

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Appropriations

BILL: CS/CS/CS/SB 1614

INTRODUCER: Committee on Appropriations; Appropriations Committee on Agriculture, Environment, and General Government; Community Affairs Committee; and Senator Leek

SUBJECT: Local Government Funding

DATE: March 3, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Tolmich</u>	<u>Fleming</u>	<u>CA</u>	<u>Fav/CS</u>
2.	<u>Davis</u>	<u>Betta</u>	<u>AEG</u>	<u>Fav/CS</u>
3.	<u>Davis</u>	<u>Sadberry</u>	<u>AP</u>	<u>Fav/CS</u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/CS/SB 1614 removes a current provision of law that authorizes a local government to use excess funds received from enforcing the Florida Building Code for the construction of a building or structure that houses a local government's building code enforcement agency.

The bill has an indeterminate fiscal impact to local governments. See Section V., Fiscal Impact Statement.

The bill takes effect July 1, 2026.

II. Present Situation:

The Florida Building Code

In 1974, Florida adopted legislation requiring all local governments to adopt and enforce a minimum building code that would ensure that Florida's minimum standards were met. Local governments could choose from four separate model codes. The state's role was limited to adopting all or relevant parts of new editions of the four model codes. Local governments could amend and enforce their local codes, as they desired.¹

¹ The Florida Building Commission Report to the 2006 Legislature, *Florida Department of Community Affairs*, p. 4, available at: http://www.floridabuilding.org/fbc/publications/2006_Legislature_Rpt_rev2.pdf (last visited Feb. 2, 2026).

In 1992, Hurricane Andrew demonstrated that Florida’s system of local codes did not work. Hurricane Andrew easily destroyed those structures that were allegedly built according to the strongest code. The Governor eventually appointed a study commission to review the system of local codes and make recommendations for modernizing the system. The 1998 Legislature adopted the study’s commission recommendations for a single state building code and enhanced the oversight role of the state over local code enforcement. The 2000 Legislature authorized implementation of the Florida Building Code (Building Code), and that first edition replaced all local codes on March 1, 2002.² The current edition of the Building Code is the eighth edition, which is referred to as the 2023 Florida Building Code.³

Chapter 553, part IV, F.S., is known as the “Florida Building Codes Act” (Act). The purpose and intent of the Act is to provide a mechanism for the uniform adoption, updating, interpretation, and enforcement of a single, unified state building code. The Building Code must be applied, administered, and enforced uniformly and consistently from jurisdiction to jurisdiction.⁴

Local Government Enforcement of the Florida Building Code

Current law permits local governing bodies to provide a schedule of reasonable fees in order to enforce the Florida Building Code.⁵ Such fees, fines, or investment earnings related to the fees may only be used for carrying out the local government’s responsibilities in enforcing the building code, including, but not limited to, any process or enforcement related to obtaining or finalizing a building permit.⁶ 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 annual costs of allowable activities.⁷ Any unexpected balances must be carried forward to future years for allowable activities or must be refunded at the discretion of the local government.⁸

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 four fiscal years.⁹ Any amount exceeding this limit must be used for the following purposes:¹⁰

- Rebating and reducing fees;
- Upgrading technology hardware and software systems to enhance service delivery;

² *Id.*

³ Florida Building Commission Homepage, available at: <https://floridabuilding.org/c/default.aspx> (last visited Feb. 2, 2026).

⁴ Section 553.72(1), F.S.

⁵ Section 553.80(7)(a), F.S. Such enforcement of the Florida Building Code includes the direct costs and reasonable indirect costs associated with review of building plans, building inspections, reinspections, and building permit processing; building code enforcement; and fire inspections associated with new construction. It also may include training costs associated with the enforcement of the Florida Building Code and enforcement action pertaining to unlicensed contractor activity to the extent not funded by other user fees. Section 553.80(7)(a)1., F.S.

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ *Id.* The term “operating budget” does not include reserve amounts.

¹⁰ 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 unexpected balance in excess of the average of its operating budget for the previous four fiscal years may continue to carry such excess funds forward upon the recommendation of the advisory board. Section 553.80(7)(a), F.S.

- Paying for the construction of a building or structure that houses a local government's building code enforcement agency;¹¹ or
- Providing training programs for building officials, inspectors, or plans examiners associated with the Florida Building Code.¹²

III. Effect of Proposed Changes:

Section 1 amends s. 553.80, F.S., to remove a current provision of law authorizing a local government to use excess funds received from enforcing the Florida Building Code for the construction of a building or structure that houses a local government's building code enforcement agency. The bill also removes the requirement that excess funds used to construct certain authorized buildings or structures must be designated for such purposes by the local government and not allowed to be carried forward for more than four consecutive years.

The bill takes effect July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not appear to require counties and municipalities to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Art. VII, s.18 of the State Constitution.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

¹¹ Excess funds used to construct such a building or structure must be designated for such purpose by the local government and may not be carried forward for more than four consecutive years. Section 553.80(7)(a)2., F.S.

¹² Section 553.80(7)(a)2., F.S.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill has an indeterminate negative fiscal impact to local governmental entities that are no longer eligible to use excess funds from enforcing the Florida Building Code to pay for the construction of a building that houses the local government's building code enforcement agency.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 553.80 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)**CS/CS/CS by Appropriations on March 2, 2026:**

The committee substitute:

- Changes the relating to clause from “an act relating to local government funding” to “an act relating to enforcement of the Florida Building Code.”
- Removes the provision providing that a local government is not eligible to receive state funds through a local funding initiative request if it has been subject to an audit directed by the Joint Legislative Auditing Committee (JLAC) within the one-year period preceding date of the submission of such request and exception.
- Removes requirement that the JLAC notify the chairs of each legislative appropriations committee upon voting to direct an audit of a local governmental entity.

CS/CS by Appropriations Committee on Agriculture, Environment, and General Government on February 18, 2026:

The committee substitute:

- Changes the relating to clause from “an act relating to the Florida Building Code” to “an act relating to local government funding.”
- Moves the audit provisions in the bill from s. 553.80, F.S., to s. 11.40, F.S., and provides additional specificity.

- Removes the requirement for legislative committees to submit a list of local governments subject to an audit to the presiding officers and the chairs of the legislative appropriations committees. Instead, it requires JLAC to notify the chairs of each legislative appropriations committee upon voting to direct an audit of a local governmental entity.

CS by Community Affairs on February 3, 2026:

The committee substitute:

- Removes the provision of the bill that authorizes the expenditure of excess funds received from enforcing the Florida Building Code on the performance of necessary services or repairs to a stormwater management system.
- Removes a current law provision that authorizes a local government to use such excess funds for the construction of a building or structure that houses a local government's building code enforcement agency.
- Clarifies that a local government may not receive state funds through a local funding initiative request if the local government has been subject to a legislative committee's audit within one year after such request, or if the local government does not submit an affirmation with its local funding initiative request to its legislative delegation stating that it is no longer the subject of a state audit.

B. Amendments:

None.