

By the Committee on Regulated Industries; and Senator Hays

580-02404-13

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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 Florida Building Code
8 Administrators and Inspectors Board to the Florida
9 Homeowners' Construction Recovery Fund; providing an
10 effective date.

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

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

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

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

25 468.631 Building Code Administrators and Inspectors Fund.—

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

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

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59 s. 216.181.

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