

HB 1017

2021

1 A bill to be entitled
2 An act relating to fees for the enforcement of the
3 Florida Building Code; amending s. 553.80, F.S.;
4 authorizing local governments to waive certain fees
5 for the development, construction, or rehabilitation
6 of affordable housing; providing an effective date.

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8 Be It Enacted by the Legislature of the State of Florida:

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10 Section 1. Paragraph (a) of subsection (7) of section
11 553.80, Florida Statutes, is amended to read:

12 553.80 Enforcement.—

13 (7) (a) The governing bodies of local governments may
14 provide a schedule of reasonable fees, as authorized by s.
15 125.56(2) or s. 166.222 and this section, for enforcing this
16 part. These fees, and any fines or investment earnings related
17 to the fees, shall be used solely for carrying out the local
18 government's responsibilities in enforcing the Florida Building
19 Code. The governing bodies of local governments may waive the
20 fees associated with enforcing the Florida Building Code for the
21 development, construction, or rehabilitation of affordable
22 housing in accordance with chapter 420. When providing a
23 schedule of reasonable fees, the total estimated annual revenue
24 derived from fees, and the fines and investment earnings related
25 to the fees, may not exceed the total estimated annual costs of

26 | allowable activities. Any unexpended balances shall be carried
27 | forward to future years for allowable activities or shall be
28 | refunded at the discretion of the local government. A local
29 | government may not carry forward an amount exceeding the average
30 | of its operating budget for enforcing the Florida Building Code
31 | for the previous 4 fiscal years. For purposes of this
32 | subsection, the term "operating budget" does not include reserve
33 | amounts. Any amount exceeding this limit must be used as
34 | authorized in subparagraph 2. However, a local government which
35 | established, as of January 1, 2019, a Building Inspections Fund
36 | Advisory Board consisting of five members from the construction
37 | stakeholder community and carries an unexpended balance in
38 | excess of the average of its operating budget for the previous 4
39 | fiscal years may continue to carry such excess funds forward
40 | upon the recommendation of the advisory board. The basis for a
41 | fee structure for allowable activities shall relate to the level
42 | of service provided by the local government and shall include
43 | consideration for refunding fees due to reduced services based
44 | on services provided as prescribed by s. 553.791, but not
45 | provided by the local government. Fees charged shall be
46 | consistently applied.

47 | 1. As used in this subsection, the phrase "enforcing the
48 | Florida Building Code" includes the direct costs and reasonable
49 | indirect costs associated with review of building plans,
50 | building inspections, reinspections, and building permit

51 processing; building code enforcement; and fire inspections
52 associated with new construction. The phrase may also include
53 training costs associated with the enforcement of the Florida
54 Building Code and enforcement action pertaining to unlicensed
55 contractor activity to the extent not funded by other user fees.

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

58 3. The following activities may not be funded with fees
59 adopted for enforcing the Florida Building Code:

60 a. Planning and zoning or other general government
61 activities.

62 b. Inspections of public buildings for a reduced fee or no
63 fee.

64 c. Public information requests, community functions,
65 boards, and any program not directly related to enforcement of
66 the Florida Building Code.

67 d. Enforcement and implementation of any other local
68 ordinance, excluding validly adopted local amendments to the
69 Florida Building Code and excluding any local ordinance directly
70 related to enforcing the Florida Building Code as defined in
71 subparagraph 1.

72 4. A local government shall use recognized management,
73 accounting, and oversight practices to ensure that fees, fines,
74 and investment earnings generated under this subsection are
75 maintained and allocated or used solely for the purposes

76 | described in subparagraph 1.

77 | 5. The local enforcement agency, independent district, or
78 | special district may not require at any time, including at the
79 | time of application for a permit, the payment of any additional
80 | fees, charges, or expenses associated with:

81 | a. Providing proof of licensure pursuant to chapter 489;

82 | b. Recording or filing a license issued pursuant to this
83 | chapter;

84 | c. Providing, recording, or filing evidence of workers'
85 | compensation insurance coverage as required by chapter 440; or

86 | d. Charging surcharges or other similar fees not directly
87 | related to enforcing the Florida Building Code.

88 | Section 2. This act shall take effect July 1, 2021.