

ORDINANCE NO. 2023- 64

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, ADOPTING THE FLORIDA BUILDING CODE, EIGHTH EDITION (2023); ADDING CERTAIN EXCEPTIONS TO SECTION 105.2 OF THE FLORIDA BUILDING CODE RELATING TO ADDITIONS, ALTERATIONS, REPAIRS, OR REPLACEMENTS, AND AMENDING AN ADMINISTRATIVE PROVISION OF SECTION 107.3.1 OF THE FLORIDA BUILDING CODE TO ACCEPT DIGITAL CONSTRUCTION DOCUMENTS ON WORK SITES; INCORPORATING CURRENT LOCAL WIND ZONE MAPS; PROVIDING FOR THE REPEAL OF ORDINANCE NO. 2020-48 IN ITS ENTIRETY; PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING FOR INCLUSION IN THE COLLIER COUNTY CODE OF LAWS AND ORDINANCES; PROVIDING FOR PENALTIES FOR VIOLATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Article VIII of the State Constitution and Chapter 125 of the Florida Statutes provides that counties, as political subdivisions of the State, have the governmental and proprietary powers to enable them to conduct government, perform services, and may exercise any such powers for public purposes, except when expressly prohibited by law; and

WHEREAS, pursuant thereto, on December 8, 2020, the Board of County Commissioners adopted Ordinance No. 2020-48, which adopted by reference the Florida Building Code, Seventh Edition (2020), to be enforced by Collier County in the unincorporated portions of the County, as well as exemptions to the Florida Building Code, and amendments to administrative provisions of the Florida Building Code, as authorized by Section 553.73(4)(a), Florida Statutes; and

WHEREAS, since adoption of Ordinance No. 2020-48, the Florida Building Commission has adopted the Florida Building Code, Eighth Edition (2023); and

WHEREAS, the Board of County Commissioners desires to repeal Ordinance No. 2020-48, as amended, in its entirety and formally adopt, by reference, the Florida Building Code, Eighth Edition (2023); and

WHEREAS, pursuant to Sections 553.73(4)(a) and 553.80(3)(b)(1), Florida Statutes, and Sections 102.2.5 and 105.2.2 of the Florida Building Code, the Board of County Commissioners desires to add, as an administrative provision, certain exemptions to Section 105.2 of the Florida Building Code relating to additions, alterations, repairs, or replacements; and

WHEREAS, pursuant to Section 553.73(4)(a), Florida Statutes, the Board of County Commissioners desires to amend Section 107.3.1, an administrative provision the Florida Building Code, to also accept approved digital construction documents kept at the site of work for inspection.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, THAT:

SECTION ONE: ADOPTION OF THE FLORIDA BUILDING CODE AND ADDITIONS TO THE FLORIDA BUILDING CODE.

1. Adoption. There is hereby adopted by reference, the Florida Building Code, Eighth Edition (2023), and any amendments thereto, to be enforced by Collier County in the unincorporated portions of the County.
2. Additions. The following additions, adjustments, amendments, and exemptions are added to the Eighth Edition (2023) Florida Building Code, as amended:

Definitions. For purposes of this section, the following terms apply:

Repair. To restore by replacing a part or putting together what is torn or broken; to restore or renew any part for the purpose of its maintenance or to correct damage.

Replacement. To put something new in the place of, to remove the entire component (not a part of) and install a new component in former place or position.

Like for Like, Like Kind. Similar use, type, operation and service connection.

105.2 Work exempt from permit.

The following permit exemptions have been established for Collier County based on Section 105.2.2 of the Florida Building Code and Section 553.73(4)(a), Florida Statutes.

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:

Mechanical:

9. Dustless ventilation isolated systems, that do not affect any fire penetrations or rated assemblies.

Plumbing:

3. Plumbing fixture repair or replacement, that does not affect any fire penetrations or rated assemblies.

Electrical:

1. Ceiling fixture replacement using existing outlet box and wiring, that does not affect any fire penetrations or rated assemblies.

Building:

1. Flooring installation.
2. Painting/wallpaper.
3. Finish trim work.
4. Interior door replacement not affecting existing framed opening.
5. Drywall repair/replacement that are not fire-related and are small areas that do not exceed two sheets of drywall (64 sq. ft.).
6. Gutters and leaders.

105.2.4. Exemptions for detached single-family residences.

The following permit exemptions have been established for Collier County based on Sections 102.2.5 and 105.2.2 of the Florida Building Code, and Sections 553.73(4)(a) and 553.80(3)(b)(1), Florida Statutes.

The following permit exemptions are for owners of single-family or their hired licensed non-owner (contractor) of detached residences performing work on detached single-family properties. All work performed shall comply with the standards of the Florida Building Code Residential and Florida Statutes.

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:

Electrical:

1. Repair work performed by licensed electrical contractors that does not exceed \$1,500.00 in value of materials and labor.
2. Repair or replace existing light fixtures and ceiling fans.
3. Repair or replace electrical wall switches and wall outlet devices of 20 amps or less and 120 volts.
4. Repair/replace low voltage (under 77 volts) devices.

Plumbing:

1. Repair work performed by licensed plumbing contractors that does not exceed \$1,500.00 in value of materials and labor.
2. Repair water solar panels by licensed plumbing contractors.
3. Change out of an above ground LP tank 100 lbs. or less.
4. Repair irrigation system.
5. Repair domestic water service/lines.
6. Unclog sewer stoppage.
7. Repair sewer line excluding repair or replacement of interceptors, separators by licensed plumbing contractors.
8. Repair/replace faucets.
9. Repair/replace water closet/bidet fixtures only.
10. Repair/replace sink/lavatory fixtures only.
11. Repair/replace residential pool equipment other than pool heater.
12. Repair/replace shut-off valve on a domestic water line.
13. Repair/replace house pumps not exceeding 2 horsepower.
14. Repair/replace residential garbage disposal.
15. Repair/replace residential dishwasher.
16. Repair/replace like-for-like kind electric water heater up to 52-gallon capacity to include electrical connection.
17. Repair/replacement of water purification/water softener equipment.

Mechanical:

1. Repair work performed by licensed mechanical contractors that does not exceed \$1,500.00 in cost for parts and labor.
2. Repair of air conditioning duct.
3. Repair/replace coil, compressor or refrigerant piping.
4. Repair/replace non-combustion heating.
5. Repair/replace ventilation fans.
6. Replacement of window air conditioning unit utilizing existing electrical.
7. Installation of ductless ventilation and range hoods.

Building:

1. Repair work performed by licensed contractors per Chapter 489, Florida Statutes, that is not structural in nature and does not change the occupancy, does not affect life safety and the value of which does not exceed \$1,500.00 in labor and materials.
2. The repair of any roof covering not exceeding \$1,500.00 in value of materials and labor or work not exceeding two roofing squares (200 sq. ft.) in extent.

3. Installation or repair of satellite dishes installed in accordance with manufacturers' specifications and in compliance with local zoning requirements.
4. Installation or repair of canvas or cloth-covered awnings.
5. Installation or repair of rain gutters.
6. Enclosure of existing covered patios/balconies/porches with screening.
7. Cement plaster (stucco) applied directly onto structures constructed of concrete masonry units. Application of cement plaster must meet or exceed the manufacturers' recommendations. All other applications will require a permit including but not limited to wood, Exterior Insulation Foam System (EIFS), brick, siding, or other application over metal lath or wire lath fabric.
8. Door or window repair including swinging, sliding, pivoting, and rolling excluding the frame, which does not otherwise create a new opening, enlarge or reduce an existing opening, or require the removal of any exterior or interior finish material serving a building constructed on a residential zoned lot. This exemption shall not allow nor relieve the building owner, unit owner, installer or contractor from complying with wind load and opening protection requirements of the Florida Building Code.
9. Movable cases, counters, and partitions not over 10 feet in height.
10. Cabinetry, countertops, painting, papering, tiling, carpeting, and other similar finish work. This exemption is not allowed nor applicable when the work or alteration affects the structural integrity of a load bearing wall, or the fire-resistant material of a fire rated horizontal or vertical separation. Projects located within a designated flood hazard area are required to comply with the substantial improvement requirements and submit a cost breakdown for any work which may be exempted from permits.
11. Swings and similar playground equipment accessory. This exemption shall not allow nor permit the encroachment of setbacks or the erection of any unsafe, structurally unsound, or dilapidated structure. In the event the structure violates setbacks or is considered unsafe, structurally unsound, or dilapidated, the building official may require a permit.

Note: All work shall comply with all applicable laws, ordinances, building codes and zoning regulations. To assure your safety and to assure proper construction and/or installation, those homeowners who are not familiar with the provisions and requirements of the Florida Building Code are encouraged to review code requirements prior to doing any work or repairs or they can contact the County building department if they have any questions. Homeowners lacking the technical background and familiarity with the code requirements are encouraged to have the work done by a licensed professional/contractor or as an alternative apply for a permit where they will receive a technical review of the proposed work and where they will receive all required onsite technical inspections performed by a state licensed building inspector.

107.3.1 Approval of construction documents.

The following amendment to the administrative provisions of the Florida Building Code has been established for Collier County based on Section 107.3 of the Florida Building Code and Section 553.74(4)(a), Florida Statutes.

When the building official issues a permit, the construction documents shall be approved, in writing or by stamp, as “Reviewed for Code Compliance.” One set of construction documents so reviewed shall be retained by the building official. The other set shall be returned to the applicant, shall be kept at the site of work, and shall be open to inspection by the building official or a duly authorized representative. Digital copies available at the site of work and open to inspection by the building official or a duly authorized representative will also be accepted.

SECTION TWO: INCORPORATION, AS EXHIBIT “A”, OF UPDATED WIND ZONE MAPS.

The Wind Zone Maps appended hereto as Exhibit “A”, consisting of Category 1, Category 2, Category 3 and Category 4, are hereby adopted.

SECTION THREE: REPEAL.

Ordinance No. 2020-48, is hereby repealed in its entirety.

SECTION FOUR. CONFLICT AND SEVERABILITY.

In the event this Ordinance conflicts with any other ordinance of Collier County or other applicable law, the more restrictive shall apply. If any phrase or portion of the Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion.

SECTION FIVE: INCLUSION IN THE CODE OF LAWS AND ORDINANCES.

The provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of Collier County, Florida. The sections of the Ordinances may be renumbered or relettered to accomplish such, and the word “ordinance” may be changed to “section,” “article,” or any other appropriate word.

SECTION SIX: PENALTIES FOR VIOLATION.

If any person, firm, corporation, or other legal entity whether public or private, shall fail or refuse to obey or comply with, or violates, any of the provisions of the Ordinance, such person, firm, corporation, or other legal entity whether public or private, upon conviction of such offense, shall be punished by a fine not to exceed Five Hundred Dollars (\$500.00) or by imprisonment not to exceed sixty (60) days in the County jail, or both, in the discretion of the court. Each day of continued violation or noncompliance shall be considered as a separate offense. In addition, any person, firm, corporation, or other legal entity whether public or private, convicted under the provisions of this section shall pay all costs and expenses involved in the case. In addition, the provisions of this Ordinance may be enforced by any means appropriate under Section 125.69, Florida Statutes, or Chapter 162, Florida Statutes, or as set forth in the Code of Laws and Ordinances of Collier County, Florida, and the Collier County Land Development Code.

SECTION SEVEN: EFFECTIVE DATE.

This Ordinance shall be effective December 31, 2023.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida, this 12TH day of DECEMBER 2023.

ATTEST:
CRYSTAL K. KINZEL, CLERK

By: [Signature]
Attest as to Chairman's Deputy Clerk
signature only

Approved as to form and legality:

[Signature]
Derek D. Perry
Assistant County Attorney
10/10/2023

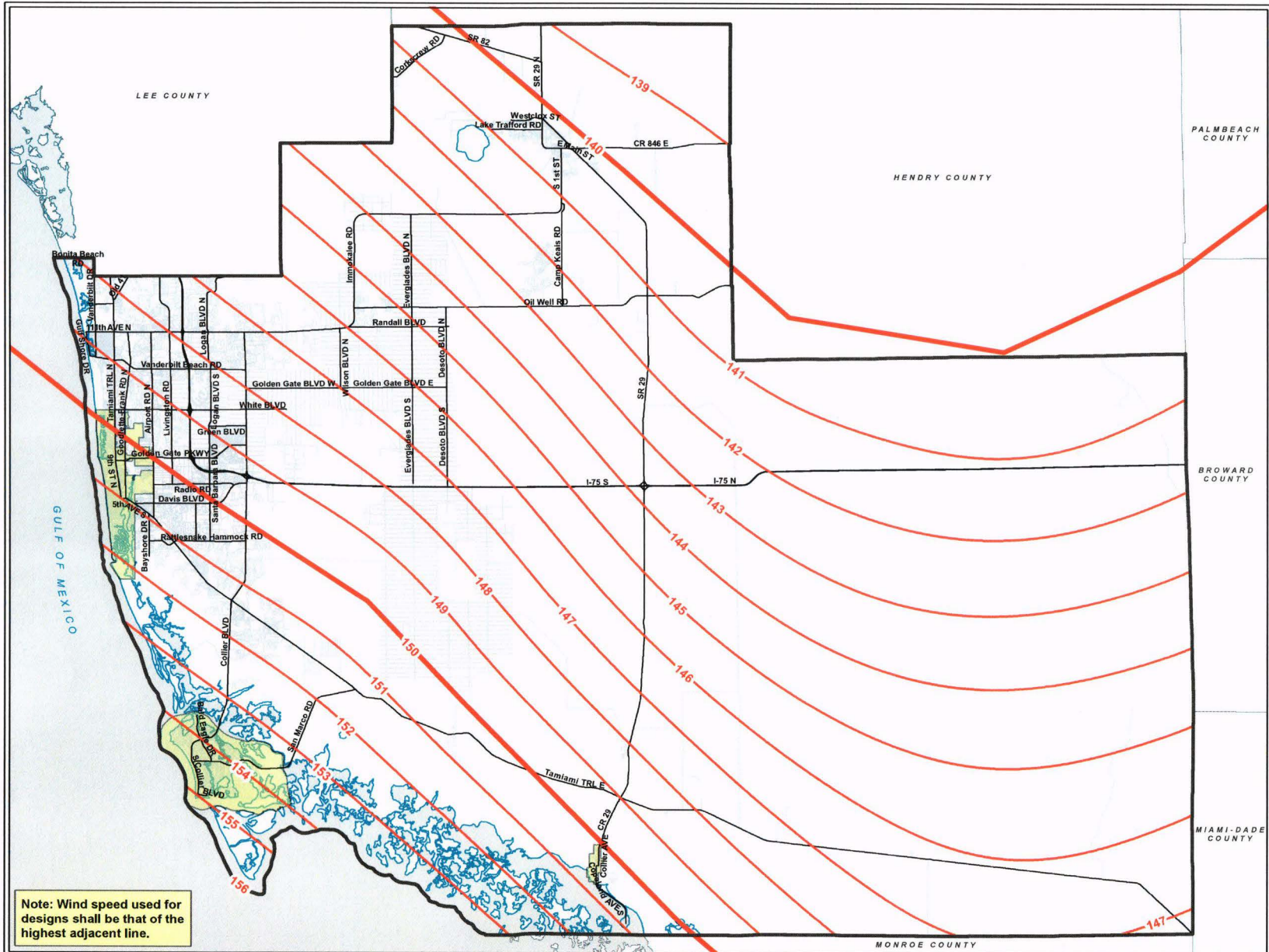
BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

By: [Signature]
Rick LoCastro, Chairman

Attachments:
Exhibit "A" – Wind Zone Maps

This ordinance filed with the
Secretary of State's Office the
14 day of Dec. 2023
and acknowledgment of that
filing received this 21 day
of November 2023
By: [Signature]
Deputy Clerk

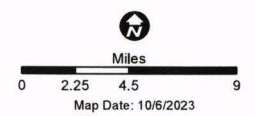
EXHIBIT "A"
Wind Zone Maps



Wind Zones Category 1

- 2023 FBC Wind
- 1 MPH Interpolated
- City Limits
- County Boundary

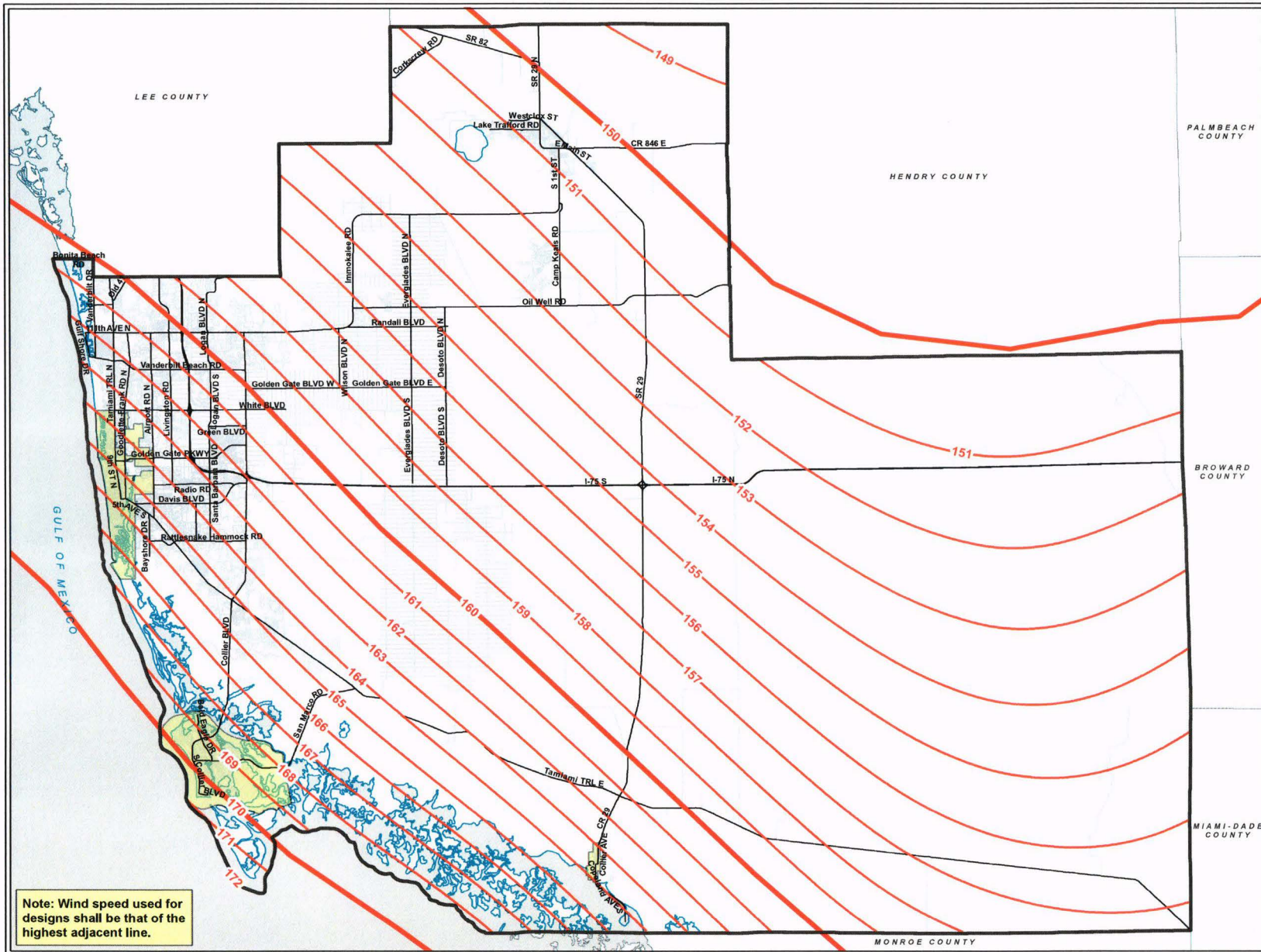
Depicts wind speeds in miles per hour in 1 MPH increments; Lines based on and interpolated from the 2023 Florida Building Code 8th Edition wind loads occupancy category 1 map.



Collier County
Growth Management
Community Development Department

Disclaimer: The information provided is to be used for general mapping purposes only. Ground surveying and records search must be used for determination of absolute distances, boundaries, and/or acreages.

Note: Wind speed used for designs shall be that of the highest adjacent line.



Wind Zones Category 2

- 2023 FBC Wind
- 1 MPH Interpolated
- City Limits
- County Boundary

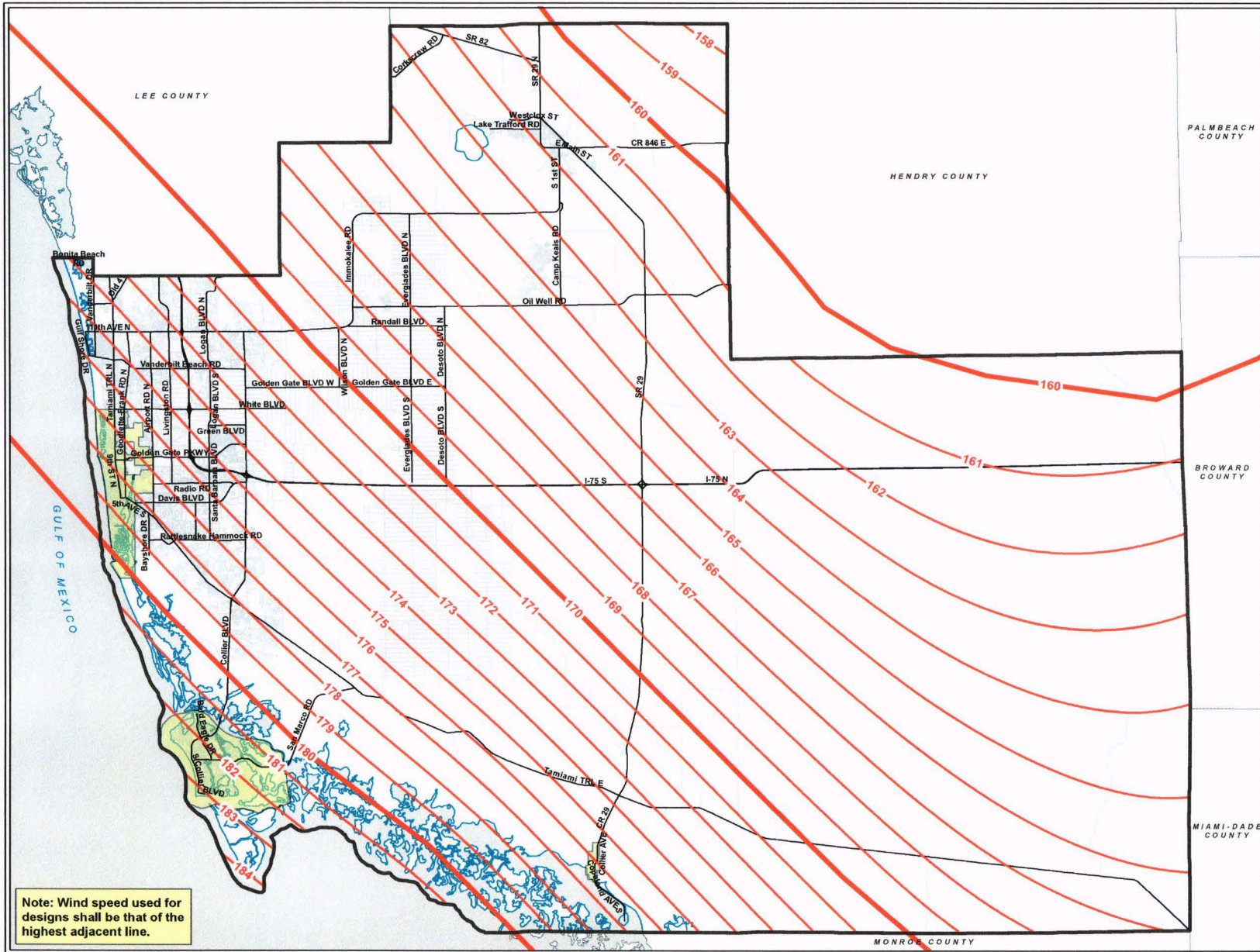
Depicts wind speeds in miles per hour in 1 MPH increments; Lines based on and interpolated from the 2023 Florida Building Code 8th Edition wind loads occupancy category 2 map.



Growth Management
Community Development Department

Disclaimer: The information provided is to be used for general mapping purposes only. Ground surveying and records search must be used for determination of absolute distances, boundaries, and/or acreages.

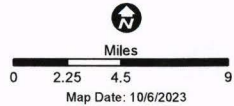
Note: Wind speed used for designs shall be that of the highest adjacent line.



Wind Zones Category 3

- 2023 FBC Wind
- 1 MPH Interpolated
- City Limits
- County Boundary

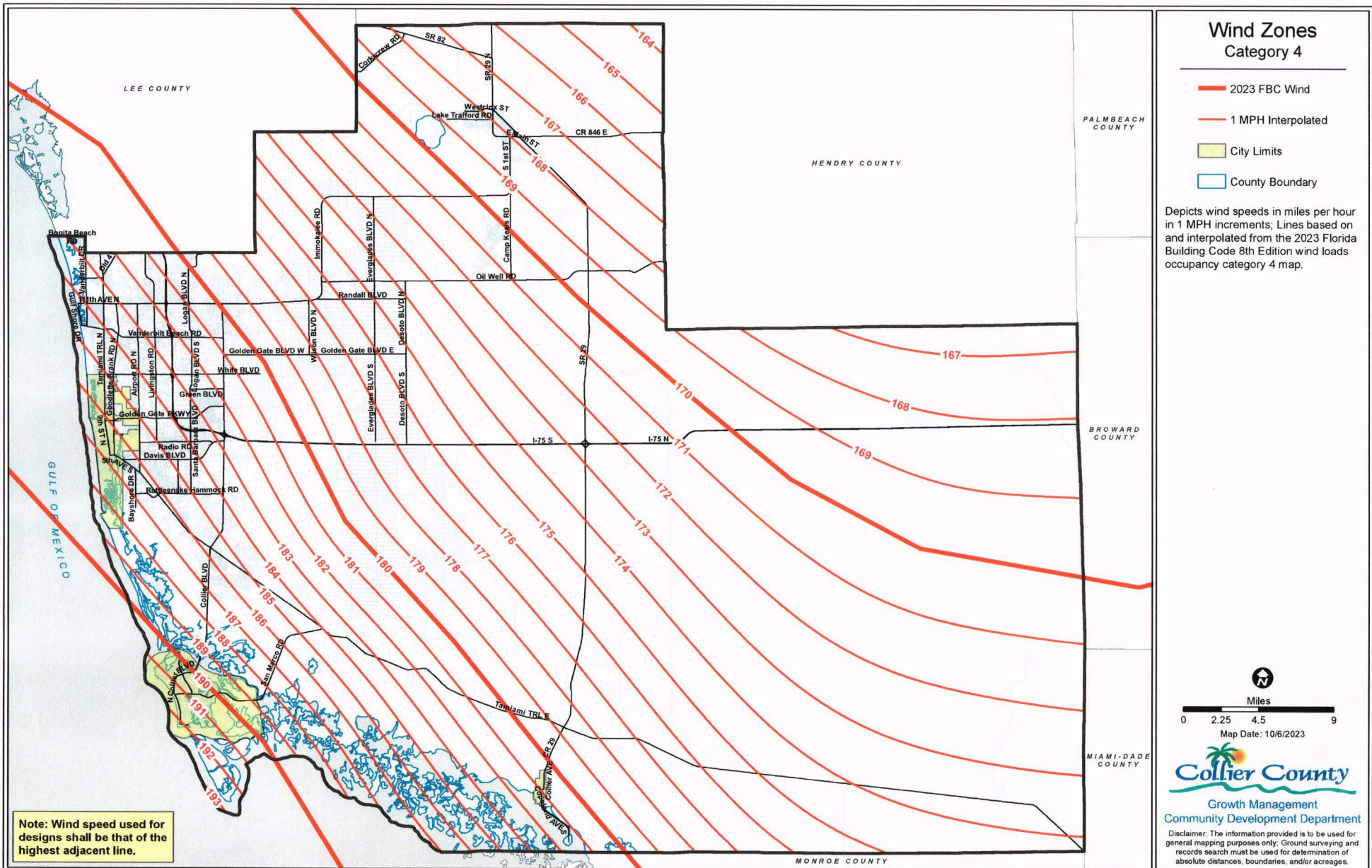
Depicts wind speeds in miles per hour in 1 MPH increments; Lines based on and interpolated from the 2023 Florida Building Code 8th Edition wind loads occupancy category 3 map.



Growth Management
Community Development Department

Disclaimer: The information provided is to be used for general mapping purposes only. Ground surveying and records search must be used for determination of absolute distances, boundaries, and/or acreages.

Note: Wind speed used for designs shall be that of the highest adjacent line.





FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

December 21, 2023

Crystal K. Kinzel, Clerk of Court
Office of the Clerk of the Circuit Court
& Comptroller of Collier County
3329 Tamiami Trail E, Suite #401
Naples, FL 34112

Dear Ms. Kinzel,

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Collier County Ordinance No. 2023-64, which was filed in this office on December 14, 2023.

Sincerely,

Anya C. Owens
Administrative Code and Register Director

ACO/wlh