

1 A bill to be entitled
 2 An act relating to enforcement of the Florida Building
 3 Code; amending s. 553.80, F.S.; requiring that local
 4 governments use certain excess funds from fees
 5 collected from the enforcement of the Florida Building
 6 Code to perform necessary services or repairs on their
 7 stormwater management systems; prohibiting state funds
 8 from being used by a local government for that purpose
 9 if the local government has such excess funds;
 10 prohibiting local governments from receiving state
 11 funds through a local funding initiative; providing an
 12 exception; providing that a local government is not
 13 eligible for additional state funds if it has been
 14 subject to a legislative committee's audit within a
 15 specified timeframe or if it fails to submit the
 16 affirmation to the legislative delegation; requiring
 17 each legislative committee to report such local
 18 governments to the presiding officers and the
 19 appropriations chairs; providing an effective date.

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

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 23 **Section 1. Paragraph (a) of subsection (7) of section**
 24 **553.80, Florida Statutes, is amended to read:**

25 553.80 Enforcement.—

26 (7) (a) The governing bodies of local governments may
27 provide a schedule of reasonable fees, as authorized by s.
28 125.56(2) or s. 166.222 and this section, for enforcing this
29 part. These fees, and any fines or investment earnings related
30 to the fees, may only be used for carrying out the local
31 government's responsibilities in enforcing the Florida Building
32 Code. When providing a schedule of reasonable fees, the total
33 estimated annual revenue derived from fees, and the fines and
34 investment earnings related to the fees, may not exceed the
35 total estimated annual costs of allowable activities. Any
36 unexpended balances must be carried forward to future years for
37 allowable activities or must be refunded at the discretion of
38 the local government. A local government may not carry forward
39 an amount exceeding the average of its operating budget for
40 enforcing the Florida Building Code for the previous 4 fiscal
41 years. For purposes of this subsection, the term "operating
42 budget" does not include reserve amounts. Any amount exceeding
43 this limit must be used as authorized in subparagraph 2.
44 However, a local government that established, as of January 1,
45 2019, a Building Inspections Fund Advisory Board consisting of
46 five members from the construction stakeholder community and
47 carries an unexpended balance in excess of the average of its
48 operating budget for the previous 4 fiscal years may continue to
49 carry such excess funds forward upon the recommendation of the
50 advisory board. The basis for a fee structure for allowable

51 activities must relate to the level of service provided by the
52 local government and must include consideration for refunding
53 fees due to reduced services based on services provided as
54 prescribed by s. 553.791, but not provided by the local
55 government. Fees charged must be consistently applied.

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

65 2. A local government must use any excess funds that it is
66 prohibited from carrying forward to perform necessary services
67 or repairs on its stormwater management system as defined in s.
68 403.031. State funds may not be used for such stormwater
69 management improvements by a local government if the local
70 government has such excess funds. A local government may not
71 receive state funds through a local funding initiative request
72 to its legislative delegation unless it has expended all funds
73 and has no excess funds for stormwater management improvements.
74 If a local government determines that such stormwater management
75 systems do not require services or repairs, it must use such

76 excess funds to rebate and reduce fees, to upgrade technology
77 hardware and software systems to enhance service delivery, to
78 pay for the construction of a building or structure that houses
79 a local government's building code enforcement agency, or for
80 training programs for building officials, inspectors, or plans
81 examiners associated with the enforcement of the Florida
82 Building Code. Excess funds used to construct such a building or
83 structure must be designated for such purpose by the local
84 government and may not be carried forward for more than 4
85 consecutive years. Notwithstanding this subparagraph, a local
86 government is not eligible for additional state funds if such
87 local government has been subject to a legislative committee's
88 audit within 1 year after the local government's request or if
89 such local government does not submit in its local funding
90 initiative request to its legislative delegation. Each
91 legislative committee shall report a list of all such local
92 governments to the presiding officers and appropriations chairs.
93 An owner or a builder who has a valid building permit issued by
94 a local government for a fee, or an association of owners or
95 builders located in this ~~the~~ state that has members with valid
96 building permits issued by a local government for a fee, may
97 bring a civil action against the local government that issued
98 the permit for a fee to enforce this subparagraph.

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

- 101 a. Planning and zoning or other general government
102 activities.
- 103 b. Inspections of public buildings for a reduced fee or no
104 fee.
- 105 c. Public information requests, community functions,
106 boards, and any program not directly related to enforcement of
107 the Florida Building Code.
- 108 d. Enforcement and implementation of any other local
109 ordinance, excluding validly adopted local amendments to the
110 Florida Building Code and excluding any local ordinance directly
111 related to enforcing the Florida Building Code as defined in
112 subparagraph 1.
- 113 4. A local government must use recognized management,
114 accounting, and oversight practices to ensure that fees, fines,
115 and investment earnings generated under this subsection are
116 maintained and allocated or used solely for the purposes
117 described in subparagraph 1.
- 118 5. The local enforcement agency, independent district, or
119 special district may not require at any time, including at the
120 time of application for a permit, the payment of any additional
121 fees, charges, or expenses associated with:
- 122 a. Providing proof of licensure under chapter 489;
123 b. Recording or filing a license issued under this
124 chapter;
125 c. Providing, recording, or filing evidence of workers'

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126 | compensation insurance coverage as required by chapter 440; or
127 | d. Charging surcharges or other similar fees not directly
128 | related to enforcing the Florida Building Code.

129 | **Section 2.** This act shall take effect July 1, 2025.