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A bill to be entitled

An act relating to the Florida Construction Industries Recovery Fund; amending s. 489.140, F.S.; renaming the fund as the Florida Homeowners' Construction Recovery Fund; deleting certain disbursement provisions; creating s. 489.1401, F.S.; declaring legislative intent with respect to use of the fund; creating s. 489.1402, F.S.; defining terms; amending s. 489.141, F.S.; revising conditions for recovery from the fund; amending s. 489.142, F.S.; providing certain authority and conditions for the closing of cases for recovery; providing for hearings and for service of notice; amending s. 489.1425, F.S.; conforming terminology; amending s. 489.143, F.S.; providing a limit on disbursements with respect to a single contract; revising guidelines for making payments from the fund; providing criminal penalties for specified fraudulent acts; amending ss. 489.144, 489.13, and 489.131, F.S.; conforming terminology; amending s. 468.631, F.S.; requiring certain information relating to building permits to be reported to the Department of Business and Professional Regulation; providing an effective date.

WHEREAS, the Florida Construction Industries Recovery Fund was created to reimburse a person who has suffered monetary damages as a result of financial mismanagement by a contractor, and

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28 WHEREAS, the Legislature recognizes that homeowners have
 29 been caused most monetary damages as a result of financial
 30 mismanagement or abandonment by Division I contractors, and

31 WHEREAS, the Legislature desires to provide homeowners with
 32 recompense for such monetary damages, and

33 WHEREAS, the Legislature recognizes that the current law
 34 places claimants in the position of having to reestablish
 35 damages in order to comply with the provisions of the statute,
 36 and

37 WHEREAS, the Legislature desires to make clear the
 38 circumstances under which an award from the fund shall be made,
 39 and

40 WHEREAS, the Legislature wishes to make other clarifying
 41 changes and improve the disposition of claims filed, and

42 WHEREAS, the Legislature recognizes that there are claims
 43 currently pending from persons who are not homeowners or who
 44 have presented claims for monetary damages caused by Division II
 45 contractors, and

46 WHEREAS, the Legislature desires to provide a mechanism for
 47 those claims, if eligible, to be paid, NOW, THEREFORE,

48

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

50

51 Section 1. Section 489.140, Florida Statutes, is amended
 52 to read:

53 489.140 Florida Homeowners' Construction ~~Industries~~
 54 Recovery Fund.--There is created the Florida Homeowners'
 55 Construction ~~Industries~~ Recovery Fund as a separate account in
 56 the Professional Regulation Trust Fund.

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57 ~~(1) The Florida Construction Industries Recovery Fund~~
 58 ~~shall be disbursed as provided in s. 489.143, on order of the~~
 59 ~~board, as reimbursement to any natural person adjudged by a~~
 60 ~~court of competent jurisdiction to have suffered monetary~~
 61 ~~damages, or to whom the licensee has been ordered to pay~~
 62 ~~restitution by the board, where the judgment or restitution~~
 63 ~~order is based on a violation of s. 489.129(1)(g), (j), or (k),~~
 64 ~~committed by any contractor, financially responsible officer, or~~
 65 ~~business organization licensed under the provisions of this part~~
 66 ~~at the time the violation was committed, and providing that the~~
 67 ~~violation occurs after July 1, 1993.~~

68 (2) The Construction Industries recovery fund shall be
 69 funded out of the receipts deposited in the Professional
 70 Regulation Trust Fund from the one-half cent per square foot
 71 surcharge on building permits collected and disbursed pursuant
 72 to s. 468.631.

73 Section 2. Section 489.1401, Florida Statutes, is created
 74 to read:

75 489.1401 Legislative intent.--

76 (1) It is the intent of the Legislature that actions taken
 77 by the Construction Industry Licensing Board with respect to
 78 contractor sanctions and pursuant to this chapter be an exercise
 79 of the department's regulatory power for the protection of
 80 public safety and welfare.

81 (2) It is the intent of the Legislature that the sole
 82 purpose of the Florida Homeowners' Construction Recovery Fund be
 83 to compensate any aggrieved claimant who contracted for the
 84 construction or improvement of a residence located within this
 85 state and who has obtained a final judgment in any court of

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86 competent jurisdiction, was awarded restitution by the
 87 Construction Industry Licensing Board, or received an award in
 88 arbitration against a licensee on grounds of financial
 89 mismanagement or misconduct, abandoning a construction project,
 90 or making a false statement with respect to a project and
 91 arising directly out of any transaction when the judgment debtor
 92 was licensed and performed any of the activities enumerated
 93 under s. 489.129(1)(g), (j), or (k) on the homeowner's
 94 residence.

95 (3) It is the intent of the Legislature that Division I
 96 contractors set apart funds for the specific objective of
 97 participating in the fund.

98 Section 3. Section 489.1402, Florida Statutes, is created
 99 to read:

100 489.1402 Definitions.--

101 (1) The following definitions apply to ss. 489.140-
 102 489.144:

103 (a) "Arbitration" means alternative dispute resolution
 104 entered into between a claimant and a contractor either pursuant
 105 to a construction contract that contains a mandatory arbitration
 106 clause or through any binding arbitration under the Florida
 107 Arbitration Code.

108 (b) "Board" means the Construction Industry Licensing
 109 Board.

110 (c) "Claimant" means a homeowner.

111 (d) "Contractor" means a Division I contractor performing
 112 services described in s. 489.105(3)(a)-(c).

113 (e) "Court of competent jurisdiction" means a civil or
 114 criminal court in this state or a bankruptcy court.

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115 (f) "Homeowner" means the owner of an owner-occupied
 116 residence, including a trustee based upon a trust instrument
 117 granting a person a beneficial interest for life in the
 118 residence.

119 (g) "Licensee" means a contractor, financially responsible
 120 officer, or business organization licensed under this part at
 121 the time the violation was committed.

122 (h) "Notice" means service as described in s. 455.275.

123 (i) "Recovery fund" means the Florida Homeowner's
 124 Construction Recovery Fund.

125 (j) "Residence" means an individual residential
 126 condominium or cooperative unit or a residential building
 127 containing not more than two residential units in which the
 128 owner contracting for the improvement is residing or will reside
 129 6 months or more each calendar year upon completion of the
 130 improvement.

131 (k) "Same transaction" means a contract, or any series of
 132 contracts, between a claimant and a contractor or qualified
 133 business, when such contract or contracts involve the same
 134 property or contiguous properties and are entered into either at
 135 one time or serially.

136 (l) "Valid and current license," for the purpose of s.
 137 489.141(2)(d), means any license issued pursuant to this part to
 138 a licensee, including a license in an active, inactive,
 139 delinquent, or suspended status.

140 (2) The following definitions apply to claims made prior
 141 to July 1, 2007, when the contract was executed and the
 142 violation occurred on or before January 1, 2005:

143 (a) "Claimant" means a natural person.

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144 (b) "Licensee" means a contractor, financially responsible
 145 officer, or business organization licensed under this part at
 146 the time the violation was committed.

147 Section 4. Section 489.141, Florida Statutes, is amended
 148 to read:

149 489.141 Conditions for recovery; eligibility.--

150 (1) Any claimant ~~person~~ is eligible to seek recovery from
 151 the ~~Construction Industries~~ recovery fund after having made a
 152 claim and exhausting the limits of any available bond, cash
 153 bond, surety, guarantee, warranty, letter of credit, or policy
 154 of insurance, provided that each of the following conditions is
 155 satisfied if:

156 (a) The claimant ~~Such person~~ has received final judgment
 157 in a court of competent jurisdiction in this state ~~in any action~~
 158 ~~wherein the cause of action was based on a construction contract~~
 159 or has received an award in arbitration or the Construction
 160 Industry Licensing Board has issued a final order directing the
 161 licensee to pay restitution to the claimant. The board may waive
 162 this requirement if:

163 1. The claimant is unable to secure a final judgment
 164 against the licensee due to the death of the licensee; or

165 2. The claimant has sought to have assets involving the
 166 transaction that gave rise to the claim removed from the
 167 bankruptcy proceedings so that the matter might be heard in a
 168 court of competent jurisdiction in this state and, after due
 169 diligence, the claimant is precluded by action of the bankruptcy
 170 court from securing a final judgment against the licensee.

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171 (b) The judgment, award, or restitution is based upon a
 172 violation of s. 489.129(1)(g), (j), or (k) or s. 713.35., ~~where~~
 173 ~~the~~

174 (c) The violation was committed by a licensee.

175 (d) The judgment, award, or restitution order specifies
 176 the actual damages suffered as a consequence of such violation.

177 (e) The contract was executed and the violation occurred
 178 on or after July 1, 1993, and provided that:

179 ~~1.a.~~ The claimant ~~Such person~~ has caused to be issued a
 180 writ of execution upon such judgment, and the officer executing
 181 the writ has made a return showing that no personal or real
 182 property of the judgment debtor or licensee liable to be levied
 183 upon in satisfaction of the judgment can be found or that the
 184 amount realized on the sale of the judgment debtor's or
 185 licensee's property pursuant to such execution was insufficient
 186 to satisfy the judgment; ~~or~~

187 ~~2.b.~~ If the claimant ~~such person~~ is unable to comply with
 188 subparagraph 1. ~~sub-subparagraph a.~~ for a valid reason to be
 189 determined by the board, the claimant ~~such person~~ has made all
 190 reasonable searches and inquiries to ascertain whether the
 191 judgment debtor or licensee is possessed of real or personal
 192 property or other assets subject to being sold or applied in
 193 satisfaction of the judgment and by his or her search has
 194 discovered no property or assets or has discovered property and
 195 assets and has taken all necessary action and proceedings for
 196 the application thereof to the judgment but the amount thereby
 197 realized was insufficient to satisfy the judgment; and ~~or~~

198 ~~3.2.~~ The claimant has made a diligent attempt, as defined
 199 by board rule, to collect the restitution awarded by the board. +

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200 ~~(f)(b)~~ A claim for recovery is made within ~~2 years from~~
 201 ~~the time of the act giving rise to the claim or within 2 years~~
 202 ~~from the time the act is discovered or should have been~~
 203 ~~discovered with the exercise of due diligence; however, in no~~
 204 ~~event may a claim for recovery be made more than 4 years after~~
 205 ~~the date of the act giving rise to the claim or more than 1 year~~
 206 ~~after the conclusion of any civil, criminal, or administrative~~
 207 ~~action or award in arbitration based on the act. This paragraph~~
 208 ~~applies to any claim filed with the board after October 1,~~
 209 ~~1998., whichever is later;~~

210 ~~(g)(e)~~ Any amounts recovered by the claimant ~~such person~~
 211 from the judgment debtor or licensee, or from any other source,
 212 have been applied to the damages awarded by the court or the
 213 amount of restitution ordered by the board. ~~;~~ ~~and~~

214 ~~(h)(d)~~ The claimant ~~Such person~~ is not a person who is
 215 precluded by this act from making a claim for recovery.

216 (2) A claimant ~~person~~ is not qualified to make a claim for
 217 recovery from the ~~Construction Industries~~ recovery fund, if:

218 (a) The claimant is the spouse of the judgment debtor or
 219 licensee or a personal representative of such spouse;

220 (b) The claimant is a licensee who acted as the contractor
 221 in the transaction which is the subject of the claim;

222 (c) The ~~Such person's~~ claim is based upon a construction
 223 contract in which the licensee was acting with respect to the
 224 property owned or controlled by the licensee;

225 (d) The ~~Such person's~~ claim is based upon a construction
 226 contract in which the contractor did not hold a valid and
 227 current license at the time of the construction contract; ~~or~~

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228 (e) The claimant ~~Such person~~ was associated in a business
 229 relationship with the licensee other than the contract at
 230 issue;—

231 (f) The claimant ~~Such person~~ has suffered damages as the
 232 result of making improper payments to a contractor as defined in
 233 part I of chapter 713; or

234 (g) The claimant has contracted with a licensee to perform
 235 a scope of work described in s. 489.105(3)(d)-(q).

236 (3) The board may determine by rule documentation that is
 237 required to complete a claim.

238 Section 5. Section 489.142, Florida Statutes, is amended
 239 to read:

240 489.142 Board powers relating to recovery; conduct of
 241 hearings and service.--

242 (1) With respect to actions for recovery from the
 243 ~~Construction Industries~~ recovery fund, the board may intervene,
 244 enter an appearance, file an answer, defend the action, or take
 245 any action it deems appropriate and may take recourse through
 246 any appropriate method of review on behalf of the State of
 247 Florida. The board may delegate to the department by rule the
 248 authority to close any case when a claimant is not qualified to
 249 make a claim for recovery from the recovery fund under s.
 250 489.141(2), when after notice the claimant has failed to provide
 251 documentation in support of the claim as required by the board,
 252 or when the licensee has reached the aggregate limit.

253 (2) Notwithstanding any other provision of law, the board
 254 shall cause a notice of hearing to be served 14 days in advance
 255 of the hearing on the claimant and on the licensee whose license
 256 is subject to suspension by s. 489.143. Each notice shall inform

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257 the recipient of any administrative hearing or judicial review
 258 that is available under s. 120.569, s. 120.57, or s. 120.68,
 259 shall indicate the procedure that must be followed to obtain the
 260 hearing or judicial review, and shall state the time limits that
 261 apply. Service of the notice on the licensee shall be made in
 262 accordance with s. 455.275. Service of the notice on the
 263 claimant shall be by regular United States mail at the address
 264 provided on the claim. The service of notice in accordance with
 265 this section is complete upon expiration of 14 days after
 266 deposit in the United States mail. Proof of service of a notice
 267 shall be made by entry in the records of the department that the
 268 notice was given. The entry shall be admissible in judicial and
 269 administrative proceedings of this state and shall constitute
 270 sufficient proof that notice was given.

271 (3) Notwithstanding any other provision of law, board
 272 hearings on claims shall be conducted in accordance with ss.
 273 120.569 and 120.57(2). All claim hearings shall be conducted at
 274 the board's regular meeting at the place, date, and time
 275 published. Orders of the board denying or awarding funds to a
 276 claimant constitute final orders that may be appealed in
 277 accordance with s. 120.68. Orders awarding or denying claims
 278 shall be served in the same manner as notices of hearing in this
 279 section.

280 Section 6. Section 489.1425, Florida Statutes, is amended
 281 to read:

282 489.1425 Duty of contractor to notify residential property
 283 owner of recovery fund.--

284 (1) Any agreement or contract for repair, restoration,
 285 improvement, or construction to residential real property must

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286 contain a written statement explaining the consumer's rights
 287 under the ~~Construction Industries~~ recovery fund, except where
 288 the value of all labor and materials does not exceed \$2,500.
 289 The written statement must be substantially in the following
 290 form:

291
 292 FLORIDA HOMEOWNERS' CONSTRUCTION ~~INDUSTRIES~~ RECOVERY FUND

293
 294 PAYMENT MAY BE AVAILABLE FROM THE FLORIDA HOMEOWNERS'
 295 CONSTRUCTION ~~INDUSTRIES~~ RECOVERY FUND IF YOU LOSE
 296 MONEY ON A PROJECT PERFORMED UNDER CONTRACT, WHERE THE
 297 LOSS RESULTS FROM SPECIFIED VIOLATIONS OF FLORIDA LAW
 298 BY A LICENSED ~~STATE-LICENSED~~ CONTRACTOR. FOR
 299 INFORMATION ABOUT THE RECOVERY FUND AND FILING A
 300 CLAIM, CONTACT THE FLORIDA CONSTRUCTION INDUSTRY
 301 LICENSING BOARD AT THE FOLLOWING TELEPHONE NUMBER AND
 302 ADDRESS:

303
 304 The statement shall be immediately followed by the board's
 305 address and telephone number as established by board rule.

306 (2)(a) Upon finding a first violation of subsection (1),
 307 the board may fine the contractor up to \$500, and the moneys
 308 must be deposited into the ~~Construction Industries~~ recovery
 309 fund.

310 (b) Upon finding a second or subsequent violation of
 311 subsection (1), the board shall fine the contractor \$1,000 per
 312 violation, and the moneys must be deposited into the
 313 ~~Construction Industries~~ recovery fund.

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314 Section 7. Section 489.143, Florida Statutes, is amended
 315 to read:

316 489.143 Payment from the fund.--

317 (1) The fund shall be disbursed as provided in s. 489.141
 318 on a final order of the board.

319 (2)(1) Any claimant ~~person~~ who meets all of the conditions
 320 prescribed in s. 489.141~~(1)~~ may apply to the board to cause
 321 payment to be made to a claimant ~~such person~~ from the
 322 ~~Construction Industries~~ recovery fund in an amount equal to the
 323 judgment, award, or restitution order, ~~exclusive of postjudgment~~
 324 ~~interest, against the licensee or \$25,000, whichever is less, or~~
 325 an amount equal to the unsatisfied portion of such person's
 326 judgment, award, or restitution order, ~~exclusive of postjudgment~~
 327 ~~interest, or \$25,000, whichever is less, but only to the extent~~
 328 and amount of actual damages suffered by the claimant reflected
 329 ~~in the judgment or restitution order as being actual or~~
 330 ~~compensatory damages.~~ Payment from the fund for other costs
 331 related to or pursuant to civil proceedings such as postjudgment
 332 interest, attorney's fees, court costs, medical damages, and
 333 punitive damages is prohibited. The recovery fund is not
 334 obligated to pay any judgment, award, or restitution order, or
 335 any portion thereof, which is not expressly based on one of the
 336 grounds for recovery set forth in s. 489.141 ~~489.140(1)~~.
 337 Beginning January 1, 2005, for each contract entered after July
 338 1, 2004, payment from the recovery fund shall be subject to a
 339 \$50,000 maximum payment.

340 (3)(2) Upon receipt by a claimant under subsection (2) ~~(1)~~
 341 of payment from the ~~Construction Industries~~ recovery fund, the
 342 claimant shall assign his or her additional right, title, and

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343 interest in the judgment, award, or restitution order, to the
 344 extent of such payment, to the board, and thereupon the board
 345 shall be subrogated to the right, title, and interest of the
 346 claimant; and any amount subsequently recovered on the judgment,
 347 award, or restitution order ~~by the board~~, to the extent of the
 348 right, title, and interest of the board therein, shall be for
 349 the purpose of reimbursing the ~~Construction Industries~~ recovery
 350 fund.

351 ~~(4)(3)~~ Payments for claims arising out of the same
 352 transaction shall be limited, in the aggregate, to the lesser of
 353 the judgment, award, or restitution order or the maximum payment
 354 allowed \$25,000, regardless of the number of claimants involved
 355 in the transaction.

356 ~~(5)(4)~~ Payments for claims against any one licensee shall
 357 not exceed, in the aggregate, \$100,000 annually, up to a total
 358 aggregate of \$250,000. ~~Beginning January 1, 1998~~, For any claim
 359 approved by the board which is in excess of the annual cap, the
 360 amount in excess of \$100,000 up to the total aggregate cap of
 361 \$250,000 is eligible for payment in the next and succeeding
 362 fiscal years, but only after all claims for the then-current
 363 calendar year have been paid. Payments may not exceed the
 364 aggregate annual or per claimant limits under law. Beginning
 365 January 1, 2005, for each contract entered into after July 1,
 366 2004, payment from the recovery fund is subject only to a total
 367 aggregate cap of \$500,000.

368 ~~(6)(5)~~ Claims shall be paid in the order filed, up to the
 369 aggregate limits for each transaction and licensee and to the
 370 limits of the amount appropriated to pay claims against the fund
 371 for the fiscal year in which the claims were filed.

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372 (7)~~(6)~~ If the annual appropriation is exhausted with
 373 claims pending, such claims shall be carried forward to the next
 374 fiscal year. Any moneys in excess of pending claims remaining in
 375 the ~~Construction Industries~~ recovery fund at the end of the
 376 fiscal year shall be paid as provided in s. 468.631.

377 (8)~~(7)~~ Upon the payment of any amount from the
 378 ~~Construction Industries~~ recovery fund in settlement of a claim
 379 in satisfaction of a judgment, award, or restitution order
 380 against a licensee as described in s. 489.141~~(1)~~, the license of
 381 such licensee shall be automatically suspended, without further
 382 administrative action, upon the date of payment from the fund.
 383 The license of such licensee shall not be reinstated until he or
 384 she has repaid in full, plus interest, the amount paid from the
 385 fund. A discharge of bankruptcy does not relieve a person from
 386 the penalties and disabilities provided in this section.

387 (9) Any firm, corporation, partnership, or association, or
 388 any person acting in his or her individual capacity, who aids,
 389 abets, solicits, or conspires with any person to knowingly
 390 present or cause to be presented any false or fraudulent claim
 391 for the payment of a loss under this act commits a felony of the
 392 third degree, punishable as provided in s. 775.082 or s. 775.084
 393 and by a fine not exceeding \$30,000, unless the value of the
 394 fraud exceeds \$30,000, in which event the fine may not exceed
 395 double the value of the fraud.

396 (10) All payments and disbursements from the recovery fund
 397 shall be made by the Chief Financial Officer upon a voucher
 398 signed by the secretary of the department or the secretary's
 399 designee. Amounts transferred to the recovery fund shall not be

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400 subject to any limitation imposed by an appropriations act of
 401 the Legislature.

402 Section 8. Section 489.144, Florida Statutes, is amended
 403 to read:

404 489.144 Investment of the fund.--The funds in the
 405 ~~Construction Industries~~ recovery fund may be invested by the
 406 Chief Financial Officer under the same limitations as apply to
 407 the investment of other state funds, and the interest earned
 408 thereon shall be deposited to the credit of the ~~Construction~~
 409 ~~Industries~~ recovery fund and shall be available for the same
 410 purposes as other moneys deposited in the ~~Construction~~
 411 ~~Industries~~ recovery fund.

412 Section 9. Paragraph (c) of subsection (4) of section
 413 489.13, Florida Statutes, is amended to read:

414 489.13 Unlicensed contracting; notice of noncompliance;
 415 fine; authority to issue or receive a building permit; web
 416 page.--

417 (4)

418 (c) The balance of any fines collected under this section
 419 shall be used to maintain the department's unlicensed contractor
 420 website page, as specified in subsection (6), and to fund the
 421 Florida Homeowners' Construction Industries Recovery Fund.

422 Nothing in this paragraph shall be construed to permit recovery
 423 from the Construction Industries Recovery Fund if the contractor
 424 is unlicensed.

425 Section 10. Paragraph (e) of subsection (3) of section
 426 489.131, Florida Statutes, is amended to read:

427 489.131 Applicability.--

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428 (3) Nothing in this part limits the power of a
 429 municipality or county:

430 (e) To require one bond for each contractor in an amount
 431 not to exceed \$5,000, which bond shall be conditioned only upon
 432 compliance with the Florida Building Code adopted pursuant to s.
 433 553.73. Any such bond must be equally available to all
 434 contractors without regard to the period of time a contractor
 435 has been certified or registered and without regard to any
 436 financial responsibility requirements. Any such bonds shall be
 437 payable to the Florida Homeowners' Construction ~~Industry~~
 438 Recovery Fund and filed in each county or municipality in which
 439 a building permit is requested. Bond reciprocity shall be
 440 granted statewide. All such bonds shall be included in meeting
 441 any financial responsibility requirements imposed by any statute
 442 or rule. Any contractor who provides a third party insured
 443 warranty policy in connection with a new building or structure
 444 for the benefit of the purchaser or owner shall be exempt from
 445 the bond requirements under this subsection with respect to such
 446 building or structure.

447 Section 11. Section 468.631, Florida Statutes, is amended
 448 to read:

449 468.631 Building Code Administrators and Inspectors
 450 Fund.--

451 (1) ~~The provisions of~~ This part shall be funded through a
 452 surcharge, to be assessed pursuant to s. 125.56(4) or s. 166.201
 453 at the rate of one-half cent per square foot of under-roof floor
 454 space permitted, including new construction, renovations,
 455 alterations, and additions. The unit of government responsible
 456 for collecting permit fees pursuant to s. 125.56(4) or s.

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457 166.201 shall collect such surcharge and shall remit the funds
 458 to the department on a quarterly calendar basis beginning not
 459 later than December 31, 1993, for the preceding quarter, and
 460 continuing each third month thereafter; and such unit of
 461 government may retain an amount up to 10 percent of the
 462 surcharge collected to fund projects and activities intended to
 463 improve the quality of building code enforcement. There is
 464 created within the Professional Regulation Trust Fund a separate
 465 account to be known as the Building Code Administrators and
 466 Inspectors Fund, which shall deposit and disburse funds as
 467 necessary for the implementation of this part. The department
 468 shall annually establish the amount needed to fund the
 469 certification and regulation of building code administrators,
 470 plans examiners, and building code inspectors. Any funds
 471 collected in excess of the amount needed to adequately fund the
 472 certification and regulation of building code administrators,
 473 plans examiners, and building code inspectors shall be deposited
 474 into the Florida Homeowners' Construction ~~Industries~~ Recovery
 475 Fund established by s. 489.140. If the Florida Homeowners'
 476 Construction ~~Industries~~ Recovery Fund is fully funded as
 477 provided by s. 489.140, any remaining funds shall be distributed
 478 to the Construction Industry Licensing Board for use in the
 479 regulation of certified and registered contractors.

480 (2) The unit of government responsible for collecting
 481 permit fees under this section shall report to the department
 482 quarterly the number of permits issued for under-roof floor
 483 space during the quarter, the total square footage for the
 484 number of permits issued for under-roof floor space during the
 485 quarter, and the calculation of the amount of funds being

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486 remitted to the department. The report shall be attested to by
487 the officer in charge of collecting permit fees.

488 Section 12. This act shall take effect July 1, 2004.