

By the Committee on Community Affairs; and Senator Gruters

578-04063-19

20191036c1

1                   A bill to be entitled  
2       An act relating to Florida Building Code enforcement;  
3       amending s. 553.80, F.S.; prohibiting a local  
4       government from carrying forward more than a specified  
5       amount of unexpended revenue; defining the term  
6       "operating budget"; providing an exception; revising  
7       requirements for the expenditure of certain unexpended  
8       revenue; expanding the list of activities that are  
9       prohibited from being funded by fees adopted for  
10      enforcing the Florida Building Code; providing an  
11      effective date.

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

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

17       553.80 Enforcement.—

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

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30 government. A local government may not carry forward an amount  
31 exceeding the average of its operating budget for enforcing the  
32 Florida Building Code for the previous 4 fiscal years. For  
33 purposes of this subsection, the term "operating budget" does  
34 not include reserve amounts. Any amount exceeding this limit  
35 must be used as authorized in subparagraph (a)2. However, a  
36 local government which established, as of January 1, 2019, a  
37 Building Inspections Fund Advisory Board consisting of five  
38 members from the construction stakeholder community and carries  
39 an unexpended balance in excess of the average of its operating  
40 budget for the previous 4 fiscal years may continue to carry  
41 such excess funds forward upon the recommendation of the  
42 advisory board. The basis for a fee structure for allowable  
43 activities shall relate to the level of service provided by the  
44 local government and shall include consideration for refunding  
45 fees due to reduced services based on services provided as  
46 prescribed by s. 553.791, but not provided by the local  
47 government. Fees charged shall be consistently applied.

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

57 2. A local government must use any excess funds that it is  
58 prohibited from carrying forward to rebate and reduce fees.

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

61 1. Planning and zoning or other general government  
62 activities.

63 2. Inspections of public buildings for a reduced fee or no  
64 fee.

65 3. Public information requests, community functions,  
66 boards, and any program not directly related to enforcement of  
67 the Florida Building Code.

68 4. Enforcement and implementation of any other local  
69 ordinance, excluding validly adopted local amendments to the  
70 Florida Building Code and excluding any local ordinance directly  
71 related to enforcing the Florida Building Code as defined in  
72 paragraph (a).

73 5. Charging surcharges or other similar fees not directly  
74 related to enforcing the Florida Building Code.

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

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

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

85 2. Recording or filing a license issued pursuant to this  
86 chapter; or

87 3. Providing, recording, or filing evidence of workers'

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88 compensation insurance coverage as required by chapter 440.

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