A bill to be entitled

An act relating to fees for enforcing the Florida
Building Code; amending s. 553.80, F.S.; revising the
definition of the phrase “enforcing the Florida
Building Code” to include certain costs; revising
specified activities that, unless otherwise provided
by law, may not be funded with fees adopted for
enforcing the code; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (7) of section 553.80, Florida
Statutes, is amended to read:

553.80 Enforcement.—

(7) The governing bodies of local governments may provide a
schedule of reasonable fees, as authorized by s. 125.56(2) or s.
166.222 and this section, for enforcing this part. These fees,
and any fines or investment earnings related to the fees, must
shall be used solely for carrying out the local government’s
responsibilities in enforcing the Florida Building Code. When
providing a schedule of reasonable fees, the total estimated
annual revenue derived from fees, and the fines and investment
earnings related to the fees, may not exceed the total estimated
annual costs of allowable activities. Any unexpended balances
must shall be carried forward to future years for allowable
activities or shall be refunded, at the discretion of the local
government. The basis for a fee structure for allowable
activities must shall relate to the level of service provided by
the local government and must shall include consideration for
refunding fees due to reduced services based on services provided as prescribed by s. 553.791 but not provided by the local government. Fees charged must be consistently applied.

(a) As used in this subsection, the phrase “enforcing the Florida Building Code” includes the direct costs and reasonable indirect costs associated with review of building plans, building inspections, reinspections, and building permit processing, including costs for production of and maintaining records; building code enforcement; and fire inspections associated with new construction. The phrase may also include training costs associated with the enforcement of the Florida Building Code, and enforcement action pertaining to unlicensed contractor activity, and costs associated with the implementation and enforcement of local ordinances related or complimentary to the implementation and enforcement of the Florida Building Code, to the extent not funded by other user fees.

(b) Unless otherwise provided by law, the following activities may not be funded with fees adopted for enforcing the Florida Building Code:

1. Planning and zoning or other general government activities.

2. Inspections of public buildings for a reduced fee or no fee.

3. Public information requests, community functions, boards, and any program not directly related to enforcement of the Florida Building Code.

4. Enforcement and implementation of any other local
ordinance, excluding validly adopted local amendments to the
Florida Building Code and excluding any local ordinance directly
related to enforcing the Florida Building Code as defined in
paragraph (a).

(c) A local government shall use recognized management,
accounting, and oversight practices to ensure that fees, fines,
and investment earnings generated under this subsection are
maintained and allocated or used solely for the purposes
described in paragraph (a).

(d) The local enforcement agency, independent district, or
special district may not require at any time, including at the
time of application for a permit, the payment of any additional
fees, charges, or expenses associated with:

1. Providing proof of licensure pursuant to chapter 489;
2. Recording or filing a license issued pursuant to this
chapter; or
3. Providing, recording, or filing evidence of workers’
compensation insurance coverage as required by chapter 440.

Section 2. This act shall take effect July 1, 2019.