

1 A bill to be entitled
2 An act relating to enforcement of the Florida Building
3 Code; amending s. 553.80, F.S.; removing the authority
4 of a local government to use excess funds to pay for
5 the construction of certain buildings or structures;
6 providing that a local government is not eligible to
7 receive state funds if it has been subject to a
8 legislative committee's audit within a specified
9 timeframe or if it fails to submit a specified
10 affirmation to the legislative delegation; requiring
11 each legislative committee to report such local
12 governments to the presiding officers and the chairs
13 of the legislative appropriations committees;
14 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, may only be used for carrying out the local

government's responsibilities in enforcing the Florida Building Code, including, but not limited to, any process or enforcement related to obtaining or finalizing a building permit. When providing a schedule of reasonable fees, the total estimated annual revenue derived from fees, and the fines and investment earnings related to the fees, may not exceed the total estimated annual costs of allowable activities. Any unexpended balances must be carried forward to future years for allowable activities or must be refunded at the discretion of the local government. A local government may not carry forward an amount exceeding the average of its operating budget for enforcing the Florida Building Code for the previous 4 fiscal years. For purposes of this subsection, the term "operating budget" does not include reserve amounts. Any amount exceeding this limit must be used as authorized in subparagraph 2. However, a local government that established, as of January 1, 2019, a Building Inspections Fund Advisory Board consisting of five members from the construction stakeholder community and carries an unexpended balance in excess of the average of its operating budget for the previous 4 fiscal years may continue to carry such excess funds forward upon the recommendation of the advisory board. The basis for a fee structure for allowable activities must relate to the level of service provided by the local government and must include consideration for refunding fees due to reduced services based 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
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, to
64 upgrade technology hardware and software systems to enhance
65 service delivery, ~~to pay for the construction of a building or~~
66 ~~structure that houses a local government's building code~~
67 ~~enforcement agency,~~ or for training programs for building
68 officials, inspectors, or plans examiners associated with the
69 enforcement of the Florida Building Code. A local government is
70 not eligible to receive state funds through a local funding
71 initiative request if the local government has been subject to a
72 legislative committee's audit concerning the use of excess funds
73 within 1 year after the local government's request or if the
74 local government does not submit in its local funding initiative
75 request to its legislative delegation an affirmation stating

76 that it is no longer the subject of such state audit. Each
77 appropriate legislative committee shall report a list of all
78 local governments that have been subject to an audit or that
79 have not submitted an affirmation to the presiding officers and
80 the chairs of the legislative appropriations committees ~~Excess~~
81 ~~funds used to construct such a building or structure must be~~
82 ~~designated for such purpose by the local government and may not~~
83 ~~be carried forward for more than 4 consecutive years.~~ An owner
84 or a builder who has a valid building permit issued by a local
85 government for a fee, or an association of owners or builders
86 located in this ~~the~~ state that has members with valid building
87 permits issued by a local government for a fee, may bring a
88 civil action against the local government that issued the permit
89 for a fee to enforce this subparagraph.

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

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

94 b. Inspections of public buildings for a reduced fee or no
95 fee.

96 c. Public information requests, community functions,
97 boards, and any program not directly related to enforcement of
98 the Florida Building Code.

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

101 Florida Building Code and excluding any local ordinance directly
102 related to enforcing the Florida Building Code as defined in
103 subparagraph 1.

104 4. A local government must use recognized management,
105 accounting, and oversight practices to ensure that fees, fines,
106 and investment earnings generated under this subsection are
107 maintained and allocated or used solely for the purposes
108 described in subparagraph 1.

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

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

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