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CHAMBER ACTION

Senate

House

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Floor: WD/3R
4/30/2008 9:52 AM

Senator Bennett moved the following amendment:

Senate Amendment (with directory and title amendments)

Between lines 593 and 594,

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 lines 565 and 566

55 | and insert:

56 | Section 13. Paragraph (a) of subsection (1) and subsection
 57 | (7) of section 553.80, Florida Statutes, are 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 53, after the first semicolon,

62 | insert:

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