

ENROLLED

CS/HB 127, Engrossed 1

2019 Legislature

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An act relating to permit fees; amending ss. 125.56 and 166.222, F.S.; requiring the governing bodies of counties and municipalities to post their permit and inspection fee schedules and building permit and inspection utilization reports on their websites; amending s. 553.80, F.S.; requiring the governing bodies of local governments to create building permit and inspection utilization reports and post the reports on their websites by a specified date; providing requirements for such governing bodies; providing reporting requirements; providing an effective date.

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

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)

(c) The governing body of a county authorized under this section or s. 553.80 to issue fees shall post its permit and inspection fee schedules and its building permit and inspection

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26 | utilization report required under s. 553.80(7) on its website.

27 | Section 2. Section 166.222, Florida Statutes, is amended
28 | to read:

29 | 166.222 Building code inspection fees.—

30 | (1) The governing body of a municipality may provide a
31 | schedule of reasonable inspection fees in order to defer the
32 | costs of inspection and enforcement of the provisions of its
33 | building code.

34 | (2) The governing body of a municipality authorized under
35 | s. 553.80 to issue fees shall post its permit and inspection fee
36 | schedules and its building permit and inspection utilization
37 | report required under s. 553.80(7) on its website.

38 | Section 3. Subsection (7) of section 553.80, Florida
39 | Statutes, is amended to read:

40 | 553.80 Enforcement.—

41 | (7)(a) The governing bodies of local governments may
42 | provide a schedule of reasonable fees, as authorized by s.
43 | 125.56(2) or s. 166.222 and this section, for enforcing this
44 | part. These fees, and any fines or investment earnings related
45 | to the fees, shall be used solely for carrying out the local
46 | government's responsibilities in enforcing the Florida Building
47 | Code. When providing a schedule of reasonable fees, the total
48 | estimated annual revenue derived from fees, and the fines and
49 | investment earnings related to the fees, may not exceed the
50 | total estimated annual costs of allowable activities. Any

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51 unexpended balances shall be carried forward to future years for
52 allowable activities or shall be refunded at the discretion of
53 the local government. The basis for a fee structure for
54 allowable activities shall relate to the level of service
55 provided by the local government and shall include consideration
56 for refunding fees due to reduced services based on services
57 provided as prescribed by s. 553.791, but not provided by the
58 local government. Fees charged shall be consistently applied.

59 1.~~(a)~~ As used in this subsection, the phrase "enforcing
60 the Florida Building Code" includes the direct costs and
61 reasonable indirect costs associated with review of building
62 plans, building inspections, reinspections, and building permit
63 processing; building code enforcement; and fire inspections
64 associated with new construction. The phrase may also include
65 training costs associated with the enforcement of the Florida
66 Building Code and enforcement action pertaining to unlicensed
67 contractor activity to the extent not funded by other user fees.

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

70 a.1. Planning and zoning or other general government
71 activities.

72 b.2. Inspections of public buildings for a reduced fee or
73 no fee.

74 c.3. Public information requests, community functions,
75 boards, and any program not directly related to enforcement of

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76 | the Florida Building Code.

77 | ~~d.4.~~ Enforcement and implementation of any other local
 78 | ordinance, excluding validly adopted local amendments to the
 79 | Florida Building Code and excluding any local ordinance directly
 80 | related to enforcing the Florida Building Code as defined in
 81 | subparagraph 1 ~~paragraph (a)~~.

82 | ~~3.(e)~~ A local government shall use recognized management,
 83 | accounting, and oversight practices to ensure that fees, fines,
 84 | and investment earnings generated under this subsection are
 85 | maintained and allocated or used solely for the purposes
 86 | described in subparagraph 1 ~~paragraph (a)~~.

87 | ~~4.(d)~~ The local enforcement agency, independent district,
 88 | or special district may not require at any time, including at
 89 | the time of application for a permit, the payment of any
 90 | additional fees, charges, or expenses associated with:

91 | ~~a.1.~~ Providing proof of licensure pursuant to chapter 489;

92 | ~~b.2.~~ Recording or filing a license issued pursuant to this
 93 | chapter; or

94 | ~~c.3.~~ Providing, recording, or filing evidence of workers'
 95 | compensation insurance coverage as required by chapter 440.

96 | (b) By December 31, 2020, the governing body of a local
 97 | government that provides a schedule of fees shall create a
 98 | building permit and inspection utilization report and post the
 99 | report on its website. The information in the report shall be
 100 | derived from relevant information available in the most recently

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101 completed financial audit. After December 31, 2020, the
 102 governing body of a local government that provides a schedule of
 103 fees shall update its building permit and inspection utilization
 104 report before making any adjustments to the fee schedule. The
 105 report shall include:

106 1. Direct and indirect costs incurred by the local
 107 government to enforce the Florida Building Code, including costs
 108 related to:

109 a. Personnel services costs, including salary and related
 110 employee benefit costs incurred by the local government to
 111 enforce the Florida Building Code.

112 b. Operating expenditures and expenses.

113 2. Permit and inspection utilization information,
 114 including:

115 a. Number of building permit applications submitted.

116 b. Number of building permits issued or approved.

117 c. Number of building inspections and reinspections
 118 requested.

119 d. Number of building inspections and reinspections
 120 conducted.

121 e. Number of building inspections conducted by a private
 122 provider.

123 f. Number of audits conducted by the local government of
 124 private provider building inspections.

125 g. Number of personnel dedicated by the local government

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126 | to enforce the Florida Building Code, issue building permits,
 127 | and conduct inspections.
 128 | h. Other permissible activities for enforcing the Florida
 129 | Building Code as described in subparagraph (a)1.
 130 | 3. Revenue information, including:
 131 | a. Revenue derived from fees pursuant to paragraph (a).
 132 | b. Revenue derived from fines pursuant to paragraph (a).
 133 | c. When applicable, investment earnings from the local
 134 | government's investment of revenue derived from fees and fines
 135 | pursuant to paragraph (a).
 136 | d. Balances carried forward by the local government
 137 | pursuant to paragraph (a).
 138 | e. Balances refunded by the local government pursuant to
 139 | paragraph (a).
 140 | f. Revenue derived from other sources, including local
 141 | government general revenue.
 142 | Section 4. This act shall take effect July 1, 2019.