

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 Community Affairs

BILL: CS/SB 1614

INTRODUCER: Community Affairs Committee and Senator Leek

SUBJECT: Florida Building Code

DATE: February 4, 2026 REVISED: _____

| ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|------------|----------------|-----------|--------|
| 1. Tolmich | Fleming | CA | Fav/CS |
| 2. | | AEG | |
| 3. | | AP | |

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1614 provides 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. Each appropriate legislative committee must report a list of all local governments that have been subject to an audit or which have not submitted an affirmation to the presiding officers of both chambers and the chairs of the legislative appropriations committees.

The bill also removes a current law provision 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 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

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

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).

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.*

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;
- 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

Legislative Appropriations Projects

Joint Rule 2.2(4)(a) of the Florida Legislature provides for legislative appropriations projects. An appropriations project is a specific appropriation, proviso, or item on a conference committee spreadsheet agreed to by House and Senate conferees providing funding for specified purposes.¹³ One such purpose of an appropriations project is to provide funding to a local government, private entity, or privately operated program.¹⁴ Funding requests are submitted by a member of the legislature via specified appropriations request forms, which require the requester to provide information such as the title of the project, the total cost of the project, and if the project requires funding over multiple years.¹⁵

III. Effect of Proposed Changes:

CS/SB 1614 amends s. 553.80, F.S., to provide 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. Each appropriate legislative committee must report a list of all local governments that have been subject to an audit, or which have not submitted an affirmation to the presiding officers of both chambers and the chairs of the legislative appropriations committees.

The bill also removes a current law provision 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.

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.

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.

¹³ Joint Rule 2.2(4)(a), Florida Legislature (2024-2026).

¹⁴ *Id.*

¹⁵ See Florida House of Representatives Appropriations Project Request FY 26-27, available at:

https://www.flhouse.gov/FileStores/Web/HouseContent/Approved/Web%20Site/projects_items/APR%20Fillable%20Form%20FY%202026-27.pdf (last visited Feb. 2, 2026).

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 Article 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:

The general rule of law¹⁶ is that one legislature cannot bind to limit or enlarge the powers of a subsequent legislature or inhibit it from amending or repealing any legislation so long as it does not act contrary to or inconsistently with any constitutional limitations on the legislative power in any given case.¹⁷ The bill provides that a local government may not receive state funds through requests under certain conditions, and requires future legislative committees to produce certain reports. As legislative appropriations are conducted and committees are formed each year by a new legislature with equal stature to the previous, these provisions may not bind future legislatures beyond the requirements of the Florida Constitution.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

¹⁶ See *Nue v. Miami Herald Publishing Co.*, 462 So. 2d 821 (Fla. 1985); *Internal Improvement Fund v. St. Johns River Co.*, 16 Fla. 531 (Fla. 1878); *Gonzales v. Sullivan*, 16 Fla. 791 (Fla. 1878).

¹⁷ State of Florida's Office of the Attorney General, *Postaudit Expenditures, Counties*, available at <https://www.myfloridalegal.com/ag-opinions/postaudit-expenditures-counties> (last visited Feb. 2, 2026).

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill provides that a local government may not receive state funds through a “local funding initiative request” if it has been subject to a legislative committee’s audit within one year after such request. The term “local funding initiative request” is not defined in the Florida Statutes, but appears to correspond to an “appropriations project,” as defined in Joint Rule 2.2(4)(a) of the Florida Legislature. Additionally, the bill does not specify that the audit must relate to excess Florida Building Code enforcement funds, which could result in funding restrictions based on unrelated audit matters.

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 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.