

By the Committee on Community Affairs; and Senator Perry

578-02145-18

20181144c1

1 A bill to be entitled
2 An act relating to permit fees; amending s. 125.56,
3 F.S.; requiring the governing body of certain counties
4 to post its permit and inspection fee schedules and a
5 link to the annual building permit and inspection
6 report on its website; amending s. 166.222, F.S.;
7 requiring the governing body of a municipality to post
8 its permit and inspection fee schedules and a link to
9 the annual building permit and inspection report on
10 its website; amending s. 553.80, F.S.; requiring the
11 governing body of a local government, before making
12 any adjustment to a fee schedule, to publish a
13 building permit and inspection report and post it on
14 the local government's website; requiring the report
15 to be updated annually on such website and be easily
16 accessible to the public; requiring the report to
17 include specified information; providing an effective
18 date.

19
20 Be It Enacted by the Legislature of the State of Florida:

21
22 Section 1. Paragraph (c) is added to subsection (4) of
23 section 125.56, Florida Statutes, to read:

24 125.56 Enforcement and amendment of the Florida Building
25 Code and the Florida Fire Prevention Code; inspection fees;
26 inspectors; etc.—

27 (4)

28 (c) The governing body of a county authorized under this
29 section or s. 553.80 to issue fees shall post its permit fee and

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30 inspection fee schedule on its website with a link to the
31 building permit and inspection report required under s.
32 553.80(7).

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

35 166.222 Building code inspection fees.—

36 (1) The governing body of a municipality may provide a
37 schedule of reasonable inspection fees in order to defer the
38 costs of inspection and enforcement of the provisions of its
39 building code.

40 (2) The governing body of a municipality authorized under
41 s. 553.80 to issue fees shall post its permit and inspection fee
42 schedules on its website with a link to the building permit and
43 inspection report required under s. 553.80(7).

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

46 553.80 Enforcement.—

47 (7)(a) The governing bodies of local governments may
48 provide a schedule of reasonable fees, as authorized by s.
49 125.56(2) or s. 166.222 and this section, for enforcing this
50 part. These fees, and any fines or investment earnings related
51 to the fees, shall be used solely for carrying out the local
52 government's responsibilities in enforcing the Florida Building
53 Code. When providing a schedule of reasonable fees, the total
54 estimated annual revenue derived from fees, and the fines and
55 investment earnings related to the fees, may not exceed the
56 total estimated annual costs of allowable activities. Any
57 unexpended balances shall be carried forward to future years for
58 allowable activities or shall be refunded at the discretion of

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59 the local government. The basis for a fee structure for
60 allowable activities shall relate to the level of service
61 provided by the local government and shall include consideration
62 for refunding fees due to reduced services based on services
63 provided as prescribed by s. 553.791, but not provided by the
64 local government. Fees charged shall be consistently applied.

65 1.~~(a)~~ As used in this subsection, the phrase "enforcing the
66 Florida Building Code" includes the direct costs and reasonable
67 indirect costs associated with review of building plans,
68 building inspections, reinspections, and building permit
69 processing; building code enforcement; and fire inspections
70 associated with new construction. The phrase may also include
71 training costs associated with the enforcement of the Florida
72 Building Code and enforcement action pertaining to unlicensed
73 contractor activity to the extent not funded by other user fees.

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

76 a.1. Planning and zoning or other general government
77 activities.

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

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

83 d.4. Enforcement and implementation of any other local
84 ordinance, excluding validly adopted local amendments to the
85 Florida Building Code and excluding any local ordinance directly
86 related to enforcing the Florida Building Code as defined in
87 subparagraph 1 ~~paragraph (a)~~.

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

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

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

98 ~~b.2.~~ Recording or filing a license issued pursuant to this
99 chapter; or

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

102 (b) Before making any adjustment to a fee schedule, the
103 governing body of a local government shall publish a building
104 permit and inspection report and post it on the local
105 government's website. The report must be updated annually on
106 such website and be easily accessible to the public. The report
107 must include:

108 1. Direct and indirect costs incurred by the local
109 government to implement the Florida Building Code, including
110 costs related to the review of:

111 a. Building plans.

112 b. Building inspections.

113 c. Building reinspections.

114 d. Building permit processing.

115 e. Building code enforcement.

116 f. Building fire inspections.

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- 117 2. Number of building permits requested.
- 118 3. Number of building permits issued.
- 119 4. Number of building inspections and reinspections
120 conducted.
- 121 5. Number of personnel employed by the local government to
122 implement the Florida Building Code, issue building permits, and
123 conduct inspections.
- 124 6. Salary and related employee benefit costs incurred by
125 the local government to implement the Florida Building Code,
126 issue building permits, and conduct inspections.
- 127 7. Revenue derived from fees pursuant to this subsection.
- 128 8. Revenue derived from fines pursuant to this subsection.
- 129 9. Investment earnings derived from the local government's
130 investment of revenue derived from fees and fines pursuant to
131 this subsection.
- 132 10. Balances carried forward by the local government
133 pursuant to this subsection.
- 134 11. Balances refunded by the local government pursuant to
135 this subsection.
- 136 Section 4. This act shall take effect July 1, 2018.