

By Senator Diaz

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1 A bill to be entitled
2 An act relating to fees for enforcing the Florida
3 Building Code; amending s. 553.80, F.S.; revising the
4 definition of the phrase "enforcing the Florida
5 Building Code" to include certain costs; revising
6 specified activities that, unless otherwise provided
7 by law, may not be funded with fees adopted for
8 enforcing the code; providing an 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, must
19 ~~shall~~ 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 must ~~shall~~ be carried forward to future years for allowable
26 activities or ~~shall~~ be refunded, at the discretion of the local
27 government. The basis for a fee structure for allowable
28 activities must ~~shall~~ relate to the level of service provided by
29 the local government and must ~~shall~~ include consideration for

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30 refunding fees due to reduced services, based on services
31 provided as prescribed by s. 553.791~~7~~, but not provided by the
32 local government. Fees charged must ~~shall~~ be consistently
33 applied.

34 (a) As used in this subsection, the phrase "enforcing the
35 Florida Building Code" includes the direct costs and reasonable
36 indirect costs associated with review of building plans,
37 building inspections, reinspections, and building permit
38 processing, including costs for production of and maintaining
39 records; building code enforcement; and fire inspections
40 associated with new construction. The phrase may also include
41 training costs associated with the enforcement of the Florida
42 Building Code, ~~and~~ enforcement action pertaining to unlicensed
43 contractor activity, and costs associated with the
44 implementation and enforcement of local ordinances related or
45 complimentary to the implementation and enforcement of the
46 Florida Building Code, to the extent not funded by other user
47 fees.

48 (b) Unless otherwise provided by law, the following
49 activities may not be funded with fees adopted for enforcing the
50 Florida Building Code:

- 51 1. Planning and zoning or other general government
52 activities.
- 53 2. Inspections of public buildings for a reduced fee or no
54 fee.
- 55 3. Public information requests, community functions,
56 boards, and any program not directly related to enforcement of
57 the Florida Building Code.
- 58 4. Enforcement and implementation of any other local

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59 ordinance, excluding validly adopted local amendments to the
60 Florida Building Code and excluding any local ordinance ~~directly~~
61 related to enforcing the Florida Building Code as defined in
62 paragraph (a).

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

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

- 72 1. Providing proof of licensure pursuant to chapter 489;
- 73 2. Recording or filing a license issued pursuant to this
74 chapter; or
- 75 3. Providing, recording, or filing evidence of workers'
76 compensation insurance coverage as required by chapter 440.

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