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576-02869-18

Proposed Committee Substitute by the Committee on Appropriations
(Appropriations Subcommittee on Finance and Tax)

A bill to be entitled

An act relating to permit fees; amending ss. 125.56
and 166.222, F.S.; requiring the governing bodies of
counties and municipalities to post their permit and
inspection fee schedules and building permit and
inspection utilization reports on their websites;
amending s. 553.80, F.S.; requiring certain governing
bodies of local governments to post their building
permit and inspection utilization reports on their
websites by a specified date; providing reporting
requirements; providing an effective date.

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

Section 1. Paragraph (c) is added to subsection (4) of
section 125.56, Florida Statutes, to read:

125.56 Enforcement and amendment of the Florida Building
Code and the Florida Fire Prevention Code; inspection fees;
inspectors; etc.—

(4)

(c) The governing body of a county authorized under this
section or s. 553.80 to issue fees shall post its permit and
inspection fee schedules and its building permit and inspection
utilization report required under s. 553.80(7) on its website.

Section 2. Section 166.222, Florida Statutes, is amended to
read:

166.222 Building code inspection fees.—



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28 (1) The governing body of a municipality may provide a
29 schedule of reasonable inspection fees in order to defer the
30 costs of inspection and enforcement of the provisions of its
31 building code.

32 (2) The governing body of a municipality authorized under
33 s. 553.80 to issue fees shall post its permit and inspection fee
34 schedules and its building permit and inspection utilization
35 report required under s. 553.80(7) on its website.

36 Section 3. Subsection (7) of section 553.80, Florida
37 Statutes, is amended to read:

38 553.80 Enforcement.—

39 (7) (a) The governing bodies of local governments may
40 provide a schedule of reasonable fees, as authorized by s.
41 125.56(2) or s. 166.222 and this section, for enforcing this
42 part. These fees, and any fines or investment earnings related
43 to the fees, shall be used solely for carrying out the local
44 government's responsibilities in enforcing the Florida Building
45 Code. When providing a schedule of reasonable fees, the total
46 estimated annual revenue derived from fees, and the fines and
47 investment earnings related to the fees, may not exceed the
48 total estimated annual costs of allowable activities. Any
49 unexpended balances shall be carried forward to future years for
50 allowable activities or shall be refunded at the discretion of
51 the local government. The basis for a fee structure for
52 allowable activities shall relate to the level of service
53 provided by the local government and shall include consideration
54 for refunding fees due to reduced services based on services
55 provided as prescribed by s. 553.791, but not provided by the
56 local government. Fees charged shall be consistently applied.



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57 ~~1.(a)~~ As used in this subsection, the phrase "enforcing the
58 Florida Building Code" includes the direct costs and reasonable
59 indirect costs associated with review of building plans,
60 building inspections, reinspections, and building permit
61 processing; building code enforcement; and fire inspections
62 associated with new construction. The phrase may also include
63 training costs associated with the enforcement of the Florida
64 Building Code and enforcement action pertaining to unlicensed
65 contractor activity to the extent not funded by other user fees.

66 ~~2.(b)~~ The following activities may not be funded with fees
67 adopted for enforcing the Florida Building Code:

68 ~~a.1.~~ Planning and zoning or other general government
69 activities.

70 ~~b.2.~~ Inspections of public buildings for a reduced fee or
71 no fee.

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

75 ~~d.4.~~ Enforcement and implementation of any other local
76 ordinance, excluding validly adopted local amendments to the
77 Florida Building Code and excluding any local ordinance directly
78 related to enforcing the Florida Building Code as defined in
79 subparagraph 1 paragraph (a).

80 ~~3.(e)~~ A local government shall use recognized management,
81 accounting, and oversight practices to ensure that fees, fines,
82 and investment earnings generated under this subsection are
83 maintained and allocated or used solely for the purposes
84 described in subparagraph 1 paragraph (a).

85 ~~4.(d)~~ The local enforcement agency, independent district,



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86 or special district may not require at any time, including at
87 the time of application for a permit, the payment of any
88 additional fees, charges, or expenses associated with:

89 ~~a.1.~~ Providing proof of licensure pursuant to chapter 489;

90 ~~b.2.~~ Recording or filing a license issued pursuant to this
91 chapter; or

92 ~~c.3.~~ Providing, recording, or filing evidence of workers'
93 compensation insurance coverage as required by chapter 440.

94 (b) By December 31, 2019, the governing body of a local
95 government that provides a schedule of fees shall post its
96 building permit and inspection utilization report on its
97 website. The report shall be based on the information available
98 in the most recently completed financial audit. After December
99 31, 2019, the governing body of a local government that provides
100 a schedule of fees shall update its building permit and
101 inspection utilization report on its website prior to making any
102 adjustments to the fee schedule. The report shall include:

103 1. Direct and indirect costs incurred by the local
104 government to enforce the Florida Building Code, including costs
105 related to:

106 a. The review of building plans.

107 b. Building inspections.

108 c. Building reinspections.

109 d. Building permit processing.

110 e. Building code enforcement.

111 2. Number of building permits requested.

112 3. Number of building permits issued.

113 4. Number of building inspections and reinspections
114 conducted.



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115 5. Number of personnel employed by the local government to
116 enforce the Florida Building Code, issue building permits, and
117 conduct inspections.

118 6. Salary and related employee benefit costs incurred by
119 the local government to enforce the Florida Building Code, issue
120 building permits, and conduct inspections.

121 7. Revenue derived from fees pursuant to paragraph (a).

122 8. Revenue derived from fines pursuant to paragraph (a).

123 9. When applicable, investment earnings derived from the
124 local government's investment of revenue derived from fees and
125 fines pursuant to paragraph (a).

126 10. Balances carried forward by the local government
127 pursuant to paragraph (a).

128 11. Balances refunded by the local government pursuant to
129 paragraph (a).

130 Section 4. This act shall take effect July 1, 2018.