

1                                   A bill to be entitled  
 2           An act relating to building construction procedures;  
 3           amending s. 553.73, F.S.; authorizing the Florida  
 4           Building Commission to approve certain updates to the  
 5           Florida Building Code every 3 years; amending s.  
 6           553.80, F.S.; prohibiting a local government from  
 7           carrying forward more than a specified amount of  
 8           certain unexpended funds; providing an exception;  
 9           providing a definition; requiring a local government  
 10          to use certain unexpended funds for specified  
 11          purposes; amending s. 558.004, F.S.; providing that  
 12          certain notices are not an action; 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. Paragraphs (a) and (c) of subsection (7) of  
 18           section 553.73, Florida Statutes, are amended to read:

19           553.73 Florida Building Code.—

20           (7) (a) The commission shall adopt an updated Florida  
 21           Building Code every 3 years through review of the most current  
 22           updates of the International Building Code, the International  
 23           Fuel Gas Code, International Existing Building Code, the  
 24           International Mechanical Code, the International Plumbing Code,  
 25           and the International Residential Code, all of which are

26 | copyrighted and published by the International Code Council, and  
27 | the National Electrical Code, which is copyrighted and published  
28 | by the National Fire Protection Association. At a minimum, the  
29 | commission shall adopt any updates to such codes or any other  
30 | code necessary to maintain eligibility for federal funding and  
31 | discounts from the National Flood Insurance Program, the Federal  
32 | Emergency Management Agency, and the United States Department of  
33 | Housing and Urban Development. The commission shall also review  
34 | and adopt updates based on the International Energy Conservation  
35 | Code (IECC); however, the commission shall maintain the  
36 | efficiencies of the Florida Energy Efficiency Code for Building  
37 | Construction adopted and amended pursuant to s. 553.901. Every 3  
38 | years, the commission may approve updates to the Florida  
39 | Building Code without a finding that they are needed in order to  
40 | accommodate the specific needs of this state. The commission  
41 | shall adopt updated codes by rule.

42 | (c) The commission may also adopt as a technical amendment  
43 | to the Florida Building Code any portion of the codes identified  
44 | in paragraph (a), but only as needed to accommodate the specific  
45 | needs of this state. Standards or criteria adopted from these  
46 | codes shall be incorporated by reference to the specific  
47 | provisions adopted. If a referenced standard or criterion  
48 | requires amplification or modification to be appropriate for use  
49 | in this state, only the amplification or modification shall be  
50 | set forth in the Florida Building Code. The commission may

51 approve technical amendments to the updated Florida Building  
52 Code after the amendments have been subject to the conditions  
53 set forth in paragraphs (3)(a)-(d). Amendments that are adopted  
54 in accordance with this subsection shall be clearly marked in  
55 printed versions of the Florida Building Code so that the fact  
56 that the provisions are amendments is readily apparent.

57 Section 2. Subsection (7) of section 553.80, Florida  
58 Statutes, is amended to read:

59 553.80 Enforcement.—

60 (7) The governing bodies of local governments may provide  
61 a schedule of reasonable fees, as authorized by s. 125.56(2) or  
62 s. 166.222 and this section, for enforcing this part. These  
63 fees, and any fines or investment earnings related to the fees,  
64 shall be used solely for carrying out the local government's  
65 responsibilities in enforcing the Florida Building Code. When  
66 providing a schedule of reasonable fees, the total estimated  
67 annual revenue derived from fees, and the fines and investment  
68 earnings related to the fees, may not exceed the total estimated  
69 annual costs of allowable activities. Any unexpended balances  
70 shall be carried forward to future years for allowable  
71 activities or shall be refunded at the discretion of the local  
72 government. A local government may not carry forward an  
73 unexpended balance in excess of the average of its operating  
74 budget for enforcing the Florida Building Code for the previous  
75 4 fiscal years. For purposes of this subsection, the term

76 "operating budget" does not include reserve amounts. Any amount  
77 exceeding this limit must be used as authorized in subparagraph  
78 (a)2. However, a local government that, as of January 1, 2019,  
79 has established a Building Inspections Fund Advisory Board  
80 consisting of five members from the construction stakeholder  
81 community and carries an unexpended balance in excess of the  
82 average of its operating budget for the previous 4 fiscal years,  
83 may continue to carry forward such excess funds upon the  
84 recommendation of the Building Inspections Fund Advisory Board.

85 The basis for a fee structure for allowable activities shall  
86 relate to the level of service provided by the local government  
87 and shall include consideration for refunding fees due to  
88 reduced services based on services provided as prescribed by s.  
89 553.791, but not provided by the local government. Fees charged  
90 shall be consistently applied.

91 (a)1. As used in this subsection, the phrase "enforcing  
92 the Florida Building Code" includes the direct costs and  
93 reasonable indirect costs associated with review of building  
94 plans, building inspections, reinspections, and building permit  
95 processing; building code enforcement; and fire inspections  
96 associated with new construction. The phrase may also include  
97 training costs associated with the enforcement of the Florida  
98 Building Code and enforcement action pertaining to unlicensed  
99 contractor activity to the extent not funded by other user fees.

100 2. A local government must use any excess funds that it is

101 prohibited from carrying forward for the rebate or reduction of  
102 fees.

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

105 1. Planning and zoning or other general government  
106 activities.

107 2. Inspections of public buildings for a reduced fee or no  
108 fee.

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

112 4. Enforcement and implementation of any other local  
113 ordinance, excluding validly adopted local amendments to the  
114 Florida Building Code and excluding any local ordinance directly  
115 related to enforcing the Florida Building Code as defined in  
116 paragraph (a).

117 (c) A local government shall use recognized management,  
118 accounting, and oversight practices to ensure that fees, fines,  
119 and investment earnings generated under this subsection are  
120 maintained and allocated or used solely for the purposes  
121 described in paragraph (a).

122 (d) The local enforcement agency, independent district, or  
123 special district may not require at any time, including at the  
124 time of application for a permit, the payment of any additional  
125 fees, charges, or expenses associated with:

126           1. Providing proof of licensure pursuant to chapter 489;  
 127           2. Recording or filing a license issued pursuant to this  
 128 chapter; or

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

131           Section 3. Paragraph (d) is added to subsection (1) of  
 132 section 558.004, Florida Statutes, to read:

133           558.004 Notice and opportunity to repair.-

134           (1)

135           (d) A notice of claim filed pursuant to this chapter is  
 136 not an action for purposes of chapter 95.

137           Section 4. This act shall take effect July 1, 2020.