

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Business & Professions
2 Subcommittee

3 Representative Robinson offered the following:

4

5 **Amendment**

6 Remove everything after the enacting clause and insert:

7 Section 1. Subsection (7) of section 553.80, Florida Statutes,
8 is amended to read:

9 553.80 Enforcement.—

10 (7) The governing bodies of local governments may provide
11 a schedule of reasonable fees, as authorized by s. 125.56(2) or
12 s. 166.222 and this section, for enforcing this part. These
13 fees, and any fines or investment earnings related to the fees,
14 shall be used solely for carrying out the local government's
15 responsibilities in enforcing the Florida Building Code. When
16 providing a schedule of reasonable fees, the total estimated

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17 annual revenue derived from fees, and the fines and investment
18 earnings related to the fees, may not exceed the total estimated
19 annual costs of allowable activities. Any unexpended balances
20 shall be carried forward to future years for allowable
21 activities or shall be refunded at the discretion of the local
22 government. A local government may not carry forward an amount
23 exceeding the average of its operating budget for enforcing the
24 Florida Building Code for the previous 4 fiscal years. For
25 purposes of this subsection, the term "operating budget" does
26 not include reserve amounts. Any amount exceeding this limit
27 must be used as authorized in subparagraph (a)2. However, a
28 local government which, as of January 1, 2019, established a
29 Building Inspections Fund Advisory Board consisting of 5 members
30 from the construction stakeholder community and carries an
31 operating balance in excess of the average of its operating
32 budget for the preceding 4 years, may continue to carry such
33 excess funds upon recommendation by the Advisory Board. The
34 basis for a fee structure for allowable activities shall relate
35 to the level of service provided by the local government and
36 shall include consideration for refunding fees due to reduced
37 services based on services provided as prescribed by s. 553.791,
38 but not provided by the local government. Fees charged shall be
39 consistently applied.

40 (a)1. As used in this subsection, the phrase "enforcing
41 the Florida Building Code" includes the direct costs and

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42 reasonable indirect costs associated with review of building
43 plans, building inspections, reinspections, and building permit
44 processing; building code enforcement; and fire inspections
45 associated with new construction. The phrase may also include
46 training costs associated with the enforcement of the Florida
47 Building Code and enforcement action pertaining to unlicensed
48 contractor activity to the extent not funded by other user fees.

49 2. A local government must use any excess funds that it is
50 prohibited from carrying forward to rebate and reduce fees, or,
51 upon recommendation of representatives from the industries
52 paying into the fund, provide funding to nonprofit organizations
53 under s. 501(c)(3) of the Internal Revenue Code to expand
54 training opportunities for the construction industry, as defined
55 in s. 440.02(8).

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

58 1. Planning and zoning or other general government
59 activities.

60 2. Inspections of public buildings for a reduced fee or no
61 fee.

62 3. Public information requests, community functions,
63 boards, and any program not directly related to enforcement of
64 the Florida Building Code.

65 4. Enforcement and implementation of any other local
66 ordinance, excluding validly adopted local amendments to the

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67 Florida Building Code and excluding any local ordinance directly
68 related to enforcing the Florida Building Code as defined in
69 paragraph (a).

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

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

- 79 1. Providing proof of licensure pursuant to chapter 489;
80 2. Recording or filing a license issued pursuant to this
81 chapter; or
82 3. Providing, recording, or filing evidence of workers'
83 compensation insurance coverage as required by chapter 440.