

HB 715

2019

1 A bill to be entitled
2 An act relating to Florida Building Code enforcement;
3 amending s. 553.80, F.S.; prohibiting a local
4 government from carrying forward more than a specified
5 amount of unexpended revenue; providing a definition;
6 revising requirements for the expenditure of certain
7 unexpended revenue; providing an effective date.
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9 Be It Enacted by the Legislature of the State of Florida:
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11 Section 1. Subsection (7) of section 553.80, Florida
12 Statutes, is amended to read:

13 553.80 Enforcement.—

14 (7) The governing bodies of local governments may provide
15 a schedule of reasonable fees, as authorized by s. 125.56(2) or
16 s. 166.222 and this section, for enforcing this part. These
17 fees, and any fines or investment earnings related to the fees,
18 shall be used solely for carrying out the local government's
19 responsibilities in enforcing the Florida Building Code. When
20 providing a schedule of reasonable fees, the total estimated
21 annual revenue derived from fees, and the fines and investment
22 earnings related to the fees, may not exceed the total estimated
23 annual costs of allowable activities. Any unexpended balances
24 shall be carried forward to future years for allowable
25 activities or shall be refunded at the discretion of the local

26 | government. A local government may not carry forward an amount
27 | exceeding the average of its operating budget for enforcing the
28 | Florida Building Code for the previous 2 fiscal years. For
29 | purposes of this subsection, the term "operating budget" does
30 | not include reserve amounts. Any amount exceeding this limit
31 | must be used as authorized in subparagraph (a)2. The basis for a
32 | fee structure for allowable activities shall relate to the level
33 | of service provided by the local government and shall include
34 | consideration for refunding fees due to reduced services based
35 | on services provided as prescribed by s. 553.791, but not
36 | provided by the local government. Fees charged shall be
37 | consistently applied.

38 | (a)1. As used in this subsection, the phrase "enforcing
39 | the Florida Building Code" includes the direct costs and
40 | reasonable indirect costs associated with review of building
41 | plans, building inspections, reinspections, and building permit
42 | processing; building code enforcement; and fire inspections
43 | associated with new construction. The phrase may also include
44 | training costs associated with the enforcement of the Florida
45 | Building Code and enforcement action pertaining to unlicensed
46 | contractor activity to the extent not funded by other user fees.

47 | 2. A local government must use any excess funds that it is
48 | prohibited from carrying forward to rebate and reduce fees,
49 | enhance service efficiencies, or provide funding to nonprofit
50 | organizations under s. 501(c)(3) of the Internal Revenue Code to

51 expand training opportunities for the construction industry, as
 52 defined in s. 440.02(8).

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

55 1. Planning and zoning or other general government
 56 activities.

57 2. Inspections of public buildings for a reduced fee or no
 58 fee.

59 3. Public information requests, community functions,
 60 boards, and any program not directly related to enforcement of
 61 the Florida Building Code.

62 4. Enforcement and implementation of any other local
 63 ordinance, excluding validly adopted local amendments to the
 64 Florida Building Code and excluding any local ordinance directly
 65 related to enforcing the Florida Building Code as defined in
 66 paragraph (a).

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

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

- 76 | 1. Providing proof of licensure pursuant to chapter 489;
77 | 2. Recording or filing a license issued pursuant to this
78 | chapter; or
79 | 3. Providing, recording, or filing evidence of workers'
80 | compensation insurance coverage as required by chapter 440.
81 | Section 2. This act shall take effect July 1, 2019.