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CHAMBER ACTION

Senate

House

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Floor: 4/AD/3R
4/30/2008 3:54 PM

Senators Bennett and Constantine moved the following substitute
for amendment (127346):

Senate Amendment (with directory and title amendments)

Between line(s) 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



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18 or shall be refunded at the discretion of the local government.  
19 The basis for a fee structure for allowable activities shall  
20 relate to the level of service provided by the local government  
21 and shall include consideration for refunding fees due to reduced  
22 services based on services provided as prescribed by s. 553.791,  
23 but not provided by the local government. Fees charged shall be  
24 consistently applied.

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

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

36 1. Planning and zoning or other general government  
37 activities.

38 2. Inspections of public buildings for a reduced fee or no  
39 fee.

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

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



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48 (c) A local government shall use recognized management,  
 49 accounting, and oversight practices to ensure that fees, fines,  
 50 and investment earnings generated under this subsection are  
 51 maintained and allocated or used solely for the purposes  
 52 described in paragraph (a).

53  
 54 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

55 And the directory clause is amended as follows:

56 Delete line 835

57 and insert:

58 section 553.80, Florida Statutes, and subsection (7) of that  
 59 section is amended, to read:

60  
 61 ===== T I T L E A M E N D M E N T =====

62 And the title is amended as follows:

63 On line 69, after the first semicolon,

64 insert:

65 requiring that the basis for a fee structure for allowable  
 66 activities include consideration for refunding fees due to  
 67 reduced services based on certain services;