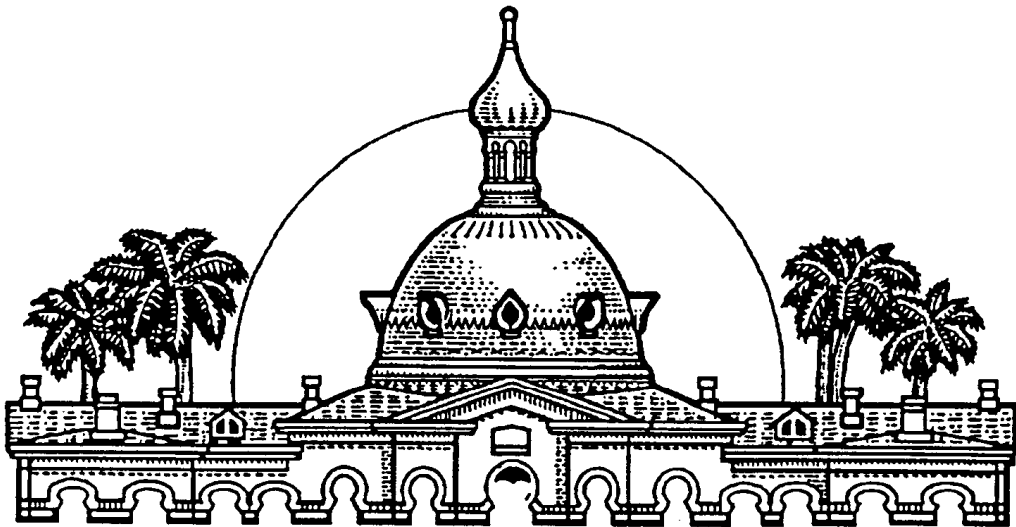


HILLSBOROUGH COUNTY CONSTRUCTION CODE

ORDINANCE NO. 09-3



Hillsborough County Florida

**PLANNING AND GROWTH MANAGEMENT DEPARTMENT
BUILDING SERVICES DIVISION**

Effective March 1, 2009

HILLSBOROUGH COUNTY CONSTRUCTION CODE

ORDINANCE NO. 09-3

An Ordinance establishing a Construction Code for Hillsborough County; incorporating the regulatory implementation of the National Flood Insurance Program through the Flood Damage Control Regulations within Chapter 3 of this Code; incorporating the Florida Building Code – Building, 2007 Edition, and including all Appendices; incorporating the Florida Residential Code, 2007 Edition, and including all Appendices; incorporating the Florida Existing Building Code, 2007 Edition, and including all Appendices; incorporating the Florida Building Code – Plumbing, 2007 Edition, and including all Appendices; incorporating the Florida Building Code – Mechanical, 2007 Edition, and including all Appendices; incorporating the Florida Building Code – Fuel Gas, 2007 Edition, and including all Appendices; providing power, duties, and operating procedures of the Hillsborough County Building Services Division; providing for Contractor Certification; providing for a Building, Plumbing, Mechanical, Electric and Gas Boards of Adjustment, Appeals and Examiners, including membership; providing for severability; providing for violations and penalties; providing for the identification of the Wind-Borne Debris Region and Basic Wind Speed lines; and providing for the amendment of the Hillsborough County Ordinance 01-33 as amended.

WHEREAS, the Board of County Commissioners of Hillsborough County is required, pursuant to the terms contained in Chapter 553, Florida Statutes, to adopt and enforce building, housing, and related technical codes, and;

WHEREAS, the Board of County Commissioners of Hillsborough County is empowered pursuant to the terms contained in Chapter 125, Florida Statutes, and Chapter 527, Florida Statutes, as amended, to adopt by reference or in full, and enforce building, housing, and related technical codes and regulations; and

WHEREAS, the Florida Building Code Act of 1998 directed the Florida Building Commission to establish a statewide uniform building code known as the Florida Building Code; and

WHEREAS, the Florida Building Code became effective throughout the State of Florida on March 1, 2002; and

WHEREAS, the enforcement of the Florida Building Code is the responsibility of local governments; and

WHEREAS, the enforcement of Hillsborough County's participation with minimum requirements of the National Flood Insurance Program to ensure local availability of Federal flood insurance is the responsibility of the Board of County Commissioners and is enforced through construction standards identified within Chapter 3 of this Code, and

WHEREAS, the Board of County Commissioners of Hillsborough County has reviewed the terms, conditions, covenants, and restrictions contained in the Florida Building Code – Building, 2007 Edition, including all Appendices; and

WHEREAS, the Board of County Commissioners of Hillsborough County has reviewed the terms, conditions, covenants, and restrictions contained in the Florida Residential Code, 2007 Edition, including all Appendices; and

WHEREAS, the Board of County Commissioners of Hillsborough County has reviewed the terms, conditions, covenants, and restrictions of the Florida Existing Building Code, 2007 Edition, including all Appendices; and

WHEREAS, the Board of County Commissioners of Hillsborough County has reviewed the terms, conditions, covenants, and restrictions contained in the Florida Building Code – Plumbing, 2007 Edition, including all Appendices; and

WHEREAS, the Board of County Commissioners of Hillsborough County has reviewed the terms, conditions, covenants, and restrictions contained in the Florida Building Code – Mechanical, 2007 Edition, including all Appendices; and

WHEREAS, the Board of County Commissioners of Hillsborough County has reviewed the terms, conditions, covenants, and restrictions contained in the Florida Building Code – Fuel Gas, 2007 Edition, including all Appendices; and

WHEREAS, the Board of County Commissioners of Hillsborough County finds that the adoption by reference of said described codes will establish a comprehensive construction code regulation, and as a result thereof will promote the public health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA, IN ITS REGULAR MEETING THIS 18th DAY OF February, 2009.

- Section 1. The effective date of this Ordinance will be the effective date of the 2007 Florida Building Code, upon receipt of this ordinance by the Department of State.
- Section 2. Hillsborough County Construction Code Ordinance 01-33 as amended is hereby amended as set forth in Exhibit "A"
- Section 3. If any section, paragraph, phrase, or word of this ordinance is for any reason held to be unconstitutional or invalid, such holding shall not affect the remaining portions hereof and it shall be construed to have been the legislative intent to pass this ordinance without such unconstitutional or invalid part.

STATE OF FLORIDA)

COUNTY OF HILLSBOROUGH)

I, PAT FRANK, Clerk of the Circuit Court and Ex-Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of an ordinance adopted by the Board at a duly noticed public hearing held on February 18, 2009, as the same appears of record in Minute Book 393 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 19th day of February, 2009.

PAT FRANK, CLERK OF CIRCUIT COURT

By: Beverly Anne Miller
Deputy Clerk

APPROVED BY COUNTY ATTORNEY

BY Shirley A. Murphy

Approved as to Form and Legal Sufficiency



CHAPTER 1

ADMINISTRATION

SECTION 101 GENERAL

- 101.1 Title.** This ordinance shall be known and be cited as the “Hillsborough County Construction Code,” hereinafter known as “this code.”
- 101.2 Scope.** The provisions of this ordinance shall govern the administration and enforcement of the Florida Building Code which establishes the technical standards that shall apply to buildings, structures, equipment, appliances, fixtures, fittings or appurtenances used, as well as to the method of construction, installation, alteration, repair, removal, replacement, or connection to any system and the equipment usage, occupancy, locating, maintenance and demolition of every building or structure and any appurtenances or systems connected or attached to such buildings or structures in unincorporated Hillsborough County. In addition with compliance of this code, (1) detached one-and two-family dwellings and multiple single family dwellings (townhouses) not more than three stories above grade plane in height with a separate means of egress and their accessory structures shall comply with the Florida Building Code, Residential, and (2) existing buildings undergoing repair, alterations or additions and change of occupancy shall comply with Chapter 34 of the Florida Building Code.
- 101.3 Code Remedial**
- 101.3(a) General.** This code is hereby declared to be remedial and shall be construed to be the minimum standards necessary to secure the beneficial interests and purposes thereof, which are public safety, health and general welfare through structural strength, stability, sanitation, adequate light and ventilation, and safety to life and property from fire and other hazards attributed to the built environment including alteration, repair, removal, demolition, use and occupancy of buildings, structures or premises, and by regulating the installation and maintenance of all electrical, gas, mechanical and plumbing systems, which may be referred to as service systems.
- 101.3(b) Quality control.** Quality control of materials and workmanship is not within the purview of this code except as it relates to the purposes stated herein.
- 101.3(c) Permitting and inspection.** The inspection or permitting of any building, system, or plan under the requirements of this code, shall not be construed in any court as a warranty of the physical condition of such building, system or plan or their adequacy. Neither Hillsborough County nor any employee thereof shall be liable in tort for damages for any defect or hazardous or illegal condition or inadequacy in such building, system, or plan, nor for any failure of any component of such, which may occur subsequent to such inspection or permitting.

- 101.3(d) Severability.** If any section, subsection, sentence, clause, or phrase of this code is for any reason held to be unconstitutional or otherwise legally defective, such decision shall not affect the validity of the remaining portions of this code. It is expressly declared by the Board of County Commissioners that any such unconstitutional or otherwise legally defective part did not induce the enactment of this ordinance and that without such part, the remaining portions would have been enacted.
- 101.4 Referenced codes.** The other codes listed in Sections 101.4.1 through 101.4.9 and referenced elsewhere in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference.
- 101.4.1 Electrical.** The provisions of Chapter 27 of the Florida Building Code – Building, and the provisions of the Florida Residential Code, shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings, and appurtenances thereto.
- 101.4.2 Gas.** The provisions of the Florida Building Code, Fuel Gas, including Appendices and the provisions of the Florida Residential Code, shall apply to the installation of consumers’ gas piping, gas appliances and related accessories as covered in this code. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances, and the installation and operation of residential and commercial gas appliances and related accessories.
- 101.4.3 Mechanical.** The provisions of the Florida Building Code, Mechanical, and the provisions of the Florida Residential Code, shall apply to the installation of mechanical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances, including ventilating, heating, cooling, air conditioning and refrigeration systems, incinerators and other energy-related devices.
- 101.4.4 Plumbing.** The provisions of the Florida Building Code, Plumbing, including Appendices and the provisions of the Florida Residential Code, shall apply to every plumbing installation, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances and when connected to a water or sewerage system and all aspects of a medical gas system.
- 101.4.5 Property Maintenance Reserved.**
- 101.4.6 Fire Prevention.** For provisions related to fire prevention, refer to the *Florida Fire Prevention Code*. *The Florida Fire Prevention Code* shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from the storage, handling, or use of structures, materials or devices; from conditions hazardous to life, property, or public welfare in the occupancy of structures or premises; and from the construction, extension, repair, alteration or removal of fire suppression and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.

- 101.4.7 Energy.** For provisions related to energy, refer to Chapter 13 of the Florida Building Code, Building and the Florida Residential Code.
- 101.4.8 Accessibility.** For provisions related to accessibility, refer to Chapter 11 of the Florida Building Code, Building and the Florida Residential Code.
- 101.4.9 Manufactured buildings.** For additional administrative and special code requirements, see section 428, *Florida Building Code, Building*, and Rule 9B-1 F.A.C.

**SECTION 102
APPLICABILITY**

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

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

102.2 Building. The provisions of the Florida Building and Florida Residential Codes, including Appendices, shall apply to the construction, erection, alteration, modification, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every public and private building, structure or facility or floating residential structure, or any appurtenances connected or attached to such buildings, structures or facilities. Additions, alterations, repairs and changes of use or occupancy group in all buildings and structures shall comply with the provisions provided in the Florida Existing Building Code.

The following buildings, structures, and facilities are exempt from the Florida Building Code – Building, and the Florida Residential Code as provided by law, but not exempt from Chapter 3 of this Code, and any future exemptions shall be as determined by the legislature and provided by law:

- (a) Building and structures specifically regulated and preempted by the Federal Government.
- (b) Railroads and ancillary facilities associated with the railroad.
- (c) Non-residential farm buildings on farms.
- (d) Temporary buildings or sheds used exclusively for construction purposes.
- (e) Mobile homes or modular structures used as temporary offices, except that the provisions of part V (ss. 553.501-553.513, FLORIDA STATUTES) relating to accessibility by persons with disabilities shall apply to such mobile or modular structures.

- (f) Those structures or facilities of electric utilities, as defined in s. 366.02, Florida Statutes, which are directly involved in the generation, transmission, or distribution of electricity.
- (g) Temporary sets, assemblies, or structures used in commercial motion picture or television production, or any sound-recording equipment used in such production, on or off the premises.
- (h) Chickees constructed by the Miccosukee Tribe of Indians or the Seminole Tribe of Florida. As used in this paragraph, the term “chickee” means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other nonwood features.

102.2.1 In addition to the requirements of ss. 553.79 and 553.80 Florida Statutes, facilities subject to the provisions of Chapter 395 Florida Statutes and Part II of Chapter 400 Florida Statutes shall have facility plans reviewed and construction surveyed by the state agency authorized to do so under the requirements of Chapter 395 Florida Statutes and Part II of Chapter 400 Florida Statutes and the certification requirements of the Federal Government.

102.2.2 Residential Buildings or structures moved into or within Hillsborough County shall not be required to be brought into compliance with the state minimum building code in force at the time the building or structure is moved, provided:

1. The building or structure is structurally sound and in occupiable condition for its intended use;
2. The occupancy use classification for the building or structure is not changed as a result of the move;
3. The building is not substantially remodeled;
4. Current fire code requirements for ingress and egress are met;
5. Electrical, gas and plumbing systems meet the codes in force at the time of construction and are operational and safe for reconnection; and
6. Foundation plans are sealed by a professional engineer or architect licensed to practice in this state, if required by the Florida Building Code, for all residential buildings or structures of the same occupancy class.

102.2.3 The building official shall apply the same standard to a moved residential building or structure as that applied to the remodeling of any comparable residential building or structure to determine whether the moved structure is substantially remodeled. The cost of the foundation on which the moved building or structure is placed shall not be included in the cost of remodeling for purposes of determining whether a moved building or structure has been substantially remodeled.

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

102.2.5 Each enforcement district shall be governed by a board, the composition of which shall be determined by the affected localities. At its own option, each enforcement district or local enforcement agency may promulgate rules granting to the owner of a single-family residence one or more exemptions to the Florida Building Code, but not to Chapter 3 of this Code, relating to:

1. Addition, alteration or repair performed by the property owner upon his or her own property, provided any addition or alteration shall not exceed 1,000 square feet or the square footage of the primary structure, whichever is less.
2. Addition, alteration or repairs by a non-owner within a specific cost limitation set by rule, provided the total cost shall not exceed \$5,000 within any 12-month period.
3. Building and inspection fees.

Each code exemption, as defined in this section, shall be certified to the local board 10 days prior to implementation and shall be effective only in the territorial jurisdiction of the enforcement district or local enforcement agency implementing it.

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

Exception: Electrical service to such playground equipment shall be in accordance with Chapter 27 of the Florida Building Code and the Florida Residential Code.

102.3 Rules of Construction. The rules set out in this section shall be observed, unless such construction is inconsistent with the intent of this Code. The rules of construction and definitions set out here shall not be applied to any section of this chapter which contains any express provisions excluding such construction, or where the subject or content of such section would be inconsistent with this chapter.

102.3.1 Appendices. To be enforced, the appendices included in the technical codes must be adopted by a local governmental jurisdiction for use in that jurisdiction.

102.3.2 Generally. All provisions, terms, phrases and expressions contained in this Chapter shall be liberally construed in order that the true intent and meaning of the Board of County Commissioners may be fully carried out.

102.3.3 Interpretation. Interpretations of this chapter shall be made by the Building Official. Interpretations of Chapter 3 shall be made by the Flood Damage Control Administrator as defined herein and within the Hillsborough County Land Development Code.

102.3.4 Month. The word “month” shall mean a calendar month.

102.3.5 Shall, may. The word “shall” is mandatory; “may” is permissive. The word “shall” takes precedence over “may.”

102.3.6 Text. In cases of any difference of meaning or implication between the text of this Chapter and any figure, the text shall control.

102.3.7 Units of measure. The inch-pound system of measurement is applicable to the provisions of this code. Metric units indicated in parenthesis following inch-pound units are approximate equivalents and are provided for informational purposes only.

102.3.8 Written or in writing. The term “written” or “in writing” shall be construed to include any representation of words, letters or figures whether by printing or otherwise.

102.3.9 Year. The word “year” shall mean a calendar year, unless a fiscal year is indicated.

- 102.4 Application of references.** References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.
- 102.5 Referenced codes and standards.** The codes and standards referenced in the technical codes shall be considered an integral part of the codes without separate adoption. If specific portions of a standard are denoted by code text, only those portions of the standard shall be enforced. Where code provisions conflict with a standard, the code provisions shall be enforced. Permissive and advisory provisions in a standard shall not be construed as mandatory.
- 102.6 Delegation of authority.** Whenever a provision appears requiring the Building Official or some other officer or employee to do some act or perform some duty, it is to be construed to authorize the Building Official or other officer to designate, delegate and authorize professional level subordinates to perform the required act or duty unless the terms of the provision or section specify otherwise.
- 102.7 Federal and state authority.** The provisions of this code shall not be held to deprive any Federal or State agency, or any applicable governing authority having jurisdiction, of any power or authority which it had on the effective date of the adoption of this code or of any remedy then existing for the enforcement of its orders, nor shall it deprive any individual or corporation of its legal rights as provided by law. Where code requirements promulgated by separate agencies of government conflict, the more stringent standard shall be enforced unless prohibited by law.

SECTION 103

BUILDING SERVICES DIVISION

- A – 1 Establishment**
This Chapter shall be administered and enforced by the Hillsborough County Building Services Division of the Planning and Growth Management Department, referred to herein after as “the division.” The County Administrator shall designate a “Building Official” and that person’s duly authorized representatives shall act as building officials.
- A – 2 Building Official Qualifications.** The Building Official shall have such qualifications as deemed appropriate by the County Administrator. At a minimum the Building Official shall be certified as a Building Code Administrator in compliance with Chapter 468, Florida Statutes by the State of Florida. .
- A – 3 Chief Inspector Qualifications.** The Building Official, with the approval of the applicable governing authority, may designate chief inspectors to administer the provisions of the Building, Electrical, Gas, Mechanical, and Plumbing Codes and Plans Examination. Each Chief Inspector shall have at least ten years experience or equivalent, as an architect, engineer, inspector, contractor, or superintendent of construction, or any combination thereof. Each chief inspector shall be certified as an inspector regulated by the Florida Department of Business and Professional Regulations in the appropriate designated field, and shall be in compliance with State certification requirements. Failure to maintain such required State certification shall be grounds for dismissal as a Chief Inspector.
- A – 4 Inspector Qualifications.** The Building Official, with the approval of the applicable governing authority, may appoint or hire such number of inspectors as shall be authorized from time to time. All inspectors shall be certified with the Florida Department of Business and Professional Regulations

as inspectors in their field of responsibility. Failure to maintain such certification shall be grounds for dismissal as an Inspector.

A – 5 Other Employee Qualifications. Any employees functioning in other capacities requiring State certification must obtain and retain such certification. Failure to obtain or maintain such certification shall be grounds for dismissal. A person shall not be appointed or hired as an inspector or plans examiner unless that person meets the qualifications for licensure as an inspector or plans examiner, as established by the State of Florida.

A – 6 Restrictions on employees. An employee of the division, except one whose only connection is as a member of the board established by this code, shall not be financially interested in the furnishing of labor, material, or appliances for the construction, alteration, or maintenance of a building, structure, service, system or in the making of plans or of specifications thereof, unless he is the owner of such. Employees shall not engage in any other work that is inconsistent with their duties or conflict with the interest of the division.

SECTION 104 DUTIES AND POWERS OF THE BUILDING OFFICIAL

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

104.2 Permit Application. Reserved.

104.3 Stop work orders – Reference Section 114. Upon notice from the Building Official, work on any building, structure, electrical, gas, mechanical or plumbing system that is being done contrary to the provisions of this code or any County ordinance in a dangerous or unsafe manner, shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, the owner's agent, or to the person doing the work, and shall state the conditions under which work may be resumed. Where an emergency exists, the Building Official shall not be required to give a written notice prior to stopping the work.

104.3.1 Revocation of permits. The Building Official is authorized to suspend or revoke a permit issued under the provisions of this code wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any provisions of this code.

104.3.2 Misrepresentation of application. The Building Official may revoke a permit or approval, issued under the provisions of this code, where there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.

104.3.3 Violation of code provisions. The Building Official may revoke a permit upon determination by the Building Official that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the building, structure, electrical, gas,

mechanical or plumbing systems for which the permit was issued is in violation of, or not in conformity with, the provisions of this code.

104.4 Inspections. Whenever necessary to make an inspection to enforce any of the provisions of this code, or whenever the Building Official has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building, structure, premises, electrical, gas, mechanical or plumbing systems unsafe, dangerous or hazardous, the Building Official may enter such building, structure or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Building Official by this code. If such building or premises are occupied, the Building Official shall first present proper credentials and request entry. If such building, structure, or premises are unoccupied, the Building Official shall first make a reasonable effort to locate the owner or other persons having charge or control of such and request entry, except when a building permit has been issued for such, in which case the permit shall imply a right of entry has been granted. If entry is refused, the Building Official shall have recourse to every remedy provided by law to secure entry.

104.5 Reserved.

104.6 Right of entry.

104.6.1 Warrants. When the Building Official shall have first obtained a proper Warrant or other remedy provided by law to secure entry, no owner or Occupant or any other person having charge, care or control of any building structure, or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the Building Official for the purpose of inspection and examination pursuant to this code.

104.7 Records. The Building Official shall keep, or cause to be kept, a record of the business of the division. The records of the division shall be open to public inspection.

104.8 Liability. Any employees, or members of the Board of Adjustments, Appeals and Examiners, charged with the enforcement of this code, acting for the applicable governing authority in the discharge of his duties, shall not thereby render themselves personally liable, and are hereby relieved from all personal liability, for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of their duties. Any suit brought against any employees or members because of such act performed by them in the enforcement of any provisions of this code shall be defended by the County Attorney's Office until the final termination of the proceedings

104.9 Reserved

104.10 Requirements / Modifications not covered by code. Any requirements / modifications necessary for the strength, stability or proper operation of an existing or proposed building, structure, electrical, gas, mechanical or plumbing system, or for the public safety, health and general welfare, not specifically covered by this or the other technical codes, shall be determined by the Building Official.

104.11 Alternative materials, design, and methods of construction. The provisions of this Code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the Building Official finds that the proposed design is satisfactory and complies with the intent of the provisions of this Code, and that the material, method or work offered is, for the purpose intended, at least the

equivalent of that prescribed in this Code in quality, strength, effectiveness, fire resistance, durability, and safety. When alternate life-safety systems are designed, the SFPE Engineering Guide to Performance – Based Fire Protection Analysis and Design of Buildings, or other methods approved by the Building Official may be used. The Building Official shall require that sufficient evidence or proof be submitted to substantiate any claim made regarding the alternative.

104.11.1 Reserved.

104.11.2 The Building Official may require tests or test reports as proof of compliance. Required tests are to be made at the expense of the owner, or his agent, by an approved testing laboratory or other approved agency. Copies of test reports or the results of such tests shall be kept on file in the Building Services Division. The Building Official may also require such testing as necessary to ensure the integrity of installed components or systems and for compliance with the Flood Damage Control Regulations (Chapter 3 of this Code). The equipment, material, power, and labor necessary for any test required by the Building Official shall be furnished by the owner or his agent.

104.11.3 Accessibility. Alternate designs and technologies for providing access to and usability of a facility for persons with disabilities shall be in accordance with Section 11-2.2 of the Florida Building Code - Building.

SECTION 105 PERMITS

105.1 When required. Any owner, authorized agent, or contractor who desires to construct, enlarge, alter, repair, move, demolish, or change the occupancy or occupant content of a building or structure, or any outside area being used as part of the building's designated occupancy (single or mixed) or to erect, install, enlarge, alter, repair, remove, convert or replace any impact-resistant coverings, electrical, gas, mechanical, or plumbing system, the installation of which is regulated by the technical codes, or to cause any such work to be done, shall first make application to the building official and obtain the required permit for the work.

105.1.1 Annual Facility Permit. In lieu of an individual permit for each alteration to an existing electrical gas, mechanical, plumbing or interior non-structural office system(s), the building official is authorized to issue an annual permit for Group F occupancies to facilitate routine or emergency service, repair, refurbishing, minor renovations of service systems or manufacturing equipment installations/relocations. The building official shall be notified of major changes and shall retain the right to make inspections at the facility site as deemed necessary. A facility service permit shall be assessed an annual fee and shall be valid for one year from date of issuance. A separate permit shall be obtained for each facility and for each construction trade, as applicable. The permit application shall contain a general description of the parameters of work intended to be performed during the year.

105.1.2 Annual Permit Records. The person to whom an annual permit is issued shall keep a detailed record of alterations made under such annual permit. The building official shall have reasonable access to such records upon request. The permit holder shall list/identify all work performed on a form approved by the building official. At the end of the permit validation period, a copy of the log shall be filed with the building official. The building

official is authorized to revoke or withhold the issuance of the future permits if a pattern of code violations is found to exist.

105.1.3 Food Permit. As per s. 500.12, Florida Statutes, a food permit from the Department of Agriculture and Consumer Services is required of any person who operates a food establishment or retail store.

105.2 Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code. Permits shall not be required for the following:

Building:

The construction of any residential storage shed or the installation of any manufactured residential storage shed which has a gross floor area of one hundred fifty (150) square feet or less, intended for the type of storage associated with a residential building.

Gas:

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

Mechanical:

1. any portable heating appliance;
2. any portable ventilation equipment;
3. any portable cooling unit;
4. any steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
5. replacement of any part that does not alter its approval or make it unsafe;
6. any portable evaporative cooler;
7. any self-contained refrigeration system containing 10 lb. (4.54 kg) or less of refrigerant and actuated by motors of 1 horsepower (746 W) or less; and
8. The installation, replacement, removal, or metering of any load management control device.

105.2.1 Emergency repairs. Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the building official.

105.2.2 Minor repairs. Ordinary minor repairs may be made with the approval of the building official without a permit, provided the repairs do not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; additionally, ordinary minor repairs shall not include addition to, alteration of, replacement or relocations of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring systems or mechanical equipment, or other work affecting public health or general safety, and such repairs shall not violate any of the provisions of the technical codes. The following conditions involving repairs and maintenance shall be considered as meeting the ordinary repair definition:

1. The cost will be less than one thousand dollars (\$1,000) and will not be structural in nature as described in the paragraph above. Cost shall include the fair market value of labor, materials and equipment usage, or
2. Work involving floor coverings (carpet, vinyl, tile, wood, etc.), painting, wallpapering, cabinet work, furnishings, decorations, shelving, gutters and downspouts, and routine internal and external maintenance when no structural component is altered or installed, regardless of cost, or
3. Construction of docks when Port Authority approval has been obtained, or
4. Preliminary site investigation such as test borings, test pilings, well points and soil sampling activities, or
5. Repair of leaks, unstopping of sewers or waste pipes, repairing faucets or valves or cleaning of a septic tank where such work is located within the property lines, or for the stopping of leaks in drains, soil waste or vent pipes. Should any trap, drain pipe, soil waste or vent pipe require removal and replacement with new materials in any part or parts, the same shall be considered as new work. In addition, when such repairs involve or require the replacement of fixtures, it shall be considered as new work. All work described in this section may only be performed by a licensed plumbing contractor regardless of whether a permit is required for such work.

The waiving of building permit requirements under these exemptions shall not be deemed a waiver of any other requirements of this code, including but not limited to certification requirements, or of any permit requirements set forth by any other jurisdiction or agency with the power to enforce building code regulations

105.2.3 Emergency repairs following a disaster. Where equipment replacements and repairs must be performed in an emergency situation following a disaster whereby an emergency declaration has been issued and the Building Official has authorized emergency permitting, the permit application may be placed in abeyance for a period of 30 working days or as otherwise authorized by the Board of County Commissioners or County Administrator following confirmation of a disaster inspection performed by a disaster-assessment team or building inspector (or other designee of the Building Official).

105.3 Information required. Each application for a permit, with the required fee, shall be filed with the building official on a form furnished for that purpose and shall contain a general description of the proposed work and its location. The application shall be signed by the owner, a contractor certified by the State or County to practice in the area of work proposed, or his authorized agent. The building permit application shall indicate the proposed occupancy of all parts of the building and of that portion of the site or lot, if any, not covered by the building or structure and shall contain such other information as may be required by the building official. Permit application forms shall be in the format prescribed by a local administrative board, if applicable, and must comply with the requirements of s. 713.135(6) & (7) Florida Statutes. Each application shall be inscribed with the date of application and the code in effect as of that date. For a building permit for which an application is submitted prior to the effective date of the Florida Building Code, the state minimum building code in effect in the permitting jurisdiction on the date of the application governs the permitted work for the life of the permit and any extension granted to the permit

105.3.1 Action on Applications

The building official shall act upon an application for a permit without unreasonable or unnecessary delay. If the building official is satisfied that the work described in an application for a permit and the contract documents filed conform to the requirements of the technical codes and other pertinent laws and ordinances, he shall issue a permit to the

applicant. When authorized through contractual agreement with a school board, in acting on applications for permits, the building official shall give first priority to any applications for the construction of, or addition or renovation to, any school or educational facility.

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

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

1. Plumbing documents for any new building or addition which requires a plumbing system with more than 250 fixture units or which costs more than \$50,000.
2. Fire sprinkler documents for any new building or addition that includes a fire sprinkler system that contains 50 or more sprinkler heads. A Contractor I, Contractor II, or Contractor IV, certified under s. 633.521, Florida Statutes, may design a fire sprinkler system of 49 or fewer heads and may design the alteration of an existing fire sprinkler system if the alteration consists of the relocation, addition or deletion of not more than 49 heads, notwithstanding the size of the existing fire sprinkler system.
3. Heating, ventilation and air-conditioning documents for any new building or addition that requires more than a 15-ton-per-system capacity which is designed to accommodate 100 or more persons or for which the system costs more than \$50,000. This paragraph does not include any document for the replacement or repair of an existing system in which the work does not require altering a structural part of the building or for work on a residential one-family, two-family, three-family or four-family structure.

An air-conditioning system may be designed by an installing air-conditioning contractor certified under Chapter 489, Florida Statutes to serve any building or addition which is designed to accommodate fewer than 100 persons and requires an air-conditioning system with value of \$50,000 or less; and when a 15-ton-per-system or less is designed for a singular space of a building and each 15-ton system or less has an independent duct system. Systems not complying with the above require design documents that are to be sealed by a professional engineer.

Example 1: When a space has two 10-ton systems with each having an independent duct system, the contractor may design these two systems since each system is less than 15 tons.

Example 2: Consider a small single story office building which consists of 6 individual offices where each office has a single three-ton package air conditioning heat pump. The six heat pumps are connected to a single water-cooling tower. The cost of the entire heating, ventilation and air conditioning work is \$47,000 and the office building accommodates fewer than 100 persons.

Note: It was further clarified by the commission that the limiting criteria of 100 persons and \$50,000 apply to the building occupancy load and the cost of the total air-conditioning system of the building.

4. Any specialized mechanical, electrical, or plumbing document for any new building or addition which includes a medical gas, oxygen, steam, vacuum, toxic air filtration, halon, or fire detection and alarm system which costs more than \$5,000.

Documents requiring an engineer seal by this part shall not be valid unless a professional engineer who possesses a valid certificate of registration has signed, dated, and stamped such document as provided in s. 471.025, Florida Statutes.

105.3.2 Time Limitations. Except as otherwise provided in this chapter, an application for plan review and permitting, as well as plans that have been approved for construction, shall be deemed to have been abandoned, and shall expire by limitation and become null and void, 180 days after the date of filing or of plan approval and permit processing, unless before then a permit has been issued. Before such plans are re-approved, an application for a new plan approval and associated fees shall first be submitted, and shall be subject to applicable code, ordinance and resolution changes. One extension of time for a period of not more than 90 days each may be allowed by the building official for the application, provided the extension is requested in writing and justifiable cause is demonstrated.

105.3.3 An enforcing authority may not issue a building permit for any building construction, erection, alteration, modification, repair or addition unless the permit either includes on its face or there is attached to the permit the following statement: “NOTICE: In addition to the requirements of this permit, there may be additional restrictions applicable to this property that may be found in the public records of this county, and there may be additional permits required from other governmental entities such as water management districts, state agencies or federal agencies.”

105.3.4 A building permit for a single-family residential dwelling must be issued within 30 working days of application thereof unless unusual circumstances require a longer time for processing the application or unless the permit application fails to satisfy the Florida Building Code or the enforcing agency’s laws or ordinances.

105.3.5 Identification of minimum premium policy. Except as otherwise provided in Chapter 440, Workers Compensation, every employer shall, as a condition to receiving a building

permit, show proof that it has secured compensation for its employees as provided in ss. 440.10 and 440.38, Florida Statutes.

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

Disclosure Statement:

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

105.4 Conditions of permit

- 105.4.1 Permit intent.** A permit issued shall be construed to be a license to proceed with the work detailed in the approved plans and specifications and not as authority to violate, cancel, alter or set aside any of the provisions of the technical codes or any other code or ordinance, nor shall issuance of a permit prevent the building official from thereafter requiring a correction of errors in plans, construction, or violations of this code. Every permit issued shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced.

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

105.4.1.2 If a new permit is not obtained within 180 days from the date the initial permit became null and void, the building official is authorized to require that any work that has been commenced or completed be removed from the building site. Alternately, a new permit may be issued on application, providing the work in place and required to complete the structure meets all applicable regulations in effect at the time the initial permit became null and void and any regulations which may have become effective between the date of expiration and the date of issuance of the new permit.

105.4.1.3 Work shall be considered to be in active progress when the permit has received an approved inspection within 180 days. This provision shall not be

applicable in case of civil commotion or strike or when the building work is halted due directly to judicial injunction, order or similar process.

105.4.1.4 The fee for renewal reissuance and extension of a permit shall be set forth by the administrative authority.

105.5 **Expiration.** Reserved.

105.6 **Suspension or Revocation of Permit.** The building official is authorized to suspend or revoke a permit issued under the provisions of this code wherever a permit is issued in error or on the basis of incorrect, inaccurate, or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code.

105.7 **Placement of Permit.** Reserved.

105.8 **Notice of Commencement.** As per s. 713.135 Florida Statutes, when any person applies for a building permit, the authority issuing such permit shall print on the face of each permit card in no less than 18-point, capitalized, boldfaced type: “WARNING TO OWNER: YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE RECORDING YOUR NOTICE OF COMMENCEMENT.”

If the direct contract is greater than \$2,500.00, the applicant shall file with the issuing authority prior to the first inspection either a certified copy of the recorded notice of commencement or a notarized statement that the notice of commencement has been filed for recording, along with a copy thereof. In the absence of the filing of certified copy of the recorded notice of commencement, the issuing authority shall not perform or approve subsequent inspections until the applicant files by mail, facsimile, hand delivery, or any other means such as certified copy with the issuing authority. The certified copy of the notice of commencement must contain the name and address of the owner, the name and address of the contractor, and the location or address of the property being improved. The issuing authority shall verify that the name and address of the owner, the name of the contractor, and the location or address of the property being improved which is contained in the certified copy of the notice of commencement is consistent with the information in the building permit application.

105.9 **Asbestos.** The enforcing agency shall require each building permit for the demolition or renovation of an existing structure to contain an asbestos notification statement which indicates the owner’s or operator’s responsibility to comply with the provisions of s. 469.003 Florida Statutes and to notify the Department of Environmental Protection of her or his intentions to remove asbestos, when applicable, in accordance with state and federal law.

105.10 **Certificate of Protective Treatment for prevention of termites.** A weather resistant jobsite posting board shall be provided to receive duplicate Treatment Certificates as each required protective treatment is completed, providing a copy for the person the permit is issued to and another copy for the building permit files. The Treatment Certificate shall provide the product used, identity of the applicator, time and date of the treatment, site location, area treated, chemical used, percent concentration and number of gallons used, to establish a verifiable record of protective treatment. If the soil chemical barrier method for termite prevention is used, final exterior treatment shall be completed prior to final building approval.

- 105.11 Notice of termite protection.** A permanent sign, which identifies the termite treatment provider and need for re-inspection and treatment contract renewal, shall be provided. The sign shall be posted near the water heater or electric panel.
- 105.12 Work Started before Permit Issuance.** Upon approval of the building official, the scope of work delineated in the building permit application and plans may be started prior to the final approval and issuance of the permit provided any work completed is entirely at risk of the permit applicant and the work does not proceed past the first required inspection
- 105.13 Special permits.** When application for permit to erect or enlarge a building or for interior work under an existing roof has been filed and pending issuance of such permit, the Building Official may, at his discretion, issue a special permit for the foundation only or an early start. Electrical, gas, mechanical and plumbing permits entailing work under or through the foundation or associated with the interior work may be issued based on the existence of a special permit. The holder of such a special permit is proceeding at his own risk and without assurance that a permit for the remainder of the work will be granted nor that corrections will not be required in order to meet provisions of the technical codes.
- 105.14 Affidavits.** The building official may accept a sworn affidavit from a registered architect or engineer stating that the plans submitted conform to the technical codes and Flood Damage Control Regulations (Chapter 3 of this Code) following verification that said approval is not contrary to the County's participation with the National Flood Insurance Program. For buildings and structures, the affidavit shall state that the plans conform to the laws as to egress, type of construction and general arrangement and, if accompanied by drawings, show the structural design and that the plans and design conform to the requirements of the technical codes as to strength, stresses, strains, loads and stability. The building official may without any examination or inspection accept such affidavit, provided the architect or engineer who made such affidavit agrees to submit to the building official copies of inspection reports as inspections are performed and upon completion of the structure, electrical, gas, mechanical or plumbing systems a certification that the structure, electrical, gas, mechanical or plumbing system has been erected in accordance with the requirements of the technical codes and other pertinent laws, ~~or~~ ordinances, or Flood Damage Control Regulation certification(s). Where the Building Official relies upon such affidavit, the architect or engineer shall assume full responsibility for the compliance with all provisions of the technical codes and other pertinent laws or ordinances and provide the Building Official with a signed and sealed statement to this affect prior to the issuance of a certificate of occupancy or letter of completion with certifications pursuant to Chapter 3 if applicable. The building official shall ensure that any person conducting plans review or inspections is qualified as an inspector or plans examiner licensed under Chapter 468 Part XII, Florida Statutes.
- 105.14.1 Work authorized.** A building, electrical, gas, mechanical or plumbing permit shall carry with it the right to construct or install the work, provided the same is shown on the drawings and set forth in the specifications filed with the application for the permit. Where these are not shown on the drawings and covered by the specifications submitted with the application, separate permits shall be required.
- 105.14.2 Exclusivity.** Building permits do not allow the permittee to do the work for which another permit is required.

105.15 Owner Permits.

105.15.1 The official shall have the authority to set standards for the issuance of permits to owners. The owner/applicant, by applying for a permit, acknowledges his responsibility to have the requisite knowledge to perform the work described to meet the requirements of this chapter. For the purposes of this subsection, the term “owners of property” includes the owner of a mobile home situated on a leased lot.

105.15.2 A building, electrical, plumbing, or mechanical permit may be issued to any person who is a bona fide owner of real property on which:

1. A one- or two-family dwelling or farm outbuilding exists and is to be constructed or improved for his own use and in which he resides or intends to immediately reside, or
2. A commercial building whose total construction cost is less than \$75,000.00 and whose occupancy and use is for the owner and not offered for sale or lease.
3. The repair or replacement of wood shakes or asphalt or fiberglass shingles on one-family, two-family, or three-family residences for the occupancy or use of such owner or tenant of the owner and not offered for sale within one (1) year after completion of the work and when the property has been damaged by natural causes from an event recognized as an emergency situation designated by executive order issued by the Governor declaring the existence of a state of emergency as a result and consequence of a serious threat posed to the public health, safety, and property of the state.
4. Such owner shall furnish satisfactory evidence to the official that he has sufficient practical knowledge to perform such work. The owner may hire laborers to assist him with the work, provided he complies with the Florida Statutes regarding Worker’s Compensation, insurance, and payroll taxes. If a temporary labor-pool contractor is used, it is the owner’s responsibility to ensure that the proper coverage, as outlined above, is provided.
5. Not more than one such permit shall be issued to the same person in any 12-month period.
6. To qualify for exemption under this subsection, an owner must personally appear and sign the building permit application and satisfy all permitting requirements.
7. If any person violates the requirements of this subsection, the building official shall withhold final approval, revoke the permit, or pursue any action or remedy for unlicensed activity against the owner and any other person performing work that requires licensure under the permit issued.
8. The local permitting agency shall provide the person with a disclosure statement in substantially the following form:

Disclosure Statement:

State Law requires construction to be done by licensed contractors. You have applied for a permit under an exemption to that law. The exemption allows you, as the owner of your property, to act as your own contractor with certain restrictions even though you do not have a license. You must provide direct, onsite supervision of the construction yourself. You may build or improve a one-family or two-family residence or a farm outbuilding. You may also build or improve a commercial building, provided your costs do not exceed \$75,000. The building or residence must be for your own use or occupancy. It may not be built or

substantially improved for sale or lease. If you sell or lease a building you have built or substantially improved yourself within 1 year after the construction is complete, the law will presume that you built or substantially improved it for sale or lease, which is a violation of this exemption. You may not hire an unlicensed person to act as your contractor or to supervise people working on your building. It is your responsibility to make sure that people employed by you have licenses required by state law and by county or municipal licensing ordinances. You may not delegate the responsibility for supervising work to a licensed contractor who is not licensed to perform the work being done. Any person working on your building who is not licensed must work under your direct supervision and must be employed by you, which means that you must deduct F.I.C.A. and withholding tax and provide worker's compensation for that employee, all as prescribed by law. Your construction must comply with all applicable laws, ordinances, building codes, and zoning regulations.

9. Such permits shall be limited to the following types of work:
 - a. Building permits. Construction, alteration, repair, or remodeling of a one- or two-family dwelling with garage and other necessary accessory buildings permitted by law. Such work may be contracted to an appropriately licensed contractor for the different categories of work under this permit.
 - b. Electrical permits. Installation, extension, alteration, repairs, maintenance, and removal of electrical wiring, and any device in connection therewith for light, heat, or power within such dwelling or accessory building. Such work may not be subcontracted by an owner when he obtains the permit.
 - c. Plumbing and mechanical permits. Any plumbing or mechanical work within such dwelling or accessory building. Such work may not be subcontracted by an owner when he obtains the permit.

105.15.3 A homeowner may obtain any of the above permits in 104.1.8.2 or a partially completed residential structure provided the structure has received a certificate of completion for the work that has already been completed.

105.16 Refusal to issue permits. If the application for a permit and the accompanying contract documents describing the work do not conform to the requirements of the technical codes or other pertinent laws or ordinances, the building official shall not issue a permit, but shall return the contract documents to the applicant with his refusal to issue such permit. Such refusal shall, when requested, be in writing and shall contain the reason for refusal.

105.16.1 A permit may not be issued to any contractor or homeowner who:

1. Has allowed a previous permit to expire without obtaining a final inspection; or
2. Has previous permits greater than 30 days old with outstanding code violations or outstanding fees.

105.17 Public right of way. A permit shall not be given by the Building Official for the construction of any building, or for the alteration of any building where said building is to be changed and such change will affect the exterior walls, bays, balconies, or other appendages or projections fronting on a right-of-way, easement, conservation area or zoning minimum lot line setback, unless the applicant has obtained a variance for such encroachment from the appropriate regulatory body.

**SECTION 106
DRAWINGS AND SPECIFICATIONS**

106.1 Submittal documents. Construction documents, a statement of special inspections and other data shall be submitted in one or more sets with each application for a permit. The construction documents shall be prepared by a design professional where required by the statutes. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a design professional.

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

If the design professional is an architect or engineer legally registered under the laws of this state regulating the practice of architecture as provided for in Chapter 481, *Florida Statutes*, Part I, or engineering as provided for in Chapter 471, *Florida Statutes*, then he or she shall affix his or her official seal to said drawings, specifications and accompanying data, as required by *Florida Statute*. If the design professional is a landscape architect registered under the laws of this state regulating the practice of landscape architecture as provided for in Chapter 481, *Florida Statutes*, Part II, then he or she shall affix his or her seal to said drawings, specifications and accompanying data as defined in Section 481.303(6)(a)(b)(c)(d), *FS.* Such information shall be specific, and the technical codes shall not be cited as a whole or in part, nor shall the term “to code” or “legal” or its equivalent be used as a substitute for specific information.

106.1.1 Information on construction documents. Construction documents shall be dimensioned and drawn upon suitable material. Electronic media documents are permitted to be submitted when approved by the building official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the building official (see also Section 106.3.5).

106.1.1.1 Structural and fire resistance integrity. Plans for all buildings shall indicate how required structural and fire resistance integrity will be maintained where a penetration of a required fire resistant wall, floor or partition will be made for electrical, gas, mechanical, plumbing and communication conduits, pipes and systems. Such plans shall also indicate in sufficient detail how the fire integrity will be maintained where required fire resistant floors intersect the exterior walls and where joints occur in required fire resistant construction assemblies.

106.1.1.2 For roof assemblies required by the code, the construction documents shall illustrate, describe, and delineate the type of roofing system, materials, fastening requirements, flashing requirements and wind resistance rating that are required to be installed. Product evaluation and installation shall indicate compliance with the wind criteria required for the specific site or a statement

by an architect or engineer for the specific site must be submitted with the construction documents.

106.1.1.3 Additional data. The Building Official may require details, computations, stress diagrams, and other data necessary to describe the construction or installation and the basis of calculations. All drawings, specifications and accompanying data required by the Building Official to be prepared by an architect or engineer shall be affixed with their official seal and signed.

106.2 Site drawings. Drawings shall show the location of all recorded easements, the proposed building or structure and of every existing building or structure on the site or lot. The drawing shall also show the proposed foundation elevation and lot grading. Deviations from approved neighborhood lot grading plans will be allowed only under the following conditions:

1. A licensed professional certifies that the grading plan is acceptable in accordance with good engineering practices and that any excess run-off will not adversely affect adjacent property owners.
2. The division approves the deviation as not adversely affecting the overall drainage system.

The Building Official may require a boundary line survey prepared by a qualified surveyor.

106.2.1 Hazardous occupancies. The Building Official may require the following:

1. General site plan. A general site plan drawn at a legible scale which shall include, but not be limited to, the location of all buildings, exterior storage facilities, permanent access ways, evacuation routes, parking lots, internal roads, chemical loading areas, equipment cleaning areas, storm and sanitary sewer accesses, emergency equipment and adjacent property uses. The exterior storage areas shall be identified with the hazard classes and the maximum quantities per hazard class of hazardous materials stored.
2. Building floor plan. A building floor plan drawn to a legible scale which shall include, but not be limited to, all hazardous materials storage facilities within the building and shall indicate rooms, doorways, corridors, exits, fire rated assemblies with their hourly rating, location of liquid tight rooms, and evacuation routes. Each hazardous material storage facility shall be identified on the plan with the hazard classes and quantity range per hazard class of the hazardous materials stored.

106.3 Examination of documents.

The building official shall examine or cause to be examined each application for a permit and the accompanying documents, consisting of drawings, specifications, computations and additional data, and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of the technical codes and all other pertinent laws or ordinances.

Exceptions:

1. Building plans approved pursuant to s. 553.77(5) Florida Statutes and state-approved manufactured buildings are exempt from local codes enforcing agency plan reviews except for provisions of the code relating to erection, assembly or construction at the site. Erection, assembly and construction at the site are subject to local permitting and inspections.
2. Industrial construction on sites where design, construction and fire safety are supervised by appropriate design and inspection professionals and which contain adequate in-house fire departments and rescue squads is exempt, subject to local government option, from review of

plans and inspections, providing owners certify that applicable codes and standards have been met and supply appropriate approved drawings to local building and fire-safety inspectors.

- 106.3.1** When the building official issues a permit, the building official shall endorse, in writing or by stamp both sets of reviewed plans “Reviewed for Code Compliance.” One set of reviewed drawings shall be retained by the building official and the other set shall be returned to the applicant. The permit drawings shall be kept at the site of work and shall be open to inspection by the building official or his authorized representative.
- 106.3.2** This code shall not require changes in the construction documents, construction or designated occupancy of a structure for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of this code and has not been abandoned.
- 106.3.3** **Reserved.**
- 106.3.4** **Design professional.** If the design professional is an architect or engineer legally registered under the laws of this state regulating the practice of architecture or engineering, then he/she shall affix his official seal to said drawings, specifications and accompanying data, as required by Florida Statute. The design professional shall be an architect or engineer legally registered under the laws of this State for the following:
1. All new construction not exempted by other provisions of this code.
 2. All renovation of Group A, E, and I occupancies.
 3. All renovations of any occupancy where the work is structural in nature as defined in the Florida Building Codes
- For all claims of exemption from these requirements, the submittal shall bear the certification of the applicant that a specific legal exception permits its preparation by a person not so registered.
- 106.3.4.1** Work shall be installed in accordance with the approved construction documents, and any changes made during construction that are not in compliance with the approved construction plans shall be resubmitted for approval as an amended set of construction plans.
- 106.3.4.2** **Reserved.**
- 106.3.4.3** Certification by contractors authorized under the provisions of s. 489.115(4)(b) Florida Statutes shall be considered to be equivalent to sealed plans and specifications by a person licensed under Chapter 471 Florida Statutes or Chapter 481 Florida Statutes by local enforcement agencies for plans review for permitting purposes relating to compliance with the wind resistance provisions of the code or alternate methodologies approved by the Florida Building Commission for one- and two-family dwellings. Local enforcement agencies may rely upon such certification by contractors that the plans and specifications submitted conform to the requirements of the code for wind resistance. Upon good cause shown, local government code enforcement agencies may accept or reject plans sealed by persons licensed under Chapters 471, 481 or 489, Florida Statutes.

106.3.5 Minimum plan review criteria for buildings. The examination of the documents by the building official shall include the following minimum criteria and documents: a floor plan, site plan, foundation plan, floor/roof framing plan or truss layout and all exterior elevations:

Commercial Buildings:

Building

1. Site Requirements
 - parking
 - fire access
 - vehicle loading
 - driving/turning radius
 - Fire hydrant/water supply/Post Indicator Valve (PIV)
 - set back/separation (assumed property lines) location of specific tanks, water lines and sewer lines
2. Occupancy group and special occupancy requirements shall be determined.
3. Minimum type of construction shall be determined (Table 503).
4. Fire resistant construction requirements shall include the following components:
 - fire resistant separations
 - fire resistant protection for type of construction protection of openings and penetrations of rated walls
 - fire blocking and draftstopping
 - calculated fire resistance
5. Fire suppression systems shall include:
 - early warning
 - smoke evacuation systems schematic
 - fire sprinklers
 - standpipes
 - pre-engineered systems
 - riser diagram
6. Life Safety systems shall be determined and shall include the following requirements:
 - occupant load and egress capacities
 - smoke control
 - stair pressurization
 - systems schematic
7. Occupancy Load/Egress Requirements shall include:
 - Occupancy load
 - gross
 - net
 - means of egress
 - exit access
 - exit
 - exit discharge
 - stairs construction/geometry and protection
 - doors
 - emergency lighting and exit signs
 - specific occupancy requirements

- construction requirements
 - horizontal exits/exit passageways
8. Structural requirements shall include:
- soil conditions/analysis
 - termite protection
 - design loads
 - wind requirements
 - building envelope
 - structural calculations (if required)
 - foundation
 - wall systems
 - floor systems
 - roof systems
 - threshold inspection plan
 - stair systems
9. Materials shall be reviewed and shall at a minimum include the following:
- wood
 - steel
 - aluminum
 - concrete
 - plastic
 - glass
 - masonry
 - gypsum board and plaster
 - insulating (mechanical)
 - roofing
 - insulation
10. Accessibility requirements shall include the following:
- site requirements
 - accessible route
 - vertical accessibility
 - toilet and bathing facilities
 - drinking fountains
 - equipment
 - special occupancy requirements
 - fair housing requirements
11. Interior requirements shall include the following:
- interior finishes (flame spread/smoke develop)
 - light and ventilation
 - sanitation
12. Special systems
- elevators
 - escalators
 - lifts
13. Swimming Pools
- barrier requirements
 - spas
 - wading pools

14. Floodplain Management

- base-flood (BFE) and finished floor elevations shown
- Floodproofing certificate by design professional if finished-floor is below the base-flood elevation
- No Rise Certification if within the regulatory floodway
- operating procedures for placement of materials (e.g. flood shields or gates) for floodproofing operations
- manufacture's certification of the use of flood-resistant materials
- hydrostatic vents if required
- foundation shown to anchor against flotation and protected against other hydrostatic forces
- foundation shown to be protected against hydrodynamic force if within the Floodway or Velocity Zone
- utility supply systems certified to be flood resistant or placed above the design-flood elevation
- sanitary sewerage and potable water systems designed to minimize infiltration of flood waters
- mechanical venting (e.g. below slab for ranges and/or dryers) have the exterior exit opening above DFE
- elevation certificate or survey with lowest floor at job site (for new construction) before slab/prior to framing inspection

Velocity Zone (additional requirements)

- soil-boring and load-bearing analysis
- wave deflection analysis for obstructions below BFE (see Chapter 3 of this Code)
- no living area below the design-flood elevation (DFE)
- area below the DFE void of appliances
- lowest horizontal member above design-flood elevation
- break-away walls or lattice work below lowest horizontal member (no sheer walls below DFE)
- enclosed area below the DFE not climate controlled
- no grade beams below DFE
- no fill for structural support
- no partitioned rooms below the DFE
- riser diagram for exterior appliances and equipment showing equipment is secured and properly elevated

Electrical

1. Electrical
 - wiring
 - services
 - feeders and branch circuits
 - overcurrent protection
 - grounding
 - wiring methods and materials
 - GFCIs
2. Equipment
3. Special Occupancies

4. Emergency Systems
5. Communication Systems
6. Low-voltage
7. Load calculations

Plumbing

1. Minimum plumbing facilities
2. Fixture requirements
3. Water supply piping
4. Sanitary drainage
5. Water heaters
6. Vents
7. Roof drainage
8. Backflow prevention
9. Irrigation
10. Location of water supply line
11. Grease traps
12. Environmental requirements
13. Plumbing riser

Mechanical

1. Energy calculations
2. Exhaust systems
 - clothes dryer exhaust
 - kitchen equipment exhaust
 - specialty exhaust systems
3. Equipment
4. Equipment location
5. Make-up air
6. Roof-mounted equipment
7. Duct systems
8. Ventilation
9. Combustion air
10. Chimneys, fireplaces and vents
11. Appliances
12. Boilers
13. Refrigeration
14. Bathroom ventilation
15. Laboratory

Gas

1. Gas piping
2. Venting
3. Combustion air
4. Chimneys and vents
5. Appliances
6. Type of gas
7. Fireplaces
8. LP tank location
9. Riser diagram/shut-offs

Demolition

1. Asbestos removal

Residential (One- and Two-Family):

Building

1. Site requirements
 - setback/separation (assumed property lines)
 - location of septic tanks
 - lot grading
2. fire resistant construction (if required)
3. fire
4. smoke detector locations
5. Egress
 - egress window size and location
 - stairs construction requirements
6. Structural requirements shall include:
 - wall section from foundation through roof, including assembly and materials
 - connector tables
 - wind requirements
 - structural calculations (if required)
7. Accessibility requirements:
 - show/identify accessible bath
8. Floodplain Management
 - no living area/finished floor below the design-flood elevation (DFE)
 - base-flood (BFE) and finished floor elevations shown
 - No Rise Certification if within the regulatory floodway
 - manufacture's certification of the use of flood-resistant materials
 - hydrostatic vents if required, minimum of two openings (1 sq in/1 sq ft exposed area); unless, the size of openings have been engineered based upon the rate of rise of floodwater for the source of flooding for the site
 - foundation shown to anchor against flotation and protected against other hydrostatic forces
 - foundation shown to be protected against hydrodynamic force if within the Floodway or Velocity Zone
 - non-partitioned space below the BFE
 - no appliances below DFE
 - enclosed area below the DFE not climate controlled
 - riser diagram for exterior appliances and equipment showing equipment is above DFE
 - utility supply systems certified to be flood resistant or placed above the design-flood elevation
 - sanitary sewerage and potable water systems designed to minimize infiltration of flood waters
 - mechanical venting (e.g. below slab for ranges and/or dryers) have the exterior exit opening above DFE
 - elevation certificate or survey with lowest floor at job site (for new construction) before slab/prior to framing inspection

Velocity Zone (additional requirements)

- soil-boring and load-bearing analysis
- wave deflection analysis for obstructions below BFE (see Chapter 3 of this Code)
- lowest horizontal member above design-flood elevation
- break-away walls or lattice work below lowest horizontal member (no sheer walls below DFE; except as provided for within Chapter 3 of this Code)
- enclosed area below the DFE not climate controlled
- no grade beams below DFE; unless, shown to be below the scour line pursuant to FEMA standards
- no fill for structural support
- no partitioned rooms below the DFE
- riser diagram for exterior appliances and equipment showing equipment is secured and properly elevated

Manufactured / Mobile Homes

1. Site requirements
 - setback/separation (assumed property lines)
 - location of septic tanks
 - lot grading
2. Structural
 - wind zone
 - anchoring
 - blocking
3. Mechanical
 - Exhaust systems
 - ✓ clothes dryer exhaust
 - ✓ kitchen equipment exhaust
4. Electrical
 - exterior disconnect location

Exemptions. Plans examination by the building official shall not be required for the following work:

1. Replacing existing equipment such as mechanical units, water heaters, etc.
2. Re-roofs
3. Minor electrical, plumbing and mechanical repairs.
4. Annual maintenance permits
5. Prototype plans
 - except for local site adaptations, siding, foundations and/or modifications
 - except for structures that require waiver
6. Manufactured building plans except for foundations, accessibility criteria, and modifications of the building site.

**SECTION 107
TEMPORARY STRUCTURES AND USES**

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

- 107.2 Conformance.** Temporary structures and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation, and sanitary requirements of this code as necessary to ensure the public health, safety and general welfare.
- 107.3 Temporary Power.** The Building Official is authorized to give permission to temporarily supply and use power in part of an electric installation before such installation has been fully completed and the final Certificate of Completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat, or power in Chapter 27 of the Florida Building Code – Building.
- 107.4 Termination of approval.** The Building Official is authorized to terminate such permit for a temporary structure or use, and to order the temporary structure or use to be discontinued.

SECTION 108 FEES

- 108.1 Prescribed fees.** A permit shall not be issued until fees authorized under s. 553.80 Florida Statutes 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.
- 108.2 Schedule of Permit Fees.** On all buildings, structures, electrical, plumbing, mechanical and gas systems or alterations requiring a permit, a fee for each permit shall be paid as required at the time of obtaining the permit or submitting the filing application, as appropriate and in accordance with the schedule as established by the Board of County Commissioners, which is the applicable governing authority.
- 108.3 Building permit valuations.** If, in the opinion of the Building Official, the valuation of building, alteration, structure, electrical, gas, mechanical or plumbing systems appears to be underestimated on the application, permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the Building Official. Permit valuations shall include total cost, such as electrical, gas, mechanical, plumbing equipment and other systems, including materials and labor. The permit valuation may be calculated using the latest Building Valuation Data published by the International Code Council or other applicable model code organization, at the option of the Building Official.
- 108.4 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 of 200 percent of the usual permit fee in addition to the required permit fee. The payment of such fees shall not relieve any persons from fully complying with the requirements of this code in the execution of the work nor from any other penalties prescribed by this code. This provision shall not apply to emergency work when delay would clearly have placed life or property in imminent danger. But in all such cases, the chief of the appropriate inspection discipline must be notified of the work as soon as possible and the required permit(s) must be applied for within three (3) business days.

Exceptions:

1. Where extenuating circumstances are justified, the Building Official may allow an extension of the permit application deadline.

2. For just causes, and in cases involving extreme circumstances and unusual hardship, the Building Official may waive the triple permit fee.

108.5 Accounting. The building official shall keep a permanent and accurate accounting of all permit fees and other monies collected, the names of all persons upon whose account the same was paid, along with the date and amount thereof.

108.5.1 Types of Fees Enumerated. Fees may be charged for, but not limited to, the following:
Permits;
Plans Examination;
Certificates of competency (including fees for applications, examinations, renewal, late renewal, and reciprocity);
Reinspections;
Administrative fees (including fees for investigative and legal costs incurred in the context of certain disciplinary cases heard by the board);
Variance requests;
Administrative appeals;
Violations.

108.6 Fees Not Refundable. Fees paid for permits are not refundable, except under one (1) of the following conditions:

1. The permit was issued for a location not within the Building Official's jurisdiction.
2. The permit fee was incorrectly calculated by the Building Services Division and the calculated fee exceeds the actual fee.
3. Other refund criteria as contained in the Board of County Commissioners Board Policy 03.04.01.03 (Refund Policy).

108.6.1 Building permit valuations. If, in the opinion of the Building Official, the valuation of building, alteration, structure, electrical, gas, mechanical or plumbing systems appears to be underestimated on the application, permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the Building Official. Permit valuations shall include total cost, such as electrical, gas, mechanical, plumbing equipment and other systems, including materials and labor. The permit valuation may be calculated using the latest Building Valuation Data published by the International Code Council or other applicable model code organization, at the option of the Building Official.

SECTION 109 INSPECTIONS

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

109.2 Preliminary Inspection. Before issuing a permit, the Building Official may examine or cause to be examined any building, electrical, gas, mechanical, or plumbing systems for which an application has been received for a permit to enlarge, alter, repair, move, demolish, install, or change the occupancy. The official shall inspect all buildings, structures, electrical, gas, mechanical and plumbing systems, from time to time, during and upon completion of the work for which a permit was issued. The official shall make a record of every such examination and inspection and of all violations of the technical codes.

109.3 Required inspections. The building official upon notification from the permit holder or his agent shall make the following minimum inspections, and shall either release that portion of the construction or shall notify the permit holder or his agent of any violations that must be corrected in order to comply with the technical codes. The building official shall determine the timing and sequencing of when inspections occur and what elements are inspected at each inspection.

Building

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

- stem-wall
- monolithic slab-on-grade
- piling/pile caps
- footers/grade beams

A foundation survey prepared and certified by a registered surveyor shall be required for all new construction prior to approval of the framing inspection. The survey shall certify placement of the building on the site, illustrate all surrounding setback dimensions, identification of the flood zone and elevation for the finished floor, and shall be available at the job site for review by the building inspector. In lieu of providing a survey, the contractor may elect to uncover all property line makers and string up all property lines in preparation for inspection. The foundation survey may be required prior to the foundation inspection if there is reason to believe the required setbacks are not being met.

1.1 Slab Inspection. To be made after the reinforcement is in place and all conduit, piping, ducts and vents, electrical, plumbing and mechanical work to be concealed by concrete is complete. Inspection shall be passed prior to placement of concrete.

Flood Elevation. A copy of the elevation certificate or a survey prepared and certified by a registered architect, engineer, or surveyor that establishes the lowest floor shall be available for review at the job site before approval of the slab inspection for all new construction in the Special Flood Hazard Area (SFHA).

2. Framing inspection. To be made after the roof, all framing, fireblocking and bracing is in place, all concealing wiring, all pipes, chimneys, ducts and vents are complete and shall at a minimum include the following building components:

- window/door framing and installation
- vertical cells/columns
- lintel/tie beams
- framing/trusses/bracing/connectors
- draft stopping/fire-blocking
- curtain wall framing
- energy insulation
- accessibility

Verify rough openings are within tolerances

3. **Sheathing inspection.** To be made either as part of a dry-in inspection or done separately at the request of the contractor after all roof and wall sheathing and fasteners are complete and shall at a minimum include the following building components:
 - roof sheathing
 - wall sheathing
 - sheathing fasteners
 - roof/wall/dry-in

- 3.1 **Dry-In Inspection.** For projects utilizing an exterior finish of Portland Cement Plaster (stucco) over framed construction or siding, a dry-in inspection shall be performed after the sheathing inspection and prior to plastering for stucco or prior to installation of siding. This inspection shall include:
 - vapor barrier installation (overlap)
 - flashing installation (including Z-channel)
 - metal lath installation
 - control joint installation

4. **Roofing inspection:** shall at a minimum include the following building components:
 - dry-in
 - insulation
 - roof coverings
 - flashing

- 4.1 **Insulation inspection:** required after all windows and doors are installed and the structure is ready for drywall. At a minimum, this inspection shall include:
 - Wall insulation
 - Baffles (if required)

5. **Final inspection.** To be made after the building is completed and ready for occupancy and prior to the issuance of a Certificate of Occupancy.

6. **Swimming pool inspection:**
 - First inspection to be made after excavation and installation of reinforcing steel, bonding and main drain and prior to placing of concrete.
 - Final inspection to be made when the swimming pool is complete and all required enclosure requirements are in place.
 - In order to pass final inspection and receive a certificate of completion, a residential swimming pool must meet the requirements relating to pool safety features as described in Section 424.2.17 of the FBC.

7. **Demolition inspections:**
 - First inspection to be made after all utility connections have been disconnected and secured in such manner that no unsafe or unsanitary conditions shall exist during or after demolition operations.
 - Final inspection to be made after all demolition work is completed.

8. **Manufactured Building inspections.** The building department shall inspect construction of foundations; connecting buildings to foundations; installation of parts identified on plans as site installed items; joining the modules; including utility crossovers; utility connections from the building to utility lines on site; and any other work done on site that requires compliance

with the Florida Building Code. Additional inspections may be required for public educational facilities. (see section 423.27.20)

9. Where impact-resistant coverings are installed to meet requirements of this code, the building official shall schedule adequate inspections of impact-resistant coverings to determine the following:

The system indicated on the plan was installed.

The system is installed in accordance with the manufacturer's installation instructions and the product approval.

Electrical

1. **Underground inspection.** To be made after trenches or ditches are excavated, conduit or cable installed, and before any backfill is put in place.
2. **Rough-In inspection.** To be made after the roof, framing, fire-blocking and bracing is in place and all wiring and other components to be concealed are in place and prior to the installation of wall or ceiling membranes.
3. **Final inspection.** To be made after the building is complete, all required electrical fixtures are in place and properly connected or protected, and the structure is ready for occupancy.

Note: see section 312 of the Florida Building Code, Plumbing for required test.

Plumbing

1. **Underground inspection.** To be made after trenches or ditches are excavated, piping installed, and before any backfill is put in place.
2. **Rough-In inspection.** To be made after the roof, framing, fire-blocking and bracing is in place and all soil, waste and vent piping is complete, and prior to the installation of wall or ceiling membranes.
3. **Final inspection.** To be made after the building is complete, all required plumbing fixtures are in place and properly connected, and the structure is ready for occupancy.

Mechanical

1. **Underground inspection.** To be made after trenches or ditches are excavated, underground duct and fuel piping installed, and before any backfill is put in place.
2. **Rough-In inspection.** To be made after the roof, framing, fire-blocking and bracing is in place and all ducting and other concealed components are complete, and prior to the installation of wall or ceiling membranes.
3. **Final inspection.** To be made after the building is complete, the mechanical system is in place and properly connected, and the structure is ready for occupancy.

Gas

1. **Rough piping inspection.** To be made after all new piping authorized by the permit has been installed, and before any such piping has been covered or concealed or any fixtures or gas appliances have been connected.
2. **Final piping inspection.** To be made after all piping authorized by the permit has been installed and after all portions which are to be concealed by plastering or otherwise have been so concealed, and before any fixtures or gas appliances have been connected. This inspection shall include a pressure test.
3. **Final inspection.** To be made on all new gas work authorized by the permit and such portions of existing systems as may be affected by new work or any changes, to insure compliance with all the requirements of this code and to assure that the installation and construction of the gas system is in accordance with reviewed plans.

109.3.3 Reinforcing steel and structural frames. Reinforcing steel or structural framework of any part of any building or structure shall not be covered or concealed without first obtaining a release from the building official.

109.3.4 Termites. Building components and building surroundings required to be protected from termite damage in accordance with 1503.4.4, 1804.6.2.7, 1916.7.5, 2303, 2304, or 2603.3, specifically required to be inspected for termites in accordance with 2116, or required to have chemical soil treatment in accordance with 1816 shall not be covered or concealed until the release from the building official has been received.

109.3.5 Shoring. For threshold buildings, shoring and associated formwork or falsework shall be designed and inspected by a Florida Licensed Professional Engineer, employed by the permit holder or subcontractor, prior to any required mandatory inspections by the Threshold Building inspector.

109.3.6 Threshold Building

109.3.6.1 The enforcing agency shall require a special inspector to perform structural inspections on a threshold building pursuant to a structural inspection plan prepared by the engineer or architect of record. The structural inspection plan must be submitted to the enforcing agency prior to the issuance of a building permit for the construction of a threshold building. The purpose of the structural inspection plan is to provide specific inspection procedures and schedules so that the building can be adequately inspected for compliance with the permitted documents.

109.3.6.2 The special inspector shall inspect the shoring and reshoring for conformance to the shoring and reshoring plans submitted to the enforcing agency. A fee simple title owner of a building which does not meet the minimum size, height, occupancy, occupancy classification or number of stories criteria which would result in classification as a threshold building under 553.71(7) Florida Statutes, may designate such building as a threshold building, subject to more than the minimum number of inspections required by the Florida Building Code, Building.

- 109.3.6.3** The fee owner of a threshold building shall select and pay all costs of employing a special inspector, but the special inspector shall be responsible to the enforcement agency. The inspector shall be a person certified, licensed, or registered under chapter 471 Florida Statutes as an engineer or under chapter 481 Florida Statutes as an architect.
- 109.3.6.4** Each enforcement agency shall require that, on every threshold building:
- 109.3.6.4.1** The special inspector, upon completion of the building and prior to the issuance of a Certificate of Occupancy, file a signed and sealed statement with the enforcement agency in substantially the following form: “To the best of my knowledge and belief, the above-described construction of all structural load bearing components complies with the permitted documents, and the shoring and reshoring conforms to the shoring and reshoring plans submitted to the enforcement agency.”
 - 109.3.6.4.2** Any proposal to install an alternate structural product or system to which building codes apply are to be submitted to the enforcement agency for review for compliance with the codes and made part of the enforcement agency’s recorded set of permit documents.
 - 109.3.6.4.3** All shoring and reshoring procedures, plans and details are to be submitted to the enforcement agency for recordkeeping. Each shoring and reshoring installation shall be supervised, inspected and certified to be in compliance with the shoring documents by the contractor.
 - 109.3.6.4.4** All plans for the building which are required to be signed and sealed by the architect or engineer of record contain a statement that, to the best of the architect’s or engineer’s knowledge, the plans and specifications comply with the applicable minimum building codes and the applicable fire-safety standards as determined by the local authority in accordance with this section and 633 Florida Statutes.
- 109.3.6.5** No enforcing agency may issue a building permit for construction of any threshold building except to a licensed general contractor, as defined in s. 489.105(3)(a) Florida Statutes, or to a licensed building contractor, as defined in s. 489.105(3)(b) Florida Statutes, within the scope of his or her license.
- 109.3.6.6** The Building Services Division may allow a special inspector to conduct the minimum structural inspection of threshold buildings required by this code, s. 553.73 Florida Statutes, without duplicative inspection by the building department. The Building Official is responsible for ensuring that any person conducting inspections is qualified as a building inspector under part XII of Chapter 468, Florida Statutes, or certified as a special inspector under Chapter 471 or Chapter 481, Florida Statutes. Inspections of threshold

buildings required by s. 553.79(5), Florida Statutes, are in addition to the minimum inspections required by this code.

109.3.7 Reserved

109.3.8 Reinspection. Failure to be found in compliance during any requested inspection may result in a reinspection and associated fee and/or a penalty fee for each violation of the technical codes observed. A re-inspection fee shall be charged for each additional visit unless otherwise approved by the building official.

109.3.8.1 Plaster fire protection. In all buildings where plaster is used for fire protection purposes, the permit holder or his agent shall notify the building official after all lathing and backing is in place. Plaster shall not be covered or concealed from view without first obtaining a release from the building official.

109.3.8.2 Site Debris

1. The contractor and/or owner of any active or inactive construction project shall be responsible for the clean-up and removal of all construction debris or any other miscellaneous discarded articles prior to receiving final inspection approval. Construction job sites must be kept clean, such that excessive accumulation of construction debris must not remain on the property for a period of time exceeding 14 days.
2. All debris shall be kept in such a manner as to prevent it from being spread by any means.

109.3.8.3 Fire resistant joints and penetrations. The protection of joints and penetrations in required fire resistant construction assemblies shall not be covered or concealed from view without first obtaining a release from the building official.

109.3.9 Special Inspections. Reserved

109.3.10 Final Inspection. Reserved

109.4 Inspection Agencies. The Building Official may make, or cause to be made, the inspections required by the code. The official may accept reports of State of Florida certified inspectors not employed by the County, provided that after investigation, the official is satisfied as to their qualifications and reliability and they are registered with the Building Services Division. Registration will be granted to those certified inspectors who meet the guidelines established by the appropriate Board of Adjustment, Appeals and Examiners and may be rescinded for cause. A registration fee equal to that for registered contractors shall be charged at the time of registration. A certificate called for by any provision of the technical codes shall not be based on the report of a registered inspector unless the same are in writing and certified by that inspector. The Building Official shall ensure that all persons making such inspections shall be certified in accordance with Chapter 468, Florida Statutes.

109.5 Inspection Requests. It shall be the duty of the holder of the permit or their duly authorized agent to notify the building official when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work required by this code.

109.6 Approval Required. Work shall not be done on any part of a building, structure, electrical, gas, mechanical or plumbing system beyond the point indicated in each successive inspection without first obtaining a written release from the building official. Such written release shall be given only after an inspection has been made of each successive step in the construction or installation as indicated by each of the foregoing inspections. Any portions that do not comply shall be corrected and such portion will not be covered or concealed until authorized by the building official.

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

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

109.6.3 Posting of permit. Work requiring a permit shall not commence until the permit holder or his agent posts the permit card in a conspicuous place near the front of the premises or in an easily identifiable central location. The permit shall be protected from the weather and located in such position as to permit the building official or representative to conveniently make the required entries thereon. This permit card shall be maintained in such position by the permit holder until the Certificate of Occupancy or Completion, or final inspection approval is received when the work will not result in a Certificate of Occupancy or Completion, is issued by the building official.

SECTION 110 CERTIFICATES OF OCCUPANCY AND COMPLETION

110.1 Use and Occupancy. No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the building official has issued a certificate of occupancy therefore as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction.

110.2 Certificate Issued. After the building official inspects the building or structure and finds no violations of the provision of this code or other laws that are enforced by the department, the building official shall issue a certificate of occupancy that contains the following:

1. The building permit number.
2. The address of the structure.
3. The name and address of the owner.
4. A description of that portion of the structure for which the certificate is issued.
5. A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.

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

110.3 Temporary/Partial occupancy. A temporary/ partial Certificate of Occupancy may be issued for a portion or portions of a building that may safely be occupied prior to final completion of the building. The building official shall set a time period with an established fee during which the temporary certificate of occupancy is valid.

110.4 Certificate of Completion. Upon satisfactory completion of a building, structure, electrical, gas, mechanical or plumbing system, a certificate of completion may be issued. A certificate of completion is proof that a structure or system is complete and for certain types of permits is released for use and may be connected to a utility system. This certificate does not grant authority to occupy or connect a building, such as a shell building, prior to the issuance of a Certificate of Occupancy. Certificates of Completion may be issued for the following types of projects:

- 1. New Commercial Building Shell:** A certificate of completion shall be issued after all final inspections have been approved and the fees paid. The issuance of a certificate of completion allows permits to be obtained for the completion of the interior tenant spaces. Occupancy of any part of the building is not permitted until a certificate of occupancy is issued in accordance with section 110.1 for the finished spaces. Permanent power for the building shall not be released to the utility company until the first tenant space has been issued a certificate of occupancy.
- 2. New Residential Building Shell:** A certificate of completion shall be issued after all rough-in inspections have been approved and the fees paid. The issuance of a certificate of completion allows permits to be obtained for the completion of the residential dwelling. Occupancy of any part of the building is not permitted until a certificate of occupancy is issued in accordance with section 110.1.
- 3. Existing Buildings:** Any construction project involving the repair, remodeling, renovation, or alteration of an existing residential or commercial building or structure, which is not part of a change of occupancy, as defined in this chapter, may be issued a certificate of completion. Upon specific request, the certificate of completion shall be issued when all permits associated with the construction project have been granted final approval and all fees have been paid.

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

SECTION 111 SERVICE UTILITIES

111.1 Connection of service utilities. No person shall make connections from a utility source of energy, fuel or power to any building or system which is regulated by the technical codes for which a permit

is required, or to devices and appliances to be used in connection with any carnival or show, or in any place, tent or building to be used as a temporary place of assembly, until released by the building official and a Certificate of Occupancy or Completion is issued.

- 111.2 Temporary connection.** The building official may authorize the temporary connection of the building or system to the utility source of energy, fuel or power for the purpose of testing building service systems or for use under a temporary Certificate of Occupancy.
- 111.3 Authority to disconnect service utilities.** The building official shall have the authority to authorize disconnection of utility service to the building, structure, or system regulated by the technical codes in case of emergency where necessary to eliminate an immediate hazard to life or property. The building official shall notify the serving utility, and whenever possible the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

SECTION 112 CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS

- 112.1 Appointment.** Independent Boards of Adjustment, Appeals, and Examiners shall be created to address building, plumbing, mechanical, electrical, and gas related matters. Each Board shall consist of seven regular members and two alternate members. The board members shall be appointed by the governing bodies of the jurisdictions that choose to use the County's boards and enter into an interlocal agreement with Hillsborough County. The Construction Board of Adjustment and Appeals as defined within this Code is the Building Board of Adjustment, Appeals and Examiners as defined within the Hillsborough County Land Development Code.
- 112.2 Membership.** The Boards of Adjustment, Appeals and Examiners shall consist of nine members. The Building Official or his appointed representative shall act as the non-voting executive director of each board. All board members shall be residents of Hillsborough County. Such board members should be composed of individuals with knowledge and experience in the technical codes, such as design professionals, contractors, or building industry representatives and at least one member from the general public. A board member shall not act in a case in which he has a personal or financial interest. Specific board membership shall include a minimum representation and additional representation from any source. The minimum representation shall be as follows:

Building Board

The Building Board also serves as the County's Flood Damage Control Board and is used interchangeably with the Building Board of Adjustment, Appeals and Examiners within this Code.

1. Four contractors including at least one roofing and one swimming pool contractor.
2. One State of Florida Registered Architect.
3. One State of Florida Registered Professional Engineer qualified to work in the area of structural engineering.
4. One representative from the Building Trades.

Electrical Board

1. Three Electrical Contractors.
2. Two State of Florida Registered Professional Engineers qualified to work in the area of electrical engineering.
3. One representative from an Electrical Utility Company.

4. One representative from the Electrical Trades.

Plumbing Board

1. Three Master Plumbers.
2. One Journeyman Plumber.
3. One representative from the Hillsborough County Health Department.
4. One State of Florida Registered Professional Engineer qualified to work in the area of sanitary or mechanical engineering.
5. One Certified Utility Contractor.

Mechanical Board

1. One Mechanical Contractor.
2. Two Class "A" HVAC Contractors.
3. One Class "B" HVAC Contractor.
4. One State of Florida Registered Professional Engineer qualified to work in the area of mechanical engineering.
5. One representative from the mechanical trades.
6. One Sheet Metal Contractor.

Gas Board

1. Two Master Gas Fitters (Natural Gas).
2. One Natural Gas Installer.
3. Three State Licensed Liquid Petroleum Installers.
4. One representative of a local Fire Marshal.

112.2.1 Terms. The terms of office of the regular board members shall be four years and shall be staggered so that no more than 1/3 of the regular board membership is appointed or replaced in any 12-month period. The two alternates shall serve two-year terms. Vacancies shall be filled for an unexpired term in the manner in which original appointments are required to be made. Board members absent from more than two consecutive required meetings without just cause shall be removed from office. Board members unable to continue membership because of change in status or personal reasons shall notify the executive director of the board in writing. Board members may be removed for cause, at the discretion of the appointing body, at any time.

112.2.2 Quorum and Voting. No official Board business shall be conducted without a quorum. The presence of at least four regular and/or alternate members of a board shall constitute a quorum. In varying any provision of this code or taking disciplinary action, the affirmative votes of the majority present, but not less than three affirmative votes, shall be required. In modifying a decision of the Building Official, not less than four affirmative votes shall be required. The total number of board members voting on any issue, except board policies or procedures, may not exceed seven members. When more than seven board members are present, voting priority will first be given to the regular members and then to alternate members based on individual board procedures.

112.2.3 Secretary of Board. The Building Official shall act as secretary of the board and shall cause a detailed record to be made of all its proceedings, which shall set forth the reasons for its decision, the vote of each member, the absence of a member, and any failure of a member to vote.

112.2.4 Record of the Proceedings. An audio recording of the meeting will constitute the official record of the proceedings. Any person desiring to appeal a decision rendered by the board with respect to any matter considered at such meeting or hearing, and if he or she will need a verbatim record of the proceedings for such purpose, he or she will be responsible for ensuring that such record of the proceedings is made.

112.3 Powers

The Boards of Adjustments, Appeals, and Examiners shall have the following powers:

1. To satisfy itself as to the character and integrity of each applicant for a Certificate of Competency by requiring any information it deems necessary, including but not limited to, summary of experience, employment history, record of any law violations, credit rating, and a photograph.
2. To determine through a review of the supporting data, whether an applicant meets the qualifications for the particular type of certificate applied for, and the approval to be examined for competency for those trade areas in which a Certificate of Competency is required.
3. To prepare, conduct, and grade practical examinations and/or designate the authorized agencies or individuals deemed appropriate for the examination of all applicants for Certificates of Competency.
4. To hear the appeal of any person issued a citation for violating the provisions of this code or any other applicable construction laws against any person, firm, or corporation.
5. To give notice and hear charges of violations of the provisions of this code or any other applicable construction laws against any person, firm, or corporation.
6. To impose disciplinary action authorized by the code as provided in Chapter 489 of the Florida Statutes and Chapter 61G4-20.001 of the Florida Administrative Code on any contractor, firm, corporation, partner, office, director, trustee, or member of a firm or corporation for which a contractor is a qualifying agent, if found by the Board to have violated any of the provisions of this code or any other applicable construction laws.
7. To issue orders commanding whatever steps necessary to bring a violation into compliance.
8. To hear the appeal of any person who may be aggrieved by any ruling or order of the Building Official or Fire Marshal.
9. To hear the appeal of any person issued a citation for violating Sections 489.127 (1), and 489.132 (1) Florida Statutes, as provided in Section 489.127 (5), Florida Statutes.
10. To issue notices of hearing and subpoenas requiring the attendance of witnesses and production of evidence when the board has reasonable cause to believe that a violation of this code or any other applicable construction laws has occurred.
11. To administer oaths and to take, cross-examine, or call testimony and/or evidence the board deems necessary to carry out the provisions of this code.
12. To make recommendations to the Construction Industry Licensing Board regarding complaints against state certified or state registered contractors.

112.4 Administrative Appeals

112.4.1 Decision of the Building Official or Fire Marshal. Any person or entity aggrieved by a decision of the Building Official or Fire Marshal under this code may make appeal to the appropriate Board of Adjustment, Appeals, and Examiners whenever any one of the following conditions are claimed to exist:

1. The Building Official rejected or refused to approve the mode or manner of construction proposed to be followed or materials to be used in the installation or alteration of a building, structure, or service system.
2. The provisions of this code do not apply to this specific case.

3. That an equally good or more desirable form of installation can be employed in any specific case.
4. The true intent and meaning of this code or any of the regulations hereunder have been misconstrued or incorrectly interpreted.

If the decision of the Building Official or Fire Marshal is to apply the provisions of the Florida Building Code, the Board of Adjustment, Appeals and Examiners may not alter the decision unless said Board determines that the application of such code is not reasonable. If the decision of the Building Official is to adopt an alternative to the code, the Board of Adjustment, Appeals and Examiners shall give due regard to the decision rendered by the Building Official and may modify that decision if the Board of Adjustment, Appeals and Examiners adopts a better alternative, taking into consideration all relevant circumstances. In any case in which the Board of Adjustment, Appeals and Examiners adopts alternatives to the decision rendered by the Building Official or Fire Marshal, such alternatives shall provide an equivalent degree of life safety and an equivalent method of construction as the decision rendered by the Building Official or Fire Marshal.

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

1. The special conditions and circumstances exist which are peculiar to the building, structure, service system, or individual involved and which are not applicable to others.
2. That the special conditions and circumstances do not result from the action or inaction of the applicant.
3. That granting the variance requested will not confer on the applicant any special privilege that is denied by this code to other buildings, structures, service systems, or individuals.
4. That the variance granted is the minimum variance that will resolve the issue.
5. That the granting of the variance will be in harmony with the general intent and purpose of this code and will not be detrimental to the public health, safety, and general welfare.

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

112.4.3 Notice of Appeal. Petition for appeal of a Building Official or Fire Marshal decision shall be in writing and shall set forth a detailed basis for the appeal. Said Notice of Appeal shall be filed within 30 calendar days after a written decision is rendered by the Building Official or Fire Marshal. The petitioner shall be provided notice of the time, date, and location for the appeal hearing no less than ten days prior to the scheduled hearing. An appeals filing fee, as established by the Board of County Commissioners,

shall be charged for such appeal hearings and will be refunded if the Building Official's or Fire Marshal's decision is not upheld.

112.4.4 Unsafe or Dangerous Buildings or Service Systems. In the case of a building, structure, or service system, which, in the opinion of the Building Official, is unsafe, unsanitary, or dangerous, the Building Official may, in his order, limit the time for such appeals to a shorter period.

112.5 Procedures of the Board

112.5.1 Rules and Regulations. The board shall establish rules and regulations for its own procedure not inconsistent with the provisions of this code. The board shall meet on call of the chairman but not less than four times each calendar year. The board shall meet within 30 calendar days after a written petition for appeal of a Building Official decision has been received.

112.5.2 Special Meetings of the Board. Special meetings of the board may be called by the Building Official or by the board itself. If called by the Building Official, the Building Official shall furnish board members, appropriate city and county departments, and the County Attorney's Office with at least seventy-two (72) hours advance notice of said meeting. The notice shall include the time, location, and summary of purpose for the meeting. If called by the board, the board shall announce at its scheduled hearing the date, time, location and purpose of said meeting.

112.6 Disciplinary Actions

112.6.1 Complaint. On its own action or on the written complaint of any person, Building Services Division may investigate any alleged violation(s) against any contractor which directly relates to the practice of contracting or the ability to practice contracting or any person or firm alleged to have committed a substantial building code violation. All complaints involving a violation of this code or any other applicable construction laws are to be filed with the division on the appropriate form. The division is responsible for the investigation of a complaint only if it is in writing, is factually sufficient to show the nature of the alleged violation, and it is determined after review that probable cause exists to go forward to conduct an investigation. During a review for probable cause, the division may request additional information or documentation from the complainant. If there is a question as to whether probable cause exists to go forward to conduct an investigation regarding an alleged violation, the final determination will be made by the County's Building Official. The division must promptly furnish the subject violator, or the subject violator's attorney with a copy of the complaint or document that result in the initiation of a violation investigation. The subject violator may submit a written response to the division concerning the information contained in the complaint or document after receipt of notice regarding the complaint. If a matter is referred to the board for further action, the alleged violator's response shall be included in any documentation thereafter sent to the board for review.

112.6.2 Grounds for Revocation or Suspension. The following shall be grounds for disciplinary action, against a contractor, by any Board of Adjustment, Appeals, and Examiners, and shall not be affected by the lapse or suspension of a contractor's certificate by operation of law, by order of the Board of Adjustment, Appeals, and Examiners, by order of a court or by voluntary surrender of a certificate by the holder.

1. Evidence that a certificate or registration has been obtained by fraud or misrepresentation.
2. Conviction, regardless of adjudication, of any crime that directly relates to the practice of contracting or the ability to practice contracting.
3. Violation of Chapter 455 or 489, Part I, Florida Statutes.
4. Willful or deliberate disregard for or violations of the applicable codes or laws of the State or of any municipalities or counties thereof.
5. Aiding or abetting any uncertified or unregistered person, firm, or corporation with the intent to evade any provision of this code.
6. Knowingly combining or conspiring with an uncertified or unregistered person by allowing one's certificate or registration to be used by an uncertified or unregistered person.
7. Allowing a certificate of registration to be used by one or more companies without the certificate holder meeting the requirements as a qualifier for said companies.
8. Acting in the capacity of a contractor under any certificate or registration except in the name of the certificate holder or registrant.
9. Diverting funds or property received for a specified construction project or operation when, as a result of the diversion, the contractor, firm, or corporation is or will be unable to fulfill the terms and/or obligation of the contract.
10. Failing to comply with the provisions of this code.
11. Abandoning a construction project by terminating work on the project for a period of 30 days without notifying the prospective owner and the Building Official, unless just cause for such termination can be proved.
12. Making representation with respect to a project contract in which any one of the following is falsely indicted:
 - The work is bonded.
 - Payment has been made for all subcontracted work, labor, and materials.
 - Workers' compensation and public liability insurance are provided.
 - The scope of work proposed is a requirement of this code.
13. Evidence of **fraud, deceit, gross negligence, incompetency, or misconduct** in the practice of contracting.

Fraud occurs when there is an intentional perversion of the truth in order to induce someone to part with something of value;

Deceit occurs when a person has intentionally imposed a false idea or belief on another in order to obscure the truth and made with the intent of inducing action based on the false idea or belief;

Gross negligence occurs when a person intentionally fails to perform a manifest duty in reckless disregard of the consequences affecting the life or property of another;

Incompetency occurs when a person lacks ability or fitness to discharge a required duty, or is inadequate or unsuitable for a particular purpose and is unable to function properly in attempting to effectuate that purpose;

Misconduct occurs when a person has intentionally done wrong or has deliberately violated a law or regulation.

14. Failing to pay for any material or labor for any construction project after receipt of all or part of the contract price from the party for whom the work is performed, thereby causing a lien to be placed against the property in question, when the lien remains unsatisfied for a period of more than forty-five (45) days or is satisfied by the owner or his agent without reimbursement from the contractor within this period.
15. Making any material false statement in the application for a Certificate of Competency, renewal of certificate, or building permit.
16. Deviating from the approved plans and specifications or from the representation made in a permit application for a project without the consent of the party for whom the work is being performed and without the approval of the Building Services Division.
17. Contracting for work that is not within the scope of work allowed by the certification.
18. Failing to call for required inspections, including a final inspection, at the appropriate time.
19. Allowing any violation of this code to go uncorrected for more than thirty (30) consecutive days.
20. Failure to comply with an order issued by the board.

112.6.3 Disciplinary Hearings. The Building Official shall order service of a written notice of hearings to the alleged violator, if one or more of the grounds for revocation or suspension are alleged and sufficient evidence is available to establish probable cause.

- 112.6.3.1 Notice.** The notice shall be served no less than ten (10) and nor more than thirty (30) days prior to the scheduled hearing and shall incorporate and set out the following:
- a. The alleged grounds for disciplinary action;
 - b. A copy of the administrative complaint;
 - c. A statement that “failure to attend the hearing may result in an order being issued adverse to your interests”;
 - d. A statement that the alleged violator shall have the right to appear at such hearing, be represented by counsel, and present evidence and argument in support of their position;
 - e. The time, date, and place of the scheduled hearing;
 - f. A statement advising the alleged violator that any person desiring to appeal a decision by the board with respect to any matter considered at such meeting, and if he or she will need a verbatim record of the proceedings for such purpose, he or she will be responsible for ensuring that such record of the proceedings is made.

112.6.3.2 Service. All notices required by this subsection may be provided to the alleged violator by one of the following means: certified mail, return receipt requested; by hand delivery by the sheriff or other law enforcement officer, code enforcement officer or other person designated by the Board of County Commissioners; by leaving the notice at the violator’s usual place of abode with some person of the household over fifteen (15) years of age, and informing such person of its contents. Service is sufficient in the case of commercial premises or business organizations if made by delivering a copy of the complaint or notice of violation to the manager or other person in

charge, the agent of record, or as otherwise provided by general law. When an individual or a business organization cannot be served or located, then service is sufficient if made in one or more of the following ways: (1) by publication once a week for four (4) consecutive weeks in a newspaper of general circulation in the county of the alleged violator's last known address as it appears on the records of the division. If no newspaper is published in that county, then notice may be published in a newspaper of general circulation in Hillsborough County; or (2) by posting the notice for at least ten (10) days prior to the hearing at the Hillsborough County Courthouse and providing a copy by prepaid mail, return receipt requested, addressed to the alleged violator at the last known address furnished to Hillsborough County.

112.6.3.3 Postponements. All requests for postponements must be in writing and received by the jurisdiction bringing the action before the board at least five (5) working days prior to the scheduled hearing. A request for postponement must be delivered to the Building Services Division in writing and must state the specific reasons for the request. Requests received at least five (5) working days prior to the scheduled hearing will be granted one postponement as a matter of right. The party requesting the postponement shall not be required to be present at the scheduled board meeting. No hearing may be postponed more than once as a matter of right. Any postponement request not received by the Building Services Division at least five (5) working days prior to the scheduled hearing or any postponement request sought after the granting of the postponement as a matter of right shall be automatically heard by the board at its scheduled time for the hearing. The board has the discretion to continue the hearing date for good cause. If the board grants the postponement request, the board shall announce the date, time, and location of the continued hearing.

112.6.3.4 Conduct of the Hearing. The participants before the board at the hearing are county staff or other agencies, the alleged violator, the homeowner, and such other public witnesses with relevant testimony. During the hearing, the participants will have the opportunity to present evidence and argument and to be represented by counsel.

- a. All testimony must be given under oath. The person acting as the chair of the board is authorized to administer the oath.
- b. Irrelevant, immaterial, or unduly repetitious evidence shall be excluded.
- c. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but it shall not be sufficient in itself to support a finding unless it would be admissible over civil objection in civil actions.
- d. Formal rules of evidence shall not apply but fundamental due process shall be observed.
- e. At the discretion of the board, the general public may have an opportunity to present oral testimony or written communications. If this evidence is considered by the board, the opposing party will be given an opportunity to challenge or rebut it.
- f. Documentary evidence may be received by the board provided a copy is furnished to the division at least five (5) working days prior to the hearing date. Documentary evidence not received by the division at least

five (5) working days prior to the hearing date may be disallowed by the board at its discretion.

- g. At the conclusion of the hearing, the board shall immediately deliberate in open session before the public. The board shall render an oral decision, which is approved by a majority of the board. The order may include a notice that must be complied with by a specified date or that a fine or other action may be imposed if the order is not complied with by said date.
- h. The board shall make finding of fact to support each determination of guilt of an alleged violation. If the board determines that the individual charged is not guilty of an alleged violation, no further action is necessary.
- i. If the board determines that the violator is guilty of an alleged violation, the board may impose disciplinary action against the violator to the extent authorized by law.

112.6.4 Disciplinary Actions. Upon a finding that disciplinary action is justified, the Board of Adjustment, Appeals, and Examiners shall have the authority to take any of the following actions against a certificate of competency holder or a registered contractor:

1. Suspend the violator from all operations of contracting during a period fixed by the Board, but not to exceed five (5) years in duration from the date of such suspension. The board may allow the violator a reasonable time to complete any contracts that the contractor has under construction at the time of the suspension.
2. Revoke a Certificate of Competency or permitting privileges.
3. Limit the number of permits a contractor may be issued until the contractor shows proof of compliance with the provisions of this code.
4. Require a contractor to pursue continuing education in the construction trade beyond any standards necessary for the normal maintenance of his certification.
5. Place a contractor on probation.
6. Impose civil penalties pursuant to Section 489.127, Florida Statutes.
7. Order restitution for contracted items limited to the amount of the contract pursuant to Section 489.131(7), Florida Statutes.
8. Impose a fine up to five thousand dollars (\$5,000.00).
9. Assessment of administrative and/or investigation costs incurred by the County to prosecute the case.

Upon a finding that disciplinary action is justified, the board shall have the authority to take any of the following actions against a state certified contractor as part of the disciplinary process:

1. Deny, suspend, or revoke the authority of such certified contractor to obtain a permit or limit such authority to obtaining a permit or permits with specific conditions.
2. Assessment of administrative costs incurred by the County to prosecute the case.
3. Recommendation to the Construction Industry Licensing Board for further action that may be taken based upon the evidence obtained through the local disciplinary process indicating a violation.

In determining the disciplinary action to be taken, if any, the Board of Adjustment, Appeals and Examiners shall consider the following factors:

1. The gravity of the violation;
2. Any actions taken by the violator to correct the violation; and
3. Any previous violations committed by the violator.

112.6.4.1 Decisions and Final Orders. The Board of Adjustment, Appeals and Examiners shall, in every case, reach a decision without unreasonable or unnecessary delay. The board's decision becomes effective upon signature execution by the chairman with the exception of the revocation or suspension of a contractor's permitting privileges. Each decision of the board shall be in writing in the form of a board order. Board Orders imposing disciplinary action against a contractor shall contain, at a minimum, the following: (1) a clear statement of the violations charged; (2) evidence that the contractor was given notice of the charge, and of an opportunity to appear and present evidence and testimony regarding the charges; (3) findings made by the disciplinary authority; (4) a statement of the penalty and any costs imposed against the contractor; (5) a recommended penalty to the Construction Industry Licensing Board for further action against the registered or state certified contractor, if appropriate; and (6) a clear statement informing the contractor of the right to appeal or challenge the board's recommendation to the Construction Industry Licensing Board. The Board's Order is final upon signature execution by the chairman.

- a. If the disciplinary proceeding involves a registered contractor, the board must issue a recommended penalty for Construction Industry Licensing Board action. The board's recommendation will be made part of the final order. The recommended penalty may include a recommendation for no further action, suspension, revocation, restitution, or restriction of the registration or a fine levied by the Construction Industry Licensing Board or a combination of these actions. The final order must inform the contractor or the complainant of the right to appeal the recommended penalty and of the consequences should the contractor choose not to appeal. The disciplined contractor or the complainant may challenge the board's recommended penalty to the Construction Industry Licensing Board within sixty (60) days after the issuance of the recommended penalty.
- b. The division must inform the Construction Industry Licensing Board of the action taken by the board against any contractor, including the penalty imposed. Sending a copy of the board's final order along with a record of the proceedings to the Construction Industry Licensing Board will fulfill this requirement.
- c. If a decision of the board reverses or modifies a refusal, order, or disallowance of the Building Official or Fire Marshal, or varies the application of any provision of this code, the Building Official or Fire Marshal shall immediately take action in accordance with such decision upon signed execution of the final order.
- d. Every decision shall be promptly filed in writing in the office of the Building Official and shall be open to public inspection. A certified copy of the decision shall be sent by mail or otherwise to the aggrieved

party. Orders of the board shall be final, subject however to such remedy the aggrieved party might at law or in equity.

- e. If a decision of the board includes suspension or revocation of permit pulling privileges, this portion of the decision regarding the violator's ability to obtain new permits will go into effect at the start of the next business day following the board hearing, unless otherwise stated by the board. The violator shall be allowed to complete or resolve any unrelated open and /or pending permits issued by the County prior to the violator's board date.
- f. If a decision of the board includes the revocation or suspension of a Certificate of Competency, the violator will be given ninety (90) days from the date of the board's final order to complete or resolve any unrelated open and/or pending permits issued by the County prior to the board hearing date. The building official is authorized to grant the violator one or more extensions of time, not to exceed 180 days, provided work is considered to be in active process and the extension request is made in writing prior to the expiration of the permit(s) and justifiable cause is demonstrated.

112.6.4.2 Rehearing. Any person or entity aggrieved by a decision of the board may file a request for rehearing based on new evidence, not available at the original hearing. The motion shall be made prior to the deadline for the filing of an appeal to circuit court. The filing of such motion tolls the time for filing the appeal. In such cases, the request shall be presented to the appropriate Board of Adjustment, Appeals, and Examiners and the party making the request shall be notified at least ten days in advance of hearing date, place and time. If the Board decides to grant the request for rehearing, a notice shall be sent out to parties, which appeared and testified or presented evidence at the previous hearing. The notice shall include the time, date, and location of the rehearing. An administrative appeals filing fee shall be charged for such rehearing. The time for filing an appeal to circuit court shall begin anew in full upon the board's denial of such request.

112.6.4.3 Review. Any person or entity aggrieved by a final decision of the board may make appeal in any manner provided by law.

112.6.4 Reinstatement. By supermajority vote, the Board of Adjustment, Appeals, and Examiners may reinstate a Certificate of Competency that was suspended or a contractor's permitting privileges that were revoked or suspended by the board upon proof of compliance with a board order and current certification provisions of this code, if applicable, and extraordinary cause is demonstrated to warrant a reversal of the board's decision.

**SECTION 113
VIOLATIONS AND PENALTIES**

113.1 General.

Any person, firm, corporation or agent who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, or who shall erect, construct, alter, install, demolish or move any structure, electrical, gas, mechanical or plumbing system, or has erected, constructed, altered, repaired, moved or demolished a building, structure, electrical, gas, mechanical or plumbing system, in violation of a detailed statement or drawing submitted and permitted thereunder, shall be guilty of a misdemeanor. Each such person shall be considered guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed or continued and upon conviction of any such violation such person shall be punished within the limits and as provided by State laws.

113.2 Civil Action

113.2.1 Penalties. The Building Official may issue a code enforcement citation to any person, firm or corporation believed to be in violation of any provision of this code. The activity and/or condition for which a citation is issued shall cease and/or be rectified upon receipt of the citation. A person, firm or corporation cited for a code violation is deemed to be charged with a noncriminal infraction of this code. Noncriminal infractions of this code carry the following civil penalty:

A fine of up to \$500.00 for each violation.

- a. The cited party shall pay the appropriate civil penalty within ten (10) working days. The Building Official shall notify the appropriate Board of Adjustment, Appeals and Examiners in writing, when a code violator has failed to take action on a citation within the time set. Failure of a violator to contest the citation within the time period set shall constitute a waiver of the violator's right to an administrative hearing. A waiver of the right to administrative hearing shall be deemed an admission of the violation. In such cases the Board of Adjustment, Appeals and Examiners may then enter an Order, affirming the citation and ordering the violator to pay the civil penalty set on the citation, without further hearing.
- b. Refusal to Accept a Citation. Any person who willfully refuses to sign and accept a citation issued by a code enforcement officer commits a misdemeanor of the second degree, punishable as provided in Chapter 775.082, Florida Statutes.
- c. Flood Damage Control Violations(s). If the violation(s) is to the Flood Damage Control Regulations, the Building Official or the Flood Damage Control Administrator may take action as cited within Chapter 3 of this Code. Such action may include having a request made to the Federal Emergency Management Agency (FEMA) to remove the respective property's eligibility of receiving benefits through the Federal Flood Insurance and disaster assistance programs.

113.2.2 Challenges. The validity of the citation may be questioned by submitting a written request to appear before the appropriate Board of Adjustment, Appeals and Examiners to challenge the citation. A written request to appear before the appropriate Board must be received at the Building Services Division within ten (10) working days from the date on

which the citation was issued and shall set forth a detailed basis for the appeal. Upon receipt of a properly submitted request to appeal a citation(s), the Building Services Division shall set the matter for a board hearing in accordance with the provisions established in this code. If the Board finds that a violation exists, the Board shall order the violator to pay administrative costs incurred by the County in bringing the appeal and may order the violator to pay a civil penalty of not more than \$1,000.00 per day for each violation, and not less than the amount set forth in the citation. In determining the amount of the civil penalty, the Board of Adjustment, Appeals and Examiners shall consider the following factors:

1. The gravity of the violation;
2. Any actions taken by the violator to correct the violation; and
3. Any previous violations by the violator.

113.2.3 Liens. A certified copy of a Board Order imposing a civil penalty and/or fine or an affirmation of a citation against a violator may be recorded in the public records of Hillsborough County, Florida, and thereafter, shall constitute a lien against land on which the violation exists and upon any other real or personal property owned by the violator. A civil penalty and/or fine imposed by a Board of Adjustment, Appeals and Examiners may accrue until the violator comes into compliance, pursuant to such point established by the Board Order or until judgment is rendered in a suit to foreclose on a lien filed pursuant to a Board Order, whichever occurs first. If any such lien which remains unpaid for a period of three months, the Board of County Commissioners may authorize its attorney to foreclose on the lien. No lien created pursuant to the provisions of this code may be foreclosed on real property, which is a homestead under Section 4, Article X of the State Constitution. A lien arising from a civil penalty and/or fine imposed pursuant to this section runs in favor of Hillsborough County Building Services Division and the division may execute a satisfaction or release of lien upon proof of compliance of a Board Order.

SECTION 114 STOP WORK ORDER

- 114.1 Authority.** Whenever the Building Official finds any work regulated by this code being performed in a manner either contrary to the provisions of this code, or dangerous or unsafe, the Building Official is authorized to issue a Stop Work Order.
- 114.2 Issuance.** The Stop Work Order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a Stop Work Order, the cited work shall immediately cease. The Stop Work Order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume.
- 114.3 Unlawful continuance.** Any person who shall continue any work after having been served with a Stop Work Order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

SECTION 115 UNSAFE STRUCTURES AND EQUIPMENT

- 115.1 Unsafe buildings or systems.** All buildings, structures, electrical, gas, mechanical or plumbing systems which are unsafe, unsanitary, or do not provide adequate egress, or which constitute a fire

hazard, or are otherwise dangerous to human life, or which in relation to existing use, constitute a hazard to safety or health, are considered unsafe buildings or service systems. All such unsafe buildings, structures or service systems are hereby declared illegal and shall be condemned by the Building Official. A written notice of such condemnation shall be issued to the owner, agent, occupant and/or tenant and the notice shall state the:

1. Unsafe conditions.
2. Date by which abatement of the unsafe condition by repair and rehabilitation or by demolition must be completed.

If, in the opinion of the Building Official, conditions are so dangerous as to constitute an immediate threat to life or property, the owner, agent, occupant, tenant and/or supplier shall be so notified and directed to disconnect and/or shut-off all gas and/or electrical service immediately. The conditions causing the immediate threat shall be repaired, replaced and/or removed. Prior to reconnecting or turn-on of gas and/or electrical service, an inspection by the Building Services Division will be required at the normal inspection fee schedule. The Building Official shall notify the office of the Fire Marshal as to any violations of the fire codes that have been discovered.

115.2 Posting floor loads

115.2.1 Occupancy. An existing or new building shall not be occupied for any purpose that will cause the floors thereof to be loaded beyond their safe capacity.

115.2.2 Storage and Factory-Industrial Occupancies. It shall be the responsibility of the owner, agent, proprietor or occupant of Group S and Group F occupancies, or any occupancy where excessive floor loading is likely to occur, to employ a competent architect or engineer in computing the safe load capacity. All such computations shall be accompanied by an affidavit from the architect or engineer stating the safe allowable floor load on each floor in pounds per square foot uniformly distributed. The computations and affidavit shall be filed as a permanent record of the building department.

115.2.3 Signs required. In every building or part of a building used for storage, industrial or hazardous purposes, the safe floor loads, as reviewed by the building official on the plan, shall be marked on plates of approved design that shall be supplied and securely affixed by the owner of the building in a conspicuous place in each story to which they relate. Such plates shall not be removed or defaced, and if lost, removed or defaced, shall be replaced by the owner of the building.

CHAPTER 2
CERTIFICATION

SECTION 201
GENERAL

201.1 Scope

All persons desiring to engage in, advertise, or in any other way infer or lead one to believe they are qualified to work in the business of contracting, or act in the capacity of any type of contractor or subcontractor in a trade regulated by either the State of Florida or by Hillsborough County, shall hold a valid and current Certificate of Competency issued by either the State of Florida or Hillsborough County, except as otherwise exempted by State law. Where required by Florida Statutes, contractors and subcontractors shall register their Certificates with the State. All contractors and subcontractors desiring to work in Hillsborough County, or any of the municipalities lying therein, shall be registered with Hillsborough County and shall show proof of a \$5,000 Code Compliance Bond payable to the Florida Homeowners' Construction Recovery Fund or the Governor as applicable, in addition to any other bonding or financial requirement required by the State. Specific building trades requiring certification, required qualifications for certification, and the scope of work for these trades, shall be as delineated in the Interlocal Agreement between Hillsborough County and the City of Tampa dated June 1, 1987; the City of Temple Terrace dated March 3, 1999; and the City of Plant City dated March 27, 2000, and any subsequent amendments thereto as approved by Hillsborough County and the aforementioned Cities.

201.2 Applications

- 201.2.1** An applicant for a Certificate of Competency will provide the Building Official with the following:
1. An affidavit verifying the necessary length of experience that is related to the field in which competency is being sought. To comply with this requirement, an applicant must provide affidavit(s) attesting to the applicant's on the job training and type of work performed for the employer. The board, at its discretion, can accept alternative forms of experience verification.
 2. A history of employment.
 3. A summary of any outstanding judgments against the applicant with an explanation of the resolution of those judgments.
 4. A recent photograph.
 5. Payment of such certification and/or registration fees as may be prescribed by the Board of County Commissioners.
 6. A credit report from a nationally recognized credit bureau, if requested by the Building Official, not greater than six (6) months old, sent directly from the credit bureau to the County, detailing business and personal credit. A financial statement alone is not sufficient to satisfy this requirement. An authorization for the County to obtain any other necessary credit and police arrest report and payment of the reasonable fees the department establishes for obtaining those reports.
 7. Such other information as may be required by the appropriate Board of Adjustment, Appeals, and Examiners or the Building Official.

201.2.2 Application submission review. Applications shall be reviewed by the Building Official or his representative prior to submission to the board for approval to sit for an examination for a Certificate of Competency. An applicant, who believes that additional evidence is required to fully support their application for board approval, shall provide the Building Official or his representative a copy of said evidence or documentation five (5) days prior to their hearing date. If the applicant fails to comply with this provision, the board reserves the right to exclude the evidence and render its decision accordingly.

201.3 Board Date. It is the applicant's responsibility to be present or represented at the hearing date in order to address any questions or concerns the board may have after reviewing the application. Failure of an applicant to appear at this hearing may be grounds for a denial of the Certificate of Competency application.

201.3.1 Board Review of Certificate of Competency Application. During a review of each application, the board will consider the following:

1. Whether the application is complete.
2. Whether the applicant demonstrates the appropriate amount of trade experience.
3. The applicant's business reputation, if applicable.
4. Whether any disciplinary action(s) have been taken against the applicant's license, if applicable.
5. Whether the applicant exhibits good moral character.
6. Whether the applicant has shown financial responsibility with respect to personal and business finances.
 - a. Financial responsibility refers to the ability to safeguard that the public will not sustain economic loss resulting from a contractor's inability to pay his lawful obligations under the contract. The grounds upon which the board may deny an application for approval to sit for an examination for a Certificate of Competency for lack of financial responsibility may include the following:
 - a1. the existence of an unsatisfied court judgment rendered against the applicant based upon the applicant's failure to pay just obligation;
 - a2. an unfavorable credit report or history as indicated by any of the documents or lack of documents submitted by the applicant;
 - a3. evidence of uncollectible debt or accounts charged off as bad debt or a history of delinquent payments.

201.3.2 Quorum not Present. In the event a quorum is not present at the scheduled time for application review at the Electrical, Mechanical, Plumbing, or Gas Board, the Building Official or his representative reserves the right to forward the application to the Building Board for board consideration of the Certificate of Competency Application.

201.4 Requirements for Certificate Issuance. The Building Official or his representative will issue a Certificate of Competency upon proof as to all the following:

1. Board approval for a specific certificate of competency and successful passage of required exams, if applicable.
2. Proof of workers' compensation coverage or an appropriate exemption in accordance with F.S. Chapter 440.
3. Proof of payment of the Certificate of Competency fees.

201.5 Expiration of Application/Approval. Certain information in the application package is subject to change. For that reason, any applicant that has not obtained his Certificate of Competency within 18

months of the original application date shall have their application and any approval by the Board voided and the application package shall be discarded.

- 201.6 Company.** An applicant may apply for a Certificate of Competency under the name of a firm or corporation, provided:
1. The applicant shall be an active partner or officer of the firm or corporation.
 2. The applicant shall not be allowed to use a Certificate of Competency under the name of more than one firm or corporation, except when authorized by the State Department of Business and Professional Regulation.
 3. The applicant meets all the requirements of Section 201.2.1 for an individual.
 4. The applicant provides the names and addresses of the officers and directors of the firm or corporation to the Building Services Division.

201.7 Examination. The appropriate Board of Adjustment, Appeals and Examiners shall determine whether an applicant is qualified to be examined for competency for those trade areas in which it has reserved that responsibility. Those applicants approved for examination shall be charged a fee for each examination or re-examination application. If an approved applicant fails the first written examination, he may apply for re-examination at the next or subsequent regular examining date.

201.8 Change of Status. All individuals and business organizations registered to conduct business in this county shall have a duty and obligation to inform the division in writing of any change in business or legal status, place of business address, or mailing address or telephone number. Both the firm or corporation and the individual qualifying the firm or corporation must notify the Building Services Division within forty-eighty (48) hours if the Certificate of Competency holder is no longer an active partner or officer of that firm or corporation. Failure to do so will result in the appropriate party being suspended from obtaining permits for a period of one year. Provided timely notice is made, the firm or corporation shall have sixty days to complete any projects for which an outstanding permit based on the qualifying individual exists. The firm or corporation shall not engage in any new contracting activity until a new individual is authorized to qualify the firm or corporation for that purpose.

201.9 Reciprocity and Waiver of Testing. An applicant for a Certificate of Competency, who is already certified in another State of Florida jurisdiction, shall be exempted for testing provided the applicant has taken the same test required locally, achieved the local passing score and provides the Building Official with the following:

1. A current copy of the applicant's state registration.
2. A letter, mailed directly to the Building Services Division, from the jurisdiction where a Certificate of Competency is held, providing a statement as to the contractor's current status and identifying the type of test taken by the applicant and the test scores achieved.
3. Board approval for the specific application for a Certificate of Competency.

Any Hillsborough County licensed contractor desiring reciprocity with a participating Florida jurisdiction will be assessed a fee as identified in the most current fee schedule for each letter of certification sent to another jurisdiction by the County.

201.10 Certificate Renewal. Certificates of Competency shall be renewed prior to their expiration date to remain valid. The applicant shall provide proof to the Building Official or his representative of any required continuing education credit earned during the term of then expiring certificate prior to renewal. If outstanding judgments against a contractor exist at the time of renewal, the Building Official or his representative shall refer the renewal application and said information to the

appropriate Board of Adjustment, Appeals and Examiners for approval prior to issuing a renewal of the certificate.

- 201.11 Certificate Reactivation.** Certificates of Competency that are inactive, delinquent, or suspended may be reactivated as follows:
- A. a Certificate of Competency holder whose certificate was inactive, suspended, or delinquent for less than two (2) years may be reactivated administratively by the Building Official upon review of the application and a finding that it meets the criteria set forth in this code;
 - B. a Certificate of Competency holder whose certificate was inactive, suspended, or delinquent for two (2) or more years must appear before the appropriate board to reactivate their certificate. The Board may require re-examination for renewal of any certificate which has been inactive, suspended, or delinquent for two (2) or more years; or
 - C. a Certificate of Competency holder whose certificate was inactive, suspended, or delinquent for five (5) or more years must appear before the board as a new applicant and be re-examined to actively renew their Certificate.

For purposes of this section, any holder of a certificate that has been inactive for more than two (2) years as of March 1, 2009, shall be deemed to have been inactive for two (2) years as of March 1, 2009. In addition, inactive, delinquent, or suspended certificate holders pursuant to subsections (A) or (B) above shall be required to show proof of completion of any applicable continuing education requirements that would have been applicable to such certificate had it been active. If outstanding judgments against a contractor exist at the time of reactivation, the Building Official or his representative shall refer the application and said information to the appropriate board for approval prior to issuing the certificate.

To renew or reactivate a delinquent or suspended certificate, the applicant shall pay a penalty of 100% of the established annual certification renewal fee, as prescribed by the Board of County Commissioners, for each quarter in arrears. The total penalty shall not exceed the amount, which would be charged for eight (8) quarters. Appearance before the board and retesting may be waived by the Building Official provided the applicant has held a current active license, in the same category, in another jurisdiction for the same period the certificate was delinquent or inactive in Hillsborough County.

SECTION 202 CONTRACTING

- 202.1 Signs.** Any person, firm or corporation engaged in the business of contracting in Hillsborough County shall display a permanent sign with minimum two inch high lettering on the place of business and on any motor vehicles used in the operation of the business. Such signs shall include the following at a minimum:
- 1. The name of the person, firm, or corporation qualified to offer contracting services.
 - 2. The State certification number or such other certification number as may be assigned by the Building Services Division.
- 202.2 Representation.** It shall be unlawful for any person, firm or corporation that does not have a valid and current State or local Certificate of Competency to engage in the business of contracting or make representations, which would lead one to believe the person, firm or corporation was a contractor.

- 202.3 Advertising.** It shall be unlawful for any person, firm or corporation, to advertise or solicit business regulated by this code or State of Florida Statute, in any form without including a valid and current State or local Certificate of Competency number as part of such advertising or solicitation.
- 202.4 Contracting.** It shall be unlawful for any person, firm or corporation, to enter into any written contract, unless a valid and current State or local Certificate of Competency number is displayed on said contract.
- 202.5 Aiding and Abetting.** It shall be unlawful for any person, firm or corporation, to solicit, by any means or form, the services of any person, firm or corporation that has not been certified locally or by the State as a contractor, when the services so solicited are regulated by this code or a State of Florida Statute.
- 202.6** For purposes of this code, a person or a business organization operating on an inactive, delinquent, or suspended State or local Certificate of Competency is not duly certified or licensed and is considered unlicensed pursuant to applicable State and local laws. For purposes of this section, an inactive certificate is one that allows a contractor to maintain a Certificate of Competency while relinquishing the right to contract or pull permits during the period the certificate is on inactive status.

CHAPTER 3

FLOOD DAMAGE CONTROL REGULATIONS

301.1 General Provisions

- 301.1.1 Short Title.** This division shall be known and may be cited as the “Hillsborough County Flood Damage Control Regulations.”
- 301.1.2 Lands to Which this Chapter Applies.** This Chapter shall apply to all areas of special flood hazard within unincorporated Hillsborough County.
- 301.1.3 Basis for Establishing the Areas of Special Flood Hazard.** Areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for unincorporated Hillsborough County with an effective date of June 18, 1980, including subsequent updates thereto, with the accompanying maps and other supporting data, are hereby adopted by reference and declared to be a part of this Chapter.
- 301.1.4 Designation of Flood Damage Control Administrator.** The Hazard Mitigation Manager is hereby authorized and directed to enforce the provisions of this Chapter in concert with the Hillsborough County Building Official, and is hereinafter referred to, and serves, as the Flood Damage Control Administrator pursuant to Section 9.01.03 of the Land Development Code.
- 301.1.5 Compliance.** No structure shall hereafter be located, extended, converted, or structurally altered without full compliance with the requirements of this Chapter, Chapter 44 Part 60.3, Codes of Federal Regulations (National Flood Insurance Program), and other applicable laws and regulations. Failure to comply with the requirements of Chapter 3 shall provide cause to have an alleged violation forwarded to the Flood Damage Control Board for action, which may include providing authority to the Building Official or the Flood Damage Control Administrator to request the Federal Emergency Management Agency remove availability of Federal flood insurance for the subject property.
- 301.1.6 Abrogation and Greater Restrictions.** This Code is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Code is in conflict with any part of this Code or another county, state or federal regulations, whichever imposes the more stringent restriction(s) shall prevail.
- 301.1.7 Interpretation.** In the interpretation and application of this Code, all provisions shall be:
1. consistent with, or more stringent than, minimum standards with the County’s participation with the National Flood Insurance Program and the Hillsborough County Flood Insurance Study;
 2. considered as minimum requirements;
 3. liberally construed in favor of the governing body;
 4. where there is a conflict between this Code and minimum requirements with the standards of the National Flood Insurance Program, the more stringent shall apply;
 5. nothing in this code is intended to place Hillsborough County in violation with standards of the National Flood Insurance Program; and
 6. Deemed neither to limit nor repeal any other powers granted under state statutes.
- 301.1.8 Interpretation Warning and Disclaimer of Liability.** The degree of flood protection required under this Code is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be

increased by man-made or natural causes. This Code does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This Code shall not create liability on the part of the Hillsborough County Board of County Commissioners or by any officer or employee thereof for any flood damages that result from reliance on this Code or any administrative decision lawfully made hereunder.

301.1.9 Penalties for Violation.

1. Violations to the Flood Damage Control Regulations will be forwarded to the Flood Damage Control Board if the property owner fails to correct the violation as identified through an enforcement notice.
2. If the property owner fails to correct the violation as identified by a Flood Damage Control Board action, the Building Official in concert with the Flood Damage Control Administrator will take action as cited within this Code and may request the Federal Emergency Management Agency (FEMA) remove the respective property's eligibility of receiving benefits through the Federal Flood Insurance and disaster assistance programs.
3. Also, see Section 113 of this Code, Penalties for Violation.

301.1.10 Findings of Fact

1. The flood hazard areas of unincorporated Hillsborough County are subject to periodic inundation, which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
2. These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands that are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages.

301.1.11 Purpose. It is the purpose of this Code to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Protect human life and health;
2. Maintain Hillsborough County's participation with the National Flood Insurance Program to ensure residents and business owners can obtain Federal flood insurance;
3. Protect structures by having finished floors, where appropriate, elevated at or above the design-flood elevation unless the structure may benefit from floodproofing;
4. Minimize expenditure of public money for costly flood control projects;
5. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
6. minimize prolonged business interruptions;
7. minimize damage to public facilities utilities such as water and gas mains, electric, telephone and sewer lines, roadways, and bridges and culverts located in floodplains;
8. help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas;
9. ensure that potential homebuyers are notified that property is in a flood hazard area;
10. to ensure property owners and contractors have information available regarding vertical elevation requirements and the ability to build to an elevation to provide benefits under the National Flood Insurance Program; and

11. ensure property owners are aware that Federal flood insurance is not available or structures built or substantially improved within an area designed as a Coastal Barrier Resources System pursuant to the Coastal Barrier Improvement Act of 1990 (Public Law 101-591).

301.1.12 Methods of Reducing Flood Losses. In order to accomplish its purpose, this Code includes methods and provisions for:

1. restricting or prohibiting uses that are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
2. requiring that uses vulnerable to floods including facilities that serve such uses be protected against flood damage throughout their intended life;
3. controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
4. controlling filling, grading, dredging, and other development that may increase flood damage; and
5. preventing or regulating the construction of flood barriers that will unnaturally divert flood waters or may increase flood hazards or adverse flooding impacts to other lands.

301.2 Standards and Criteria

301.2.1 Use of Other Base Flood Data. When base flood elevation data have not been provided in accordance with 301.1.3, the Flood Damage Control Administrator shall obtain, review, and reasonably utilize any base flood elevation data available from a federal, state, or other source, in order to administer this Chapter. The best available information shall be used in all cases in the administration of the Flood Damage Control regulations.

301.2.2 General Standards. In all areas of special flood hazards, all of the following provisions are required:

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
2. Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. This standard shall be in addition to, and consistent with, applicable state requirements for resisting wind forces and be accepted by the FEMA as in compliance with the NFIP.
3. All new construction and substantial improvements, if permitted, shall be constructed with materials and utility elements certified, or listed by FEMA or some other Federal government approving authority, resistant to flood damage.
4. All new construction and substantial improvements, if permitted, shall be constructed by methods and practices that minimize flood damage.
5. All new and replacement utility supply systems shall be designed to prevent contamination or damage by flood waters.
6. New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and to prevent damage to treatment plant equipment by flood waters, and on-site waste disposal systems shall be located to avoid impairment or contamination during flooding.
7. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and located so as to prevent water from entering or accumulating within the components during conditions of flooding.
8. Any alteration, repair, reconstruction, or improvements to a building outside of the pre-FIRM structure's footprint shall meet the requirements of "post-FIRM construction" as contained in this Chapter.

9. All new construction and substantial improvements shall meet the requirements of “post-FIRM construction” as contained in this Chapter.
10. Any alteration, repair, reconstruction or improvements to a building shall have a Substantial Improvement Worksheet completed and submitted with construction plans for review and recording with the permit application.
11. New construction and substantial improvement to a structure, when located in multiple flood zones or in flood zones with multiple base flood elevations, shall meet the requirements for the flood zone with the most stringent requirements.
12. Elevation Certificates are required for construction within the Special Flood and Coastal High Hazard Areas where verification of floor elevation(s) and/or hydrostatic vent placement and area is required. Structures requiring an Elevation Certificate include:
 - a. New construction or manufactured home placement or replacement.
 - b. Substantially improved structures or manufactured homes.
 - c. Modification of post-FIRM storage areas into non-storage areas.
 - d. Determination of compliance of a structure, building, mobile/manufactured home, and certain types of equipment under the County’s participation with the National Flood Insurance Program.

301.2.3 Specific Standards. Within Zones A, A1-30, AO, AH, and AE of the special flood hazard area where base flood elevation data is provided, all of the following provisions shall apply and shall have elevations and hydrostatic vent requirements verified through the submittal of a sealed Elevation Certificate by a registered land surveyor:

1. Residential Structures.
 - a. All new construction or substantial improvement of any residential structure within Zones A1-30, AH, AO, and AE (including substantially damaged manufactured homes) shall have the lowest floor (including basement), together with attendant utility systems, elevated to the design flood elevation. If the approved lot-grading elevation is below the current effective base flood elevation, the design flood elevation will be used instead of the approved lot grading elevation; otherwise, the approved lot grading elevation shall be used.
 - b. New construction or substantial improvement to an existing residential structure built prior to March 1, 2002, within Zones A, A1-30, AH, AO, and AE and constructed to, or above, the base flood elevation that is in effect, but is below the design flood elevation, may be built to, or above, together with attendant utility systems, the effective base flood elevation.
 - c. Any alteration, repair, reconstruction or improvements to a pre-FIRM building within Zones A, A1-30, AH, AO, and AE and constructed to, or above, the base flood elevation that is in effect, but is below the design flood elevation, may be built to or above, together with attendant utility systems, the effective base flood elevation.
 - d. All new construction and substantial improvements of residential structures within AO Zone shall have the lowest floor (including basement), together with attendant utility systems, elevated to, or above, the highest adjacent grade and at least as high as the depth number specified in feet on the FIRM (if no depth specified on the FIRM, then the minimum elevation requirement is at least two and one-half feet (2 ½) above the highest adjacent grade).
2. Historic structures may be exempt in part, or in full, from the requirements under this paragraph to insure that alteration of an “historic structure” shall not preclude the structure’s continued designation as an “historic structure” as defined within of this Code.
3. Construction performed by an owner-agent permit applicant shall have a sealed Elevation Certificate for a building under construction submitted before approval of the slab inspection. Further approvals will not be granted unless the lowest floor meets the design flood elevation requirement.
4. Nonresidential Structures.

- a. All new construction or substantial improvement of nonresidential structures, shall either have the lowest floor, including basement, elevated to the design flood elevation or may be flood-proofed in lieu of being elevated provided that, together with attendant utility and sanitary facilities, it is designed to be protected from flooding at a minimum of one-foot above the design flood elevation; whereby, the structure is water tight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A design professional shall certify that the standards of this subsection are satisfied. A Floodproofing Certificate from the Federal Emergency Management Agency shall be prepared and submitted along with a corresponding operational and maintenance plan that is also maintained on the premise of the structure. On an annual basis following the issuance of a certificate of occupancy, a report shall be provided by the property owner or designee that identifies verification of components of said certification remain in compliance with this Code or maintenance has been conducted to maintain compliance with this Code. Following receipt of the report, the property owner or designee will request a site inspection to verify workability of said components.
 - b. All new construction and substantial improvements of nonresidential structures within Zone AO shall:
 - (i) have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM (at least two and one-half feet (2 ½), which includes the freeboard requirement, if no depth number is specified on a Hillsborough County flood determination form), or
 - (ii) together with attendant utility and sanitary facilities, be completely floodproofed to that level to meet the floodproofing standard specified in paragraph (4)(a) of this Section.
5. New and substantially improved storage areas, areas used as crawl spaces, and areas beneath the lowest floor elevation shall (for such structures within the designated Velocity Zones, refer to Section 12 of this Chapter):
- a. Be usable solely for parking of vehicles, building access, or storage in an area other than a basement, void of utilities unless utilities are placed above the design flood elevation and use is incidental to the purpose of the storage area, electrical is the minimum required to operate entry access lighting that is connected through a ground-fault interrupt breaker, and shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must be certified by a design professional and have the certification and background material submitted for recording; and
 - b. Meet, or exceed, the following minimum criteria:
 - (i) provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding or provide a minimum of two openings with alterations only to the size of opening based upon the rate of rise of floodwater for the source of flooding for the area subject to flooding;
 - (ii) the bottom of all openings shall be no higher than one foot above grade where the interior grade is at the same elevation as the exterior grade or below;
 - (iii) where the height of all openings is greater than one foot in elevation above the interior grade, the number of hydrostatic vents and amount of hydrostatic openings must be documented in the comments section of a sealed Elevation Certificate completed by a licensed surveyor; and
 - (iv) openings may be equipped with screens, louvers, valves, or other coverings or devices provided they provide the required net area of the openings and permit the automatic entry and exit of floodwaters;
 - c. Where structures are used solely as an enclosure that is in whole or in part self-supporting, the enclosure is to have walls of insect screening with or without removable vinyl or acrylic

- wind break panels and a roof of insect screening, plastic, aluminum or similar lightweight material. Such space shall not be partitioned into multiple rooms, and not be temperature-controlled; and
- d. Where structures are elevated to be above the design flood elevation with space below the finished floor, an affidavit shall be submitted with the permit application that acknowledges the prohibition of the conversion of the area below the lowest floor to a use or dimension contrary to the building's approved design unless subsequently approved under this Code. The permit application will not be processed without said affidavit being submitted and respective statements on approved plans.
6. Standards for Manufactured Homes.
 - a. All manufactured homes to be placed or substantially improved within Zones A1-30, AO, AH and AE on sites which are: (1) outside of a manufactured home park/subdivision; (2) in a new manufactured home park/subdivision; (3) in an expansion to an existing manufactured home park/subdivision; or (4) in an existing manufactured home park/subdivision on which a manufactured home has incurred substantial damage as a result of a flood, shall be elevated on a permanent foundation such that the lowest floor of the manufactured home, together with attendant utility systems, shall be elevated no lower than the design flood elevation and be securely anchored to an adequate foundation system to resist floatation, collapse and lateral movement and in accordance with the provisions of FEMA Bulletin 85, or subsequent replacement documents, for the anchoring of manufactured homes.
 - b. All manufactured homes to be placed or substantially improved in an existing manufactured home park or subdivision within Zones A1-30, AH, AO, and AE, that are not subject to the provisions of paragraph 6 (a) of this Section, must be elevated so that either:
 - (i) the lowest floor of the manufactured home, together with attendant utility systems, is elevated to at least the design flood elevation; or
 - (ii) the manufactured home chassis is supported by reinforced piers or other foundation elements of at least an equivalent strength that are no less than 36 inches in height above the grade, designed and constructed to evenly distribute the load, and be securely anchored to an adequate foundation system to resist floatation, collapse and lateral movement and in accordance with the provisions of FEMA Bulletin 85, or subsequent replacement documents, for the anchoring of manufactured homes; and
 - (iii) duct work shall be placed above the design flood elevation or be certified as flood resistant.
 - c. New manufactured home parks, subdivisions, and expansions to existing parks/subdivisions (where the repair, reconstruction, or improvement of the streets, utilities, and pads equal or exceed fifty percent (50%) of the value before improvement commenced) and existing manufactured homes not placed in a manufactured park/subdivision require:
 - (i) stands or lots be elevated on compacted fill or structures elevated on pilings so that the lowest floor of the manufactured home and servicing equipment and ductwork (unless ductwork is certified as flood resistant) will be no less than the design flood elevation; and
 - (ii) adequate surface drainage and access for a hauler are provided.
 7. Recreation Vehicles or Temporary Construction Offices. A recreational vehicle or a temporary construction office are intended to remain ready for highway use if either are on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions. All recreational vehicles or temporary construction offices placed on sites within Zones A1-30, AO, AH, and AE must either:
 - a. be on the site for fewer than 180 consecutive days;
 - b. be fully licensed and ready for highway use; or

- c. meet the requirements for new construction, including anchoring and elevation and non-elevation requirements for manufactured homes or meet requirements under paragraph 6 of this Section.
8. Floodways. When floodways are designated within areas of special flood hazard on the Flood Insurance Rate Map or within the Flood Insurance Study, additional criteria shall be met. Since the floodway is an extremely hazardous area due to the velocity of flood waters, which carry debris, potential projectiles, and has erosion potential. Notwithstanding any of the above, the following provisions shall apply:
- a. Encroachment or placement of an obstruction is prohibited, including fill, new construction, substantial improvements (includes replacement of an existing manufactured home, unless it is a DCA Certified modular home), mounded septic systems, docks, and other development unless it has been demonstrated through a no-impact analysis (hydrologic and hydraulic analyses that are also referred to as a No Rise Impact Analysis) with supporting technical data submitted by a State of Florida Registered Engineer demonstrating that the proposed encroachment shall not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
 - b. If Section 301.3.7 of this Code is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this Code.
 - c. The placement, or replacement, of any manufactured home, except in a pre-FIRM manufactured home park or subdivision that has not had a manufactured home flooded, is prohibited within the designated floodway.
9. Standards for streams or riverine systems, A Zones without established Base Flood Elevation, or floodways located within the areas of special flood hazard where streams exist for which no base flood elevation data or regulatory floodway has been provided by FEMA or the County, the following provisions shall apply:
- a. All new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than fifty (50) lots or five (5) acres, whichever is less, include within such proposals base flood elevation data.
 - b. All new construction and substantial improvements shall meet elevation requirements of this Chapter. Information that shall be submitted and maintained and shall include:
 - (i) required elevation (in relation to the mean sea level) of the lowest floor (including the basement) of all new and substantially improved structures, and
 - (ii) non-residential structure floodproofing certificate and information in accordance with the requirements of this Chapter and the elevation in relation to the mean sea level to which the structure has been floodproofed.
 - c. Notify, in riverine situations, adjacent communities where streams or rivers enter or leave boundaries and the State NFIP Coordinating Office prior to any alteration or relocation of a watercourse, and submit copies of such notifications to FEMA along with an application of Letter of Map Revision.
 - d. Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained, unless mitigated pursuant to this Chapter, the Land Development Code, the Development Review and Procedures Manual, and the Stormwater Technical Manual. Variations to requirements within Chapter 3 of this Code shall be approved pursuant to Section 301.3.9 of this Chapter.
 - e. Manufactured homes shall be installed using methods and practices that minimize flood damage and meet elevation requirements. They must be elevated and anchored to prevent flotation, collapse, or lateral movement.
 - f. Require for riverine areas without a regulatory floodway boundary defined on the Flood Insurance Rate Map, that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed

- development, when combined with all other anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.
- g. Require compensation storage pursuant to minimum standards within the Hillsborough County Stormwater Technical Manual and with Hillsborough County's participation with the National Flood Insurance Program, and within this Chapter, Section 301.3.4.
10. Standards for Subdivision Proposals.
- a. All subdivision proposals shall be consistent with the need to minimize flood damage.
 - b. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
 - c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
 - d. Design and base flood elevation data shall be provided for subdivision proposals and other proposed developments, including manufactured home parks and subdivisions that exceed fifty lots or five acres, whichever is less.
 - e. All subdivision proposals must comply with all pertinent provisions of the Subdivision Regulations and all other applicable development regulations.
 - f. All subdivision lot-grading plans shall list both the NGVD 1929 and the NAVD 1988 vertical datum elevations, with appropriate conversion factor(s), required for an individual structure's finished-floor and base-flood elevations, where applicable, and the elevation shall be listed for easy identification for each lot until such time the County's Flood Insurance Rate Maps and Flood Insurance Study have elevations listed using the NAVD 1988 vertical datum. At such time, the vertical datum shall be listed using NAVD 1988 for new designs with construction plan approval.
 - g. All subdivision lot-grading plans' reported finished-floor elevations shall be used unless the finished-floor elevation is below the base-flood elevation; then, the respective lot's elevation shall be six-inches above the base-flood elevation derived from the Flood Insurance Rate Map and, or, the Flood Insurance Study. Elevations from within the Flood Insurance Study shall be used if higher than that reported on the Flood Insurance Rate Map.
11. Coastal A Zones are those A and AE zones shown on the Flood Insurance Rate Map (FIRM) and within the Flood Insurance Study (FIS) that have been identified through standard engineering practices to have potential breaking waves less than three (3) feet in height. The waves in these areas have sufficient force to modify the landscape and damage or destroy the built environment if not properly designed and constructed to counter such forces. Pursuant to ASCE standards referenced within the Florida Building Code, new construction or substantial improvements must be designed to have considered, in addition to other requirements of this ordinance, effects from erosion and scour, and to have considered appropriate factors necessary to resist floatation, collapse, and lateral movement due to the effect of wind and water loads action simultaneously on all building components. Designs for meeting this requirement must be performed by design professionals, who are required to certify their work through sealing and signing drawings and any other documents (i.e., calculations, etc.) as is appropriate by regulations.
12. Coastal High Hazard Areas, also V-zone, are designated on the Flood Insurance Rate Map as Zones V1-30, VE, or V. These areas have special flood hazards associated with high velocity waters from hurricane surges. Therefore, in addition to meeting all provisions in this Code, the following provisions shall also apply:
- a. All new construction and substantial improvements in Zones V, V1-30 and VE shall be elevated without side bracing so that:
 - (i) the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns), together with attendant utility systems, be elevated to, or above, the design flood elevation;

- (ii) new construction or substantial improvement to an existing residential structure built prior to March 1, 2002 within Zones V and VE and with the lowest horizontal member constructed to, or above, the base flood elevation that is in effect, but is below the design flood elevation, may have the lowest horizontal member, together with attendant utility systems, built to, or above, the effective base flood elevation; and
- (iii) the pile or column foundation and structure attached or anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by the applicable State building code.
- b. A design professional shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of this Code and permitting requirements identified within this Chapter.
- c. A licensed engineer shall have performed a soils and foundation analysis to determine the suitability of the soil to support the structure and submit background data for approval and recording with the permit application.
- d. A design professional shall perform an analysis, or analyses, prior to allowable obstructions being designed to be placed into the V-zone. The analysis, or analyses, shall show that there shall be no impact with respect to ramping and, or, deflection of velocity waters, or erosion damage to the structure or nearby buildings. Respective analyses and background data shall be submitted for approval and recording with the permit application. The analysis, or analyses, shall be performed in conformance to standards identified within the U.S. Army Core of Engineers' Coastal Shore Protection and the FEMA's Coastal Construction manuals. If impacts are to be mitigated, a variance in accordance with this Chapter and Code shall first be obtained prior to a permit application being granted. Mitigation techniques shall be a condition of a Flood Damage Control Board Order and shall be shown on construction plans and put into place prior to impacts.
- e. Construction performed by an owner-agent permit applicant shall have a sealed Elevation Certificate submitted for a building under construction following the request for a foundation inspection. Further approvals will not be granted unless the lowest horizontal structure meets the design flood elevation requirement.
- f. All new construction shall be located landward of the reach of the mean high tide.
- g. Provide that all new construction and substantial improvements have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood lattice work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purpose of this section, a breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls that exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by Hillsborough County or State codes) may be permitted only if a registered professional engineer or architect certifies, and submits background data for recording with the permit application, that the designs proposed meet the following conditions:
 - (i) breakaway wall collapse shall result from water load less than that which would occur during the base flood, which may be submitted to FEMA for review to ensure compliance under the County's participation with the National Flood Insurance Program; and
 - (ii) the elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and nonstructural).

Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by the applicable State building code.

- h. The enclosed space below the lowest floor shall be useable solely for parking of vehicles, building access, or storage. The space must be designed not to be finished for other uses such as for recreation or habitation purposes. Only non-load-bearing breakaway walls, open lattice, or insect screening shall be used, and no mechanical, electrical, or plumbing equipment shall be installed below the design-flood elevation unless the electrical is the minimum required to operate entry access lighting that is connected through a ground-fault interrupt breaker circuit. Additionally:
 - (i) such space shall not be partitioned into multiple rooms, temperature-controlled, or used for human habitation;
 - (ii) stabilized areas beneath the structure (such as for parking or for allowed enclosures) shall be constructed with minimum reinforcement necessary and will be placed at grade, unless otherwise approved;
 - (iii) such space shall not be structurally attached to the building's foundation system or be considered as an obstruction; and
 - (iv) where elevation requirements exceed six (6) feet above the highest adjacent grade, an affidavit, shall be submitted with the permit application that acknowledges the prohibition of the conversion of the area below the lowest floor to a use or dimension contrary to the building's approved design and this Chapter. The permit application will not be processed without said affidavit being submitted and respective statements on approved plans.
- i. Prohibit the use of fill for structural support of structures.
- j. Prohibit the use of fill for non-structural use, except when such does not exceed the elevation of the existing grade by more than three (3) inches or otherwise does not require a permit for minor ground stabilizing or landscaping purposes. No permit shall be issued for the use of fill in V-zone, as designated on the Flood Insurance Rate Map, unless it has been demonstrated through appropriate engineering analyses and background data has been submitted for recording with the permit application that the subject fill does not cause any adverse impacts to the structure on site or adjacent properties. Placement of fill that would result in an increase in the base flood elevation may be permitted, provided that the permit applicant first applies for a variance pursuant to Section 301.3.9 of this Chapter.
- k. Pursuant to the Federal Emergency Management Agency Bulletin, Free-of-Obstructions Requirements, prohibit obstructions outside of the perimeter, except as identified in the following:
 - (ii) Access stairs and elevators: Access stairs and elevators attached to or beneath an elevated building are excluded from the breakaway requirement but must be of flood-resistant materials. Access stairs and elevators need not be breakaway; however, potential loads generated by these obstructions must be identified and accounted for within the design of the building. If access stairs are enclosed, walls shall be minimum required and shall be built pursuant to paragraph 11.g. of this Chapter. Further requirements regarding elevators can be found in the Federal Emergency Management Agency Technical Bulletin 4, "Elevator Installation;"
 - (iii) Bulkheads, rip-rap, seawalls, and similar: Any of these items beneath or adjacent to a coastal building, whether or not it is attached to the foundation system, is an obstruction and is therefore prohibited, unless otherwise approved pursuant to paragraph 11.d of this Chapter;
 - (iv) Concrete pads: A concrete pad with minimal, or no, reinforcement to be used for parking or as a floor, may be poured beneath an elevated coastal building. A concrete pad placed at grade is not considered an obstruction if it is not structurally attached to the building's foundation system. The use of fill beneath an elevated building to elevate

- a slab above natural grade is considered an obstruction and is therefore prohibited. It is important to note that compliant concrete pads often collapse during coastal storms due to erosion and localized scour of underlying soils;
- (v) Decks, patios, gazebos: Decks or patios constructed at grade may involve considerable alteration of the site in the construction process. The proposed construction must be evaluated pursuant to paragraph 11.d of this Chapter to determine whether buildings on the site or on adjacent sites will be adversely affected. Floodwaters shall not be diverted into the elevated building or into nearby buildings. It is required to be demonstrated by the design professional that debris from destroyed decks or patios shall not damage the foundation of the building or of adjacent buildings. Decks and patios constructed below the design-flood elevation must be structurally independent of the building's foundation system. If a deck is structurally attached to the building, the lowest horizontal member of the deck must be elevated to or above the design-flood elevation. Like an at-grade deck, an elevated deck should not worsen flooding conditions or create debris that will damage adjacent buildings. A deck that is properly elevated on embedded piles to withstand flood forces generated by a base flood shall not cause additional flood or debris damage to adjacent buildings;
 - (vi) Enclosed areas: The area beneath the elevated structure of a V-zone building may be enclosed pursuant to paragraph 11.h. of this Chapter. Only non-load bearing breakaway walls or open lattice and insect screening may be used below the design flood elevation;
 - (vii) Fences: Like other construction elements on V-zone building sites, fences must be analyzed pursuant to paragraph 11.d. of this Chapter for their effects on flood conditions, including ramping effects on adjacent buildings and the effects of debris during flood events.
 - (viii) Foundation bracing: Bracing shall not be used for new construction. Such bracing is intended to provide lateral wind-resistance support to a pile or column foundation by stiffening the foundation system and is to be placed parallel to the primary direction of flow; generally perpendicular to the shoreline. Only the minimum amount of bracing that is necessary to stiffen the foundation may be used. Bracing should be composed of members that will offer the least resistance to floodwaters flowing under the elevated building;
 - (ix) Grade beams: Grade beams, made of wood or reinforced concrete, tie together the perimeter piles or columns to provide additional lateral support. Grade beams that are placed with their upper surfaces flush with the natural grade are allowed. The design-professional must show grade beams will remain in place when erosion and localized scour remove the supporting soil beneath. It must be noted that grade beams are not to be used as a substitute for adequate number, size, and embedment of piles or columns;
 - (x) Septic systems: Elevated or mounded septic systems require fill and constitute an obstruction if placed under, or adjacent to, an elevated building within the V-Zone as identified on the Flood Insurance Rate Map. Therefore, septic systems must not be attached directly to the foundation, but may be permitted on a V-zone site if it will not worsen flooding conditions for the building in question or any adjacent buildings pursuant to paragraph 11.d. of this Chapter;
 - (xi) Swimming pools: A swimming pool may be placed beneath a building within the V-zone pursuant to paragraphs 11.d, h, and i of this Chapter and only if the top of the pool and accompanying pool deck or walkway are flush with the existing grade and only if the lower area (below the lowest floor) remains open. Lower-area walled-enclosures around pools constitute a recreational use and are therefore not allowed, even if constructed to breakaway standards. Lattice and insect screening are allowed as they do not create an enclosed area. Pools, either at-grade or elevated, are allowed adjacent to

coastal buildings only if the pools will not act as obstructions that will result in damage to the V-zone building or nearby buildings. The design professional must prove that a pool beneath or near a V-zone building will not be subject to breaking up or floating out of the ground during a coastal flood and shall therefore not increase the damage potential to the foundation and elevated portion of any nearby buildings proven pursuant to paragraph 11.d of this Chapter. In addition, the design professional must design and site the pool so that any increased wave or debris impact forces will not affect any nearby buildings. Pools, pool decks, walkways, and associated accessory buildings placed under or adjacent to buildings within the V-zone must be structurally independent of the building and its foundation;

- (xii) Fill: Fill shall only be used in the V-zone as described under this Chapter. Any approved fill shall not interfere with the free passage of floodwaters and debris underneath the building or cause changes in flow direction during coastal storms such that floodwaters will cause additional damage to buildings on the site or to any adjacent buildings. Under the building, no fill may be used except for minor landscaping and minor site grading for drainage purposes. An example of unacceptable placement of fill would be the construction of a small berm or retaining wall that is backfilled and used for landscaping purposes when it has been determined that ramping or deflection of floodwaters will adversely affect adjacent buildings and thereby create additional flood damage potential;
 - (xiii) Prohibit man-made alteration of sand dunes and mangrove stands that would increase potential flood damage;
 - (xiv) The placement of manufactured homes, except in an existing manufactured home park or existing manufactured home subdivision, is prohibited; and
 - (xv) Any alteration, repair, reconstruction, or improvements to a structure started after the effective date of this Code, shall not climate control any space beneath the lowest floor and shall not enclose the space below the lowest floor unless breakaway walls are used.
13. Recreational vehicles placed on sites within Zones V, V1 – V30, V, and VE on the FIRM shall be in conformance with the requirements of this Chapter and remain road ready and be immediately removed from the site at the time an evacuation order is given.

301.3 Additional Standards for Developments in Floodplains

301.3.1 Criteria. The criteria for development in floodplains shall pertain to all floodplains and not be limited to those floodplains identified on FEMA maps. The Engineer of Record (EOR) shall be responsible for determining the on-site 100-year flood elevations if not determined by a FEMA study. The EOR is required to submit a Letter of Map Amendment or Map Revision to FEMA for any changes in flood zone designations or modifications that may be used in modifying a FIRM designation as determined by a detailed study of the area.

301.3.2 Special Flood Hazard Area (100-Year Frequency Floodplain). No development (structures or fill) shall be allowed in the conveyance portion of any 100-year frequency floodplain as described by the Stormwater Management Section of the Public Works Department associated with a freshwater stream, channel, lake, or waterway, unless provisions are made to compensate for any reduction in conveyance caused by the development and in accordance with this Chapter.

301.3.3 100-Year Frequency Floodplain Non-Coastal

1. No development (structures or fill) shall be allowed in any 100-year frequency non-coastal floodplain, unless provisions are made to compensate for the reduction in storage volume due to the proposed development and pursuant to Section 301.3.9 of this Chapter.

2. Within Zones A, A1-30, AE AO, AH on the FIRM, adequate drainage paths around structures on slopes shall be provided to guide floodwaters around and away from proposed structures and shall be pursuant to an approved plan. For structures constructed in an area without an approved lot-grading plan and outside of the Special Flood Hazard Area, the minimum elevation shall include the requirement of 18 inches above the crown of the road, unless otherwise approved by the County.

- 301.3.4 Compensation or Compensatory Storage Volumes.** Compensation storage volumes shall be provided in addition to stormwater detention or retention volumes required to reduce peak runoff rates from the development and pursuant to minimum standards under the Land Development Code and Stormwater Technical Manual.
- 301.3.5 Earthen Fill.** No earthen fill shall be placed within a Special Flood Hazard Area unless an equal amount of flood storage volume is created by excavation below the 100-year flood elevation and above the seasonal high ground water table elevations and pursuant to the Hillsborough County Stormwater Technical Manual and in accordance with this Chapter. No fill shall be allowed within the velocity zone as designated on the Flood Insurance Rate Map or identified within the Flood Insurance Study, unless approved by Hillsborough County through the review of appropriate analyses and background material pursuant to this Chapter. Prior to any approval, the County may submit respective analyses and background material based upon the current effective model for technical review to the Federal Emergency Management Agency (FEMA) at the discretion of the County's Building Official or Flood Damage Control Administrator to ensure compliance with the requirements of this Chapter and to ensure Hillsborough County's participation with the National Flood Insurance Program is sustained.
- 301.3.6 Exceptions.** Exceptions shall be allowed if the floodplain is associated with a landlocked waterbody and pursuant to variance procedures contained within this Code.
- 301.3.7 Encroachment and Obstruction.** No encroachment or obstruction shall be allowed in a regulatory floodway or velocity zone, as designated on the Flood Insurance Rate Map or identified within the Flood Insurance Study, unless approved by Hillsborough County through the review of appropriate analyses and background material pursuant to this Chapter. Prior to any approval, the County may submit respective analyses and background material based upon the current effective model for technical review to the Federal Emergency Management Agency (FEMA) at the discretion of the County's Building Official or Flood Damage Control Administrator to ensure compliance with the requirements of this Chapter and to ensure Hillsborough County's participation with the National Flood Insurance Program is sustained.
- 301.3.8 Critical Facilities.** Construction of new critical facilities shall be, to the extent possible, located outside the limits of the SFHA, preferably outside the two-tenths (0.2%) annual chance floodplain, which is also known as the five-hundred (500) year floodplain. Construction of new critical facilities may be permissible within the SFHA if no feasible alternative sites are available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three (3) or more feet above the base flood elevation at the site. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the maximum extent possible.
- 301.3.9 Variances.** Accompanying Section 108.4.2.
1. Designation of Variance and Appeals. The Flood Damage Control Board shall hear and decide appeals and requests for variances from the requirements to the Flood Damage Control

Regulations. Failure to comply with requirements of a Flood Damage Control Board Order may be cause to have the Board action repealed and, or, give cause for the Building Official to request the Federal Emergency Management Agency remove availability of Federal flood insurance for the property on which the Board action was granted.

2. The following conditions for variances to Chapter 3 of this Code are in addition to criteria contained in Section 108.4.2:
 - a. a showing of good and sufficient cause;
 - b. a determination that failure to grant the variance would result in exceptional hardship; and
 - c. a determination that the granting of a variance will not result in increased flood heights, additional threats to public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or codes.
3. Variances shall not be issued within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result or a stream course modification is proposed unless impacts are mitigated. The variance may only be issued subsequent to the applicant, or authorized agent, receiving a conditional Letter of Map Revision (LOMR) and floodway revision, which fulfills requirements for such revisions as established by FEMA. A condition of the Board Order for the variance will include the LOMR and floodway revision be completed prior to notifying all property owners impacted by the modification and prior to any final project approval, final inspection, or certificate of occupancy being provided, which will also illustrate the applicant, or agent, has fully mitigated all impacts to the regulatory floodway.
4. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure, and the variance is the minimum necessary to preserve the historic character and design of the structure, unless otherwise approved by the appropriate County authority.
5. Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
 - a. The criteria of paragraphs b. i) through b. iii) of this Section are met, and
 - b. The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.
6. Variance Notification. Any applicant to whom a variance is granted shall be notified in writing that:
 - a. the issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars (\$25) for one-hundred dollars (\$100) of insurance coverage;
 - b. such construction below the base flood or design-flood elevation increases risks to life and property;
 - c. a copy of the above notification shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land; and
 - d. a copy of the notification shall be maintained by the Office of the Flood Damage Control Administrator with the record of variance actions, including justification for issuance, and report such variances issued in its biennial report submitted to FEMA and its annual Community Rating System annual recertification.

Chapter 4 Definitions

A. Words not Defined or Contained herein. Words not defined or contained herein shall have the meaning stated in the Florida Building Code, the Florida Statutes or other nationally recognized codes, or other documents, manuals or standards adopted elsewhere in this chapter. Words not defined in those documents shall have the meaning stated in the Webster's Third New International Dictionary of the English Language, Unabridged, as revised.

B. Words Defined. Unless otherwise expressly stated, the following words and terms, for the purposes of this code, have the meaning shown in this Chapter. In case of a conflict in definitions or codes, the appropriate definition (or code) to be applied shall be the one applicable to the trade in question. In case of a conflict between different parts of this chapter, conflicts within the same code, or conflicts between codes, the more stringent requirements shall be applicable.

Abandon or abandonment. (1) Termination of a construction project by a contractor without just cause or proper notification to the owner including the reason for termination or (2) failure of a contractor to perform work without just cause for ninety (90) days.

Appraised value. For the purpose of this section, appraised value is defined as either (1) one hundred and twenty percent (120%) of the assessed value of the structure as indicated by the County Property Appraiser's Office or (2) the value as indicated in a certified uniform appraisal report based upon comparable sales, which is not a limited-summary appraisal report. For floodplain management purposes, the appraised market value is based on the County Property Appraiser's assessed structure value or the commercially appraised depreciated structure value. When used for the purposes of determining substantial improvement, it pertains only to the value of the structure. It does not pertain to the land, landscaping, detached accessory structures, or other site improvements (for example, docks, seawalls, and gazebos).

Area of shallow flooding. An area designated AO on the Flood Insurance Rate Map (FIRM) with base flood average depths of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of special flood hazard. The land in the floodplain within a community subject to a one-percent or greater chance of flooding in any given year. The term "Special Flood Hazard Area", for purposes of these regulations, is synonymous with the phrase "area of special flood hazard".

Assessed value. The value of real property and improvements thereon as established by the Hillsborough County Property Appraiser.

Accessory or appurtenant structure. For floodplain purposes, a structure that is located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure.

Authorized agent. A person specifically authorized by the holder of a certificate of competency to obtain permits in his stead.

Base flood elevation (BFE). The elevation shown in the Flood Insurance Study (FIS) or on the Flood Insurance Rate Map that indicates the water surface elevation resulting from a flood that has a one-percent chance of equaling or exceeding the one-percent (1%) probability flood elevation in any

given year. For purposes of the National Flood Insurance Program, the base flood elevation is referenced above mean sea level, which is based on either the National Geodetic Vertical Datum (NGVD) of 1929 or the North American Vertical Datum of 1988.

Basement. Any area of a building having its floor sub-grade (below ground level) on all sides.

Basic Wind Speed Line. The basic wind speed line for the jurisdiction shall be as established by the wind speed contour map attached to, and made part of, this chapter. For areas landward of the 120 MPH Wind Speed Line, a non-site specific design may be done using a wind velocity of 120 MPH for the design of the main wind force resisting systems, cladding, and glazing.

Breakaway wall. A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under lateral loading forces as defined within Chapter 3 of this ordinance, without causing damage to the elevated portion of the building or the supporting foundation system. Shear walls may not substituted for breakaway walls within the Flood Insurance Rate Map velocity zone.

Board. The appropriate Hillsborough County or County Board of Adjustment and Appeals and Examiners, unless otherwise specifically stated.

Building component. An element or assembly of elements integral to or part of a building.

Building shell. The structural components that completely enclose a building, including, but not limited to, the foundation, structural frame, floor slabs, exterior walls, and roof system.

Building system. A functionally related group of elements, components and/or equipment, such as the electrical, plumbing, and mechanical systems of a building.

Certification. The act, or process, of obtaining a certificate of competency from the state or municipality through the review of the applicant's experience and financial responsibility as well as successful passage of an examination. For floodplain management purposes, a certification by a registered professional engineer or other party does not constitute a warranty or guarantee of performance, expressed or implied. Certification of data is a statement that the data is accurate to the best of the certifier's knowledge. Certification of analyses is a statement that the analyses have been performed correctly and in accordance with sound engineering practices. Certification of structural works is a statement that the works are designed in accordance with sound engineering practices to provide protection from the base flood. Certification of "as built" conditions is a statement that the structure(s) has been built according to the plans being certified, is in place, and is fully functioning.

Certificate of competency (certificate). An official document evidencing that a person is qualified to engage in the business of contracting, subcontracting, or the work of a specific trade.

Certificate of experience. An official document evidencing that an applicant has satisfied the work experience requirements for a certificate of competency.

Certificate of occupancy (C.O.). An official document evidencing that a building satisfies the requirements of the jurisdiction for the occupancy of a building.

Certified contractor. Any contractor who possesses a certificate of competency issued by the Department of Professional Regulation of the State of Florida.

Change of occupancy. A change from one Building Code occupancy classification or subclassification to another.

Coastal high hazard area. For floodplain management purposes, an area of special flood hazard extending from offshore to any area subject to high velocity wave action from storms. The area is designated on the Flood Insurance Rate Map as Zone V1 – V30, VE, or V.

Commercial building. Any building, structure, improvement, or accessory thereto, other than a one- or two-family dwelling.

Critical facilities. For floodplain management purposes, a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to, evacuation shelters, hospitals, police, fire and other emergency response installations, water and wastewater facilities, government offices, and hazardous materials facilities.

Cumulative construction cost. The sum total of costs associated with any construction work done to a building or structure either at one (1) time or at different times within a specified period of time. For floodplain management purposes, cumulative construction costs are costs associated with an approved project regardless of the period required to complete the project and, or, costs associated with the development of construction work done to the building from the time the permit application is submitted through the 12 month period following the issuance of the Certificate of Occupancy or final inspection (whichever date provides the greatest period).

Demolition. The act of razing, dismantling, or removal of a building or structure, or portion thereof, to the ground level.

Design Flood Elevation. See Freeboard.

Development. For floodplain management, any man-made change to improved or unimproved real estate, including, but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or storage of materials or equipment.

Elevated building. A non-basement building built to have the lowest floor elevated above the ground level by foundation walls, stem or shear walls, posts, piers, pilings, or columns. For floodplain management purposes, the type of elevation has limitations depending where the structure will be located within the Special Flood or Coastal High Hazard Areas.

Elevation Certificate. For floodplain management purposes, is the form authorized by the United States Office of Management and Budget that is required for determining the compliance of a structure, building, mobile/manufactured home, and certain types of equipment under the County's participation with the National Flood Insurance Program.

Enclosure. A building or part thereof, in whole or in part self-supporting, and having walls of insect screening with or without removable vinyl or acrylic wind break panels and a roof of insect screening, plastic, aluminum or similar lightweight material.

Examination. An exam prepared, proctored, and graded by H. L. Block and Associated, Inc., unless otherwise implied in context or specifically stated otherwise.

Expansion to a Pre-FIRM manufactured home park or subdivision. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be

affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FCILB. The Florida Construction Industry Licensing Board.

Flood or flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from:

- a) The overflow of inland or tidal waters;
- b) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Control Board. The Flood Control Board shall hear and decide appeals or requests for variances as described within Section 108.42 and 301.3.9.a of this Code and within Section 9.03.03, Land Development Code.

Flood Damage Control Administrator. The administrative officer as described with duties defined within Section 9.01.03, Land Development Code. The Flood Damage Control Administrator serves the Building Official of Hillsborough County.

Flood Insurance Rate Map (FIRM). A product of the Flood Insurance Study for Hillsborough County, the FIRM is the official map on which the Federal Emergency Management Agency delineated both the areas of special flood hazard and the risk premium zones, which is subordinate to the Hillsborough County Flood Insurance Study.

Flood Insurance Rate Map (FIRM) effective date. The date on which Flood Insurance Rate Maps were made effective for unincorporated Hillsborough County is June 18, 1980.

Flood Insurance Study (FIS). An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations. The document that contains official regulatory base-flood and floodway elevations, floodway widths, and data associated with the current effective model. Elevations identified within the FIS take precedents over elevations obtained from the Flood Insurance Rate Map(s)

Flood vent. See Openings

Floodplain. Any land area susceptible to being inundated by water from any source (see definition of “flood”).

Floodplain management. Process of operation of an overall program of preventive and corrective measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations (including Chapter 3 of this Code), land development regulations, and plans associated with floodplain management and mitigation.

Floodplain management regulations. Chapter 3 of this ordinance and other zoning ordinances, subdivision regulations, construction and building codes, health regulations, special purpose ordinances (such as the land-development code or the stormwater technical manual), and other applications of police power. This term describes federal, state or local regulations, in any combination thereof, which provide standards for the purposes of flood damage prevention and reduction.

Floodproofing. Any combination of structural and nonstructural additions, changes, or adjustments to structures, which eliminate flood damage to real estate or improved real property, water and

sanitary facilities, structures and their contents. Floodproofing is not an alternative for meeting residential design-flood elevation requirements.

Floodproofing certificate. A certificate completed and signed by a Florida licensed engineer certifying that a commercial structure has been constructed to be, or has been designed to be made to be, floodproofed to one-foot above the base-flood elevation.

Floodway. The channel or conveyance area of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. The term is also referred to as “regulatory floodway” and is defined on Flood Insurance Rate Maps and described within the Flood Insurance Study.

Florida Building Code. Refers to all volumes of the code.

Florida Building Code – Fuel Gas. Refers to the Fuel Gas volume of the code.

Florida Building Code – Mechanical. Refers to the Mechanical volume of the code.

Florida Building Code – Plumbing. Refers to the Plumbing volume of the code.

Florida Existing Building Code. Refers to the Existing Building volume of the code.

Florida Residential Code. Refers to the Residential volume of the code.

Freeboard. The additional height that adds a factor of safety above the base-flood elevation (or flood level) for purposes of floodplain management. “Freeboard” tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed. The Freeboard requirement for unincorporated Hillsborough County is six (6) inches.

Functionally dependent facility. For floodplain management purposes, a facility that cannot be used for its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities or other necessary facilities used for the loading and unloading of cargo or passengers, providing necessary components such as submersible pumps, shipbuilding, and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Highest adjacent grade. The highest natural or pre-FIRM elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic Structure. means any structure that is:

- a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

- d) Individually listed on a local inventory historic places in communities with historic preservation programs that have been certified either:
1. By an approved state program as determined by the Secretary of the Interior, or
 2. Directly by the Secretary of the Interior in states without approved programs.

Hydrostatic Vents. See Openings

Increased Cost of Compliance (ICC). The coverage by a standard flood insurance policy under the National Flood Insurance Program that provides for the payment of a claim for the cost to comply with the Hillsborough County’s floodplain management laws or ordinances after a direct physical loss by flood, when Hillsborough County declares the structure to be “substantially” or “repetitively” flood-damaged. ICC coverage is provided for in every standard NFIP flood insurance policy, and will help pay for the cost to floodproof, relocate, elevate, or demolish the structure.

Inspection warrant. A court order authorizing the official or his designee to perform an inspection of a particular property named in the warrants.

Intensification of use. An increase in capacity or number of units of a residential or commercial building.

Interior finish. The preparation of interior spaces of a commercial building for the first occupancy thereof.

Licensed contractor. A contractor certified by the State of Florida or the local jurisdiction who has satisfied all state or local requirements to be actively engaged in contracting.

Lowest floor. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, storage, screened porch or screened lanai, in an area other than a basement, is not considered a building’s lowest floor, provided that such enclosure is not built so as to render the structure in violation of the non-elevation design requirements of this ordinance.

Lowest horizontal structural member. For floodplain management purposes, in an elevated building, the lowest beam, joist, or other horizontal member that supports the building. Nonstructural grade beams installed to support vertical foundation members where they enter the ground are not considered lowest horizontal structural members.

Manufactured home. For floodplain management purposes, the term “manufactured home” does include mobile home but does not include a “recreational vehicle”. Manufactured home means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities.

Manufactured home park or subdivision. For floodplain management purposes, a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale. Also, refer to Pre- and post-FIRM manufactured home park and subdivision.

Market value. For the purposes of determining substantial improvement or damage, market value pertains only to the value of the structure. It does not pertain to the land, landscaping, or detached accessory structures or other site improvements. Acceptable structural values that may be used in establishing the market value, after consideration to depreciation, are obtained through independent professional appraisals, detailed estimates of the structure’s actual cash value that has been approved

by the Building Official, property appraisal records used for tax assessment purposes, values of buildings taken from National Flood Insurance Program claims data, qualified estimates through the Building Services Division and approved by the Building Official. Replacement cost or value is not an acceptable value for determining, and is not a replacement for, market value.

New construction. For floodplain management purposes, buildings or structures for which the start of construction commenced on or after the effective date of the floodplain management regulations adopted by a Hillsborough County (January 1, 1980), which includes any subsequent improvements to such buildings or structures. This definition includes the placement or replacement of manufactured homes.

No Rise Impact Analysis Certification. Unless it has been demonstrated through no-impact analysis (hydrologic and hydraulic analyses that is also referred to as a No Rise Impact Analysis) with supporting technical data submitted by a State licensed and registered engineer demonstrating that the proposed encroachment shall not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

Opening. For floodplain management purposes, is a permanent opening in a wall that allows for the free passage of water automatically in both directions without human intervention. This term may be referred to as a flood vent or a hydrostatic vent.

Permanent foundation. For floodplain management purposes, a permanent foundation is to resist flood forces with a footing appropriately sized and capable of providing resistance against floatation, overturning, and buoyancy.

Permit. An official document authorizing performance of a specific activity regulated by this chapter.

Permit card or placard. A document issued by the jurisdiction evidencing the issuance of a permit.

Post-Flood Insurance Rate Map (Post-FIRM). The period on or after June 18, 1980, which is the unincorporated Hillsborough County effective date of the Federal Flood Insurance Rate Map(s) and the Hillsborough County floodplain management regulations.

Post Flood Insurance Rate Map (Post-FIRM) Construction. Any construction for which the “start of construction” commenced on or after the June 18, 1980 (effective date of Hillsborough County’s initial Flood Insurance Rate Map), and includes any subsequent improvements to such structures. For floodplain management purposes, this is also referred to as new construction.

Post-FIRM manufactured home park or subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the County’s Flood Insurance Rate Map effective date. This term may also be referred to as “new manufactured home park or subdivision”.

Pre-Flood Insurance Rate Map (Pre-FIRM). The period before June 18, 1980, which Hillsborough County did not have Federal Flood Insurance Rate Maps.

Pre-FIRM construction. For floodplain management purposes, is associated with structures for which the “start of construction” commenced before June 18, 1980 (unincorporated Hillsborough

County effective date of the Flood Insurance Rate Map(s)). This term may also be referred to as “existing structures”.

Pre-FIRM manufactured home park or subdivision. For floodplain management purposes, a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before June 18, 1980 (the effective date of the floodplain management regulations adopted by a Hillsborough County Board of County Commissioners). This term may also be referred to as “existing manufactured home park or subdivision”.

Property Appraisal. For floodplain management purposes, refer to market value.

Qualifying agent, primary. A person who possesses the requisite skill, knowledge, experience and certificate of competency, and has the responsibility to supervise, direct, manage, and control the contracting activities of the business organization with which they are associated; who has the responsibility to supervise, direct, manage, and control construction activities on a job for which they have obtained a permit; and whose technical and personal qualifications have been determined by investigation and examination and is evidenced by their possession of a certificate of competency.

Qualifying agent, secondary. A person who possesses the requisite skill, knowledge, experience and certificate of competency, and has the responsibility to supervise, direct, manage and control construction activities on a job for which they have obtained a permit, and whose technical and personal qualifications have been determined by investigation and examination and is evidenced by their possession of a certificate of competency.

Reciprocity. To accept, in lieu of an H. L. Block examination, a verified affidavit from any municipality or county of the State of Florida that the applicant has satisfactorily completed a written examination in its jurisdiction equal in content with the examination required by this chapter.

Recreational vehicle. For floodplain management purposes, a vehicle that has been built on a single chassis and is 400 square feet or less when measured at the largest horizontal projection; designed to be self-propelled or permanently towable by a light-duty truck; and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. It is ready for highway use if it is on its wheels, or if on a jacking system it is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

Registered contractor. A contractor who has registered with the department of professional regulation of the State of Florida pursuant to fulfilling the competency requirements of the local jurisdiction.

Registration. The act or process of registering a locally obtained certificate of competency with the state, or the act or process of registering a state issued certificate of competency with the municipality.

Remodeling. Work, which changes the original size, location, or material of the components of a building or structure.

Repetitive Loss. For Flood Plain Management purposes, flood-related damages sustained by a structure on two separate occasions during a 12 month period ending on the date of the event for

which the second claim is made, for which the cost of repairs at the time of each such flood event, on the average, equaled or exceeded 25% of the market value of the structure before the damages occurred.

Residential building. Any one- or two-family building or accessory.

Roofing. The installation of roof coverings on a new or existing building or structure.

Spa. Any constructed or prefabricated pool containing water jets.

Special flood hazard area (SFHA) (see Area of Special Flood Hazard). An area having special flood hazard and shown on the FIRM as Zone A, AO, A1-30, AE, A99, AH, V1-30, VE, or V.

Specialty contractor. A contractor whose services do not fall within the categories specified in Section 489.105(3), Florida Statutes, as amended.

Start of construction:

Site: The physical clearing of the site in preparation for foundation work including, but not limited to, site clearing, excavation, de-watering, pilings, and soil testing activities.

Building: The removal, disassembly, repair, replacement, installation, or assembly of the building, structure, building system, or building components in whole or parts thereof.

For floodplain management purposes and for a substantial improvement: The actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building. See also cumulative construction cost definition.

Stop work order. An order by the Building Official, or his designee, which requires the immediate cessation of all work and work activities described in the order.

Storage Areas. For floodplain management purposes, areas intended to be limited to incidental items that can withstand exposure to the elements and have low flood damage potential. Furthermore, such storage areas must be of flood resistant or breakaway materials, non-partitioned, void of utilities, with openings to preclude hydrostatic loading and allow ventilation. Areas cannot be temperature-controlled and therefore exist simply because of aesthetic or load bearing design (except in a velocity zone) of the building. As such, the enclosed area should be considered bonus space with minimum access to store items that otherwise would be stored outside the building or in a garage or a shed.

Structural component. Any part of a system, building, or structure, load bearing or non-load bearing, which is integral to the structural integrity thereof, including but not limited to walls, partitions, columns, beams, and girders.

Structural work or alteration. The installation or assembling of new structural components into a system, building, or structure. In addition, any change, repair, or replacement of any existing structural component of a system, building, or structure.

Structure For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

Substantial completion. Where the construction work has been sufficiently completed in accordance with the applicable city, state, and federal codes, so that the owner can occupy or utilize the project for the use for which it is intended.

Substantial damage. Damage of any origin sustained by a structure or manufactured home whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. Substantial damage also means flood-related damages sustained by a structure on one (1) or more separate occasions during a 12-month period for which the aggregate cost of repairs equals or exceeds 50 percent of the market value of the structure before damages occurred. Substantial damage also means **flood-related damages** sustained by a structure on two separate occasions during a 12-month period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before damages occurred. Replacement cost or value is not an acceptable value for determining substantial damage.

Substantial improvement. Any reconstruction, rehabilitation, addition, new construction, manufactured home replacement or other improvement of a structure or manufactured home during a period measured from the date of permit application to a date 12 months following the final inspection or certificate of occupancy, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the ``start of construction" of the initial improvement. The term includes structures that have incurred "substantial damage", regardless of the actual work performed, however, include either:

- b. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
- c. Any alteration of a "historic structure" provided that the alteration would not preclude the structure's continued designation as a "historic structure."

Value. Job cost.

Violation. The failure of a structure or other development to be fully compliant with this ordinance. For floodplain management purposes, a structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided showing different.

Water surface elevation. The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 or the North Atlantic Vertical Datum, of floods of various magnitudes and frequencies in the floodplains of coastal, inland, or riverine areas.

