

ENROLLED  
CS/CS/HB 57

2013 Legislature

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An act relating to the Department of Business and Professional Regulation; amending s. 489.140, F.S.; clarifying funding requirements for the Florida Homeowners' Construction Recovery Fund; amending s. 468.631, F.S.; authorizing the department to transfer certain funds from the Professional Regulation Trust Fund to the Florida Homeowners' Construction Recovery Fund; providing an effective date.

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

Section 1. Section 489.140, Florida Statutes, is amended to read:

489.140 Florida Homeowners' Construction Recovery Fund.— There is created the Florida Homeowners' Construction Recovery Fund as a separate account in the Professional Regulation Trust Fund. The recovery fund shall be funded ~~out of the receipts deposited in the Professional Regulation Trust Fund from the one-half cent per square foot surcharge on building permits collected and disbursed~~ pursuant to s. 468.631.

Section 2. Subsection (1) of section 468.631, Florida Statutes, is amended to read:

468.631 Building Code Administrators and Inspectors Fund.— (1) This part shall be funded through a surcharge, to be assessed pursuant to s. 125.56(4) or s. 166.201 at the rate of 1.5 percent of all permit fees associated with enforcement of the Florida Building Code as defined by the uniform account

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29 criteria and specifically the uniform account code for building  
30 permits adopted for local government financial reporting  
31 pursuant to s. 218.32. The minimum amount collected on any  
32 permit issued shall be \$2. The unit of government responsible  
33 for collecting permit fees pursuant to s. 125.56 or s. 166.201  
34 shall collect such surcharge and shall remit the funds to the  
35 department on a quarterly calendar basis beginning not later  
36 than December 31, 2010, for the preceding quarter, and  
37 continuing each third month thereafter; and such unit of  
38 government shall retain 10 percent of the surcharge collected to  
39 fund the participation of building departments in the national  
40 and state building code adoption processes and to provide  
41 education related to enforcement of the Florida Building Code.  
42 There is created within the Professional Regulation Trust Fund a  
43 separate account to be known as the Building Code Administrators  
44 and Inspectors Fund, which shall deposit and disburse funds as  
45 necessary for the implementation of this part. The proceeds from  
46 this surcharge shall be allocated equally to fund the Florida  
47 Homeowners' Construction Recovery Fund established by s. 489.140  
48 and the functions of the Building Code Administrators and  
49 Inspectors Board. The department may transfer excess cash to the  
50 Florida Homeowners' Construction Recovery Fund that it  
51 determines is not required to fund the board from the board's  
52 account within the Professional Regulation Trust Fund. However,  
53 the department may not transfer excess cash that would exceed  
54 the amount appropriated in the General Appropriations Act, and  
55 any amount approved by the Legislative Budget Commission  
56 pursuant to s. 216.181, to be used for the payment of claims

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57 | from the Florida Homeowners' Construction Recovery Fund.

58 |       Section 3. This act shall take effect October 1, 2013.