

By the Committee on Innovation, Industry, and Technology; and
Senators Perry and Brandes

580-02755-19

2019142c1

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 create a building
9 permit and inspection utilization report containing
10 certain information and to post such report on their
11 websites by a specified date; providing reporting
12 requirements; providing an effective date.

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

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

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

21 (4)

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

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

28 166.222 Building code inspection fees.—

29 (1) The governing body of a municipality may provide a

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30 schedule of reasonable inspection fees in order to defer the
31 costs of inspection and enforcement of the provisions of its
32 building code.

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

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

39 553.80 Enforcement.—

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

58 1.~~(a)~~ As used in this subsection, the phrase "enforcing the

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

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

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

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

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

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

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

86 4.~~(d)~~ The local enforcement agency, independent district,
87 or special district may not require at any time, including at

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88 the time of application for a permit, the payment of any
89 additional fees, charges, or expenses associated with:

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

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

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

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

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

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

111 b. Operating expenditures and expenses.

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

114 a. Number of building permit applications submitted.

115 b. Number of building permits issued or approved.

116 c. Number of building inspections and reinspections

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117 requested.

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

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

122 f. Number of building audits conducted by the local
123 government of the building inspection conducted by a private
124 provider.

125 g. Number of positions dedicated by the local government to
126 enforce the Florida Building Code, issue building permits, and
127 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. Other revenue sources, including local government
141 general revenue.

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