

By Senator Leek

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1 A bill to be entitled
2 An act relating to the Florida Building Code; amending
3 s. 553.80, F.S.; requiring local governments to use
4 certain excess funds from fees collected for code
5 enforcement to perform necessary services or repairs
6 on their stormwater management systems; prohibiting a
7 local government from receiving state funds for that
8 purpose if the local government has such excess funds;
9 prohibiting a local government from receiving state
10 funds through a local funding initiative unless it has
11 expended all funds and has no excess funds available
12 for stormwater management systems improvements;
13 providing that a local government is not eligible for
14 additional state funds if it has been subject to a
15 legislative committee's audit within a specified
16 timeframe or if it fails to submit the affirmation to
17 the legislative delegation; requiring each legislative
18 committee to report such local governments to the
19 presiding officers and the appropriations chairs;
20 providing an effective date.

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

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24 Section 1. Paragraph (a) of subsection (7) of section
25 553.80, Florida Statutes, is amended to read:

26 553.80 Enforcement.—

27 (7) (a) The governing bodies of local governments may
28 provide a schedule of reasonable fees, as authorized by s.
29 125.56(2) or s. 166.222 and this section, for enforcing this

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

57 1. As used in this subsection, the phrase "enforcing the
58 Florida Building Code" includes the direct costs and reasonable

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59 indirect costs associated with review of building plans,
60 building inspections, reinspections, and building permit
61 processing; building code enforcement; and fire inspections
62 associated with new construction. The phrase may also include
63 training costs associated with the enforcement of the Florida
64 Building Code and enforcement action pertaining to unlicensed
65 contractor activity to the extent not funded by other user fees.

66 2. A local government must use any excess funds that it is
67 prohibited from carrying forward to perform necessary services
68 or repairs on its stormwater management system as defined in s.
69 403.031. State funds may not be used for such stormwater
70 management improvements by a local government if the local
71 government has such excess funds. A local government may not
72 receive state funds through a local funding initiative request
73 to its legislative delegation unless it has expended all funds
74 and has no excess funds for stormwater management improvements.
75 If a local government determines that such stormwater management
76 systems do not require services or repairs, it must use such
77 excess funds to rebate and reduce fees, to upgrade technology
78 hardware and software systems to enhance service delivery, to
79 pay for the construction of a building or structure that houses
80 a local government's building code enforcement agency, or for
81 training programs for building officials, inspectors, or plans
82 examiners associated with the enforcement of the Florida
83 Building Code. Excess funds used to construct such a building or
84 structure must be designated for such purpose by the local
85 government and may not be carried forward for more than 4
86 consecutive years. Notwithstanding this subparagraph, a local
87 government is not eligible for additional state funds if such

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88 local government has been subject to a legislative committee's
89 audit within 1 year of the local government's request or if such
90 local government does not submit in its local funding initiative
91 request to its legislative delegation. Each legislative
92 committee shall report a list of all such local governments to
93 the presiding officers and appropriations chairs. An owner or a
94 builder who has a valid building permit issued by a local
95 government for a fee, or an association of owners or builders
96 located in this ~~the~~ state that has members with valid building
97 permits issued by a local government for a fee, may bring a
98 civil action against the local government that issued the permit
99 for a fee to enforce this subparagraph.

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

102 a. Planning and zoning or other general government
103 activities.

104 b. Inspections of public buildings for a reduced fee or no
105 fee.

106 c. Public information requests, community functions,
107 boards, and any program not directly related to enforcement of
108 the Florida Building Code.

109 d. Enforcement and implementation of any other local
110 ordinance, excluding validly adopted local amendments to the
111 Florida Building Code and excluding any local ordinance directly
112 related to enforcing the Florida Building Code as defined in
113 subparagraph 1.

114 4. A local government must use recognized management,
115 accounting, and oversight practices to ensure that fees, fines,
116 and investment earnings generated under this subsection are

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117 maintained and allocated or used solely for the purposes
118 described in subparagraph 1.

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

123 a. Providing proof of licensure under chapter 489;

124 b. Recording or filing a license issued under this chapter;

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