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*Let Us Show You!*

**WELLINGTON**  
**CONSTRUCTION BOARD OF ADJUSTMENTS AND APPEALS**  
July 9, 2012 - 7:00 PM  
Wellington City Hall  
12300 Forest Hill Boulevard  
Wellington, FL 33414

**AGENDA**

- I. CALL TO ORDER**
- II. ADDITIONS/DELETIONS/REORDERING OF AGENDA**
- III. INTRODUCTION OF THE MEMBERS AND SELECTION OF CHAIR AND VICE-CHAIR**
- IV. NEW BUSINESS**
  - A. POWER AND DUTIES, QUALIFICATIONS, MEETINGS, QUORUM AND REQUIRED VOTE OF THE BOARD – JEFF KURTZ, JACEK TOMASIK**
- V. COMMENTS FROM STAFF**
  - NEXT MEETING DATE**
- VI. COMMENTS FROM THE BOARD**
- VII. ADJOURN**

If a person decides to appeal any decision with respect to any matter considered at such hearing, he/she will need a record of the proceedings and for such purpose may, need to ensure that a verbatim record of the proceedings is made which record includes the testimony and evidence upon which the appeal is to be based. All appeals must be filed in accordance with the applicable provisions of Wellington Land Development Regulations.

ORDINANCE NO. 2012-08

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**AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL, RELATING TO BUILDING CODES AND THE ADOPTION OF THE 2010 EDITION OF THE FLORIDA BUILDING CODE AS REQUIRED BY STATE STATUTE; ADOPTING A LOCAL ADMINISTRATION SECTION AS PROVIDED FOR IN THE STATE BUILDING CODE BASED UPON THE BUILDING CODE ADVISORY BOARD OF PALM BEACH COUNTY MODEL AND BUILDING OFFICIALS ASSOCIATION OF FLORIDA MODEL; AMENDING SEC. 18.31 (1), (2) AND (3) REGARDING THE ADOPTION OF THE GROUP OF CODES KNOWN AS THE 2010 FLORIDA BUILDING CODE, INCLUDING THE: BUILDING, RESIDENTIAL, EXISTING BUILDING, ACCESSIBILITY, MECHANICAL, PLUMBING, FUEL GAS, THE NATIONAL ELECTRICAL CODE, THE FLORIDA FIRE PREVENTION CODE AS AMENDED BY PALM BEACH COUNTY, INTERNATIONAL PROPERTY MAINTENANCE CODE; REPEALING AND READOPTING SEC. 18.32, WELLINGTON BUILDING CODE ADMINISTRATIVE CODE, IN ITS ENTIRETY; AMENDING SEC. 18.33 AMENDMENTS TO THE FLORIDA BUILDING CODE TO REFERENCE THE CHANGED SECTION REFERENCES OF THE STATE BUILDING CODE AND ADOPTING A WINDSPEED MAPS; PROVIDING FOR CODIFICATION; PROVIDING AN ADOPTION DATE; AND, PROVIDING A CONFLICTS CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Chapter 553 Florida Statutes was adopted by the Florida Legislature to provide a mechanism for the uniform adoption, updating, amendment, interpretation, and enforcement of a single, unified state building code, to be called the Florida Building Code; and

**WHEREAS**, The Florida Building Commission has produced an updated version of the Florida Building Code titled the Florida Building Code 2010 for implementation; and

**WHEREAS**, The Florida Building Code 2010 consists of a single set of documents that apply to the design, construction, erection, alteration, modification, repair or demolition of public or private buildings, structures, or facilities in this state and to the enforcement of such requirements and which will allow effective and reasonable protection for public, safety, health and general welfare for all the people of Florida at the most reasonable cost to the consumer; and

**WHEREAS**, the Florida Legislature has adopted legislation implementing the Florida Building Code 2010 Edition effective March 15, 2012; and

46           **WHEREAS**, it is the intent of the Legislature that municipalities shall have the  
47 power to inspect all buildings, structures, and facilities within their jurisdictions in the  
48 interest of protecting the public health, safety, and welfare pursuant to Chapter 166.

49  
50           **NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF WELLINGTON,**  
51 **FLORIDA, that:**

52  
53           **SECTION 1.** Chapter 18, “Buildings and Building Regulations”, Article II  
54 “Technical Codes”, Section 18-31 “Village Building Codes” of the Village of Wellington’s  
55 Code of Ordinances is hereby amended to read as follows:

56  
57 **ARTICLE II. TECHNICAL CODES**  
58 **Sec. 18-31. Wellington’s Building Codes.**

59  
60 (a) Authority. This chapter is promulgated pursuant to Chapter 553, Florida Statutes.

61  
62 (b) Codes adopted by reference. The building official shall enforce the following, which  
63 are adopted by reference and as may be amended by this article.

64  
65           (1) The group of codes known as the Florida Building Code 2010.

- 66  
67           a. Building.  
68           b. Accessibility  
69           c. Residential  
70           d. Existing Buildings  
71           e. Plumbing.  
72           f. Fuel gas.  
73           g. Mechanical.  
74           h. National Electrical Code.

75  
76           (2) Florida Fire Prevention Code.

77  
78           (3) International Property Maintenance Code, 2009 edition as published by the  
79 International Code Council, Inc.

80  
81 **Section 2.** Chapter 18 “Buildings and Building Regulations”, Article II, “Technical  
82 codes” of the Village of Wellington’s Code of Ordinances is hereby amended by  
83 repealing Section 18-32 “Wellington Building Code Administrative Code” in its entirety  
84 and enacting a new Section 18-32 “Wellington Building Code Administrative Code” to  
85 read as follows:

86  
87 **Sec. 18-32. Wellington Building Code Administrative Code.**

88 The purpose of the Wellington Building Code Administrative Code is to provide for a  
89 means of properly enforcing the codes adopted by reference in Section 18-31.

90  
91

46           **WHEREAS**, it is the intent of the Legislature that municipalities shall have the  
47 power to inspect all buildings, structures, and facilities within their jurisdictions in the  
48 interest of protecting the public health, safety, and welfare pursuant to Chapter 166.

49  
50           **NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF WELLINGTON,**  
51 **FLORIDA**, that:

52  
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54 “Technical Codes”, Section 18-31 “Village Building Codes” of the Village of Wellington’s  
55 Code of Ordinances is hereby amended to read as follows:

56  
57 **ARTICLE II. TECHNICAL CODES**

58 **Sec. 18-31. – Village-Wellington’s Building Codes.**

59  
60 (a) Authority. This chapter is promulgated pursuant to Chapter 553, Florida Statutes.

61  
62 (b) Codes adopted by reference. The building official shall enforce the following, which  
63 are adopted by reference and as may be amended by this article.

64  
65           (1) The group of codes known as the Florida Building Code 200710.

- 66           a. Building.
- 67           **b. Accessibility**
- 68           **c. Residential**
- 69           **d. Existing Buildings**
- 70           **be. Plumbing.**
- 71           **ef. Fuel gas.**
- 72           **Dg. Mechanical.**
- 73           **h. National Electrical Code.**

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75  
76           (2) Florida Fire Prevention Code.

77  
78           (3) International Property Maintenance Code, 200610 edition as published by the  
79 International Code Council, Inc.

80  
81 **Section 2.** Chapter 18 “Buildings and Building Regulations”, Article II, “Technical  
82 codes” of the Village of Wellington’s Code of Ordinances is hereby amended by  
83 repealing Section 18-32 “Wellington Building Code Administrative Code” in its entirety  
84 and enacting a new Section 18-32 “Wellington Building Code Administrative Code” to  
85 read as follows:

86  
87 **Sec. 18-32. Wellington Building Code Administrative Code.**

88 The purpose of the Wellington Building Code Administrative Code is to provide for a  
89 means of properly enforcing the codes adopted by reference in Section 18-31.

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CHAPTER 1  
ADMINISTRATION

SECTION 101  
GENERAL

99 101.1 Title. These regulations shall be known as the Florida Building Code hereinafter  
100 referred to as "this code."

101 101.2 Scope. The provisions of this code shall apply to the construction, alteration,  
102 movement, enlargement, replacement, repair, equipment, use and occupancy, location,  
103 maintenance, removal and demolition of every building or structure or any  
104 appurtenances connected or attached to such buildings or structures as herein  
105 amended by the Village of Wellington.

106 Exceptions:

107 1. Detached one- and two-family dwellings and multiple single-family dwellings  
108 (townhouses) not more than three stories above grade plan in height with a separate  
109 means of egress and their accessory structures shall comply with the Florida  
110 Building Code, Residential.

111 2. Existing buildings undergoing repair, alterations or additions and change of  
112 occupancy shall comply with the Florida Building Code, Existing Building.

113 101.2.1 Appendices. Provisions in the appendices shall not apply unless specifically  
114 adopted. Appendices specifically adopted are Appendix G—Flood Resistant  
115 Construction.

116 **101.2.2** Florida Building Code, Residential. Construction standards or practices which  
117 are not covered by Florida Building Code, Residential volume shall be in accordance  
118 with the provisions of Florida Building Code, Building.

119 101.3 Intent. The purpose of this code is to establish the minimum requirements to  
120 safeguard the public health, safety and general welfare through structural strength,  
121 means of egress facilities, stability, sanitation, adequate light and ventilation, energy  
122 conservation, and safety to life and property from fire and other hazards attributed to the  
123 built environment and to provide safety to fire fighters, code officials, and emergency  
124 responders during emergency operations.

125 101.3.1 Quality control. Quality control of materials and workmanship is not within the  
126 purview of this code except as it relates to the purposes stated herein.

127 101.3.2 Warranty and Liability. The permitting and inspection of any building, system, or  
128 plan by Wellington, under the requirements of this code, shall not be construed in any  
129 court as a warranty of the physical condition of such building, system, or plan, or their

130 adequacy. Wellington shall not be liable in tort for damages or hazardous or illegal  
131 condition or inadequacy in such building, system, or plan, nor for any failure of any  
132 component of such, which may occur subsequent to such inspection or permitting.  
133 Further, no building department employee shall be liable in tort for damage from such  
134 conditions, in accordance with F.S. § 768.28(9)(a), as may be amended.

135 101.4 Referenced codes. The other codes listed in Sections 101.4.1 through 101.4.9  
136 and referenced elsewhere in this code shall be considered part of the requirements of  
137 this code to the prescribed extent of each such reference.

138 101.4.1 Electrical. The provisions of Chapter 27 of the Florida Building Code, Building  
139 shall apply to the installation of electrical systems, including alterations, repairs,  
140 replacement, equipment, applicants, fixtures, fittings and appurtenances thereto.

141 101.4.2 Gas. The provisions of the International Fuel Gas Code with the Florida Fuel  
142 Gas Code Supplement shall apply to the installation of gas piping from the point of  
143 delivery, gas applicants and related accessories as covered in this code. These  
144 requirements apply to gas piping systems extending from the point of delivery to the  
145 inlet connections of appliances and the installation and operation of residential and  
146 commercial gas appliances and related accessories.

147 101.4.3 Mechanical. The provisions of the Florida Building Code, Mechanical shall apply  
148 to the installation, alterations, repairs and replacement of mechanical systems, including  
149 equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating,  
150 heating, cooling, air-conditioning and refrigeration systems, incinerators and other  
151 energy-related systems.

152 101.4.4 Plumbing. The provisions of the Florida Building Code, Plumbing shall apply to  
153 the installation, alteration, repair and replacement of plumbing systems, including  
154 equipment, appliances, fixtures, fittings and appurtenances, and where connected to a  
155 water or sewage system and all aspects of a medical gas system.

156 101.4.5 Property maintenance. The provisions contained within the 2010 International  
157 Property Maintenance Code as published by the International Code Congress shall  
158 establish the minimum standards for maintenance of; interior and exterior structure,  
159 required light and ventilation, required space and maximum number of occupants,  
160 minimum plumbing requirements, minimum heating requirements, minimum electrical  
161 system requirements and other requirements applicable to all structures currently in  
162 existence within the Village of Wellington.

163 101.4.6 Fire prevention. For provisions related to fire prevention, refer to the Florida Fire  
164 Prevention Code. The Florida Fire Prevention Code shall apply to matters affecting or  
165 relating to structures, processes and premises from the hazard of fire and explosion  
166 arising from the storage, handling or use of structures, materials or devices; from  
167 conditions hazardous to life, property or public welfare in the occupancy of structures or  
168 premises; and from the construction, extension, repair, alteration or removal of fire  
169 suppression and alarm systems or fire hazards in the structure or on the premises from  
170 occupancy or operation.

171 101.4.7 Energy. The provisions of Florida Building Code, Energy Conservation shall  
172 apply to all matters governing the design and construction of buildings for energy  
173 efficiency.

174 101.4.8 Accessibility. For provisions related to accessibility, refer to Chapter 11 of the  
175 Florida Building Code, Accessibility.

176 101.4.9 Manufactured buildings. For additional administrative and special code  
177 requirements, see section 428, Florida Building Code, Building, and Rule 9B-1 F.A.C.

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## SECTION 102 APPLICABILITY

181 102.1 General. Where, in any specific case, different sections of this code specify  
182 different materials, methods of construction or other requirements, the most restrictive  
183 shall govern. Where there is a conflict between a general requirement and a specific  
184 requirement, the specific requirement shall be applicable.

185 102.1.1 The Florida Building Code does not apply to, and no code enforcement action  
186 shall be brought with respect to, zoning requirements, land use requirements and owner  
187 specifications or programmatic requirements which do not pertain to and govern the  
188 design, construction, erection, alteration, modification, repair or demolition of public or  
189 private buildings, structures or facilities or to programmatic requirements that do not  
190 pertain to enforcement of the Florida Building Code. Additionally, a local code  
191 enforcement agency may not administer or enforce the Florida Building Code, Building  
192 to prevent the siting of any publicly owned facility, including, but not limited to,  
193 correctional facilities, juvenile justice facilities, or state universities, community colleges,  
194 or public education facilities, as provided by law.

195 102.2 Building. The provisions of the Florida Building Code shall apply to the  
196 construction, erection, alteration, modification, repair, equipment, use and occupancy,  
197 location, maintenance, removal and demolition of every public and private building,  
198 structure or facility or floating residential structure, or any appurtenances connected or  
199 attached to such buildings, structures or facilities. Additions, alterations, repairs and  
200 changes of use or occupancy group in all buildings and structures shall comply with the  
201 provisions provided in Chapter 34 of this code and the Florida Building Code, Existing  
202 Building. The following buildings, structures and facilities are exempt from the Florida  
203 Building Code as provided by law, and any further exemptions shall be as determined  
204 by the legislature and provided by law:

205 (a) Building and structures specifically regulated and preempted by the federal  
206 government.

207 (b) Railroads and ancillary facilities associated with the railroad.

208 (c) Nonresidential farm buildings on farms.

- 209 (d) Temporary buildings or sheds used exclusively for construction purposes.
- 210 (e) Mobile or modular structures used as temporary offices, except that the provisions of  
 211 Part V (Section 553.501-553.513, Florida Statutes) relating to accessibility by  
 212 persons with disabilities, and permits shall be required for structural support and tie  
 213 down, electrical supply, and all utility connections to such mobile or modular  
 214 structures.
- 215 (f) Those structures or facilities of electric utilities, as defined in F.S. § 366.02 which are  
 216 directly involved in the generation, transmission or distribution of electricity.
- 217 (g) Temporary sets, assemblies or structures used in commercial motion picture or  
 218 television production, or any sound-recording equipment used in such production, on  
 219 or off the premises.
- 220 (h) Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole  
 221 Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided  
 222 wooden hut that has a thatched roof of palm or palmetto or other traditional  
 223 materials, and that does not incorporate any electrical, plumbing or other nonwood  
 224 features.
- 225 (i) Service provider water, sewer, storm, gas, cable, telephone, or other similar utility  
 226 systems are exempt to the point of service connection for the building or structure.
- 227 (j) Family mausoleums not exceeding 250 square feet in area which are prefabricated  
 228 and assembled on site or preassembled and delivered on site and have walls, roofs,  
 229 and a floor constructed of granite, marble, or reinforced concrete.
- 230
- 231 (k) Temporary housing provided by the Department of Corrections to any prisoner in the  
 232 state correctional system.
- 233
- 234 102.2.1 In addition to the requirements of F.S. §§ 553.79 and 553.80, Florida Statutes,  
 235 facilities subject to the provisions of Chapter 395, Florida Statutes (Hospital Licensing  
 236 and Regulation), and Part II of Chapter 400, Florida Statutes (Nursing Homes), shall  
 237 have facility plans reviewed and construction surveyed by the state agency authorized  
 238 to do so under the requirements of Chapter 395, Florida Statutes, and Part II of Chapter  
 239 400, Florida Statutes, and the certification requirements of the federal government.
- 240 102.2.2 Building or structures for residential uses moved into or which a county or  
 241 municipality shall not be required to be brought into compliance with the state minimum  
 242 building code in force at the time the building or structure is moved, provided:
- 243 1. The building or structure is structurally sound and in occupiable condition for its  
 244 intended use;
- 245 2. The occupancy use classification for the building or structure is not changed as a  
 246 result of the move;
- 247 3. The building is not substantially remodeled;
- 248 4. Current fire code requirements for ingress and egress are met;

249 5. Electrical, gas and plumbing systems meet the codes in force at the time of original  
250 construction and are operational and safe for reconnection; and

251 6. Foundation plans are sealed by a professional engineer or architect licensed to  
252 practice in this state, if required by the applicable Florida Statutes for all buildings or  
253 structures of the same residential occupancy class.

254 7. The requirements of Florida Building Code, Existing Building are also satisfied.

255

256 102.2.3 The building official shall apply the same standard to a moved residential  
257 building or structure as that applied to the remodeling of any comparable residential  
258 building or structure to determine whether the moved structure is substantially  
259 remodeled.

260 102.2.4 This section does not apply to the jurisdiction and authority of the Department of  
261 Agriculture and Consumer Services to inspect amusement rides or the Department of  
262 Financial Services to inspect state-owned buildings and boilers.

263 102.2.5 Upon request of the owner or owner's representative building official may adopt  
264 rules granting to the owner of a single-family residence one or more exemptions from  
265 the Florida Building Code relating to replacing nonstructural components of building  
266 systems in the residence. Such request shall be submitted in writing to the building  
267 official.

268 102.2.6 This Code does not apply to swings and other playground equipment accessory  
269 to a one- or two-family dwelling.

270 Exception: Electrical service to such playground equipment shall be in accordance with  
271 Chapter 27 of this code.

272 102.3 Application of references. References to chapter or section numbers, or to  
273 provisions not specifically identified by number, shall be construed to refer to such  
274 chapter, section or provision of this code.

275 102.4 Referenced codes and standards. The codes and standards referenced in this  
276 code shall be considered part of the requirements of this code to the prescribed extent  
277 of each such reference. Where differences occur between provisions of this code and  
278 referenced codes and standards, the provisions of this code shall apply.

279 102.5 Reserved.

280 102.6 Existing structures. The legal occupancy of any structure existing on the date of  
281 adoption of this code shall be permitted to continue without change, except as is  
282 specifically covered in this code, or the Florida Fire Prevention Code, or as is deemed  
283 necessary by the building official for the general safety and welfare of the occupants  
284 and the public.

285 102.7 Relocation of manufactured buildings.

286 1. Relocation of an existing manufactured building does not constitute an alteration.

287 2. A relocated building shall comply with wind speed requirements of the new location,  
288 using the appropriate wind speed map. If the existing building was manufactured in  
289 compliance with the Standard Building Code (prior to March 1, 2002), the wind speed  
290 map of the Standard Building Code shall be applicable. If the existing building was  
291 manufactured in compliance with the Florida Building Code (after March 1, 2002), the  
292 wind speed map of the Florida Building Code shall be applicable.

293 3. A relocated building shall comply with the flood hazard area requirements of the new  
294 location, if applicable

295 **102.8 Existing mechanical equipment.** An agency or local government may not require  
296 that existing mechanical equipment on the surface of a roof be installed in compliance  
297 with the requirements of the Florida Building Code until the equipment is required to be  
298 removed or replaced.

299 SECTION 103  
300 BUILDING DEPARTMENT

301 103.1 Establishment. There is hereby established a department to be called the building  
302 department and the person in charge shall be known as the building official. All code  
303 officials employed by the department shall be certified in accordance with Chapter 468,  
304 Part XII, Florida Statutes.

305 103.2 Employee qualifications.

306 103.2.1 Building official's qualifications. The building official shall have at least ten years  
307 combined experience as an architect, engineer, construction code official, contractor or  
308 construction superintendent with at least five years of such experience in supervisory  
309 positions. The building official shall be certified as a building official or building code  
310 administrator by the State of Florida.

311 103.2.2 Chief inspector qualifications. The building official, with the approval of the  
312 governing authority, may designate chief inspectors to administer the provisions of the  
313 Building, Electrical, Gas, Mechanical, and Plumbing Codes. Each chief inspector shall  
314 have at least ten years combined experience as an architect, engineer, construction  
315 code official, contractor or construction superintendent with at least five years of such  
316 experience in supervisory positions.

317 103.2.3 Plans examiner and inspector qualifications. The building official, with the  
318 approval of the applicable governing authority, may appoint or hire such number of  
319 officers, plans examiners, inspectors, assistants and other employees as shall be  
320 authorized from time to time. A person shall not be appointed or hired as a plans  
321 examiner or inspector of construction who has not had at least five years' experience as  
322 a building inspector, engineer, architect, or as a superintendent, foreman, or competent  
323 mechanic in charge of construction, in the corresponding trade. The plans examiners  
324 and inspectors shall be certified, through the State of Florida for the appropriate trade.

325 103.2.4 Deputy building official qualifications. The building official may designate as a  
326 deputy an employee in the department who shall, during the absence or disability of the

327 building official, exercise all the powers of the building official. The deputy building  
328 official shall have the same qualifications listed in 103.2.1.

329 103.3 Restrictions on employees. An officer or employee connected with the  
330 department, except one whose only connection is as a member of the board established  
331 by this code, shall not be financially interested in the furnishing of labor, material, or  
332 appliances for the construction, alteration, or maintenance of a building, structure,  
333 service, system, or in the making of plans or of specifications thereof, unless he/she is  
334 the owner of such. This officer or employee shall not engage in any other work which is  
335 inconsistent with their duties or conflict with the interests of the department, or which  
336 utilizes the technical knowledge used in their employment except as instructors.

337

338 (Moved, amended to 104.8)

339 SECTION 104  
340 DUTIES AND POWERS OF THE BUILDING OFFICIAL

341

342 104.1 General. The building official is hereby authorized and directed to enforce the  
343 provisions of this code. The building official shall have the authority to render  
344 interpretations of this code and to adopt policies and procedures in order to clarify the  
345 application of its provisions. Such interpretations, policies and procedures shall be in  
346 compliance with the intent and purpose of this code. Such policies and procedures shall  
347 not have the effect of waiving requirements specifically provided for in this code.

348 104.2 Applications and permits. The *building official* shall receive applications, review  
349 *construction documents* and issue *permits* for the erection, and *alteration*, demolition  
350 and moving of buildings, structures, and service systems, inspect the premises for  
351 which such *permits* have been issued and enforce compliance with the provisions of this  
352 code.

353 104.3 Notices and orders. The *building official* shall issue all necessary notices or  
354 orders to ensure compliance with this code.

355 104.4 Inspections. The *building official* shall make all of the required inspections, or the  
356 *building official* shall have the authority to accept reports of inspection by *approved*  
357 *agencies* or individuals. Reports of such inspections shall be in writing and be certified  
358 by a responsible officer of such *approved agency* or by the responsible individual. The  
359 *building official* is authorized to engage such expert opinion as deemed necessary to  
360 report upon unusual technical issues that arise, subject to the approval of the appointing  
361 authority.

362 104.5 Identification. The *building official* shall carry proper identification, as issued by  
363 the jurisdiction, when inspecting structures or premises in the performance of duties  
364 under this code.

365 104.6 Right of entry.

366 104.6.1 Where it is necessary to make an inspection to enforce any of the provisions of  
367 this code, or where the building official has reasonable cause to believe that there exists  
368 in any building or upon any premises any condition or code violation which makes such  
369 building, structure or premises, unsafe, dangerous or hazardous, the building official is  
370 authorized to enter the building, structure or premises at all reasonable times to inspect  
371 or to perform any duty imposed by this code, provided that If such building, structure or  
372 premises are occupied that credentials be presented to the occupant and entry  
373 requested. If such building, structure, or premises are unoccupied, the building official  
374 shall first make a reasonable effort to locate the owner or other persons having charge  
375 or control of the building, structure, or premises, and request entry. If entry is refused,  
376 the building official shall have recourse to every remedies provided by law to secure  
377 entry.

378 104.6.2 When the building official shall have first obtained a proper inspection warrant  
379 or other remedy provided by law to secure entry, no owner or occupant or any other  
380 persons having charge, care or control of the building, structure, or premises shall fail or  
381 neglect, after proper request is made as herein provided, to promptly permit entry  
382 therein by the building official for the purpose of inspection and examination pursuant to  
383 this code.

384 104.7 (Relocated to 104.12)

385 Department records. The *building official* shall keep official records of applications  
386 received, *permits* and certificates issued, fees collected, reports of inspections, and  
387 notices and orders issued. Such records shall be retained in the official records for the  
388 period required for retention of public records per F.S. 119.  
389

390 104.8 Liability. The *building official*, member of the board of appeals or employee  
391 charged with the enforcement of this code while acting for the jurisdiction in good faith  
392 and without malice in the discharge of the duties, required by this code or other  
393 pertinent law or ordinance, shall not thereby be rendered liable personally, and is  
394 hereby relieved from all personal liability for any damage accruing to persons or  
395 property as a result of any act or by reason of an act or omission in the discharge of  
396 their duties. Any suit instituted against an officer or employee or member because of an  
397 act performed of this code shall be defended by the legal representative of the  
398 jurisdiction until the final termination of the proceedings. The *building official* or any  
399 subordinate shall not be liable for cost in any action, suit or proceeding that is instituted  
400 in pursuance of the provisions of this code.

401 104.9 Approved materials and equipment. Materials, equipment and devices approved  
402 by the building official shall be constructed and installed in accordance with such  
403 approval.

404 104.9.1 Used materials and equipment. The use of used, recycled, or reclaimed  
405 materials which meet the requirements of this code for new materials is permitted. Used  
406 equipment and devices shall not be reused unless approved by the building official.

407 104.10 Modifications. Wherever there are practical difficulties involved in carrying out  
408 the provisions of this code, the *building official* shall have the authority to grant  
409 modifications for individual cases, upon application of the owner or owner's  
410 representative, provided the *building official* shall first find that special individual reason  
411 makes the strict letter of this code impractical and the modification is in compliance with  
412 the intent and purpose of this code and that such modification does not lessen health,  
413 accessibility, life and fire safety, or structural requirements. The details of action  
414 granting modifications shall be recorded and entered in the files of the department of  
415 building safety.

416 104.11 Alternative materials, design and methods of construction and equipment. The  
417 provisions of this code are not intended to prevent the installation of any material or to  
418 prohibit any design or method of construction not specifically prescribed by this code,  
419 provided that any such alternative has been approved. An alternative material, design or  
420 method of construction shall be approved where the building official finds that the  
421 proposed design is satisfactory and complies with the intent of the provisions of this  
422 code, and that the material, method or work offered is, for the purpose intended, at least  
423 the equivalent of that prescribed in this code in quality, strength, effectiveness, fire  
424 resistance, durability and safety. When alternate life safety systems are designed, the  
425 SFPE Engineering Guide to Performance-Based Fire Protection Analysis and Design of  
426 Buildings, or other methods approved by the building official may be used. The building  
427 official shall require that sufficient evidence or proof be submitted to substantiate any  
428 claim made regarding the alternative.

429 104.11.1 Research reports. Supporting data, where necessary to assist in the approval  
430 of materials or assemblies not specifically provided for in this code, shall consist of valid  
431 research reports from approved sources.

432 104.11.2 Tests. Whenever there is insufficient evidence of compliance with the  
433 provisions of this code, or evidence that a material or method does not conform to the  
434 requirements of this code, or in order to substantiate claims for alternative materials or  
435 methods, the building official shall have the authority to require tests as evidence of  
436 compliance to be made at no expense to the jurisdiction. Test methods shall be as  
437 specified in this code or by other recognized test standards. In the absence of  
438 recognized and accepted test methods, the building official shall approve the testing  
439 procedures. Tests shall be performed by an approved agency. Reports of such tests  
440 shall be retained by the building official for the period required for retention of public  
441 records.

442 104.11.3 Accessibility. Alternative designs and technologies for providing access to and  
443 usability of a facility for persons with disabilities shall be in accordance with provisions  
444 of the Florida Building Code, Accessibility.

445 104.12 Requirements not covered by code. Any requirements necessary for the  
446 strength, stability or proper operation of an existing or proposed building, structure,  
447 electrical, gas, mechanical or plumbing system, or for the public safety, health and  
448 general welfare, not specifically covered by this or the other technical codes, shall be  
449 determined by the building official. (Relocated from 104.7)

450

451

## SECTION 105 PERMITS

452

453 105.1 Required. Any contractor, owner, or agent authorized in accordance with Florida  
454 Statute 489 who intends to construct, enlarge, alter, repair, move, demolish, or change  
455 the occupancy of a building or structure, or to erect, install, enlarge, alter, repair,  
456 remove, convert or replace any impact-resistant coverings, electrical, gas, mechanical,  
457 fire protection or plumbing system, or accessible or flood resistant site element, the  
458 installation of which is regulated by this code, or to cause any such work to be done,  
459 shall first make application to the building official and obtain the required permit.

460 105.1.1 Annual facility permit. In lieu of an individual permit for each alteration to an  
461 existing electrical, gas, mechanical, plumbing or interior nonstructural system(s), the  
462 building official is authorized to issue an annual permit for any occupancy to facilitate  
463 routine or emergency service, repair, refurbishing, minor renovations of service systems  
464 or manufacturing equipment installations/relocations. The building official shall be  
465 notified of major changes and shall retain the right to make inspections at the facility  
466 sites as deemed necessary. An annual facility permit shall be assessed with an annual  
467 fee and shall be valid for one year from date of issuance. A separate permit shall be  
468 obtained for each facility and for each construction trade, as applicable. The permit  
469 application shall contain a general description of the parameters of work intended to be  
470 performed during the year.

471 105.1.2 Annual permit records. The person to whom an annual permit is issued shall  
472 keep a detailed record of alterations made under such annual permit. The building  
473 official shall have access to such records at all times or such records shall be filed  
474 with the building official as designated. The building official is authorized to revoke or  
475 withhold the issuance of the future annual permits if code violations are found to exist.

476 105.1.3 Food permit. As per F.S. § 500.12 a food permit from the Department of  
477 Agriculture and Consumer Services is required of any person who operates a food  
478 establishment or retail store.

479 105.2 Work exempt from permit. Exemptions from permit requirements of this code shall  
480 not be deemed to grant authorization for any work to be done in any manner in violation  
481 of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits

482 shall not be required for the following:  
483

484 **Building:**  
485

- 486 1. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work,  
487 with no electrical or plumbing work.
- 488 2. Temporary motion picture, television and theater sets and scenery.
- 489 3. Swings and other playground equipment accessory to detached one- and two-family  
490 dwellings, but they may be subject to Zoning permits.
- 491 4. Retractable awnings supported by an exterior wall and do not require additional  
492 support of Groups R-3 and U occupancies, but they may be subject to Zoning  
493 permits.
- 494 5. Non fixed and movable fixtures, cases, racks, and counters not over 5 feet 9 inches  
495 (1753 mm) in height.

496  
497 **Gas:**

- 498 1. Portable heating appliance.
- 499 2. Replacement of any minor part that does not alter approval of equipment or make  
500 such equipment unsafe.

501

502 **Mechanical:**

- 503 1. Portable heating appliance.
- 504 2. Portable ventilation equipment.
- 505 3. Portable cooling unit.
- 506 4. Steam, hot or chilled water piping within any heating or cooling equipment regulated  
507 by this code.
- 508 5. Replacement of any part which does not alter its approval or make it unsafe.
- 509 6. Portable evaporative cooler.
- 510 7. Self-contained refrigeration system containing 10 pounds (4.54 kg) or less of  
511 refrigerant and actuated by motors of one horsepower (746 W) or less.
- 512 8. The installation, replacement, removal or metering of any load management control  
513 device.

514

515 **Plumbing:**

- 516 1. The stopping of leaks in drains, water, soil, waste or vent pipe provided, however,  
517 that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes  
518 defective and it becomes necessary to remove and replace the same with new  
519 material, such work shall be considered as new work and a permit shall be obtained  
520 and inspection made as provided in this code.

521 2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and  
522 the removal and reinstallation of water closets, provided such repairs do not involve  
523 or require the replacement or rearrangement of valves, pipes or fixtures.

524 3. The replacement of common household plumbing fixtures to existing supply lines and  
525 outlets. This does not include water heaters.

526 Electrical:

527 1. Repair and maintenance of like common household electrical fixtures, switches, and  
528 outlets on the load side of the electrical source. Minor repair work, including the  
529 replacement of lamps or the connection of *approved* portable electrical equipment to  
530 *approved* permanently installed receptacles.

531 2. Radio and television transmitting stations: The provisions of this code shall not apply  
532 to electrical equipment used for radio and television transmissions, but do apply to  
533 equipment and wiring for a power supply and the installations of towers and  
534 antennas.

535  
536 3. Temporary testing systems: A *permit* shall not be required for the installation of any  
537 temporary system required for the testing or servicing of electrical equipment or  
538 apparatus.

539

540 105.2.1 Emergency repairs. Where equipment replacements and repairs must be  
541 performed in an emergency situation, the permit application shall be submitted within  
542 the next working business day to the building official. Prior notification shall be given to  
543 the building official including the work address, nature of emergency and scope of work.

544 105.2.2 Minor repairs. Ordinary minor repairs or installation of replacement parts may  
545 be made with the prior approval of the building official without a permit, provided the  
546 repairs do not include the cutting away of any wall, partition or portion thereof, the  
547 removal or cutting of any structural beam or load-bearing support, or the removal or  
548 change of any required means of egress, or rearrangement of parts of a structure  
549 affecting the egress requirements; ordinary minor repairs shall not include addition to,  
550 alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage,  
551 drain leader, gas, soil, waste, vent or similar piping, electric wiring systems or  
552 mechanical equipment or other work affecting public health or general safety, and such  
553 repairs shall not violate any of the provisions of the technical codes.

554 105.2.3 Public service agencies. A *permit* shall not be required for the installation,  
555 *alteration* or repair of generation, transmission, distribution or metering or other related  
556 equipment that is under the ownership and control of public service agencies by  
557 established right.

558 105.3 Application for permit. To obtain a permit, the applicant shall first file an  
559 application therefore in writing on a form furnished by the building department for that

560 purpose. Permit application forms shall be in the format prescribed by a local  
561 administrative board, if applicable, and must comply with the requirements of F.S. §  
562 713.135(5) and (6). Each application shall be inscribed with the date of application, and  
563 the code in effect as of that date. For a building permit for which an application is  
564 submitted prior to the effective date of the Florida Building Code, the state minimum  
565 building code in effect in the permitting jurisdiction on the date of the application  
566 governs the permitted work for the life of the permit and any extension granted to the  
567 permit.

568 105.3.1 Action on application. The building official shall examine or cause to be  
569 examined applications for permits and amendments thereto within a reasonable time  
570 after filing. If the application or the construction documents do not conform to the  
571 requirements of pertinent laws, the building official shall reject such application in  
572 writing, stating the reasons therefore. If the building official is satisfied that the proposed  
573 work conforms to the requirements of this code and laws and ordinances applicable  
574 thereto, the building official shall issue a permit therefor as soon as practicable. When  
575 authorized through contractual agreement with a school board, in acting on applications  
576 for permits, the building official shall give first priority to any applications for the  
577 construction of, or addition or renovation to, any school or educational facility.

578 105.3.1.1 If a state university, Florida college or public school district elects to use a  
579 local government's code enforcement offices, fees charged by counties and  
580 municipalities for enforcement of the Florida Building Code on buildings, structures, and  
581 facilities of state universities, state colleges and public school districts shall not be more  
582 than the actual labor and administrative costs incurred for plans review and inspections  
583 to ensure compliance with the code.

584 105.3.1.2 No permit may be issued for any building construction, erection, alteration,  
585 modification, repair or addition unless the applicant for such permit provides to the  
586 enforcing agency which issues the permit any of the following documents which apply to  
587 the construction for which the permit is to be issued and which shall be prepared by or  
588 under the direction of an engineer registered under Chapter 471, Florida Statutes:

- 589 1. Any electrical or plumbing or air-conditioning and refrigeration system meeting the  
590 following thresholds are required to be designed by a Florida Registered Engineer.  
591 The system:
- 592 A. Requires an electrical or plumbing or air-conditioning and refrigeration system  
593 with a value of over \$125,000; and
- 594 B.1 Requires an aggregate service capacity of 600 amperes (240 volts) on a  
595 residential electrical system or over 800 amperes (240 volts) on a commercial or  
596 industrial electrical system-
- 597 2. Requires Plumbing system with 250 fixture units or more.

- 598           3. Requires Heating, ventilation and air-conditioning system that exceeds a 15-ton-  
599           per-system capacity, or if the project is designed to accommodate over 100  
600           persons.
- 601   2. Fire sprinkler documents for any new building or addition which includes a fire  
602       sprinkler system which contains 50 or more sprinkler heads. A Contractor I,  
603       Contractor II or Contractor IV, certified under F.S. § 633.521 may design a fire  
604       sprinkler system of 49 or fewer heads and may design the alteration of an existing  
605       fire sprinkler system if the alteration consists of the relocation, addition or deletion of  
606       not more than 49 heads, notwithstanding the size of the existing fire sprinkler  
607       system.
- 608   3. Any specialized mechanical, electrical, or plumbing document for any new building or  
609       addition which includes a medical gas, oxygen, steam, vacuum, toxic air filtration,  
610       halon, or fire detection and alarm system which costs more than \$5,000.
- 611 Documents requiring an engineer seal by this part shall not be valid unless a  
612 professional engineer who possesses a valid certificate of registration has signed,  
613 dated, and sealed such document as provided in F.S. § 471.025.
- 614 105.3.2 Time limitation of application. An application for a permit for any proposed work  
615 shall be deemed to have been abandoned and invalid, six months after the date of  
616 filing, or for any six month period of abandonment or suspension during the application  
617 process, unless such application has been pursued in good faith or a permit has been  
618 issued; except that the building official is authorized to grant one or more extensions of  
619 time for additional periods not exceeding 90 days each. The extension shall be  
620 requested in writing a minimum 10 days prior to the expiration date and justifiable cause  
621 demonstrated. All requests for extension of time shall be assessed a fee equal to the  
622 minimum plan review fee. Expired applications shall be subject to destruction in  
623 accordance with state law. There may be fees or requirements from other government  
624 agencies for permit application extensions and renewals.
- 625 105.3.3 An enforcing authority may not issue a building permit for any building  
626 construction, erection, alteration, modification, repair or addition unless the permit either  
627 includes on its face or there is attached to the permit the following statement: "NOTICE:  
628 In addition to the requirements of this permit, there may be additional restrictions  
629 applicable to this property that may be found in the public records of this county such as  
630 the requirement for Home or Property Owners Association approval and there may be  
631 additional permits required from other governmental entities such as water management  
632 districts, state agencies or federal agencies."
- 633 105.3.4 A building permit for a single-family residential dwelling must be issued within  
634 30 working days of application therefore unless unusual circumstances require a longer  
635 time for processing the application or unless the permit application fails to satisfy the  
636 Florida Building Code or the enforcing agency's laws or ordinances.
- 637 105.3.5 Identification of minimum premium policy. Except as otherwise provided in  
638 Chapter 440, Florida Statutes, Workers' compensation, every employer shall, as a

639 condition to receiving a building permit, show proof that it has secured compensation for  
640 its employees as provided in F.S. § 440.10 and 440.38.

641 105.3.6 Asbestos removal. Moving, removal or disposal of asbestos-containing  
642 materials on a residential building where the owner occupies the building, the building is  
643 not for sale or lease, and the work is performed according to the owner-builder  
644 limitations provided in this paragraph. To qualify for exemption under this paragraph, an  
645 owner must personally appear and sign the building permit application. The permitting  
646 agency shall provide the person with a disclosure statement in substantially the  
647 following form:

648 Disclosure Statement: State law requires asbestos abatement to be done by licensed  
649 contractors. You have applied for a permit under an exemption to that law. The  
650 exemption allows you, as the owner of your property, to act as your own asbestos  
651 abatement contractor even though you do not have a license. You must supervise the  
652 construction yourself. You may move, remove or dispose of asbestos-containing  
653 materials on a residential building where you occupy the building and the building is not  
654 for sale or lease, or the building is a farm out building on your property. If you sell or  
655 lease such building within 1 year after the asbestos abatement is complete, the law will  
656 presume that you intended to sell or lease the property at the time the work was done,  
657 which is a violation of this exemption. You may not hire an unlicensed person as your  
658 contractor. Your work must be done according to all local, state and federal laws and  
659 regulations which apply to asbestos abatement projects. It is your responsibility to make  
660 sure that people employed by you have licenses required by state law and by county or  
661 municipal licensing ordinances.

662 **105.3.7 Applicable Code for Manufactured Buildings.** Manufacturers should be  
663 permitted to complete all buildings designed and approved prior to the effective date of  
664 a new code edition, provided a clear signed contract is in place. The contract shall  
665 provide specific data mirroring that required by an application for permit, specifically,  
666 without limitation, date of execution, building owner or dealer, and anticipated date of  
667 completion. However, the construction activity must commence within 6 months of the  
668 contract's execution. The contract is subject to verification by the Department of  
669 Community Affairs.

670 **105.3.8 Public right of way.** A permit shall not be given by the building official for the  
671 construction of any building, or for the alteration of any building where said building is to  
672 be changed and such change will affect the exterior walls, bays, balconies, or other  
673 appendages or projections fronting on any street, alley or public lane, or for the placing  
674 on any lot or premises of any building or structure removed from another lot or  
675 premises, unless the applicant has received a right of way permit from the authority  
676 having jurisdiction over the street, alley or public lane.

677 105.4 Conditions of the permit. The issuance or granting of a *permit* shall not be  
678 construed to be a *permit* for, or an approval of, any violation of any of the provisions of  
679 this code or of any other ordinance of the jurisdiction. *Permits* presuming to give  
680 authority to violate or cancel the provisions of this code or other ordinances of the

681 jurisdiction shall not be valid. The issuance of a *permit* based on *construction*  
682 *documents* and other data shall not prevent the *building official* from requiring the  
683 correction of errors in the *construction documents* and other data. The *building official* is  
684 also authorized to prevent occupancy or use of a structure where in violation of this  
685 code or of any other ordinances of this jurisdiction.

686 105.4.1 Permit intent. A permit issued shall be construed to be a license to proceed with  
687 the work and not as authority to violate, cancel, alter or set aside any of the provisions  
688 of the technical codes, nor shall issuance of a permit prevent the building official from  
689 thereafter requiring a correction of errors in plans, construction or violations of this code.  
690 Every permit issued shall become invalid unless the work authorized by such permit is  
691 commenced within 6 months after its issuance, or if the work authorized by such permit  
692 is suspended or abandoned for a period of 6 months after the time the work is  
693 commenced.

694 105.4.1.1 If work has commenced and the permit is revoked, becomes null and void or  
695 expires because of lack of progress or abandonment, a new permit, or revalidation of the  
696 original permit, covering the proposed construction shall be obtained before proceeding  
697 with the work.

698 105.4.1.2 If a new permit, or revalidation of the original permit, is not obtained within six  
699 months from the date the initial permit became null and void, the building official is  
700 authorized to require that any work which has been commenced or completed be  
701 removed from the building site. Alternatively, a new permit may be issued on  
702 application, providing the work in place and required to complete the structure meets all  
703 applicable regulations in effect at the time the initial permit became null and void and  
704 any regulations which may have become effective between the date of expiration and  
705 the date of issuance of the new permit.

706 105.4.1.3 Work shall be considered to be in active progress when the permit has  
707 received an approved inspection within six months. This provision shall not be  
708 applicable in case of civil commotion or strike or when the building work is halted due  
709 directly to judicial injunction, order or similar process, or due to action by an  
710 environmental or archeological agency having jurisdiction. The building official is  
711 authorized to grant, in writing, one or more extensions of time, for periods not more than  
712 90 days each. The extension shall be requested in writing and justifiable cause  
713 demonstrated, prior to expiration.

714 105.4.1.4 Approval or denial of an extension request shall be in writing and signed by  
715 the building official. The applicant is required to pay a fee of 10 percent of the original  
716 permit or the minimum base fee whichever is greater, for this time extension. There may  
717 be fees or requirements from other government agencies for permit extensions and  
718 renewals.

719 105.4.1.5 Any building permit work that has not received a certificate of occupancy or  
720 certificate of completion within two years from the date of original issuance shall be  
721 considered expired. If a new building permit is not obtained in accordance with section

722 105.4.1.2 herein, within 30 days of the expiration of the expired building permit, the  
723 construction shall be subject to unsafe structure abatement proceedings.

724 105. 6 Suspension or Revocation of permits.

725 105.6.1 Misrepresentation of application. The building official may revoke a permit or  
726 approval, issued under the provisions of this code, in case there has been any false  
727 statement or misrepresentation as to the material fact in the application or plans on  
728 which the permit or approval was based.

729 105.6.2 Violation of code provisions. The building official may suspend or revoke a  
730 permit upon determination by the building official that the construction, erection,  
731 alteration, repair, moving, demolition, installation, or replacement of the building,  
732 structure, electrical, gas, mechanical or plumbing systems for which the permit was  
733 issued is in violation of, or not in conformity with, the provisions of this code.

734 105.7 Placement of permit. The building permit or copy shall be kept on the site of the  
735 work until the completion of the project.

736 105.8 Notice of commencement. As per F.S. § 713.135 when any person applies for a  
737 building permit, the authority issuing such permit shall print on the face of each permit  
738 card in no less than 14-point, capitalized, boldfaced type: "WARNING TO OWNER:  
739 YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN  
740 YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. IF YOU  
741 INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN  
742 ATTORNEY BEFORE RECORDING YOUR NOTICE OF COMMENCEMENT."

743 105.9 Asbestos. The enforcing agency shall require each building permit for the  
744 demolition or renovation of an existing structure to contain an asbestos notification  
745 statement which indicates the owner's or operator's responsibility to comply with the  
746 provisions of F.S. § 469.003 and to notify the Department of Environmental Protection  
747 of his or her intentions to remove asbestos, when applicable, in accordance with state  
748 and federal law. Refer to Section 105.3.6 "Asbestos Removal" for additional  
749 requirements.

750 105.10 Certificate of protective treatment for prevention of termites. A weather-resistant  
751 job-site posting board shall be provided to receive duplicate treatment certificates as  
752 each required protective treatment is completed, supplying one copy for the person the  
753 permit is issued to and another copy for the building permit files. The treatment  
754 certificate shall provide the product used, identity of the applicator, time and date of the  
755 treatment, site location, area treated, chemical used, percent concentration and number  
756 of gallons used, to establish a verifiable record of protective treatment. If the soil  
757 chemical barrier method for termite prevention is used, final exterior treatment shall be  
758 completed prior to final building approval. For a bait system, see Section 1816.1.7 of the  
759 Florida Building Code for contract document requirements.

- 760 105.11 Notice of termite protection. A permanent sign which identifies the termite  
761 treatment provider and need for re-inspection and treatment contract renewal shall be  
762 provided. The sign shall be posted near the water heater or electric panel.
- 763 105.12 Work starting before permit issuance. Upon written request and written approval  
764 of the building official, the scope of work delineated in the building permit application  
765 and plan may be started prior to the final approval and issuance of the permit, provided  
766 any work completed is entirely at risk of the permit applicant and the work does not  
767 proceed past the first required inspection. This provision is only for the Florida Building  
768 Code; all other Agency approvals necessary for construction must be secured prior to  
769 this provision being applied.
- 770 105.13 Phased permit approval. After submittal of the appropriate construction  
771 documents, the building official is authorized to issue a permit for the construction of  
772 foundations or any other part of a building or structure before the construction  
773 documents for the whole building or structure have been submitted. The holder of such  
774 permit for the foundation or other parts of a building or structure shall proceed at the  
775 holder's own risk with the building operation and without assurance that a permit for the  
776 entire structure will be granted. Corrections may be required to meet the requirements  
777 of the technical codes.
- 778 105.14 Permit issued on basis of an affidavit. The building official may accept a sworn  
779 affidavit from a registered architect or engineer stating that the plans submitted conform  
780 to the technical codes. For buildings and structures, the affidavit shall state that the  
781 plans conform to the laws as to egress, type of construction and general arrangement  
782 and, if accompanied by drawings, show the structural design and that the plans and  
783 design conform to the requirements of the technical codes as to strength, stresses,  
784 strains, loads and stability. The building official may without any examination or  
785 inspection accept such affidavit, provided the architect or engineer who made such  
786 affidavit agrees to submit to the building official copies of inspection reports as  
787 inspections are performed and upon completion of the structure, electrical, gas,  
788 mechanical or plumbing systems a certification that the structure, electrical, gas,  
789 mechanical or plumbing system has been erected in accordance with the requirements  
790 of the technical codes. Where the building official relies upon such affidavit, the architect  
791 or engineer shall assume full responsibility for compliance with all provisions of the  
792 technical codes and other pertinent laws or ordinances. The building official shall ensure  
793 that any person conducting plans review is qualified as a plans examiner under Part XII  
794 of Chapter 468, Florida Statutes, and that any person conducting inspections is qualified  
795 as a building inspector under Part III of Chapter 468, Florida Statutes or is exempt as  
796 stated in Part XXXII of Chapter 471 and 481, Florida Statutes.
- 797 105.15 Opening protection. When any activity requiring a building permit that is applied  
798 for on or after July 1, 2008, and for which the estimated cost is \$50,000 or more for a  
799 site built single – family detached residential structures that is located in the wind borne  
800 debris region as defined in this Code and that has an insured value of \$750,000 or  
801 more, or, if the site built single – family detached residential structures is uninsured or  
802 for which documentation of insured value is not presented, has a just valuation for the

803 structure for purposes of ad valorem taxation of \$750,000 or more-; opening protections  
 804 as required within this Code or Florida Building Code, Residential for new construction  
 805 shall be provided.

806

807 Exception: Single family residential structures permitted subject to the Florida  
 808 Building Code are not required to comply with this section.

809

810

## SECTION 106

811

### FLOOR AND ROOF DESIGN LOADS

812

813 **106.1** Live loads posted. Where the live loads for which each floor or portion thereof of a  
 814 commercial or industrial building is or has been designed to exceed 50 psf (2.40  
 815 kN/m<sup>2</sup>), such design live loads shall be conspicuously posted by the owner in that part  
 816 of each *story* in which they apply, using durable signs. It shall be unlawful to remove or  
 817 deface such notices

818

819 **106.2** Issuance of certificate of occupancy. A certificate of occupancy required by  
 820 Section 111 shall not be issued until the floor load signs, required by Section 106.1,  
 821 have been installed.

822

823 **106.3** Restrictions on loading. It shall be unlawful to place, or cause or permit to be  
 824 placed, on any floor or roof of a building, structure or portion thereof, a load greater than  
 825 is permitted by this code.

826

827

## SECTION 107 SUBMITTAL DOCUMENTS

828

829

830 107.1 Submittal documents construction documents, statement of special inspections,  
 831 geotechnical report and other data shall be submitted in two or more sets (unless  
 832 submitted in approved electronic format) with permit application. The construction  
 833 documents shall be prepared by a registered design professional where required by the  
 834 Chapter 471, Florida Statutes or Chapter 481, Florida Statutes & 61G15 Florida  
 835 Administrative Code or Chapter 481, Florida Statutes & 61G1 Florida Administrative  
 836 Code. Where special conditions exist, the building official is authorized to require  
 837 additional construction documents to be prepared by a registered design professional.  
 838 Electronic media documents shall be submitted in the approved format when required  
 839 by the building official.

840 Exception: The building official is authorized to waive the submission of construction  
 841 documents and other data not required to be prepared by a registered design  
 842 professional if it is found that the nature of the work applied for is such that review of  
 843 construction documents is not necessary to obtain compliance with this code.

844 If the registered design professional is an architect, interior designer, landscape  
845 architect, or engineer legally registered under the laws of this state regulating the  
846 practice of architecture or interior design as provided for in Chapter 481, Florida  
847 Statutes, Part I, or landscape architecture as provided for in *Chapter 481, Florida*  
848 *Statutes, Part II*, or engineering as provided for in Chapter 471, Florida Statutes, then  
849 he or she shall affix his or her official seal to said drawings, specifications and  
850 accompanying data, as required by Florida Statute. 107.2 Information on construction  
851 documents. Construction documents shall be dimensioned and drawn upon suitable  
852 material. Electronic media documents shall be submitted in the approved format when  
853 required by the building official. Construction documents shall be of sufficient clarity to  
854 indicate the location, nature and extent of the work proposed and show in detail that it  
855 will conform to the provisions of this code and relevant laws, ordinances, rules and  
856 regulations, as determined by the building official. Such drawings and specifications  
857 shall contain information, in the form of notes or otherwise, as to the quality of materials,  
858 where quality is essential to conformity with the technical codes. Such information shall  
859 be specific, and the technical codes shall not be cited as a whole or in part, nor shall the  
860 term "legal" or its equivalent be used as a substitute for specific information. All  
861 information, drawings, specifications and accompanying data shall bear the name and  
862 signature of the person responsible for the design. (see also Section 107.3.5).

863 107.2.1.1 Fire protection system shop drawings. Shop drawings for the fire protection  
864 system(s) shall be submitted to indicate conformance with this code and the  
865 construction documents and shall be approved prior to the start of system installation.  
866 Shop drawings shall contain all information as required by the referenced installation  
867 standards in Chapter 9.

868 107.2.1.2 Roof assembly documents. For roof assemblies required by the code, the  
869 construction documents shall illustrate, describe and delineate the type of roofing  
870 system, materials, fastening requirements, flashing requirements and wind resistance  
871 rating that are required to be installed. Product evaluation and installation shall indicate  
872 compliance with the wind criteria required for the specific site or a statement by an  
873 architect or engineer for the specific site must be submitted with the construction  
874 documents.

875 107.2.1.3 Additional data. The building official may require details, computations, stress  
876 diagrams, and other data necessary to describe the construction or installation and the  
877 basis of calculations. All drawings, specifications and accompanying data required by  
878 the building official to be prepared by an architect or engineer shall be affixed with their  
879 official seal, signature and date as state law requires.

880 107. 2. 1.4 Quality of building plans. Building plans shall be drawn to a minimum 1/8  
881 inch scale upon substantial paper, cloth or other acceptable medium. The building  
882 official may establish through departmental policy, standards for plans and  
883 specifications, in order to provide conformity to its record retention program. This policy  
884 may include such things as minimum and maximum sizes, shape, contrast, clarity,  
885 electronic format or other items related to records management.

886 107.2.2 Reserved.

887 107.2.3 Means of egress. The *construction documents* shall show in sufficient detail the  
888 location, construction, size and character of all portions of the *means of egress* in  
889 compliance with the provisions of this code. In other than occupancies in Groups R-2,  
890 R-3, and I-1, the *construction documents* shall designate the number of occupants to be  
891 accommodated on every floor, and in all rooms and spaces.

892 107.2.4 Exterior wall envelope. *Construction documents* for all buildings shall describe  
893 the *exterior wall envelope* in sufficient detail to determine compliance with this code.  
894 The *construction documents* shall provide details of the *exterior wall envelope* as  
895 required, including flashing, intersections with dissimilar materials, corners, end details,  
896 control joints, intersections at roof, eaves or parapets, means of drainage, water-  
897 resistive membrane and details around openings. The *construction documents* shall  
898 include manufacturer's installation instructions that provide supporting documentation  
899 that the proposed penetration and opening details described in the *construction*  
900 *documents* maintain the weather resistance of the *exterior wall envelope*. The  
901 supporting documentation shall fully describe the *exterior wall* system which was tested,  
902 where applicable, as well as the test procedure used.

903

904 107.2.5 Site plan. The *construction documents* submitted with the application for *permit*  
905 shall be accompanied by a site plan showing to scale the size and location of new  
906 construction and existing structures on the site, distances from *lot lines*, the established  
907 street grades and the proposed finished grades and, as applicable, flood hazard areas,  
908 floodways, and *design flood* elevations; and it shall be drawn in accordance with an  
909 accurate boundary line survey. In the case of demolition, the site plan shall show  
910 construction to be demolished and the location and size of existing structures and  
911 construction that are to remain on the site or plot. The *building official* is authorized to  
912 waive or modify the requirement for a site plan when the application for *permit* is for  
913 *alteration* or repair or when otherwise warranted.

914

915 107.2.5.1 Design flood elevations. Where *design flood* elevations are not specified, they  
916 shall be established in accordance with Section 1612.3.1.

917

918 107.3 Examination of documents. The building official shall examine or cause to be  
919 examined the accompanying submittal documents and shall ascertain by such  
920 examinations whether the construction indicated and described is in accordance with  
921 the requirements of this code and other pertinent laws or ordinances.

922 Exceptions:

923 1. Building plans approved pursuant to F.S. § 553.77(5) and state-approved  
924 manufactured buildings are exempt from local codes enforcing agency plan reviews  
925 except for provisions of the code relating to erection, assembly or construction at the  
926 site. Erection, assembly (including utility crossover connections) and construction at

927 the site are subject to local permitting and inspections. Photocopies of plans  
928 approved according to FAC 9B-1.009, F.A.C., shall be sufficient for local permit  
929 application documents of record for the modular building portion of the permitted  
930 project.

931 2. Industrial construction on sites where design, construction and fire safety are  
932 supervised by appropriate licensed design and inspection professionals and which  
933 contain adequate in-house fire departments and rescue squads is exempt, subject to  
934 approval by the building official, from review of plans and inspections, providing the  
935 appropriate licensed design and inspection professionals certify that applicable  
936 codes and standards have been met and supply appropriate approved drawings to  
937 local building and fire-safety inspectors.

938 107.3.1 Approval of construction documents. When the building official issues a permit,  
939 the construction documents shall be noted, in writing or by stamp, as "Reviewed for  
940 Code Compliance." One set of construction documents so reviewed shall be retained by  
941 the building official. The other set shall be returned to the applicant, shall be kept at the  
942 site of work and shall be open to inspection by the building official or a duly authorized  
943 representative.

944 107.3.2 Previous approvals. This code shall not require changes in the construction  
945 documents, construction or designated occupancy of a structure for which a lawful  
946 permit has been heretofore issued or otherwise lawfully authorized, and the construction  
947 of which has been pursued in good faith within 180 days after the effective date of this  
948 code and has not been abandoned.

949 107.3.3 (relocated below in 107.3.4.1)  
950 Phased approval. The *building official* is authorized to issue a *permit* for the construction  
951 of foundations or any other part of a building or structure before the *construction*  
952 *documents* for the whole building or structure have been submitted, provided that  
953 adequate information and detailed statements have been filed complying with pertinent  
954 requirements of this code. The holder of such *permit* for the foundation or other parts of  
955 a building or structure shall proceed at the holder's own risk with the building operation  
956 and without assurance that a *permit* for the entire structure will be granted.  
957

958 107.3.4 Design professional in responsible charge.

959 107.3.4.1. General. When it is required that documents be prepared by a *registered*  
960 *design professional*, the *building official* shall be authorized to require the owner to  
961 engage and designate on the building *permit* application a *registered design*  
962 *professional* who shall act as the *registered design professional in responsible charge*. If  
963 the circumstances require, the owner shall designate a substitute *registered design*  
964 *professional in responsible charge* who shall perform the duties required of the original  
965 *registered design professional in responsible charge*. The *building official* shall be  
966 notified in writing by the owner if the *registered design professional in responsible*  
967 *charge* is changed or is unable to continue to perform the duties. The *registered design*  
968 *professional in responsible charge* shall be responsible for reviewing and coordinating

969 submittal documents prepared by others, including phased and deferred submittal  
 970 items, for compatibility with the design of the building. Those products which are  
 971 regulated by DCA Rule 9N-3 shall be reviewed and approved in writing by the designer  
 972 of record prior to submittal for jurisdictional approval.

973 107.3.4.2 Deferred submittals. For the purposes of this section, deferred submittals are  
 974 defined as those portions of the design that are not submitted at the time of the  
 975 application and that are to be submitted to the *building official* within a specified period.  
 976 Deferral of any submittal items shall have the prior approval of the *building official*. The  
 977 *registered design professional in responsible charge* shall list the deferred submittals on  
 978 the *construction documents* for review by the *building official*.

979 Documents for deferred submittal items shall be submitted to the *registered design*  
 980 *professional in responsible charge* who shall review them and forward them to the  
 981 *building official* with a notation indicating that the deferred submittal documents have  
 982 been reviewed and found to be in general conformance to the design of the building.  
 983 The deferred submittal items shall not be installed until the deferred submittal  
 984 documents have been *approved* by the *building official*.

985

986 107.3.4.3 Certifications by contractors authorized under the provisions of F.S. § 489.115  
 987 shall be considered equivalent to sealed plans and specifications by a person licensed  
 988 under Chapter 471, Florida Statutes, or Chapter 481 Florida Statutes, by local  
 989 enforcement agencies for plans review for permitting purposes relating to compliance  
 990 with the wind-resistance provisions of the code or alternate methodologies approved by  
 991 the Florida Building Commission for one and two-family dwellings. Local enforcement  
 992 agencies may rely upon such certification by contractors that the plans and  
 993 specifications submitted conform to the requirements of the code for wind resistance.  
 994 Upon good cause shown, local government code enforcement agencies may accept or  
 995 reject plans sealed by persons licensed under Chapters 471, 481 or 489, Florida  
 996 Statutes.

997 1076.3.5 Minimum plan review criteria for buildings. The examination of the documents  
 998 by the building official shall include the following minimum criteria and documents: a  
 999 floor plan; site plan; foundation plan; floor/roof framing plan or truss layout; all  
 1000 fenestration penetrations; flashing; and rough opening dimensions and all exterior  
 1001 elevations:

1002 Commercial Buildings:

1003 Building

1004 1. Site requirements:

1005 Parking

1006 Fire access

1007 Vehicle loading

1008 Driving/turning radius

- 1009 Fire hydrant/water supply/post indicator valve (PIV)
- 1010 Set back/separation (assumed property lines)
- 1011 Location of specific tanks, water lines and sewer lines
- 1012 Flood hazard areas, flood zones, and design flood elevations
- 1013 2. Occupancy group and special occupancy requirements shall be determined.
- 1014 3. Minimum type of construction shall be determined (see Table 503).
- 1015 4. Fire-resistant construction requirements shall include the following components:
- 1016 Fire-resistant separations
- 1017 Fire-resistant protection for type of construction
- 1018 Protection of openings and penetrations of rated walls
- 1019 Fire blocking and draftstopping and calculated fire resistance
- 1020 5. Fire suppression systems shall include:
- 1021 Early warning smoke evacuation systems
- 1022 Schematic fire sprinklers
- 1023 Standpipes
- 1024 Preengineered systems
- 1025 Riser diagram
- 1026 6. Life safety systems shall be determined and shall include the following requirements:
- 1027 Occupant load and egress capacities
- 1028 Early warning
- 1029 Smoke control
- 1030 Stair pressurization
- 1031 Systems schematic
- 1032
- 1033 7. Occupancy load/egress requirements shall include:
- 1034 Occupancy load
- 1035 Gross Net
- 1036 Means of egress Exit access
- 1037 Exit
- 1038 Exit discharge
- 1039 Stairs construction/geometry and protection
- 1040 Doors
- 1041 Emergency lighting and exit signs
- 1042 Specific occupancy requirements
- 1043 Construction requirements
- 1044 Horizontal exits/exit passageways
- 1045
- 1046 8. Structural requirements shall include:
- 1047 Soil conditions/analysis
- 1048 Termite protection
- 1049 Design loads
- 1050 Wind requirements
- 1051 Building envelope
- 1052 Impact resistant coverings or systems
- 1053 Structural calculations (if required)
- 1054 Foundation

- 1055 Flood requirements in accordance with Section 1612, including lowest floor
- 1056 elevations, enclosures, flood damage-resistant materials
- 1057 Wall systems
- 1058 Floor systems
- 1059 Roof systems
- 1060 Threshold inspection plan
- 1061 Stair systems
- 1062

1063 9. Materials shall be reviewed and shall at a minimum include the following:

- 1064 Wood
- 1065 Steel
- 1066 Aluminum
- 1067 Concrete
- 1068 Plastic
- 1069 Glass
- 1070 Masonry
- 1071 Gypsum board and plaster
- 1072 Insulating (mechanical)
- 1073 Roofing
- 1074 Insulation
- 1075

1076 10. Accessibility requirements shall include the following:

- 1077 Site requirements
- 1078 Accessible route
- 1079 Vertical accessibility
- 1080 Toilet and bathing facilities
- 1081 Drinking fountains
- 1082 Equipment
- 1083 Special occupancy requirements
- 1084 Fair housing requirements
- 1085

1086 11. Interior requirements shall include the following:

- 1087 Interior finishes (flame spread/smoke development)
- 1088 Light and ventilation
- 1089 Sanitation
- 1090

1091 12. Special systems:

- 1092 Elevators
- 1093 Escalators
- 1094 Lifts

- 1095
- 1096 13. Swimming pools:
- 1097     Barrier requirements
- 1098     Spas
- 1099     Wading pools
- 1100
- 1101 Electrical
- 1102 1. Electrical:
- 1103     Wiring
- 1104     Services
- 1105     Feeders and branch circuits
- 1106     Overcurrent protection
- 1107     Grounding
- 1108     Wiring methods and materials
- 1109     GFCIs
- 1110 2. Equipment
- 1111 3. Special occupancies
- 1112 4. Emergency systems
- 1113 5. Communication systems
- 1114 6. Low voltage
- 1115 7. Load calculations
- 1116 8. Design flood elevation
- 1117
- 1118
- 1119
- 1120 Plumbing
- 1121 1. Minimum plumbing facilities
- 1122 2. Fixture requirements
- 1123 3. Water supply piping
- 1124 4. Sanitary drainage
- 1125 5. Water heaters
- 1126 6. Vents
- 1127 7. Roof drainage
- 1128 8. Back flow prevention
- 1129 9. Irrigation
- 1130 10. Location of water supply line
- 1131 11. Grease traps
- 1132 12. Environmental requirements
- 1133 13. Plumbing riser
- 1134 14. Design flood elevation

- 1135
- 1136 Mechanical
- 1137 1. Exhaust systems:
- 1138     Clothes dryer exhaust
- 1139     Kitchen equipment exhaust
- 1140     Specialty exhaust systems
- 1141 2. Equipment
- 1142 3. Equipment location
- 1143 4. Make-up air
- 1144 5. Roof-mounted equipment
- 1145 6. Duct systems
- 1146 7. Ventilation
- 1147 8. Combustion air
- 1148 9. Chimneys, fireplaces and vents
- 1149 10. Appliances
- 1150 11. Boilers
- 1151 12. Refrigeration
- 1152 13. Bathroom ventilation
- 1153 14. Laboratory
- 1154 15. Design flood elevation
- 1155
- 1156 Gas
- 1157 1. Gas piping
- 1158 2. Venting
- 1159 3. Combustion air
- 1160 4. Chimneys and vents
- 1161 5. Appliances
- 1162 6. Type of gas
- 1163 7. Fireplaces
- 1164 8. LP tank location
- 1165 9. Riser diagram/shutoffs
- 1166 10. Design flood elevation
- 1167
- 1168 Energy
- 1169 Energy Calculations
- 1170 Demolition
- 1171 1. Asbestos removal
- 1172
- 1173 Residential (one- and two-family)

- 1174
- 1175 1. Site requirements
- 1176     Set back/separation (assumed property lines)
- 1177     Location of septic tanks
- 1178 2. Fire-resistant construction (if required)
- 1179 3. Smoke detector locations
- 1180 4. Egress
- 1181     Egress window size and location stairs construction requirements
- 1182 5. Structural requirements shall include:
- 1183     Wall section from foundation through roof, including assembly and materials
- 1184     connector tables wind requirements structural calculations (if required)
- 1185     Flood hazard areas, flood zones, design flood elevations, lowest floor elevations,
- 1186     enclosures, equipment, and flood damage-resistant materials
- 1187     Termite protection
- 1188     Design Loads
- 1189     Wind requirements
- 1190     Building envelope
- 1191     Structural calculations (if required)
- 1192     Foundation
- 1193     Wall systems
- 1194     Floor systems
- 1195     Roof systems
- 1196 6. Accessibility requirements: show/identify accessible bath
- 1197 7. Impact resistant coverings or systems
- 1198 8. Flood hazard areas, flood zones, design flood elevations, lowest floor elevations,
- 1199     enclosures, equipment, and flood damage-resistant materials
- 1200 Electrical:
- 1201     Electric service riser with wire sizes, conduit detail and grounding detail. Complete load
- 1202     calculations, Panel schedules
- 1203 Mechanical
- 1204     Equipment and location, Duct systems
- 1205 Plumbing
- 1206     Plumbing riser
- 1207 Gas
- 1208     Gas piping
- 1209     Venting
- 1210     Combustion air
- 1211     Chimneys and vents
- 1212     Appliances
- 1213     Type of gas

- 1214 Fireplaces
- 1215 LP tank location
- 1216 Riser diagram/shutoffs
- 1217
- 1218 Energy Calculations
- 1219 Swimming Pools
- 1220 Barrier requirements
- 1221 Spas
- 1222 Wading pools
- 1223 Exemptions.
- 1224 Plans examination by the building official shall not be required for the following work:
- 1225 1. Replacing existing equipment such as mechanical units, water heaters, etc.
- 1226 2. Minor electrical, plumbing and mechanical repairs
- 1227 3. Annual maintenance permits
- 1228 4. Manufactured buildings or prototype building plans\_ except for local site adaptations
- 1229 and foundations of buildings which are constructed on site, and modifications or
- 1230 structures that require waiver.
- 1231 a. Site requirements
- 1232 setback/separation (assumed property lines)
- 1233 location of septic tanks (if applicable)
- 1234 b. Structural
- 1235 wind zone
- 1236 anchoring
- 1237 blocking
- 1238 c. Plumbing
- 1239 List potable water source and meter size (if applicable)
- 1240 d. Mechanical
- 1241 exhaust system
- 1242 clothes dryer exhaust
- 1243 kitchen equipment exhaust
- 1244 e. Electrical
- 1245 exterior disconnect location
- 1246
- 1247 107.4 Amended construction documents. Work shall be installed in accordance with the
- 1248 reviewed construction documents, and any changes made during construction that are
- 1249 not in compliance with the reviewed construction documents shall be resubmitted for
- 1250 review as an amended set of construction documents.

1251 107.5 Retention of construction documents. One set official construction documents  
1252 shall be retained by the building official as required by Florida Statutes.

1253 107.6 **Affidavits.** The building official may accept a sworn affidavit from a registered  
1254 architect or engineer stating that the plans submitted conform to the technical codes.  
1255 For buildings and structures, the affidavit shall state that the plans conform to the laws  
1256 as to egress, type of construction and general arrangement and, if accompanied by  
1257 drawings, show the structural design and that the plans and design conform to the  
1258 requirements of the technical codes as to strength, stresses, strains, loads and stability.  
1259 The building official may without any examination or inspection accept such affidavit,  
1260 provided the architect or engineer who made such affidavit agrees to submit to the  
1261 building official copies of inspection reports as inspections are performed and upon  
1262 completion of the structure, electrical, gas, mechanical or plumbing systems a  
1263 certification that the structure, electrical, gas, mechanical or plumbing system has been  
1264 erected in accordance with the requirements of the technical codes. Where the building  
1265 official relies upon such affidavit, the architect or engineer shall assume full  
1266 responsibility for compliance with all provisions of the technical codes and other  
1267 pertinent laws or ordinances. The building official shall ensure that any person  
1268 conducting plans review is qualified as a plans examiner under Part XII of Chapter 468,  
1269 *Florida Statutes*, and that any person conducting inspections is qualified as a building  
1270 inspector under Part XII of Chapter 468, *Florida Statutes*.

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## SECTION 108 TEMPORARY STRUCTURES AND USES

1274 107.1 General. The building official is authorized to issue a permit for temporary  
1275 structures and temporary uses. Such permits shall be limited as to time of service, but  
1276 shall not be permitted for more than 180 days. The building official is authorized to grant  
1277 extensions for demonstrated cause.

1278 107.2 Conformance. Temporary structures and uses shall conform to the structural  
1279 strength, fire safety, means of egress, accessibility, light, ventilation and sanitary  
1280 requirements of this code as necessary to ensure public health, safety and general  
1281 welfare.

1282 107.3 Temporary power. The building official is authorized to give permission to  
1283 temporarily supply and use power in part of an electric installation before such  
1284 installation has been fully completed and the final certificate of completion has been  
1285 issued. The part covered by the temporary certificate shall comply with the requirements  
1286 specified for temporary lighting, heat or power in Chapter 27 of the Florida Building  
1287 Code, Building.

1288 107.4 Termination of approval. The building official is authorized to terminate such  
1289 permit for a temporary structure or use and to order the temporary structure or use to be  
1290 discontinued.

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1293

SECTION 109

FEEES

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108.1 Prescribed fees. A permit shall not be issued until fees authorized under F.S. § 553.80 have been paid. Nor shall an amendment to a permit be released until the additional fee, if any, due to an increase in the estimated cost of the building, structure, electrical, plumbing, mechanical or gas systems has been paid.

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

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109.3 Building permit valuations. If, in the opinion of the building official, the claimed valuation of building, alteration, structure, electrical, gas, mechanical or plumbing systems appears to be underestimated on the application, the permit shall be denied, unless the applicant can show detailed, quantity estimates, and/or bona fide signed contracts (excluding land value) to meet the approval of the building official. For permitting purposes, valuation of buildings and systems shall be total replacement value to include structural, electric, plumbing, mechanical, interior finish, relative site work, architectural and design fees, marketing costs, overhead and profit; excluding only land value. Valuation references may include the latest published data of national construction cost analysis services (Marshall-Swift, Means, etc.), as published by International Code Congress. Final building permit valuation shall be set by the building official.

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109.4 Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the building official's approval or the necessary permits shall be subject to a penalty fee in addition to the required permit fees, as set in approved schedule of fees.

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109.5 Related fees. The payment of the fee for the construction, *alteration*, removal or demolition for work done in connection to or concurrently with the work authorized by a building *permit* shall not relieve the applicant or holder of the *permit* from the payment of other fees that are prescribed by law

1323

108.6 Reserved.

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1325

SECTION 110  
INSPECTIONS

1326

1327 110.1 General. Construction or work for which a permit is required shall be subject to  
1328 inspection by the building official and such construction or work shall remain accessible  
1329 and exposed for inspection purposes until approved. Approval as a result of an  
1330 inspection shall not be construed to be an approval of a violation of the provisions of this  
1331 code or of other ordinances of the jurisdiction. Inspections presuming to give authority to  
1332 violate or cancel the provisions of this code or of other ordinances of the jurisdiction  
1333 shall not be valid. It shall be the duty of the permit applicant to cause the work to remain  
1334 accessible and exposed for inspection purposes. Neither the building official nor the  
1335 jurisdiction shall be liable for expense entailed in the removal or replacement of any  
1336 material required to allow inspection.

1337 110.1.1 Manufacturers and fabricators. When deemed necessary by the building official,  
1338 he/she shall make, or cause to be made, an inspection of materials or assemblies at the  
1339 point of manufacture or fabrication. A record shall be made of every such examination  
1340 and inspection and of all violations of the technical codes.

1341 110.2 Preliminary inspection. Subject to the limitations of F.S. Chapter 553, before  
1342 issuing a permit, the building official is authorized to examine or cause to be examined  
1343 buildings, structures and sites for which an application has been filed.

1344 110.2.1 Existing building inspections. Before issuing a permit, the building official may  
1345 examine or cause to be examined any building, electrical, gas, mechanical, or plumbing  
1346 systems for which an application has been received for a permit to enlarge, alter, repair,  
1347 move, demolish, install, or change the occupancy. He/she may inspect the buildings,  
1348 structures, electrical, gas, mechanical and plumbing systems, from time to time, before,  
1349 during and upon completion of the work for which a permit was issued. He/she shall  
1350 make a record of every such examination and inspection and of all observed violations  
1351 of the technical codes. Additional regulations in Florida Building Code, Existing Building  
1352 may apply.

1353 110.3 Required inspections. The building official upon notification from the permit holder  
1354 or his or her agent, shall make the following inspections, and such other inspections as  
1355 deemed necessary, and shall either release that portion of the construction or shall  
1356 notify the permit holder or his or her agent of any violations which must be corrected in  
1357 order to comply with the technical codes. The building official shall determine the timing  
1358 and sequencing of when inspections occur and what elements are inspected at each  
1359 inspection. A complete survey, or special purpose survey may be required before an  
1360 inspection is approved.

#### 1361 A. Building

1362 1. Foundation inspection. To be made after trenches are excavated and forms erected  
1363 and shall at a minimum include the following building components:

- 1364 • Stem-wall
- 1365 • Monolithic slab-on-grade
- 1366 • Piling/pile caps
- 1367 • Footers/grade beams

- 1368  
 1369 1.1 Slab/Floor Inspection: Concrete slab and under-floor inspections shall be made  
 1370 after in-slab or under-floor reinforcing steel or framing members installed and all building  
 1371 service equipment, conduit, piping accessories and other ancillary equipment items are  
 1372 in place, but before any concrete is placed or floor sheathing installed, including the  
 1373 subfloor.
- 1374 A foundation/Form board survey prepared and certified by a registered surveyor may be  
 1375 required, prior to approval of the slab inspection. The survey shall certify placement of  
 1376 the building on the site, illustrate all surrounding setback dimensions and shall be  
 1377 available at the job site for review by the building inspector.
- 1378
- 1379 1.2. In flood hazard areas, upon placement of the lowest floor, including basement, and  
 1380 prior to further vertical construction, the elevation certification required in Section  
 1381 1612.5, shall be submitted to the building official.
- 1382 2. Construction Inspections
- 1383 2.1 Lintel/tie beams/columns/masonry units. To be made after masonry units, forms,  
 1384 reinforcing steel, shoring, conduit, piping accessories, and other ancillary  
 1385 equipment items are in place, but before any concrete is placed.
- 1386 2.2 Sheathing inspection. To be made either as part of a dry-in inspection or done  
 1387 separately at the request of the contractor after all roof and wall sheathing and  
 1388 fasteners are complete and shall at a minimum include the following building  
 1389 components:
- 1390 • Roof sheathing
  - 1391 • Wall sheathing
  - 1392 • Floor sheathing
  - 1393 • Sheathing fasteners
  - 1394 • Roof/wall dry-in.
  - 1395 • Gypsum board, as required
  - 1396 • Sheathing/cladding inspection
- 1397 NOTE: Sheathing fasteners installed and found to be missing the structural member  
 1398 (shiners) shall be corrected prior to installation of the dry-in material.
- 1399 2.3 Framing inspection. To be made after the roof, all framing, fireblocking and  
 1400 bracing is in place, all concealed wiring, all pipes, chimneys, ducts and vents are  
 1401 complete and shall at a minimum include the following building components:
- 1402 • Window/door framing and installation. Verify rough opening  
 1403 dimensions are within tolerances, buck and attachments
  - 1404 • Vertical cells/columns
  - 1405 • Lintel/tie beams

- 1406 • Framing/trusses/bracing/connectors (including truss layout drawings)
- 1407 • Draft stopping/fire blocking
- 1408 • Curtain wall framing
- 1409 • Fire resistant assemblies joints and penetrations, as required (relocated from below)
- 1410 • Lath, as required (relocated from below)
- 1411 • Accessibility
- 1412 • (moved to 2.2)

1413

1414 34. Roofing inspection. Shall at a minimum include the following building components:

- 1415 • Dry-in
- 1416 • Insulation
- 1417 • Roof coverings (including in-progress)
- 1418 • Flashing

1419

1420 4. Energy insulation, thermal and ignition barriers

1421 5. Lath/Drywall, as required Lath and gypsum board inspections shall be made after  
 1422 lathing and gypsum board, interior and exterior, is in place, but before any plastering  
 1423 is applied or gypsum board joints and fasteners are taped and finished.

1424 Exception: Gypsum board that is not part of a fire-resistance- rated assembly or a shear  
 1425 assembly, unless otherwise determined by the building official.

1426 6. Final inspection. To be made after the building is completed and ready for  
 1427 occupancy.

1428 6.1. In flood hazard areas, as part of the final inspection, a final certification of the  
 1429 lowest floor elevation shall be submitted to the authority having jurisdiction.

1430

1431 7. Swimming pool inspection.

- 1432 • First inspection to be made after excavation and installation of reinforcing steel,  
 1433 bonding and main drain and prior to placing of concrete.
- 1434 • Perimeter piping inspection/pressure test to be made prior to backfill and preparation  
 1435 of the pool deck (if any).
- 1436 • Light niche/wet niche inspection. To inspect the bonding of underwater light fixtures  
 1437 prior to filling the pool with water.
- 1438 • Pool deck inspection to be made prior to placing concrete in the pool deck with all  
 1439 required bonding connections completed.
- 1440 • Final inspection to be made when the swimming pool is complete and all required  
 1441 enclosure requirements are in place.
- 1442 • In order to pass final inspection and receive a certificate of completion, a residential  
 1443 swimming pool must meet the requirements relating to pool safety features as  
 1444 described in Section 424.2.17.
- 1445 • Final electric inspection to be made prior to filling the swimming pool with water.
- 1446 • Final permanent barrier inspection to be made prior to filling the swimming pool with  
 1447 water.

1448

1449 . Demolition inspections.

1450 • First inspection to be made after all utility connections have been disconnected and  
 1451 secured in such manner that no unsafe or unsanitary conditions shall exist during or  
 1452 after demolition operations.

1453 • Final inspection to be made after all demolition work is completed.

1454 8. Manufactured building inspections. The building department shall inspect  
 1455 construction of foundations; connecting buildings to foundations; installation of parts  
 1456 identified on plans as site installed items, joining the modules, including utility  
 1457 crossovers; utility connections from the building to utility lines on site; and any other  
 1458 work done on site which requires compliance with the Florida Building Code.  
 1459 Additional inspections may be required for public educational facilities (see Section  
 1460 423.27.20).

1461 9. Where impact-resistant coverings or impact resistant systems are installed the  
 1462 building official shall schedule adequate inspections of impact-resistant coverings or  
 1463 impact resistant systems to determine the following:

- 1464 • The system indicated on the plans was installed.
- 1465 • The system is installed in accordance with the manufacturer's installation instructions  
 1466 and the product approval.

1467  
 1468

#### 1469 B. Electrical

- 1470 1. Underground inspection. To be made after trenches or ditches are excavated, conduit  
 1471 or cable is installed, and before any backfill is put in place.
- 1472 2. Rough-in inspection. To be made after the building is dried-in, framing, fireblocking  
 1473 and bracing is in place and prior to the installation of wall or ceiling membranes.
- 1474 3. Low Voltage. To be made for security, alarm, elevator, and special uses prior to being  
 1475 covered from view.
- 1476 4. Power release inspection. To be made after all electrical equipment, devices, and  
 1477 fixtures are in place and properly connected or protected, prior to the release of an  
 1478 electrical meter for the purpose of testing the electrical system.
- 1479 5. Final inspection. To be made after the building is complete and the structure is ready  
 1480 for occupancy.

1481  
 1482

#### 1482 C. Plumbing

- 1483 1. Underground inspection. To be made after trenches or ditches are excavated, piping  
 1484 is installed, and before any backfill is put in place.
- 1485 2. Rough-in inspection. To be made after the roof, framing, fireblocking and bracing is in  
 1486 place and all soil, waste and vent piping is complete, and prior to this installation of  
 1487 wall or ceiling membranes.
- 1488 3. Final inspection. To be made after the building is complete, all plumbing fixtures are  
 1489 in place and properly connected, and the structure is ready for occupancy.

1490 Note: See Section 312 of the Florida Building Code, Plumbing for required tests.  
1491

1492 D. Mechanical

1493 1. Underground inspection. To be made after trenches or ditches are excavated,  
1494 underground duct and fuel piping is installed, and before any backfill is put in place.

1495 2. Rough-in inspection. To be made after the building is dried-in, framing, fire blocking  
1496 and bracing are in place and all ducting, and other concealed components are  
1497 complete, and prior to the installation of wall or ceiling membranes.

1498 3. Final inspection. To be made after the building is complete, the mechanical system is  
1499 in place and properly connected, and the structure is ready for occupancy.

1500

1501 E. Gas

1502

1503 1. Rough piping inspection. To be made after all new piping authorized by the permit  
1504 has been installed, and before any such piping has been covered or concealed or  
1505 any fixtures or gas appliances have been connected.

1506 2. Final piping inspection. To be made after all piping authorized by the permit has been  
1507 installed and after all portions which are to be concealed by plastering or otherwise  
1508 have been so concealed, and before any fixtures or gas appliances have been  
1509 connected. This inspection shall include a pressure test.

1510 3. Final inspection. To be made on all new gas work authorized by the permit and such  
1511 portions of existing systems as may be affected by new work or any changes, to  
1512 ensure compliance with all the requirements of this code and to assure that the  
1513 installation and construction of the gas system is in accordance with reviewed plans.

1514

1515 110.3.1 Footing and foundation inspection.

1516

1517 110.3.2 Concrete slab and under-floor inspection.

1518

1519 110.3.3 Reinforcing steel and structural frames. Reinforcing steel or structural frame  
1520 work of any part of any building or structure shall not be covered or concealed without  
1521 first obtaining a release from the building official. Certification that field welding and  
1522 structural bolted connections meet design requirements shall be submitted to the  
1523 building official, upon request.

1524 110.3.4 Termites. Building components and building surroundings required to be  
1525 protected from termite damage in accordance with Section 1503.6, Section 2304.13 or  
1526 Section 2304.11.6, specifically required to be inspected for termites in accordance with  
1527 Section 2114, or required to have chemical soil treatment in accordance with Section  
1528 1816 shall not be covered or concealed until the release from the building official has  
1529 been received (also refer to Sections 105.10 and 105.11).

1530 110.3.5 Shoring. For threshold buildings, shoring and associated formwork or falsework  
1531 shall be designed and inspected by a Florida licensed professional engineer, employed

1532 by the permit holder or subcontractor, prior to any required mandatory inspections by  
1533 the threshold building inspector.

1534 110.3.6 Fire- and smoke-resistant penetrations. Protection of joints and penetrations in  
1535 fire-resistance-rated assemblies, *smoke barriers* and smoke partitions shall not be  
1536 concealed from view until inspected and *approved*.

1537 110.3.7 Threshold building.

1538 110.3.6.1 The enforcing agency shall require a special inspector to perform structural  
1539 inspections on a threshold building pursuant to a structural inspection plan prepared by  
1540 the engineer or architect of record. The structural inspection plan must be submitted to  
1541 the enforcing agency prior to the issuance of a building permit for the construction of a  
1542 threshold building. The purpose of the structural inspection plans is to provide specific  
1543 inspection procedures and schedules so that the building can be adequately inspected  
1544 for compliance with the permitted documents. The special inspector may not serve as a  
1545 surrogate in carrying out the responsibilities of the building official, the architect or the  
1546 engineer of record. The contractor's contractual or statutory obligations are not relieved  
1547 by any action of the special inspector.

1548 110.3.6.2 The special inspector shall determine that a professional engineer who  
1549 specializes in shoring design has inspected the shoring and reshoring for conformance  
1550 with the shoring and reshoring plans submitted to the enforcing agency. A fee simple  
1551 title owner of a building, which does not meet the minimum size, height, occupancy,  
1552 occupancy classification or number-of-stories criteria which would result in classification  
1553 as a threshold building under F.S. § 553.71(7), may designate such building as a  
1554 threshold building, subject to more than the minimum number of inspections required by  
1555 the Florida Building Code.

1556 110.3.6.3 The fee owner of a threshold building shall select and pay all costs of  
1557 employing a special inspector, but the special inspector shall be responsible to the  
1558 enforcement agency. The inspector shall be a person certified, licensed or registered  
1559 under Chapter 471, Florida Statutes, as an engineer or under Chapter 481, Florida  
1560 Statutes, as an architect.

1561 110.3.6.4 Each enforcement agency shall require that, on every threshold building:

1562 110.3.6.4.1 The special inspector, upon completion of the building and prior to the  
1563 issuance of a certificate of occupancy, file a signed and sealed statement with the  
1564 enforcement agency in substantially the following form: "To the best of my knowledge  
1565 and belief, the above described construction of all structural load-bearing components  
1566 complies with the permitted documents, and the shoring and reshoring conforms to the  
1567 shoring and reshoring plans submitted to the enforcement agency."

1568 110.3.6.4.2 Any proposal to install an alternate structural product or system to which  
1569 building codes apply shall be submitted to the enforcement agency for review for  
1570 compliance with the codes and made part of the enforcement agency's recorded set of  
1571 permit documents.

1572 110.3.6.4.3 All shoring and reshoring procedures, plans and details shall be submitted  
1573 to the enforcement agency for recordkeeping. Each shoring and reshoring installation  
1574 shall be supervised, inspected and certified to be in compliance with the shoring  
1575 documents by the contractor.

1576 110.3.6.4.4 All plans for the building which are required to be signed and sealed by the  
1577 architect or engineer of record contain a statement that, to the best of the architect's or  
1578 engineer's knowledge, the plans and specifications comply with the applicable minimum  
1579 building codes and the applicable fire-safety standards as determined by the local  
1580 authority in accordance with this section and Chapter 633, Florida Statutes.

1581 110.3.6.5 No enforcing agency may issue a building permit for construction of any  
1582 threshold building except to a licensed general contractor, as defined in F.S. §  
1583 489.105(3)(a) or to a licensed building contractor, as defined in F.S. § 489.105(3)(b)  
1584 within the scope of her or his license. The named contractor to whom the building permit  
1585 is issued shall have the responsibility for supervision, direction, management and  
1586 control of the construction activities on the project for which the building permit was  
1587 issued.

1588 110.3.6.6 The building department may allow a special inspector to conduct the  
1589 minimum structural inspection of threshold buildings required by this code, F.S. §  
1590 553.73 without duplicative inspection by the building department. The building official is  
1591 responsible for ensuring that any person conducting inspections is qualified as a  
1592 building inspector under Part XII of Chapter 468, Florida Statutes, or certified as a  
1593 special inspector under Chapter 471 or 481, Florida Statutes. Inspections of threshold  
1594 buildings required by F.S. § 553.79(5) are in addition to the minimum inspections  
1595 required by this code.

1596 110.3.7 Reserved.

1597 119.3.8 Other inspections services. The building official may make, or cause to be  
1598 made by others, the inspections required by Section 109. He/she may accept reports of  
1599 inspectors of recognized inspection services, provided that after investigation he/she is  
1600 satisfied as to their qualifications and reliability. A certificate called for by any provision  
1601 of the technical codes shall not be based on such reports unless the same are in writing  
1602 and certified by a responsible officer of such service. The building official may require  
1603 the owner to employ an inspection service in the following instances:

- 1604 1. For buildings or additions of Type I construction
- 1605 2. For all major structural alterations
- 1606 3. Where the concrete design is based on compressive strength (f'c) in excess of 3000  
1607 pounds per square inch
- 1608 4. For pile driving
- 1609 5. For buildings with area greater than 20,000 square foot
- 1610 6. For buildings more than 2 stories in height
- 1611 7. For buildings and structures of unusual design or methods of construction
- 1612

1613 Such inspectors shall be adequately present at times work is underway on the structural  
1614 elements of the building. Such inspectors shall be a registered architect, or engineer, or  
1615 a person licensed under Chapter 468, Part XII, Florida Statutes. Such inspectors shall  
1616 submit weekly progress reports including the daily inspections to the building official,  
1617 and including a code compliance opinion of the Resident Inspector.

1618 At the completion of the construction work or project, such inspectors shall submit a  
1619 certificate of compliance to the building official, stating that the work was done in  
1620 compliance with this code and in accordance with the permitted drawing. Final  
1621 inspection shall be made by the building official before a Certificate of Occupancy or  
1622 Certificate of Completion is issued; and confirmation inspections may be made at any  
1623 time to monitor activities and resident inspectors.

1624 110.3.9 Affidavit for Inspection. With specific prior approval of, and in a format  
1625 acceptable to the building official, an affidavit for certification of inspection may be  
1626 accepted from the permit qualifier; when accompanied by extensive photographic  
1627 evidence of sufficient detail to demonstrate code compliance. The photographic  
1628 evidence shall be comprehensive in the display of the installation and/or construction  
1629 and job location identifiers. The affidavit and accompanying photographs shall be  
1630 provided to the inspector onsite, at the next scheduled inspection. If the photographs  
1631 are found to be insufficient by the building official to demonstrate compliance with this  
1632 code and/or the permitted document, or clearly display location identifiers, or are  
1633 missing, the inspector shall require the contractor to obtain the services of a Registered  
1634 Florida Professional Engineer to inspect and certify the installation and/or construction.

1635 110.3.9.1 Inspection agencies. The *building official* is authorized to accept reports of  
1636 *approved* inspection agencies, provided such agencies satisfy the requirements as to  
1637 qualifications and reliability  
1638

1639 110.3.10 Inspections prior to issuance of Certificate of Occupancy or Completion. The  
1640 building official shall inspect or cause to be inspected, at various intervals, all  
1641 construction or work for which a permit is required, and a final inspection shall be made  
1642 of every building, structure, electrical, gas, mechanical or plumbing system upon  
1643 completion, prior to the issuance of the Certificate of Occupancy or Certificate of  
1644 Completion. In performing inspections, the building official shall give first priority to  
1645 inspections of the construction, addition, or renovation to, any facilities owned or  
1646 controlled by a state university, state community college or public school district.

1647 110.4 Impact of construction. All construction activity regulated by this code shall be  
1648 performed in a manner so as not to adversely impact the condition of adjacent property,  
1649 unless such activity is permitted to affect said property pursuant to a consent granted by  
1650 the applicable property owner, under terms or conditions agreeable to the applicable  
1651 property owner. This includes, but is not limited to, the control of dust, noise, water or  
1652 drainage run-offs, debris, and the storage of construction materials. New construction  
1653 activity shall not adversely impact legal historic surface water drainage flows serving  
1654 adjacent properties, and may require special drainage design complying with  
1655 engineering standards to preserve the positive drainage patterns of the affected sites.

1656 Accordingly, developers, contractors and owners of all new residential development,  
 1657 including additions, pools, patios, driveways, decks or similar items, on existing  
 1658 properties resulting in a significant decrease of permeable land area on any parcel or  
 1659 has altered the drainage flow on the developed property shall, as a permit condition,  
 1660 provide a professionally prepared drainage plan clearly indicating compliance with this  
 1661 paragraph. Upon completion of the improvement, a certification from a licensed  
 1662 professional shall be submitted to the inspector in order to receive approval of the final  
 1663 inspection.

1664 110.5 Inspection requests. It shall be the duty of the holder of the building permit or their  
 1665 duly authorized agent to notify the building official when work is ready for inspection. It  
 1666 shall be the duty of the permit holder to provide access to and means for inspections of  
 1667 such work that are required by this code.

1668 110.6 Approval required. Work shall not be done beyond the point indicated in each  
 1669 successive inspection without first obtaining the approval of the building official. The  
 1670 building inspector, upon notification, shall make the requested inspections and shall  
 1671 either indicate the portion of the construction that is satisfactory as completed, or notify  
 1672 the permit holder or his or her agent wherein the same fails to comply with this code.  
 1673 Any portions that do not comply shall be corrected and such portion shall not be  
 1674 covered or concealed until authorized by the building official.

1675

1676

1677

## SECTION 111 CERTIFICATES OF OCCUPANCY AND COMPLETION

1678 111.1 Certificate of Occupancy. No building or structure shall be used or occupied, and  
 1679 no change in the existing occupancy classification of a building or structure or portion  
 1680 thereof shall be made until the building official has issued a Certificate of Occupancy  
 1681 therefore as provided herein. Issuance of a Certificate of Occupancy shall not be  
 1682 construed as an approval of a violation of the provisions of this code or of other  
 1683 ordinances of the jurisdiction. Said certificate shall not be issued until all required  
 1684 electrical, gas, mechanical, plumbing and fire protection systems have been inspected  
 1685 for compliance with the technical codes and other applicable laws and ordinances and  
 1686 released by the building official.

1687 Exception: Certificates of occupancy are not required for work exempt from *permits*  
 1688 under Section 105.2.

1689

1690 111.2 Certificate issued. After the building official inspects the building or structure and  
 1691 finds no violations of the provisions of this code or other laws that are enforced by the  
 1692 department of building safety, or other agency whose approval is inherent in the building  
 1693 permitting process, the building official shall issue a Certificate of Occupancy that  
 1694 contains the following:

1695 1. The building permit number.

- 1696 2. The address of the structure.
- 1697 3. The name and address of the owner.
- 1698 4. A description of that portion of the structure for which the certificate is issued.
- 1699 5. A statement that the described portion of the structure has been inspected for
- 1700 compliance with the requirements of this code for the occupancy and division of
- 1701 occupancy and the use for which the proposed occupancy is classified.

1702 6. For buildings and structures in flood hazard areas, a statement that documentation of  
 1703 the as-built lowest floor elevation has been provided and is retained in the records of  
 1704 the department of building safety.

- 1705 7. The name of the building official.
- 1706 8. The edition of the code under which the permit was issued.
- 1707 9. The use and occupancy, in accordance with the provisions of Chapter 3
- 1708 10. The type of construction as defined in Chapter 6
- 1709 11. The design occupant load.
- 1710 12. If an automatic sprinkler system is provided, whether the sprinkler system is
- 1711 required.
- 1712 13. Any special stipulations and conditions of the building permit.

1713  
 1714 111.3 Temporary/partial occupancy. A temporary/partial Certificate of Occupancy or  
 1715 Certificate of Completion may be issued for a portion or portions of a building that may  
 1716 safely be occupied prior to final completion of the building. The building official may  
 1717 require, once all life safety issues have been complied with, an applicant to provide  
 1718 adequate cash surety for unfinished work or revision of plans until a permanent  
 1719 Certificate of Occupancy or Certificate of Completion is granted. The purpose of the  
 1720 cash surety is to insure completion of work under this permit. Such cash surety shall be  
 1721 equal to 110 percent of the estimated value of the remaining work, including labor and  
 1722 material, as determined by the design professional. The design professional shall  
 1723 submit a signed and sealed document attesting to the amount required to cover the  
 1724 cash surety. If work has not been completed and all finals requested within 90 days of  
 1725 issuance of the initial Temporary/Partial Certificate of Occupancy or Certificate of  
 1726 Completion, the jurisdiction retains the right to have the applicant surrender the cash  
 1727 surety. The jurisdiction then may use the surety to finish the remaining work. The surety  
 1728 shall be in the form of cash money, certified check, or cashiers check. Surety shall be  
 1729 returned upon approval of all final inspections and upon written request that has been  
 1730 approved by the building official. This provision is only for the Florida Building Code, all  
 1731 other Agency approvals necessary for construction must be secured prior to this  
 1732 provision being applied.

1733 111.4 Certificate of Completion. Upon satisfactory completion of a building, structure,  
 1734 electrical, gas, mechanical or plumbing system, a Certificate of Completion may be  
 1735 issued. This certificate is proof that a structure or system is complete and for certain  
 1736 types of permits is released for use and may be connected to a utility system. This  
 1737 certificate does not grant authority to occupy or connect a building, such as a shell  
 1738 building, prior to the issuance of a Certificate of Occupancy.

1739 111.5 Revocation. The building official is authorized to, in writing, suspend or revoke a  
1740 certificate of occupancy or completion issued under the provisions of this code wherever  
1741 the certificate is issued in error, or on the basis of incorrect information supplied, or  
1742 where it is determined that the building or structure or portion thereof is in violation of  
1743 any ordinance or regulation or any of the provisions of this code.

1744 SECTION 112  
1745 SERVICE UTILITIES

1746 112.1 Connection of service utilities. No person shall make connections from a utility,  
1747 source of energy, fuel or power to any building or system that is regulated by this code  
1748 for which a permit is required, until released by the building official and a certificate of  
1749 occupancy or completion is issued. The servicing utility company shall not connect the  
1750 power supply until notified by the building official.

1751 112.2 Temporary connection. The building official shall have the authority to authorize  
1752 the temporary connection of the building or system to the utility source of energy, fuel or  
1753 power for the purpose of testing building service systems or for use under a temporary  
1754 certificate of occupancy.

1755 112.3 Authority to disconnect service utilities. The building official shall have the  
1756 authority to authorize disconnection of utility service to the building, structure or system  
1757 regulated by the, this code and the referenced codes and standards set forth in Section  
1758 101.4 in case of emergency where necessary to eliminate an immediate hazard to life,  
1759 property, or unsafe condition, or when such utility connection has been made without  
1760 the approval required by Section 112.1 or 112.2 The building official shall notify the  
1761 serving utility, and whenever possible the owner and occupant of the building, structure,  
1762 or service system of the decision to disconnect prior to taking such action. If not notified  
1763 prior to disconnecting, the owner or occupant of the building, structure, or service  
1764 system shall be notified in writing, as soon as practical thereafter.

1765 SECTION 113  
1766 TESTS

1767 The building official may require tests or test reports as proof of compliance. Required  
1768 tests are to be made at the expense of the owner, or agent, by an approved testing  
1769 laboratory or other approved agency.

1770 SECTION 114  
1771 VIOLATIONS

1772 Any person, firm, corporation or agent who shall violate a provision of this code, or fail  
1773 to comply therewith, or with any of the requirements thereof, or who shall erect,  
1774 construct, alter, install, demolish or move any structure, electrical, gas, mechanical or  
1775 plumbing system, or has erected, constructed, altered, repaired, moved or demolished a  
1776 building, structure, electrical, gas, mechanical or plumbing system, without full  
1777 compliance with applicable codes, laws, ordinances, rules and regulations, shall be  
1778 guilty of a misdemeanor. Each such person shall be considered guilty of a separate

1779 offense for each and every day or portion thereof during which any violation of any of  
 1780 the provisions of applicable codes, laws, ordinances, rules and regulations is committed  
 1781 or continued, and upon conviction of any such violation such person shall be punished  
 1782 within the limits and as provided by state laws. Nothing in this section shall prevent the  
 1783 authority having jurisdiction from imposing fines, liens, or seek injunction relief, or  
 1784 exercising other enforcement powers as permitted by law. Code enforcement and  
 1785 penalties of 162 Florida Statutes Part I shall be authorized if building work begins  
 1786 without payment of all required fees, and for the purposes of enforcing this code, code  
 1787 officials licensed under Florida Statute 468 Part XII are deemed "Code Inspectors", as  
 1788 defined in Florida Statute 162.04.

1789 SECTION 115  
 1790 STOP WORK ORDER

1791 115.1 Stop work orders. Upon notice from the building official, work on any building,  
 1792 structure, electrical, gas, mechanical or plumbing system that is being done contrary to  
 1793 the provisions of this code or in a dangerous or unsafe manner, shall immediately  
 1794 cease.

1795 115.2 Issuance. The stop work order shall be in writing and shall be given to the owner  
 1796 of the property involved, or to the owner's agent, or to the person doing the work. Upon  
 1797 issuance of a stop work order, the cited work shall immediately cease. The stop work  
 1798 order shall state the reason for the order, and the conditions under which the cited work  
 1799 will be permitted to resume. Where an emergency exists, the building official shall not  
 1800 be required to give a written notice prior to stopping the work.

1801 115.3 Unlawful continuance. Any person who shall continue any work after having been  
 1802 served with a stop work order, except such work as that person is directed to perform to  
 1803 remove a violation or unsafe condition, shall be subject to penalties as prescribed by  
 1804 law.

1805 SECTION 116  
 1806 UNSAFE STRUCTURES AND EQUIPMENT

1807 116.1 Unsafe buildings or systems. All buildings, structures, electrical, gas, mechanical  
 1808 or plumbing systems which are unsafe, unsanitary, or do not provide adequate egress,  
 1809 or which constitute a fire hazard, or are otherwise dangerous to human life, or which in  
 1810 relation to existing use, constitute a hazard to safety or health, are considered unsafe  
 1811 buildings or service systems. All such unsafe buildings, structures or service systems  
 1812 are hereby declared illegal and shall be abated by repair and rehabilitation or by  
 1813 demolition in accordance with this code. The extent of repairs shall be determined by  
 1814 the building official.

1815 When the building official determines that an unsafe building, structure or service  
 1816 system cannot be reasonably repaired in accordance with this or the technical codes, it  
 1817 shall be demolished in accordance with this section.

1818 116.1.1 When the building official determines a building, structure, electrical, gas,  
1819 mechanical or plumbing system or portion thereof is unsafe, as set forth in this code  
1820 he/she shall, in accordance with established procedure for legal notices, give the owner,  
1821 agent or person in control of such building, structure, electrical, gas, mechanical or  
1822 plumbing system written notice stating the defects thereof. This notice shall require the  
1823 owner within a stated time either to complete specified repairs or improvements, or to  
1824 demolish and remove the building, structure, electrical, gas, mechanical or plumbing  
1825 system or portion thereof.

1826 116.1.2 If necessary, such notice shall also require the building, structure, electrical,  
1827 gas, mechanical, plumbing systems or portion thereof to be vacated forthwith and not  
1828 reoccupied until the specified repairs and improvements are completed, inspected and  
1829 approved by the building official. The building official shall cause to be posted at each  
1830 entrance to such building a notice stating: THIS BUILDING IS UNSAFE AND ITS USE  
1831 OR OCCUPANCY HAS BEEN PROHIBITED BY THE BUILDING OFFICIAL. Such  
1832 notice shall remain posted until the required repairs are made or demolition is  
1833 completed. It shall be unlawful for any person, firm or corporation or its officers, agents,  
1834 or other servants, to remove such notice without written permission of the building  
1835 official, or for any person to enter the building, or use such systems except for the  
1836 purpose of making the required repairs or of demolishing same.

1837 116.1.3 The owner, agent or person in control shall have the right to appeal from the  
1838 decision of the building official, as provided hereinafter, and to appear before the  
1839 Construction Board of Adjustments and Appeals at a specified time and place to show  
1840 cause why he should not comply with said notice.

1841 116.1.4 In case the owner, agent, or person in control cannot be found within the stated  
1842 time limit, or, if such owner, agent, or person in control shall fail, neglect, or refuse to  
1843 comply with notice to repair, rehabilitate, or to demolish, and remove said building,  
1844 structure, electrical, gas, mechanical or plumbing system or portion thereof, the building  
1845 official, after having ascertained the cost, shall cause such building, structure, electrical,  
1846 gas, mechanical or plumbing system or portion thereof, to be demolished, secured, or  
1847 required to remain vacant or unused.

1848 116.1.5 The decision of the building official shall be final in cases of emergency, which,  
1849 in the opinion of the building official, involve imminent danger to human life or health, or  
1850 the property of others. He/she shall promptly cause such building, structure, electrical,  
1851 gas, mechanical or plumbing system or portion thereof to be made safe or cause its  
1852 removal. For this purpose he/she may at once enter such structure or land on which it  
1853 stands, or abutting land or structures, with such assistance and at such cost as he may  
1854 deem necessary. He/she may order the vacating of adjacent structures and may require  
1855 the protection of the public by appropriate fence or such other means as may be  
1856 necessary, and for this purpose may close a public or private way.

1857 116.1.6 Costs incurred under 104.5.4 and 104.5.5 shall be charged to the owner of the  
1858 premises involved. If charges are not paid within a ten-day period following the billing  
1859 notification sent by certified mail, the owner of the premises will be charged in the  
1860 following manner:

- 1861 1. The building official shall assess the entire cost of such vacation, demolition, or  
 1862 removal against the real property upon which such cost was incurred, which  
 1863 assessment shall include but not be limited to all administrative costs, postal  
 1864 expenses, newspaper publication, and shall constitute a lien upon such property  
 1865 superior to all others except taxes.
- 1866 2. The Clerk shall file such lien in the County's Official Record Book showing the nature  
 1867 of such lien, the amount thereof and an accurate legal description of the property,  
 1868 including the street address, which lien shall be effective from the date of filing and  
 1869 recite the names of all persons notified and interested persons. After three months  
 1870 from the filing of any such lien which remains unpaid, the governing body may  
 1871 foreclose the lien in the same manner as mortgage liens are foreclosed. Such lien  
 1872 shall bear interest from date of abatement of nuisance at the rate of ten percent per  
 1873 annum and shall be enforceable if unsatisfied as other liens may be enforced by the  
 1874 governing agency.

1875

1876

## SECTION 117

1877

## CONSTRUCTION BOARD OF ADJUSTMENTS AND APPEALS

1878 117.1 Establishment. The establishment, powers, membership, terms, quorum and  
 1879 voting of the Construction Board of Adjustment and Appeals are set forth in Article VI,  
 1880 Division 7, Sections 2-327 through 2-330 of the Village of Wellington Code of  
 1881 Ordinances. Additionally the following shall apply:

1882 117.1.1 Secretary of board. The building official or his/her authorized representative  
 1883 shall act as secretary of the board and shall make a detailed record of all of its  
 1884 proceedings, which shall set forth the reasons for its decision, the vote of each member,  
 1885 the absence of a member, and any failure of a member to vote.

1886 117.2 Powers. The Construction Board of Adjustments and Appeals shall have the  
 1887 power, as further defined in 112.4, to hear appeals of decisions and interpretations of  
 1888 the building official and consider variances of the technical codes.

1889 117.3 Local Construction Regulation Board. The Construction Board of Adjustments  
 1890 and Appeals (CBAA) to convene as the Local Construction Regulation Board (LCRB),  
 1891 shall also constitute and act as the LCRB as provided in F.S. § 489.113. As the (LCRB)  
 1892 the CBAA may deny, suspend or, revoke or limit the authority of a certified contractor to  
 1893 obtain a building permit or permit with specific conditions, if the board has found such  
 1894 contractor, through the public hearing process, to be guilty of fraud or a willful building  
 1895 code violation within the Village of Wellington. The board may also, deny, suspend,  
 1896 revoke or limit the authority of a certified contractor to obtain a building permit or permit  
 1897 with specific conditions, if it has proof through the public hearing process, that a  
 1898 contractor has been found guilty in another county or municipality within the past 12  
 1899 months, of fraud or a willful building code violation and after providing notice of an  
 1900 opportunity to be heard to the contractor, finds that such fraud or violation would have  
 1901 been fraud or a violation if committed in the county or municipality that the local

1902 construction board represents. Notification of and information concerning such permit  
 1903 denial shall be submitted to the department within 15 days after the local construction  
 1904 regulation board decides to deny the permit.

#### 1905 117.4 Appeals

1906 117.4.1 Decision of the building official. The owner of a building, structure or service  
 1907 system, or duly authorized agent, may appeal a decision of the building official to the  
 1908 Construction Board of Adjustment and Appeals whenever any one of the following  
 1909 conditions are claimed to exist:

1910 1. The building official rejected or refused to approve the mode or manner of  
 1911 construction proposed to be followed or materials to be used in the installation or  
 1912 alteration of a building, structure or service system.

1913 2. The provisions of this code do not apply to this specific case.

1914 3. That an equally good or more desirable form of installation can be employed in any  
 1915 specific case.

1916 4. The true intent and meaning of this code or any of the regulations hereunder have  
 1917 been misconstrued or incorrectly interpreted.

1918 117.4.2 Variances. The Construction Board of Adjustments and Appeals, when so  
 1919 appealed to and after a hearing, may vary the application of any provision of this code  
 1920 to any particular case when, in its opinion, the enforcement thereof would do manifest  
 1921 injustice and would be contrary to the spirit and purpose of this or the technical codes or  
 1922 public interest, and also finds all of the following:

1923 1. That special conditions and circumstances exist which are peculiar to the building,  
 1924 structure or service system involved and which are not applicable to others.

1925 2. That the special conditions and circumstances do not result from the action or  
 1926 inaction of the applicant.

1927 3. That granting the variance requested will not confer on the applicant any special  
 1928 privilege that is denied by this code to other buildings, structures or service system.

1929 4. That the variance granted is the minimum variance that will make possible the  
 1930 reasonable use of the building, structure or service system.

1931 5. That the grant of the variance will be in harmony with the general intent and purpose  
 1932 of this code and will not be detrimental to the public health, safety and general  
 1933 welfare.

1934 117.4.2.1 Conditions of the variance. In granting the variance, the board may prescribe  
 1935 a reasonable time limit within which the action for which the variance is required shall be  
 1936 commenced or completed or both. In addition, the board may prescribe appropriate  
 1937 conditions and safeguards in conformity with this code. Violation of the conditions of a  
 1938 variance shall be deemed a violation of this code.

1939 117.4.3 Notice of appeal. Notice of appeal shall be in writing and filed within 30 calendar  
1940 days after the building official renders the decision. Appeals shall be in a form  
1941 acceptable to the building official.

1942 117.4.4 Unsafe or dangerous buildings or service systems. In the case of a building,  
1943 structure or service system, which in the opinion of the building official, is unsafe,  
1944 unsanitary or dangerous, the building official may, in the order, limit the time for such  
1945 appeals to a shorter period.

1946 117.5 Procedures of the board.

1947 117.5.1 Rules and regulations. The board shall establish rules and regulations for its  
1948 own procedure not inconsistent with the provisions of this code. The board shall meet  
1949 on call of the chairman. The board shall meet within 30 calendar days after notice of  
1950 appeal has been received.

1951 117.5.2 Decisions. The Construction Board of Adjustment and Appeals shall, in every  
1952 case, reach a decision without unreasonable or unnecessary delay. Each decision of  
1953 the board shall also include the reasons for the decision. If a decision of the board  
1954 reverses or modifies a refusal, order, or disallowance of the building official or varies the  
1955 application of any provision of this code, the building official shall immediately take  
1956 action in accordance with such decision. Every decision shall be promptly filed in writing  
1957 in the office of the building official and shall be open to public inspection. A certified  
1958 copy of the decision shall be sent by mail or otherwise to the appellant and a copy shall  
1959 be kept publicly posted in the office of the building official for two weeks after filing.  
1960 Every decision of the board shall be final; subject however to such remedy as any  
1961 aggrieved party might have at law or in equity.

1962

1963 SECTION 118  
1964 SEVERABILITY

1965 If any section, subsection, sentence, clause or phrase of this code is for any reason  
1966 held to be unconstitutional, such decision shall not affect the validity of the remaining  
1967 portions of this code.

1968 **Section 3.** – Chapter 18 “Buildings and Building Regulations”, Article II “Technical  
1969 Codes” Section 18-33 “Amendments to the Florida Building Code” of Wellington’s Code  
1970 of Ordinances is hereby amended to read as follows:

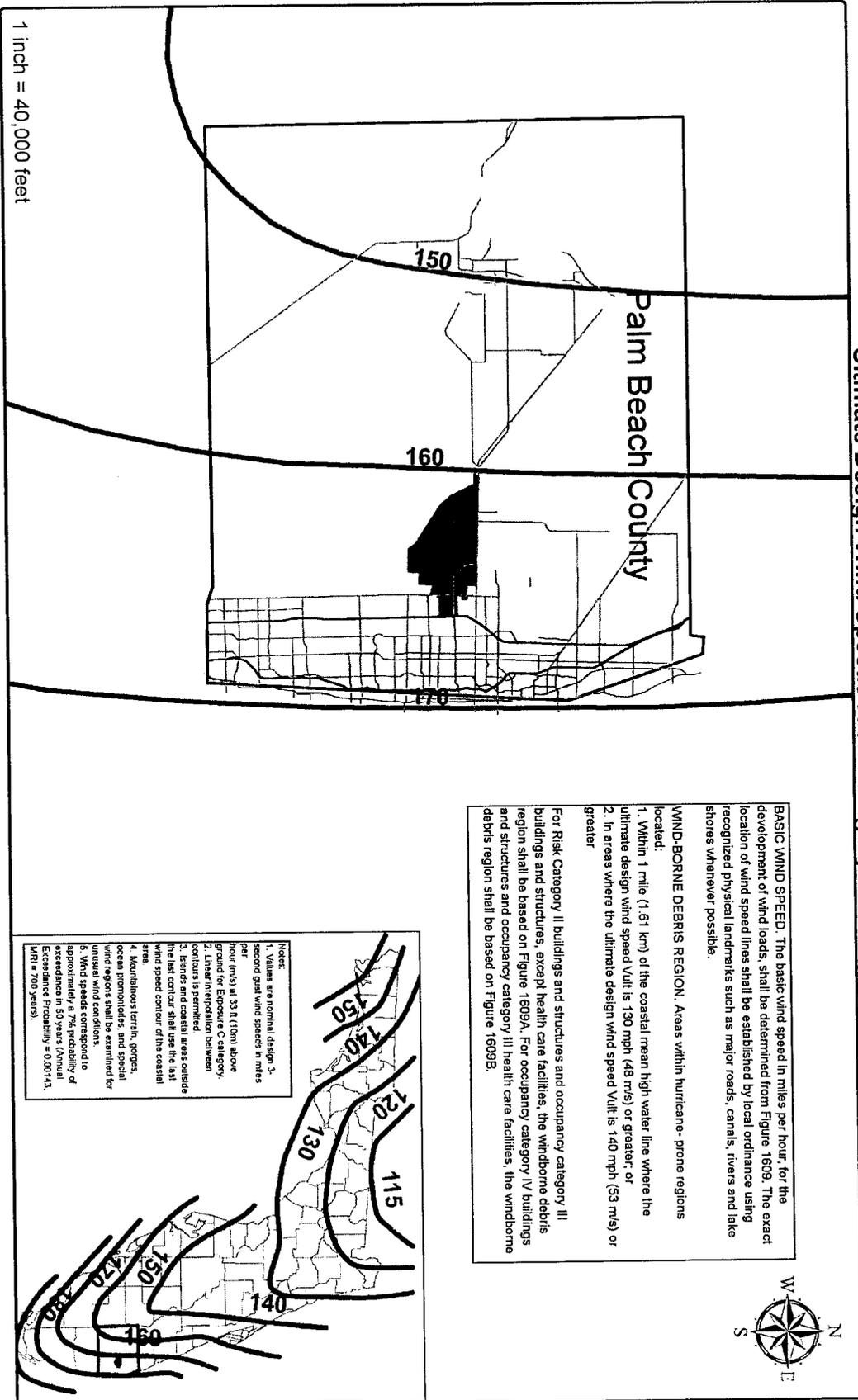
1971 Sec. 18-33. - Amendments to the Florida Building Code.

1972 Section 1609.3. of the Florida Building Code-Building, Chapter 16 Structural Loads is  
1973 amended to read:

1974 **1609.3 Basic wind speed.** The ~~basic~~ ultimate design wind speed in miles per hour, for  
1975 the development of wind loads, shall be determined from ~~Palm Beach County Basic~~

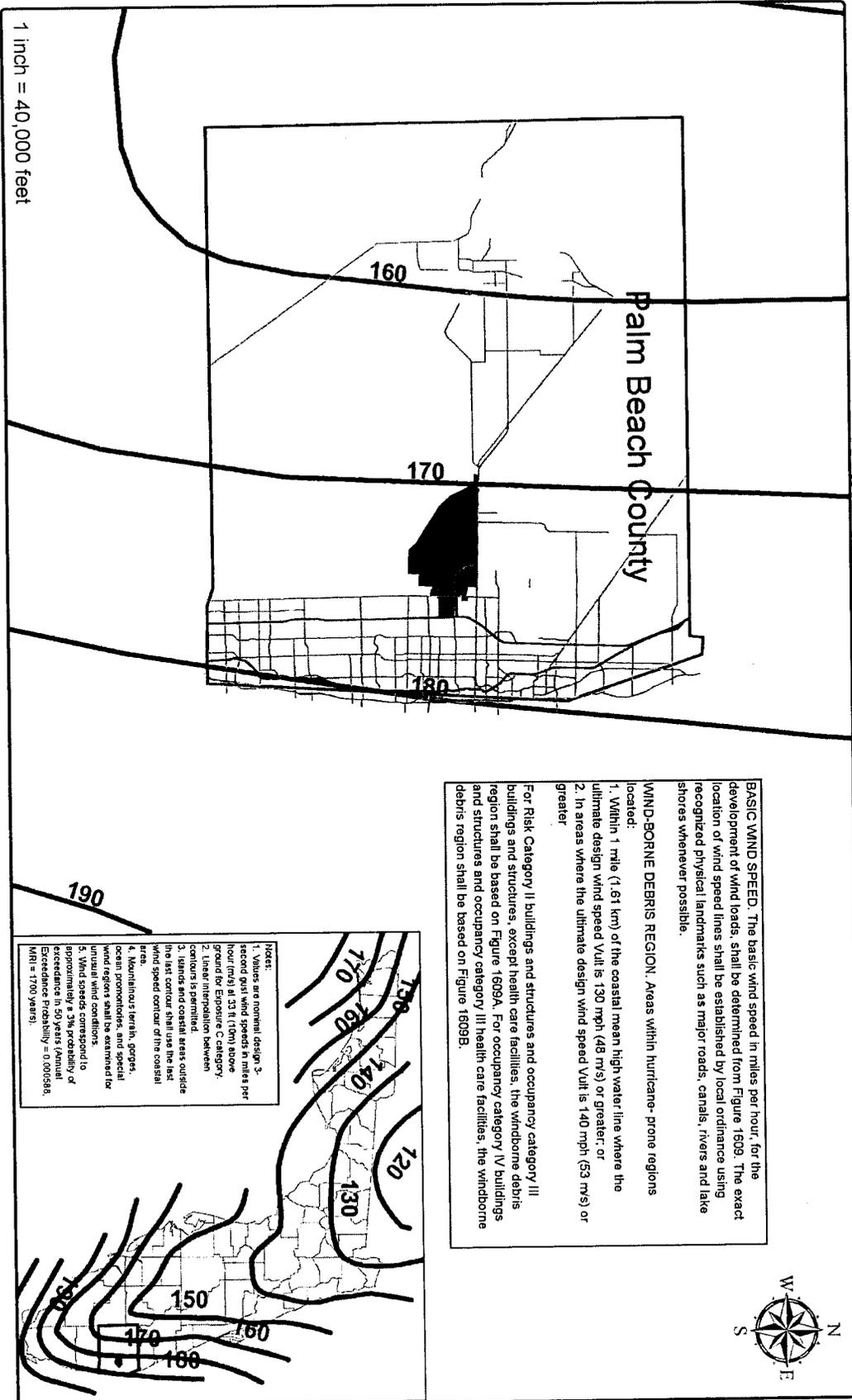
1976 ~~Wind Speed Map dated October 15, 2007 by Figures 1609A, 1609B and 1609C~~ as  
1977 depicted on map Figure 1609 and is hereby added to this code.

Figure 1609A  
Ultimate Design Wind Speeds Risk Category II Buildings



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Figure 1609B  
Ultimate Design Wind Speeds Risk Category III & IV Buildings



**BASIC WIND SPEED.** The basic wind speed in miles per hour, for the development of wind loads, shall be determined from Figure 1609. The exact location of wind speed lines shall be established by local ordinance using recognized physical landmarks such as major roads, canals, rivers and lake shores whenever possible.

**WIND-BORNE DEBRIS REGION.** Areas within hurricane-prone regions located:

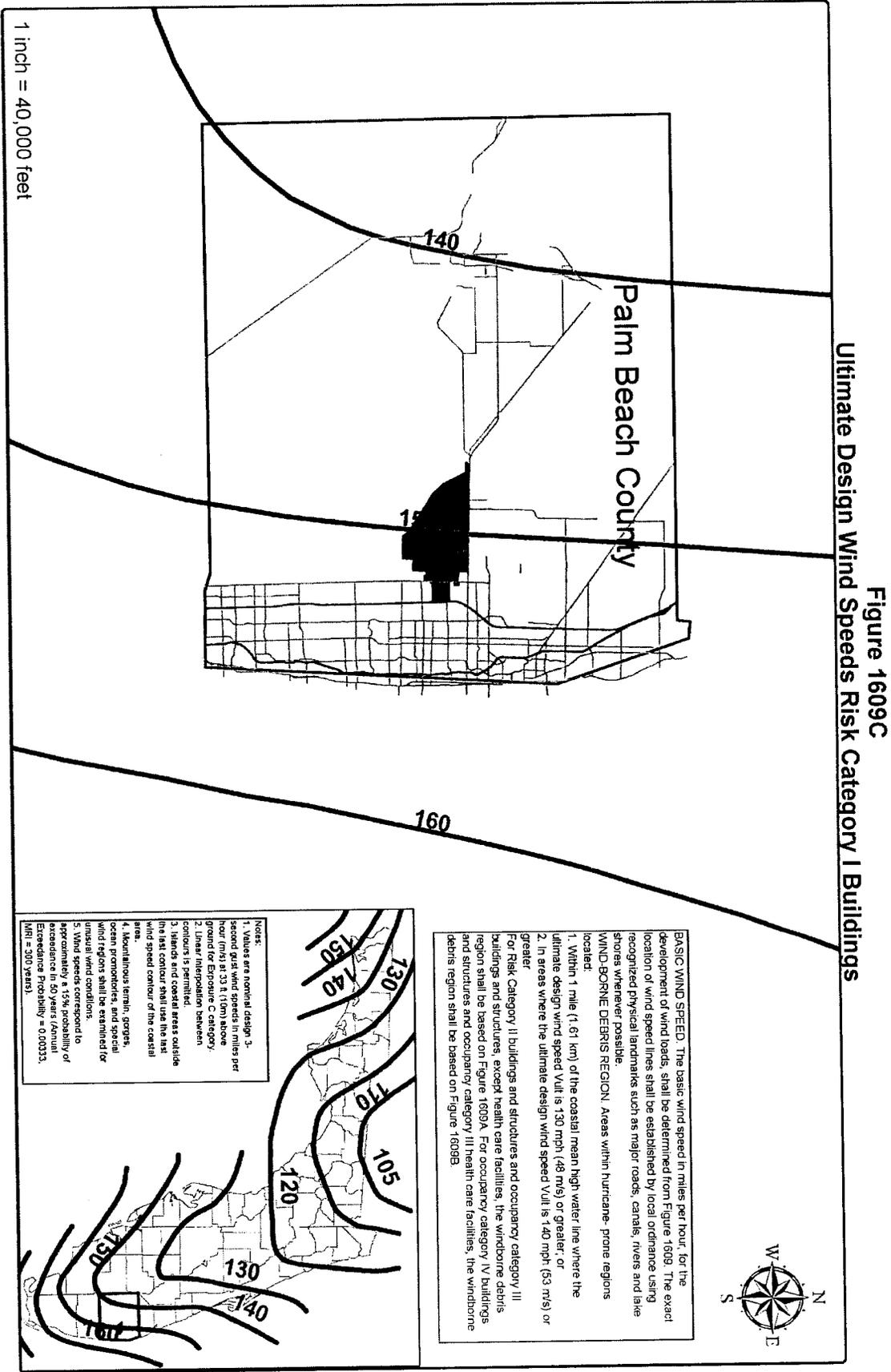
1. Within 1 mile (1.61 km) of the coastal mean high water line where the ultimate design wind speed Vult is 130 mph (48 m/s) or greater; or
2. In areas where the ultimate design wind speed Vult is 140 mph (53 m/s) or greater.

For Risk Category II buildings and structures and occupancy category III buildings and structures, except health care facilities, the windborne debris region shall be based on Figure 1609A. For occupancy category IV buildings and structures and occupancy category III health care facilities, the windborne debris region shall be based on Figure 1609B.

**Notes:**

1. Values are nominal design.
2. Second gust wind speeds in miles per hour (m/s) at 33 ft (10m) above ground for Exposure C category.
3. Linear interpolation between contours is permitted.
4. Islands and coastal areas outside the last contour shall use the last wind speed contour of the coastal area.
5. Mountainous terrain, gorges, ocean promontories, and special wind regions shall be examined for unusual wind conditions.
6. Wind speed is based on a 3s, probability of exceedence in 50 years (Annual Exceedence Probability = 0.00568, MRI = 1700 years).

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**SECTION 4:** All Ordinances or part of Ordinances in conflict be and the same are hereby repealed.

**SECTION 5:** Should any section paragraph, sentence, clause or phrase of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any portion of part thereof, other than the part to be declared invalid.

**SECTION 6:** This Ordinance shall become effective immediately upon adoption of the Village Council of the Village of Wellington following second reading.

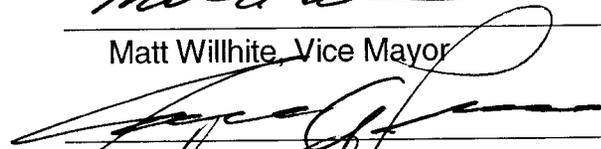
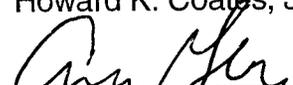
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**PASSED** this 28th day of February, 2012 upon first reading.

**PASSED AND ADOPTED** this 13<sup>th</sup> day of March 2012, on second and final reading.

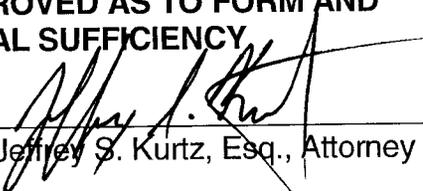
**WELLINGTON**

	<b>FOR</b>	<b>AGAINST</b>
BY:  Darell Bowen, Mayor	✓	_____
 Matt Willhite, Vice Mayor	✓	_____
 Dr. Carmine A. Priore, Mayor pro tem	✓	_____
 Howard K. Coates, Jr., Councilman	✓	_____
 Anne Gerwig, Councilwoman	✓	_____

**ATTEST:**

BY:   
Awilda Rodriguez, Wellington Clerk

**APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY**

BY:   
Jeffrey S. Kurtz, Esq., Attorney for Wellington

**Sec. 2-327. - Powers and duties.** 

The construction board of adjustment and appeals shall have the power to hear appeals of decisions and interpretations of the building official and consider variances of the technical codes.

*(Ord. No. 99-09, § 9, 5-11-99)*

**Sec. 2-328. - Creation; qualifications.** 

(a)

The board shall consist of seven regular members. Appointments of members of the board shall be for a term of two years.

(b)

Such board members shall be composed of individuals with knowledge and experience in the technical codes to include: an architect, engineer, general contractor, electrical contractor, HVAC contractor, plumbing contractor, and any other contractor-licensed category.

*(Ord. No. 99-09, § 9, 5-11-99; Ord. No. 00-08, § 5, 3-20-00; Ord. No. 2004-32, § 6, 5-25-04; Ord. No. 2010-15, § 1, 6-22-10)*

**Sec. 2-329. - Meetings, quorum, and required vote.** 

(a)

A quorum for the transaction of business shall consist of four members.

(b)

The affirmative vote of four members shall be necessary to take official action. If any motion fails to achieve the affirmative vote of four members, then such petition or other matter shall be deemed denied.

*(Ord. No. 99-09, § 9, 5-11-99; Ord. No. 2010-15, § 1, 6-22-10)*