



896072

LEGISLATIVE ACTION

| Senate     | . | House |
|------------|---|-------|
| Comm: RCS  | . |       |
| 02/05/2018 | . |       |
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Appropriations Subcommittee on Finance and Tax (Perry)  
recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Paragraph (c) is added to subsection (4) of  
section 125.56, Florida Statutes, to read:

125.56 Enforcement and amendment of the Florida Building  
Code and the Florida Fire Prevention Code; inspection fees;  
inspectors; etc.—

(4)



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11           (c) The governing body of a county authorized under this  
12 section or s. 553.80 to issue fees shall post its permit and  
13 inspection fee schedules and its building permit and inspection  
14 utilization report required under s. 553.80(7) on its website.

15           Section 2. Section 166.222, Florida Statutes, is amended to  
16 read:

17           166.222 Building code inspection fees.—

18           (1) The governing body of a municipality may provide a  
19 schedule of reasonable inspection fees in order to defer the  
20 costs of inspection and enforcement of the provisions of its  
21 building code.

22           (2) The governing body of a municipality authorized under  
23 s. 553.80 to issue fees shall post its permit and inspection fee  
24 schedules and its building permit and inspection utilization  
25 report required under s. 553.80(7) on its website.

26           Section 3. Subsection (7) of section 553.80, Florida  
27 Statutes, is amended to read:

28           553.80 Enforcement.—

29           (7)(a) The governing bodies of local governments may  
30 provide a schedule of reasonable fees, as authorized by s.  
31 125.56(2) or s. 166.222 and this section, for enforcing this  
32 part. These fees, and any fines or investment earnings related  
33 to the fees, shall be used solely for carrying out the local  
34 government's responsibilities in enforcing the Florida Building  
35 Code. When providing a schedule of reasonable fees, the total  
36 estimated annual revenue derived from fees, and the fines and  
37 investment earnings related to the fees, may not exceed the  
38 total estimated annual costs of allowable activities. Any  
39 unexpended balances shall be carried forward to future years for



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40 allowable activities or shall be refunded at the discretion of  
41 the local government. The basis for a fee structure for  
42 allowable activities shall relate to the level of service  
43 provided by the local government and shall include consideration  
44 for refunding fees due to reduced services based on services  
45 provided as prescribed by s. 553.791, but not provided by the  
46 local government. Fees charged shall be consistently applied.

47 ~~1.(a)~~ As used in this subsection, the phrase "enforcing the  
48 Florida Building Code" includes the direct costs and reasonable  
49 indirect costs associated with review of building plans,  
50 building inspections, reinspections, and building permit  
51 processing; building code enforcement; and fire inspections  
52 associated with new construction. The phrase may also include  
53 training costs associated with the enforcement of the Florida  
54 Building Code and enforcement action pertaining to unlicensed  
55 contractor activity to the extent not funded by other user fees.

56 ~~2.(b)~~ The following activities may not be funded with fees  
57 adopted for enforcing the Florida Building Code:

58 ~~a.1.~~ Planning and zoning or other general government  
59 activities.

60 ~~b.2.~~ Inspections of public buildings for a reduced fee or  
61 no fee.

62 ~~c.3.~~ Public information requests, community functions,  
63 boards, and any program not directly related to enforcement of  
64 the Florida Building Code.

65 ~~d.4.~~ Enforcement and implementation of any other local  
66 ordinance, excluding validly adopted local amendments to the  
67 Florida Building Code and excluding any local ordinance directly  
68 related to enforcing the Florida Building Code as defined in



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69 subparagraph 1 paragraph (a).

70 3.(e) A local government shall use recognized management,  
71 accounting, and oversight practices to ensure that fees, fines,  
72 and investment earnings generated under this subsection are  
73 maintained and allocated or used solely for the purposes  
74 described in subparagraph 1 paragraph (a).

75 4.(d) The local enforcement agency, independent district,  
76 or special district may not require at any time, including at  
77 the time of application for a permit, the payment of any  
78 additional fees, charges, or expenses associated with:

79 a.1. Providing proof of licensure pursuant to chapter 489;

80 b.2. Recording or filing a license issued pursuant to this  
81 chapter; or

82 c.3. Providing, recording, or filing evidence of workers'  
83 compensation insurance coverage as required by chapter 440.

84 (b) By December 31, 2019, the governing body of a local  
85 government that provides a schedule of fees shall post its  
86 building permit and inspection utilization report on its  
87 website. The report shall be based on the information available  
88 in the most recently completed financial audit. After December  
89 31, 2019, the governing body of a local government that provides  
90 a schedule of fees shall update its building permit and  
91 inspection utilization report on its website prior to making any  
92 adjustments to the fee schedule. The report shall include:

93 1. Direct and indirect costs incurred by the local  
94 government to enforce the Florida Building Code, including costs  
95 related to:

96 a. The review of building plans.

97 b. Building inspections.



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98 c. Building reinspections.

99 d. Building permit processing.

100 e. Building code enforcement.

101 2. Number of building permits requested.

102 3. Number of building permits issued.

103 4. Number of building inspections and reinspections  
104 conducted.

105 5. Number of personnel employed by the local government to  
106 enforce the Florida Building Code, issue building permits, and  
107 conduct inspections.

108 6. Salary and related employee benefit costs incurred by  
109 the local government to enforce the Florida Building Code, issue  
110 building permits, and conduct inspections.

111 7. Revenue derived from fees pursuant to paragraph (a).

112 8. Revenue derived from fines pursuant to paragraph (a).

113 9. When applicable, investment earnings derived from the  
114 local government's investment of revenue derived from fees and  
115 fines pursuant to paragraph (a).

116 10. Balances carried forward by the local government  
117 pursuant to paragraph (a).

118 11. Balances refunded by the local government pursuant to  
119 paragraph (a).

120 Section 4. This act shall take effect July 1, 2018.

121  
122 ===== T I T L E A M E N D M E N T =====

123 And the title is amended as follows:

124 Delete everything before the enacting clause  
125 and insert:

126 A bill to be entitled



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127 An act relating to permit fees; amending ss. 125.56  
128 and 166.222, F.S.; requiring the governing bodies of  
129 counties and municipalities to post their permit and  
130 inspection fee schedules and building permit and  
131 inspection utilization reports on their websites;  
132 amending s. 553.80, F.S.; requiring certain governing  
133 bodies of local governments to post their building  
134 permit and inspection utilization reports on their  
135 websites by a specified date; providing reporting  
136 requirements; providing an effective date.