

CS/HB 1169

2026

A bill to be entitled
An act relating to enforcement of the Florida Building Code; amending s. 553.80, F.S.; removing the authority of a local government to use excess funds to pay for the construction of certain buildings or structures; providing that a local government is not eligible to receive state funds if it has been subject to a legislative committee's audit within a specified timeframe or if it fails to submit a specified affirmation to the legislative delegation; requiring each legislative committee to report such local governments to the presiding officers and the chairs of the legislative appropriations committees; providing an effective date.

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

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

553.80 Enforcement.—

(7) (a) The governing bodies of local governments may provide a schedule of reasonable fees, as authorized by s. 125.56(2) or s. 166.222 and this section, for enforcing this part. These fees, and any fines or investment earnings related to the fees, may only be used for carrying out the local

CS/HB 1169

2026

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

CS/HB 1169

2026

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~~
~~structure that houses a local government's building code~~
~~enforcement agency,~~ or for training programs for building
66 officials, inspectors, or plans examiners associated with the
67 enforcement of the Florida Building Code. A local government is
68 not eligible to receive state funds through a local funding
69 initiative request if the local government has been subject to a
70 legislative committee's audit concerning the use of excess funds
71 within 1 year after the local government's request or if the
72 local government does not submit in its local funding initiative
73 request to its legislative delegation an affirmation stating

CS/HB 1169

2026

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.