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CHAMBER ACTION

Senate

House

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Floor: WD/2R
4/24/2008 11:28 AM

Senator Bennett moved the following amendment:

Senate Amendment (with directory and title amendments)

Between line(s) 854 and 855,
insert:

(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, 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
shall be carried forward to future years for allowable activities



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18 or shall be refunded at the discretion of the local government.  
19 The basis for a fee structure for allowable activities shall  
20 relate to the level of service provided by the local government  
21 and shall include the waiver of allowable scheduled fees for  
22 services as prescribed by s. 553.791. Fees charged shall be  
23 consistently applied.

24 (a) As used in this subsection, the phrase "enforcing the  
25 Florida Building Code" includes the direct costs and reasonable  
26 indirect costs associated with review of building plans, building  
27 inspections, reinspections, and building permit processing;  
28 building code enforcement; and fire inspections associated with  
29 new construction. The phrase may also include training costs  
30 associated with the enforcement of the Florida Building Code and  
31 enforcement action pertaining to unlicensed contractor activity  
32 to the extent not funded by other user fees.

33 (b) The following activities may not be funded with fees  
34 adopted for enforcing the Florida Building Code:

35 1. Planning and zoning or other general government  
36 activities.

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

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

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



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

52  
 53 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

54 And the directory clause is amended as follows:

55 Delete line(s) 827-828

56 and insert:

57  
 58 Section 14. Paragraph (a) of subsection (1) and subsection  
 59 (7) of section 553.80, Florida Statutes, are amended to read:

60  
 61 ===== T I T L E A M E N D M E N T =====

62 And the title is amended as follows:

63 On line(s) 67, after the first semicolon,  
 64 insert:

65  
 66 requiring that the basis for a fee structure for allowable  
 67 activities include the waiver of allowable scheduled fees  
 68 for certain services;