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LEGISLATIVE ACTION

Senate

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House

The Committee on Rules (Brodeur) recommended the following:

Senate Amendment (with title amendment)

Between lines 930 and 931

insert:

Section 7. Paragraph (a) of subsection (7) of section 553.80, Florida Statutes, is amended to read:

553.80 Enforcement.—

(7) (a) 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, and any fines or investment earnings related



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12 to the fees, shall be used solely for carrying out the local
13 government's responsibilities in enforcing the Florida Building
14 Code. When providing a schedule of reasonable fees, the total
15 estimated annual revenue derived from fees, and the fines and
16 investment earnings related to the fees, may not exceed the
17 total estimated annual costs of allowable activities. Any
18 unexpended balances shall be carried forward to future years for
19 allowable activities or shall be refunded at the discretion of
20 the local government. A local government may not carry forward
21 an amount exceeding the average of its operating budget for
22 enforcing the Florida Building Code for the previous 4 fiscal
23 years. For purposes of this subsection, the term "operating
24 budget" does not include reserve amounts. Any amount exceeding
25 this limit must be used as authorized in subparagraph 2.
26 However, a local government which established, as of January 1,
27 2019, a Building Inspections Fund Advisory Board consisting of
28 five members from the construction stakeholder community and
29 carries an unexpended balance in excess of the average of its
30 operating budget for the previous 4 fiscal years may continue to
31 carry 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 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, or
49 pay for the construction of a building or structure that houses
50 a local government's building code enforcement agency or
51 provides training programs for building officials, inspectors,
52 or plans examiners associated with the enforcement of the
53 Florida Building Code. Excess funds used to construct such a
54 building or structure must be designated for such purpose by the
55 local government and may not be carried forward for more than 4
56 consecutive years.

57 3. The following activities may not be funded with fees
58 adopted for enforcing the Florida Building Code:

59 a. Planning and zoning or other general government
60 activities.

61 b. Inspections of public buildings for a reduced fee or no
62 fee.

63 c. Public information requests, community functions,
64 boards, and any program not directly related to enforcement of
65 the Florida Building Code.

66 d. Enforcement and implementation of any other local
67 ordinance, excluding validly adopted local amendments to the
68 Florida Building Code and excluding any local ordinance directly
69 related to enforcing the Florida Building Code as defined in



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70 subparagraph 1.

71 4. A local government shall use recognized management,
72 accounting, and oversight practices to ensure that fees, fines,
73 and investment earnings generated under this subsection are
74 maintained and allocated or used solely for the purposes
75 described in subparagraph 1.

76 5. The local enforcement agency, independent district, or
77 special district may not require at any time, including at the
78 time of application for a permit, the payment of any additional
79 fees, charges, or expenses associated with:

80 a. Providing proof of licensure pursuant to chapter 489;

81 b. Recording or filing a license issued pursuant to this
82 chapter;

83 c. Providing, recording, or filing evidence of workers'
84 compensation insurance coverage as required by chapter 440; or

85 d. Charging surcharges or other similar fees not directly
86 related to enforcing the Florida Building Code.

87
88 ===== T I T L E A M E N D M E N T =====

89 And the title is amended as follows:

90 Between lines 81 and 82

91 insert:

92 amending s. 553.80, F.S.; revising requirements for
93 the expenditure of certain unexpended revenue relating
94 to enforcing the Florida Building Code;