

**ORDINANCE NO. 2024 - 1773**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING CHAPTER 14, "BUILDINGS AND BUILDING REGULATIONS," ARTICLE II, "BUILDING CODE," SECTION 14-29, "PERMIT FEES," TO PROVIDE FOR A 100% REDUCTION OF BUILDING PERMIT FEES FOR ANY CONSTRUCTION ACTIVITY RELATING TO CONDOMINIUM BUILDING RECERTIFICATION OR ANY NECESSARY STRUCTURAL AND/OR LIFE SAFETY REPAIRS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

1           **WHEREAS**, Article VIII, Section 2 of the Florida Constitution, and Chapter 166,  
2 Florida Statutes, provide municipalities with the authority to exercise any power for  
3 municipal purposes, except where prohibited by law, and to adopt ordinances in  
4 furtherance of such authority; and  
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6           **WHEREAS**, the Town Commission of the Town of Surfside ("Town Commission")  
7 finds it periodically necessary to amend its Code of Ordinances ("Code") in order to  
8 update regulations and procedures to maintain consistency with state law and to  
9 implement municipal goals and objectives for the general health, safety and welfare of  
10 the Town residents, occupants, visitors and the general public; and  
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12           **WHEREAS**, following the tragic collapse of the Champlain Towers South  
13 Condominium building, the Town Commission recognizes the importance of mitigating the  
14 increased cost of building recertification and special assessments for certain aging  
15 condominium buildings within the Town that may put residents, guests, invitees, and  
16 others at increased risk; and  
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18           **WHEREAS**, at a Special Meeting of the Town Commission held on March 26,  
19 2024, the Town Commission directed the Town Administration to propose a reduction of  
20 the building permit fees for construction activity directly relating to condominium building  
21 recertification or any necessary structural and/or life safety repairs; and  
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23           **WHEREAS**, consistent with the Town Administration's recommendation, this  
24 ordinance proposes to amend Chapter 14, "Buildings and Building Regulations", Article  
25 II, "Building Code", Section 14-29, "Permit fees" of the Code, to provide a 100% reduction  
26 in permit fees for all construction activity directly relating to condominium building  
27 recertification, as described in Sec. 14-29(a), or any necessary structural and/or life safety  
28 repairs; and  
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- 63 (4) For all construction activity where the construction costs are \$3,000,000.00 or  
64 greater, the fee shall be calculated as in (1) + (2) + (3) plus 1.3 percent of the  
65 cost of construction greater than \$3,000,000.00.
- 66 (5) Electrical, mechanical and plumbing permit fees shall be calculated in  
67 accordance with (1) through (4) above, except that when such electrical,  
68 mechanical or plumbing permit is a sub-permit to a master permit, the fee for the  
69 sub-permit shall be \$80.00 provided the cost of the electrical, mechanical or  
70 plumbing work is included in the overall cost of construction included in the  
71 master permit.
- 72 (6) ~~For purposes of this section, the~~ cost of construction is calculated as no less  
73 than ~~\$250700.00~~ per ~~gross~~-square foot for multi-family and commercial  
74 developments and no less than ~~\$150300.00~~ per ~~gross~~-square foot for single  
75 family homes for new construction or substantial improvements as defined in the  
76 Florida Building Code.
- 77 (7) The town reserves the right to conduct an audit of the construction costs for new  
78 construction or substantial improvements as defined in the Florida Building Code  
79 at the conclusion of the construction, based on a determination by the building  
80 official that the valuation is underestimated on the application. If a discrepancy  
81 is found, the applicant shall pay the difference in the building permit fee, if any,  
82 prior to issuance of the temporary certificate of occupancy. Applicant may  
83 provide evidence of final cost of construction and the Town will adjust the fee  
84 accordingly.
- 85 (b) *Other specialized operations.* For other specialized operations for which permits are  
86 required, and the specialized operations are not specifically noted in this fee  
87 schedule, including but not limited to the moving of buildings or structures, the  
88 demolition of buildings or structures, the installation of driveways or sidewalks, the  
89 installation of underground fuel tanks, the installation of drainage facilities, the  
90 construction of roadways and site improvements, and the issuance of temporary  
91 structure or special event permits, the fee schedule listed above shall be applicable.
- 92 (c) *Failure to obtain permit.* When work for which a permit is required is started prior to  
93 the obtaining of the permit, the applicant for a permit shall be required to pay \$100.00  
94 plus double the regular permit fee, as the cost of the permit. The payment of such  
95 double fee plus \$100.00 shall not relieve any person from fully complying with all the  
96 requirements of all applicable regulations and codes; nor shall it relieve them from  
97 being subject to any of the penalties therein. The double fee requirement shall be  
98 applicable to sub-permits and to all divisions of the building department.
- 99 (d) *Reinspection fee.* A re-inspection fee shall be charged when extra inspection trips  
100 are necessary due to:
- 101 (1) Wrong address being given on request for inspection;
- 102 (2) Prior rejection of work due to faulty construction;
- 103 (3) Work not being ready for inspection at time specified;
- 104 (4) Failure to call for final or other inspections;

105 (5) Required corrections not being made or completed at time specified.  
106 A fee of \$80.00 shall be charged for the first re-inspection. The Building Official may apply  
107 Florida Statutes Section 553.80(2)(c) for each subsequent re-inspection. The payment of  
108 re-inspection fees may be required before any further permits will be issued to the person  
109 owing same, and further inspections may be refused until payment of re-inspections fees  
110 has been made. The re-inspection fee requirement shall be applicable to all divisions of  
111 the building department.

112 (e) *Application processing fee.*

113 (1) A non-refundable fee may be charged at the time of submitting a permit  
114 application. The fee shall be \$80.00 or 25 percent of the building permit fee,  
115 whichever is greater. The fee paid will be deducted from the total permit fee at  
116 time of issuance of the permit.

117 (2) A non-refundable fee shall be charged for reviewing plans on all new  
118 construction (or major remodeling) of multi-family residential structures and/or  
119 commercial structures. The fee shall be 25 percent of the estimated building  
120 permit fee. The fee will be deducted from the total permit fee at time of issuance  
121 of the permit.

122 (3) A non-refundable zoning plan review fee of \$200.00 shall be charged at the time  
123 of application, for those projects requiring zoning review. This fee is in addition  
124 to the building permit fee and is not deductible from the building permit fee.

125 (4) A non-refundable fee shall be charged for a preliminary review of plans and  
126 documentation prior to the submitting for a permit. The fee shall be calculated  
127 per subsection 14-29(g)(6) and (7).

128 (f) *Fee for changes after permit has been issued.*

129 (1) When changes in the plans and/or specifications are requested after the permit  
130 has been issued, and the changes do not result in an increase in the scope of  
131 the original project, the fee for review of said changes shall be based upon  
132 review time, hourly per trade, in accordance with subsection 14-29(g)(6) and (7).

133 (2) When changes or revisions are requested after the permit has been issued,  
134 which result in an increase of square footage and/or the cost of construction, the  
135 fee for the additional work shall be calculated in accordance with the fee  
136 schedule for a new permit, in accordance with this section.

137 (g) *Refunds, time limitation.* The fees charged pursuant to this section may be refunded  
138 by the town manager subject to the following:

139 (1) No refund shall be made where any work has commenced, except where  
140 duplicate permits have been issued for the same work, in which case a refund  
141 may be granted to the initial permit holder provided the duplicate permits were  
142 issued within 90 days of each other.

143 (2) No refunds shall be made where permit has become void as provided by section  
144 105.4 of the Florida Building Code.

145 (3) No refunds shall be made on permit fees of \$80.00 or less.

146 (4) Fifty percent refunds may be granted to a permit holder whose permit is canceled  
147 by owner authorization where work has commenced and such owner selects a  
148 second contractor to complete the work. The second contractor shall pay a full  
149 fee to complete the work unless the first contractor waives his opportunity to a  
150 refund in writing, in which case, the second contractor is entitled to a permit to  
151 cover the same work for a cost of 50% of the prevailing fee schedule.

152 (5) A full refund may be granted to a permit holder who takes out a permit covering  
153 work outside the jurisdictional permitting and inspection area.

154 (h) *Other fees.*

155 (1) *Demolition:* \$80.00 per discipline (trade) inspecting.

156 (2) *Certificate of completion:* \$80.00.

157 (3) *Certificate of occupancy:* \$120.00.

158 (4) *Temporary certificate of occupancy:* \$365.00 per period of temporary certificate.

159 (5) *Duplicate permit card with list of passed inspections:* \$50.00

160 (6) *Special services:*

161 a. \$100.00 per hour, normal business hours (1 hour minimum).

162 b. \$150.00 per hour outside normal business hours (3 hour minimum).

163 This fee is limited to client-requested services outside the normal permitting and  
164 inspection process, and any such fee shall be estimated and agreed-upon in  
165 advance.

166 (7) *Professional engineer review of structural drawings:* \$150.00 per hour.

167 (i) *State and county fees.*

168 (1) \$0.01 per sq. ft. added to every building permit for the State of Florida to study  
169 the building code requirements for radon gas plus certification and regulation of  
170 building officials, inspectors, and plans examiners. This surcharge relates to new  
171 construction and under-roof floor area being added, altered, or renovated.

172 (2) Building code compliance fee (Miami-Dade Code Compliance): \$0.60 per every  
173 \$1,000.00 of value of construction.

174 (j) *Waiver of fees and expedited permitting and development review.* The town  
175 commission may by resolution waive building permit fees and other fees as provided  
176 herein, and provide for expedited permitting and development review for certain  
177 programs.

178 (k) *Reduction of Building Permit Fees for Condominiums.* The permit fees calculated for  
179 construction activity relating to condominium building recertifications, or any  
180 necessary structural and/or life safety repairs, as determined by the Building Official,  
181 shall be reduced by 100%.

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**Section 3. Severability.** If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

**Section 4. Codification.** It is the intention of the Town Commission, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Town of Surfside Code of Ordinances, that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and the word "Ordinance" may be changed to "Section" or other appropriate word.

**Section 5. Conflicts.** Any and all ordinances and resolutions or parts of ordinances or resolutions in conflict herewith are hereby repealed.

**Section 6. Effective Date.** This ordinance shall become effective upon adoption on second reading.

**PASSED** on first reading this 9<sup>th</sup> day of April, 2024.

**PASSED AND ADOPTED** on second reading this 30<sup>th</sup> day of April, 2024.

**First Reading:**  
Motion By: Vice Mayor Paul  
Second By: Commissioner Velasquez

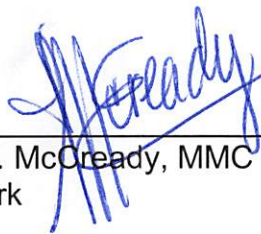
**Second Reading:**  
Motion By: Vice Mayor Paul  
Second By: Commissioner Velasquez

**FINAL VOTE ON ADOPTION**

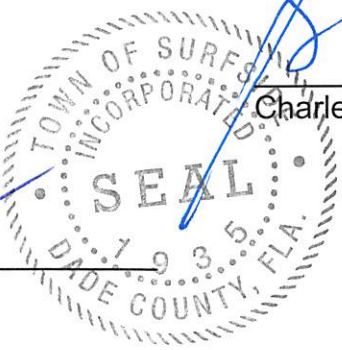
Commissioner Gerardo Vildostegui	<u>Yes</u>
Commissioner Nelly Velasquez	<u>Yes</u>
Commissioner Ruben Coto	<u>Yes</u>
Vice Mayor Tina Paul	<u>Yes</u>
Mayor Charles W. Burkett	<u>Yes</u>

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**ATTEST:**




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Sandra N. McCready, MMC  
Town Clerk



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Charles W. Burkett, Mayor

**APPROVED AS TO FORM AND LEGALITY FOR THE USE  
AND BENEFIT OF THE TOWN OF SURFSIDE ONLY:**



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Mark Blumstein, Esq.  
Interim Town Attorney