

1 A bill to be entitled

2 An act relating to enforcement of the Florida Building
3 Code; amending s. 553.80, F.S.; providing that a local
4 government is not eligible for additional state funds
5 if it has been subject to a legislative committee's
6 audit within a specified timeframe or if it fails to
7 submit an affirmation to the legislative delegation;
8 requiring each legislative committee to report such
9 local governments to the presiding officers and the
10 appropriations chairs; providing an effective date.
11

12 Be It Enacted by the Legislature of the State of Florida:
13

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, may only be used for carrying out the local
22 government's responsibilities in enforcing the Florida Building
23 Code, including, but not limited to, any process or enforcement
24 related to obtaining or finalizing a building permit. When
25 providing a schedule of reasonable fees, the total estimated

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

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

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

58 2. A local government must use any excess funds that it is
59 prohibited from carrying forward to rebate and reduce fees, to
60 upgrade technology hardware and software systems to enhance
61 service delivery, to pay for the construction of a building or
62 structure that houses a local government's building code
63 enforcement agency, or for training programs for building
64 officials, inspectors, or plans examiners associated with the
65 enforcement of the Florida Building Code. Excess funds used to
66 construct such a building or structure must be designated for
67 such purpose by the local government and may not be carried
68 forward for more than 4 consecutive years. Notwithstanding this
69 subparagraph, a local government is not eligible for additional
70 state funds if the local government has been subject to a
71 legislative committee's audit within 1 year after the local
72 government's request or if the local government does not submit
73 in its local funding initiative request to its legislative
74 delegation an affirmation stating that it has expended all funds
75 and does not have excess funds for services or repairs to its

76 stormwater management system. Each legislative committee shall
77 report a list of all local governments that have been subject to
78 an audit or which have not submitted an affirmation to the
79 presiding officers and appropriations chairs. An owner or a
80 builder who has a valid building permit issued by a local
81 government for a fee, or an association of owners or builders
82 located in this ~~the~~ state that has members with valid building
83 permits issued by a local government for a fee, may bring a
84 civil action against the local government that issued the permit
85 for a fee to enforce this subparagraph.

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

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

90 b. Inspections of public buildings for a reduced fee or no
91 fee.

92 c. Public information requests, community functions,
93 boards, and any program not directly related to enforcement of
94 the Florida Building Code.

95 d. Enforcement and implementation of any other local
96 ordinance, excluding validly adopted local amendments to the
97 Florida Building Code and excluding any local ordinance directly
98 related to enforcing the Florida Building Code as defined in
99 subparagraph 1.

100 4. A local government must use recognized management,

101 accounting, and oversight practices to ensure that fees, fines,
102 and investment earnings generated under this subsection are
103 maintained and allocated or used solely for the purposes
104 described in subparagraph 1.

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

- 109 a. Providing proof of licensure under chapter 489;
110 b. Recording or filing a license issued under this
111 chapter;
112 c. Providing, recording, or filing evidence of workers'
113 compensation insurance coverage as required by chapter 440; or
114 d. Charging surcharges or other similar fees not directly
115 related to enforcing the Florida Building Code.

116 **Section 2.** This act shall take effect July 1, 2026.