

By Senator Rodriguez

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1 A bill to be entitled
2 An act relating to enforcement of the Florida Building
3 Code; amending s. 553.80, F.S.; revising local
4 governments' responsibilities in enforcing the Florida
5 Building Code to include any process or enforcement
6 related to obtaining and finalizing a building permit;
7 revising a local government's prohibition on funding
8 certain activities; reenacting ss. 125.56(4)(c),
9 166.222(2), and 553.794(8), F.S., relating to
10 enforcement and amendment of the Florida Building Code
11 and inspection fees, building code inspection fees,
12 and a local governing body setting fees, respectively,
13 to incorporate the amendment made to s. 553.80, F.S.,
14 in references thereto; providing an effective date.

15
16 Be It Enacted by the Legislature of the State of Florida:

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18 Section 1. Paragraph (a) of subsection (7) of section
19 553.80, Florida Statutes, is amended to read:

20 553.80 Enforcement.—

21 (7) (a) The governing bodies of local governments may
22 provide a schedule of reasonable fees, as authorized by s.
23 125.56(2) or s. 166.222 and this section, for enforcing this
24 part. These fees, and any fines or investment earnings related
25 to the fees, shall be used solely for carrying out the local
26 government's responsibilities in enforcing the Florida Building
27 Code, including, but not limited to, any process or enforcement
28 related to obtaining and finalizing a building permit. When
29 providing a schedule of reasonable fees, the total estimated

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

53 1. As used in this subsection, the phrase "enforcing the
54 Florida Building Code" includes the direct costs and reasonable
55 indirect costs associated with review of building plans,
56 building inspections, reinspections, and building permit
57 processing; building code enforcement; and fire inspections
58 associated with new construction. The phrase may also include

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59 training costs associated with the enforcement of the Florida
60 Building Code and enforcement action pertaining to unlicensed
61 contractor activity to the extent not funded by other user fees.

62 2. A local government must use any excess funds that it is
63 prohibited from carrying forward to rebate and reduce fees, or
64 to pay for the construction of a building or structure that
65 houses a local government's building code enforcement agency or
66 the training programs for building officials, inspectors, or
67 plans examiners associated with the enforcement of the Florida
68 Building Code. Excess funds used to construct such a building or
69 structure must be designated for such purpose by the local
70 government and may not be carried forward for more than 4
71 consecutive years. An owner or builder who has a valid building
72 permit issued by a local government for a fee, or an association
73 of owners or builders located in the state that has members with
74 valid building permits issued by a local government for a fee,
75 may bring a civil action against the local government that
76 issued the permit for a fee to enforce this subparagraph.

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

79 a. Planning and zoning or other general government
80 activities not related to obtaining a building permit.

81 b. Inspections of public buildings for a reduced fee or no
82 fee.

83 c. Public information requests, community functions,
84 boards, and any program not directly related to enforcement of
85 the Florida Building Code.

86 d. Enforcement and implementation of any other local
87 ordinance, excluding validly adopted local amendments to the

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88 Florida Building Code and excluding any local ordinance directly
89 related to enforcing the Florida Building Code as defined in
90 subparagraph 1.

91 4. A local government must use recognized management,
92 accounting, and oversight practices to ensure that fees, fines,
93 and investment earnings generated under this subsection are
94 maintained and allocated or used solely for the purposes
95 described in subparagraph 1.

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

- 100 a. Providing proof of licensure under chapter 489;
101 b. Recording or filing a license issued under this chapter;
102 c. Providing, recording, or filing evidence of workers'
103 compensation insurance coverage as required by chapter 440; or
104 d. Charging surcharges or other similar fees not directly
105 related to enforcing the Florida Building Code.

106 Section 2. For the purpose of incorporating the amendment
107 made by this act to section 553.80, Florida Statutes, in
108 references thereto, paragraph (c) of subsection (4) of section
109 125.56, Florida Statutes, is reenacted to read:

110 125.56 Enforcement and amendment of the Florida Building
111 Code and the Florida Fire Prevention Code; inspection fees;
112 inspectors; etc.—

113 (4)

114 (c) The governing body of a county authorized under this
115 section or s. 553.80 to issue fees shall post its permit and
116 inspection fee schedules and its building permit and inspection

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117 utilization report required under s. 553.80(7) on its website.

118 Section 3. For the purpose of incorporating the amendment
119 made by this act to section 553.80, Florida Statutes, in a
120 reference thereto, subsection (2) of section 166.222, Florida
121 Statutes, is reenacted to read:

122 166.222 Building code inspection fees.—

123 (2) The governing body of a municipality authorized under
124 s. 553.80 to issue fees shall post its permit and inspection fee
125 schedules and its building permit and inspection utilization
126 report required under s. 553.80(7) on its website.

127 Section 4. For the purpose of incorporating the amendment
128 made by this act to section 553.80, Florida Statutes, in a
129 reference thereto, subsection (8) of section 553.794, Florida
130 Statutes, is reenacted to read:

131 553.794 Local government residential master building permit
132 program.—

133 (8) FEES.—The governing body of the applicable local
134 government shall set fees pursuant to s. 553.80(7).

135 Section 5. This act shall take effect July 1, 2024.