

**By Senator Leek**

7-00341C-26

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A bill to be entitled

An act relating to the Florida Building Code; amending s. 553.80, F.S.; prohibiting a local government from receiving state funds through a local funding initiative request to its legislative designation unless it has expended all funds through enforcing the Florida Building Code on authorized uses and does not have excess funds; providing that a local government is not eligible for additional state funds if it has been subject to a legislative committee's audit within a specified timeframe or if it fails to submit an affirmation to its legislative delegation; requiring each appropriate legislative committee to report such local governments to the presiding officers and the appropriations chairs; 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 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

7-00341C-26

20261614

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

54 1. As used in this subsection, the phrase "enforcing the  
55 Florida Building Code" includes the direct costs and reasonable  
56 indirect costs associated with review of building plans,  
57 building inspections, reinspections, and building permit  
58 processing; building code enforcement; and fire inspections

7-00341C-26

20261614

59 associated with new construction. The phrase may also include  
60 training costs associated with the enforcement of the Florida  
61 Building Code and enforcement action pertaining to unlicensed  
62 contractor activity to the extent not funded by other user fees.

63 2. A local government must use any excess funds that it is  
64 prohibited from carrying forward to rebate and reduce fees, to  
65 perform necessary services or repairs to its stormwater  
66 management system as defined in s. 403.031, to upgrade  
67 technology hardware and software systems to enhance service  
68 delivery, to pay for the construction of a building or structure  
69 that houses a local government's building code enforcement  
70 agency, or for training programs for building officials,  
71 inspectors, or plans examiners associated with the enforcement  
72 of the Florida Building Code. Excess funds used to construct  
73 such a building or structure must be designated for such purpose  
74 by the local government and may not be carried forward for more  
75 than 4 consecutive years. A local government may not receive  
76 state funds through a local funding initiative request to its  
77 legislative designation unless it has expended all funds on the  
78 authorized uses in this paragraph and does not have excess  
79 funds. Notwithstanding this subparagraph, a local government is  
80 not eligible for additional state funds if the local government  
81 has been subject to a legislative committee's audit within 1  
82 year after the local government's request or if the local  
83 government does not submit in its local funding initiative  
84 request to its legislative delegation an affirmation stating  
85 that it has expended all funds and does not have excess funds  
86 for services or repairs to its stormwater management system.  
87 Each appropriate legislative committee shall report a list of

7-00341C-26

20261614

88 all local governments that have been subject to an audit or  
89 which have not submitted an affirmation to the presiding  
90 officers and the chairs of the legislative appropriations  
91 committees. An owner or a builder who has a valid building  
92 permit issued by a local government for a fee, or an association  
93 of owners or builders located in this ~~the~~ state that has members  
94 with valid building permits issued by a local government for a  
95 fee, may bring a civil action against the local government that  
96 issued the permit for a fee to enforce this subparagraph.

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

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

101 b. Inspections of public buildings for a reduced fee or no  
102 fee.

103 c. Public information requests, community functions,  
104 boards, and any program not directly related to enforcement of  
105 the Florida Building Code.

106 d. Enforcement and implementation of any other local  
107 ordinance, excluding validly adopted local amendments to the  
108 Florida Building Code and excluding any local ordinance directly  
109 related to enforcing the Florida Building Code as defined in  
110 subparagraph 1.

111 4. A local government must use recognized management,  
112 accounting, and oversight practices to ensure that fees, fines,  
113 and investment earnings generated under this subsection are  
114 maintained and allocated or used solely for the purposes  
115 described in subparagraph 1.

116 5. The local enforcement agency, independent district, or

7-00341C-26

20261614

117 special district may not require at any time, including at the  
118 time of application for a permit, the payment of any additional  
119 fees, charges, or expenses associated with:

120 a. Providing proof of licensure under chapter 489;  
121 b. Recording or filing a license issued under this chapter;  
122 c. Providing, recording, or filing evidence of workers'  
123 compensation insurance coverage as required by chapter 440; or  
124 d. Charging surcharges or other similar fees not directly  
125 related to enforcing the Florida Building Code.

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