

1                   A bill to be entitled  
2           An act relating to Florida Building Code enforcement;  
3           amending s. 553.80, F.S.; prohibiting a local  
4           government from carrying forward more than a specified  
5           amount of unexpended revenue; providing an exception;  
6           providing a definition; revising requirements for the  
7           expenditure of certain unexpended revenue; providing  
8           an effective date.

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

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12           Section 1. Subsection (7) of section 553.80, Florida  
13   Statutes, is amended to read:

14           553.80 Enforcement.—

15           (7) The governing bodies of local governments may provide  
16   a schedule of reasonable fees, as authorized by s. 125.56(2) or  
17   s. 166.222 and this section, for enforcing this part. These  
18   fees, and any fines or investment earnings related to the fees,  
19   shall be used solely for carrying out the local government's  
20   responsibilities in enforcing the Florida Building Code. When  
21   providing a schedule of reasonable fees, the total estimated  
22   annual revenue derived from fees, and the fines and investment  
23   earnings related to the fees, may not exceed the total estimated  
24   annual costs of allowable activities. Any unexpended balances  
25   shall be carried forward to future years for allowable

26 | activities or shall be refunded at the discretion of the local  
27 | government. A local government may not carry forward an amount  
28 | exceeding the average of its operating budget for enforcing the  
29 | Florida Building Code for the previous 4 fiscal years. For  
30 | purposes of this subsection, the term "operating budget" does  
31 | not include reserve amounts. Any amount exceeding this limit  
32 | must be used as authorized in subparagraph (a)2. However, a  
33 | local government which established, as of January 1, 2019, a  
34 | Building Inspections Fund Advisory Board consisting of five  
35 | members from the construction stakeholder community and carries  
36 | an unexpended balance in excess of the average of its operating  
37 | budget for the previous 4 fiscal years may continue to carry  
38 | such excess funds forward upon the recommendation of the  
39 | advisory board. The basis for a fee structure for allowable  
40 | activities shall relate to the level of service provided by the  
41 | local government and shall include consideration for refunding  
42 | fees due to reduced services based on services provided as  
43 | prescribed by s. 553.791, but not provided by the local  
44 | government. Fees charged shall be consistently applied.

45 |       (a)1. As used in this subsection, the phrase "enforcing  
46 | the Florida Building Code" includes the direct costs and  
47 | reasonable indirect costs associated with review of building  
48 | plans, building inspections, reinspections, and building permit  
49 | processing; building code enforcement; and fire inspections  
50 | associated with new construction. The phrase may also include

51 training costs associated with the enforcement of the Florida  
52 Building Code and enforcement action pertaining to unlicensed  
53 contractor activity to the extent not funded by other user fees.

54 2. A local government must use any excess funds that it is  
55 prohibited from carrying forward to rebate and reduce fees or,  
56 upon the recommendation of representatives from the industries  
57 paying into the fund, provide funding to nonprofit organizations  
58 under s. 501(c)(3) of the Internal Revenue Code to expand  
59 training opportunities for the construction industry, as defined  
60 in s. 440.02(8).

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

63 1. Planning and zoning or other general government  
64 activities.

65 2. Inspections of public buildings for a reduced fee or no  
66 fee.

67 3. Public information requests, community functions,  
68 boards, and any program not directly related to enforcement of  
69 the Florida Building Code.

70 4. Enforcement and implementation of any other local  
71 ordinance, excluding validly adopted local amendments to the  
72 Florida Building Code and excluding any local ordinance directly  
73 related to enforcing the Florida Building Code as defined in  
74 paragraph (a).

75 (c) A local government shall use recognized management,

76 | accounting, and oversight practices to ensure that fees, fines,  
77 | and investment earnings generated under this subsection are  
78 | maintained and allocated or used solely for the purposes  
79 | described in paragraph (a).

80 |       (d) The local enforcement agency, independent district, or  
81 | special district may not require at any time, including at the  
82 | time of application for a permit, the payment of any additional  
83 | fees, charges, or expenses associated with:

84 |       1. Providing proof of licensure pursuant to chapter 489;

85 |       2. Recording or filing a license issued pursuant to this  
86 | chapter; or

87 |       3. Providing, recording, or filing evidence of workers'  
88 | compensation insurance coverage as required by chapter 440.

89 |       Section 2. This act shall take effect July 1, 2019.