

1                                   A bill to be entitled  
2           An act relating to the Florida Construction  
3           Industries Recovery Fund; amending s. 489.140,  
4           F.S.; renaming the fund as the Florida  
5           Homeowners' Construction Recovery Fund;  
6           creating s. 489.1401, F.S.; declaring  
7           legislative intent with respect to use of the  
8           fund; creating s. 489.1402, F.S.; defining  
9           terms; amending s. 489.141, F.S.; revising  
10          conditions for recovery from the fund; amending  
11          s. 489.142, F.S.; providing for hearings and  
12          for service of notice; amending s. 489.1425,  
13          F.S.; conforming to changes in terminology;  
14          amending s. 489.143, F.S.; providing a limit on  
15          disbursements with respect to a single  
16          contract; revising guidelines for making  
17          payments from the fund; providing criminal  
18          penalties for specified fraudulent acts;  
19          amending ss. 489.144, 489.13, 489.131, F.S.;  
20          conforming terminology to the changes made by  
21          the act; amending s. 468.631, F.S.; requiring  
22          certain information relating to building  
23          permits to be reported to the Department of  
24          Business and Professional Regulation; providing  
25          an effective date.

26  
27           WHEREAS, the Florida Construction Industries Recovery  
28          Fund was created to reimburse a person who has suffered  
29          monetary damages as a result of financial mismanagement by a  
30          contractor, and  
31

1           WHEREAS, the Legislature recognizes that homeowners  
2 have been caused most monetary damages as a result of  
3 financial mismanagement or abandonment by Division I  
4 contractors, and

5           WHEREAS, the Legislature desires to provide homeowners  
6 with recompense for such monetary damages, and

7           WHEREAS, the Legislature recognizes that the current  
8 law places claimants in the position of having to reestablish  
9 damages in order to comply with the provisions of the statute,  
10 and

11           WHEREAS, the Legislature desires to make clear the  
12 circumstances under which an award from the fund shall be  
13 made, and

14           WHEREAS, the Legislature wishes to make other  
15 clarifying changes and improve the disposition of claims  
16 filed, and

17           WHEREAS, the Legislature recognizes that there are  
18 claims currently pending from persons who are not homeowners  
19 or who have presented claims for monetary damages caused by  
20 Division II contractors, and

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

23  
24 Be It Enacted by the Legislature of the State of Florida:

25  
26           Section 1. Section 489.140, Florida Statutes, is  
27 amended to read:

28           489.140 Florida Homeowners' Construction ~~Industries~~  
29 Recovery Fund.--There is created the Florida Homeowners'  
30 Construction ~~Industries~~ Recovery Fund as a separate account in  
31 the Professional Regulation Trust Fund.

1           ~~(1) The Florida Construction Industries Recovery Fund~~  
 2 ~~shall be disbursed as provided in s. 489.143, on order of the~~  
 3 ~~board, as reimbursement to any natural person adjudged by a~~  
 4 ~~court of competent jurisdiction to have suffered monetary~~  
 5 ~~damages, or to whom the licensee has been ordered to pay~~  
 6 ~~restitution by the board, where the judgment or restitution~~  
 7 ~~order is based on a violation of s. 489.129(1)(g), (j), or~~  
 8 ~~(k), committed by any contractor, financially responsible~~  
 9 ~~officer, or business organization licensed under the~~  
 10 ~~provisions of this part at the time the violation was~~  
 11 ~~committed, and providing that the violation occurs after July~~  
 12 ~~1, 1993.~~

13           ~~(2) The Construction Industries~~ recovery fund shall be  
 14 funded out of the receipts deposited in the Professional  
 15 Regulation Trust Fund from the one-half cent per square foot  
 16 surcharge on building permits collected and disbursed pursuant  
 17 to s. 468.631.

18           Section 2. Section 489.1401, Florida Statutes, is  
 19 created to read:

20           489.1401 Legislative intent.--

21           (1) It is the intent of the Legislature that actions  
 22 taken by the Construction Industry Licensing Board with  
 23 respect to contractor sanctions and pursuant to this chapter  
 24 are an exercise of the department's regulatory power for the  
 25 protection of public safety and welfare.

26           (2) It is the intent of the Legislature that the sole  
 27 purpose of the Florida Homeowners' Construction Recovery Fund  
 28 is to compensate any aggrieved claimant who contracted for the  
 29 construction or improvement of the residence located within  
 30 this state and who has obtained a final judgment in any court  
 31 of competent jurisdiction, was awarded restitution by the

1 Construction Industry Licensing Board, or received an award in  
2 arbitration against a licensee on grounds of financial  
3 mismanagement or misconduct, abandoning a construction  
4 project, or making a false statement with respect to a project  
5 and arising directly out of any transaction when the judgment  
6 debtor was licensed and performed any of the activities  
7 enumerated under s. 489.129(1)(g), (j) or (k) on the  
8 homeowner's residence.

9 (3) It is the intent of the Legislature that Division  
10 I contractors set apart funds for the specific objective of  
11 participating in the fund.

12 Section 3. Section 489.1402, Florida Statutes, is  
13 created to read:

14 489.1402 Definitions.--

15 (1) The following definitions apply to  
16 ss.489.140-489.144:

17 (a) "Arbitration" means alternative dispute resolution  
18 entered into between a claimant and a contractor either  
19 pursuant to a construction contract that contains a mandatory  
20 arbitration clause or through any binding arbitration under  
21 the Florida Arbitration Code.

22 (b) "Board" means the Construction Industry Licensing  
23 Board.

24 (c) "Claimant" means a homeowner.

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

27 (e) "Court of competent jurisdiction" means a civil or  
28 criminal court in the state of Florida, or a bankruptcy court.

29 (f) "Homeowner" means the owner of an owner-occupied  
30 residence, including a trustee based upon a trust instrument

31

1 granting a person a beneficial interest for life in the  
2 residence.

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

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

7 (i) "Residence" means an individual residential  
8 condominium or cooperative unit or a residential building  
9 containing not more than two residential units in which the  
10 owner contracting for the improvement is residing or will  
11 reside 6 months or more each calendar year upon completion of  
12 the improvement.

13 (j) "Recovery fund" means the Florida Homeowner's  
14 Construction Recovery Fund.

15 (k) "Same transaction" means a contract, or any series  
16 of contracts, between a claimant and a contractor or qualified  
17 business, when such contract or contracts involve the same  
18 property or contiguous properties and are entered into either  
19 at one time or serially.

20 (l) "Valid and current license," for the purpose of s.  
21 489.141(2)(d), means any license issued pursuant to this part  
22 to a licensee, including a license in an active, inactive,  
23 delinquent, or suspended status.

24 (2) The following definitions apply to claims made  
25 prior to July 1, 2007, when the contract was executed and the  
26 violation occurred on or before January 1, 2005.

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

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

31

1 Section 4. Section 489.141, Florida Statutes, is  
2 amended to read:

3 489.141 Conditions for recovery; eligibility.--

4 (1) Any claimant ~~person~~ is eligible to seek recovery  
5 from the ~~Construction Industries~~ recovery fund after having  
6 made a claim and exhausting the limits of any available bond,  
7 cash bond, surety, guarantee, warranty, letter of credit, or  
8 policy of insurance, provided that each of the following  
9 conditions is satisfied if:

10 (a) The claimant ~~Such person~~ has received final  
11 judgment in a court of competent jurisdiction in this state ~~in~~  
12 ~~any action wherein the cause of action was based on a~~  
13 ~~construction contract~~ or has received an award in arbitration  
14 or the Construction Industry Licensing Board has issued a  
15 final order directing the licensee to pay restitution to the  
16 claimant. The board may waive this requirement if:

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

19 2. The claimant has sought to have assets involving  
20 the transaction that gave rise to the claim removed from the  
21 bankruptcy proceedings so that the matter might be heard in a  
22 court of competent jurisdiction in this state and, after due  
23 diligence, the claimant is precluded by action of the  
24 bankruptcy court from securing a final judgment against the  
25 licensee.

26 (b) The judgment, award, or restitution is based upon  
27 a violation of s. 489.129(1)(g), (j), or (k) or s. 713.35.7  
28 ~~where the~~

29 (c) The violation was committed by a licensee.  
30  
31

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

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

6           1.a. The claimant ~~Such person~~ has caused to be issued  
7 a writ of execution upon such judgment, and the officer  
8 executing the writ has made a return showing that no personal  
9 or real property of the judgment debtor or licensee liable to  
10 be levied upon in satisfaction of the judgment can be found or  
11 that the amount realized on the sale of the judgment debtor's  
12 or licensee's property pursuant to such execution was  
13 insufficient to satisfy the judgment; ~~or~~

14           2.b. If the claimant ~~such person~~ is unable to comply  
15 with subparagraph 1. ~~sub-subparagraph a.~~ for a valid reason to  
16 be determined by the board, the claimant ~~such person~~ has made  
17 all reasonable searches and inquiries to ascertain whether the  
18 judgment debtor or licensee is possessed of real or personal  
19 property or other assets subject to being sold or applied in  
20 satisfaction of the judgment and by his or her search has  
21 discovered no property or assets or has discovered property  
22 and assets and has taken all necessary action and proceedings  
23 for the application thereof to the judgment but the amount  
24 thereby realized was insufficient to satisfy the judgment; and  
25 ~~or~~

26           3.2. The claimant has made a diligent attempt, as  
27 defined by board rule, to collect the restitution awarded by  
28 the board.†

29           (f)(b) A claim for recovery is made within ~~2 years~~  
30 ~~from the time of the act giving rise to the claim or within 2~~  
31 ~~years from the time the act is discovered or should have been~~

1 ~~discovered with the exercise of due diligence; however, in no~~  
 2 ~~event may a claim for recovery be made more than 4 years after~~  
 3 ~~the date of the act giving rise to the claim or more than 1~~  
 4 ~~year after the conclusion of any civil, criminal, or~~  
 5 ~~administrative action or award in arbitration based on the~~  
 6 ~~act. This paragraph applies to any claim filed with the board~~  
 7 ~~after October 1, 1998., whichever is later;~~

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

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

14 (2) A claimant ~~person~~ is not qualified to make a claim  
 15 for recovery from the ~~Construction Industries~~ Recovery Fund,  
 16 if:

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

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

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

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

29 (e) The claimant ~~Such person~~ was associated in a  
 30 business relationship with the licensee other than the  
 31 contract at issue; ~~-~~



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

4           (g) The claimant has contracted with a licensee to  
5 perform a scope of work described in paragraphs  
6 489.105(3)(d)-(g).

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

9           Section 5. Section 489.142, Florida Statutes, is  
10 amended to read:

11           489.142 Board powers relating to recovery; conduct of  
12 hearings and service.--

13           (1) With respect to actions for recovery from the  
14 ~~Construction Industries~~ recovery fund, the board may  
15 intervene, enter an appearance, file an answer, defend the  
16 action, or take any action it deems appropriate and may take  
17 recourse through any appropriate method of review on behalf of  
18 the State of Florida. The board may delegate to the department  
19 by rule the authority to close any case when a claimant is not  
20 qualified to make a claim for recovery from the recovery fund  
21 under s. 489.141(2); when after notice the claimant has failed  
22 to provide documentation in support of the claim as required  
23 by the board; or when the licensee has reached the aggregate  
24 limit.

25           (2) Notwithstanding any other provision of law, the  
26 board shall cause a notice of hearing to be served 14 days in  
27 advance of the hearing on the claimant and on the licensee  
28 whose license is subject to suspension by s. 489.143. Each  
29 notice shall inform the recipient of any administrative  
30 hearing or judicial review that is available under s. 120.569,  
31 s. 120.57, or s. 120.68; shall indicate the procedure that

1 must be followed to obtain the hearing or judicial review; and  
2 shall state the time limits that apply. Service of the notice  
3 on the licensee shall be made in accordance with s. 455.275.  
4 Service of the notice on the claimant shall be by regular  
5 United State mail at the address provided on the claim. The  
6 service of notice in accordance with this section is complete  
7 upon expiration of 14 days after deposit in the United States  
8 mail. Proof of service of a notice shall be made by entry in  
9 the records of the department that the notice was given. The  
10 entry shall be admissible in judicial and administrative  
11 proceedings of this state and shall constitute sufficient  
12 proof that notice was given.

13 (3) Notwithstanding any other provision of law, board  
14 hearings on claims shall be conducted in accordance with ss.  
15 120.569 and 120.57(2). All claim hearings shall be conducted  
16 at the board's regular meeting at the place, date, and time  
17 published. Orders of the board denying or awarding funds to a  
18 claimant constitute final orders that may be appealed in  
19 accordance with s. 120.68. Orders awarding or denying claims  
20 shall be served in the same manner as notices of hearing in  
21 this section.

22 Section 6. Section 489.1425, Florida Statutes, is  
23 amended to read:

24 489.1425 Duty of contractor to notify residential  
25 property owner of recovery fund.--

26 (1) Any agreement or contract for repair, restoration,  
27 improvement, or construction to residential real property must  
28 contain a written statement explaining the consumer's rights  
29 under the ~~Construction Industries~~ recovery fund, except where  
30 the value of all labor and materials does not exceed \$2,500.  
31

1 The written statement must be substantially in the following  
2 form:

3  
4 FLORIDA HOMEOWNERS' CONSTRUCTION  
5 ~~INDUSTRIES~~ RECOVERY FUND  
6

7 PAYMENT MAY BE AVAILABLE FROM THE FLORIDA  
8 HOMEOWNERS' CONSTRUCTION ~~INDUSTRIES~~ RECOVERY  
9 FUND IF YOU LOSE MONEY ON A PROJECT PERFORMED  
10 UNDER CONTRACT, WHERE THE LOSS RESULTS FROM  
11 SPECIFIED VIOLATIONS OF FLORIDA LAW BY A  
12 LICENSED STATE LICENSED CONTRACTOR. FOR  
13 INFORMATION ABOUT THE RECOVERY FUND AND FILING  
14 A CLAIM, CONTACT THE FLORIDA CONSTRUCTION  
15 INDUSTRY LICENSING BOARD AT THE FOLLOWING  
16 TELEPHONE NUMBER AND ADDRESS:  
17

18 The statement shall be immediately followed by the board's  
19 address and telephone number as established by board rule.

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

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

28 Section 7. Section 489.143, Florida Statutes, is  
29 amended to read:

30 489.143 Payment from the fund.--  
31

1           (1) The fund shall be disbursed as provided in s.  
 2 489.141 on a final order of the board.

3           ~~(2)(1)~~ Any claimant ~~person~~ who meets all of the  
 4 conditions prescribed in s. 489.141 ~~s. 489.141(1)~~ may apply to  
 5 the board to cause payment to be made to a claimant ~~such~~  
 6 ~~person~~ from the ~~Construction Industries~~ recovery fund in an  
 7 amount equal to the judgment, award, or restitution order,  
 8 ~~exclusive of postjudgment interest, against the licensee or~~  
 9 \$25,000, whichever is less, or an amount equal to the  
 10 unsatisfied portion of such person's judgment, award, or  
 11 restitution order, ~~exclusive of postjudgment interest, or~~  
 12 ~~\$25,000, whichever is less,~~ but only to the extent and amount  
 13 of actual damages suffered by the claimant reflected in the  
 14 judgment or restitution order as being actual or compensatory  
 15 damages. Payment from the fund for other costs related to or  
 16 pursuant to civil proceedings such as postjudgment interest,  
 17 attorney's fees, court costs, medical damages, and punitive  
 18 damages is prohibited. The recovery fund is not obligated to  
 19 pay any judgment, award, or restitution order, or any portion  
 20 thereof, which is not expressly based on one of the grounds  
 21 for recovery set forth in s. 489.141 ~~s. 489.140(1)~~. Beginning  
 22 January 1, 2005, for each contract entered after July 1, 2004,  
 23 payment from the recovery fund shall be subject to a \$50,000  
 24 maximum payment.

25           ~~(3)(2)~~ Upon receipt by a claimant under subsection ~~(2)~~  
 26 ~~(1)~~ of payment from the ~~Construction Industries~~ recovery fund,  
 27 the claimant shall assign his or her additional right, title,  
 28 and interest in the judgment, award, or restitution order, to  
 29 the extent of such payment, to the board, and thereupon the  
 30 board shall be subrogated to the right, title, and interest of  
 31 the claimant; and any amount subsequently recovered on the

1 judgment, award, or restitution order ~~by the board~~, to the  
2 extent of the right, title, and interest of the board therein,  
3 shall be for the purpose of reimbursing the ~~Construction~~  
4 ~~Industries~~ recovery fund.

5 ~~(4)(3)~~ Payments for claims arising out of the same  
6 transaction shall be limited, in the aggregate, to the lesser  
7 of the judgment, award, or restitution order or the maximum  
8 payment allowed \$25,000, regardless of the number of claimants  
9 involved in the transaction.

10 ~~(5)(4)~~ Payments for claims against any one licensee  
11 shall not exceed, in the aggregate, \$100,000 annually, up to a  
12 total aggregate of \$250,000. ~~Beginning January 1, 1998~~, For  
13 any claim approved by the board which is in excess of the  
14 annual cap, the amount in excess of \$100,000 up to the total  
15 aggregate cap of \$250,000 is eligible for payment in the next  
16 and succeeding fiscal years, but only after all claims for the  
17 then-current calendar year have been paid. Payments may not  
18 exceed the aggregate annual or per claimant limits under law.  
19 Beginning January 1, 2005, for each contract entered into  
20 after July 1, 2004, payment from the recovery fund is subject  
21 only to a total aggregate cap of \$500,000.

22 ~~(6)(5)~~ Claims shall be paid in the order filed, up to  
23 the aggregate limits for each transaction and licensee and to  
24 the limits of the amount appropriated to pay claims against  
25 the fund for the fiscal year in which the claims were filed.

26 ~~(7)(6)~~ If the annual appropriation is exhausted with  
27 claims pending, such claims shall be carried forward to the  
28 next fiscal year. Any moneys in excess of pending claims  
29 remaining in the ~~Construction Industries~~ recovery fund at the  
30 end of the fiscal year shall be paid as provided in s.

31 468.631.

1           ~~(8)(7)~~ Upon the payment of any amount from the  
 2 ~~Construction Industries~~ recovery fund in settlement of a claim  
 3 in satisfaction of a judgment, award, or restitution order  
 4 against a licensee as described in s. 489.141 ~~s. 489.141(1)~~,  
 5 the license of such licensee shall be automatically suspended,  
 6 without further administrative action, upon the date of  
 7 payment from the fund. The license of such licensee shall not  
 8 be reinstated until he or she has repaid in full, plus  
 9 interest, the amount paid from the fund. A discharge of  
 10 bankruptcy does not relieve a person from the penalties and  
 11 disabilities provided in this section.

12           (9) Any firm, corporation, partnership, or  
 13 association, or any person acting in his or her individual  
 14 capacity, who aids, abets, solicits, or conspires with any  
 15 person to knowingly present or cause to be presented any false  
 16 or fraudulent claim for the payment of a loss under this act  
 17 is guilty of a third-degree felony, punishable as provided in  
 18 s. 775.082 or s. 775.084 and by a fine not exceeding \$30,000,  
 19 unless the value of the fraud exceed \$30,000 in which event  
 20 the fine may not exceed double the value of the fraud.

21           (10) All payments and disbursements from the recovery  
 22 fund shall be made by the Chief Financial Officer upon a  
 23 voucher signed by the secretary of the department or the  
 24 secretary's designee.

25           Section 8. Section 489.144, Florida Statutes, is  
 26 amended to read:

27           489.144 Investment of the fund.--The funds in the  
 28 ~~Construction Industries~~ recovery fund may be invested by the  
 29 Chief Financial Officer under the same limitations as apply to  
 30 the investment of other state funds, and the interest earned  
 31 thereon shall be deposited to the credit of the ~~Construction~~

1 ~~Industries~~ recovery fund and shall be available for the same  
2 purposes as other moneys deposited in the ~~Construction~~  
3 ~~Industries~~ recovery fund.

4 Section 9. Paragraph (c) of subsection (4) of section  
5 489.13, Florida Statutes, is amended to read:

6 489.13 Unlicensed contracting; notice of  
7 noncompliance; fine; authority to issue or receive a building  
8 permit; web page.--

9 (4)

10 (c) The balance of any fines collected under this  
11 section shall be used to maintain the department's unlicensed  
12 contractor website page, as specified in subsection (6), and  
13 to fund the Florida Homeowners' Construction ~~Industries~~  
14 Recovery Fund. Nothing in this paragraph shall be construed to  
15 permit recovery from the Construction Industries Recovery Fund  
16 if the contractor is unlicensed.

17 Section 10. Paragraph (e) of subsection (3) of section  
18 489.131, Florida Statutes, is amended to read:

19 489.131 Applicability.--

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

22 (e) To require one bond for each contractor in an  
23 amount not to exceed \$5,000, which bond shall be conditioned  
24 only upon compliance with the Florida Building Code adopted  
25 pursuant to s. 553.73. Any such bond must be equally  
26 available to all contractors without regard to the period of  
27 time a contractor has been certified or registered and without  
28 regard to any financial responsibility requirements. Any such  
29 bonds shall be payable to the Florida Homeowners' Construction  
30 ~~Industry~~ Recovery Fund and filed in each county or  
31 municipality in which a building permit is requested. Bond

1 reciprocity shall be granted statewide. All such bonds shall  
2 be included in meeting any financial responsibility  
3 requirements imposed by any statute or rule. Any contractor  
4 who provides a third party insured warranty policy in  
5 connection with a new building or structure for the benefit of  
6 the purchaser or owner shall be exempt from the bond  
7 requirements under this subsection with respect to such  
8 building or structure.

9 Section 11. Section 468.631, Florida Statutes, is  
10 amended to read:

11 468.631 Building Code Administrators and Inspectors  
12 Fund.--

13 (1) ~~The provisions of~~ This part shall be funded  
14 through a surcharge, to be assessed pursuant to s. 125.56(4)  
15 or s. 166.201 at the rate of one-half cent per square foot of  
16 under-roof floor space permitted, including new construction,  
17 renovations, alterations, and additions. The unit of  
18 government responsible for collecting permit fees pursuant to  
19 s. 125.56(4) or s. 166.201 shall collect such surcharge and  
20 shall remit the funds to the department on a quarterly  
21 calendar basis beginning not later than December 31, 1993, for  
22 the preceding quarter, and continuing each third month  
23 thereafter; and such unit of government may retain an amount  
24 up to 10 percent of the surcharge collected to fund projects  
25 and activities intended to improve the quality of building  
26 code enforcement. There is created within the Professional  
27 Regulation Trust Fund a separate account to be known as the  
28 Building Code Administrators and Inspectors Fund, which shall  
29 deposit and disburse funds as necessary for the implementation  
30 of this part. The department shall annually establish the  
31 amount needed to fund the certification and regulation of



1 building code administrators, plans examiners, and building  
2 code inspectors. Any funds collected in excess of the amount  
3 needed to adequately fund the certification and regulation of  
4 building code administrators, plans examiners, and building  
5 code inspectors shall be deposited into the Florida  
6 Homeowners' Construction ~~Industries~~ Recovery Fund established  
7 by s. 489.140. If the Florida Homeowners' Construction  
8 ~~Industries~~ Recovery Fund is fully funded as provided by s.  
9 489.140, any remaining funds shall be distributed to the  
10 Construction Industry Licensing Board for use in the  
11 regulation of certified and registered contractors.

12 (2) The unit of government responsible for collecting  
13 permit fees under this section shall report to the department  
14 quarterly the number of permits issued for under-roof floor  
15 space during the quarter, the total square footage for the  
16 number of permits issued for under-roof floor space during the  
17 quarter, and the calculation of the amount of funds being  
18 remitted to the department. The report shall be attested to by  
19 the officer in charge of collecting permit fees.

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