



498058

LEGISLATIVE ACTION

Senate

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House

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Floor: 1/RE/2R

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05/02/2019 10:51 AM

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Senator Gibson moved the following:

Senate Amendment (with title amendment)

Delete lines 409 - 460

and insert:

Section 6. Effective July 1, 2020, paragraphs (a) and (c) of subsection (7) of section 553.73, Florida Statutes, are amended to read:

553.73 Florida Building Code.—

(7) (a) The commission shall adopt an updated Florida Building Code every 3 years through review of the most current updates of the International Building Code, the International



12 Fuel Gas Code, International Existing Building Code, the
13 International Mechanical Code, the International Plumbing Code,
14 and the International Residential Code, all of which are
15 copyrighted and published by the International Code Council, and
16 the National Electrical Code, which is copyrighted and published
17 by the National Fire Protection Association. At a minimum, the
18 commission shall adopt any updates to such codes or any other
19 code necessary to maintain eligibility for federal funding and
20 discounts from the National Flood Insurance Program, the Federal
21 Emergency Management Agency, and the United States Department of
22 Housing and Urban Development. The commission shall also review
23 and adopt updates based on the International Energy Conservation
24 Code (IECC); however, the commission shall maintain the
25 efficiencies of the Florida Energy Efficiency Code for Building
26 Construction adopted and amended pursuant to s. 553.901. Every 3
27 years, the commission may approve updates to the Florida
28 Building Code without a finding that the updates are needed in
29 order to accommodate the specific needs of this state. The
30 commission shall adopt updated codes by rule.

31 (c) The commission may also adopt as a technical amendment
32 to the Florida Building Code any portion of the codes identified
33 in paragraph (a), but only as needed to accommodate the specific
34 needs of this state. Standards or criteria adopted from these
35 codes shall be incorporated by reference to the specific
36 provisions adopted. If a referenced standard or criterion
37 requires amplification or modification to be appropriate for use
38 in this state, only the amplification or modification shall be
39 set forth in the Florida Building Code. The commission may
40 approve technical amendments to the updated Florida Building



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41 Code after the amendments have been subject to the conditions
42 set forth in paragraphs (3) (a)-(d). Amendments that are adopted
43 in accordance with this subsection shall be clearly marked in
44 printed versions of the Florida Building Code so that the fact
45 that the provisions are amendments is readily apparent.

46 Section 7. Subsection (7) of section 553.80, Florida
47 Statutes, is amended to read:

48 553.80 Enforcement.—

49 (7) The governing bodies of local governments may provide a
50 schedule of reasonable fees, as authorized by s. 125.56(2) or s.
51 166.222 and this section, for enforcing this part. These fees,
52 and any fines or investment earnings related to the fees, shall
53 be used solely for carrying out the local government's
54 responsibilities in enforcing the Florida Building Code. When
55 providing a schedule of reasonable fees, the total estimated
56 annual revenue derived from fees, and the fines and investment
57 earnings related to the fees, may not exceed the total estimated
58 annual costs of allowable activities. Any unexpended balances
59 shall be carried forward to future years for allowable
60 activities or shall be refunded at the discretion of the local
61 government. A local government may not carry forward an amount
62 exceeding the average of its operating budget for enforcing the
63 Florida Building Code for the previous 4 fiscal years. For
64 purposes of this subsection, the term "operating budget" does
65 not include reserve amounts. Any amount exceeding this limit
66 must be used as authorized in subparagraph (a)2. However, a
67 local government which established, as of January 1, 2019, a
68 Building Inspections Fund Advisory Board consisting of five
69 members from the construction stakeholder community and carries



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70 an unexpended balance in excess of the average of its operating
71 budget for the previous 4 fiscal years may continue to carry
72 such excess funds forward upon the recommendation of the
73 advisory board. The basis for a fee structure for allowable
74 activities shall relate to the level of service provided by the
75 local government and shall include consideration for refunding
76 fees due to reduced services based on services provided as
77 prescribed by s. 553.791, but not provided by the local
78 government. Fees charged shall be consistently applied.

79 (a) 1. As used in this subsection, the phrase "enforcing the
80 Florida Building Code" includes the direct costs and reasonable
81 indirect costs associated with review of building plans,
82 building inspections, reinspections, and building permit
83 processing; building code enforcement; and fire inspections
84 associated with new construction. The phrase may also include
85 training costs associated with the enforcement of the Florida
86 Building Code and enforcement action pertaining to unlicensed
87 contractor activity to the extent not funded by other user fees.

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

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

92 1. Planning and zoning or other general government
93 activities.

94 2. Inspections of public buildings for a reduced fee or no
95 fee.

96 3. Public information requests, community functions,
97 boards, and any program not directly related to enforcement of
98 the Florida Building Code.



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99 4. Enforcement and implementation of any other local
100 ordinance, excluding validly adopted local amendments to the
101 Florida Building Code and excluding any local ordinance directly
102 related to enforcing the Florida Building Code as defined in
103 paragraph (a).

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

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

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

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

116 2. Recording or filing a license issued pursuant to this
117 chapter; or

118 3. Providing, recording, or filing evidence of workers'
119 compensation insurance coverage as required by chapter 440.

120 (e) The governing body of a local government that issues
121 building permits may charge a person only one search fee, in an
122 amount commensurate with the research and time costs incurred by
123 the governing body, for identifying building permits for each
124 unit or subunit assigned by the governing body to a particular
125 tax parcel identification number.

126 Section 8. Paragraph (a) of subsection (8) of section
127 553.842, Florida Statutes, is amended to read:



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128 553.842 Product evaluation and approval.-

129 (8) The commission may adopt rules to approve the following
130 types of entities that produce information on which product
131 approvals are based. All of the following entities, including
132 engineers and architects, must comply with a nationally
133 recognized standard demonstrating independence or no conflict of
134 interest:

135 (a) Evaluation entities approved pursuant to this
136 paragraph. The commission shall specifically approve the
137 National Evaluation Service, the International Association of
138 Plumbing and Mechanical Officials Evaluation Service, the
139 International Code Council Evaluation Services, Underwriters
140 Laboratories, LLC, Intertek Testing Services NA, Inc., PFS TECO,
141 and the Miami-Dade County Building Code Compliance Office
142 Product Control Division. Architects and engineers licensed in
143 this state are also approved to conduct product evaluations as
144 provided in subsection (5).

145 Section 9. Paragraph (d) is added to subsection (1) of
146 section 558.004, Florida Statutes, to read:

147 558.004 Notice and opportunity to repair.-

148 (1)

149 (d) A notice of claim brought pursuant to this chapter is
150 not an action for purposes of chapter 95.

151 Section 10. Section 440.103, Florida Statutes, is amended
152 to read:

153 440.103 Building permits; identification of minimum premium
154 policy.-Every employer shall, as a condition to applying for and
155 receiving a building permit, show proof and certify to the
156 permit issuer that it has secured compensation for its employees



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157 under this chapter as provided in ss. 440.10 and 440.38. Such
158 proof of compensation must be evidenced by a certificate of
159 coverage issued by the carrier, a valid exemption certificate
160 approved by the department, or a copy of the employer's
161 authority to self-insure and shall be presented, electronically
162 or physically, each time the employer applies for a building
163 permit. As provided in s. 553.79(20) ~~s. 553.79(19)~~, for the
164 purpose of inspection and record retention, site plans or
165 building permits may be maintained at the worksite in the
166 original form or in the form of an electronic copy. These plans
167 and permits must be open to inspection by the building official
168 or a duly authorized representative, as required by the Florida
169 Building Code. As provided in s. 627.413(5), each certificate of
170 coverage must show, on its face, whether or not coverage is
171 secured under the minimum premium provisions of rules adopted by
172 rating organizations licensed pursuant to s. 627.221. The words
173 "minimum premium policy" or equivalent language shall be typed,
174 printed, stamped, or legibly handwritten.

175 Section 11. Except as otherwise expressly provided in this
176 act, this act shall take effect July 1, 2019.

177
178 ===== T I T L E A M E N D M E N T =====

179 And the title is amended as follows:

180 Delete lines 2 - 33

181 and insert:

182 An act relating to construction; amending s. 125.56,
183 F.S.; authorizing counties to provide notice to
184 certain persons under certain circumstances;
185 authorizing counties that issue building permits to



186 charge a person a single search fee for a certain
187 amount under certain circumstances; amending s.
188 166.222, F.S.; authorizing the governing bodies of
189 municipalities to charge a person a single search fee
190 for a certain amount under certain circumstances;
191 amending ss. 489.103 and 489.503, F.S.; providing
192 exemptions to certain contracting requirements;
193 revising forms for disclosure statements; amending s.
194 553.79, F.S.; authorizing a local government to
195 provide notice to certain persons under certain
196 circumstances within a specified timeframe;
197 authorizing a property owner to close a permit under
198 certain circumstances; providing that a contractor is
199 not liable for work performed in certain
200 circumstances; defining the term "close"; authorizing
201 a local enforcement agency to close a permit under
202 certain circumstances; prohibiting a local enforcement
203 agency from taking certain actions relating to
204 building permits that were applied for but not closed
205 by a previous owner; providing that local enforcement
206 agencies retain all rights and remedies against the
207 property owner and contractor listed on such a permit;
208 amending s. 553.73, F.S.; authorizing the Florida
209 Building Commission to approve updates to the Florida
210 Building Code without certain findings under certain
211 circumstances; amending s. 553.80, F.S.; prohibiting a
212 local government from carrying forward more than a
213 specified amount of unexpended revenue; defining the
214 term "operating budget"; providing an exception;



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215 revising requirements for the expenditure of certain
216 unexpended revenue; expanding the list of activities
217 that are prohibited from being funded by fees adopted
218 for enforcing the Florida Building Code; authorizing
219 the governing body of a local government to charge a
220 person a single search fee for a certain amount under
221 certain circumstances; amending s. 553.842, F.S.;
222 expanding the list of entities the commission is
223 required to specifically approve; amending s. 558.004;
224 specifying that certain notices of claim are not an
225 action for purposes of ch. 95, F.S.; amending s.
226 440.103, F.S.; conforming a cross-reference; providing
227 effective dates.