

RESOLUTION NO. 23-08

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF DUNDEE, FLORIDA; PROVIDING FOR THE INCORPORATION OF RECITALS; MAKING FINDINGS; AND APPROVING THE ESTABLISHMENT OF THE BUILDING PERMIT FEE REDUCTION FUND; AND ADOPTING POLICIES AND PROCEDURES RELATED TO THE IMPLEMENTATION OF THE BUILDING PERMIT FEE REDUCTION FUND ESTABLISHED HEREIN; AND AUTHORIZING THE TOWN MANAGER TO TAKE ALL NECESSARY FURTHER ACTIONS TO EFFECTUATE THE INTENT OF THIS RESOLUTION; PROVIDING FOR THE ADMINISTRATIVE CORRECTION OF SCRIVENERS ERRORS; PROVIDING FOR THE REPEAL OF ALL RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Dundee (the "Town") is a Florida municipal corporation vested with home rule authority pursuant to the Municipal Home Rule Powers Act (F.S. Chapter 166) and Article VIII, §2 of the Florida Constitution; and

WHEREAS, pursuant to Section 2(b), Article VIII of the Florida Constitution and Chapter 166, Florida Statutes, the Town is vested with governmental, corporate and proprietary powers to enable it to conduct municipal government, perform municipal functions, and render municipal services, including the general exercise of any power for municipal purposes; and

WHEREAS, the Town Commission of the Town of Dundee desires to establish a Building Permit Fee Reduction Fund in order to designate certain "excess" building permit fee revenue(s) to be utilized for reducing any excess building permit fee revenues; and

WHEREAS, prior to July 1, 2019, Section 553.80 of the Florida Statutes authorized local governments to collect building permit fees and, at the discretion of the governing body, either refund the excess amounts collected or allocate the excess amounts collected to legislatively authorized future activities; and

WHEREAS, Section 553.80 of the Florida Statutes, as amended, requires local governments to provide a schedule of reasonable fees for carrying out the local government's responsibilities in enforcing the Florida Building Code; and

WHEREAS, Chapter 633 of the Florida Statutes sets forth the Florida Fire Prevention Code and the Life Safety Code which the Town deems a part of the Building Code enforcement activities conducted by the Town; and

WHEREAS, pursuant to Section 553.80 of the Florida Statutes, as amended, a local government is prohibited from carrying forward an amount of funds generated by Building Code enforcement activities that exceeds the four-year rolling average of its operating budget for Building Code enforcement; and

WHEREAS, Section 553.80 of the Florida Statutes, as amended, defines "*operating budget*" and expressly states that the term . . . "*does not include reserve amounts*"; and

WHEREAS, pursuant to Section 553.80 of the Florida Statutes, as amended, a local government must use any excess funds that it is prohibited from carrying forward to reduce fees, or to pay for the construction of a building or structure that houses a local government's building code enforcement agency or the training programs for building officials, inspectors, or plans examiners associated with the enforcement of the Florida Building Code and Florida Fire Prevention Code and Life Safety Code; and

WHEREAS, Section 553.80 of the Florida Statutes, as amended, requires that any excess funds reserved and/or used for construction related to an authorized building or structure must be designated for such purpose by the local government and may not be carried forward for more than four (4) consecutive years; and

WHEREAS, pursuant to Section 553.80 of the Florida Statutes and applicable Florida law, in collecting building permit fees and allocating revenues from the collection of building permit fees, the Town of Dundee uses recognized management, accounting, and oversight practices; and

WHEREAS, pursuant to Section 553.80 of the Florida Statutes and applicable Florida law, the Town Commission of the Town of Dundee authorizes and directs that any building permit fees collected in excess of the amount(s) which it may carry forward be allocated to the designated building permit fee reserve account maintained by the Town; and

WHEREAS, the Town Commission hereby establishes the Town of Dundee Building Permit Fee Reduction Fund; and

WHEREAS, in the best interests and to promote the health, safety and general welfare of the citizens, residents, and businesses of the Town of Dundee, Florida, the Town Commission of the Town of Dundee hereby authorizes and approves the Building Permit Fee Reduction Fund Policy attached hereto as **Exhibit "A"** and authorizes and directs the Town Manager or his/her designee to take all necessary actions in order to implement same.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF DUNDEE, FLORIDA:

Section 1. Incorporation of Recitals. The above recitals are hereby incorporated herein and serve as a factual and material basis for the passage of this Resolution.

Section 2. Adoption. The Town Commission of the Town of Dundee, Florida, does hereby establish a Building Permit Fee Reduction Fund. Further, the Town Commission also adopts and approves the Town of Dundee Building Permit Fee Reduction Fund Policy which is attached hereto as **Exhibit "A"** and incorporated herein by reference.

Section 3. Authorization. The Town Manager or his/her designee is hereby authorized and directed to take all actions necessary to effectuate the intent of this Resolution and to implement the Town of Dundee Building Permit Fee Reduction Fund Policy attached hereto and established herein, which includes but is not limited to any actions relating to the adoption of this Resolution, in accordance with this Resolution and applicable Florida law.

Section 4. Administrative Correction of Scrivener's Errors. Any provision in this Resolution may be renumbered or re-lettered and the correction of typographical and/or scrivener's errors which do not affect the intent may be authorized by the Town Manager or

his/her designee, without need of consideration by the Town Commission, by filing a corrected or recodified copy of same with the Town Clerk.

Section 5. Conflicts. All Resolutions in conflict with this Resolution are repealed to the extent necessary to give this Resolution full force and effect.

Section 6. Severability. If any section, subsection, sentence, clause, phrase of this Resolution, or the application thereof shall be held invalid by any court, administrative agency, or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases under application shall not be affected thereby. The Town of Dundee Town Commission hereby declares that it would have passed this Resolution, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 7. Effective Date. This Resolution shall take effect immediately upon passage.

READ, PASSED AND ADOPTED at a duly called meeting of the Town Commission of the Town of Dundee, Florida assembled on the 27th day of June, 2023.

TOWN OF DUNDEE

Samuel Pennant, Mayor

ATTEST WITH SEAL:

Trevor Douthat, Town Clerk

Approved as to form:

Frederick J. Murphy, Jr., Town Attorney

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Exhibit “A”

TOWN OF DUNDEE
BUILDING PERMIT FEE REDUCTION FUND
POLICY

I. Definitions:

Excess Funds means the collected Building Permit Fee amount(s) that are in excess of the maximum allowable *Operating Fund* amount that are held in the building permit fee reserve account that may be utilized to reduce building permit fees; or to pay for construction related to a building or structure that houses a local government’s *Building Code Enforcement Agency* within four (4) years of being designated for such purpose.

Operating Fund means the amount of collected building permit fee(s) that is equal to or less than the average operating budget, which excludes any amount(s) held in the building permit fee reserve account, for the enforcement of the Florida Building Code and Fire Prevention and Life Safety Code for the previous four (4) years that may be carried forward.

Department means the division of the Town of Dundee dedicated to the enforcement of the Florida Building Code and Fire Prevention and Life Safety Code.

Building Code Enforcement Agency means the operations, facilities, and personnel and portions thereof attributable to the enforcement by the Town of Dundee of the Florida Building Code and Fire Prevention and Life Safety Code.

Building Permit Fee Reduction Fund means the portion of *Excess Funds*, if any, that are not allocated to pay for construction related to a building or structure that houses the *Town’s Building Code Enforcement Agency* within four (4) years of being designated for such purpose that may be utilized for the reduction of permit fees.

II. Building Permit Fee Reduction Fund:

In furtherance of the delegated authority set forth by Section 553.80 of the Florida Statutes (2022) and applicable Florida law, the Town hereby establishes a *Building Permit Fee Reduction Fund*. Excess Funds as defined herein will be held in the *Building Permit Fee Reduction Fund* established herein and may be used to reduce Building Permit fees.

Excess Funds that are held in the *Building Permit Fee Reduction Fund* may be reduced as follows:

Excess Funds divided by the average operating budget (as defined by Section 553.80, Florida Statutes (2022)), divided by ten (10) will equal the annual reduction, if any, to the established Town Building Permit Fee rates.

For example, if the average operating budget of the Department is \$200,000 (and the Town maintains an operating balance to carry forward of \$200,000) and the Town collects \$500,000 in Building Permit Fee revenue for that fiscal year, then the Excess Funds would be equal to \$300,000.

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\$300,000 / \$200,000 = 150% / 10 = 15% reduction to the established Town of
Dundee Building Permit Fee rate(s).

A recalculation and reapportionment will be made every year to the average operating budget, the amount of Excess Funds, the Operating Fund, the amounts dedicated to pay for construction related to a building for the department, and the *Building Permit Fee Reduction Fund* and included in the Building Permit and Inspection Utilization Report.

The Building Permit and Inspection Utilization Report with the recalculated and reapportioned amounts shall be posted on the Town’s website by December 31st and be based upon the most recently completed financial audit. The calculated Building Permit Fee reduction percentage, if any, shall apply to permits paid for and/or issued in the following calendar year.