

By Senator Powell

30-00742A-21

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1                   A bill to be entitled  
2       An act relating to waiver of fees for affordable  
3       housing construction; amending s. 553.80, F.S.;  
4       authorizing local governments to waive fees associated  
5       with enforcing the Florida Building Code for costs  
6       relating to the construction of affordable housing;  
7       authorizing local governments to adopt ordinances  
8       exempting permits relating to the construction of  
9       affordable housing from certain fees; providing an  
10      effective date.

11  
12 Be It Enacted by the Legislature of the State of Florida:

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14       Section 1. Paragraph (a) of subsection (7) of section  
15       553.80, Florida Statutes, is amended to read:

16       553.80 Enforcement.—

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

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30 an amount exceeding the average of its operating budget for  
31 enforcing the Florida Building Code for the previous 4 fiscal  
32 years. For purposes of this subsection, the term "operating  
33 budget" does not include reserve amounts. Any amount exceeding  
34 this limit must be used as authorized in subparagraph 2.  
35 However, a local government which established, as of January 1,  
36 2019, a Building Inspections Fund Advisory Board consisting of  
37 five members from the construction stakeholder community and  
38 carries an unexpended balance in excess of the average of its  
39 operating budget for the previous 4 fiscal years may continue to  
40 carry such excess funds forward upon the recommendation of the  
41 advisory board. The basis for a fee structure for allowable  
42 activities shall relate to the level of service provided by the  
43 local government and shall include consideration for refunding  
44 fees due to reduced services based on services provided as  
45 prescribed by s. 553.791, but not provided by the local  
46 government. Fees charged shall be consistently applied. However,  
47 a local government may waive fees associated with enforcing the  
48 Florida Building Code for costs related to the construction of  
49 affordable housing under chapter 420.

50 1. As used in this subsection, the phrase "enforcing the  
51 Florida Building Code" includes the direct costs and reasonable  
52 indirect costs associated with review of building plans,  
53 building inspections, reinspections, and building permit  
54 processing; building code enforcement; and fire inspections  
55 associated with new construction. The phrase may also include  
56 training costs associated with the enforcement of the Florida  
57 Building Code and enforcement action pertaining to unlicensed  
58 contractor activity to the extent not funded by other user fees.

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

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

63           a. Planning and zoning or other general government  
64 activities.

65           b. Inspections of public buildings for a reduced fee or no  
66 fee.

67           c. Public information requests, community functions,  
68 boards, and any program not directly related to enforcement of  
69 the Florida Building Code.

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

75           4. A local government shall use recognized management,  
76 accounting, and oversight practices to ensure that fees, fines,  
77 and investment earnings generated under this subsection are  
78 maintained and allocated or used solely for the purposes  
79 described in subparagraph 1.

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

84           a. Providing proof of licensure pursuant to chapter 489;

85           b. Recording or filing a license issued pursuant to this  
86 chapter;

87           c. Providing, recording, or filing evidence of workers'

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88 compensation insurance coverage as required by chapter 440; or

89 d. Charging surcharges or other similar fees not directly  
90 related to enforcing the Florida Building Code.

91 6. A local government may adopt an ordinance creating an  
92 exemption from fees for enforcing the Florida Building Code  
93 applicable to permits related to the construction of affordable  
94 housing under chapter 420.

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