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LEGISLATIVE ACTION

Senate

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House

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Floor: WD

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05/01/2019 02:45 PM

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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



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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



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 - 34

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



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





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