

Amendment No. 1.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Commerce Committee
 2 Representative Payne offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Paragraphs (a) and (c) of subsection (7) of section 553.73, Florida Statutes, are amended to read:

553.73 Florida Building Code.—

(7) (a) The commission shall adopt an updated Florida Building Code every 3 years through review of the most current updates of the International Building Code, the International Fuel Gas Code, International Existing Building Code, the International Mechanical Code, the International Plumbing Code, and the International Residential Code, all of which are copyrighted and published by the International Code Council, and the National Electrical Code, which is copyrighted and published

Amendment No. 1.

17 by the National Fire Protection Association. At a minimum, the
18 commission shall adopt any updates to such codes or any other
19 code necessary to maintain eligibility for federal funding and
20 discounts from the National Flood Insurance Program, the Federal
21 Emergency Management Agency, and the United States Department of
22 Housing and Urban Development. The commission shall also review
23 and adopt updates based on the International Energy Conservation
24 Code (IECC); however, the commission shall maintain the
25 efficiencies of the Florida Energy Efficiency Code for Building
26 Construction adopted and amended pursuant to s. 553.901. Every 3
27 years, the commission may approve updates to the Florida
28 Building Code without a finding that they are needed in order to
29 accommodate the specific needs of this state. The commission
30 shall adopt updated codes by rule.

31 (c) The commission may also adopt as a technical amendment
32 to the Florida Building Code any portion of the codes identified
33 in paragraph (a), but only as needed to accommodate the specific
34 needs of this state. Standards or criteria adopted from these
35 codes shall be incorporated by reference to the specific
36 provisions adopted. If a referenced standard or criterion
37 requires amplification or modification to be appropriate for use
38 in this state, only the amplification or modification shall be
39 set forth in the Florida Building Code. The commission may
40 approve technical amendments to the updated Florida Building
41 Code after the amendments have been subject to the conditions

209503 - h1333-strike.docx

Published On: 4/17/2019 9:11:56 PM

Amendment No. 1.

42 set forth in paragraphs (3) (a)-(d). Amendments that are adopted
43 in accordance with this subsection shall be clearly marked in
44 printed versions of the Florida Building Code so that the fact
45 that the provisions are amendments is readily apparent.

46 Section 2. Subsection (7) of section 553.80, Florida
47 Statutes, is amended to read:

48 553.80 Enforcement.—

49 (7) The governing bodies of local governments may provide
50 a schedule of reasonable fees, as authorized by s. 125.56(2) or
51 s. 166.222 and this section, for enforcing this part. These
52 fees, and any fines or investment earnings related to the fees,
53 shall be used solely for carrying out the local government's
54 responsibilities in enforcing the Florida Building Code. When
55 providing a schedule of reasonable fees, the total estimated
56 annual revenue derived from fees, and the fines and investment
57 earnings related to the fees, may not exceed the total estimated
58 annual costs of allowable activities. Any unexpended balances
59 shall be carried forward to future years for allowable
60 activities or shall be refunded at the discretion of the local
61 government. A local government may not carry forward an amount
62 exceeding the average of its operating budget for enforcing the
63 Florida Building Code for the previous 4 fiscal years. For
64 purposes of this subsection, the term "operating budget" does
65 not include reserve amounts. Any amount exceeding this limit
66 must be used as authorized in subparagraph (a)2. However, a

209503 - h1333-strike.docx

Published On: 4/17/2019 9:11:56 PM

Amendment No. 1.

67 local government which, as of January 1, 2019, established a
68 Building Inspections Fund Advisory Board consisting of five
69 members from the construction stakeholder community and carries
70 an unexpended balance in excess of the average of its operating
71 budget for the previous 4 fiscal years, may continue to carry
72 such excess funds forward upon the recommendation of the
73 Advisory Board. The basis for a fee structure for allowable
74 activities shall relate to the level of service provided by the
75 local government and shall include consideration for refunding
76 fees due to reduced services based on services provided as
77 prescribed by s. 553.791, but not provided by the local
78 government. Fees charged shall be consistently applied.

79 (a)1. As used in this subsection, the phrase "enforcing
80 the Florida Building Code" includes the direct costs and
81 reasonable indirect costs associated with review of building
82 plans, building inspections, reinspections, and building permit
83 processing; building code enforcement; and fire inspections
84 associated with new construction. The phrase may also include
85 training costs associated with the enforcement of the Florida
86 Building Code and enforcement action pertaining to unlicensed
87 contractor activity to the extent not funded by other user fees.

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

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

209503 - h1333-strike.docx

Published On: 4/17/2019 9:11:56 PM

Amendment No. 1.

92 1. Planning and zoning or other general government
93 activities.

94 2. Inspections of public buildings for a reduced fee or no
95 fee.

96 3. Public information requests, community functions,
97 boards, and any program not directly related to enforcement of
98 the Florida Building Code.

99 4. Enforcement and implementation of any other local
100 ordinance, excluding validly adopted local amendments to the
101 Florida Building Code and excluding any local ordinance directly
102 related to enforcing the Florida Building Code as defined in
103 paragraph (a).

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

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

113 1. Providing proof of licensure pursuant to chapter 489;

114 2. Recording or filing a license issued pursuant to this
115 chapter; or

Amendment No. 1.

116 3. Providing, recording, or filing evidence of workers'
117 compensation insurance coverage as required by chapter 440.
118 Section 3. This act shall take effect on July 1, 2020.
119

120 -----

121 **T I T L E A M E N D M E N T**

122 Remove everything before the enacting clause and insert:
123 An act relating to the Florida Building Code; amending
124 s. 553.73, F.S.; authorizing the Florida Building Code
125 to approve certain amendments to the Florida Building
126 Code every 3 years; amending s. 553.80, F.S.;
127 prohibiting a local government from carrying forward
128 more than a specified amount of unexpended revenue;
129 providing an exception; providing a definition;
130 revising requirements for the expenditure of certain
131 unexpended revenue; providing an effective date.