

By Senator Gruters

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1 A bill to be entitled
2 An act relating to the Florida Building Code; amending
3 s. 553.80, F.S.; prohibiting local governments from
4 carrying forward balances resulting from its
5 enforcement of the Florida Building Code which exceed
6 a specified amount; requiring local governments to use
7 any excess funds for specified purposes; providing an
8 effective date.

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

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12 Section 1. Subsection (7) of section 553.80, Florida
13 Statutes, is amended to read:

14 553.80 Enforcement.—

15 (7) The governing bodies of local governments may provide a
16 schedule of reasonable fees, as authorized by s. 125.56(2) or s.
17 166.222 and this section, for enforcing this part. These fees,
18 and any fines or investment earnings related to the fees, shall
19 be used solely for carrying out the local government's
20 responsibilities in enforcing the Florida Building Code. When
21 providing a schedule of reasonable fees, the total estimated
22 annual revenue derived from fees, and the fines and investment
23 earnings related to the fees, may not exceed the total estimated
24 annual costs of allowable activities. Any unexpended balances
25 shall be carried forward to future years for allowable
26 activities or shall be refunded at the discretion of the local
27 government. A local government may not carry forward an amount
28 exceeding the average of its operating budget, not including
29 reserve amounts, for enforcing the Florida Building Code for the

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30 previous 2 fiscal years. Any amount exceeding this limit must be
31 used as authorized in subparagraph (a)2. The basis for a fee
32 structure for allowable activities shall relate to the level of
33 service provided by the local government and shall include
34 consideration for refunding fees due to reduced services based
35 on services provided as prescribed by s. 553.791, but not
36 provided by the local government. Fees charged shall be
37 consistently applied.

38 (a)1. As used in this subsection, the phrase "enforcing the
39 Florida Building Code" includes the direct costs and reasonable
40 indirect costs associated with review of building plans,
41 building inspections, reinspections, and building permit
42 processing; building code enforcement; and fire inspections
43 associated with new construction. The phrase may also include
44 training costs associated with the enforcement of the Florida
45 Building Code and enforcement action pertaining to unlicensed
46 contractor activity to the extent not funded by other user fees.

47 2. A local government must use any excess funds it is
48 prohibited from carrying forward to increase services, reduce
49 fees, or provide funding to entities designated as not for
50 profit under s. 501(c)(3) of the Internal Revenue Code whose
51 primary purpose is to expand training opportunities for the
52 construction industry, as defined in s. 440.02(8).

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

55 1. Planning and zoning or other general government
56 activities.

57 2. Inspections of public buildings for a reduced fee or no
58 fee.

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59 3. Public information requests, community functions,
60 boards, and any program not directly related to enforcement of
61 the Florida Building Code.

62 4. Enforcement and implementation of any other local
63 ordinance, excluding validly adopted local amendments to the
64 Florida Building Code and excluding any local ordinance directly
65 related to enforcing the Florida Building Code as defined in
66 paragraph (a).

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

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

76 1. Providing proof of licensure pursuant to chapter 489;

77 2. Recording or filing a license issued pursuant to this
78 chapter; or

79 3. Providing, recording, or filing evidence of workers'
80 compensation insurance coverage as required by chapter 440.

81 Section 2. This act shall take effect July 1, 2019.