

## ORDINANCE 1639

**AN ORDINANCE OF THE CITY OF PANAMA CITY BEACH, FLORIDA, AMENDING CHAPTER 8 OF THE CITY'S CODE OF ORDINANCES RELATED TO BUILDINGS AND BUILDING REGULATIONS; PROVIDING FOR CONFLICTING PROVISIONS, SEVERABILITY, SCRIVENER'S ERRORS, LIBERAL INTERPRETATION, MODIFICATIONS, AND CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the City of Panama City Beach ("the City") is a municipality granted home rule authority pursuant to Article VIII, Section 2 of the Constitution of the State of Florida and Section 166.021, Florida Statutes, constitutionally and statutorily guaranteeing it the right to exercise its governmental, corporate, and proprietary powers for municipal purposes, including to regulate for the protection of the public health, safety, and welfare; and

WHEREAS, the City is further empowered in Chapter 489, Florida Statutes, to regulate contractors and contracting within the City within certain parameters and pursuant to Section 553.73(4)(a), Florida Statutes, to adopt amendments to the administrative provisions of the Florida Building Code; and

WHEREAS, the Florida Building Code has been updated as of January 1, 2024, and model amendments to the administrative provisions of the Florida Building Code have been promulgated by the Building Officials Association of Florida; and

WHEREAS, the City Council desires to update the City's Code of Ordinances to comport with current state law, simplify and clarify local law related to buildings and building regulations, and implement certain recommended amendments to the administrative provisions of the Florida Building Code.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PANAMA CITY BEACH:

SECTION 1. From and after the effective date of this ordinance, Chapter 8, Article I of the Panama City Beach Code of Ordinances is amended to read as follows (new text **bold and underlined**, deleted text ~~struck through~~):

### **Sec. 8-3. Off-site construction staging area.**

Any person who uses an area off-premises from the premises under construction as a staging area for that construction, and who must cross a road, street, or highway to get from the staging area to the premises under construction, must obtain a permit allowing such activity from the ~~chief~~ **Building Official** of the City before such activity may commence **and must pay a permit fee as determined by resolution of the City Council**. ~~A permit fee of \$50.00 must be paid by the person obtaining a permit hereunder.~~

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**Sec. 8-6. Construction site management; site plan required; fencing.**

- (a) *Site plan required.* No development order or permit for site work or for the construction of horizontal improvements, vertical buildings, or other structures shall be issued without the applicant having furnished in the application ~~therefore~~ a construction site plan (i) illustrating the provision and placement of each of the following elements on or proximate to the construction site, and (ii) approved by the City Manager or his designee as complying with this section, meeting the goals and objectives of this section, and demonstrating compliance with other applicable law:
- (1) Construction trailer;
  - (2) Portable, enclosed, chemical toilet;
  - (3) Dumpster;
  - (4) Ingress and egress points;
  - (5) Site perimeter/property boundary;
  - (6) All fencing, including the specifications for the fencing required by this section;
  - (7) Adjacent rights-of-way and major intersections if within one hundred (100) feet of property line;
  - (8) Materials and equipment lay-down or staging area;
  - (9) Footprint of building and rebar yard;
  - (10) Employee parking area; and
  - (11) Delivery area.
- ~~The City Manager's decision may be appealed by the applicant directly to the City Council who shall determine the matter in a quasi-judicial hearing between the applicant and the City Manager who shall represent the public interests advanced by this section. Written notice of appeal specifying the reasons therefore and the relief sought must be delivered to the City Clerk within five (5) days after receipt of the City Manager's decision. The hearing shall be held as soon as practicable thereafter.~~
- (b) *Modification Permitted.* The site plan required by this part may be modified following issuance of the building permit upon payment of a fee in such amount as may from time to time be established and amended by resolution of the City Council reasonably reflecting the cost to review and approve.
- (c) *Fencing of Active Construction Sites Along Scenic Corridors.* In order to minimize the effects of construction on pedestrians and drivers along Scenic Corridors, as that term is defined in Section 1.07.02 of the City's Land Development Code, every holder of a development order or building permit for a project located on a parcel of land lying in whole or in part within any Scenic Corridor shall provide **screening**, fencing, or landscaping, or a combination of ~~both~~ **each**, for the duration of ongoing, permitted construction, meeting the composition and maintenance standards, and the performance standards, of this sub-section:

(1) *Composition and Maintenance Standards:*

- (i) The **screening**, fencing, or landscaping required by this part shall be a minimum of six feet high. Fencing shall be of solid face construction affixed to the ground so as to prevent such fencing from becoming airborne, or alternatively constructed in a manner and of material which the City Manager or his designee determines to be at least as opaque, weather resistant, and permanent as the foregoing. Landscaping shall be sufficiently mature and dense so as to be the functional equivalent of a six-foot high, solid face fence.
- (ii) No fence or landscaping required by this section may be constructed or situated within the public right-of-way so as to obstruct the field of view or way of travel for drivers or pedestrians.
- (iii) Fences must be repaired and at all times maintained intact around the entire perimeter of the site in a neat, orderly, clean, and sound condition. Landscaping must be kept in a neat, dense, and healthy condition.

(2) *Performance Standards:*

- (i) *Certain construction matters.* Trash receptacles, portable toilet facilities, and the staging or lay-down area for construction equipment and materials shall be **screened**, fenced, or placed, or ~~both~~ **combination of each**, on the construction site so as to be not visible by a pedestrian standing within the vehicular right-of-way of any Scenic Corridor.
  - (ii) *Construction sites generally.* The entire perimeter of all construction sites and support areas shall be fenced, or screened ~~with landscaping~~, or a combination of both, ~~so as~~ to prevent spill-over of construction activity, including dust, dirt, and debris, onto a public right of way or adjacent property, and to reasonably screen construction and construction activity from the view of a pedestrian standing within the vehicular right-of-way of any Scenic Corridor. Notwithstanding the foregoing, the areas which have been designated as points of access pursuant to Section 4.04.01 of the City's Land Development Code are exempt from this requirement.
- (d) *Fencing and Landscaping of Inactive Construction Sites along Scenic Corridors.* Whenever the construction referred to in sub-section (c) above shall essentially stop for a period of forty-five (45) days or more regardless of minor or non-substantial work, the owner, and if different, the holder of an unexpired, related development order or building permit, severally, shall provide perimeter security fencing, landscaping, and sand fencing as required by this sub-section until such construction shall resume in an ordinary and active manner.
- (1) Where vertical improvement, material, equipment, or any other thing exists on the site, and is of sufficient size to permit a person to enter or hide within or behind any such improvement, equipment, material, or other thing, then all such things shall be completely enclosed by a single chain link fence at least six (6) feet high with open links, metal posts no more than ten (10) feet apart with metal top rails connecting all posts which shall be placed the entire length of the site's perimeter. Every gate shall be securely locked at all times.
  - (2) A landscaping buffer area shall be required along any property line abutting a Scenic Corridor. The buffer is measured to the side property lines and extends twenty-five (25)

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feet from the property line abutting the Scenic Corridor. The landscaping buffer area shall contain one shrub per twenty-five (25) square feet of landscaping buffer area. Shrubbery shall be dispersed evenly across the width of the property. In all cases, the selection, planting, and maintenance of shrubbery shall be controlled by the design principles and standards set forth in Section 4.06.00 of the City's Land Development Code.

- (3) In all cases, where sand is blown from the site onto any adjacent vehicular or pedestrian right of way, a silt or sand fence no less than twenty-four (24) inches high shall be installed as needed to prevent such blown sand in the future. For purposes of this section, a silt or sand fence shall be defined as a temporary sediment barrier made of woven, synthetic filtration fabric supported by steel or wood posts.
  - (4) All such fences and landscaping must be repaired and at all times maintained intact and in a neat, orderly, clean, and sound condition.
- (e) The contractor and/or owner of any active or inactive construction project shall be responsible for the clean-up and removal of all construction debris or any other miscellaneous discarded articles during the course of the construction project and prior to receiving final inspection approval. Construction job sites must be kept clean and in a safe condition at all times. All debris shall be kept in such a manner as to prevent it from being spread by any means.**
- (f) Unless otherwise required by any other provision of this Code or the City's Land Development Code, the requirements of this section may be waived for residential construction only at the discretion of the Building Official.**
- (g) Violation.** It shall be unlawful for any owner of a construction site, or any person, firm, or corporation holding a current or expired development order or building permit, or serving as a general contractor in connection therewith, or any controlling officer, agent, or employee thereof, to either:
- (1) Place or permit the placement of any of the elements listed in subsection (a) in a location other than as shown on the current site plan, or
  - (2) Fail to provide and maintain intact and in a neat, orderly, clean, sound, and healthy condition, the fencing or landscaping required by this section, or any fencing required by the City's Land Development Code or any law or regulation.
- (h) The provisions of this section are cumulative.** Nothing herein shall be construed to permit any activity or condition which would constitute a public or private nuisance or be contrary to any law or legal duty. Notwithstanding the installation of the fencing required by this section, a **the** premises may still be in violation of other provisions of law.
- (g) Penalty.** ~~The provisions of this section may be enforced by the Building Inspector, the Code Enforcement Officer, or any law enforcement officer. Any person determined to have willfully failed to comply with any provision of this section shall be guilty of an offense punishable as provided in Section 1-12 of the City Code. Each day that such a violation or failure shall continue shall constitute a separate offense. This penalty is in addition to any other remedy available to the City.~~

**Sec. 8-8. Enforcement and penalties.**

- a. **In addition to any remedies set forth in this Chapter, Code Enforcement is authorized to impose monetary penalties for non-compliance with this Chapter as determined by resolution of the City Council.**
- b. **Compliance with this Article may be enforced by the remedies and procedures set forth in Chapter 25 of this Code. In addition to other remedies, the City Manager, through the City Attorney, may institute any appropriate action in a court of competent jurisdiction seeking injunctive relief or other remedies to bring about compliance with any of the provisions of this Chapter.**
- c. **All remedies and penalties provided for in this section shall be cumulative and independently available to the City, and the City shall be authorized to pursue any and all remedies set forth in this Chapter, the City Code, or state law.**

Secs. ~~8-8 8-9~~—8-25. - Reserved.

SECTION 2. From and after the effective date of this ordinance, Chapter 8, Article II – Inspections Department of the Panama City Beach Code of Ordinances is hereby renamed as Article II – Building Department and is further amended to read as follows (new text **bold and underlined**, deleted text ~~struck through~~):

**Sec. 8-26. - Created; jurisdiction.**

There is hereby created ~~an inspections department~~ **a Building Department**, which shall have jurisdiction and control over the construction, alteration, repair, equipment, use, occupancy, location, maintenance, removal, and demolition of every building or structure or any appurtenances connected or attached thereto within the corporate limits of the city.

**Sec. 8-27. Personnel. Building Department personnel and authority.**

- (a) The ~~inspections department~~ **Building Department** shall consist of the following personnel:
  - (1) The chief building official (**“Building Official”**), who shall be the head of the ~~inspections~~-**building** department, shall have a general knowledge of the construction industry, shall be responsible for the administration of the department, including all duties attendant thereto, shall report to the Building and Planning Director, and otherwise directly to the City Manager, and may also be an inspector;
  - (2) The **City Manager, or his or her designee, may appoint** the following inspectors, any one (1) or more of which offices may be held by the same person:
    - a. A general building inspector;
    - b. A chief electrical inspector;
    - c. A fire prevention officer, who shall be the chief officer of the fire department, or a member of the fire department duly appointed as the fire prevention officer who

has successfully completed or passed all competency standards of the fire department for the position;

d. A gas inspector;

~~e. A health officer who may be appointed by the city manager, which manager may alternately designate an existing city employee as health officer;~~

f. ~~e.~~ A mechanical inspector;

g. ~~f.~~ A plumbing inspector; and

h. ~~g.~~ Such other personnel as may be necessary for the performance of the department's duties.

(b) Except as specifically provided otherwise, inspectors and their assistants shall be licensed in accordance with chapter 468, Florida Statutes, in the activity or trade which they are to inspect.

~~(c) All inspectors and assistant inspectors shall be appointed by the city manager or by such other person who may be authorized to make the appointment. All appointments shall be in accordance with the policies established by the city for fulfillment of any such positions and all applicable legal requirements.~~

~~(d)~~ (c) It shall be unlawful for the chief **Building Official** or an inspector or any assistant inspector either directly ~~to~~ **or** indirectly to engage in any business subject to the jurisdiction of this chapter.

**(d) The Building Official is authorized and directed to enforce the provisions of this code. The Building Official shall have the authority to render interpretations of this code, 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. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code. The Building Official shall receive applications, review construction documents, and issue permits for the erection, alteration, demolition, and moving of buildings and structures, inspect the premises for which such permits have been issued, and enforce compliance with the provisions of this code. The Building Official shall issue all necessary notices or orders to ensure compliance with this code. Any requirements necessary for strength, stability, or proper operation of an existing or proposed building, structure, electrical, gas, mechanical, or plumbing system, or for the public safety, health, and general welfare, not specifically covered by this or other technical codes, shall be determined by the Building Official.**

~~(e) All inspectors and assistant inspectors duly appointed as of the effective date of August 7, 1982, are hereby confirmed as the inspectors of the inspection department.~~

#### Sec. 8-28. Functions generally.

The provisions of this chapter shall be enforced by the inspectors within the ~~inspection department~~ **Building Department** who are qualified and duly appointed to such positions. In addition to the management of the other affairs of the ~~inspection department~~ **Building**

**Department**, the inspectors shall direct, undertake, or supervise the performance of the following duties:

- (1) Enforcement of the provisions of this chapter;
- (2) Inspection of all buildings and structures within the city;
- (3) Issuance of permits and collections of the proscribed fees therefore in accordance with this chapter;
- (4) Reporting to their superiors or the appropriate board having jurisdiction of the subject matter, any evidence which may come within their knowledge of any violation of any of the provisions of this chapter by any person.
- (5) Passing on all plans submitted;
- (6) Requiring such changes or alterations as are deemed necessary to eliminate any existing hazardous condition when the same is dangerous to life or property, and prohibiting the use of buildings or structures until such hazards are removed;
- (7) Keeping complete records of all permits issued and inspections made and other official work performed under the provisions of the law;
- (8) Carrying out and performing such additional powers and duties as shall be proscribed by this chapter or this Code; and
- (9) Giving and grading the homeowners' examination required by section 8-35.

**Sec. 8-29. Inspections.**

- (a) **The Building Official shall make all required inspections, or the Building Official shall have the authority to accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The Building Official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the Building and Planning Director.**
- (b) Inspectors or their duly authorized assistants or representatives shall have the right during any reasonable hour, to enter into or upon any building, lot, or premises in the discharge of their official duties for the purpose of making any inspection or test as might be required to ~~insure~~ **ensure** compliance with this chapter **and must carry proper identification in the performance of their duties.** When necessary, the chief inspector or his duly authorized assistant or representative may institute appropriate proceedings to obtain an inspection warrant.
- (c) **The Building Official shall be permitted to require a boundary line survey prepared by a Florida licensed professional surveyor and mapper whenever the boundary lines cannot be readily determined in the field. Neither the Building Official nor the jurisdiction shall be liable for the expense entailed in the removal or replacement of any material required to allow inspection.**

**Sec. 8-30. Stop work orders, ~~or~~ disconnection of service, and emergency action.**

- (a)** The ~~chief~~ **Building Official** or his ~~duly authorized assistant or representative~~ **designee** shall have the authority to stop any work, to disconnect any service, to prevent use of any structure or service or component part of any building where the construction of the structure or any component thereof fails to conform with the provisions of this Code, the Florida Building Code, and any other applicable law, until the violations being committed are corrected.
- (b)** **If, in the opinion of the Building Official or fire inspector, an emergency exists which involves imminent danger to human life or health, or the property of others, the Building Official or fire inspector shall promptly cause such building, structure, electrical, gas, mechanical or plumbing system, or portion thereof, to be made safe or cause its removal. For this purpose, the Building Official or fire inspector may immediately and without notice enter such structure or land on which it stands, or abutting land or structures, with such assistance and at such cost as may be deemed necessary. The Building Official or fire inspector may order the vacating of structures and may require the protection of the public by appropriate fence or such other means as may be necessary, and for this purpose may close a public or private way. All costs incurred because of actions taken pursuant to this section shall be the liability of the owner of the property upon which the unsafe building is located and shall constitute a lien upon the property in favor of the City. The City shall serve a notice and order detailing the costs and payment deadline on all interested parties in accordance with section 15-23 of the City Code. The notice and order may be appealed pursuant to section 15-27, and if no timely appeal is taken, unpaid costs shall be collected in the manner set forth in section 15-26.**

**Sec. 8-31. Plans Review Code.**

- (1) This section shall be known as the "Plans Review Code of Panama City Beach, Florida" and may be cited as such.
- (2) As used in this section, "multi-story building" means any building which is greater than three (3) stories or fifty (50) feet in height.
- (3) Plans Review Requirements:
- (a) Plans for all multi-story or commercial buildings shall be submitted to the Building Department in duplicate, and the City ~~shall~~ **may**, at the applicant's expense, ~~submit one (1) set of plans to either the International Code council (ICC) or the Bay County Building Department, at the City's election,~~ **submit plans to a contracted third-party plans examiner** for formal plan review and comment.
- (b) Plans review fees shall be paid to the **Building Official** at the time of plan submittal in an amount **determined by resolution of the City Council**, ~~which is calculated as follows:~~
- (i) ~~For review of commercial plans, one half of the building permit fee established by resolution of the City Council.~~



(ii) ~~For review of residential plans, twenty five dollars (\$25.00)~~

Plan review fees are in addition to the building permit fee.

- (c) ~~In addition to all other applicable fees, the applicant shall pay to the City the estimated cost of ICC or Bay County review and postage prior to the City forwarding the plans to ICC or Bay County for review at the time of plan submittal. In the event actual costs are less, the difference shall be refunded to the applicant. In the event the actual costs are more, the applicant shall pay the difference to the City.~~ No building permit or other development order may be issued to the applicant until the entire, final cost is paid.
- (d) The Building Department will review the applicant's plan upon receipt of ICC's or Bay County's **the contracted third-party** plan review comments. The applicant or its representative shall be given a reasonable opportunity to respond to the ICC's or Bay County's comments. The Building Department shall take into consideration comments by ICC or Bay County **the contracted third-party plan examiner**, and any responses thereto by the applicant, but the final decision or plan approval shall be made by the Building Department.

#### **Sec. 8-32. Permit required.**

- (a) Except as otherwise provided in this Code of Ordinances or Section 105.2 of the Florida Building Code, no person shall undertake to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert, or replace any electrical, gas, mechanical, or plumbing system, or to cause any such work to be done, without obtaining the required permit from the **Building Official**.
- (b) Exceptions. **Permits shall not be required for the following:** ~~No wiring, devices or equipment for the transmission, distribution or utilization of electrical energy for light, heat or power within or on any building or structure in the City shall be installed, nor shall any alteration, repair or addition be made in any such existing wiring, devices or equipment without first securing a permit therefor from the chief electrical inspector; provided, however, that:~~

##### **(1) Building:**

- 1. Toolboxes, playhouses, and similar uses, provided they are not occupiable.**
- 2. Oil derricks.**
- 3. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the wall to the top of the wall, which do not change the historical flow of water.**
- 4. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18 925 L) and the ratio of height to diameter or width does not exceed 2:1.**
- 5. Painting, papering, tiling, carpeting, cabinets, counter tops, and similar finish work.**
- 6. Temporary motion picture, television, and theater stage sets and scenery, unless regulated by special event ordinance Sec 4-16.**

7. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches (610 mm) deep, do not exceed 5,000 gallons (18 925 L), and are installed entirely above ground. Any above ground pool must meet Land Development Code standards and applicable safety codes.
8. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
9. Swings and other playground equipment accessory to detached one- and two-family dwelling except for the electrical service.

**(2) Electrical:**

1. Minor repair work, including like-for-like replacement of exit signs, light fixtures, and the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles, which shall not increase the electrical load of the structure. Such repairs shall not include any addition to, alteration of, replacement, or relocation of any electrical wiring.
2. The provisions of this code shall not apply to electrical equipment used for radio and television transmissions but shall apply to equipment and wiring for a power supply and the installation of towers and antennas.
3. A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

**(3) Gas:**

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

**(4) Mechanical:**

1. Portable heating appliance.
2. Portable ventilation equipment.
3. Portable cooling unit.
4. Steam, hot, or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any part that does not alter its approval or make it unsafe.
6. Portable evaporative cooler.
7. Self-contained refrigeration system containing 10 pounds (4.54 kg) or less of refrigerant and actuated by motors of 1 horsepower (0.75 kW) or less.
8. The installation, replacement, removal, or metering of any load management control device.

**(5) Plumbing:**

1. The stopping of leaks in drains, water, soil, waste or vent pipe, provided; however, that if any concealed trap, drainpipe, 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 this 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.

(c) 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, or any other laws or ordinances of this jurisdiction, to include work in any special flood hazard area. Exemptions granted under this section do not relieve the owner or contractor from their duty to comply with applicable provisions of the Florida Building Code, and requirements of the local floodplain management ordinance.

(d) The City may require a contractor, as a condition of obtaining a permit for a fire alarm system project or fire sprinkler system project, to submit a completed application with plans and specifications.

(e) Any electrical or plumbing or air-conditioning and refrigeration system meeting the following thresholds is required to be designed by a Florida Registered Engineer. The system requires an electrical system with a value of over \$125,000; and requires an aggregate service capacity of over 600 amperes (240 volts) on a residential electrical system, or over 800 amperes (240 volts) on a commercial or industrial electrical system. Documents requiring an engineer seal by this part shall not be valid unless a professional engineer who possesses a valid certificate of registration has signed, dated, and stamped such document as provided in Section 471.025, Florida Statutes.

~~(2) No permit shall be required for the installation of wiring, devices or equipment for telephone, telegraph, district messenger or tele autograph systems or any signaling systems when installed by a public utility, subject to regulation as such by the State Public Service Commission or any agency of the federal government.~~

~~(3) No permit shall be required for the installation of electric wiring, devices or equipment in any building the major portion of which is occupied by a public utility corporation operating under a franchise from the City to transmit and sell or use electrical energy; provided, however, that any such wiring, devices or equipment are for the use of the corporation in its operation as a public utility; provided, however, that permits shall be required for installations in public utility buildings to which the general public has regular access. Federal, state, county and city governments shall be classified as a public utility under this section.~~

### **Sec. 8-33. Permit application.**

(a) An application for the permit required by the provisions of this **Chapter** division, describing the work to be done, shall be made in writing to the **Building Official** by the person undertaking the work and the permit, when issued, shall be to such applicant. The person making application for the permit shall, when required by the **Building Official**, file with him complete plans and specifications for the work to be performed, showing all details as may be necessary to determine whether the work as described will be in conformity with the requirements of this article.

- (b) The permit, when issued, shall be for the work described in the application and no deviation shall be made from the installation so described without approval of the **Building Official**. **Applications**—Applicants for permits shall show the name of the occupant or name of the property owner, the name of the contractor who is to do the work, the exact location of the premises by number of lock, lot, and house or other good and sufficient description, a clear description of the work to be done, and the number of fixtures, circuits, and other apparatus.
- (c) The person making application for a permit on any building that has been moved or relocated, or has a change of occupancy, use, or **seeks to be** reoccupied after **being** vacated shall verify that the building is structurally sound before a permit is issued for the building.
- (d) The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this Code, or of any other ordinance of the City. Permits presuming to give authority to violate or cancel the provisions of this Code, or other ordinances of the City shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the Building Official from requiring the correction of errors in the construction documents and other data. The Building Official is also authorized to prevent occupancy, or use of a structure where in violation of this Code, or of any other ordinance of the City.**
- (e) Where it is required that documents be prepared by a registered design professional, the Building Official shall be authorized to require the owner or the owner's authorized agent to engage and designate on the building permit application a registered design professional who shall act as the registered design professional in responsible charge. If the circumstances require, the owner or the owner's authorized agent shall designate a successor registered design professional in responsible charge who shall perform the duties required of the original registered design professional in responsible charge. The Building Official shall be notified in writing by the owner or owner's authorized agent if the registered design professional in responsible charge is changed or is unable to continue to perform the duties. Successor registered design professional in responsible charge licensed under Chapter 471 Florida Statutes shall comply with Section 471.025(4) Florida Statute and the procedure set forth in 61G15-27.001 Florida Administrative Code; or licensed under Chapter 481 Florida Statutes shall comply with Section 481.221(6) Florida Statute and the procedure set forth in 61G1-18.002 Florida Administrative Code. The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.**

**Sec. 8-34. Persons eligible to obtain and transfer permits.**

- (a)** A permit required by the provisions of this Chapter shall be issued only to licensed contractors, and to homeowners who meet the requirements of Section 8-73.
- (b)** **A permit holder may transfer an active permit at no cost, whether or not work under the permit has commenced, by filing with the Building Official a written, notarized request from the new permit holder for the transfer of the permit and a written, notarized statement from the original permit holder agreeing to the transfer of the**

**permit. Upon issuance of a transferred permit, the new permit holder shall assume full responsibility for the project and continuation of the permit. If written, notarized consent of the new permit holder and original permit holder cannot be obtained, a new permit may be applied for in compliance with section 8-33, which shall be subject to standard fees. The issuance of an existing permit for certain work shall not preclude the issuance of a subsequent permit for the same work or for the completion of the work with a new permit holder.**

**Sec. 8-35. Examination of applicants for homeowner's permits.**

Examination of applicants for homeowner's permits **who are property owners acting as their own contractor** shall be undertaken by the **Building Official** or his **or her designee** assistant.

**Sec. 8-36. Duration of permits and tolling during state of emergency.**

~~Permits issued under this part shall be invalid if work is not started within sixty (60) days after date of issue and shall be invalid if work has once begun and then stopped for a period of six (6) months.~~

- (a) **Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 60 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 6 months after the time the work is commenced. The permit holder and property owner shall be responsible to either complete all work in accordance with the permitted plans and inspection or remove any partially completed work in a safe and code compliant manner. The Building Official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated as determined by the Building Official.**
- (b) **Pursuant to section 252.363, Florida Statutes, the declaration of a state of emergency issued by the Governor for a natural emergency tolls the period remaining to exercise rights under a permit or development order for the duration of the emergency declaration. Further, the emergency declaration extends the period remaining to exercise the rights under the permit or development order for 24 months in addition to the tolled period. The extended period may not exceed 48 months in total in the event of multiple natural emergencies for which the Governor declares a state of emergency. The tolling and extension of permits and other authorizations under this paragraph apply retroactively to September 28, 2022.**
  - (1) **Within 90 days after the termination of the emergency declaration, the holder of the permit or development order shall notify the Building Official of the intent to exercise tolling and extension. The notice must be in writing and identify the specific permit or development order qualifying for extension. Failure to comply with this section will prohibit the holder from exercising the remedies provided in this subsection.**

- (2) If the permit or development order for a phased construction project is extended, the commencement and completion dates for any required mitigation are extended such that the mitigation activities occur in the same timeframe relative to the phase as originally permitted.
- (3) This subsection does not apply to a permit or development order for a building, improvement, or development located outside the geographic area for which the declaration of a state of emergency applies, or if the holder of a permit or development order is in significant noncompliance with the conditions of the permit or development order evidenced by the issuance of a warning letter or notice of violation, the initiation of formal enforcement, or an equivalent action.

**Sec. 8-37. Notice when work ready for inspection; inspection.**

- (a) When work for which a permit has been obtained is ready for inspection, notice stating the location of the work and the name of the owner shall be given to the chief building inspector or his duly authorized representatives at his office by the contractor or homeowner serving as his own contractor to whom the permit was issued-
- (b) Notice to inspect work ~~must~~ **shall** be in the office of the ~~chief building inspector~~ **Building Department**, ~~for morning inspections, before 4:00 p.m. of the preceding business day and for afternoon inspections, before 12:00 noon the same day~~ **of the requested inspection**. A period of forty-eight (48) hours, exclusive of Saturdays, Sundays, and holidays, may be required in which to make **the** inspection and report. **Exceptions may be made for good cause shown.**
- (c) As soon as possible after receiving notice that work is ready for inspection, the ~~chief building inspector~~ **Building Official** or his duly authorized representatives will inspect and test the work in a manner necessary to satisfy the inspector that the work has been installed in a proper and workmanlike manner and in accordance with the provisions of this article.
- (d) In cases of large or complicated installations, the work may be inspected and tested in sections at the option of the chief building inspector or his duly authorized representatives.

...

**Sec. 8-42. Certificate upon completion and closing permits.**

- (a) After the entire completion of the work covered by the permit, a notice shall be given by the licensed contractor or the person to whom the permit was issued to the ~~chief building inspector~~ or his duly authorized representatives for a final inspection, and if the inspector finds that the work has been satisfactorily done, ~~he~~ **the Building Official** shall issue a certificate of completion or certificate of occupancy, as appropriate. The certificate does not relieve the person to whom the permit was issued of his responsibility for any defective work which may have escaped the notice of the inspector.
- (b) Removal or defacing of inspection certificates shall be prohibited.

**(c) Pursuant to Section 553.79(17), Florida Statutes, a property owner, regardless of whether the property owner is the one listed on the application for the building permit, may close an open building permit by complying with the following requirements:**

- 1. The property owner may retain the original contractor listed on the permit, or hire a different contractor appropriately licensed in this state to perform the work necessary to satisfy the conditions of the permit, and to obtain any necessary inspection in order to close the permit. If a contractor other than the original contractor listed on the permit is hired by the property owner to close the permit, such contractor is not liable for any defects in the work performed by the original contractor and is only liable for the work that he or she performs.**
- 2. The property owner may assume the role of an owner-builder, in accordance with Sections 489.103(7) and 489.503(6), Florida Statutes.**
- 3. For purposes of this section, the term “close” means that the requirements of the permit have been satisfied.**

**If a building permit is expired and its requirements have been substantially completed, as determined by the City, the permit may be administratively closed without having to obtain a new building permit, and the work required to close the permit may be done pursuant to the building code in effect at the time the City received the application for the permit, unless the contractor has sought and received approval from the City for an alternative material, design or method of construction. An inspection for code compliance must be passed to close the permit. A certificate of completion can only be issued if all required inspections have been completed on the permitted work.**

**The City may administratively close a building permit 6 years after the issuance of the permit, even in the absence of a final inspection, if the City determines that no apparent safety hazard exists.**

**If the Building Official determines at any time that a safety hazard exists and a permit has been abandoned, proceedings under Chapter 15 of this Code shall apply.**

**Sec. 8-43. Appeals and disciplinary hearings generally.**

**(a) Except for any monetary penalties assessed pursuant to section 8-8 of this Code, all appeals contemplated within this Chapter shall be conducted according to the following rules and procedures:**

- 1. Any interested party may appeal a final decision of the Building Official, inspector, or City Manager involving this Chapter, including the interpretation or application of the applicable code section on which the decision of the inspector or the City Manager is based, to the Planning Examining Board upon the filing of a notice of appeal setting forth the grounds for the appeal within thirty (30) days after service of the final decision. The notice of appeal stating the grounds for appeal with specificity shall be served on the Building Official. ~~inspector's or city manager's notice and order, of an~~**

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application to the inspector setting forth the grounds for the appeal. The Planning Board shall not grant variances from the decision of the inspector or the City Manager. Upon receipt of the notice of appeal, the ~~inspector~~ **Building Official** shall forthwith transmit a copy of the notice of appeal, together with all related documents of ~~his department~~ **the Building Department**, to the ~~Planning~~ **Examining** Board. Within ten (10) days after the filing of a notice of appeal, the ~~Planning~~ **Examining** Board shall schedule a date for the hearing ~~thereof~~ and give notice of the date for the hearing to the interested parties **via certified mail not less than twenty (20) days prior to the hearing**, ~~in a manner as would afford them not less than ten (10) days notice~~. Under no circumstances shall the board establish a hearing date beyond sixty (60) days from the filing of the notice of appeal.

**2. The parties shall be entitled to present evidence and cross-examine witnesses. All testimony shall be under oath and shall be electronically recorded. Either party may be represented by an attorney-at-law. The aggrieved party shall carry the burden of establishing by greater weight of the evidence that the final decision was arbitrary, unauthorized, or otherwise unfounded. The hearing need not be conducted in accordance with the formal rules relating to evidence and witnesses, but fundamental due process shall be observed, and govern the proceedings. Any relevant evidence shall be admitted if the board finds it competent and reliable. The Examining Board shall make findings of fact based on evidence of record. Based upon this fact-finding determination, the Examining Board shall approve, reverse, or modify the decision.**

**3.** All appeal proceedings shall be public and **the notice thereof shall be posted on the City's website** ~~published in a newspaper of general circulation with the city~~ at least ten (10) days prior to the date of the hearing. The findings of the ~~Planning~~ **Examining** Board shall be encompassed in a resolution stating with particularity the grounds for the board's decision.

**4.** All such appeals shall be pursuant to the procedures specified in Section 10.13.00 of the City of Panama City Beach Land Development Code, as amended from time to time. In the event of an irreconcilable conflict between the procedures specified in this Section and in said Section 10.13.00, this Section shall control.

**5.** An interested party, having exhausted his administrative remedies before the ~~Planning~~ **Examining** Board, shall be entitled to seek review of the decision of the ~~Planning~~ **Examining** Board by certiorari in the Circuit Court, Fourteenth Judicial Circuit, in and for Bay County, Florida.

**(b) All disciplinary hearings contemplated within this Chapter shall be conducted according to the following rules and procedures:**

**1. Any time the Building Official finds any of the grounds for disciplinary action may exist under this Chapter, including under sections 8-52 or 8-53, or a complaint is filed with the Building Official by any person alleging the existence of any such grounds, the Examining Board shall conduct an evidentiary hearing and render a final order determining whether a violation occurred, and what disciplinary measures, if any, are to be imposed.**



- 2. Notice of the hearing stating the date, time, location, and grounds for disciplinary action shall be served upon the alleged violator via certified mail not less than twenty (20) days prior to the hearing. The alleged violator shall have the right to appear at the hearing, be represented by counsel, produce evidence, and cross-examine witnesses. A record shall be kept of the hearing.**
- 3. All hearings shall be public, and notice shall be posted on the City's website at least ten (10) days prior to the date of the hearing.**
- 4. Each case before the Examining Board shall be presented by the Building Official or his or her designee. The hearing need not be conducted in accordance with the formal rules relating to evidence and witnesses, but fundamental due process shall govern the proceedings. Any relevant evidence shall be admitted if the board finds it competent and reliable. Each party shall have the right to call and examine witnesses, to introduce exhibits, to cross-examine opposing witnesses on any matter relevant to the issues, to impeach any witness, and to rebut the evidence against him.**
- 5. The Board shall make findings of fact based on record evidence. A final order must be rendered in writing and contain the following:**

  - (i) A clear statement of the violation(s) charged;**
  - (ii) A clear statement of the factual basis for the charges;**
  - (iii) Evidence that the violator was given notice of the charges, and an opportunity to appear and present evidence and testimony regarding the charges;**
  - (iv) Findings of fact made by the Examining Board;**
  - (v) Conclusions of law which demonstrate that the facts alleged constitute violation(s) of this Chapter;**
  - (vi) A statement of the penalty imposed;**
  - (vii) A recommendation to the Construction Industry Licensing Board for action to be taken against the violator for locally registered contractors; and**
  - (viii) A clear statement informing the violator of the right to appeal to the Construction Industry Licensing Board for locally registered contractors.**
- 6. For locally registered contractors, a copy of such order shall be forwarded to the Construction Industry Licensing Board, and the disciplined contractor or the complainant may challenge the recommended penalty for board action. A challenge shall be filed within 60 days after the issuance of the recommended penalty to the board. Failure to challenge the recommended penalty within the time period set forth in this subsection shall constitute a waiver of the right to a hearing before the board.**
- 7. For certified contractors, notification of and information concerning any permit denial, shall be submitted to the Department of Business and Professional Regulation within 15 days after the Examining Board decides to deny the permit.**

**8. Any aggrieved contractor shall be entitled to seek review of the decision of the Examining Board by certiorari in the Circuit Court, Fourteenth Judicial Circuit, in and for Bay County, Florida.**

SECTION 3. From and after the effective date of this ordinance, Chapter 8, Article III of the Panama City Beach Code of Ordinances is amended to read as follows (new text **bold and underlined**, deleted text ~~struck through~~):

**Sec. 8-46. Created.**

There is hereby created the **Examining **B**oard of the **C**ity.**

**Sec. 8-47. Members.**

- (a) The **Examining **B**oard of the City of Panama City Beach, Florida, shall consist of seven (7) members, as follows:**
- (1) A master electrician who is engaged in the profession and who holds a valid master electrician's certificate in the city;
  - (2) A master gas fitter who is engaged in the profession and who holds a valid master gas fitter's certificate in the city;
  - (3) A master air conditioning mechanic who is engaged in the profession and who holds a valid master air conditioning mechanic's certificate in the City;
  - (4) A master plumber who is engaged in the profession and who holds a master plumber's certificate in the City;
  - (5) Two members from the field of general construction; and
  - (6) A qualified elector in the city, preferably not from the field of general construction or any profession regulated by this chapter.
- (b) The board shall be appointed by the City Council as outlined below:
- (1) The first and second members above shall be appointed for a term of three (3) years for the first term;
  - (2) The third and fourth members above shall be appointed for a term of two (2) years for the first term; and
  - (3) The fifth, sixth and seventh members above shall be appointed for a term of one (1) year for the first term.
- (c) Terms shall expire and new appointments shall be effective on July 22, provided that all members shall serve until their successors are duly qualified and appointed. After the first term, all members shall be appointed for a term of three (3) years.

...

#### **Sec. 8-49. Meetings.**

Regular meetings of the Examining Board shall be held at City Hall at least once each month at such times as the board may by rule, from time to time, establish. Special meetings of the board may be called by the chairman or three (3) members of the board at other times and places.

#### **Sec. 8-50. Records.**

The Examining Board shall keep in the office of the ~~inspection department~~ **Building Department** a record for each trade or profession in which shall be recorded the names and addresses of each applicant for a certificate of competency, the date of filing application, the final action of the Board upon each application, the date of such action, whether the granting of a certificate was made with or without examination, date and action of the Board in revocation or suspension proceedings, and the signatures of the members of the board participating in any action.

#### **Sec. 8-51. Powers and duties.**

The powers and duties of the Examining Board shall include the following:

- (1) To prescribe forms for applications for examinations, certificates of competency, permits, stationery, records, notices of violation, and such other documents as it shall deem necessary for the conduct of its business;
- (2) To prepare, conduct, and grade or designate written examinations of applicants for certificates of competency;
- (3) To prepare or designate a basic written examination of homeowner applicants for permits under section 8-35, and to establish a passing score of such examinations;
- (4) To give notices of hearings and conduct hearings upon charges of violation of the provisions of this chapter by any person subject to the provisions of this chapter;
- (5) To discipline any contractor, journeyman or other person found by the board to have violated any of the provisions of this chapter;
- (6) To hear the appeal of any persons who may be aggrieved by any ruling or order of the chief Building Official, City Manager, or any inspector under this Chapter. ~~Notice of appeal shall be filed with the secretary to the board within thirty (30) days after the ruling or order from which the appeal is taken. The board shall as soon as may be practicable conduct a hearing at which the city official and the aggrieved party shall be entitled to present evidence and cross examine witnesses. All testimony shall be under oath and shall be electronically recorded. Either party may be represented by an attorney at law. The aggrieved party shall carry the burden of establishing by greater weight of the evidence that the ruling and order of the chief building official or any inspector was arbitrary, unauthorized, or otherwise unfounded. The hearing need not be conducted in accordance with the formal rules relating to evidence and witnesses but fundamental due process shall be observed and govern the proceedings. Any relevant evidence shall be admitted if the board finds it competent and reliable. The board of examiners shall make findings of fact based on evidence of record. Based upon this fact finding determination, the board of examiners shall approve, reverse or modify the decision of the building official or inspector. The aggrieved party shall be entitled to have the final decision of~~

~~the board reviewed by certiorari in the Circuit Court for Bay County, Florida, upon the filing of an appropriate pleading.~~

- (7) To satisfy itself as to **the** character and integrity of each applicant for a certificate of competency, by requiring such pertinent information as it may deem necessary; and
- (8) To enforce provisions of this chapter wherever required or authorized.
- ~~(9) The examining board shall constitute and sit *ex officio* as circumstances may require, as the board of construction examiners, the board of electrical examiners, the board of plumbing examiners, the board of gas examiners, or the board of air conditioning examiners, and as such shall follow the uniform procedures specified in sections 8-46 through 8-53.~~

**Sec. 8-52. Revocation, suspension of certificates of competency for registered contractors.**

- (a) The board of examiners shall suspend or revoke any ~~contractor's, master's, or journeyman's~~ certificate of competency, if one (1) or more of the following grounds shall exist:
  - (1) Misrepresentation of any material fact in the application for a certificate or for a permit;
  - (2) Performance of work in a negligent, incompetent, or unworkmanlike manner;
  - (3) Contracting in a name other than registered with the general building inspector;
  - (4) Abandonment of any contract for the performance of work without legal grounds;
  - (5) Diversion of property or funds received pursuant to contract for work;
  - (6) Departure from the plans and specifications of any contract for work or accompanying application for permit without the consent of the party for whom the work is being performed;
  - (7) Misrepresenting the requirements of this article regulating work in order to obtain or increase the scope of the work in any contract of construction work;
  - (8) Failing to report to the general building inspector or his assistants or attempting to conceal the violation of any provision of this article;
  - (9) Failing to report to the general building inspector or his assistants or attempting to conceal the violation of any provision of this article by any contractor;
  - (10) Pledging or loaning his certificate to any person when not actively associated with that person in the performance of the work authorized by the certificate;
  - (11) Default in payment either for labor or materials resulting in a lien being placed against a piece of property in question, and the lien remaining unsatisfied for a period of sixty (60) days or more; -
  - (12) Default in payment either for labor or materials resulting in a judgment being obtained or filed against the building, general, or residential contractor, and the judgment remaining unsatisfied for a period of sixty (60) days or more; -

(13) Violation of any applicable provision of Section Chapter 489.129, Florida Statutes, regarding discipline; (2015).

(14) Violation of any applicable provision of Section Chapter 455.227, Florida Statutes, regarding discipline; (2015).

**(15) Two or more occurrences of a contractor engaging in unpermitted work; or**

**(16) Failure to maintain required public liability and property damage insurance and workers' compensation insurance.**

- (b) Any contractor, ~~master or journeyman~~ who shall violate, or assist in violating, any of the provisions of this article, may, upon conviction thereof, have his certificate of competency suspended for not less than thirty (30) days for the first offense, and for repeated offenses, may have his certificate of competency suspended for a longer period longer than thirty (30) days, or have the same canceled or revoked by the ~~board of examiners~~ Examining Board upon the recommendation of the Building Official. The Board may also require restitution or a fine not to exceed \$5,000, or a combination thereof, against the locally licensed or registered contractor.
- ~~(c) Any time the building official or his assistants shall ascertain any of the grounds for revocation or suspension may exist or there is filed with the board of examiners the complaint of any person alleging the existence of any such grounds, it shall be his or their duty to make a full, fact gathering investigation and file with the board of examiners a written report thereof, together with a statement as to the existence of probable cause for suspension or revocation, and if the board ascertains that such probable cause exists, the board shall conduct a hearing thereon, after notice.~~
- ~~(d) At any time the report of the building official or his assistants shall show the existence of probable cause for suspension or revocation, the building official or his assistants shall serve upon the alleged violator a notice of the alleged grounds for suspension or revocation and the time, date and place of a hearing before the board thereupon. The notice shall be served not less than ten (10) nor more than thirty (30) days prior to such hearing. The alleged violator shall have the right to appear at the hearing, be represented by counsel, produce evidence and cross-examine witnesses. A record shall be kept of the hearing.~~
- ~~(e) Each case before the examining board shall be presented by the building official or his designee. The hearing need not be conducted in accordance with the formal rules relating to evidence and witnesses but fundamental due process shall govern the proceedings. Any relevant evidence shall be admitted if the board finds it competent and reliable, regardless of the existence of any common law or statutory rule to the contrary. The board may take testimony from the general building inspector and the alleged violator. Each party shall have the right to call and examine witnesses, to introduce exhibits; to cross-examine opposing witnesses on any matter relevant to the issues; to impeach any witness; and rebut the evidence against him.~~
- ~~(f) The board shall make findings of facts based on evidence of record. The fact finding determination of the board shall be limited to whether the violation alleged did occur, and if so, whether the person named in the notice is responsible for that violation. If, after the hearing, the board of examiners shall determine that one (1) or more of the noticed grounds for suspension or revocation exist, it shall enter a written order signed by the chairman~~

~~suspending or revoking the certificate of competency of the violator. Such order shall, at a minimum, contain the following:~~

- ~~(1) A clear statement of the violations charged;~~
- ~~(2) A clear statement of the factual basis for the charges;~~
- ~~(3) Evidence that the violator was given notice of the charges, and of an opportunity to appear and present evidence and testimony regarding the charges;~~
- ~~(4) Findings of fact made by the board of examiners;~~
- ~~(5) Conclusions of law which demonstrate that the facts alleged constitute violations of **Chapter 489 or 455, Florida Statutes**, Sections 489.129 or 455.227 Florida Statutes (2015) or of this section.~~
- ~~(6) A statement of the penalty imposed against the violator's certificate of competency.~~
- ~~(7) A recommendation to the Construction Industry Licensing Board for action to be taken against the state registration.~~
- ~~(8) A clear statement informing the violator of the right to appeal the action against his or her certificate of competency, and of the right of the violator to challenge the recommendation to the Construction Industry Licensing Board.~~

~~(g)~~ **(c)** Any order suspending or revoking a certificate of competency may also assess against such violator the reasonable investigative and legal costs for the prosecution of the violation which shall bear interest at the rate provided for judgments in the circuit court and may be enforced as provided by law.

~~(h)~~ **(d)** A copy of such order shall be forwarded to the Construction Industry Licensing Board **and shall include a recommended penalty for board action. This recommended penalty may include a recommendation for no further action, or a recommendation for suspension, revocation, or restriction of the registration, or a fine to be levied by the board, or a combination thereof.**

~~(i)~~ **(e)** After ~~such a~~ revocation, a new certificate of competency may not be issued to any such violator for a period of up to one (1) year, at the discretion of the ~~board of examiners~~ **Examining Board.**

~~(j)~~ **(f)** After ~~such a~~ revocation **or suspension**, a new certificate of competency shall be issued only after ~~the applicant passes the required examination and~~ all investigative and legal costs assessed against the violator plus interest are paid in full.

~~(k)~~ **(g)** Regardless of the term of ~~any such~~ suspension stated in the order, ~~the suspension shall continue until all investigative and legal costs assessed against the violator plus interest are paid in full. In~~ in the event any certificate of competency remains suspended for more than 365 days **for failure to pay outstanding costs**, it shall be deemed revoked **on day 366** and a new certificate shall be issued only after ~~the applicant passes the required examination and~~ all investigative and legal costs assessed against the violator plus interest are paid in full.

**Sec. 8-53. Denial, revocation, or suspension of permits for certified contractors.**

- (a) The Examining Board may deny, suspend, or revoke the authority of a certified contractor to obtain a building permit or limit such authority to obtaining a permit or permits with specific conditions, if the Board has found such contractor, through the public hearing process, to be guilty of fraud or a willful building code violation within the City, or if the Board has proof that such contractor, through the public hearing process, has been found guilty in another county or municipality within the past 12 months, of fraud or a willful building code violation and finds, after providing notice of an opportunity to be heard to the contractor, that such fraud or violation would have been fraud or a violation if committed in the City. Notification of and information concerning such permit denial shall be submitted to the Department of Business and Professional Regulation within 15 days after the Board decides to deny the permit.**
- (b) The City may also deny issuance of, or may suspend, any outstanding building permit where a contractor fails or refuses to provide proof of public liability and property damage insurance coverage as required by s. 489.115(5) and workers' compensation insurance coverage as required by s. 489.114.**
- (c) The City shall issue a notice of noncompliance as its first response to a minor violation of a regulatory law in any instance in which it is reasonable to assume that the violator was unaware of such a law or unclear as to how to comply with it. A violation of a regulatory law is a "minor violation" if it does not result in economic or physical harm to a person or adversely affect the public health, safety, or welfare or create a significant threat of such harm. A "notice of noncompliance" is a notification by the City charged with enforcing the ordinance, which is issued to the licensee that is subject to the ordinance. A notice of noncompliance will not be accompanied by a fine or other disciplinary penalty. The notice shall identify the specific ordinance that is being violated, provide information on how to comply with the ordinance, and specify a reasonable time for the violator to comply with the ordinance. Failure of a licensee to take action correcting the violation within a set period of time would then result in the institution of further disciplinary proceedings.**
- (d) If a certified contractor engages in any violation of section 8-52, the Examining Board reserves the right to conduct an evidentiary hearing through the procedures set forth in section 8-43 with notice and opportunity to be heard by the contractor, and to send its findings to the Department of Business and Professional Regulation for further investigation or action.**

**~~Sec. 8-53. Appeals.~~**

~~Any person aggrieved by the action of the board of examiners in refusing to grant a certificate of competency issued pursuant hereto or in suspending or revoking any certificate of competency issued pursuant hereto, may appeal to the Construction Industry Licensing Board. Any such appeal shall be filed within sixty (60) days from the date of issuance of the examining boards' recommended penalty to the Construction Industry Licensing Board. Failure to challenge the examining board's recommended penalty within the time period set forth in this section shall~~

constitute a waiver of the right to a hearing before the Construction Industry Licensing Board, and shall be deemed an admission of the violation.

SECTION 4. From and after the effective date of this ordinance, Chapter 8, Article IV, Sections 8-75.1 through 8-75.7 of the Panama City Beach Code of Ordinances are REPEALED. Chapter 8, Article IV, Section 8-71 is REPEALED and REPLACED with the following: (new text **bold and underlined**):

#### Sec. 8-71. Definitions.

**The words and phrases used in this Chapter shall have the meanings respectively ascribed to them in Chapter 489, Florida Statutes, and as stated herein. In the event of conflict between these definitions and Chapter 489, state law shall prevail.**

**Contractor means the person who is qualified for, and is only responsible for, the project contracted for and means, except as exempted in this part, the person who, for compensation, undertakes to, submits a bid to, or does himself or herself or by others construct, repair, alter, remodel, add to, demolish, subtract from, or improve any building or structure, including related improvements to real estate, for others or for resale to others; and whose job scope is substantially similar to the job scope described in one of the paragraphs of section 489.105, Florida Statutes.**

**General contractor means a contractor whose services are unlimited as to the type of work which he or she may do, who may contract for any activity requiring licensure under this part, and who may perform any work requiring licensure under this part, except as otherwise expressly provided in section 489.113, Florida Statutes.**

**Building contractor means a contractor whose services are limited to construction of commercial buildings and single-dwelling or multiple-dwelling residential buildings, which do not exceed three stories in height, and accessory use structures in connection therewith, or a contractor whose services are limited to remodeling, repair, or improvement of any size building if the services do not affect the structural members of the building.**

**Residential contractor means a contractor whose services are limited to construction, remodeling, repair, or improvement of one-family, two-family, or three-family residences not exceeding two habitable stories above no more than one uninhabitable story, and accessory use structures in connection therewith.**

**Contracting means, except as exempted in this part, engaging in business as a contractor and includes, but is not limited to, performance of any of the acts which define types of contractors. The attempted sale of contracting services, and the negotiation or bid for a contract on these services also constitutes contracting. If the services offered require licensure or agent qualification, the offering, negotiation for a bid, or attempted sale of these services requires the corresponding licensure. However, the term "contracting" shall not extend to an individual, partnership, corporation, trust, or other legal entity that offers to sell, or sells completed residences on property on which the individual or business entity has any legal or equitable interest, or to the individual or business entity that offers to sell or sells manufactured or factory-built buildings that will be completed on site, on property on which either party to a contract has any legal or equitable**



interest, if the services of a qualified contractor certified or registered pursuant to the requirements of this chapter have been, or will be, retained for the purpose of constructing or completing such residences.

*Certified contractor* means any contractor who possesses a certificate of competency issued by the Department of Business and Professional Regulation and who is allowed to contract in the City without being required to fulfill the competency requirements of the City.

*Registered contractor* means any contractor who is required to fulfill the competency requirements of the City and obtain a valid Certificate of Competency to engage in contracting within the City.

*Sign contractor* means a contractor whose services are limited to the creation, installation, or application of a non-electrical sign onto any building or structure

SECTION 5. From and after the effective date of this ordinance, Chapter 8, Article IV of the Panama City Beach Code of Ordinances is further amended to read as follows (new text **bold and underlined**, deleted text struck through):

...

**Sec. 8-72. Engaging in illegal contracting prohibited. ~~work without certificate of competency prohibited.~~**

- (a) **Unless otherwise exempt, it** ~~It shall be unlawful for any person to engage in any form of construction work~~ **or contracting** ~~as a contractor~~ **without complying with all state and local regulations, including obtaining any required license, certificate, or registration. The City may issue a cease-and-desist order to prohibit any person from engaging in the business of contracting who does not hold the required certification or registration for the work being performed.** ~~without a valid certificate of competency as a building, general, residential, sign or specialty contractor.~~
- (b) ~~It shall be unlawful for any person to work in the city as an electrical contractor without obtaining a valid master electrician's certificate of competency himself, or without having someone in his employ who possesses such valid certificate of competency.~~
- (c) ~~It shall be unlawful for any person to work in the city as a journeyman electrician without obtaining a valid journeyman electrician's certificate of competency.~~
- (d) ~~It shall be unlawful for any person to work in the city as a plumbing contractor without obtaining a valid master plumber's certificate of competency himself, or without having someone in his employ who possesses such valid certificate.~~
- (e) ~~It shall be unlawful for any person to work in the city as a journeyman plumber without obtaining a valid journeyman plumber's certificate of competency.~~
- (f) ~~It shall be unlawful for any person to work in the city as a gas contractor without obtaining a valid master gas fitter's certificate of competency himself, or without having someone in his employ who possesses such valid certificate.~~

- ~~(g) It shall be unlawful for any person to work in the city as a journeyman gas fitter without obtaining a valid journeyman gas fitter's certificate of competency.~~
- ~~(h) It shall be unlawful for any person to work in the city as an air conditioning contractor without obtaining a valid master air conditioning mechanic's certificate of competency himself, or without having someone in his employ who possesses such valid certificate.~~
- ~~(i) It shall be unlawful for any person to work in the city as a journeyman air conditioning mechanic without obtaining a valid journeyman air conditioning mechanic's certificate of competency.~~

**Sec. 8-73. Exemption from certification requirements for homeowners.**

The certification requirements of this chapter shall not apply to a homeowner or prevent him from performing any work regulated by this chapter, provided the **homeowner is exempted from licensure under Chapter 489, Florida Statutes, the property is owned by the homeowner and not by a trust or incorporated entity, work is done by the homeowner the homeowner is acting as their own contractor and providing direct, onsite supervision themselves of all work not performed by licensed contractors, and the property and improvement is** used exclusively by ~~him~~ **the homeowner** or his family. The privilege extended to a homeowner herein does not convey any right to violate any provisions of this chapter nor shall it be construed as exempting any such homeowner from demonstrating basic knowledge of the work to be performed by successfully completing a written examination as provided in this chapter, or from obtaining a permit or paying the required fees therefor. **Proof of the sale or lease, or offering for sale or lease, of any such structure by the owner-builder within one (1) year after completion of same creates a presumption that the construction was undertaken for purposes of sale or lease and not exempted from licensure requirements.**

**Sec. 8-74. Requirements for obtaining certificate of competency and engaging in contracting within the City.**

- (1) No **registered** contractor shall be issued a certificate of competency by the **Building Official** until such person shall file an application therefor and:
  - (a) **Shall pay one (1) of the following charges: Pay a registration fee determined by resolution of the City Council, and provide proof of payment of all applicable local business taxes under Chapter 14 of the City Code, or proof of payment of a business tax for the current year to the county or municipality in the state where the person's permanent business location or branch office is maintained;**
    - ~~1. If the contractor maintains a permanent business location or branch office within the city or transacts any business in interstate commerce and is not exempted from license taxation by Art. I, § 8, U.S. Const., he shall pay the appropriate occupational license tax for his class of contractors, as set forth in section 14-29(71) plus a registration fee of fifty dollars (\$50.00); or~~
    - ~~2. If the contractor is not subject to the payment of occupational license tax under subsection (a)1., he shall pay only the registration fee of fifty dollars (\$50.00);~~

- 
- (b) ~~Shall furnish the city with~~ **Provide evidence of** a bond which meets the requirements of section ~~8-77~~ **8-76**; and
- (c) **Provide proof of current public liability and property damage insurance coverage in the amount required by Florida Administrative Code Rule 61G4-15.003, as amended from time to time, and workers' compensation insurance coverage, unless otherwise exempt, in a form acceptable to the Building Official; and**
- (d) **Provide evidence of passing an exam that the Department of Business and Professional Regulation will accept to issue a state registered license, which examination shall demonstrate whether the applicant is qualified to work at the level for which he has applied. If the examination occurred more than four (4) years before the filing of the application for a certificate of competency, the applicant must also demonstrate to the Board an acceptable level of expertise by interview. In conducting the interview, the Board shall consider at a minimum the following:**
- (i) **The applicant's length and extent of service in the trade;**
  - (ii) **Whether the applicant has been continuously engaged in the trade since his examination;**
  - (iii) **The amount and nature of work in the trade performed by the applicant during the two (2) years immediately preceding his application; and**
  - (iv) **The applicant's knowledge of relevant codes, especially changes in such codes since his examination.**
- (e) **For sign contractors only, if no state registration or examination exists, the applicant must demonstrate to the board an acceptable level of expertise by interview. In conducting such an interview, the board shall consider at a minimum the following:**
- (i) **The applicant must have been actively engaged as a sign contractor for a period of four (4) consecutive years immediately preceding the filing of the application for a Certificate of Competency;**
  - (ii) **The applicant's overall length and extent of service in the trade;**
  - (iii) **The amount and nature of work in the trade performed by the applicant; and**
  - (iv) **The applicant's knowledge of accepted trade practices.**
- (2) **No certified contractor shall be issued a building permit by the Building Official until such person shall file an application therefor and:**
- (a) **Provide evidence of holding a current state certificate;**
  - (b) **Provide proof of payment of all applicable local business taxes under Chapter 14 of the City Code, or proof of payment of a business tax for the current year to the county or municipality in the state where the person's permanent business location or branch office is maintained;**
  - (c) **Pay all fees for the building permit; and**
  - (d) **Provide proof of current public liability and property damage insurance coverage in the amount required by Florida Administrative Code Rule 61G4-15.003, as**

amended from time to time, and workers' compensation insurance coverage, unless otherwise exempt, in a form acceptable to the Building Official.

(3) For all other state licensed persons or entities engaging in contracting work within the City, including but not limited to, liquified petroleum gas qualifiers under Chapter 527, Florida Statutes, fire systems contractors under Chapter 633, Florida Statutes, and mobile home installers under Chapter 320, Florida Statutes, no such contractors shall be issued a building permit by the Building Official until such person shall file an application therefor and:

(a) Provide evidence of holding a current state license;

(b) Provide proof of payment of all applicable local business taxes under Chapter 14 of the City Code, or proof of payment of a business tax for the current year to the county or municipality in the state where the person's permanent business location or branch office is maintained;

(c) Pay all fees for the building permit; and

(d) Provide proof of insurance coverage in the amounts required by state law.

(4) A contractor must employ a person who is state certified by the Department of Business or Professional Regulation, locally registered by the City in the required field, or otherwise licensed by the State of Florida to engage in contracting within the City, unless otherwise exempted.

~~(2) With respect to a building, general or residential contractor, is or has in his employ one of the following:~~

~~a. A person who is a state certified building, general or residential contractor, as appropriate;~~

~~b. A person who is a state registered building, general or residential contractor, as appropriate, and who has successfully completed the written examination for his particular field required by section 8-75.1 within four (4) years preceding the filing of the application for a Certificate of Competency; or~~

~~c. A person who is a state registered building, general or residential contractor, as appropriate, and who has successfully completed the written examination for his particular field required by section 8-75.1 more than four (4) years preceding the filing of the application for a certificate of competency and who demonstrates to the board an acceptable level of expertise by interview or supplemental examination. In conducting such an interview or preparing such examination, the board shall consider at a minimum the following:~~

~~(i) The applicant's length and extent of service in the trade;~~

~~(ii) Whether the applicant has been continuously engaged in the trade since his examination;~~

~~(iii) The amount and nature of work in the trade performed by the applicant during the two (2) years immediately preceding his application; and~~

~~(iv) The applicant's knowledge of relevant codes, especially changes in such codes since his examination.~~

~~(3) With respect to a sign contractor only, is or has in his employ one (1) of the following:~~

~~a. A person who is a state registered sign contractor, if such registration is available, and who has successfully completed the written examination for his particular field required by section 8 75.2 within four (4) years preceding the filing of the application for a Certificate of Competency; or~~

~~b. A person who has been actively engaged as a sign contractor within the City for a period of four (4) consecutive years immediately preceding the filing of the application for a Certificate of Competency. For certification under this part, applicant must provide demonstrable evidence of continuous employment as a sign contractor.~~

~~(4) With respect to a specialty contractor only, is or has in his employ one (1) of the following:~~

~~a. A person who is a state registered contractor in the specialty for which a Certificate of Competency is sought, if such state registration is available, and whose has successfully completed the written examination for his particular field required by section 8 75.3 within four (4) years preceding the filing of the application for a Certificate of Competency; or~~

~~b. A person who has been actively engaged as a specialty contractor within the City for a period of four (4) consecutive years immediately preceding filing of an application for a certificate of competency and who demonstrates to the Board an acceptable level of expertise by interview or other examination.~~

~~(5) With respect to an electrical contractor only, is or has in his employ one (1) of the following:~~

~~a. A person who is a state certified electrical contractor;~~

~~b. A person who is a state registered electrical contractor and who has successfully completed the written examination for master electrician's certificate of competency required by section 8 75.4 within four (4) years preceding the filing of the application for a certificate of competency; or~~

~~c. A person who is a state registered electrical contractor\* and who has successfully completed the written examination required by section 8 75.4 more than four (4) years preceding the filing of the application for a certificate of competency and who demonstrates to the board an acceptable level of expertise by interview or supplemental examination. In conducting such an interview or preparing such examination, the board shall consider at a minimum the following:~~

~~(i) The applicant's length and extent of service in the trade;~~

~~(ii) Whether the applicant has been continuously engaged in the trade since his examination;~~

~~(iii) The amount and nature of work in the trade performed by the applicant during the two (2) years immediately preceding his application; and~~

~~(iv) The applicant's knowledge of relevant codes, especially changes in such codes since his examination.~~

- ~~(6) With respect to a plumbing contractor only, is or has in his employ one (1) of the following:~~
- ~~a. A person who is a state certified plumbing contractor;~~
  - ~~b. A person who is a state registered plumbing contractor and who has successfully completed the written examination for master plumber's certificate of competency required by section 8 75.5 within four (4) years preceding the filing of the application for a certificate of competency; or~~
  - ~~c. A person who is a state registered plumbing contractor and who has successfully completed the written examination required by section 8 75.5 more than four (4) years preceding the filing of the application for a Certificate of Competency and who demonstrates to the board an acceptable level of expertise by interview or supplemental examination. In conducting such an interview or preparing such examination, the board shall consider at a minimum the following:~~
    - ~~(i) The applicant's length and extent of service in the trade;~~
    - ~~(ii) Whether the applicant has been continuously engaged in the trade since his examination;~~
    - ~~(iii) The amount and nature of work in the trade performed by the applicant during the two (2) years immediately preceding his application; and~~
    - ~~(iv) The applicant's knowledge of relevant codes, especially changes in such codes since his examination.~~
- ~~(7) With respect to a gas contractor or master gas fitter, is or has in his employ one (1) of the following:~~
- ~~a. A person holding a valid state license to install liquefied petroleum gas piping and appliances, pursuant to F.S. Ch. 527;~~
  - ~~b. A person who has successfully completed the examination for a master gas fitter's construction certificate of competency required by section 8 75.6 within four (4) years preceding the filing of the application for a certificate of competency; or~~
  - ~~c. A person who has successfully completed the examination for a master gas fitter's construction certificate of competency required by section 8 75.6 more than four (4) years preceding the filing of the application for a certificate of competency and who demonstrates to the board an acceptable level of expertise by interview or supplemental examination. In conducting such an interview or preparing such examination, the board shall consider at a minimum the following:~~
    - ~~(i) The applicant's length and extent of service in the trade;~~
    - ~~(ii) Whether the applicant has been continuously engaged in the trade since his examination;~~
    - ~~(iii) The amount and nature of work in the trade performed by the applicant during the two (2) years immediately preceding his application; and~~
    - ~~(iv) The applicant's knowledge of relevant codes, especially changes in such codes since his examination.~~

- (8) ~~With respect to a [master] air conditioning mechanic, is or has in his employ one (1) of the following:~~
- a. ~~A person who is a state certified air conditioning contractor;~~
  - b. ~~A person who is a state registered air conditioning contractor\* and who has successfully completed the written examination for master air conditioning mechanic required by section 8-319 within four (4) years preceding the filing of the application for a certificate of competency; or~~
  - c. ~~A person who is a state registered air conditioning contractor and who has successfully completed the written examination required by section 8-75.7 more than four (4) years preceding the filing of the application for a certificate of competency and who demonstrates to the board an acceptable level of expertise by interview or supplemental examination. In conducting such an interview or preparing such examination, the board shall consider at a minimum the following:~~
    - (i) ~~The applicant's length and extent of service in the trade;~~
    - (ii) ~~Whether the applicant has been continuously engaged in the trade since his examination;~~
    - (iii) ~~The amount and nature of work in the trade performed by the applicant during the two (2) years immediately preceding his application; and~~
    - (iv) ~~The applicant's knowledge of relevant codes, especially changes in such codes since his examination.~~

**Sec. 8-76 8-75. Expiration and renewal of certificate of competency.**

- (a) All **newly issued** certificates of competency shall expire on September 30 next following the one-year anniversary of the date of issuance. **Certificates shall then be renewed for two-year terms. Renewal fees shall be set by resolution of the City Council. To obtain a renewed certificate of competency, the applicant will be required to demonstrate continued compliance with section 8-74 and pay the required fee. If a certificate holder fails to timely renew within two years of expiration, the Building Official may issue a renewed certificate upon a showing of compliance with section 8-74 during the period of lapse, and for the prospective year, and upon payment of all outstanding fees. Otherwise, the applicant must submit a new application and may face penalties for noncompliance with this section.**
- (b) ~~Any holder of a certificate of competency shall be entitled, during the month of September, to a renewal certificate for the next two (2) succeeding years upon payment to the building official of a renewal fee of fifty dollars (\$50.00).~~
- (c) ~~Any holder of a certificate of competency which has expired solely for failure to renew may obtain a replacement certificate at any time within two (2) years after expiration thereof upon payment to the building official of a replacement fee of fifty dollars (\$50.00) per year of being in arrears. After two (2) years but no longer than four (4) years, any holder of a certificate which has expired solely for failure to renew may obtain at the City's discretion a replacement~~

~~certificate upon payment to the building official of a replacement fee of fifty dollars (\$50.00) per year of being in arrears.~~

**Sec. ~~8-77~~ 8-76. Bond.**

- (a) Before obtaining a certificate of competency or a renewal thereof, the applicant shall execute a bond in the sum of five thousand dollars (\$5,000.00) with a responsible surety company authorized to do business in the state, conditioned to protect the city or the owner of premises against all loss or damage occasioned by the negligence of the principal therein failing to promptly execute and protect all work done by such principal or his employees or under his direction or supervision, and from all damage occasioned by or arising in any manner from any such work done by him or his employees or under his direction or supervision, which is not caused by the negligence of the city, its agent, or employees, and conditioned further, that the principal therein will keep and observe all provisions of this Code and other ordinances at any time enacted by the city relating in any way to construction work.
- (b) The bond required by this section shall be approved by the ~~City Clerk~~ **Building Official** before the same becomes effective, and may be sued on by the City, and in cases of the owners of premises damaged by any such work, the owners shall be authorized to bring suit in any court of competent jurisdiction in the name of the City, for their use and benefit; provided, however, that in any action by the owners of the premises damaged, the same shall not involve the City to any expense whatsoever.
- (c) The bond required by this section shall **have a minimum effective period of one year from issuance.** ~~expire on September 30 next following the one year anniversary of the date of issuance.~~

**Sec. ~~8-78~~ 8-77. - Misrepresentations; allowing fraudulent use of name.**

No person engaged in the construction business in the City shall allow his name to be used by any other person, directly or indirectly, either to obtain a permit, or for the construction of any work under his certificate, or shall make any misrepresentation or omission with intent to violate the purposes of this article.

**Secs. ~~8-79~~ 8-78—8-99 - Reserved.**

SECTION 6. From and after the effective date of this ordinance, Chapter 8, Article VI, Section 8-103 and 8-104 of the Panama City Beach Code of Ordinances are REPEALED. Chapter 8, Article VI of the Panama City Beach Code of Ordinances is further amended to read as follows (new text **bold and underlined**, deleted text ~~struck through~~):

...

**Secs. ~~8-105~~ 8-103—8-114. - Reserved.**



SECTION 7. From and after the effective date of this ordinance, Chapter 8, Article VII, Sections 8-115.1 through 8-119 and 8-123 of the Panama City Beach Code of Ordinances are REPEALED. Chapter 8, Article VII, Division 1 of the Panama City Beach Code of Ordinances is further amended to read as follows (new text **bold and underlined**, deleted text ~~struck through~~):

**Sec. 8-115. Adoption of Florida Building Code.**

- (a) The Florida Building Code, as adopted by the Florida Building Commission, is hereby adopted by reference and in full, as if set out at length herein, except as hereinafter amended, modified, or deleted, as the building code of the City. **This includes and is not limited to adoption of the National Electrical Code, Florida Building Code for Plumbing, Gas, and Mechanical, and American Forest and Paper Association Wood Frame Construction Manual.**
- (b) The construction, alteration, repair, equipment, use and occupancy, location, maintenance, removal, and demolition of every building or structure or any appurtenances connected or attached thereto located within the corporate limits of the City, shall conform to the requirements of the building code adopted in subsection (a).

**Secs. ~~8-124~~ 8-116—8-129. - Reserved.**

SECTION 8. From and after the effective date of this ordinance, Chapter 8, Article VII, Section 8-135 of the Panama City Beach Code of Ordinances is amended to read as follows (new text **bold and underlined**, deleted text ~~struck through~~):

**Sec. 8-135. Reference.**

Assistance in determining the design parameters and methodologies necessary to comply with the requirements of this chapter may be obtained from the **most current publications and treatises issued by reputable sources, including, but not limited to:**

Shore Protection Manual, U.S. Army Corps of Engineers, ~~4th edition.~~

U.S. Department of Army, Coastal Engineering Research Center's Technical Papers and Reports.

Florida Department of Natural Resources, Division of Beaches and Shores Technical and Design Memoranda.

Naval Facilities Engineering Command Design Manual, NAVFAC DM-26. U.S. Department of the Navy.

Coastal Construction Manual, Federal Emergency Management Agency., ~~February, 1986. (Please egengnote that the wind design section is based upon the 1982 edition of the Standard Building Code with the 1984 accumulated amendments and not the 1985 edition of the Standard Building Code with the 1986 revisions as required by Section 161.55(1)(d), Florida Statutes.)~~

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SECTION 9. From and after the effective date of this ordinance, Chapter 8, Article VII, Division 4 of the Panama City Beach Code of Ordinances is created to read as follows (new text **bold and underlined**, deleted text ~~struck through~~):

**DIVISION 4. – Flood hazard areas**

**Sec. 8-179. Determination of substantially improved or substantially damaged existing buildings and structures in flood hazard areas.**

**For applications for reconstruction, rehabilitation, repair, alteration, addition, or other improvement of existing buildings or structures located in flood hazard areas, the Building Official shall determine if the proposed work constitutes substantial improvement, or repair of substantial damage using published guidance from the Federal Emergency Management Agency and other provisions of this Code or the City’s Land Development Code. Where the Building Official determines that the proposed work constitutes substantial improvement, or repair of substantial damage, and where required by this code, the Building Official shall require the building to meet the requirements of Section 1612 or R322 of the Florida Building Code, Residential, as applicable.**

SECTION 10. CONFLICT WITH OTHER ORDINANCES OR CODES. All Ordinances or parts of Ordinances of the Code of Ordinances of the City of Panama City Beach, Florida, in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION 11. SEVERABILITY. If any provision of this Ordinance is held to be illegal, invalid, or unconstitutional by a court of competent jurisdiction, the other provisions of this ordinance shall remain in full force and effect.

SECTION 12. SCRIVENER’S ERRORS. It is the intention of the City Council, and it is hereby provided that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of Panama City Beach, Florida and to that end, the sections of this ordinance may be renumbered or re-lettered and the word “ordinance” may be changed to “section” or “article” or other appropriate designation. Additionally, corrections of typographical errors which do not affect the intent of this Ordinance may be authorized by the City Attorney without public hearing, by filing a corrected or recodified copy with the Clerk of Courts.

SECTION 13. ORDINANCE TO BE LIBERALLY CONSTRUED. This ordinance shall be liberally construed in order to effectively carry out the purposes hereof which are deemed not to adversely affect public health, safety, or welfare.

SECTION 14. MODIFICATIONS. It is the intent of the City of Panama City Beach that the provisions of this ordinance may be modified as a result of considerations that may arise during a public hearing. Such modifications shall be incorporated into the final version of the ordinance adopted by the Council.

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SECTION 15. CODIFICATION. The appropriate officers and agents of the City are authorized and directed to codify, include, and publish in electronic format the provisions of this Ordinance within the Panama City Beach Code of Ordinances, and unless a contrary ordinance is adopted within ninety (90) days following such publication, the codification of this Ordinance shall become the final and official record of the matters herein ordained. Section numbers may be assigned and changed whenever necessary or convenient.

SECTION 16. EFFECTIVE DATE. This Ordinance shall be effective immediately upon passage.

**PASSED, APPROVED AND ADOPTED** at the regular meeting of the City Council of the City of Panama City Beach, Florida, this 28th day of March 2024.

**CITY OF PANAMA CITY BEACH**

By:   
Mark Sheldon, Mayor

**ATTEST:**

  
Lynne Fasone, City Clerk

Posted on [pcbfl.gov](http://pcbfl.gov) on the 22nd day of Feb, 2024.

Posted on [publicnoticesbaycountyfl.gov](http://publicnoticesbaycountyfl.gov) on the 18th day of March, 2024.

# Business Impact Estimate

*This form should be included in the agenda packet for the item under which the proposed ordinance is to be considered and must be posted on the City's website by the time notice of the proposed ordinance is published. This Business Impact Estimate may be revised following its initial posting.*

Proposed ordinance's title/reference:

AN ORDINANCE OF THE CITY OF PANAMA CITY BEACH, FLORIDA, AMENDING CHAPTER 8 OF THE CITY'S CODE OF ORDINANCES RELATED TO BUILDINGS AND BUILDING REGULATIONS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR CONFLICTING PROVISIONS, SEVERABILITY, SCRIVENER'S ERRORS, LIBERAL INTERPRETATION, MODIFICATIONS, AND CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the City is of the view that a business impact estimate is not required by state law<sup>1</sup> for the proposed ordinance:

- The proposed ordinance is required for compliance with Federal or State law or regulation;
- The proposed ordinance relates to the issuance or refinancing of debt;
- The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- The proposed ordinance is an emergency ordinance;
- The ordinance relates to procurement; or
- The proposed ordinance is enacted to implement the following:
  - a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
  - b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
  - c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
  - d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

<sup>1</sup> See Section 166.041(4)(c), Florida Statutes.

If no exemption applies, in accordance with the provisions of controlling law, the City hereby publishes the following information:

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare):

The purpose of this ordinance is to amend Chapter 8 for public safety and welfare by clarifying certain duties of contractors in accordance with state law, remove conflicting portions of local law with state law, and otherwise simplify and conform local law to the best practices of the Building Department.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City if any:

- (a) An estimate of direct compliance costs that businesses may reasonably incur;
- (b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and
- (c) An estimate of the City's regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

(a) None. (b) The City Council is authorized to adopt a fee schedule relating to Chapter 8 for any changes. This will be considered at the final reading. (c) Regulatory costs are not expected to change. Estimated revenues from fees are not expected to change.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

Contractors may be impacted by this ordinance through revisions to the fee table relating to Chapter 8. The total number is unknown as it can include both local and foreign businesses.

4. Additional information the governing body deems useful (if any):