



City of Fernandina Beach Building Department

Memorandum

From: Robert W. Sasser CBO

Subject: Florida Building Code Exemptions

Date: October 12, 2011

EFFECTIVE OCTOBER 17, 2011

This document shall declare and provide for exemptions and exclusion to the permitting and inspection requirements of the current edition of the Florida Building Code within the jurisdiction of the City of Fernandina Beach Florida.

Pursuant to s. 553.79, F.S., unless the proposed work is specifically listed within this document as not requiring a permit, any person, firm, corporation, or governmental entity 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 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 permits, prior to performing any work within all areas of the City of Fernandina Beach. This document shall be reviewed and updated as needed to provide compliance with the Florida Building Code, local ordinances, inter local agreements, and applicable Florida Statutes.

Important: s. 125.56 (5), F.S. states - *Any person, firm, or corporation that violates any of the provisions of this section or of the Florida Building Code or the Florida Fire Prevention Code is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.*

SECTION 1- Exemptions provided by the 2007 Florida Building Code

The following buildings, structures, and facilities are exempt from the Florida Building Code as provided by law:

1. Buildings and structures specifically regulated and preempted by the Federal Government.
2. Railroads and ancillary facilities associated with the railroad.
3. Nonresidential farm buildings on farms.
4. Temporary buildings or sheds used exclusively for construction purposes
5. Mobile or modular structures used as temporary offices (180 days or less), except that the provisions of part II relating to accessibility by persons with disabilities shall apply to such mobile or modular structures.

6. Those structures or facilities of electric utilities, as defined in s. 366.02 which are directly involved in the generation, transmission, or distribution of electricity.
7. 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.

Permits shall not be required for the following gas work:

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

Permits shall not be required for the following mechanical work:

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 Florida Building Code.
5. Replacement of any part which does not alter its approval or make it unsafe.
6. Any portable evaporative cooler.
7. Any self-contained refrigeration system containing 10 lb. (454 kg) or less refrigerant and actuated by motors of 1 horsepower (746 kW) or less.
8. The installation, replacement, removal, or metering of any load management device.

Permits shall not be required for the following plumbing work:

1. The stopping of leaks in drains, water, soil, waste or vent pipe provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in the Florida Building Code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

SECTION 2 – Homeowners’ exemptions to the requirements of the Florida Building Code

Homeowner shall be defined, for use in this document, as a fee simple owner or ownership by right, of a habitable single family residence, within the jurisdiction of the City of Fernandina Beach and the residence is for his or her own use and occupancy, and the home is neither rented, leased, or for sale. Proof of ownership and permit application must be submitted in person to the building official.

Section 102.2.5 of the 2007 edition of the Florida Building Code provides authority for local jurisdictions to allow owners of a single-family residence one or more exemptions to the Florida Building Code. The scope of work defined in this section does not require a permit or inspections from the City of Fernandina Beach building official, **providing the work is performed by the owner or under his/her direct supervision**, but must be constructed to the minimum requirements of the current edition of the Florida Building Code and meet local zoning and land use requirements. This exemption does not apply to work performed by a contractor, which would require a permit. **The following exemptions are hereby allowed for construction**

only and do not apply to electrical, plumbing, mechanical or gas work, and apply only to owner(s) of a single-family residence for their own use and occupancy:

- 1. DETACHED RESIDENTIAL ACCESSORY BUILDINGS:** Permits and inspections shall not be required for a homeowner in the construction, alteration, repair, removal, replacement or demolition of site built detached accessory buildings or structures, **except aluminum structures**, used exclusively for residential use that are less than 12 feet to the ridge in height, and do not exceed 150 square feet in area total foot print, which are free standing, meet zoning requirements, and are not used for human habitation. This does not include any marine structure (boathouse, docks, or bulkheads) located at or in a body of water used for residential use.

NOTE: All roofed structures located at or in a body of water, whether using a boat hoisting device (mechanical or electrical) or not, docks, bulkheads and retaining walls greater than 2 feet in height require a building permit, zoning permit, and inspections from the City of Fernandina Beach Building Department and planning department.

- 2. DCA SHEDS:** DCA approved manufactured sheds 150 sq. ft. or less are exempt from a building permit but require a zoning permit prior to placing shed. All sheds with overall size greater than 150 sq. ft. and all aluminum structures regardless of size, require a building permit zoning permit and inspections from the City of Fernandina Beach Building Department.

- 3. RESIDENTIAL WOOD DECKS:** A building permit and inspections shall not be required for homeowners in the construction, alteration, repair, removal, replacement or demolition of residential decks constructed of wood or other approved material which do not exceed 150 sq. ft., and are located at grade or maximum 12" above lowest finished grade and does not include a roofed structure. Zoning approval is required prior to constructing deck.

NOTE: All electrical work or connection to an electrical system requires a permit and inspection.

SECTION 3 – Work excluded from permitting requirements-Owners and Contractors

The following work, due to scope and nature, is exempt from permits and inspections by the City of Fernandina Beach Building Department for owners and contractors, but must be constructed to the minimum requirements of the current edition of the Florida Building Code, if applicable and meet local zoning and land use requirements:

- 1.** Ordinary minor repairs for the purposes of maintaining residential or commercial property may be made provided the repairs do not include the cutting away of any wall, partition or portion thereof, the removal or cutting away of any structural beam or load-bearing support, or the removal or change of any required means of egress, or the rearrangement of parts of a structure affecting the egress requirements.

Ordinary minor repairs shall not include addition to, alteration of, replacement or location of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electrical 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.

- 2.** Repair and/or replacement of residential roof or exterior wall coverings provided the work does not exceed, in any 12 month period 100 sq. ft. of the total sq. ft. area of the respective surface. Otherwise a roofing or building permit is required.
- 3.** Replacement of a single exterior door slab or window glazing in any 12 month period does not require a permit. Replacement of jambs or window assembly does require a building permit. This exemption does not include the installation of a residential garage door, which requires a permit. The replacement of any commercial door(s) or window(s) requires a permit.

4. Interior repair and /or damage replacement of gypsum wall board, paneling, ceiling tiles or other interior wall and ceiling surfaces in residential provided the work does not exceed, in any 12 month period 25% of the total sq. ft. of floor area of the proposed work area for the purpose of maintaining such material. This exemption includes replacement of flooring and underlayment but does not include structural repairs to framing or structural members. This exemption allows for general maintenance and is not approval to remodel or renovate a dwelling or accessory building without a permit.
5. Repair and/or replacement of exterior wall coverings provided the work does not exceed, in any 12-month period, 10% of the total sq. ft. area of the respective surface. This exemption allows for general maintenance and is not approval to remodel or renovate a commercial or accessory building without a permit.
6. Interior repair and/or damage replacement of gypsum wall board, paneling, ceiling tiles or other interior wall and ceiling surfaces in commercial property provided the work does not exceed, in any 12 month period, 10 % of the total sq. ft. area of the respective surface for purpose of maintain such material, but does not include any walls, floors or ceilings required to be fire rated by code. This exemption allows for general maintenance and is not approval to remodel or renovate a commercial or accessory building without a permit.
7. Exterior and interior painting of existing residential or commercial property, including patching, caulking, or sealing
8. Repair, replace or installation of decorative trims such as casings, base and ceiling moldings, and other non-structural architectural details in residential or commercial property.
9. Installation of residential cabinetry and countertops. This exemption does not apply to counters in commercial buildings accessed by the public and regulated by the Florida Accessibility Code. Exemption does include installation of floor coverings, including carpet, wood, vinyl, in residential or commercial property provided the material meets with the minimum Florida Building Code requirements. This exemption allows for general maintenance and is not approval to remodel or renovate a residential, commercial or accessory building without a permit.
10. Replacement of existing single-family residential plumbing fixtures, such as water closets, bidets, sinks or lavatories. This exemption allows for general maintenance and is not approval to remodel or renovate a dwelling or accessory building without a permit.
NOTE: Replacement of tubs and/or showers with concealed traps will require a permit because it is remodeling in nature.
NOTE: Replacement or adding of gas, solar or electric water heaters or equipment requires a permit.
11. Replacing or installing plug-in type appliances, such as stoves, washers, dryers, portable spas or hot tubs, air conditioners, de-humidifiers, welders, or other portable plug in type appliances at residential or commercial property.
12. Replacing existing receptacles, switches, light fixtures, or ceiling fans on residential or commercial systems with like devices or fixtures in compliance with the current edition of the National Electrical Code. This exemption allows for general maintenance and is not approval to remodel or renovate a building or structure without a permit.
13. Impervious surfaces on residential property such as patios, sidewalks, parking areas, landings, recreational slabs, or pavers shall not require a permit or inspections provided the coverage of the total impervious surface does not exceed 30% of the lot/parcel size or 4000 sq. ft. and does not violate any zoning or land use provisions.

Slabs placed for future use as a foundation to a structure are not exempt and require a permit and inspections from the City of Fernandina Beach building department. This exemption does not include Driveway Permits issued by City of Fernandina Beach Public Works or accessible routes required by the

Florida Accessibility Code for Building Construction.

NOTE: Pool decks are not included and require a permit and inspections.

- 14.** Non-Structural maintenance of existing residential docks for private use and accessory to a single-family dwelling does not require a permit provided the dock is less than 1000 sq. ft. This exemption allows for general maintenance and is not approval to renovate or make structural changes to a marine structure without a permit.
NOTE: A building and zoning permit is required for all marine structures and dune walkovers located at or in a body of water, including adding or altering a boat hoisting device (mechanical or electrical), a dock, terminal platform, boathouse, bulkhead or retaining wall.
- 15.** Ground level wood decks for private use and accessory to a single-family dwelling, which are less than 12" above the lowest finish grade, at any point, may be constructed without a permit.
- 16.** Small temporary pools without motors and less than 24" in water depth, which are commonly referred to or known as "kiddy pools" are exempt from a building or zoning permit. Pools with motors for recirculation and/or filtering, which are 24" or more in water depth require a building and zoning permit, and inspections. This includes in-ground, aboveground, and seasonal pools.
- 17.** Installation of insect screening, screen doors and associated hardware, and molding and trim shall not require a permit on residential or commercial projects when installed in existing porches, gazebos, screen rooms, or other similar structures.
- 18.** Demolition of any single story detached residential accessory building or structure of 400 sq. ft. or less, provided the structure is not connected to any utility or has an electrical, plumbing or mechanical system, or remnants thereof.
- 19.** Retaining walls or bulkheads serving single-family residential property and less than 24 inches in height do not require a permit. A cut and fill permit is required if fill is placed. This exemption does not apply to commercial property and all commercial marine structures, retaining walls and bulkheads require a permit regardless of size or height.

SECTION 4- 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 office of the City of Fernandina Beach Building Department. This exemption is not approval to remodel or renovate a building or accessory building or structure without a permit. Failure to obtain the required permit for emergency work is considered un-permitted work and is a violation of the Florida Building Code.

SECTION 5 – Electrical

Installations under the exclusive control of an electric utility where such installations consist of service drops, service laterals, or associated with metering are exempt from a permit and inspections by the City of Fernandina Beach Building Department. Electrical repairs or modifications to existing electrical systems must be inspected by this office and requires a permit; except the replacement of fuses, breakers, receptacles, switches, fixtures, minor damaged conduit, and when replaced with like size and capacity devices, fixtures, or material. This exemption allows for general maintenance and is not approval to remodel or renovate a building or structure without a permit.

DISCLAIMER – This information is provided as a guideline. It is recommended the user contact our office to verify if a permit is required. For building Permit and Zoning questions call (904) 277-7325 X 2. Work performed without the required permits are subject to 5 times After the Fact Permit fee.

Robert W. Sasser CBO, CGC
Building Official
City of Fernandina Beach, Florida

Date

SPECIAL NOTE

Work not requiring a permit from this office, but the scope of work requires a contractor license, must be performed by a Florida licensed contractor or a qualified owner/ builder doing their own work. Unlicensed contracting or to assist or aid unlicensed contracting is a violation of State Law.

A handyman cannot perform repairs or maintenance on a building without a local specialty license from Nassau County. A handyman or a Building Maintenance Contractor cannot do plumbing, mechanical (HVAC), electrical, or gas work. Plumbing, mechanical (HVAC), electrical, and gas work can only be performed by a registered or certified contractor licensed in that specific trade.

Should you have any questions regarding contractor licensing please call this office at (904) 277-7325