

ORDINANCE

15-14

ORDINANCE NO. 15-14
HILLSBOROUGH COUNTY CONSTRUCTION CODE
CHAPTER 8, ARTICLE I, COUNTY CODE OF ORDINANCES, PART A

AN ORDINANCE AMENDING THE HILLSBOROUGH COUNTY CONSTRUCTION CODE; INCORPORATING THE FLORIDA BUILDING CODE – BUILDING, 5TH EDITION, INCLUDING ALL APPENDICES; INCORPORATING THE FLORIDA BUILDING CODE – RESIDENTIAL, 5TH EDITION, INCLUDING ALL APPENDICES; INCORPORATING THE FLORIDA BUILDING CODE - EXISTING, 5TH EDITION, INCLUDING ALL APPENDICES; INCORPORATING THE FLORIDA BUILDING CODE – PLUMBING, 5TH EDITION, INCLUDING ALL APPENDICES; INCORPORATING THE FLORIDA BUILDING CODE – MECHANICAL, 5TH EDITION, INCLUDING ALL APPENDICES; INCORPORATING THE FLORIDA BUILDING CODE – FUEL GAS, 5TH EDITION, INCLUDING ALL APPENDICES; INCORPORATING THE FLORIDA BUILDING CODE – ACCESSIBILITY, 5TH EDITION, INCLUDING ALL APPENDICES; INCORPORATING THE FLORIDA BUILDING CODE – ENERGY CONSERVATION, 5TH EDITION, INCLUDING ALL APPENDICES; INCORPORATING THE FLORIDA BUILDING CODE – TEST PROTOCOLS FOR HIGH-VELOCITY HURRICANE ZONES, 5TH EDITION, INCLUDING ALL APPENDICES; PROVIDING POWER, DUTIES, AND OPERATING PROCEDURES OF THE HILLSBOROUGH COUNTY BUILDING AND CONSTRUCTION SERVICES; PROVIDING FOR CONTRACTOR CERTIFICATION; PROVIDING FOR BUILDING, PLUMBING AND GAS, MECHANICAL, AND ELECTRICAL BOARDS OF ADJUSTMENT, APPEALS AND EXAMINERS, INCLUDING MEMBERSHIP; PROVIDING FOR SEVERABILITY; PROVIDING FOR VIOLATIONS AND PENALTIES; PROVIDING FOR INCLUSION IN THE HILLSBOROUGH COUNTY CODE; PROVIDING FOR FILING OF THE ORDINANCE AND AN EFFECTIVE DATE.

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 Board of County Commissioners of Hillsborough County is required pursuant to Chapter 553, Florida Statutes, and empowered pursuant to Chapter 125, Florida Statutes, to enforce the Florida Building Code within Hillsborough County, and;

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

WHEREAS, in accordance with these responsibilities, the Board of County Commissioners adopted the Hillsborough County Construction Code in 2001; and

WHEREAS, Chapter 553, Florida Statutes, requires that the Florida Building Code be updated every three years, and the Board of County Commissioners has regularly amended its Construction Code in order to maintain consistency with the Florida Building Code; and

WHEREAS, the 5th Edition of the Florida Building Code will become effective on June 30, 2015; 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, 5th 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, 5th 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 Building Code – Existing, 5th 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, 5th 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, 5th 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, 5th 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 – Accessibility, 5th 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 – Energy Conservation, 5th 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 – Test

Protocols For High-Velocity Hurricane Zones, 5th Edition, including all Appendices; and

WHEREAS, the Board of County Commissioners of Hillsborough County finds that the adoption by reference of said codes will enable the County to effectively enforce the Florida Building Code and will promote the public health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA, AT ITS REGULAR MEETING THIS 17th OF JUNE, 2015:

- Section 1: Chapter 8, Article I, County Code of Ordinances, Part A, the Hillsborough County Construction Code, is hereby amended as set forth in Exhibit "A", with deleted text marked as struck-through, and added text marked as underlined. This Ordinance amends the Construction Code only to the extent expressly marked in Exhibit "A". All other Construction Code language that is not expressly modified by Exhibit "A" shall remain unchanged.
- Section 2: In accordance with the provisions of §125.66, Florida Statutes, a certified copy of this Ordinance shall be filed with the Florida Department of State by the Clerk of the Board of County Commissioners. The effective date of this Ordinance shall be June 30, 2015, the effective date of the 5th Edition of the Florida Building Code.
- Section 3: The provisions of this ordinance shall be included and incorporated in the Hillsborough County Code as additions or amendments thereto.
- Section 4: If any section, paragraph, phrase, or word of this Ordinance is for any reason held to be unconstitutional or invalid, such holding will 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 its regular meeting on the 17th day of June, 2015, by a vote of 6 voting yes and 0 voting no, as the same appears in record in Minute Book 469 of the Public Records of Hillsborough County, Florida

WITNESS my hand and official seal this 22nd day of June, 2015.

PAT FRANK

CLERK OF THE CIRCUIT COURT



BY: _____

Michael K. Di...

Deputy Clerk

Approved as To Form and Legal Sufficiency:

By: _____

[Signature]

Assistant County Attorney

EXHIBIT “A”

CHAPTER 1

SCOPE AND ADMINISTRATION

SECTION 102 APPLICABILITY

...

- 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 Existing.

...

- 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.
 7. A relocated building shall comply with the flood hazard area requirements of the new location, if applicable.

...

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. The Building Official shall work in concert with the Flood Damage Control Administrator in the implementation of the Hillsborough County Flood Damage Control Regulations and the flood provisions of the Florida Building Code.

...

SECTION 105 PERMITS

...

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. Structures and Facilities Exempt from this section shall comply with ASCE-24 and the Hillsborough County Flood Damage Control Regulations. Permits shall not be required for the following:

Building:

1. The construction of docks when Port Authority or designee approval has been obtained.
 2. Residential sheds and greenhouses less than 150 square feet.
- ...

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).

...

105.3.1.2 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 \$125,000.
 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~~ Chapter 633, 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.
- ...

105.3.2 Time Limitations. 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, ~~with the exception of stand-alone permits involving electrical, plumbing, mechanical, gas, roofing, or other miscellaneous systems that shall expire by limitation and become null and void, 90 days after the events described above.~~ 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 or more extensions 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.—

...

105.4 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 the time limitations described in subsection 105.3.2 ~~(90 days for stand-alone permits or 180 days for all other permits)~~ after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of ~~90 or 180~~ days, per the time limitations described above, after the time the work is commenced. One or more extensions 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.

...

105.14 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, 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. **Exception:** Permit issued on the basis of an affidavit shall not extend to the flood load and flood-resistant requirement of the Florida Building Code.

...

SECTION 107 DRAWINGS AND SPECIFICATIONS

...

107.2 Construction documents. Construction documents shall be in accordance with Sections 107.2.1 through 107.2.5.

...

107.2.2 Means of egress. The *construction documents* shall show in sufficient detail the location, construction, size and character of all portions of the *means of egress* including the path of the *exit discharge* to the *public way* in compliance with the provisions of this code. In other than occupancies in Groups R-2, R-3, and I-1, the *construction documents* shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces.

107.2.3 Exterior wall envelope. *Construction documents* for all buildings shall describe the *exterior wall envelope* in sufficient detail to determine compliance with this code. The *construction documents* shall provide details of the *exterior wall envelope* as required, including flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves or parapets, means of drainage, water-resistive membrane and details around openings.

The *construction documents* shall include manufacturer's installation instructions that provide supporting documentation that the proposed penetration and opening details described in the *construction documents* maintain the weather resistance of the *exterior wall envelope*. The supporting documentation shall fully describe the *exterior wall* system which was tested, where applicable, as well as the test procedure used.

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

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

107.2.4.2 For the purpose of inspection and record retention, site plans for a building may be maintained in the form of an electronic copy at the worksite. These plans must be open to inspection by the building official or a duly authorized representative, as required by the *Florida Building Code*.

107.3 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. Photocopies of plans approved according to F.A.C. 9B-1.009-61-41.009, F.A.C. shall be sufficient for local permit application documents of record for the modular building portion of the permitted project.

...

107.3.3 ~~Reserved.~~ **Phased approval.** The building official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this code. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure will be granted.

...

107.3.5 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

...

14. Floodplain Management
 - base-flood (BFE) and lowest floor elevations shown
 - Floodproofing certificate by design professional if lowest 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~~ required 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~~ required elevation
- elevation certificate or survey with lowest floor at job site (for new construction) before slab/prior to framing inspection
- substantial improvement/damage

Velocity Zone (additional requirements)

- soil-boring and load-bearing analysis
- wave deflection analysis for obstructions below BFE (see Chapter 3 of this Code)
- area below the design-flood elevation (~~DFE~~)(required elevation) designed for only parking of vehicles, building access, or storage
- area below the ~~DFE~~ required elevation void of appliances
- lowest horizontal member above ~~design-flood~~ required elevation
- break-away walls or lattice work below lowest horizontal member
- enclosed area below the ~~DFE~~ required elevation not climate controlled
- no fill for structural support
- no partitioned rooms below the ~~DFE~~ required elevation
- riser diagram for exterior appliances and equipment showing equipment is secured and properly elevated
- grade beams below calculated erosion and/or scour depth

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
8. ~~Design-flood~~ Required elevation, in flood hazard areas

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
14. ~~Design flood~~ Required elevation, in flood hazard areas

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
16. ~~Design flood~~ Required elevation, in flood hazard areas

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
10. ~~Design flood~~ Required elevation, in flood hazard areas

Demolition

1. Asbestos removal

Residential (One- and Two-Family):

Building

...

8. Floodplain Management

- lowest floor at or above the required elevation
- base-flood (BFE) and lowest 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~~ required elevation
- no appliances below ~~DFE~~ required elevation
- enclosed area below the ~~DFE~~ required elevation not climate controlled
- riser diagram for exterior appliances and equipment showing equipment is above ~~DFE~~ required elevation
- utility supply systems certified to be flood resistant or placed above the ~~design-flood~~ required 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~~ required elevation
- 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 ~~the design-flood~~ required elevation
- break-away walls or lattice work below lowest horizontal member
- enclosed area below the ~~DFE~~ required elevation not climate controlled
- no grade beams below ~~DFE~~ required elevation; unless, shown to be below the scour line pursuant to FEMA standards
- no fill for structural support
- no partitioned rooms below the ~~DFE~~ required elevation
- riser diagram for exterior appliances and equipment showing equipment is secured and properly elevated

9. Impact resistant coverings or systems.

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
- 5. ~~Design floor~~ Required elevation and, as applicable, minimum plan review criteria for floodplain management specified for Residential.

...

SECTION 110 INSPECTIONS

...

110.3 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

...

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 424.2.17-454.2.17 of the FBC - Building.
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~~ 453.27.20 FBC - Building)

...

110.3.1 Reserved.

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

1. The system indicated on the plans was installed.
2. The system is installed in accordance with the manufacturer's installation instructions and the product approval.

110.3.2 Reserved.

...

**SECTION 113
CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS**

...

113.2 Membership. 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:

...

Plumbing and Gas Board

1. Three Master Plumbers.
2. ~~One Journeyman Plumber or Natural Gas Installer~~ representative from the Plumbing and Gas Trades.
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 State Licensed Liquid Petroleum Installer or Master Gas Fitter.

...

113.3 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 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.
13. Adopt rules for the conduct of their hearings in accordance with the requirements outlined in Section 113.5 of this Code.

113.4 Administrative Appeals

...

113.4.2 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:

...

113.4.2.2 Variances in Flood Hazard Areas. In addition to the requirements of this section, pursuant to section 553.73(5), Florida Statutes, the variance procedures contained in section 301.3.9 of this ordinance shall apply to requests submitted to the Building Official working in concert with the Flood Damage Control Administrator for variances to the provisions of Section 1612.4 of the *Florida Building Code, Building*; or, as applicable, the

provisions of R322 of the *Florida Building Code, Residential*. This section shall not apply to Section 3109 of the *Florida Building Code, Building*.

- 113.4.3 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 business 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.

...

113.5 Procedures of the Board

- 113.5.1 Rules and Regulations.** The board shall establish rules and regulations for its own procedure not inconsistent with the provisions of this code and that are not in conflict with: (a) fundamental due process rights; (b) State law or applicable State rules or procedures; (c) County ordinances, resolutions, or policies; or (d) Building and Construction Services Department or support staff procedures, guidelines or policies. 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.

...

113.6 Disciplinary Actions

...

- 113.6.2 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, or for any offense under Chapters 782, 784, 787.01, 787.02, 787.07, 796, 794.011, 798.02, 800, 812, 825, 847, 893, or 895 of the Florida Statutes. A contractor's failure to timely provide notice of his or her conviction to the building department constitutes a violation of this Code and may be used as a basis for disciplinary action against him or her.
 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.~~
- ~~109.~~ Failing to comply with the provisions of this code.
- ~~110.~~ 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.
- ~~121.~~ 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.
- ~~1312.~~ 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.

- ~~1413.~~ 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.
- ~~1514.~~ Making any material false statement in the application for a Certificate of Competency, renewal of certificate, or building permit.

- ~~16~~15. 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 and Construction Services.
- ~~17~~16. Contracting for work that is not within the scope of work allowed by the certification.
- ~~18~~17. Failing to call for required inspections, including a final inspection, at the appropriate time.
- ~~19~~18. Allowing any violation of this code to go uncorrected for more than thirty (30) consecutive days.
- ~~20~~19. Failure to comply with an order issued by the board.

113.6.3 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.

- 113.6.3.1 Notice.** The notice shall be served no less than ten (10) and nor more than thirty (30) calendar 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~~ or she will be responsible for ensuring that such record of the proceedings is made.

113.6.3.2 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 construction services. 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) calendar days prior to the hearing at the Hillsborough County

Courthouse and providing a copy by ~~prepaid~~ first class mail, ~~return receipt requested~~, addressed to the alleged violator at the last known address furnished to Hillsborough County.

113.6.3.3 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-calendar~~ days prior to the scheduled hearing. A request for postponement must be delivered to the Building and Construction Services in writing and must state the specific reasons for the request. Requests received at least five (5) ~~working-calendar~~ 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 and Construction Services at least five (5) ~~working-calendar~~ 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.

113.6.3.4 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 for each board member is furnished to construction services at least five (5) ~~working~~ days prior to the hearing date. Documentary evidence not received by construction services 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.

...

113.6.4.3 Review. Any person or entity aggrieved by a final decision of the board may make appeal in any manner provided by law within thirty (30) business days of the board's decision to be appealed.

113.6.5 Reinstatement. ~~By super majority 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 114 VIOLATIONS AND PENALTIES

...

114.2 Civil Action

...

114.2.2 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 Building and Construction Services 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), Building and Construction Services 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; or fine amounts set forth in Chapter 489.127, and in all cases 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.

...
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 in Hillsborough County records to demonstrate proof of compliance with applicable licensing and permitting requirements and shall show proof of a \$5,000 Code Compliance Bond, in addition to any other bonding or financial requirement required by the State or County. 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.

...
CHAPTER 4
DEFINITIONS

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

...
Substantial improvement. Any combination of repair, reconstruction, rehabilitation, addition or other improvement of a building or structure taking place within a period from the date of permit application to twelve (12) months following the final inspection or date of the certificate of occupancy, the cumulative cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. If the building or structure has incurred “substantial damage”, any repairs are considered substantial improvement regardless of the actual work performed. If the building or structure has incurred “substantial damage”, any repairs are considered substantial improvement regardless of the actual work performed. For each building or structure, the one-year period begins on the date of the permit application for the first improvement or repair of the building or structure. However, the term does not include either:

- a 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

- b. Any alteration of a “historic structure” provided that the alteration would not preclude the structure's continued designation as a “historic structure.”



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

June 22, 2015

Honorable Pat Frank
Clerk of the Circuit Court
Hillsborough County
Post Office Box 1110
Tampa, Florida 33601-1110

Attention: Midge Dixon, Deputy Clerk

Dear Mrs. Frank:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Hillsborough County Ordinance No. 15-14, which was filed in this office on June 22, 2015.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb