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CHAMBER ACTION

Senate

House

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Floor: 3/RS/3R
4/30/2008 3:55 PM



Senator Bennett moved the following amendment:

Senate Amendment (with directory and title amendments)

Between lines 861 and 862,

insert:

(7) 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 investment earnings related to the fees, may not exceed the total estimated annual costs of allowable activities. Any unexpended balances shall be carried forward to future years for allowable activities or shall be refunded at the discretion of the local government.



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18 The basis for a fee structure for allowable activities shall  
19 relate to the level of service provided by the local government  
20 and shall include the waiver of allowable scheduled fees for  
21 services as prescribed by s. 553.791. Fees charged shall be  
22 consistently applied.

23 (a) As used in this subsection, the phrase "enforcing the  
24 Florida Building Code" includes the direct costs and reasonable  
25 indirect costs associated with review of building plans, building  
26 inspections, reinspections, and building permit processing;  
27 building code enforcement; and fire inspections associated with  
28 new construction. The phrase may also include training costs  
29 associated with the enforcement of the Florida Building Code and  
30 enforcement action pertaining to unlicensed contractor activity  
31 to the extent not funded by other user fees.

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

34 1. Planning and zoning or other general government  
35 activities.

36 2. Inspections of public buildings for a reduced fee or no  
37 fee.

38 3. Public information requests, community functions,  
39 boards, and any program not directly related to enforcement of  
40 the Florida Building Code.

41 4. Enforcement and implementation of any other local  
42 ordinance, excluding validly adopted local amendments to the  
43 Florida Building Code and excluding any local ordinance directly  
44 related to enforcing the Florida Building Code as defined in  
45 paragraph (a).

46 (c) A local government shall use recognized management,  
47 accounting, and oversight practices to ensure that fees, fines,



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48 | and investment earnings generated under this subsection are  
49 | maintained and allocated or used solely for the purposes  
50 | described in paragraph (a).

51 |  
52 | ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

53 | And the directory clause is amended as follows:

54 |       Delete line 835

55 | and insert:

56 | section 553.80, Florida Statutes, and subsection (7) of that  
57 | section is amended, to read:

58 |  
59 | ===== T I T L E A M E N D M E N T =====

60 | And the title is amended as follows:

61 |       On line 69, after the first semicolon,  
62 | insert:

63 |       requiring that the basis for a fee structure for  
64 |       allowable activities include the waiver of allowable  
65 |       scheduled fees for certain services;