

Amendment No. 2

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WITHDRAWN	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 Drake offered the following:

Amendment (with title amendment)

Between lines 286 and 287, insert:

Section 3. 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 to the fees, shall be used solely for carrying out the local government's responsibilities in enforcing the Florida Building Code. When providing a schedule of reasonable fees, the total estimated annual revenue derived from fees, and the fines and

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17 investment earnings related to the fees, may not exceed the
18 total estimated annual costs of allowable activities. Any
19 unexpended balances shall be carried forward to future years for
20 allowable activities or shall be refunded at the discretion of
21 the local government. A local government may not carry forward
22 an amount exceeding the average of its operating budget for
23 enforcing the Florida Building Code for the previous 4 fiscal
24 years. For purposes of this subsection, the term "operating
25 budget" does not include reserve amounts. Any amount exceeding
26 this limit must be used as authorized in subparagraph 2.

27 However, a local government which established, as of January 1,
28 2019, a Building Inspections Fund Advisory Board consisting of
29 five members from the construction stakeholder community and
30 carries an unexpended balance in excess of the average of its
31 operating budget for the previous 4 fiscal years may continue to
32 carry such excess funds forward upon the recommendation of the
33 advisory board. The basis for a fee structure for allowable
34 activities shall relate to the level of service provided by the
35 local government and shall include consideration for refunding
36 fees due to reduced services based on services provided as
37 prescribed by s. 553.791, but not provided by the local
38 government. Fees charged shall be consistently applied.

39 1. As used in this subsection, the phrase "enforcing the
40 Florida Building Code" includes the direct costs and reasonable
41 indirect costs associated with review of building plans,

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

48 2. A local government must use any excess funds that it is
49 prohibited from carrying forward to rebate and reduce fees, or
50 pay for the construction of a building or structure that houses
51 a local government's building code enforcement agency or
52 provides training programs for building officials, inspectors,
53 or plans examiners associated with the enforcement of the
54 Florida Building Code. Excess funds used to construct such a
55 building or structure must be designated for such purpose by the
56 local government and may not be carried forward for more than 4
57 consecutive years.

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

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

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

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

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67 d. Enforcement and implementation of any other local
68 ordinance, excluding validly adopted local amendments to the
69 Florida Building Code and excluding any local ordinance directly
70 related to enforcing the Florida Building Code as defined in
71 subparagraph 1.

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

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

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

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

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

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

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

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Remove line 16 and insert:

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 401 (2021)

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92 | issuance of a building permit; amending s. 553.80,
93 | F.S.; revising requirements for the expenditure of
94 | certain unexpended revenue; amending s. 553.842,