

By Senator Perry

8-00470-19

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1                   A bill to be entitled  
2           An act relating to permit fees; amending ss. 125.56  
3           and 166.222, F.S.; requiring the governing bodies of  
4           counties and municipalities to post their permit and  
5           inspection fee schedules and building permit and  
6           inspection utilization reports on their websites;  
7           amending s. 553.80, F.S.; requiring certain governing  
8           bodies of local governments to post their building  
9           permit and inspection utilization reports on their  
10          websites by a specified date; providing reporting  
11          requirements; providing an effective date.

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

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

17           125.56 Enforcement and amendment of the Florida Building  
18           Code and the Florida Fire Prevention Code; inspection fees;  
19           inspectors; etc.—

20           (4)

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

25           Section 2. Section 166.222, Florida Statutes, is amended to  
26           read:

27           166.222 Building code inspection fees.—

28           (1) The governing body of a municipality may provide a  
29           schedule of reasonable inspection fees in order to defer the

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30 costs of inspection and enforcement of the provisions of its  
31 building code.

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

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

38 553.80 Enforcement.—

39 (7) (a) The governing bodies of local governments may  
40 provide a schedule of reasonable fees, as authorized by s.  
41 125.56(2) or s. 166.222 and this section, for enforcing this  
42 part. These fees, and any fines or investment earnings related  
43 to the fees, shall be used solely for carrying out the local  
44 government's responsibilities in enforcing the Florida Building  
45 Code. When providing a schedule of reasonable fees, the total  
46 estimated annual revenue derived from fees, and the fines and  
47 investment earnings related to the fees, may not exceed the  
48 total estimated annual costs of allowable activities. Any  
49 unexpended balances shall be carried forward to future years for  
50 allowable activities or shall be refunded at the discretion of  
51 the local government. The basis for a fee structure for  
52 allowable activities shall relate to the level of service  
53 provided by the local government and shall include consideration  
54 for refunding fees due to reduced services based on services  
55 provided as prescribed by s. 553.791, but not provided by the  
56 local government. Fees charged shall be consistently applied.

57 1.-(a) As used in this subsection, the phrase "enforcing the  
58 Florida Building Code" includes the direct costs and reasonable

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59 indirect costs associated with review of building plans,  
60 building inspections, reinspections, and building permit  
61 processing; building code enforcement; and fire inspections  
62 associated with new construction. The phrase may also include  
63 training costs associated with the enforcement of the Florida  
64 Building Code and enforcement action pertaining to unlicensed  
65 contractor activity to the extent not funded by other user fees.

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

68 a.1. ~~Planning and zoning or other general government~~  
69 ~~activities.~~

70 b.2. ~~Inspections of public buildings for a reduced fee or~~  
71 ~~no fee.~~

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

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

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

85 4.~~(d)~~ The local enforcement agency, independent district,  
86 or special district may not require at any time, including at  
87 the time of application for a permit, the payment of any

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88 additional fees, charges, or expenses associated with:

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

90 ~~b.2.~~ Recording or filing a license issued pursuant to this  
91 chapter; or

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

94 (b) By December 31, 2020, the governing body of a local  
95 government that provides a schedule of fees shall post its  
96 building permit and inspection utilization report on its  
97 website. The report shall be based on the information available  
98 in the most recently completed financial audit. After December  
99 31, 2020, the governing body of a local government that provides  
100 a schedule of fees shall update its building permit and  
101 inspection utilization report on its website prior to making any  
102 adjustments to the fee schedule. The report shall include:

103 1. Direct and indirect costs incurred by the local  
104 government to enforce the Florida Building Code, including costs  
105 related to:

106 a. The review of building plans.

107 b. Building inspections.

108 c. Building reinspections.

109 d. Building permit processing.

110 e. Building code enforcement.

111 2. Number of building permits requested.

112 3. Number of building permits issued.

113 4. Number of building inspections and reinspections  
114 conducted.

115 5. Number of personnel employed by the local government to  
116 enforce the Florida Building Code, issue building permits, and

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117 conduct inspections.

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

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

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

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

126 10. Balances carried forward by the local government  
127 pursuant to paragraph (a).

128 11. Balances refunded by the local government pursuant to  
129 paragraph (a).

130 Section 4. This act shall take effect July 1, 2019.