated area of the
2270 county in order to determine whether the location of the moved
structure would satisfy minimum zoning requirements.

2271 (d) After its review, the zoning department shall
2272 approve the application in whole or in part, with or without
conditions, or deny the application.

2273 (e) If the structure is proposed to be moved to a
2274 permanent location, the zoning department shall render such
2275 decision based upon whether the permanent location of the moved
2276 structure, or the moved structure itself, would satisfy minimum
2277 zoning requirements at the permanent location.

2278 (f) If the structure is proposed to be moved to a
2279 temporary storage site, the zoning department shall not consider
2280 whether the temporary storage site, or the structure itself, would
2281 satisfy minimum zoning requirements at the temporary storage
2282 site, unless the temporary storage site is located within a district in
2283 which the storage of structures is not allowed under the county's
2284 zoning regulations, in which event it shall render such decision
2285 based upon whether:

2286 (1) An adjacent or nearby residential
2287 neighborhood will be adversely affected;

2288 (2) The operation and maintenance of an
2289 adjacent road or other public facility will be adversely affected;

2290 (3) The stored structure may create an attractive
2291 nuisance for children in an adjacent or nearby residential
2292 neighborhood;

2293 (4) The stored structure may create a hazard to
2294 the public health or safety;

2295 (5) The stored structure will be secured; or

2296 (6) A diagram has been submitted showing
2297 where the structure will be stored on the temporary storage site.

2298 In considering the above criteria, the zoning department shall
2299 consider and may impose any measures which the applicant can
2300 reasonably take to mitigate any adverse effects on the public
2301 health, safety, aesthetics, and the proper functioning of public
2302 roads and facilities.

2304 (g) If the structure is proposed to be placed at an en
route storage site, it shall not consider whether the en route storage
2306 site, or the structure itself, would satisfy minimum zoning
requirements at the en route storage site.

2308 (h) If the transportation department and the zoning
department each approve the application with or without
2310 conditions, the applicant shall submit the following documents to
the division of building safety in order to obtain a move permit:

2312 (1) The application which was approved by the
zoning department;

2314 (2) The application which was approved by the
transportation department;

2316 (3) If the structure is to be stored at a temporary
storage site or an en route storage site, a signed statement from the
2318 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

2320 (4) Letters from each utility company which
will be affected by the move which show that each utility company
2322 has done the following:

a. Reviewed the proposed route;

2324 b. Agreed to make any adjustments to
its facilities along the route; and

2326 c. Agreed to disconnect its facilities at
the location from which the structure is to be moved.

2328 ~~(i) Upon receipt of all the documents mentioned in
subsection (h), the division of building safety shall conduct an
2330 inspection of the structure for structural defects.~~

Sec. 9-599. Issuance.

2332 The division of building safety shall issue the applicant a
move permit only after verifying the following:

2334 (1) The zoning and transportation departments have
each approved the application with or without conditions;

2336 ~~(2) The structure proposed to be moved does not have
any irreparable structural defects;~~

2338 ~~(3) The applicant has complied with each of the terms
of section 9-598(h)(3) and (4);~~

2340 ~~(4) There exists an outstanding bond in an amount
2342 acceptable to the county given the circumstances of the proposed
move, which bond is intended solely to protect against damages~~

2344 which may occur during the move, not to ensure that "conditions
subsequent" to the move will be satisfied; and

(45) The move permit fee has been paid.

2346 **Sec. 9-600. Reserved.**

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Section 9. Effective date. This ordinance shall become effective pursuant to general

2362 law.

ADOPTED THIS _____ DAY OF _____, 2020.

2364

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

2366

2368

By: _____
Jerry L. Demings, Mayor

2370

2372 **ATTEST:** Phil Diamond, CPA, County Comptroller
As Clerk of the Board of County Commissioners

2374

By: _____
Deputy Clerk

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