

BCC Mtg. Date: April 21 , 2026

Effective Date: May 1, 2026

ORDINANCE NO. 2026-07

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

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

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

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

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

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

Section 1. Amendment to Chapter 9 (“Building and Construction Regulations”), Article I (“In General”). Chapter 9, Article I is hereby amended to read as follows, with additions being shown by underlines and deletions being shown by strike-throughs:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(gh) 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.

(~~hi~~) 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.

(~~ij~~) 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.

(~~jk~~) 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 supermajority vote ~~vote of five (5) members~~ of the board of county commissioners.

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

(~~lm~~) 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~~ 11);

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

101.2.1. The following Appendix is hereby adopted:

Florida Building Code, Residential: Appendix Q

101.2.2. Construction standards or practices that are not covered by Florida Building Code₂, Residential shall be in accordance with the provisions of Florida Building Code₂, Building.

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

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

down electric supply and all other such utility connections to such mobile or modular structures as required by this jurisdiction.

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

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

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

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

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

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

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

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

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

103. Division of Building Safety.

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

103.2. Employee qualifications.

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

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

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

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

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

104.2. Applications and permits. The building official shall receive applications, review construction documents and issue permits for the erection, and alteration, demolition and

moving of buildings and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

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

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

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

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

104.6. Right of entry.

104.6.1. Whenever necessary to make an inspection to enforce any of the provisions of this Code, or whenever the building official ~~has~~ has reasonable cause to believe that there exists in any building or upon any premises any condition of Code violation which makes such building, structure, or premises or

electrical, gas, mechanical, or plumbing system unsafe, dangerous, or hazardous, the building official may enter such building, structure, or premises at all reasonable times to inspect the same or to perform any duty imposed upon the building official by this Code. If such building or premises is occupied, s/he shall first present proper credentials and request entry. If such building, structure, or premises is unoccupied, s/he shall first make a reasonable effort to locate the owner or other person(s) having charge or control of such and request entry. If entry is refused, the building official shall have recourse to every remedy provided by law to secure entry.

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

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

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

104.8.1 Legal defense. Any suit or criminal complaint instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by legal representatives of the jurisdiction until the final termination of the proceedings. The *building official* or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.

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

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

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

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

105.2 Work exempt from permit. Exemptions from *permit* requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction, to include work in any special flood hazard area. Exemptions granted under this section do not relieve the owner or contractor from their duty to comply with applicable provisions of

the Florida Building Code, Orange County Zoning requirements, or requirements of the *local floodplain management ordinance*. Permits shall not be required for the following:

1. Oil derricks.
2. Sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade, and not over any basement or *story* below and are not part of an accessible route.
3. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
4. Storable swimming pools, wading pools, or portable spas as defined by this code. Exception: Electrical alterations or connections except for cord-and-plug connection into an existing receptacle.
5. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
6. Window awnings supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support of detached one and two family dwellings.
7. Non fixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.

Electrical:

1. Repairs and maintenance: Minor repair work, including, the replacement of lamps or the connection of *approved* portable electrical equipment to *approved* permanently installed receptacles.
2. Radio and television transmitting stations: The provisions of this code shall not apply to electrical equipment used for radio and television transmissions but do apply to equipment and wiring for a power supply and the installations of towers and antennas.
3. Temporary testing systems: *A permit* shall not be required for the installation of any temporary system

required for the testing or servicing of electrical equipment or apparatus.

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

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

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

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

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

105.3.1.2

5. Electrical documents. See Florida Statutes 471.003(2)(h). Any electrical or plumbing or air-conditioning and refrigeration system meeting the following

thresholds are required to be designed by a Florida Registered Engineer. The system requires an electrical system with a value of over \$125,000; and requires an aggregate service capacity of over 600 amperes (240 volts) on a residential electrical system or over 800 amperes (240 volts) on a commercial or industrial electrical system. NOTE: It was further clarified by the Commission that the limiting factor of 240 volt or over is required to be designed by an Engineer.

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

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

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

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

~~months after its issuance, or (ii) if the work authorized by such permit is suspended or abandoned for a period of six (6) months after the time the work is commenced and/or an approved inspection is made. One (1) extension of time, for a period of not more than ninety (90) days, may be allowed at the sole discretion of the building official, prior to the expiration of such permit, provided the extension is requested in writing and justifiable cause is adequately demonstrated. Any extension granted shall be in writing and signed by the building official.~~

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

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

~~*105.4.1.3. A permit shall be considered to be in an active status so long as the permitted work has received an approved inspection within 180 days of (i) permit issuance or (ii) an approved inspection. This provision shall not be applicable in case of civil*~~

~~commotion or strike or when the work is halted due directly to judicial injunction, order, or similar process.~~

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

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

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

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

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

105.5.

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

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

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

I. *Reserved.*

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

107.2.8. New buildings or structures, additions to existing buildings or structures, and alterations to components which may affect the structural stability of a building or structure shall be designed by a Florida-licensed architect or engineer, in accordance with state statutes. Construction documents shall show that the design meets the applicable wind loading requirements of the Florida Building Code, Building and the Florida Building Code, Residential for any building or structure, addition, or alteration where wind load is applicable (see Section 9-34 of the Orange County Code).

Manufactured/mobile homes.

1. Site requirements:
 - a. Setback/separation (assumed property lines)
 - b. Location of septic tank(s), if applicable
 - c. Location of existing and proposed structures
2. Structural:

- a. Windzone
- b. Anchoring
- c. Blocking

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

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

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

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

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

109.4. Work commencing before permit issuance. Any person who commences any work on a building or structure, or electrical, gas, mechanical, or plumbing system before obtaining the building official's approval and/or the necessary permits shall be subject to a penalty equivalent to double the permit fee, or one hundred three dollars (\$103.00), whichever is greater, in addition to the required permit fees. This provision shall not apply to emergency work when delay would clearly have placed life or property in imminent danger, as long as any and all required permits are obtained within three (3) business days of commencing such

work; any unreasonable delay (as determined by the building official) in obtaining such permits shall result in a penalty equivalent to double the permit fee. In any case, payment of a penalty as described herein shall not preclude, or be deemed a substitute for, prosecution for commencing work without first obtaining a permit. The building official may grant extensions of time or waive the fees if justifiable cause (as determined by the building official) has been adequately demonstrated, in writing.

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

110.1.1. Site Debris.

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

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

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

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

110.3 Required inspections

Building

7. Swimming pool inspection.
 - 4a. Steel reinforcement and initial bonding inspection.
 - 2b. Underground electric inspection.
 - 3c. Underground piping inspection including a pressure test.
 - 4d. Underground electric inspection under deck area (including the equipotential bonding).
 - 5e. Underground piping inspection under deck area.
 - 6f. Deck inspection: to be made prior to installation of the deck material (with forms, deck drains, and any reinforcement in place.
 - 7g. Swimming Pool Safety Inspection: Made prior to filling the pool with the bonding connections made, the proper drain covers installed and the final barriers installed
 - 8h. Final Electrical inspection.
 - 9i. Final inspection to be made when the swimming pool is complete and all required enclosure requirements are in place. In order to pass final inspection and receive a certificate of completion, a residential swimming pool must meet the requirements relating to pool safety features as described in Section 454.2.17 of this code.

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

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

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

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

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

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

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

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

Section 114. Violations.

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

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

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

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

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

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

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

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

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

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

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

SUBSTANTIAL IMPROVEMENT. Any combination of repair, reconstruction, rehabilitation, alteration, addition or other improvement of a building or structure taking place during the life of the building or structure, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started. The period of accumulation begins when the first improvement or repair of each building or structure is permitted subsequent to September 25, 2009.

If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either:

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

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

V. *Section 1612.3.1* is hereby amended to read as follows:

1612.3.1 Design flood elevations. Design flood elevations and flood hazard areas shall be established in accordance with Chapter 19, Article I, Division 5 and Section 34-228 of the Orange County Code.

W. *Section 1612.4.3* is hereby created to read as follows:

1612.4.3. Critical facilities. The minimum elevation requirements for critical facilities, as defined in Chapter 19 of the Orange County Code, shall be at or above the base flood elevation plus two (2) feet or the elevation required by the Florida Building Code, whichever is higher.

(Ord. No. 2012-06, § 1(A), 3-6-12; Ord. No. 2015-06, § 1, 2(B), 6-16-15; Ord. No. 2017-22, § 2, 12-12-17; Ord. No. 2020-40, § 3, 12-15-20; Ord. No. 2021-38, § 2, 9-14-21; Ord. No. 2024-04, § 3, 4-9-24)

Editor's note(s)—Section 1(A) of Ord. No. 2012-06, adopted March 6, 2012, deleted and recreated § 9-33 in its entirety. Former § 9-33 pertained to the same subject matter and derived from Ord. No. 2009-12, adopted April 28, 2009; Ord. No. 2009-32, adopted Nov. 3, 2009; and Ord. No. 2011-02, adopted March 8, 2011.

State law reference(s)—State minimum building codes, F.S. § 553.73.

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

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

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

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

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

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

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

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

SUBSTANTIAL IMPROVEMENT. For the purpose of determining compliance with the flood provisions of this code, any combination of repair, reconstruction, rehabilitation, alteration, addition, or improvement of a building or structure taking place during the life of the building or structure, the cumulative cost of

which equals or exceeds 50 percent of the market value of the structure, before the improvement or repair is started. The period of accumulation begins when the first improvement or repair of each building or structure is permitted subsequent to September 25, 2009. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either:

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

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

C. Mandatory structural inspections for condominium and cooperative buildings.

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

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

ADOPTED THIS 21ST DAY OF APRIL, 2026.



ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: *Jerry L. Demings*
for Jerry L. Demings
Orange County Mayor

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

By: *Jennifer Ann - Kline*
Deputy Clerk