

1                   A bill to be entitled  
 2           An act relating to fees to enforce the Florida  
 3           Building Code; amending s. 553.80, F.S.; providing  
 4           that fees for enforcement of the Florida Building Code  
 5           may be used to enforce any process or enforcement  
 6           relating to building permits; prohibiting fees from  
 7           being used for specified government activities that  
 8           are not related to a obtaining a building permit;  
 9           providing an effective date.

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

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

15           553.80 Enforcement.—

16           (7)(a) The governing bodies of local governments may  
 17           provide a schedule of reasonable fees, as authorized by s.  
 18           125.56(2) or s. 166.222 and this section, for enforcing this  
 19           part. These fees, and any fines or investment earnings related  
 20           to the fees, shall be used solely for carrying out the local  
 21           government's responsibilities in enforcing the Florida Building  
 22           Code, including, but not limited, to any process or enforcement  
 23           related to obtaining and finalizing a building permit. When  
 24           providing a schedule of reasonable fees, the total estimated  
 25           annual revenue derived from fees, and the fines and investment

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

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

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

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

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

74 a. Planning and zoning or other general government  
75 activities that are not related to a obtaining a building

76 | permit.

77 |       b. Inspections of public buildings for a reduced fee or no  
78 | fee.

79 |       c. Public information requests, community functions,  
80 | boards, and any program not directly related to enforcement of  
81 | the Florida Building Code.

82 |       d. Enforcement and implementation of any other local  
83 | ordinance, excluding validly adopted local amendments to the  
84 | Florida Building Code and excluding any local ordinance directly  
85 | related to enforcing the Florida Building Code as defined in  
86 | subparagraph 1.

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

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

96 |           a. Providing proof of licensure under chapter 489;

97 |           b. Recording or filing a license issued under this  
98 | chapter;

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

HB 1507

2024

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

103           Section 2. This act shall take effect July 1, 2024.