



802848

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/09/2019	.	
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The Committee on Community Affairs (Gruters) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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,



11 and any fines or investment earnings related to the fees, shall
12 be used solely for carrying out the local government's
13 responsibilities in enforcing the Florida Building Code. When
14 providing a schedule of reasonable fees, the total estimated
15 annual revenue derived from fees, and the fines and investment
16 earnings related to the fees, may not exceed the total estimated
17 annual costs of allowable activities. Any unexpended balances
18 shall be carried forward to future years for allowable
19 activities or shall be refunded at the discretion of the local
20 government. A local government may not carry forward an amount
21 exceeding the average of its operating budget for enforcing the
22 Florida Building Code for the previous 4 fiscal years. For
23 purposes of this subsection, the term "operating budget" does
24 not include reserve amounts. Any amount exceeding this limit
25 must be used as authorized in subparagraph (a)2. However, a
26 local government which established, as of January 1, 2019, a
27 Building Inspections Fund Advisory Board consisting of five
28 members from the construction stakeholder community and carries
29 an unexpended balance in excess of the average of its operating
30 budget for the previous 4 fiscal years may continue to carry
31 such excess funds forward upon the recommendation of the
32 advisory board. The basis for a fee structure for allowable
33 activities shall relate to the level of service provided by the
34 local government and shall include consideration for refunding
35 fees due to reduced services based on services provided as
36 prescribed by s. 553.791, but not provided by the local
37 government. Fees charged shall be consistently applied.

38 (a)1. As used in this subsection, the phrase "enforcing the
39 Florida Building Code" includes the direct costs and reasonable



40 indirect costs associated with review of building plans,
41 building inspections, reinspections, and building permit
42 processing; building code enforcement; and fire inspections
43 associated with new construction. The phrase may also include
44 training costs associated with the enforcement of the Florida
45 Building Code and enforcement action pertaining to unlicensed
46 contractor activity to the extent not funded by other user fees.

47 2. A local government must use any excess funds that it is
48 prohibited from carrying forward to rebate and reduce fees.

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

51 1. Planning and zoning or other general government
52 activities.

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

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

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

63 5. Charging surcharges or other similar fees not directly
64 related to enforcing the Florida Building Code.

65 (c) A local government shall use recognized management,
66 accounting, and oversight practices to ensure that fees, fines,
67 and investment earnings generated under this subsection are
68 maintained and allocated or used solely for the purposes



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69 described in paragraph (a).

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

- 74 1. Providing proof of licensure pursuant to chapter 489;
75 2. Recording or filing a license issued pursuant to this
76 chapter; or
77 3. Providing, recording, or filing evidence of workers'
78 compensation insurance coverage as required by chapter 440.

79 Section 2. This act shall take effect July 1, 2019.
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81 ===== T I T L E A M E N D M E N T =====

82 And the title is amended as follows:

83 Delete everything before the enacting clause
84 and insert:

85 A bill to be entitled
86 An act relating to Florida Building Code enforcement;
87 amending s. 553.80, F.S.; prohibiting a local
88 government from carrying forward more than a specified
89 amount of unexpended revenue; defining the term
90 "operating budget"; providing an exception; revising
91 requirements for the expenditure of certain unexpended
92 revenue; expanding the list of activities that are
93 prohibited from being funded by fees adopted for
94 enforcing the Florida Building Code; providing an
95 effective date.