

1 A bill to be entitled

2 An act relating to the Department of Business and
3 Professional Regulation; amending s. 489.140, F.S.;
4 clarifying funding requirements for the Florida
5 Homeowners' Construction Recovery Fund; amending s.
6 468.631, F.S.; authorizing the department to transfer
7 certain funds from the Professional Regulation Trust
8 Fund to the Florida Homeowners' Construction Recovery
9 Fund; providing an effective date.

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

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13 Section 1. Section 489.140, Florida Statutes, is amended
14 to read:

15 489.140 Florida Homeowners' Construction Recovery Fund.—
16 There is created the Florida Homeowners' Construction Recovery
17 Fund as a separate account in the Professional Regulation Trust
18 Fund. The recovery fund shall be funded ~~out of the receipts~~
19 ~~deposited in the Professional Regulation Trust Fund from the~~
20 ~~one-half cent per square foot surcharge on building permits~~
21 ~~collected and disbursed~~ pursuant to s. 468.631.

22 Section 2. Subsection (1) of section 468.631, Florida
23 Statutes, is amended to read:

24 468.631 Building Code Administrators and Inspectors Fund.—

25 (1) This part shall be funded through a surcharge, to be
26 assessed pursuant to s. 125.56(4) or s. 166.201 at the rate of
27 1.5 percent of all permit fees associated with enforcement of
28 the Florida Building Code as defined by the uniform account

29 criteria and specifically the uniform account code for building
30 permits adopted for local government financial reporting
31 pursuant to s. 218.32. The minimum amount collected on any
32 permit issued shall be \$2. The unit of government responsible
33 for collecting permit fees pursuant to s. 125.56 or s. 166.201
34 shall collect such surcharge and shall remit the funds to the
35 department on a quarterly calendar basis beginning not later
36 than December 31, 2010, for the preceding quarter, and
37 continuing each third month thereafter; and such unit of
38 government shall retain 10 percent of the surcharge collected to
39 fund the participation of building departments in the national
40 and state building code adoption processes and to provide
41 education related to enforcement of the Florida Building Code.
42 There is created within the Professional Regulation Trust Fund a
43 separate account to be known as the Building Code Administrators
44 and Inspectors Fund, which shall deposit and disburse funds as
45 necessary for the implementation of this part. The proceeds from
46 this surcharge shall be allocated equally to fund the Florida
47 Homeowners' Construction Recovery Fund established by s. 489.140
48 and the functions of the Building Code Administrators and
49 Inspectors Board. The department may transfer excess cash to the
50 Florida Homeowners' Construction Recovery Fund that it
51 determines is not required to fund the board from the board's
52 account within the Professional Regulation Trust Fund. However,
53 the department may not transfer excess cash that would exceed
54 the amount appropriated in the General Appropriations Act, and
55 any amount approved by the Legislative Budget Commission
56 pursuant to s. 216.181, to be used for the payment of claims

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57 | from the Florida Homeowners' Construction Recovery Fund.

58 | Section 3. This act shall take effect October 1, 2013.