



970072

LEGISLATIVE ACTION

| Senate | . | House |
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| | . | |
| Floor: 1/AE/2R | . | |
| 05/02/2019 10:50 AM | . | |
| | . | |

Senator Gibson moved the following:

Senate Amendment (with title amendment)

Delete lines 409 - 460

and insert:

Section 6. Effective July 1, 2020, paragraphs (a) and (c) of subsection (7) of section 553.73, Florida Statutes, are amended to read:

553.73 Florida Building Code.—

(7) (a) The commission shall adopt an updated Florida Building Code every 3 years through review of the most current updates of the International Building Code, the International



970072

12 Fuel Gas Code, International Existing Building Code, the
13 International Mechanical Code, the International Plumbing Code,
14 and the International Residential Code, all of which are
15 copyrighted and published by the International Code Council, and
16 the National Electrical Code, which is copyrighted and published
17 by the National Fire Protection Association. At a minimum, the
18 commission shall adopt any updates to such codes or any other
19 code necessary to maintain eligibility for federal funding and
20 discounts from the National Flood Insurance Program, the Federal
21 Emergency Management Agency, and the United States Department of
22 Housing and Urban Development. The commission shall also review
23 and adopt updates based on the International Energy Conservation
24 Code (IECC); however, the commission shall maintain the
25 efficiencies of the Florida Energy Efficiency Code for Building
26 Construction adopted and amended pursuant to s. 553.901. Every 3
27 years, the commission may approve updates to the Florida
28 Building Code without a finding that the updates are needed in
29 order to accommodate the specific needs of this state. The
30 commission shall adopt updated codes by rule.

31 (c) The commission may also adopt as a technical amendment
32 to the Florida Building Code any portion of the codes identified
33 in paragraph (a), but only as needed to accommodate the specific
34 needs of this state. Standards or criteria adopted from these
35 codes shall be incorporated by reference to the specific
36 provisions adopted. If a referenced standard or criterion
37 requires amplification or modification to be appropriate for use
38 in this state, only the amplification or modification shall be
39 set forth in the Florida Building Code. The commission may
40 approve technical amendments to the updated Florida Building



970072

41 Code after the amendments have been subject to the conditions
42 set forth in paragraphs (3) (a)-(d). Amendments that are adopted
43 in accordance with this subsection shall be clearly marked in
44 printed versions of the Florida Building Code so that the fact
45 that the provisions are amendments is readily apparent.

46 Section 7. Subsection (7) of section 553.80, Florida
47 Statutes, is amended to read:

48 553.80 Enforcement.—

49 (7) The governing bodies of local governments may provide a
50 schedule of reasonable fees, as authorized by s. 125.56(2) or s.
51 166.222 and this section, for enforcing this part. These fees,
52 and any fines or investment earnings related to the fees, shall
53 be used solely for carrying out the local government's
54 responsibilities in enforcing the Florida Building Code. When
55 providing a schedule of reasonable fees, the total estimated
56 annual revenue derived from fees, and the fines and investment
57 earnings related to the fees, may not exceed the total estimated
58 annual costs of allowable activities. Any unexpended balances
59 shall be carried forward to future years for allowable
60 activities or shall be refunded at the discretion of the local
61 government. A local government may not carry forward an amount
62 exceeding the average of its operating budget for enforcing the
63 Florida Building Code for the previous 4 fiscal years. For
64 purposes of this subsection, the term "operating budget" does
65 not include reserve amounts. Any amount exceeding this limit
66 must be used as authorized in subparagraph (a)2. However, a
67 local government which established, as of January 1, 2019, a
68 Building Inspections Fund Advisory Board consisting of five
69 members from the construction stakeholder community and carries



970072

70 an unexpended balance in excess of the average of its operating
71 budget for the previous 4 fiscal years may continue to carry
72 such excess funds forward upon the recommendation of the
73 advisory board. The basis for a fee structure for allowable
74 activities shall relate to the level of service provided by the
75 local government and shall include consideration for refunding
76 fees due to reduced services based on services provided as
77 prescribed by s. 553.791, but not provided by the local
78 government. Fees charged shall be consistently applied.

79 (a) 1. As used in this subsection, the phrase "enforcing the
80 Florida Building Code" includes the direct costs and reasonable
81 indirect costs associated with review of building plans,
82 building inspections, reinspections, and building permit
83 processing; building code enforcement; and fire inspections
84 associated with new construction. The phrase may also include
85 training costs associated with the enforcement of the Florida
86 Building Code and enforcement action pertaining to unlicensed
87 contractor activity to the extent not funded by other user fees.

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

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

92 1. Planning and zoning or other general government
93 activities.

94 2. Inspections of public buildings for a reduced fee or no
95 fee.

96 3. Public information requests, community functions,
97 boards, and any program not directly related to enforcement of
98 the Florida Building Code.



970072

99 4. Enforcement and implementation of any other local
100 ordinance, excluding validly adopted local amendments to the
101 Florida Building Code and excluding any local ordinance directly
102 related to enforcing the Florida Building Code as defined in
103 paragraph (a).

104 5. Charging surcharges or other similar fees not directly
105 related to enforcing the Florida Building Code.

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

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

115 1. Providing proof of licensure pursuant to chapter 489;
116 2. Recording or filing a license issued pursuant to this
117 chapter; or

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

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

126 Section 8. Paragraph (d) is added to subsection (1) of
127 section 558.004, Florida Statutes, to read:



970072

128 558.004 Notice and opportunity to repair.-

129 (1)

130 (d) A notice of claim brought pursuant to this chapter is
131 not an action for purposes of chapter 95.

132 Section 9. Section 440.103, Florida Statutes, is amended to
133 read:

134 440.103 Building permits; identification of minimum premium
135 policy.—Every employer shall, as a condition to applying for and
136 receiving a building permit, show proof and certify to the
137 permit issuer that it has secured compensation for its employees
138 under this chapter as provided in ss. 440.10 and 440.38. Such
139 proof of compensation must be evidenced by a certificate of
140 coverage issued by the carrier, a valid exemption certificate
141 approved by the department, or a copy of the employer's
142 authority to self-insure and shall be presented, electronically
143 or physically, each time the employer applies for a building
144 permit. As provided in s. 553.79(20) ~~s. 553.79(19)~~, for the
145 purpose of inspection and record retention, site plans or
146 building permits may be maintained at the worksite in the
147 original form or in the form of an electronic copy. These plans
148 and permits must be open to inspection by the building official
149 or a duly authorized representative, as required by the Florida
150 Building Code. As provided in s. 627.413(5), each certificate of
151 coverage must show, on its face, whether or not coverage is
152 secured under the minimum premium provisions of rules adopted by
153 rating organizations licensed pursuant to s. 627.221. The words
154 "minimum premium policy" or equivalent language shall be typed,
155 printed, stamped, or legibly handwritten.

156 Section 10. Except as otherwise expressly provided in this



970072

157 act, this act shall take effect July 1, 2019.

158

159 ===== T I T L E A M E N D M E N T =====

160 And the title is amended as follows:

161 Delete lines 2 - 33

162 and insert:

163 An act relating to construction; amending s. 125.56,
164 F.S.; authorizing counties to provide notice to
165 certain persons under certain circumstances;
166 authorizing counties that issue building permits to
167 charge a person a single search fee for a certain
168 amount under certain circumstances; amending s.
169 166.222, F.S.; authorizing the governing bodies of
170 municipalities to charge a person a single search fee
171 for a certain amount under certain circumstances;
172 amending ss. 489.103 and 489.503, F.S.; providing
173 exemptions to certain contracting requirements;
174 revising forms for disclosure statements; amending s.
175 553.79, F.S.; authorizing a local government to
176 provide notice to certain persons under certain
177 circumstances within a specified timeframe;
178 authorizing a property owner to close a permit under
179 certain circumstances; providing that a contractor is
180 not liable for work performed in certain
181 circumstances; defining the term "close"; authorizing
182 a local enforcement agency to close a permit under
183 certain circumstances; prohibiting a local enforcement
184 agency from taking certain actions relating to
185 building permits that were applied for but not closed



970072

186 by a previous owner; providing that local enforcement
187 agencies retain all rights and remedies against the
188 property owner and contractor listed on such a permit;
189 amending s. 553.73, F.S.; authorizing the Florida
190 Building Commission to approve updates to the Florida
191 Building Code without certain findings under certain
192 circumstances; amending s. 553.80, F.S.; prohibiting a
193 local government from carrying forward more than a
194 specified amount of unexpended revenue; defining the
195 term "operating budget"; providing an exception;
196 revising requirements for the expenditure of certain
197 unexpended revenue; expanding the list of activities
198 that are prohibited from being funded by fees adopted
199 for enforcing the Florida Building Code; authorizing
200 the governing body of a local government to charge a
201 person a single search fee for a certain amount under
202 certain circumstances; amending s. 558.004, F.S.;
203 specifying that certain notices of claim are not an
204 action for purposes of ch. 95, F.S.; amending s.
205 440.103, F.S.; conforming a cross-reference; providing
206 effective dates.