

ORDINANCE NO.: 2024- _____

**AN ORDINANCE MODIFYING THE REQUIREMENTS TO ALLOW A
PROPERTY OWNER WITH AN ACTIVE BUILDING PERMIT TO
CHANGE A CONTRACTOR WITHOUT VOIDING THE BUILDING
PERMIT AND SUBMITTING A NEW BUILDING PERMIT APPLICATION
UNLESS THERE IS A CHANGE IN THE SCOPE OF WORK; PROVIDING
FOR INCLUSION IN THE CODE; PROVIDING FOR THE REPEAL OF
CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND
PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, Chapter 8, Article II of the Hernando County Code of Ordinances provides the construction code in Hernando County; and,

WHEREAS, Chapter 8, Article II, Division 2, Subdivision A, Section 8-35 of the Hernando County Code of Ordinances provides requirements for the issuance of building permits for contracting work performed in Hernando County; and,

WHEREAS, Hernando County desires to amend the provisions in the Hernando County Code of Ordinances to allow a property owner with an active building permit to change the contractor on the permit without having to void the building permit and submit a new building permit application.

1 **NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**
2 **COMMISSIONERS OF HERNANDO COUNTY:**

3 **Section 1.** Chapter 8, Article II, Division 2, Subdivision A, Section 8-35 of the Hernando
4 County Code of Ordinances is hereby amended to read as follows:

5 **Sec. 8-35. - Building permits.**

6 (1) For the purposes of this code the governing of permits and ancillary issues
7 shall be as provided for in both this code, other applicable county ordinances
8 and the Florida Building Code as amended.

9 (2) If any building or structure is being constructed, altered, enlarged, repaired,
10 replaced, demolished or otherwise constructed without a permit or any
11 building permit or applicable permit issued for such building or structure
12 expires or is revoked by the building official, and the owner of the building
13 or structure fails within thirty (30) days of the revocation or expiration to
14 obtain either a certificate of occupancy as provided by the Florida Building
15 Code or other applicable county ordinance or to obtain another building
16 permit or applicable permit; then that building or structure shall be deemed
17 a public nuisance and therefore declared unsafe. Penalties for maintaining a
18 nuisance/unsafe buildings or structures shall be as provided for by the

- 1 (b) It shall be unlawful for any person to continue to work or perform
2 acts for which a stop work order was issued. A person failing to
3 comply with a stop work order or otherwise violate a stop work order;
4 shall be deemed to have violated this code and subject to applicable
5 disciplinary guidelines/penalties as provided herein.
- 6 (5) The governing body, or any official of the governing body; may institute any
7 appropriate action or proceedings in a civil action in the circuit court to
8 restrain, correct or abate any violation of this code or the Florida Building
9 Code or to prevent the occupancy of any building or structure that is erected,
10 constructed, reconstructed, altered, repaired or maintained in violation of this
11 code or the Florida Building Code.
- 12 (6) With respect to evaluation of design professionals' documents, if the
13 department, building official or his/her designee finds it necessary, in order
14 to enforce compliance with the Florida Building Code and issue a permit, to
15 reject design documents required by the code three (3) or more times for
16 failure to correct a code violation specifically and continuously noted in each
17 rejection, including, but not limited to, egress, fire protection, structural
18 stability, energy, accessibility, lighting, ventilation, electrical, mechanical,

1 plumbing, and gas systems, or other requirements identified by rule of the
2 Florida Building Commission adopted pursuant to chapter 120, a fine shall
3 be imposed, each time after the third such review the plans are rejected for
4 that code violation, a fee of four (4) times the amount of the proportion of the
5 permit fee attributed to plans review. (Specific Authority § 553.80[2][b].)

6 (7) With respect to inspections, if the department, building official or his/her
7 designee finds it necessary, in order to enforce compliance with the Florida
8 Building Code, to conduct any inspection after an initial inspection and one
9 subsequent reinspection of any project or activity for the same code violation
10 specifically and continuously noted in each rejection, including, but not
11 limited to, egress, fire protection, structural stability, energy, accessibility,
12 lighting, ventilation, electrical, mechanical, plumbing, and gas systems, or
13 other requirements identified by rule of the Florida Building Commission
14 adopted pursuant to chapter 120, the local government shall impose a fee of
15 four (4) times the amount of the fee imposed for the initial inspection or first
16 reinspection, whichever is greater, for each such subsequent reinspection.
17 (Specific Authority § 553.80[2][b].)

1 (8) Upon a determination that a person licensed, certified or registered under Florida
2 Statutes Chapter 455, 471, 481, 489 and/or this code has committed a material
3 violation of the Florida Building Code and failed to correct the violation within a
4 reasonable time, such local jurisdiction shall impose a fine of no less than five
5 hundred dollars (\$500.00) and no more than five thousand dollars (\$5,000.00) per
6 material violation.

7 For purposes of this section and the applicable fee schedule; a material code violation
8 is a violation that exists within a building, structure, or facility which may reasonably
9 result, or has resulted, in physical harm to a person or significant damage to the
10 performance of a building or its systems. Except when the fine is abated as provided
11 by § 553.781, failure to pay the fine within thirty (30) days shall result in a
12 suspension of the licensee's, certificateholder's, or registrant's ability to obtain permits
13 within Hernando County until the fine is paid. (Specific Authority § 553.781.)

14 (9) Upon request by the owner and/or permit holder (owner/contractor), a change of the
15 contractor for an active building permit may be issued without the initial permit being
16 revoked or suspended. The foregoing will be approved by the building official or
17 his/her designee upon receipt of the following in writing from the owner and/or
18 permit holder (owner/contractor): (a) a letter stating the reason for the change in

1 contractor and (b) the completion of a hold harmless affidavit by the owner and new
2 permit holder (owner/contractor) that releases the county from any legal involvement
3 in any dispute between the original permit holder (owner/contractor) and the new
4 permit holder (owner/contractor). ~~A permit shall be deemed void if a change of the~~
5 ~~primary contractor is made. No work shall proceed on a voided permit. A new permit~~
6 ~~for remaining work shall be obtained and must meet all applicable codes, laws and~~
7 ~~ordinances. Notification may be in writing and provided by way of regular mail,~~
8 ~~facsimile or email.~~

9 **Section 2. Severability.** It is declared to be the intent of the Board of County
10 Commissioners that if any section, subsection, clause, sentence, phrase, or provision of this
11 ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the
12 validity of the remaining portions of this ordinance.

13 **Section 3. Inclusion in the Code.** It is the intention of the Board of County Commissioners
14 of Hernando County, Florida, and it is hereby provided, that the provisions of this Ordinance shall
15 become and be made a part of the Code of Ordinances of Hernando County, Florida. To this end, the
16 sections of this Ordinance may be renumbered or relettered to accomplish such intention, and that
17 the word “ordinance” may be changed to “section,” “article,” or any other appropriate designation.

DOCUMENT: F:\1 COUNTY ATTORNEY'S OFFICE\KJB\Legal
Requests\2023-760 Modify Building Permit Contractor\Modify Building
Permit Contractor Ordinance.wpd, December 29, 2023 (9:26am) NOTE:
additions/~~deletions~~ = language proposed for addition/deletion to
existing Code provisions.

1 **Section 4. Conflicting Provisions Repealed.** All ordinances or parts of ordinances in
2 conflict with the provisions of this ordinance are hereby repealed.

3 **Section 5. Effective Date.** This ordinance shall take effect *nunc pro tunc* to June 30, 2023,
4 upon receipt of official acknowledgment from the office of the Secretary of State of Florida that this
5 ordinance has been filed with said office.

6 **BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF**
7 **HERNANDO COUNTY** in Regular Session this _____ day of _____ 2024.

8 **BOARD OF COUNTY COMMISSIONERS**
9 **HERNANDO COUNTY, FLORIDA**

10
11
12
13 Attest: _____
14 DOUG CHORVAT, JR.
15 Clerk

By: _____
ELIZABETH NARVERUD
Chairwoman

16
17 Approved for Form and Legal Sufficiency

18
19
20 *Kyle J Benda*
21 _____
22 County Attorney's Office