

By the Committee on Community Affairs; and Senator Leek

578-02482-26

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1 A bill to be entitled
2 An act relating to the Florida Building Code; amending
3 s. 553.80, F.S.; revising how a local government is
4 required to spend excess funds; providing that a local
5 government is not eligible to receive state funds
6 through a local funding initiative request if it has
7 been subject to a legislative committee's audit within
8 a specified timeframe or if it fails to submit a
9 certain affirmation to its legislative delegation;
10 requiring each appropriate legislative committee to
11 report such local governments to the presiding
12 officers and the appropriations chairs; providing an
13 effective date.

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

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17 Section 1. Paragraph (a) of subsection (7) of section
18 553.80, Florida Statutes, is amended to read:

19 553.80 Enforcement.—

20 (7)(a) The governing bodies of local governments may
21 provide a schedule of reasonable fees, as authorized by s.
22 125.56(2) or s. 166.222 and this section, for enforcing this
23 part. These fees, and any fines or investment earnings related
24 to the fees, may only be used for carrying out the local
25 government's responsibilities in enforcing the Florida Building
26 Code, including, but not limited to, any process or enforcement
27 related to obtaining or finalizing a building permit. When
28 providing a schedule of reasonable fees, the total estimated
29 annual revenue derived from fees, and the fines and investment

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earnings related to the fees, may not exceed the total estimated annual costs of allowable activities. Any unexpended balances must be carried forward to future years for allowable activities or must be refunded at the discretion of the local government. 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 4 fiscal years. For purposes of this subsection, the term "operating budget" does not include reserve amounts. Any amount exceeding this limit must be used as authorized in subparagraph 2. 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 unexpended balance in excess of the average of its operating budget for the previous 4 fiscal years may continue to carry such excess funds forward upon the recommendation of the advisory board. The basis for a fee structure for allowable activities must relate to the level of service provided by the local government and must include consideration for refunding fees due to reduced services based on services provided as prescribed by s. 553.791, but not provided by the local government. Fees charged must be consistently applied.

1. As used in this subsection, the phrase "enforcing 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. The phrase may also include training costs associated with the enforcement of the Florida

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Building Code and enforcement action pertaining to unlicensed contractor activity to the extent not funded by other user fees.

2. A local government must use any excess funds that it is prohibited from carrying forward to rebate and reduce fees, to upgrade technology hardware and software systems to enhance 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 officials, inspectors, or plans examiners associated with the enforcement of the Florida Building Code. A local government is not eligible to receive state funds through a local funding initiative request if the local government has been subject to a legislative committee's audit within 1 year after the local government's request, or if the local government does not submit in its local funding initiative request to its legislative delegation an affirmation stating that it is no longer the subject of a state audit. Each appropriate legislative committee shall report a list of all local governments that have been subject to an audit or that have not submitted an affirmation to the presiding officers and the chairs of the legislative appropriations committees ~~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 4 consecutive years.~~ An owner or a builder who has a valid building permit issued by a local government for a fee, or an association of owners or builders located in this ~~the~~ state that has members with valid building permits issued by a local government for a fee, may bring a civil action against the local government that issued the permit for a fee to enforce this

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subparagraph.

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

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

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

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

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

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

5. The local enforcement agency, independent district, or special district may not require at any time, including at the time of application for a permit, the payment of any additional fees, charges, or expenses associated with:

- a. Providing proof of licensure under chapter 489;
- b. Recording or filing a license issued under this chapter;
- c. Providing, recording, or filing evidence of workers' compensation insurance coverage as required by chapter 440; or
- d. Charging surcharges or other similar fees not directly

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117 related to enforcing the Florida Building Code.

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