

RESOLUTION 2023-14

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF JUNO BEACH, FLORIDA, CREATING A BUILDING CODE RESTRICTED RESERVE ACCOUNT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 166.222(1), Florida Statutes, authorizes the Town to create a schedule of reasonable inspection fees in order to defer the costs of inspection and enforcement of the provisions of the Florida Building Code; and

WHEREAS, Section 553.80(7)(a), Florida Statutes, requires that such fees be used solely for carrying out the Town's responsibilities in enforcing the Florida Building Code and that the total estimated revenue derived from the fees may not exceed the total estimated annual costs of such activities; and

WHEREAS, Section 553.80(7)(a), Florida Statutes, further provides that any unexpended balances must be carried forward to future years for allowable activities or refunded, and prohibits the Town from carrying forward an amount exceeding the average of its operating budget for enforcing the Florida Building Code for the previous four years, excluding any reserve amounts; and

WHEREAS, in order to ensure compliance with all statutory requirements, the Town Council wishes to transfer all unexpended building permit fees restricted for Florida Building Code enforcement into a Building Reserve Account at the end of the fiscal year; and

WHEREAS, the Town Council determines that the adoption of this Resolution serves a valid public purpose and is in the interests of the public health, safety, and welfare.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF JUNO BEACH, as follows:

Section 1. The foregoing recitals are ratified and incorporated herein.

Section 2. The Town Council hereby transfers all unexpended building permit fees and other funds restricted for Building Code Enforcement as of September 30th into a Building Code Restricted Reserve Account. Such funds may only be expended as authorized by law, including, but not limited to, offsetting expenses relating to training and Building Code enforcement, defraying the future capital needs of the Building Department, and providing rate stabilization in future years.

Section 3. All resolutions or parts of resolutions in conflict with this Resolution are hereby repealed to the extent of such conflict.

Section 4. If any section, paragraph, sentence, clause, phrase, or word of this Resolution is for any reason held by a court of competent jurisdiction to be

unconstitutional, inoperative or void, such holding shall not affect the remainder of the Resolution.

Section 5. This Resolution shall take effect immediately upon its adoption.

RESOLVED AND ADOPTED this _____ day of _____, 2023.

Alexander Cooke, Mayor

ATTEST:

Caitlin E. Copeland-Rodriguez, MMC
Town Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

Leonard G. Rubin, Town Attorney