

West's Florida Statutes Annotated
Title XXXIII. Regulation of Trade, Commerce, Investments, and Solicitations (Chapters 494-560)
Chapter 553. Building Construction Standards (Refs & Annos)
Part IV. Florida Building Code (Refs & Annos)

West's F.S.A. § 553.80

553.80. Enforcement

Effective: July 1, 2019

Currentness

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(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. 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 which 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 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. 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. A local government must use any excess funds that it is prohibited from carrying forward to rebate and reduce fees.

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.

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.

**553.80. Enforcement, FL ST § 553.80**

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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 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.

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 pursuant to chapter 489;

b. Recording or filing a license issued pursuant to 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 related to enforcing the Florida Building Code.

(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.

**553.80. Enforcement, FL ST § 553.80**

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- 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.

(c) The governing body of a local government that issues building permits may charge a person only one search fee, in an amount commensurate with the research and time costs incurred by the governing body, for identifying building permits for each unit or subunit assigned by the governing body to a particular tax parcel identification number.

(8) The Department of Agriculture and Consumer Services is not subject to local government permitting requirements, plan review, or inspection fees for agricultural structures, such as equipment storage sheds and pole barns that are not used by the public.

**Credits**

Laws 1974, c. 74-167, § 11; Laws 1975, c. 75-111, § 3; Laws 1977, c. 77-365, § 5; Laws 1985, c. 85-97, § 3. Amended by Laws 1997, c. 97-103, § 805, eff. July 1, 1997; Laws 1998, c. 98-287, § 50, eff. July 1, 1998; Laws 1998, c. 98-287, § 51, eff. March 1, 2002; Laws 2000, c. 2000-141, §§ 85, 86, eff. March 1, 2002; Laws 2002, c. 2002-1, § 87, eff. Mar. 1, 2002; Laws 2002, c. 2002-20, § 27, eff. July 1, 2002; Laws 2005, c. 2005-147, § 12, eff. July 1, 2005; Laws 2006, c. 2006-1, § 64, eff. July 4, 2006; Laws 2008, c. 2008-191, § 15, eff. July 1, 2008; Laws 2010, c. 2010-176, § 37, eff. July 1, 2010; Laws 2014, c. 2014-17, § 127, eff. July 1, 2014; Laws 2014, c. 2014-19, § 276, eff. July 1, 2014; Laws 2014, c. 2014-154, § 23, eff. July 1, 2014; Laws 2016, c. 2016-129, § 21, eff. July 1, 2016; Laws 2017, c. 2017-149, § 10, eff. July 1, 2017; Laws 2019, c. 2019-75, § 7, eff. July 1, 2019; Laws 2019, c. 2019-121, § 3, eff. July 1, 2019.

Notes of Decisions (6)

West's F. S. A. § 553.80, FL ST § 553.80

Current through the 2019 First Regular Session of the 26th Legislature

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