

CHAPTER 2019-121

Committee Substitute for House Bill No. 127

An act relating to permit fees; amending ss. 125.56 and 166.222, F.S.; requiring the governing bodies of counties and municipalities to post their permit and inspection fee schedules and building permit and inspection utilization reports on their websites; amending s. 553.80, F.S.; requiring the governing bodies of local governments to create building permit and inspection utilization reports and post the reports on their websites by a specified date; providing requirements for such governing bodies; providing reporting requirements; providing an effective date.

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

Section 1. Paragraph (c) is added to subsection (4) of section 125.56, Florida Statutes, to read:

125.56 Enforcement and amendment of the Florida Building Code and the Florida Fire Prevention Code; inspection fees; inspectors; etc.—

(4)

(c) The governing body of a county authorized under this section or s. 553.80 to issue fees shall post its permit and inspection fee schedules and its building permit and inspection utilization report required under s. 553.80(7) on its website.

Section 2. Section 166.222, Florida Statutes, is amended to read:

166.222 Building code inspection fees.—

(1) The governing body of a municipality may provide a schedule of reasonable inspection fees in order to defer the costs of inspection and enforcement of the provisions of its building code.

(2) The governing body of a municipality authorized under s. 553.80 to issue fees shall post its permit and inspection fee schedules and its building permit and inspection utilization report required under s. 553.80(7) on its website.

Section 3. 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, shall be used solely for carrying out the local

government's responsibilities in enforcing the Florida Building Code. 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 estimated annual costs of allowable activities. Any unexpended balances shall be carried forward to future years for allowable activities or shall be refunded at the discretion of the local government. The basis for a fee structure for allowable activities shall relate to the level of service provided by the local government and shall 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 shall be consistently applied.

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

2.(b) The following activities may not be funded with fees adopted for enforcing the Florida Building Code:

- a.1. Planning and zoning or other general government activities.
- b.2. Inspections of public buildings for a reduced fee or no fee.
- c.3. Public information requests, community functions, boards, and any program not directly related to enforcement of the Florida Building Code.
- d.4. 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 paragraph (a).

3.(e) A local government shall 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 paragraph (a).

4.(d) 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.1. Providing proof of licensure pursuant to chapter 489;
- b.2. Recording or filing a license issued pursuant to this chapter; or

~~c.3.~~ Providing, recording, or filing evidence of workers' compensation insurance coverage as required by chapter 440.

(b) By December 31, 2020, the governing body of a local government that provides a schedule of fees shall create a building permit and inspection utilization report and post the report on its website. The information in the report shall be derived from relevant information available in the most recently completed financial audit. After December 31, 2020, the governing body of a local government that provides a schedule of fees shall update its building permit and inspection utilization report before making any adjustments to the fee schedule. The report shall include:

1. Direct and indirect costs incurred by the local government to enforce the Florida Building Code, including costs related to:

a. Personnel services costs, including salary and related employee benefit costs incurred by the local government to enforce the Florida Building Code.

b. Operating expenditures and expenses.

2. Permit and inspection utilization information, including:

a. Number of building permit applications submitted.

b. Number of building permits issued or approved.

c. Number of building inspections and reinspections requested.

d. Number of building inspections and reinspections conducted.

e. Number of building inspections conducted by a private provider.

f. Number of audits conducted by the local government of private provider building inspections.

g. Number of personnel dedicated by the local government to enforce the Florida Building Code, issue building permits, and conduct inspections.

h. Other permissible activities for enforcing the Florida Building Code as described in subparagraph (a)1.

3. Revenue information, including:

a. Revenue derived from fees pursuant to paragraph (a).

b. Revenue derived from fines pursuant to paragraph (a).

c. When applicable, investment earnings from the local government's investment of revenue derived from fees and fines pursuant to paragraph (a).

d. Balances carried forward by the local government pursuant to paragraph (a).

e. Balances refunded by the local government pursuant to paragraph (a).

f. Revenue derived from other sources, including local government general revenue.

Section 4. This act shall take effect July 1, 2019.

Approved by the Governor June 24, 2019.

Filed in Office Secretary of State June 24, 2019.