

**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.)

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Prepared By: The Professional Staff of the Committee on Community Affairs

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BILL: SB 1614

INTRODUCER: Senator Leek

SUBJECT: Florida Building Code

DATE: February 2, 2026

REVISED: \_\_\_\_\_

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Tolmich	Fleming	CA	<b>Pre-meeting</b>
2. _____	_____	AEG	_____
3. _____	_____	AP	_____

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## **I. Summary:**

SB 1614 adds the performance of necessary services or repairs to a stormwater management system to the list of authorized uses in which a local government must use excess funds received from enforcing the Florida Building Code that it is prohibited from carrying forward to rebate and reduce fees.

The bill provides that a local government may not receive state funds through a local funding initiative request to its legislative designation unless it has expended all funds on specified authorized uses and does not have excess funds.

The bill further provides that a local government is ineligible for additional state funds if the local government has been subject to a legislative committee's audit within one year after the local government's request or if the local government does not submit an affirmation stating that it has expended all funds and does not have excess funds for services or repairs to its stormwater management system in its local funding initiative request to its legislative delegation. Each appropriate legislative committee must report a list of all local governments that have been subject to an audit or which have submitted an affirmation to the presiding officers and the chairs of the legislative appropriations committees.

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.<sup>1</sup>

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.<sup>2</sup> The current edition of the Building Code is the eighth edition, which is referred to as the 2023 Florida Building Code.<sup>3</sup>

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.<sup>4</sup>

### **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.<sup>5</sup> 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.<sup>6</sup> 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.<sup>7</sup> Any unexpected balances must be carried forward to future years for allowable activities or must be refunded at the discretion of the local government.<sup>8</sup>

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.<sup>9</sup> Any amount exceeding this limit must be used for the following purposes:<sup>10</sup>

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<sup>1</sup> 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](http://www.floridabuilding.org/fbc/publications/2006_Legislature_Rpt_rev2.pdf) (last visited Feb. 2, 2026).

<sup>2</sup> *Id.*

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

<sup>4</sup> Section 553.72(1), F.S.

<sup>5</sup> 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.

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> *Id.* The term "operating budget" does not include reserve amounts.

<sup>10</sup> 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

- 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;<sup>11</sup> or
- Providing training programs for building officials, inspectors, or plans examiners associated with the Florida Building Code.<sup>12</sup>

### **Stormwater Management Systems**

A stormwater management system is a system designed and constructed or implemented to control discharges that are necessitated by rainfall events, incorporating methods to collect, convey, store, absorb, inhibit, treat, use, or reuse water to prevent or reduce flooding, overdrainage, environmental degradation, and water pollution or otherwise affect the quality and quantity of discharges from the system.<sup>13</sup>

One type of stormwater system is a municipal separate storm sewer system (MS4). An MS4 is a publicly-owned conveyance or system of conveyances (i.e., ditches, curbs, catch basins, underground pipes, etc.) designed or used for collecting or conveying stormwater and that discharges to surface waters of the state.<sup>14</sup> MS4 operators include, but are not limited to, municipalities, counties, community development districts, universities, military bases, or federal correctional facilities.<sup>15</sup>

### ***Flood Inventory and Restoration Report***

By September 1, 2026, the Department of Environmental Protection (DEP) must submit a Flood Inventory and Restoration Report to the Division of Emergency Management (DEM).<sup>16</sup> DEP must work with water management districts, local governments, and operators of public and private stormwater management systems to compile the necessary information for the report, which must:

- Identify priority infrastructure needs within each water management jurisdiction that may result in flooding or property damage or threaten human health if left unaddressed;
- Identify locations that have both historic flooding occurrences, based on flood zones identified by the Federal Emergency Management Agency, and the potential to flood from future significant storm events;
- For each identified location, include an inspection and maintenance schedule and specific information on the age of the infrastructure, upstream impacts, and other factors that may lead to system failures if left unaddressed; and

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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.

<sup>11</sup> 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.

<sup>12</sup> Section 553.80(7)(a)2., F.S.

<sup>13</sup> Section 403.031(18), F.S.

<sup>14</sup> DEP, *Municipal separate storm sewer systems (MS4)*, available at:

<https://floridadep.gov/water/stormwater/content/municipal-separate-storm-sewer-systems-ms4> (last visited Feb. 2, 2026).

<sup>15</sup> *Id.*

<sup>16</sup> Section 373.423(4)(a), F.S.

- Include a list of facilities prioritized<sup>17</sup> for funding to address flooding issues.<sup>18</sup>

DEP is required to review and update the report on a biannual basis, which must provide information regarding compliance with the inspection and maintenance schedules, include any additional revisions based on storm event experience, and revise the list of facilities as new flooding events take place and new projects are implemented to alleviate infrastructure deficiencies which led to flooding events.<sup>19</sup> DEP must submit an updated report to DEM by September 1 of each year in which the report is due.<sup>20</sup>

### **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.<sup>21</sup> One such purpose of an appropriations project is to provide funding to a local government, private entity, or privately operated program.<sup>22</sup> 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.<sup>23</sup>

### **III. Effect of Proposed Changes:**

SB 1614 adds the performance of necessary services or repairs to a stormwater management system to the list of authorized uses in which a local government must use excess funds received from enforcing the Florida Building Code that it is prohibited from carrying forward to rebate and reduce fees.

The bill provides that a local government may not receive state funds through a local funding initiative request to its legislative designation unless it has expended all funds on specified authorized uses and does not have excess funds.

The bill further provides that a local government is ineligible for additional state funds if the local government has been subject to a legislative committee's audit within one year after the local government's request or if the local government does not submit an affirmation stating that it has expended all funds and does not have excess funds for services or repairs to its stormwater management system in its local funding initiative request to its legislative delegation. Each appropriate legislative committee must report a list of all local governments that have been

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<sup>17</sup> The owner of any priority infrastructure identified in the report must submit an inspection and maintenance schedule to DEP. Section 373.423(4)(b), F.S.

<sup>18</sup> Section 373.423(4)(a), F.S.

<sup>19</sup> Section 373.423(4)(c), F.S.

<sup>20</sup> *Id.*

<sup>21</sup> Joint Rule 2.2(4)(a), Florida Legislature (2024-2026).

<sup>22</sup> *Id.*

<sup>23</sup> 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](https://www.flhouse.gov/FileStores/Web/HouseContent/Approved/Web%20Site/projects_items/APR%20Fillable%20Form%20FY%202026-27.pdf) (last visited Feb. 2, 2026).

subject to an audit or which have submitted an affirmation to the presiding officers and the chairs of the legislative appropriations committees.

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 law<sup>24</sup> 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.<sup>25</sup> 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.

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<sup>24</sup> 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).

<sup>25</sup> 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).

**B. Private Sector Impact:**

None.

**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 fails to meet certain requirements. However, this term is not defined in the Florida Statutes, but is likely referencing an “appropriations project,” as provided in Joint Rule 2.2(4)(a) of the Florida Legislature.

The bill also prohibits a local government from receiving “additional state funds” if it has been subject to a legislative committee’s audit within one year after such request; however, the bill does not link such audits to excess Florida Building Code enforcement funds or otherwise tie the audit to Florida Building Code compliance. In addition, the bill does not specify which “additional state funds” are subject to this restriction.

**VIII. Statutes Affected:**

This bill substantially amends section 553.80 of the Florida Statutes.

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.