

By the Committee on Appropriations; the Appropriations Committee on Agriculture, Environment, and General Government; the Committee on Community Affairs; and Senator Leek

576-03340-26

20261614c3

1 A bill to be entitled
2 An act relating to enforcement of the Florida Building
3 Code; amending s. 553.80, F.S.; revising the manner in
4 which a local government is required to spend excess
5 funds; providing an effective date.
6
7 Be It Enacted by the Legislature of the State of Florida:
8
9 Section 1. Paragraph (a) of subsection (7) of section
10 553.80, Florida Statutes, is amended to read:
11 553.80 Enforcement.—
12 (7) (a) The governing bodies of local governments may
13 provide a schedule of reasonable fees, as authorized by s.
14 125.56(2) or s. 166.222 and this section, for enforcing this
15 part. These fees, and any fines or investment earnings related
16 to the fees, may only be used for carrying out the local
17 government's responsibilities in enforcing the Florida Building
18 Code, including, but not limited to, any process or enforcement
19 related to obtaining or finalizing a building permit. When
20 providing a schedule of reasonable fees, the total estimated
21 annual revenue derived from fees, and the fines and investment
22 earnings related to the fees, may not exceed the total estimated
23 annual costs of allowable activities. Any unexpended balances
24 must be carried forward to future years for allowable activities
25 or must be refunded at the discretion of the local government. A
26 local government may not carry forward an amount exceeding the
27 average of its operating budget for enforcing the Florida
28 Building Code for the previous 4 fiscal years. For purposes of
29 this subsection, the term "operating budget" does not include

576-03340-26

20261614c3

30 reserve amounts. Any amount exceeding this limit must be used as
31 authorized in subparagraph 2. However, a local government that
32 established, as of January 1, 2019, a Building Inspections Fund
33 Advisory Board consisting of five members from the construction
34 stakeholder community and carries an unexpended balance in
35 excess of the average of its operating budget for the previous 4
36 fiscal years may continue to carry such excess funds forward
37 upon the recommendation of the advisory board. The basis for a
38 fee structure for allowable activities must relate to the level
39 of service provided by the local government and must include
40 consideration for refunding fees due to reduced services based
41 on services provided as prescribed by s. 553.791, but not
42 provided by the local government. Fees charged must be
43 consistently applied.

44 1. As used in this subsection, the phrase "enforcing the
45 Florida Building Code" includes the direct costs and reasonable
46 indirect costs associated with review of building plans,
47 building inspections, reinspections, and building permit
48 processing; building code enforcement; and fire inspections
49 associated with new construction. The phrase may also include
50 training costs associated with the enforcement of the Florida
51 Building Code and enforcement action pertaining to unlicensed
52 contractor activity to the extent not funded by other user fees.

53 2. A local government must use any excess funds that it is
54 prohibited from carrying forward to rebate and reduce fees, to
55 upgrade technology hardware and software systems to enhance
56 service delivery, ~~to pay for the construction of a building or~~
57 ~~structure that houses a local government's building code~~
58 ~~enforcement agency,~~ or for training programs for building

576-03340-26

20261614c3

59 officials, inspectors, or plans examiners associated with the
60 enforcement of the Florida Building Code. ~~Excess funds used to~~
61 ~~construct such a building or structure must be designated for~~
62 ~~such purpose by the local government and may not be carried~~
63 ~~forward for more than 4 consecutive years.~~ An owner or a builder
64 who has a valid building permit issued by a local government for
65 a fee, or an association of owners or builders located in this
66 ~~the state~~ which ~~that~~ has members with valid building permits
67 issued by a local government for a fee, may bring a civil action
68 against the local government that issued the permit for a fee to
69 enforce this subparagraph.

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

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

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

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

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

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

576-03340-26

20261614c3

88 described in subparagraph 1.

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

- 93 a. Providing proof of licensure under chapter 489;
94 b. Recording or filing a license issued under this chapter;
95 c. Providing, recording, or filing evidence of workers'
96 compensation insurance coverage as required by chapter 440; or
97 d. Charging surcharges or other similar fees not directly
98 related to enforcing the Florida Building Code.

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