

By the Committee on Community Affairs; and Senator Leek

578-02482-26

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A bill to be entitled

An act relating to the Florida Building Code; amending s. 553.80, F.S.; revising how a local government is required to spend excess funds; providing that a local government is not eligible to receive state funds through a local funding initiative request if it has been subject to a legislative committee's audit within a specified timeframe or if it fails to submit a certain 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 providing a schedule of reasonable fees, the total estimated annual revenue derived from fees, and the fines and investment

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

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

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

61 2. A local government must use any excess funds that it is
62 prohibited from carrying forward to rebate and reduce fees, to
63 upgrade technology hardware and software systems to enhance
64 service delivery, ~~to pay for the construction of a building or~~
~~structure that houses a local government's building code~~
65 ~~enforcement agency~~, or for training programs for building
66 officials, inspectors, or plans examiners associated with the
67 enforcement of the Florida Building Code. A local government is
68 not eligible to receive state funds through a local funding
69 initiative request if the local government has been subject to a
70 legislative committee's audit within 1 year after the local
71 government's request, or if the local government does not submit
72 in its local funding initiative request to its legislative
73 delegation an affirmation stating that it is no longer the
74 subject of a state audit. Each appropriate legislative committee
75 shall report a list of all local governments that have been
76 subject to an audit or that have not submitted an affirmation to
77 the presiding officers and the chairs of the legislative
78 appropriations committees ~~Excess funds used to construct such a~~
79 ~~building or structure must be designated for such purpose by the~~
80 ~~local government and may not be carried forward for more than 4~~
81 ~~consecutive years~~. An owner or a builder who has a valid
82 building permit issued by a local government for a fee, or an
83 association of owners or builders located in this ~~the~~ state that
84 has members with valid building permits issued by a local
85 government for a fee, may bring a civil action against the local
86 government that issued the permit for a fee to enforce this
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88 subparagraph.

89 3. The following activities may not be funded with fees
90 adopted for enforcing the Florida Building Code:91 a. Planning and zoning or other general government
92 activities not related to obtaining a building permit.93 b. Inspections of public buildings for a reduced fee or no
94 fee.95 c. Public information requests, community functions,
96 boards, and any program not directly related to enforcement of
97 the Florida Building Code.98 d. Enforcement and implementation of any other local
99 ordinance, excluding validly adopted local amendments to the
100 Florida Building Code and excluding any local ordinance directly
101 related to enforcing the Florida Building Code as defined in
102 subparagraph 1.103 4. A local government must use recognized management,
104 accounting, and oversight practices to ensure that fees, fines,
105 and investment earnings generated under this subsection are
106 maintained and allocated or used solely for the purposes
107 described in subparagraph 1.108 5. The local enforcement agency, independent district, or
109 special district may not require at any time, including at the
110 time of application for a permit, the payment of any additional
111 fees, charges, or expenses associated with:112 a. Providing proof of licensure under chapter 489;
113 b. Recording or filing a license issued under this chapter;
114 c. Providing, recording, or filing evidence of workers'
115 compensation insurance coverage as required by chapter 440; or
116 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.