

# State-Mandated Building Permit Surcharge & Assessment Policy Package

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## 1. Governing Rules for Surcharges and Assessments

The Florida Building Code surcharge applies to any fee associated with a technical review or inspection performed by a licensed Building staff member. This includes all review and inspection activities conducted to enforce the Florida Building Code, including floodplain compliance.

The surcharge does not apply to:

- Administrative or operational fees
- Zoning, environmental, or Land Development Code reviews
- Applicant-caused fees
- Customer-requested consultation meetings
- Any activity that does not involve licensed Building code enforcement staff

This rule aligns with FS 468.631 and FS 553.721, which limit the surcharge to building code enforcement activities.

## 2. State-Mandated Administrative and Radon Fees

Florida law requires two additional fees to be assessed on all building permits: the 1.5% Administrative Fee (\$2 minimum) and the 1% Radon Fee (\$2 minimum). These fees are calculated based on the sum total of all applicable permit fees and are always assessed together.

The Administrative and Radon fees are collected by the Building Department and remitted electronically to the Florida Department of Business and Professional Regulation (DBPR) on a quarterly basis, with 10% of each fee retained by the Building Department as authorized by statute. The retained portion may only be used for purposes permitted under FS 468.631 (Administrative Fee) and FS 553.721 (Radon Fee), including support of building code enforcement, education, training, and related administrative functions.

These fees are separate from the Florida Building Code surcharge and do not affect surcharge applicability.

## 3. Surcharge Applicability Policy

### Florida Building Code Surcharge Policy

Pursuant to FS 468.631 and FS 553.721, Lee County assesses the Florida Building Code surcharge on all building permits issued. The surcharge is calculated based on the building permit fee, which includes only those fees directly associated with enforcing the Florida Building Code (FBC).

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## Mixed-Purpose Fees

When a fee contains both FBC and non-FBC components, the surcharge will be applied to the full fee amount. Because the activities cannot be separated in a measurable or administratively reliable way, the entire fee is treated as part of the building permit fee for surcharge purposes.

## 4. Surcharge Applicability Table

Fee Name	Workflow Stage	Surcharge?	Reason
Application Fee	Application / Intake	No	Administrative
Technology Fee	Application / Intake	No	Administrative
Conditional Review Fees	Plan Review	No	LDC enforcement, not FBC
Deferred Submittal Review Fee	Plan Review	Yes	FBC enforcement
Plan Review Fee	Plan Review	Yes	FBC enforcement
Plan Review Supplemental Fee	Plan Review	Yes	FBC enforcement
Regulatory Review Fee	Plan Review	No	LDC enforcement, not FBC
Regulatory Review Supplemental Fee	Plan Review	No	LDC enforcement, not FBC
Repeat Review Rejection Fee	Plan Review	No	Applicant-caused; not enforcement
Resubmission Fees	Plan Review	No	Applicant-caused; not enforcement
SFHA Review Fee	Plan Review	Yes	Floodplain = FBC Chapter 16
Inspection Fees (Base)	Inspection	Yes	FBC enforcement
Partial Inspections	Inspection	No	Extra trips; not enforcement
Additional Inspections	Inspection	Yes	FBC enforcement; excluding LDC enforcement
Add-On Inspections	Inspection	Yes	FBC enforcement; excluding LDC enforcement
Re-Inspection Fees	Inspection	No	Applicant-caused; not enforcement; excluding LDC enforcement
Repeat Inspection Failure Fee	Inspection	No	Applicant-caused; not enforcement

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Work Without a Permit	Inspection / Plan Review	No	Applicant-caused; not enforcement
Change of Contractor Fee	Closeout	No	Administrative
Completion Permit Fee	Closeout	No	Administrative
Extension Fee	Closeout	No	Administrative
Plan Review Revision Fees (Technical)	Closeout	Yes	FBC enforcement
Regulatory Review Revision Fees	Closeout	No	LDC enforcement, not FBC
Revision Fees – Admin Only	Closeout	No	Administrative
Temporary CO/CC	Closeout	No	Administrative
Meeting / Consultation Fees (Licensed Staff)	Administrative / Any Stage	No	Advisory guidance; not enforcement
Meeting / Consultation Fees (Non-Licensed Staff)	Administrative / Any Stage	No	Advisory guidance; not enforcement
Operational Support Fee	Administrative / Any Stage	No	Overhead; not enforcement

## 5. Internal Staff Guidance

### How to Determine Whether the Surcharge Applies

Use this simple rule:

- The surcharge applies whenever a task involves enforcing the Florida Building Code, regardless of which staff member performs the task.
  - If the activity is part of FBC plan review, inspection, or floodplain compliance, the surcharge applies.
  - If the activity is administrative, operational, or unrelated to FBC enforcement, the surcharge does not apply.

### Include the surcharge when:

- Reviewing plans for structural, mechanical, electrical, plumbing, or floodplain compliance
- Reviewing deferred submittals
- Reviewing technical revisions
- Performing required inspections
- Reviewing SFHA requirements
  - *Note: SFHA review is considered Florida Building Code enforcement. Because surcharge applicability is based on the task, not the licensure of*

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*the reviewer, the surcharge applies even when Regulatory Review staff perform portions of the floodplain review.*

- Performing any activity that enforces the FBC

## **Do NOT include the surcharge when:**

- Reviewing zoning, environmental, concurrency, or LDC requirements
- Performing administrative actions
- Applicant-caused fees
- Conducting customer-requested consultations
- Performing non-technical revisions
- Conducting extra trips or re-inspections

## **6. DBPR Audit-Defense Section**

### **Statutory Basis**

FS 468.631 and FS 553.721 limit the surcharge to building code enforcement activities, specifically plan review and inspections performed under the Florida Building Code.

### **Justification for Exclusions**

- Regulatory Review Fees (LDC) — Not FBC enforcement
- Conditional Review Fees — Zoning/environmental; outside FBC
- Resubmission Fees — Applicant-caused; not enforcement
- Re-Inspection, Partial, Additional Inspection Fees — Extra trips; not enforcement
- Meeting/Consultation Fees — Advisory; not enforcement
- Administrative Fees — Not tied to FBC enforcement
- Applicant-caused fees — Not part of the building permit fee

### **Conclusion**

Only fees directly tied to enforcing the Florida Building Code are included in the surcharge base. All other fees are excluded in accordance with statutory requirements and statewide practice.