



VILLAGE OF NORTH PALM BEACH REGULAR SESSION AGENDA

VILLAGE HALL COUNCIL CHAMBERS
501 U.S. HIGHWAY 1

THURSDAY, JANUARY 11, 2024
7:00 PM

Susan Bickel
Mayor

Deborah Searcy
Vice Mayor

Judy Pierman
President Pro Tem

Karen Marcus
Councilmember

Vacant
Councilmember

Chuck Huff
Village Manager

Leonard G. Rubin
Village Attorney

Jessica Green
Village Clerk

INSTRUCTIONS FOR "WATCH LIVE" MEETING

To watch the meeting live please go to our website page (link provided below) and click the "Watch Live" link provided on the webpage:

<https://www.village-npb.org/CivicAlerts.aspx?AID=496>

ROLL CALL

INVOCATION - MAYOR

PLEDGE OF ALLEGIANCE - VICE MAYOR

ADDITIONS, DELETIONS, AND MODIFICATIONS TO THE AGENDA

APPROVAL OF MINUTES

- [1.](#) Minutes of the Regular Session held December 14, 2023
- [2.](#) Minutes of the Special Session held December 21, 2023

COUNCIL BUSINESS MATTERS

STATEMENTS FROM THE PUBLIC, PETITIONS AND COMMUNICATIONS

Members of the public may address the Council concerning items on the Consent Agenda or any non agenda item under Statements from the Public. **Time Limit: 3 minutes**

Members of the public who wish to speak on any item listed on the Regular Session or Workshop Session Agenda will be called on when the issue comes up for discussion. **Time Limit: 3 minutes**

Anyone wishing to speak should complete a Public Comment Card (on the table at back of Council Chambers) and submit it to the Village Clerk prior to the beginning of the meeting.

CONSENT AGENDA

The Consent Agenda is for the purpose of expediting issues of a routine or pro-forma nature. Councilmembers may remove any item from the Consent Agenda, which would automatically convey that item to the Regular Agenda for separate discussion and vote.

- 3. MOTION** to grant a merit increase of 4.1% to the Village Clerk based upon the averaged score of the performance evaluations and directing the Village to process same.
- 4. RESOLUTION** – Approving an Amendment to the Professional Services Agreement with Chen Moore & Associates, Inc. to increase the total amount of compensation in an amount not to exceed \$80,000 for Fiscal Year 2024; and authorizing execution of the Amendment.
- 5. RESOLUTION** – Amending the Comprehensive Pay Plan adopted as part of the Fiscal Year 2024 Budget to convert two part-time Building Construction Inspector positions to one full-time Senior Building Construction Inspector position.
- 6.** Receive for file Minutes of the Recreation Advisory Board meeting held 11/14/2023.

DECLARATION OF EX PARTE COMMUNICATIONS

PUBLIC HEARINGS AND QUASI-JUDICIAL MATTERS

- 7. 1ST READING OF ORDINANCE 2024-01 – ADOPTING ADMINISTRATIVE AMENDMENTS TO VILLAGE CODE** Consider a motion to adopt on first reading Ordinance 2024-01 adopting Administrative Amendments to the 8th (2023) Edition of the Florida Building Code.
- 8. 1ST READING OF ORDINANCE 2024-02 – CODE AMENDMENT – VOLUME AND MASSING REGULATIONS FOR SINGLE-FAMILY DWELLINGS** Consider a motion to adopt on first reading Ordinance 2024-02 amending Appendix C (Chapter 45), "Zoning," of the Village Code of Ordinances to readopt certain regulations relating to the volume and massing of single-family dwellings; amending Section 45-27, "R-1 Single Family Dwelling District," to require additional setbacks for second stories, limit the floor area of the second story, and prohibit blank walls.

OTHER VILLAGE BUSINESS MATTERS

- 9. RESOLUTION – POLICE DEPARTMENT BOAT PURCHASE** Consider a motion to adopt a resolution approving the purchase of a Fluid Watercraft Patrol Boat from Sirocco Marine LLC to replace the Police Department's Marine 1 Patrol Boat and the purchase of two Suzuki outboard engines from Nick's Creative Marine, Inc. at total expenditure of \$207,389; and waiving the Village's purchasing policies.

COUNCIL AND ADMINISTRATION MATTERS

MAYOR AND COUNCIL MATTERS/REPORTS

VILLAGE MANAGER MATTERS/REPORTS

- 10.** Police Department 2023 Annual Report

REPORTS (SPECIAL COMMITTEES AND ADVISORY BOARDS)

ADJOURNMENT

If a person decides to appeal any decision by the Village Council with respect to any matter considered at the Village Council meeting, he will need a record of the proceedings, and for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (F.S. 286.0105).

In accordance with the Americans with Disabilities Act, any person who may require special accommodation to participate in this meeting should contact the Village Clerk's office at 841-3355 at least 72 hours prior to the meeting date.

This agenda represents the tentative agenda for the scheduled meeting of the Village Council. Due to the nature of governmental duties and responsibilities, the Village Council reserves the right to make additions to, or deletions from, the items contained in this agenda.



DRAFT MINUTES OF THE REGULAR SESSION
VILLAGE COUNCIL OF NORTH PALM BEACH, FLORIDA
DECEMBER 14, 2023

Present:

David B. Norris, Mayor
Susan Bickel, Vice Mayor
Mark Mullinix, Councilmember
Deborah Searcy, Councilmember
Chuck Huff, Village Manager
Len Rubin, Village Attorney
Jessica Green, Village Clerk

ROLL CALL

Mayor Norris called the meeting to order at 7:00 p.m. All members of Council were present. All members of staff were present.

INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Norris gave the invocation and Vice Mayor Bickel led the public in the Pledge.

APPROVAL OF MINUTES

The Minutes of the Regular Session held October 26, 2023 and the Minutes of the Special Session held November 15, 2023 were approved as written.

STATEMENTS FROM THE PUBLIC

Mayor Norris read into the record a public comment received from Eric Talbott, 509 Greenway Drive. In his comment Mr. Talbott expressed his concerns regarding a new fence that was installed on the Village's golf course driving range. Mr. Talbott gave recommendations for replacing the fence to make it more cosmetically appealing.

Chris Ryder, 118 Dory Road S, expressed concern regarding zoning code changes that related to the the proposed 200 Yacht Club project and changes to the Planning, Zoning and Adjustment Board's agenda the day before its November 14th meeting.

John Samadi, 512 Marlin Road, expressed safety concerns regarding black mildew on Village sidewalks.

STATEMENTS FROM THE PUBLIC *continued*

Lisa Interlandi, 150 Anchorage Drive, S, expressed her support of the Perseverance Basketball Youth Basketball League and recommended that the age groups for participation be expanded.

Deborah Cross, 2560 Pepperwood Circle S, expressed concern that the water service main at the Country Club was already being replaced since the new Country Club was recently built.

Mr. Huff explained that the water service main that was being replaced was the water main to the existing maintenance barn that was north of the Tennis Center and had not been replaced since the 1960's or 1970's.

CONSENT AGENDA APPROVED

Councilmember Mullinix moved to approve the Consent Agenda. Vice Mayor Bickel seconded the motion, which passed unanimously. The following items were approved:

Resolution approving an Agreement for Vote Processing Equipment use and Elections Services with the Palm Beach County Supervisor of Elections; and authorizing execution of the Agreement.

Resolution approving a Combined Operational Assistance and Voluntary Cooperation Mutual Aid Agreement for Palm Beach County Law Enforcement Agencies; and authorizing the Mayor, Village Manager and Police Chief to execute the Agreement on behalf of the Village.

Resolution approving a Contract with Perseverance Basketball, LLC to run and staff the Village's Spring Youth Basketball League at a total amount estimated to be between \$30,000 and \$37,000; and authorizing execution of the Contract.

Resolution accepting the proposal of Eastern Pipeline Construction, Inc. for the replacement of a water service main at the North Palm Beach Country Club at a total cost of \$46,000; and authorizing execution of the Contract.

Resolution approving Amendment Number One to the Locally Funded Agreement with the State of Florida Department of Transportation to provide additional funding for the project in the amount of \$6,365 to cover the cost of certain improvements related to the replacement of the U.S. Highway One bridge over the Earman River; and authorizing execution of the Amendment.

Resolution approving an Agreement with Flock Group, Inc. for the Flock Safety License Plate Recognition System at a total cost not to exceed \$53,200; and authorizing execution of the Agreement.

Resolution accepting the proposal of Hinterland Group, Inc. for the milling and resurfacing of Fairhaven Place at a total cost of \$43,200; and authorizing execution of the Contract.

Resolution accepting the proposal of J.W. Cheatham, LLC for improvements to the intersection of Lighthouse Drive and Juniper Drive at a total cost of \$27,825; and authorizing execution of the Contract.

Receive for file Minutes of the Residential Ad-Hoc Committee meeting held 9/12/23.

Receive for file Minutes of the Planning Commission meeting held 9/12/23.

Receive for file Minutes of the Waterways Advisory Board meeting held 9/26/23.

Receive for file Minutes of the Planning Commission meeting held 10/3/23.

Receive for file Minutes of the Waterways Advisory Board meeting held 11/2/23.

PUBLIC HEARINGS AND QUASI-JUDICIAL MATTERS

PUBLIC HEARING AND SECOND READING OF ORDINANCES 2023-21, 2023-22 AND 2023-23 – ANNEXATION OF THREE UNINCORPORATED AREAS

A motion was made by Councilmember Mullinix and seconded by Councilmember Searcy to adopt and enact on second reading Ordinance 2023-21 entitled:

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, ANNEXING A CONTIGUOUS AND COMPACT AREA OF REAL PROPERTY LOCATED IN UNINCORPORATED PALM BEACH COUNTY COMPRISED OF APPROXIMATELY 63 ACRES LOCATED EAST OF U.S. HIGHWAY ONE AND NORTH AND SOUTH OF JACK NICKLAUS DRIVE AND COMMONLY KNOWN AS PORTAGE LANDING NORTH, PORTAGE LANDING SOUTH, AND HIDDEN KEY, AS MORE PARTICULARLY DESCRIBED HEREIN, PURSUANT TO SECTION 171.0413, FLORIDA STATUTES; AMENDING ARTICLE II OF THE VILLAGE CHARTER TO REDEFINE THE TERRITORIAL BOUNDARIES OF THE VILLAGE; SUBMITTING THE ANNEXATION TO A REFERENDUM VOTE OF THE REGISTERED ELECTORS RESIDING WITHIN THE AREA PROPOSED FOR ANNEXATION; PROVIDING FOR TRANSMITTAL TO THE FLORIDA DEPARTMENT OF STATE AND ALL OTHER REQUIRED AGENCIES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR A REPEALER; AND FOR OTHER PURPOSES.

A motion was made by Councilmember Mullinix and seconded by Councilmember Searcy to adopt and enact on second reading Ordinance 2023-22 entitled:

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, ANNEXING A CONTIGUOUS AND COMPACT AREA OF REAL PROPERTY LOCATED IN UNINCORPORATED PALM BEACH COUNTY COMPRISED OF APPROXIMATELY 14 ACRES LOCATED WEST OF ELLISON WILSON ROAD AND NORTH OF MCLAREN ROAD AND EXTENDING TO THE EXISTING BOUNDARY OF THE CITY OF PALM BEACH GARDENS, AS MORE PARTICULARLY DESCRIBED HEREIN, PURSUANT TO SECTION 171.0413, FLORIDA STATUTES; AMENDING ARTICLE II OF THE VILLAGE CHARTER TO REDEFINE THE TERRITORIAL BOUNDARIES OF THE VILLAGE; SUBMITTING THE ANNEXATION TO A REFERENDUM VOTE OF THE REGISTERED ELECTORS RESIDING WITHIN THE AREA PROPOSED FOR ANNEXATION; PROVIDING FOR TRANSMITTAL TO THE FLORIDA DEPARTMENT OF STATE AND ALL REQUIRED AGENCIES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR A REPEALER; AND FOR OTHER PURPOSES.

A motion was made by Councilmember Mullinix and seconded by Councilmember Searcy to adopt and enact on second reading Ordinance 2023-23 entitled:

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, ANNEXING A CONTIGUOUS AND COMPACT AREA OF REAL PROPERTY LOCATED IN UNINCORPORATED PALM BEACH COUNTY COMPRISED OF APPROXIMATELY 17 ACRES LOCATED EAST OF PROSPERITY FARMS ROAD, NORTH

PUBLIC HEARING AND SECOND READING OF ORDINANCES 2023-21, 2023-22 AND 2023-23 – ANNEXATION OF THREE UNINCORPORATED AREAS *continued*

OF CANAL ROAD AND SOUTH OF PGA BOULEVARD INCLUDING PIRATE’S COVE AND ADJACENT PARCELS LOCATED ON CANAL ROAD AND EASY STREET, AS MORE PARTICULARLY DESCRIBED HEREIN, PURSUANT TO SECTION 171.0413, FLORIDA STATUTES; AMENDING ARTICLE II OF THE VILLAGE CHARTER TO REDEFINE THE TERRITORIAL BOUNDARIES OF THE VILLAGE; SUBMITTING THE ANNEXATION TO A REFERENDUM VOTE OF THE REGISTERED ELECTORS RESIDING WITHIN THE AREA PROPOSED FOR ANNEXATION; PROVIDING FOR TRANSMITTAL TO THE FLORIDA DEPARTMENT OF STATE AND ALL REQUIRED AGENCIES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR A REPEALER; AND FOR OTHER PURPOSES.

Mr. Rubin gave an explanation and purpose of the three (3) annexation ordinances. Mr. Rubin discussed and explained the three (3) areas that were being considered for annexation. Area 1 was Portage Landing and Hidden Key, Area 2 was Ellison Wilson Road and Area 3 was Pirates Cove/Canal Road. Mr. Rubin explained that once Council adopts the ordinances on second and final reading, a referendum question will be placed on the ballot for the March 19, 2024 Village’s general election. Per the request of the Supervisor of Elections and in order to be included on the property tax roll for 2025, the effective date of the annexation would be December 1, 2024

Mr. Huff gave a presentation explaining the proposed annexation by presenting a map of the areas that were being considered.

Mayor Norris opened the public hearing for Ordinances 2023-21, 2023-22, and 2023-23.

Joshua Mendelson, 1929 Portage Landing N, addressed the Council with his concerns regarding the areas for proposed annexation and a letter he received from the City of Palm Beach Gardens.

Mr. Huff addressed Mr. Mendelson’s concerns and answered his questions regarding proposed costs and taxes if annexation occurred with either the Village or the City of Palm Beach Gardens.

Discussion ensued between Mr. Huff, Councilmembers and Mr. Mendelson regarding proposed property taxes and costs for services.

There being no further comments from the public, Mayor Norris closed the public hearing.

Thereafter the motion to adopt and enact on second reading Ordinance 2023-21 passed unanimously.

Thereafter the motion to adopt and enact on second reading Ordinance 2023-22 passed unanimously.

Thereafter the motion adopt and enact on second reading Ordinance 2023-23 passed unanimously.

Vice Mayor Bickel excused herself from the meeting at 7:31 p.m. to call her daughter who just informed her that she was accepted into Harvard University.

DECLARATION OF EX PARTE COMMUNICATIONS

There were no ex-parte communications declared for the following item.

RESOLUTION 2023-104 – MINOR PUD AMENDMENT

A motion was made by Councilmember Mullinix and seconded by Councilmember Searcy to adopt Resolution 2023-104 entitled:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA APPROVING A MINOR AMENDMENT TO THE MEMORY CARE COMMERCIAL PLANNED UNIT DEVELOPMENT FOR THE INSTALLATION OF AN ALUMINUM CANOPY OVER THE OUTDOOR SEATING AREA, THE INSTALLATION OF FIVE CHIMNEY STACKS, AND THE INSTALLATION OF A WALL SIGN ON THE EAST FAÇADE OF THE COMMERCIAL OUTPARCEL BUILDING; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Community Development Director Caryn Gardner-Young discussed and explained the purpose of the amendment and the details of the request of the applicant.

Vice Mayor Bickel returned to the meeting at 7:35 p.m.

Donaldson Hearing of Cotleur & Hearing began a presentation on behalf of Mr. Desano the applicant. Mr. Hearing presented slides showing the conceptual plans of the proposed aluminum canopy, five (5) chimney stacks and wall sign installation.

Russell Beverstein, 415 U.S. Highway 1, asked questions and expressed concerns regarding the additions to the planned unit development that were requested by the applicant.

Mr. Hearing answered Mr. Beverstein's questions and addressed his concerns.

Deborah Cross, 2560 Pepperwood Circle S, expressed concern that the signage request did not go to the Planning Commission for approval first.

Mr. Rubin explained that since the request was for a minor planned unit development, the request can go directly to Council for approval it was not required to go the Planning Commission.

Thereafter the motion to adopt Resolution 2023-104 passed unanimously.

RESOLUTION 2023-105 – AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT

A motion was made by Councilmember Searcy and seconded by Vice Mayor Bickel to adopt Resolution 2023-105 entitled:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA APPROVING AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH WGI, INC. TO INCREASE THE TOTAL AMOUNT OF COMPENSATION FOR FISCAL YEAR 2024 AND AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE AMENDMENT; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

RESOLUTION 2023-105 – AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT
continued

Mrs. Gardner-Young explained that WGI, Inc.'s initial agreement was capped at \$50,000 and that Council had requested that WGI, Inc. perform the required feasibility study for the proposed annexation. The total amount for the work completed for the proposed annexation totaled \$63,000.37 therefore necessitating an amendment to the agreement to increase WGI's compensation for additional projects that the Village was considering through the rest of the year.

Thereafter the motion to adopt Resolution 2023-105 passed unanimously.

RESOLUTION 2023-106 – HERITAGE DAY RIDES, AMUSEMENTS AND CONCESSIONS CONTRACT

A motion was made by Vice Mayor Bickel and seconded by Councilmember Mullinix to adopt Resolution 2023-106 entitled:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA ACCEPTING THE PROPOSAL SUBMITTED BY BIG FUN, INC. TO PROVIDE RIDES, AMUSEMENTS, AND CONCESSIONS FOR HERITAGE DAY 2024 THROUGH 2026 AND AUTHORIZING THE MAYOR AND VILLAGE CLERK TO EXECUTE A CONTRACT ON BEHALF OF THE VILLAGE; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Huff stated that through the Request for Proposal process only one (1) bid was received from Big Fun, Inc. who had previously provided rides for past Heritage Day events. The scope of work included eleven (11) carnival rides, several amusements (games) and a couple of concession stands. The contract would have a yearly renewal option to renew up to two (2) more years. The total cost of the contract was for \$85,050.

Councilmember Searcy asked how many rides were for older children or teenagers.

Mr. Huff stated that he would get clarification on the rides.

Mr. Rubin explained that there was flexibility in the contract to change the rides.

Thereafter the motion to adopt Resolution 2023-106 passed unanimously.

RESOLUTION 2023-107 – BLANKET PURCHASE ORDER FOR MISCELLANEOUS LANDSCAPING AND GROUND MAINTENANCE SERVICES

A motion was made by Councilmember Mullinix and seconded by Vice Mayor Bickel to adopt Resolution 2023-107 entitled:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA APPROVING A FISCAL YEAR 2024 BLANKET PURCHASE ORDER WITH PRECISION LANDSCAPE COMPANY OF PALM BEACH COUNTY, INC. IN AN AMOUNT NOT TO EXCEED \$150,000.00 FOR MISCELLANEOUS LANDSCAPING AND GROUNDS MAINTENANCE SERVICES; AND PROVIDING FOR AN EFFECTIVE DATE.

RESOLUTION 2023-107 – BLANKET PURCHASE ORDER FOR MISCELLANEOUS LANDSCAPING AND GROUND MAINTENANCE SERVICES *continued*

Deputy Village Manager Samia Janjua explained that since Precision Landscape Company of Palm Beach County, Inc. was the Village's landscape contractor, various Departments reach out to the contractor for additional projects throughout the year as the need arises. Due to these various needs a blanket purchase order in the amount not to exceed \$150,000 was necessary to provide for these miscellaneous landscaping and grounds maintenance services.

Thereafter the motion to adopt Resolution 2023-107 passed unanimously.

RESOLUTION 2023-108 – FY 2024 CIP PURCHASE – PUBLIC WORKS VEHICLE REPLACEMENT

A motion was made by Councilmember Mullinix and seconded by Vice Mayor Bickel to adopt Resolution 2023-108 entitled:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, APPROVING THE PURCHASE OF ONE 2024 FORD F250 FROM DUVAL FORD PURSUANT TO PRICING ESTABLISHED IN AN EXISTING FLORIDA SHERIFF'S ASSOCIATION CONTRACT AND ONE 2024 CHEVROLET COLORADO PURSUANT TO PRICING ESTABLISHED IN AN EXISTING BRADFORD COUNTY SHERIFF'S OFFICE CONTRACT FOR USE BY THE PUBLIC WORKS DEPARTMENT; AUTHORIZING AND DIRECTING THE MAYOR AND VILLAGE CLERK TO AMEND THE CAPITAL PROJECTS FUND BUDGET TO TRANSFER \$94,149.00 FROM THE CAPITAL RESERVE ACCOUNT TO THE PUBLIC WORKS/STREETS AND GROUNDS – AUTOMOTIVE CAPITAL ACCOUNT; DECLARING A SPECIFIED VEHICLE AS SURPLUS PROPERTY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Field Operations Manager Marc Holloway explained the reason and need for the new vehicles purchase. The total cost for the two (2) vehicles was \$94,149. The vehicles would be utilized in the Public Works Department. Mr. Holloway explained that certain vehicles would be declared surplus and other vehicles would be rotated for use in other departments.

Thereafter the motion to adopt Resolution 2023-108 passed unanimously.

RESOLUTION 2023-109 – PARTICIPATION AGREEMENT WITH PALM BEACH COUNTY FOR PUBLICATION OF LEGAL NOTICES

A motion was made by Councilmember Mullinix and seconded by Vice Mayor Bickel to adopt Resolution 2023-109 entitled:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, APPROVING A PARTICIPATION AGREEMENT WITH PALM BEACH COUNTY FOR PUBLICATION OF LEGAL NOTICES ON THE COUNTY DESIGNATED PUBLICLY ACCESSIBLE WEBSITE AND AUTHORIZING THE VILLAGE MANAGER AND VILLAGE CLERK TO EXECUTE ALL DOCUMENTS REQUIRED FOR SUCH PARTICIPATION; REVISING THE VILLAGE'S PURCHASING POLICIES AND PROCEDURES TO ALLOW FOR PUBLICATION ON THE WEBSITE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

RESOLUTION 2023-109 – PARTICIPATION AGREEMENT WITH PALM BEACH COUNTY FOR PUBLICATION OF LEGAL NOTICES *continued*

Village Clerk Jessica Green explained that due to the passing of Senate Bill 7049, governmental agencies had permission to publish legal notices on a publicly accessible website designated by the County in lieu of publishing in the newspaper. There was a one-time implementation fee of \$2000 and the annual cost for the Village would be \$6000 due to its population size. An Early Adopter Incentive was offered to governmental agencies who join the agreement prior to December 31, 2023 that would waive the \$2000 implementation fee. Mrs. Green explained that the Village spends an average of \$6000 to \$10,000 per year on legal advertising and recommended approval of the Participation Agreement with Palm Beach County as it would bring a cost savings to the Village.

Deborah Cross, 2560 Pepperwood Circle, S, expressed concerns that elderly people may not be able to access the legal advertisements on a computer.

Mr. Rubin explained that residents could request that legal notices be mailed to them if they were not able to access them on a computer.

Thereafter the motion to adopt Resolution 2023-109 passed unanimously.

RESOLUTION 2023-110 – AIR HANDLERS PURCHASE AND INSTALLATION CONTRACT

A motion was made by Councilmember Mullinix and seconded by Vice Mayor Bickel to adopt Resolution 2023-110 entitled:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, APPROVING A CONTRACT WITH CARRIER CORPORATION FOR THE PURCHASE AND INSTALLATION OF NEW AIR HANDLERS AT THE PUBLIC SAFETY BUILDING UTILIZING PRICING ESTABLISHED IN AN EXISTING SOURCEWELL AGREEMENT AND AUTHORIZING THE MAYOR AND VILLAGE CLERK TO EXECUTE THE CONTRACT; AND PROVIDING FOR AN EFFECTIVE DATE.

Facilities Manager James Anthony explained that the air handlers at the Public Safety Building have exceeded their useful service life and were in need of replacement. Carrier Corporation's quote was lower at \$250,770.47 compared to a quote received from Trane Commercial Services that was for \$392,595.82. Mr. Anthony stated that staff recommended the purchase of the new air handlers from Carrier Corporation.

Thereafter the motion to adopt Resolution 2023-110 passed unanimously.

RESOLUTION 2023-111 – JANITORIAL SERVICES CONTRACT

A motion was made by Councilmember Mullinix and seconded by Vice Mayor Bickel to adopt Resolution 2023-111 entitled:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA ACCEPTING THE PROPOSAL FOR MUNICIPAL FACILITY JANITORIAL SERVICES FROM AMERICAN JANITORIAL, INC. AND AUTHORIZING THE MAYOR AND VILLAGE CLERK TO EXECUTE A CONTRACT RELATING TO SUCH SERVICES; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

RESOLUTION 2023-111 – JANITORIAL SERVICES CONTRACT *continued*

Mr. Anthony explained that the Public Works Department issued a Request for Proposals for Village-wide Janitorial Services. The proposals received were evaluated by a Selection Committee who scored the proposals in five (5) categories. Based upon the rankings of the Selection Committee, staff was recommending that the Village execute a contract with American Janitorial, Inc. at a total cost of \$274,410.88.

Thereafter the motion to adopt Resolution 2023-111 passed unanimously.

RESOLUTION 2023-112 – LEASE AGREEMENT FOR COMMUNITY DEVELOPMENT DEPARTMENT OFFICE SPACE

A motion was made by Councilmember Mullinix and seconded by Vice Mayor Bickel to adopt Resolution 2023-112 entitled:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, APPROVING A LEASE AGREEMENT WITH DOCUMENT STORAGE SYSTEMS, INC. FOR 2,827 SQUARE FEET OF OFFICE SPACE AT 701 U.S. HIGHWAY ONE FOR THE COMMUNITY DEVELOPMENT DEPARTMENT AND AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE AGREEMENT; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Mrs. Gardner-Young explained the purpose for approving a new lease agreement for space to be utilized by the Community Development Department. Mrs. Gardner-Young stated that the facility was newer than the current location and would also bring a cost savings of approximately \$31,000 after the first year of the five-year lease agreement. The new space includes impact resistance windows and a generator. Mrs. Gardner-Young stated that based on the more functional workspace and cost savings, staff was recommending entering into the new five-year lease agreement.

Thereafter the motion to adopt Resolution 2023-112 passed unanimously.

RESOLUTION 2023-113 – APPOINTING INTERIM COUNCILMEMBER

A motion was made by Vice Mayor Bickel and seconded by Councilmember Searcy to adopt Resolution 2023-113 entitled:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, APPOINTING A SUCCESSOR TO FILL A VACANCY ON THE VILLAGE COUNCIL ON AN INTERIM BASIS; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Norris explained that due to Darryl Aubrey's resignation from Council, an interim Councilmember needed to be appointed to the vacancy.

Mayor Norris nominated Karen Marcus to serve as interim Councilmember.

Councilmember Searcy nominated Judy Pierman to serve as interim Councilmember.

Mayor Norris called for a vote on the nomination of Karen Marcus as interim Councilmember.

Those in favor of Karen Marcus were 3 to 1 with Mayor Norris, Vice Mayor Bickel and Councilmember Mullinix voting aye.

RESOLUTION 2023-113 – APPOINTING INTERIM COUNCILMEMBER *continued*

Mayor Norris called for a vote on the nomination of Judy Pierman as interim Councilmember.

Those in favor of Judy Pierman were 1 to 3 with Councilmember Searcy voting aye.

Thereafter the motion to adopt Resolution 2023-113 passed unanimously and the name of Karen Marcus was entered into Resolution 2023-113.

Village Clerk Green administered the Oath of Office to Karen Marcus.

MAYOR AND COUNCIL MATTERS/REPORTS

Councilmember Searcy stated that the reinstatement of residential massing regulations to the Village code would be considered at a Council meeting in January.

Mayor Norris discussed and explained that due to the new Form 6 requirements that were passed by the legislature earlier in the year, he was being forced to resign from Council. Mayor Norris announced his resignation from Council effective December 15, 2023. Mayor Norris expressed his gratitude and pride on what was accomplished in the Village during his 27 years on Council. Mayor Norris thanked staff, Council and the residents of North Palm Beach for the privilege of serving on Council.

These residents and family members expressed their thoughts and gratitude to Mayor Norris:

Russell Beverstein, 415 U.S. Highway 1	Darryl Aubrey, 1100 Marine Way W
Karen Marcus, 920 Evergreen Drive	Wendy, Taylor and Joshua Norris

Councilmember Mullinix announced that due to the Form 6 requirements, he would also be resigning from Council effective December 15, 2023. Councilmember Mullinix gave a history of his involvement in the community and expressed his gratitude to Council and residents for the opportunity to serve.

Judy Pierman, 560 Greenway Drive, expressed her sadness regarding the resignations of Councilmembers. Mrs. Pierman thanked Mayor Norris and Councilmember Mullinix for their years of service.

Vice Mayor requested that a Special Council meeting be scheduled the following week in order to appoint another interim Councilmember so that there would be four (4) sitting Councilmembers.

Council came to consensus to schedule a Special Council meeting on Thursday, December 21, 2023 at 4 p.m.

Mr. Huff expressed his gratitude to Mayor Norris and Councilmember Mullinix for their contributions and service to Village staff and residents.

Mr. Huff congratulated Vice Mayor Bickel regarding her daughter's acceptance into Harvard University.

MAYOR AND COUNCIL MATTERS/REPORTS *continued*


Mr. Huff announced that due to the forecast of high winds and rain, the trolley rides would be postponed to December 22 and Santa would be traveling throughout the Village on a fire truck on Tuesday, December 19.

Mr. Huff thanked Karen Marcus for her willingness to serve on Council on an interim basis and stated that he looked forward to working with her.

Mayor Norris wished everyone a Merry Christmas and a Happy New Year.

ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 8:38 p.m.



Jessica Green, MMC, Village Clerk



***DRAFT MINUTES OF THE SPECIAL SESSION
VILLAGE COUNCIL OF NORTH PALM BEACH, FLORIDA
DECEMBER 21, 2023***

Present:

Susan Bickel, Vice Mayor
Karen Marcus, Councilmember
Deborah Searcy, Councilmember
Chuck Huff, Village Manager
Len Rubin, Village Attorney
Jessica Green, Village Clerk

ROLL CALL

Vice Mayor Bickel called the meeting to order at 4:00 p.m. All members of Council were present. All members of staff were present.

Vice Mayor Bickel announced that Mr. Huff had an item that he wanted to add to the agenda for discussion and consideration.

Mr. Huff stated that the Village had received a request for a Partial Release of Lien on 100 Water Club Court, Unit 20. There is currently a lien with a fine accruing on the Water Club Condominium Association. Mr. Huff was requesting Council approve the Partial Release of Lien if the individual unit was not damaged or compromised. Mr. Huff stated that the Village's Building Official would do an inspection of the unit to confirm that the unit was not compromised or damaged before the Partial Release of Lien would be issued.

Discussion ensued between Mr. Rubin and Councilmembers regarding the request for a Partial Release of Lien on the individual unit at 100 Water Club Court, Unit 20.

A motion was made by Vice Mayor Bickel and seconded by Councilmember Searcy to grant a Partial Release of Lien to 100 Water Club Court, Unit 20 upon confirmation from the Village's Building Official that the unit was not damaged or compromised.

Thereafter the motion passed unanimously.

RESOLUTION 2023-114 – APPOINTING INTERIM COUNCILMEMBER

A motion was made by Councilmember Searcy and seconded by Councilmember Marcus to adopt Resolution 2023-114 entitled:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, APPOINTING A SUCCESSOR TO FILL A VACANCY ON THE VILLAGE COUNCIL ON AN INTERIM BASIS; AND PROVIDING FOR AN EFFECTIVE DATE.

RESOLUTION 2023-114 – APPOINTING INTERIM COUNCILMEMBER *continued*

Mr. Rubin explained that there were two (2) vacancies on Council. The Village Charter states that Council vacancies shall be filled. Mr. Rubin stated that it was Council's decision whether to fill both vacancies at the meeting or fill one vacancy now and the other at a future meeting.

Bob Gebbia, 131 Bowsprit Drive, asked if an appointed Councilmember would be required to file the Form 6 Full and Public Disclosure of Financial Interests.

Mr. Rubin explained that a Councilmember sitting on Council as of January 1, 2024 would be required to file the Form 6.

Mr. Gebbia stated that he would not be able to sit on Council on an interim basis.

Councilmember Searcy nominated Judy Pierman to serve as interim Councilmember.

Discussion ensued between Mr. Rubin and Councilmembers regarding provisions in the Village Code and Charter as it related to interim Councilmember appointments.

Mr. Huff stated that Judy Pierman was running late to the meeting and that another topic could be discussed while they were waiting for her arrival. Mr. Huff asked Mr. Rubin to explain the potential lawsuit against the Form 6 requirements.

Mr. Rubin explained that a large local government law firm sent a request for at least ten (10) municipalities to join in a lawsuit to challenge the Form 6 requirements.

Vice Mayor Bickel asked for more information on the matter before making a decision.

Mr. Rubin stated that he would do further research on the matter and bring back his findings to Council at a future meeting.

Judy Pierman arrived to the meeting at 4:10 p.m. and accepted her appointment as Interim Councilmember.

With no other nominations and by consensus of all three sitting Councilmembers, Judy Pierman was appointed as interim Councilmember, Resolution 2023-114 passed unanimously, and the name of Judy Pierman was entered into Resolution 2023-114.

Village Clerk Green administered the Oath of Office to Judy Pierman.

Mayor Bickel thanked Judy Pierman for her willingness to serve.

Councilmember Pierman thanked Council for her appointment.

COUNCIL REORGANIZATION

Vice Mayor Bickel opened the floor to nominations for Council officers.

Deborah Searcy nominated Susan Bickel for Mayor. With no other nominations for Mayor, Susan Bickel was declared Mayor.

COUNCIL REORGANIZATION *continued*

Susan Bickel nominated Deborah Searcy for Vice Mayor. With no other nominations for Vice Mayor, Deborah Searcy was declared Vice Mayor.

Karen Marcus nominated Judy Pierman for President Pro Tem. With no other nominations for President Pro Tem, Judy Pierman was declared President Pro Tem.

Village Clerk Green administered the Oaths of Office to Susan Bickel, Deborah Searcy and Judy Pierman.

ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 4:17 p.m.

Jessica Green, MMC, Village Clerk

**VILLAGE OF NORTH PALM BEACH
OFFICE OF THE VILLAGE CLERK**

TO: Honorable Mayor and Council

THRU: Chuck Huff, Village Manager

FROM: Jessica Green, Village Clerk

DATE: January 11, 2024

SUBJECT: **MOTION – Approval of merit increase for the Village Clerk**

Each year, all Village employees are evaluated on their performance during the previous twelve months and typically receive either merit increases based upon a final numeric score or step-plan increases in accordance with the applicable collective bargaining agreements. Those performance evaluations are completed by the respective first line supervisors in conjunction with the respective employee's anniversary (hire) date or date of promotion, whichever is applicable.

Likewise, the Village Clerk is evaluated by all five members of the Village Council. The numeric scores of those five performance evaluations are then averaged to establish a final score. That score is then converted to a percentage score, which determines the increase in salary.

The evaluation form consists of nine categories with numerical ratings from zero (below standards) to three (exceptional), as well as a rating of not applicable. This year, out of a possible high score of 135, the Clerk received a score of 109, which equates to an average score of 21, or an average percentage score of 81%. As shown on the attached merit calculation form, the Clerk's merit increase is calculated at 4.1% (81% of 5). The effective date of the merit increase is retroactive to August 8, 2023.

Article IV, section 8(c) of the Village Charter provides that "the compensation of the clerk shall be fixed by the council."

The attached merit calculation form has been reviewed by the Human Resources Department.

Recommendation:

Village Administration requests Council consideration and approval of a motion granting a merit increase of 4.1% to the Village Clerk based on the average score of each Councilmember's performance evaluation and directing Village Administration to process same.

Evaluation Worksheet - Conversion from Score to %-age increase
Village of North Palm Beach
Evaluation Period - 8/8/22 to 8/8/23

Merit range: 2% - 5%. Employees must receive a minimum of 67% to be eligible for any merit increase.

EVALUATION SCORES

1	23.00
2	23.00
3	27.00
4	21.00
5	15.00
TOTAL	109.00

AVERAGE 21.80

Highest
Weighted Score Possible Score

COMBINED TOTAL 109.00 135.00

PERCENTAGE SCORE 81%

AVERAGED TOTAL 21.80 27.00

PERCENTAGE SCORE 81%
--

Max for 5% (100% of Possible)	27
Min for 2% (67% of Possible)	18

Percentage Increase to Pay 4.1 %
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VILLAGE OF NORTH PALM BEACH COMMUNITY DEVELOPMENT DEPARTMENT

TO: Honorable Mayor and Council

THRU: Chuck Huff, Village Manager

FROM: Caryn Gardner-Young, Community Development Director

DATE: January 11, 2024

SUBJECT: **RESOLUTION** – Approving an Amendment to the Professional Services Agreement with Chen Moore & Associates, Inc. to increase the compensation to \$80,000 for the drafting of Comprehensive Plan Amendments required by state statute

Growth management legislation was passed in 1985 in response to Florida's commitment to provide the facilities and services that communities need to foster economic growth and preserve natural amenities. The importance of comprehensive planning cannot be overstressed because it results in decisions regarding long-term issues such as environmental protection and economic development. Section 163.3177, F.S., requires that local government comprehensive plans provide the policy foundation for local planning and land use decisions on capital improvements, conservation, intergovernmental coordination, recreation, open space, future land use, housing, transportation, coastal management (where applicable) and public facilities.

Effective June 2, 2011, state law requires local governments to determine, at least every seven years, whether the need exists to amend the comprehensive plan to reflect changes in state requirements since the last time the comprehensive plan was updated. If such a determination is made, the municipality must notify the state land planning agency by letter of this determination. The local government then shall prepare and transmit the proposed amendments to the Department of Economic Opportunity within one year of such determination. The evaluation and appraisal should address changes in state requirements since the last update of the comprehensive plan and update the plan based on changes to local conditions.

According to the State's Notification Schedule, the Village's second round Evaluation and Appraisal letter is due January 1, 2024. Village Staff has determined that amendments to the Village's Comprehensive Plan are required and such a letter was sent to the Florida Department of Economic Opportunity during the month of December. In order to meet the state requirements and the timeframe to complete the amendments, Village Staff is recommending hiring consultants to assist.

Through the adoption of Resolution No. 2023-65 on August 24, 2023, the Village Council approved Agreements with six firms for General Planning Services on an as needed basis and capped the compensation at \$50,000 for Fiscal Year 2024. The Village received the following three proposals from those firms to perform the work:

Company	Amount For 2 Categories
WGI	\$115,500
Calvin	\$113,000
Chen Moore	\$80,000

Village Staff is recommending selecting Chen Moore to draft two categories of amendments to the Village's Comprehensive Plan. Because the amount requested exceeds the \$50,000 previously approved by the Village Council through the General Planning Services solicitation process, Staff is requesting that the total compensation payable to Chen Moore & Associates pursuant to the Professional Services Agreement be increased to \$80,000.00.

Legal Review

The attached Resolution and Amendment have been prepared/reviewed by the Village Attorney for legal sufficiency.

Fiscal Impact

\$80,000 for drafting of the amendments to the Comprehensive Plan to be added to the Planning and Zoning Professional Services line item. If a budget amendment is necessary, it will be prepared at year-end.

Recommendation:

Village Staff recommends Village Council consideration and approval of the attached Resolution approving an Amendment to the Professional Services Agreement with Chen Moore & Associates, Inc. to increase the total compensation from \$50,000 to \$80,000 to cover the costs of the required Comprehensive Plan Amendments and authorizing the Village manager to execute the Amendment in accordance with Village policies and procedures.

RESOLUTION 2024-_____

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA APPROVING AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH CHEN MOORE & ASSOCIATES, INC. TO INCREASE THE TOTAL AMOUNT OF COMPENSATION FOR FISCAL YEAR 2024 AND AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE AMENDMENT; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, through the adoption of Resolution No. 2023-65, the Village Council authorized the Village Manager to execute an Agreement for Professional (Planning) Services with six firms, including Chen Moore & Associates, Inc., in an amount not to exceed \$50,000.00 during any single fiscal year; and

WHEREAS, the Village is required to update its Comprehensive Plan, and Village Staff recommended retaining the services of Chen Moore to prepare the updates at a total cost of \$80,000; and

WHEREAS, these services require both an increase in the total compensation payable by the Village to Chen Moore & Associates, Inc. during Fiscal Year 2024 and a corresponding Amendment to the Agreement; and

WHEREAS, the Village Council determines that the adoption of this Resolution is in the best interests of the residents of the Village of North Palm Beach.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA as follows:

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

Section 2. The Village Council hereby approves an Amendment to the Professional Services Agreement with Chen Moore & Associates, Inc. to increase the total amount of compensation during Fiscal Year 2024, a copy of which is attached hereto and incorporated herein, and authorizes the Village Manager to execute the Amendment on behalf of the Village. The total compensation paid pursuant to the Amendment during Fiscal Year 2024 shall not exceed \$80,000.00.

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

Section 4. This Resolution shall be effective immediately upon adoption.

PASSED AND ADOPTED THIS ____ DAY OF _____, 2024.

(Village Seal)

MAYOR

ATTEST:

VILLAGE CLERK

AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT
(Planning Services)

THIS AMENDMENT is entered on this ____ day of _____, 2024, by and between the **Village of North Palm Beach**, a Florida municipal corporation (“Village”) and **Chen Moore & Associates, Inc.**, a Florida corporation (“Consultant”).

RECITALS

WHEREAS, on August 24, 2023, the Village entered into a Professional Services Agreement with Chen Moore & Associates, Inc. (“Chen Moore”) for general Planning Services (“Agreement”); and

WHEREAS, the Agreement capped the total amount of compensation at \$50,000 per fiscal year; and

WHEREAS, due to work that will be performed by Chen Moore relating to Amendments to the Village’s Comprehensive Plan, the parties wish to increase the total amount of compensation to cover the cost of the anticipated cost of the Comprehensive Plan Amendments and related tasks.

NOW, THEREFORE, in consideration of the promises and mutual covenants contained in the Agreement, as amended, the sufficiency of which is hereby acknowledged by the parties, the Village and the Consultant agree as follows:

1. The foregoing recitals are ratified and incorporated herein.
2. Section 5(a) of the Agreement is hereby amended to increase the total amount of compensation payable by the Village to Consultant for Fiscal Year 2024 to **Eighty Thousand Dollars and No Cents (\$80,000.00)**.
3. All other provisions of the Agreement, to the extent not expressly modified herein, shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have made and executed this Amendment to the Professional Services Agreement (Planning Services) as of the day and year set forth above.

VILLAGE OF NORTH PALM BEACH:

By: _____
Charles D. Huff, Village Manager

CONSULTANT:

CHEN MOORE & ASSOCIATES, INC.

By: _____
Print Name:
Title:

**VILLAGE OF NORTH PALM BEACH
COMMUNITY DEVELOPMENT DEPARTMENT**

TO: Honorable Mayor and Council

THRU: Chuck Huff, Village Manager

FROM: Caryn Gardner-Young, Community Development Director
Scott H. Wood, Building Official
Jennifer Cain, Human Resources Director

DATE: January 11, 2024

SUBJECT: **RESOLUTION – A Resolution of the Village Council of the Village of North Palm Beach, Florida amending the 2023-2024 Comprehensive Pay Plan**

The Village administration is seeking to amend the 2023-2024 Comprehensive Pay Plan deleting two part-time inspectors and adding a Senior Building Inspector. In FY2023, the Building Official asked that one (1) full-time Building Inspector position be divided into two (2) part-time Building Inspector positions. The reasoning for the change was the inability to obtain a candidate for the full-time position. The Village is currently using a contract service on a daily basis to provide building inspections since neither position is filled.

However, with the new Building Official and the pay grade changes made for the Building Construction Inspector positions with the FY 2024 pay plan, Staff believes the Village can successfully hire a full-time position to provide more timely and reliable service to the residents. Based upon the building permit workload, the Community Development Department is in need of the full-time position to cover, on a timely basis, the requested inspections. This would also reduce the reliance on contracted services significantly and afford the Building Division better quality control over inspections. Contracted inspectors typically rush through their inspection due to being heavily scheduled and are known to be less thorough than an employee with a vested interest in the Village.

Village Staff is seeking to upgrade the Building Division organizational chart from what it was prior to the recent budget adoption with a full-time Senior Building Inspector versus a full-time Building Inspector. This request is not seeking any additional positions and the Building Division is giving up two part-time positions to cover the costs of the full-time position so no fiscal impact is anticipated.

The Comprehensive Pay Plan is included within the overall Village Budget for Fiscal Year 2024, as approved by the Village Council through the adoption of Ordinance No. 2023-15. Section 5 of Ordinance No. 2023-15 specifically authorizes the Village Council to revise the Comprehensive Pay Plan by Resolution during the Fiscal Year without need to amend the Ordinance.

The attached Resolution has been prepared/reviewed by the Village Attorney for legal sufficiency.

Recommendation:

Village Staff recommends Village Council consideration and approval of the attached Resolution amending the Fiscal Year Comprehensive Pay Plan by converting two (2) part-time Building Construction Inspector positions to one (1) full-time Senior Building Construction Inspector position.

RESOLUTION 2024-_____

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA AMENDING THE COMPREHENSIVE PAY PLAN ADOPTED AS PART OF THE FISCAL YEAR 2024 BUDGET TO CONVERT TWO PART-TIME BUILDING CONSTRUCTION INSPECTOR POSITIONS TO ONE FULL-TIME SENIOR BUILDING CONSTRUCTION INSPECTOR POSITION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, through the adoption of Ordinance No. 2023-15 (“Budget Ordinance”) on September 28, 2023, the Village Council adopted a Comprehensive Pay Plan as part of the annual budget for Fiscal Year 2024; and

WHEREAS, Section 5 of the Budget Ordinance authorizes the Village Council to revise the Comprehensive Pay Plan by Resolution during the course of the Fiscal Year; and

WHEREAS, at the recommendation of Village Staff, the Village Council wishes to convert two part-time Building Construction Inspector positions into one full-time Senior Building Construction Inspector position and determines that the adoption of this Resolution is in the best interests of the Village and its residents.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA as follows:

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

Section 2. The Village Council hereby amends the Comprehensive Pay Plan for Fiscal Year 2024 as follows:

Delete two (2) part-time Building Construction Inspector positions at Pay Grade 118.

Add one (1) full-time Senior Building Construction Inspector position at Pay Grade 120.

Section 3. All other provisions of the Comprehensive Pay Plan, to the extent not specifically modified herein, shall remain in full force and effect.

Section 4. This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED THIS ____ DAY OF _____, 2024.

(Village Seal)

MAYOR

ATTEST:

VILLAGE CLERK

**Village of North Palm Beach
Recreation Advisory Board Meeting
MINUTES
November 14, 2023 at 7:00 pm
Anchorage Park**

- 1) Call to Order:** Chair Budnyk at 7:00 p.m.
- 2) Roll Call:** Attendance was taken, and present were board members Ashley Knieriemen, Stephen Heiman, Zak Sherman, Leigh Arwood, Jennifer Dumas, and Rita Budnyk. Mia St John and Christy Chane were absent. Village Council representative not present.
- 2) Approval of Minutes:** A motion was proposed by Jennifer Dumas and seconded by Ashley Knieriemen to approve the minutes from the previous month's meeting, which was unanimously passed.
- 3) Public Comments:** No public comments were received during this meeting, prompting a transition to the Director's report.
- 4) Director's Report:** The Director began by discussing the recent bulk rental issue in the department's management system, RecTrac, which involved complications with confirming and adjusting fees for multiple bookings. The process was cumbersome and took an inordinate amount of time to complete. The Director revealed that a bulk option for fee adjustments had been discovered at a recent RecTrac Symposium conference in Vermont and put to use as soon as he returned, saving considerable staff time when booking multi-use facility rentals.

Upcoming events were then discussed, including Beats and Eats in February, with Uncle Juice already booked for the event. Plans for presenting holiday decorations at the upcoming council meeting were also on the agenda. An incident report was shared concerning a child who had fallen due to an unsafe area during Seacoast's work near the park, with reassurance that the child was fine, and proper procedures were being followed.

The Director reported that a meeting with the South Florida Thunder, interested in starting a T-ball program, was scheduled post-Thanksgiving. The proposed agreement would involve charging fees per non-residents only and finalizing details with the organization.

Other topics included the possibility of hosting a summer volleyball skills clinic and an adult rec league at the Community Center starting in January, with Beatriz Piper as the contact for these initiatives. The Director also mentioned the discovery of building plans for the community center in the attic at Public Works. Plans for scanning and reviewing them were in progress.

Lastly, the Director updated the Board on boat ramp usage statistics and the updated schedule for flag football.

- 5) New Business:** In addressing boat storage matters, the Director explained Mr. Casamassina's situation. Mr. Casamassina had initially been placed on the 25-foot boat list when he visited the office on June 3, 2022. However, it was later discovered that he required a larger space for his boat because his trailer needed to be taken into account. This discrepancy was attributed to staff handling Mr. Casamassina's request, as he wasn't told that the size of his boat needed to include his trailer. After listening to the circumstances, the Board decided it was equitable to move him to the 30-foot list to the position he would have gotten had he been properly told all the requirements on June 3, 2022.

The discussion then shifted to the observation of numerous empty storage spaces in the dry storage area. The need for better monitoring and creating a visual map displaying available storage spaces was discussed, along with the necessity of a dedicated marina staff member to oversee these matters was also raised. Emphasis was placed on the importance of staying proactive and implementing regular checks to ensure compliance with the new rules and regulations governing boat storage.

The discussion also entailed a review of the number of contracts returned, late fees, and efforts to contact delinquent renters. Inquiries were made about the status of individuals who had not yet signed their contracts by October 1 and whether they still had equipment in their assigned spaces.

6) Old Business:

- Tornado Update/Community Center: The Director provided updates on the Community Center, mentioning recent improvements, repairs, and ongoing challenges such as roof leaks.

- 7) Member Comments:** Discussed Heritage Day volunteer committee to help with parade entries. Discussed inviting middle school students to Veterans Day Event.

- 8) Staff Comments:** None.

- 9) Adjournment:** Motion by Ashley Knieriemen; seconded by Rita Budnyk at 8:10 p.m.

VILLAGE OF NORTH PALM BEACH

COMMUNITY DEVELOPMENT DEPARTMENT

TO: Honorable Mayor and Council

THRU: Chuck Huff, Village Manager

FROM: Caryn Gardner-Young, Community Development Director
Scott Wood, Building Official

DATE: January 11, 2024

SUBJECT: **ORDINANCE 1st Reading** – Adopting Administrative Amendments to the 8th (2023) Edition of the Florida Building Code

Background

The Florida Building Code is a set of regulations that govern the construction of public and private buildings in Florida. It is based on national model building codes, national consensus standards, and Florida-specific provisions. However, some construction-related regulations are exempted by Section 553.73 of the Florida Statutes. To ensure consistency and uniformity, the Florida Building Code has been aligned with the Florida Fire Prevention Code maintained by the Department of Financial Services, Office of the State Fire Marshal.

The Florida Building Code is a collection of nine volumes, including Building, Plumbing, Mechanical, Fuel Gas, Existing Building, Residential, Energy Conservation, Accessibility, and Test Protocols for High-Velocity Hurricane Zones. Chapter 27 of the Florida Building Code, Building, includes state regulation for licensed facilities and adopts the National Electrical Code (NFPA 70) by reference.

In Florida, it is mandatory to update the building and construction codes every three years in all cities and counties, known as the tri-annual update. The 8th Edition Florida Building Code will be effective on January 1, 2024, and all applications and documentation submitted for a permit from this date must comply with this new code. Section 553.73(4)(a), Florida Statutes, authorizes a municipality to adopt amendments to the administrative provisions (Chapter 1) of the Florida Building Code that are specific to that municipality. These administrative amendments replace the amendments adopted by the Village in 2020 for the prior (7th) edition of the Florida Building Code.

Legal Review

The Village Attorney has prepared and/or reviewed the attached Ordinance for legal sufficiency.

Fiscal Impacts

N/A

Recommendation

Village Staff recommends Village Council consideration and approval on first reading of the attached Ordinance adopting administrative amendments to the 8th (2023) edition of the Florida Building Code as authorized by state law.

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WHEREAS, pursuant to Chapter 553, Florida Statutes, all construction and related activities occurring within the Village are governed by the Florida Building Code; and

WHEREAS, Section 553.73(4)(a), Florida Statutes, authorizes units of local government to adopt amendments to the administrative provisions (Chapter 1) of the Florida Building Code; and

WHEREAS, Section 6-17(b) of the Village Code recognizes that the Village has amended and supplemented Chapter 1 of the Florida Building Code through administrative amendments; and

WHEREAS, through the adoption of Ordinance No. 2021-02 on January 28, 2021, the Village Council adopted Administrative Amendments to the 7th (2020) Edition of the Florida Building Code; and

WHEREAS, due to the statewide adoption of a new edition of the Florida Building Code, the Village Council wishes to adopt Administrative Amendments to the 8th (2023) Edition as authorized by state statute; and

WHEREAS, the Village Council determines that the adoption of this Ordinance is in the best interests of the residents and citizens of the Village of North Palm Beach.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA as follows:

Section 1. The foregoing recitals are ratified as true and correct and are incorporated herein.

Section 2. The Village Council hereby adopts administrative amendments to Chapter 1 of the 8th (2023) Edition of the Florida Building Code, a copy of which are attached hereto and incorporated herein by reference.

Section 3. If any section, paragraph, sentence, clause, phrase, or word of this Ordinance 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 this Ordinance.

Section 4. All ordinances or resolutions or parts of ordinances or resolutions in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 5. This Ordinance shall become effective immediately upon adoption.

1 PLACED ON FIRST READING THIS ____ DAY OF _____, 2024.

2
3 PLACED ON SECOND, FINAL READING AND PASSED THIS ____ DAY OF _____,
4 2024.

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7 (Village Seal)

MAYOR

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11 ATTEST:

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13 _____
14 VILLAGE CLERK

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16 APPROVED AS TO FORM AND
17 LEGAL SUFFICIENCY:

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19 _____
20 VILLAGE ATTORNEY

VILLAGE OF NORTH PALM BEACH



**ADMINISTRATIVE AMENDMENTS TO CHAPTER ONE OF
THE FLORIDA BUILDING CODE 8TH EDITION (2023)**

CHAPTER 1
SCOPE AND ADMINISTRATION

PART 1—SCOPE AND APPLICATION
SECTION 101
GENERAL

101.1 Title. These regulations shall be known as the *Florida Building Code*, hereinafter referred to as “this code.”

101.2 Scope. The provisions of this code shall apply to the construction, *alteration*, relocation, enlargement, replacement, *repair*, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.

Exceptions:

1. Detached one- and two-family *dwelling*s and multiple single-family *dwelling*s (*townhouses*) not more than three *stories above grade plane* in height with a separate *means of egress*, and their accessory structures not more than three *stories above grade plane* in height, shall comply with this Code or the *Florida Building Code, Residential*.
2. Code requirements that address snow loads and earthquake protection shall not be utilized or enforced.

101.2.1 Appendices. Provisions in the appendices shall not apply unless specifically adopted.

101.2.2 Residential construction standards or practices which are not covered by Florida Building Code, Residential volume shall be in accordance with the provisions of Florida Building Code, Building.

101.3 Intent. The purpose of this code is to establish the minimum requirements to provide a reasonable level of safety, public health and general welfare through structural strength, *means of egress* facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment and to provide a reasonable level of safety to fire fighters and emergency responders during emergency operations.

101.3.1 Quality control. Quality control of materials and workmanship is not within the purview of this code except as it relates to the purposes stated herein.

101.3.2 Warranty and Liability. The permitting, plan review or inspection of any building, system or plan by this jurisdiction, under the requirements of this code, shall not be construed in any court as a warranty of the physical condition of such building, system or plan or their adequacy. This jurisdiction shall not be liable in tort for damages or hazardous or illegal condition or inadequacy in such building, system or plan, nor for any failure of any component of such, which may occur subsequent to such inspection or permitting.

101.4 Referenced codes. The other codes listed in Sections 101.4.1 through 101.4.9 and referenced elsewhere in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference.

101.4.1 Gas. The provisions of the *Florida Building Code, Fuel Gas* shall apply to the installation of gas piping from the point of delivery, gas appliances and related accessories as covered in this code. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories.

101.4.2 Mechanical. The provisions of the *Florida Building Code, Mechanical* shall apply to the installation, *alterations, repairs* and replacement of mechanical systems, including equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air-conditioning and refrigeration systems, incinerators and other energy related systems.

101.4.3 Plumbing. The provisions of the *Florida Building Code, Plumbing* shall apply to the installation, *alteration, repair* and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system.

101.4.4 Property maintenance. The provisions of the *Village of North Palm Beach Code of Ordinances Chapter 15* shall apply to existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators and occupants; and occupancy of existing premises and structures.

101.4.5 Fire prevention. For provisions related to fire prevention, refer to the *Florida Fire Prevention Code*. The *Florida Fire Prevention Code* shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, *repair, alteration* or removal of fire suppression, *automatic sprinkler systems* and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.

101.4.6 Energy. The provisions of the *Florida Building Code, Energy Conservation* shall apply to all matters governing the design and construction of buildings for energy efficiency.

101.4.7 Existing buildings. The provisions of the *Florida Building Code, Existing Building* shall apply to matters governing the *repair, alteration, change of occupancy, addition* to and relocation of existing buildings.

101.4.8 Accessibility. For provisions related to accessibility, refer to the *Florida Building Code, Accessibility*.

101.4.9 Manufactured buildings. For additional administrative and special code requirements, see Section 458, *Florida Building Code, Building*, and Rule 61-41 F.A.C.

SECTION 102 APPLICABILITY

102.1 General. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern.

102.1.1 *The Florida Building Code* does not apply to, and no code enforcement action shall be brought with respect to, zoning requirements, land use requirements and owner specifications or programmatic requirements which do not pertain to and govern the design, construction, erection, alteration, modification, repair or demolition of public or private buildings, structures or facilities or to programmatic requirements that do not pertain to enforcement of the *Florida Building Code*. Additionally, a local code enforcement agency may not administer or enforce the *Florida Building Code, Building* to prevent the siting of any publicly owned facility, including, but not limited to, correctional facilities, juvenile justice facilities, or state universities, community colleges, or public education facilities, as provided by law.

102.2 Building. The provisions of the *Florida Building Code* shall apply to the construction, erection, alteration, modification, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every public and private building, structure or facility or floating residential structure, or any appurtenances connected or attached to such buildings, structures or facilities. Additions, alterations, repairs and changes of use or occupancy group in all buildings and structures shall comply with the provisions provided in the *Florida Building Code, Existing Building*. The following buildings, structures and facilities are exempt from the *Florida Building Code* as provided by law, and any further exemptions shall be as determined by the legislature and provided by law:

- (a) Building and structures specifically regulated and preempted by the federal government.
- (b) Railroads and ancillary facilities associated with the railroad.
- (c) Nonresidential farm buildings on farms.
- (d) Temporary buildings or sheds used exclusively for construction purposes.

- (e) Mobile or modular structures used as temporary offices, except that the provisions of Part II (Sections 553.501-553.513, *Florida Statutes*) relating to accessibility by persons with disabilities shall apply to such mobile or modular structures. *Permits* shall be required for structural support and tie-down, electric supply and all other such utility connections to such mobile or modular structures as required by this jurisdiction.
- (f) Those structures or facilities of electric utilities, as defined in Section 366.02, *Florida Statutes*, which are directly involved in the generation, transmission, or distribution of electricity.
- (g) Temporary sets, assemblies, or structures used in commercial motion picture or television production, or any sound-recording equipment used in such production, on or off the premises.
- (h) Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term “chickee” means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other nonwood features.
- (i) Family mausoleums not exceeding 250 square feet (23 m²) in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.
- (j) Temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.
- (k) A building or structure having less than 1,000 square feet (93 m²) which is constructed and owned by a natural person for hunting and which is repaired or reconstructed to the same dimension and condition as existed on January 1, 2011, if the building or structure:
 - 1. Is not rented or leased or used as a principal residence;
 - 2. Is not located within the 100-year flood plain according to the Federal Emergency Management Agency’s current Flood Insurance Rate Map; and
 - 3. Is not connected to an off-site electric power or water supply.
- (l) A drone port as defined in s. 330.41(2).

102.2.1 In addition to the requirements of Sections 553.79 and 553.80, *Florida Statutes*, facilities subject to the provisions of Chapter 395, *Florida Statutes*, and Part II of Chapter 400, *Florida Statutes*, shall have facility plans reviewed and construction surveyed by the state agency authorized to do so under the requirements of Chapter 395, *Florida Statutes*, and Part II of Chapter 400, *Florida Statutes*, and the certification requirements of the federal government.

102.2.2 Residential buildings or structures moved into or within a county or municipality shall not be required to be brought into compliance with the state minimum building code in force at the time the building or structure is moved, provided:

- 1. The building or structure is structurally sound and in occupiable condition for its intended use;
- 2. The occupancy use classification for the building or structure is not changed as a result of the move;
- 3. The building is not substantially remodeled;
- 4. Current fire code requirements for ingress and egress are met;
- 5. Electrical, gas and plumbing systems meet the codes in force at the time of construction and are operational and safe for reconnection; and
- 6. Foundation plans are sealed by a professional engineer or architect licensed to practice in this state, if required by the *Florida Building Code, Building* for all residential buildings or structures of the same occupancy class.

Florida Building Code, Existing Building Chapter 13 contains additional requirements for Relocated or Moved Buildings)

102.2.3 The *building official* shall apply the same standard to a moved residential building or structure as that applied to the remodeling of any comparable residential building or structure to determine whether the moved structure is substantially remodeled. The cost of the foundation on which the moved building or structure is placed shall not be included in the cost of remodeling for purposes of determining whether a moved building or structure has been substantially remodeled.

102.2.4 This section does not apply to the jurisdiction and authority of the Department of Agriculture and Consumer Services to inspect amusement rides or the Department of Financial Services to inspect state-owned

buildings and boilers.

102.2.5 Each enforcement district or local enforcement agency shall be governed by a board, the composition of which shall be determined by the affected localities.

1. At its own option, each enforcement district or local enforcement agency may adopt rules granting to the owner of a single-family residence one or more exemptions from the *Florida Building Code* relating to:
 - a. Addition, alteration, or repairs performed by the property owner upon his or her own property, provided any addition, alteration or repair shall not exceed 1,000 square feet (93 m²) or the square footage of the primary structure, whichever is less.
 - b. Addition, alteration, or repairs by a nonowner within a specific cost limitation set by rule, provided the total cost shall not exceed \$5,000 within any 12-month period.
 - c. Building plans review and inspection fees.
2. However, the exemptions under subparagraph 1 do not apply to single-family residences that are located in mapped *flood hazard areas*, as defined in the code, unless the enforcement district or local enforcement agency has determined that the work, which is otherwise exempt, does not constitute a substantial improvement, including the repair of substantial damage, of such single-family residences.
3. Each code exemption, as defined in sub-subparagraphs 1a, 1b, and 1c shall be certified to the local board 10 days prior to implementation and shall only be effective in the territorial jurisdiction of the enforcement district or local enforcement agency implementing it.

102.2.6 This section does not apply to swings and other playground equipment accessory to a one- or two-family dwelling.

Exception: Electrical service to such playground equipment shall be in accordance with Chapter 27 of this code.

102.3 Application of references. References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

102.4 Referenced codes and standards. The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections 102.4.1 and 102.4.2.

102.4.1 Conflicts. Where conflicts occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.

102.4.2 Provisions in referenced codes and standards. Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code or the Florida Codes listed in Section 101.4, the provisions of this code or the Florida Codes listed in Section 101.4, as applicable, shall take precedence over the provisions in the referenced code or standard.

102.5 Partial invalidity. In the event that any part or provision of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

102.6 Existing structures. The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as otherwise specifically provided in this code, the *Florida Building Code*, *Existing Building*, *Village of North Palm Beach Code of Ordinances Chapter 15* or the *Florida Fire Prevention Code*.

102.6.1 Buildings not previously occupied. A building or portion of a building that has not been previously occupied or used for its intended purpose in accordance with the laws in existence at the time of its completion shall comply with the provisions of the *Florida Building Code*, *Building* or *Florida Building Code, Residential*, as applicable, for new construction or with any current *permit* for such occupancy.

102.6.2 Buildings previously occupied. The legal occupancy of any building existing on the date of adoption of this code shall be permitted to continue without change, except as otherwise specifically provided in this code, the

Florida Fire Prevention Code, Chapter 15 of the North Palm Beach Code of Ordinances or as is deemed necessary by the *building official* for the general safety and welfare of the occupants and the public.

102.7 Relocation of manufactured buildings.

- (1) Relocation of an existing manufactured building does not constitute an alteration.
- (2) A relocated building shall comply with wind speed requirements of the new location, using the appropriate wind speed map. If the existing building was manufactured in compliance with the Standard Building Code (prior to March 1, 2002), the wind speed map of the Standard Building Code shall be applicable. If the existing building was manufactured in compliance with the *Florida Building Code* (on or after March 1, 2002), the wind speed map of the *Florida Building Code* shall be applicable.
- (3) A relocated building shall comply with the *flood hazard area* requirements of the new location, if applicable.

102.8 Existing mechanical equipment. An agency or local government may not require that existing mechanical equipment located on or above the surface of a roof be installed in compliance with the requirements of the *Florida Building Code* except during reroofing when the equipment is being replaced or moved and is not in compliance with the provisions of the *Florida Building Code* relating to roof-mounted mechanical units.

PART 2—ADMINISTRATION AND ENFORCEMENT
SECTION 103
BUILDING DIVISION

103.1 Creation of enforcement agency. The Building Division is hereby created and the official in charge thereof shall be known as the *building official*.

103.2 Appointment. The *building official* shall be appointed by the chief appointing authority of the jurisdiction.

103.3 Deputies. In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the *building official* shall have the authority to appoint a deputy *building official*, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the *building official*.

For the maintenance of existing properties, see the *Village of North Palm Beach Code of Ordinances Chapter 15*

SECTION 104
DUTIES AND POWERS OF BUILDING OFFICIAL

104.1 General. The *building official* is hereby authorized and directed to enforce the provisions of this code. The *building official* shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

104.2 Applications and permits. The *building official* shall receive applications, review *construction documents* and issue *permits* for the erection, and *alteration*, demolition and moving of buildings and structures, inspect the premises for which such *permits* have been issued and enforce compliance with the provisions of this code.

104.2.1 Determination of substantially improved or substantially damaged existing buildings and structures in flood hazard areas. For applications for reconstruction, rehabilitation, *repair*, *alteration*, *addition* or other improvement of existing buildings or structures located in *flood hazard areas*, the *building official* shall determine if the proposed work constitutes substantial improvement or *repair* of *substantial damage*. Where the *building official* determines that the proposed work constitutes *substantial improvement* or *repair* of *substantial damage*, and where required by this code, the *building official* shall require the building to meet the requirements of Section 1612 or R322 of the Florida Building Code, Residential, as applicable.

104.3 Notices and orders. The *building official* shall issue all necessary notices or orders to ensure compliance with this code.

104.4 Inspections. The *building official* shall make all of the required inspections, or the *building official* shall have the authority to accept reports of inspection by *approved agencies* or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such *approved agency* or by the responsible individual. The *building official* is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

104.5 Identification. The *building official* shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

104.6 Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code, or where the *building official* has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this code which makes the structure or premises unsafe, dangerous or hazardous, the *building official* is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the *building official* shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the *building official* shall have recourse to the remedies provided by law to secure entry.

104.7 Department records. The *building official* shall keep official records of applications received, *permits* and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for retention of public records per FS 119.

104.8 Liability. The *building official*, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be civilly or criminally rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by legal representative of the jurisdiction until the final termination of the proceedings. The *building official* or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.

104.8.1 Legal defense. Any suit or criminal complaint instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by legal representatives of the jurisdiction until the final termination of the proceedings. The *building official* or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.

104.9 Approved materials and equipment. Materials, equipment and devices *approved* by the *building official* shall be constructed and installed in accordance with such approval.

104.9.1 Used materials and equipment. The use of used materials that meet the requirements of this code for new materials is permitted. Used equipment and devices shall not be reused unless *approved* by the *building official*.

104.10 Modifications. Wherever there are practical difficulties involved in carrying out the provisions of this code, the *building official* shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided the *building official* shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the department of building safety.

104.10.1 Flood hazard areas. The *building official* shall coordinate with the floodplain administrator to review requests submitted to the *building official* that seek approval to modify the strict application of the flood resistant construction requirements of the *Florida Building Code* to determine whether such requests require the granting of a variance pursuant to Section 117.

104.11 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been *approved*. An alternative material, design or method of construction shall be *approved* where the *building official* finds that the proposed alternative meets all of the following:

1. The alternative material, design or method of construction is satisfactory and complies with the intent of the provisions of this code,
2. The material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code as it pertains to the following:

- 2.1. Quality.
- 2.2. Strength.
- 2.3. Effectiveness.
- 2.4. *Fire resistance*.
- 2.5. Durability.
- 2.6. Safety.

Where the alternative material, design or method of construction is not *approved*, the *building official* shall respond in writing, stating the reasons why the alternative was not *approved*.

104.11.1 Research reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from *approved* sources.

104.11.2 Tests. Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the *building official* shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the *building official* shall approve the testing procedures. Tests shall be performed by an *approved agency*. Reports of such tests shall be retained by the *building official* for the period required for retention of public records.

104.12 Requirements not covered by code. Any requirements necessary for strength, stability or proper operation of an existing or proposed building, structure, electrical, gas, mechanical or plumbing system, or for the public safety, health and general welfare, not specifically covered by this or other technical codes, shall be determined by the *building official*.

SECTION 105 PERMITS

105.1 Required. Any *owner* or owner's authorized agent who intends to construct, enlarge, alter, *repair*, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, *repair*, remove, convert or replace any impact-resistant coverings, electrical, gas, mechanical or plumbing system, the installation

of which is regulated by this code, or to cause any such work to be performed, shall first make application to the *building official* and obtain the required *permit*.

105.1.1 Annual facility *permit*. In lieu of an individual *permit* for each *alteration* to an existing electrical, gas, mechanical, plumbing or interior nonstructural office system(s), the *building official* is authorized to issue an annual *permit* for any occupancy to facilitate routine or emergency service, repair, refurbishing, minor renovations of service systems or manufacturing equipment installations/relocations. The *building official* shall be notified of major changes and shall retain the right to make inspections at the facility site as deemed necessary. An annual facility *permit* shall be assessed with an annual fee and shall be valid for one year from date of issuance. A separate *permit* shall be obtained for each facility and for each construction trade, as applicable. The *permit* application shall contain a general description of the parameters of work intended to be performed during the year.

105.1.2 Annual Facility *permit* records. The person to whom an annual *permit* is issued shall keep a detailed record of *alterations* made under such annual *permit*. The *building official* shall have access to such records at all times or such records shall be filed with the *building official* as designated.

105.1.3 Food *permit*. In accordance with Section 500.12, *Florida Statutes*, a food *permit* from the Department of Agriculture and Consumer Services is required of any person who operates a food establishment or retail store.

105.1.4 Public swimming pool. The local enforcing agency may not issue a building permit to construct, develop, or modify a public swimming pool without proof of application, whether complete or incomplete, for an operating *permit* pursuant to Section 514.031, *Florida Statutes*. A certificate of completion or occupancy may not be issued until such operating *permit* is issued. The local enforcing agency shall conduct their review of the building *permit* application upon filing and in accordance with Chapter 553, *Florida Statutes*. The local enforcing agency may confer with the Department of Health, if necessary, but may not delay the building *permit* application review while awaiting comment from the Department of Health.

105.2 Work exempt from *permit*. Exemptions from *permit* requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction, to include work in any special *flood hazard area*. Exemptions granted under this section do not relieve the owner or contractor from their duty to comply with applicable provisions of the Florida Building Code, and requirements of the *local floodplain management ordinance*. *Permits* shall not be required for the following:

Building:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11 m²).
2. Fences not over 7 feet (1829 mm) high.
3. Oil derricks.
4. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids.
5. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18 925 L) and the ratio of height to diameter or width does not exceed 2:1.
6. Sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade, and not over any basement or *story* below and are not part of an *accessible route*.
7. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
8. Temporary motion picture, television and theater stage sets and scenery.
9. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches (610 mm) deep, do not exceed 5,000 gallons (18 925 L) and are installed entirely above ground.
10. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
11. Swings and other playground equipment accessory to detached one- and two-family *dwelling* except for the electrical service.
12. Window *awnings* supported by an *exterior wall* that do not project more than 54 inches (1372 mm) from the *exterior wall* and do not require additional support, of Groups R-3 and U occupancies.

13. Non-fixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.

Electrical:

Repairs and maintenance: Minor repair work, including the replacement of lamps or the connection of *approved* portable electrical equipment to *approved* permanently installed receptacles.

Radio and television transmitting stations: The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for a power supply and the installations of towers and antennas.

Temporary testing systems: A *permit* shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

Gas:

1. Portable heating appliance.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

Mechanical:

1. Portable heating appliance.
2. Portable ventilation equipment.
3. Portable cooling unit.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any part that does not alter its approval or make it unsafe.
6. Portable evaporative cooler.
7. Self-contained refrigeration system containing 10 pounds (4.54 kg) or less of refrigerant and actuated by motors of 1 horsepower (0.75 kW) or less.
8. The installation, replacement, removal or metering of any load management control device.

Plumbing:

1. The stopping of leaks in drains, water, soil, waste or vent pipe, provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a *permit* shall be obtained and inspection made as provided in this code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

105.2.1 Emergency repairs. Where equipment replacements and repairs must be performed in an emergency situation, the *permit* application shall be submitted within the next working business day to the *building official*.

105.2.2 Minor repairs. Ordinary minor repairs may be made with the approval of the *building official* without a *permit*, provided the repairs do not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required *means of egress*, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include *addition to*, *alteration of*, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring systems or mechanical equipment or other work affecting public health or general safety, and such repairs shall not violate any of the provisions of the technical codes.

105.2.3 Public service agencies. A *permit* shall not be required for the installation, *alteration* or repair of generation, transmission, distribution or metering or other related equipment that is under the ownership and control of public service agencies by established right.

105.3 Application for *permit*. To obtain a *permit*, the applicant shall first file an application therefor in writing on a form furnished by the building department for that purpose.

Permit application forms shall be in the format prescribed by a local administrative board, if applicable, and must comply with the requirements of Sections 713.135(5) and (6), *Florida Statutes*.

Each application shall be inscribed with the date of application, and the code in effect as of that date. For a building *permit* for which an application is submitted prior to the effective date of the *Florida Building Code*, the state minimum building code in effect in the permitting jurisdiction on the date of the application governs the permitted work for the life of the *permit* and any extension granted to the *permit*.

Effective October 1, 2017, a local enforcement agency shall post each type of building *permit* application on its website. Completed applications must be able to be submitted electronically to the appropriate building department. Accepted methods of electronic submission include, but are not limited to, e-mail submission of applications in portable document format or submission of applications through an electronic fill-in form available on the building department's website or through a third-party submission management software. Payments, attachments, or drawings required as part of the application may be submitted in person in a nonelectronic format, at the discretion of the *building official*.

105.3.1 Action on application. The *building official* shall examine or cause to be examined applications for *permits* and amendments thereto within a reasonable time after filing. If the application or the *construction documents* do not conform to the requirements of pertinent laws, the *building official* shall reject such application in writing, stating the reasons therefor. If the *building official* is satisfied that the proposed work conforms to the requirements of this code and laws and ordinances applicable thereto, the *building official* shall issue a *permit* therefor as soon as practicable. When authorized through contractual agreement with a school board, in acting on applications for *permits*, the *building official* shall give first priority to any applications for the construction of, or addition or renovation to, any school or educational facility.

105.3.1.1 If a state university, Florida college or public school district elects to use a local government's code enforcement offices, fees charged by counties and municipalities for enforcement of the *Florida Building Code* on buildings, structures, and facilities of state universities, state colleges, and public school districts shall not be more than the actual labor and administrative costs incurred for plans review and inspections to ensure compliance with the code.

105.3.1.2 No *permit* may be issued for any building construction, erection, alteration, modification, repair, or addition unless the applicant for such *permit* provides to the enforcing agency which issues the *permit* any of the following documents which apply to the construction for which the *permit* is to be issued and which shall be prepared by or under the direction of an engineer registered under Chapter 471, *Florida Statutes*:

1. Plumbing documents for any new building or addition which requires a plumbing system with more than 250 fixture units or which costs more than \$125,000.
2. Fire sprinkler documents for any new building or addition which includes a fire sprinkler system which contains 50 or more sprinkler heads. Personnel as authorized by chapter 633 *Florida Statutes*, may design a new fire protection system of 49 or fewer sprinklers; may design the alteration of an existing fire sprinkler system if the alteration consists of the relocation, addition or deletion of 249 or fewer sprinklers and the addition of up to 49 sprinklers, as long as the cumulative total number of fire sprinklers being added, relocated, or deleted does not exceed 249, notwithstanding the size of the existing fire sprinkler system; or may design the alteration of an existing fire sprinkler system if the alteration consists of the relocation or deletion of 249 or fewer sprinklers, notwithstanding the size of the existing fire sprinkler system, if there is no change of occupancy of the affected areas, as defined in this Code and the Florida Fire Prevention Code, and there is no change in the water demand as defined in NFPA 13, "Standard for the Installation of Sprinkler Systems," and if the occupancy hazard classification as defined in NFPA 13 is reduced or remains the same as a result of the alteration.
3. Heating, ventilation, and air-conditioning documents for any new building or addition which requires more than a 15-ton-per-system capacity which is designed to accommodate 100 or more persons or for which the system costs more than \$125,000. This paragraph does not include any document for the replacement or repair of an existing system in which the work does not require altering a structural part of the building or for work on a residential one-, two-, three-, or four-family structure.
An air-conditioning system may be designed by an installing air-conditioning contractor certified under Chapter 489, *Florida Statutes*, to serve any building or addition which is designed to accommodate fewer than

100 persons and requires an air-conditioning system with a value of \$125,000 or less; and when a 15-ton-per system or less is designed for a singular space of a building and each 15-ton system or less has an independent duct system. Systems not complying with the above require design documents that are to be sealed by a professional engineer.

Example 1: When a space has two 10-ton systems with each having an independent duct system, the contractor may design these two systems since each unit (system) is less than 15 tons.

Example 2: Consider a small single-story office building which consists of six individual offices where each office has a single three-ton package air conditioning heat pump. The six heat pumps are connected to a single water cooling tower. The cost of the entire heating, ventilation and air-conditioning work is \$47,000 and the office building accommodates fewer than 100 persons. Because the six mechanical units are connected to a common water tower, this is considered to be an 18-ton system.

Note: It was further clarified by the Commission that the limiting criteria of 100 persons and \$125,000 apply to the building occupancy load and the cost for the total air-conditioning system of the building.

4. Any specialized mechanical, electrical, or plumbing document for any new building or addition which includes a medical gas, oxygen, steam, vacuum, toxic air filtration, halon, or fire detection and alarm system which costs more than \$5,000.

Exception:

Simplified permitting processes.

(1) As used in this section, the term:

(a) "Component" means valves, fire sprinklers, escutcheons, hangers, compressors, or any other item deemed acceptable by the local enforcing agency. For purposes of this paragraph, a valve does not include pressure-regulating, pressure-reducing, or pressure-control valves.

(b) "Contractor" means a person who:

1. Is qualified to engage in the business of electrical or alarm system contracting pursuant to a certificate or registration issued by the department under part II of chapter 489, Florida Statutes; or
2. Is qualified to engage in the business of fire protection system contracting pursuant to a license or certificate issued by the State Fire Marshal.

(c) "Fire alarm system project" means a fire alarm system alteration of a total of 20 or fewer initiating devices and notification devices, or the installation or replacement of a fire communicator connected to an existing fire alarm control panel in an existing commercial, residential, apartment, cooperative, or condominium building.

(d) "Fire sprinkler system project" means a fire protection system alteration of a total of 20 or fewer fire sprinklers in which the sprinklers are of the same K-factor and located in spaces where there is no change of hazard classification or increased system coverage area, or the installation or replacement of an equivalent fire sprinkler system component in an existing commercial, residential, apartment, cooperative, or condominium building. For purposes of this paragraph, a component is equivalent if the component has the same or better characteristics, including electrical, hydraulic, pressure losses, and required listings and spacing as the component being replaced.

(2)(a) A local enforcement agency may require a contractor, as a condition of obtaining a *permit* for a fire alarm system project or fire sprinkler system project, to submit a completed application and payment.

(b) A local enforcement agency may not require a contractor to submit plans or specifications as a condition of obtaining a *permit* for a fire alarm system project or fire sprinkler system project.

(3) A local enforcement agency must issue a *permit* for a fire alarm system project or fire sprinkler system project in person or electronically.

- (4) A local enforcement agency must require at least one inspection of a fire alarm system project or fire sprinkler system project to ensure compliance with applicable codes and standards. If a fire alarm system project or fire sprinkler system project fails an inspection, the contractor must take corrective action as necessary to pass inspection.
- (5) (a) For a fire sprinkler alarm system project, a contractor must keep a copy of the plans and specifications at the fire alarm system project worksite and make such plans and specifications available to the inspector at each inspection.
(b) For a fire sprinkler system project to alter an existing fire protection system, a contractor must keep a copy of the plans and specifications at the fire sprinkler system project worksite and make such plans and specifications available to the inspector at each inspection.
(c) For a fire sprinkler system project to install or replace a component, a contractor must keep a copy of the manufacturer's installation instructions and any pertinent testing instructions needed to certify or accept the component at the fire sprinkler system project worksite and make such documents available to the inspector at each inspection.
5. Electrical documents. See *Florida Statutes* 471.003(2)(h). Any electrical or plumbing or air-conditioning and refrigeration system meeting the following thresholds are required to be designed by a Florida Registered Engineer. The system, requires an electrical system with a value of over \$125,000; and Requires an aggregate service capacity of over 600 amperes (240 volts) on a residential electrical system or over 800 amperes (240 volts) on a commercial or industrial electrical system;
Note: It was further clarified by the Commission that the limiting factor of 240 volt or over is required to be designed by an Engineer. Documents requiring an engineer seal by this part shall not be valid unless a professional engineer who possesses a valid certificate of registration has signed, dated, and stamped such document as provided in Section 471.025, *Florida Statutes*.
6. All public swimming pools and public bathing places defined by and regulated under Chapter 514, *Florida Statutes*.

105.3.1.3 Reviewing application for building permit.

1. When reviewing an application for a building *permit*, a local government may not request additional information from the applicant more than three times, unless the applicant waives such limitation in writing.
2. If a local government requests additional information from an applicant and the applicant submits the requested additional information to the local government within 30 days after receiving the request, the local government must, within 15 days after receiving such information:
 - a. Determine if the application is properly completed;
 - b. Approve the application;
 - c. Approve the application with conditions;
 - d. Deny the application; or
 - e. Advise the applicant of information, if any, that is needed to deem the application properly completed or to determine the sufficiency of the application.
3. If a local government makes a second request for additional information from the applicant and the applicant submits the requested additional information to the local government within 30 days after receiving the request, the local government must, within 10 days after receiving such information:
 - a. Determine if the application is properly completed;
 - b. Approve the application;
 - c. Approve the application with conditions;
 - d. Deny the application; or
 - e. Advise the applicant of information, if any, that is needed to deem the application properly completed or to determine the sufficiency of the application.
4. Before a third request for additional information may be made, the applicant must be offered an opportunity to meet with the local government to attempt to resolve outstanding issues. If a local government makes a third request for additional information from the applicant and the applicant submits the requested additional information to the local government within 30 days after receiving the request, the local government must,

within 10 days after receiving such information unless the applicant waived the local government's limitation in writing, determine that the application is complete and:

- a. Approve the application;
 - b. Approve the application with conditions; or
 - c. Deny the application.
5. If the applicant believes the request for additional information is not authorized by ordinance, rule, statute, or other legal authority, the local government, at the applicant's request, must process the application and either approve the application, approve the application with conditions, or deny the application.

105.3.2 Time limitation of application. An application for a *permit* for any proposed work shall be deemed to have been abandoned becoming null and void 180 days after the date of filing, unless such application has been pursued in good faith or a *permit* has been issued; except that the *building official* is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each. The extension shall be requested in writing and justifiable cause demonstrated.

105.3.3 An enforcing authority may not issue a building *permit* for any building construction, erection, alteration, modification, repair or addition unless the *permit* either includes on its face or there is attached to the *permit* the following statement: "NOTICE: In addition to the requirements of this *permit*, there may be additional restrictions applicable to this property that may be found in the public records of this county, and there may be additional *permits* required from other governmental entities such as water management districts, state agencies, or federal agencies."

105.3.4 A building *permit* for a single-family residential dwelling must be issued within 30 working days of application therefor unless unusual circumstances require a longer time for processing the application or unless the *permit* application fails to satisfy the *Florida Building Code* or the enforcing agency's laws or ordinances.

105.3.5 Identification of minimum premium policy. Except as otherwise provided in Chapter 440, *Florida Statutes*, Workers' Compensation, every employer shall, as a condition to receiving a building *permit*, show proof that it has secured compensation for its employees as provided in Sections 440.10 and 440.38, *Florida Statutes*.

105.3.6 Asbestos removal. Moving, removal or disposal of asbestos-containing materials on a residential building where the owner occupies the building, the building is not for sale or lease, and the work is performed according to the owner-builder limitations provided in this paragraph. To qualify for exemption under this paragraph, an owner must personally appear and sign the building *permit* application. The permitting agency shall provide the person with a disclosure statement in substantially the following form:

Disclosure Statement: State law requires asbestos abatement to be done by licensed contractors. You have applied for a *permit* under an exemption to that law. The exemption allows you, as the owner of your property, to act as your own asbestos abatement contractor even though you do not have a license. You must supervise the construction yourself. You may move, remove or dispose of asbestos-containing materials on a residential building where you occupy the building and the building is not for sale or lease, or the building is a farm outbuilding on your property. If you sell or lease such building within 1 year after the asbestos abatement is complete, the law will presume that you intended to sell or lease the property at the time the work was done, which is a violation of this exemption. You may not hire an unlicensed person as your contractor. Your work must be done according to all local, state and federal laws and regulations which apply to asbestos abatement projects. It is your responsibility to make sure that people employed by you have licenses required by state law and by county or municipal licensing ordinances.

105.3.7 Applicable Code for Manufactured Buildings. Manufacturers should be permitted to complete all buildings designed and *approved* prior to the effective date of a new code edition, provided a clear signed contract is in place. The contract shall provide specific data mirroring that required by an application for *permit*, specifically, without limitation, date of execution, building owner or dealer, and anticipated date of completion. However, the construction activity must commence within 6 months of the contract's execution. The contract is subject to verification by the Department of Business and Professional Regulation.

105.3.8 A local government may not require a contract between a builder and an owner for the issuance of a building *permit* or as a requirement for the submission of a building *permit* application.

105.3.9 Public right of way. A *permit* shall not be given by the *building official* for the construction of any building, or for the alteration of any building where said building is to be changed and such change will affect the exterior walls, bays, balconies, or other appendages or projections fronting on any street, alley or public lane, or for the placing on any lot or premises of any building or structure removed from another lot or premises, unless the applicant has received a right of way *permit* from the authority having jurisdiction over the street, alley or public lane.

105.4 Conditions of the *permit*. The issuance or granting of a *permit* shall not be construed to be a *permit* for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction. *Permits* presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. The issuance of a *permit* based on *construction documents* and other data shall not prevent the *building official* from requiring the correction of errors in the *construction documents* and other data. The *building official* is also authorized to prevent occupancy or use of a structure where in violation of this code or of any other ordinance of this jurisdiction.

105.4.1 Permit intent. A *permit* issued shall be construed to be a license to proceed with the work and not as authority to violate, cancel, alter or set aside any of the provisions of the technical codes, nor shall issuance of a *permit* prevent the *building official* from thereafter requiring a correction of errors in plans, construction or violations of this code. Every *permit* issued shall become invalid unless the work authorized by such *permit* is commenced within 6 months after its issuance, or if the work authorized by such *permit* is suspended or abandoned for a period of 6 months after the time the work is commenced.

105.4.1.1 If work has commenced and the *permit* is revoked, becomes null and void, or expires because of lack of progress or abandonment, a new *permit* covering the proposed construction shall be obtained before proceeding with the work.

105.4.1.2 If a new *permit* is not obtained within 180 days from the date the initial *permit* became null and void, the *building official* is authorized to require that any work which has been commenced or completed be removed from the building site. Alternately, a new *permit* may be issued on application, providing the work in place and required to complete the structure meets all applicable regulations in effect at the time the initial *permit* became null and void and any regulations which may have become effective between the date of expiration and the date of issuance of the new *permit*.

105.4.1.3 Work shall be considered to be in active progress when the *permit* has received an *approved* inspection within 180 days. This provision shall not be applicable in case of civil commotion or strike or when the building work is halted due directly to judicial injunction, order or similar process.

105.4.1.4 The fee for renewal reissuance and extension of a *permit* shall be set forth by the administrative authority.

105.4.1.5 After the local enforcing agency issues a permit, the local enforcing agency may not make or require any substantive changes to the plans or specifications except changes required for compliance with the Florida Building Code, the Florida Fire Prevention Code, or the Life Safety Code, or local amendments thereto. If a local enforcing agency makes or requires substantive changes to the plans or specifications after a permit is issued, the local enforcing agency must identify the specific plan features that do not comply with the applicable codes, identify the specific code chapters and sections upon which the finding is based, and provide the information to the permitholder in writing.

105.5 Expiration. Every *permit* issued shall become invalid unless the work on the site authorized by such *permit* is commenced within 180 days after its issuance, or if the work authorized on the site by such *permit* holder and

property owner shall be responsible to either complete all work in accordance with the permitted plans and inspection or remove any partially completed work in a safe and code compliant manner. The *building official* is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated as determined by the *building official*.

105.5.1 Additional options for closing a *permit*. Pursuant to Section 553.79(15), Florida Statutes, a property owner, regardless of whether the property owner is the one listed on the application for the building *permit*, may close a building *permit* by complying with the following requirements:

1. The property owner may retain the original contractor listed on the permit or hire a different contractor appropriately licensed in this state to perform the work necessary to satisfy the conditions of the permit and to obtain any necessary inspection in order to close the *permit*. If a contractor other than the original contractor listed on the *permit* is hired by the property owner to close the *permit*, such contractor is not liable for any defects in the work performed by the original contractor and is only liable for the work that he or she performs.
2. The property owner may assume the role of an owner- builder, in accordance with Sections 489.103(7) and 489.503(6), *Florida Statutes*.
3. If a building *permit* is expired and its requirements have been substantially completed, as determined by the local enforcement agency, the *permit* may be closed without having to obtain a new building *permit*, and the work required to close the *permit* may be done pursuant to the building code in effect at the time the local enforcement agency received the application for the *permit*, unless the contractor has sought and received approval from the local enforcement agency for an alternative material, design or method of construction.
4. A local enforcement agency may close a building *permit* 6 years after the issuance of the *permit*, even in the absence of a final inspection, if the local enforcement agency determines that no apparent safety hazard exists.

For purposes of this section, the term “close” means that the requirements of the *permit* have been satisfied.

105.5.2 For the purposes of this subsection, a *closed permit* shall mean a *permit* for which all requirements for completion have been satisfied or a *permit* that has been administratively closed by the *building official*.

105.5.3 For the purposes of this subsection, an *open permit* shall mean a *permit* that has not satisfied all requirements for completion as defined in 105.5.1.1.

105.6 Denial or revocation. Whenever a *permit* required under this section is denied or revoked because the plan, or the construction, erection, alteration, modification, repair, or demolition of a building, is found by the local enforcing agency to be not in compliance with the *Florida Building Code*, the local enforcing agency shall identify the specific plan or project features that do not comply with the applicable codes, identify the specific code chapters and sections upon which the finding is based, and provide this information to the *permit* applicant. If the local building code administrator or inspector finds that the plans are not in compliance with the *Florida Building Code*, the local building code administrator or inspector shall identify the specific plan features that do not comply with the applicable codes, identify the specific code chapters and sections upon which the finding is based, and provide this information to the local enforcing agency. The local enforcing agency shall provide this information to the *permit* applicant.

105.6.1 Pursuant to Section 553.79(16), Florida Statutes, a local enforcement agency may not deny issuance of a building *permit* to; issue a notice of violation to; or fine, penalize, sanction or assess fees against an arm’s-length purchaser of a property for value solely because a building *permit* applied for by a previous owner of the property was not closed. The local enforcement agency shall maintain all rights and remedies against the property owner and contractor listed on the *permit*.

105.6.2 Pursuant to Section 553.79(16), Florida Statutes, a local enforcement agency may not deny issuance of a building *permit* to a contractor solely because the contractor is listed on other building *permits* that were not closed. A local enforcement agency has the authority to deny a new *permit* application from an applicant for other reasons.

105.7 Placement of *permit*. The building *permit* or copy shall be kept on the site of the work until the completion

of the project.

105.8 Notice of commencement. In accordance with Section 713.135, *Florida Statutes*, when any person applies for a building *permit*, the authority issuing such *permit* shall print on the face of each *permit* card in no less than 14-point, capitalized, boldfaced type: "WARNING TO OWNER: YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. A NOTICE OF COMMENCEMENT MUST BE RECORDED AND POSTED ON THE JOB SITE BEFORE THE FIRST INSPECTION. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE RECORDING YOUR NOTICE OF COMMENCEMENT."

105.9 Asbestos. The enforcing agency shall require each building *permit* for the demolition or renovation of an existing structure to contain an asbestos notification statement which indicates the owner's or operator's responsibility to comply with the provisions of Section 469.003, *Florida Statutes*, and to notify the Department of Environmental Protection of his or her intentions to remove asbestos, when applicable, in accordance with state and federal law.

105.10 Certificate of protective treatment for prevention of termites. A weather-resistant job-site posting board shall be provided to receive duplicate treatment certificates as each required protective treatment is completed, providing a copy for the person the *permit* is issued to and another copy for the building *permit* files. The treatment certificate shall provide the product used, identity of the applicator, time and date of the treatment, site location, area treated, chemical used, percent concentration and number of gallons used, to establish a verifiable record of protective treatment. If the soil chemical barrier method for termite prevention is used, final exterior treatment shall be completed prior to final building approval.

105.11 Notice of termite protection. A permanent sign which identifies the termite treatment provider and need for reinspection and treatment contract renewal shall be provided. The sign shall be posted near the water heater or electric panel.

105.12 Work starting before *permit* issuance. Upon approval of the *building official*, the scope of work delineated in the building *permit* application and plan may be started prior to the final approval and issuance of the *permit*, provided any work completed is entirely at risk of the *permit* applicant and the work does not proceed past the first required inspection.

105.13 Phased *permit* approval. After submittal of the appropriate *construction documents*, the *building official* is authorized to issue a *permit* for the construction of foundations or any other part of a building or structure before the *construction documents* for the whole building or structure have been submitted. The holder of such *permit* for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a *permit* for the entire structure will be granted. Corrections may be required to meet the requirements of the technical codes.

105.14 *Permit* issued on basis of an affidavit. Whenever a *permit* is issued in reliance upon an affidavit or whenever the work to be covered by a *permit* involves installation under conditions which, in the opinion of the *building official*, are hazardous or complex, the *building official* shall require that the architect or engineer who signed the affidavit or prepared the drawings or computations shall supervise such work. In addition, they shall be responsible for conformity to the *permit*, provide copies of inspection reports as inspections are performed, and upon completion make and file with the *building official* written affidavit that the work has been done in conformity to the reviewed plans and with the structural provisions of the technical codes. In the event such architect or engineer is not available, the owner shall employ in his stead a competent person or agency whose qualifications are reviewed by the *building official*. The *building official* shall ensure that any person conducting plans review is qualified as a plans examiner under Part XII of Chapter 468, *Florida Statutes*, and that any person conducting inspections is qualified as a building inspector under Part XII of Chapter 468, *Florida Statutes*.

105.14.1 Affidavits in flood hazard areas. *Permit* issued on basis of an affidavit shall not extend to the flood load and flood resistance requirements of the *Florida Building Code* and the *building official* shall review an inspect those requirements.

105.15 Opening protection. When any activity requiring a building *permit*, not including roof covering replacement or repair work associated with the prevention of degradation of the residence, that is applied for on or after July 1, 2008, and for which the estimated cost is \$50,000 or more for a site built single-family detached residential structure that is located in the wind-borne debris region as defined in this code and that has an insured value of \$750,000 or more, or, if the site built single-family detached residential structure is uninsured or for which documentation of insured value is not presented, has a just valuation for the structure for purposes of ad valorem taxation of \$750,000 or more; opening protections as required within this code or *Florida Building Code, Residential* for new construction shall be provided.

Exception: Where defined wind-borne debris regions have not changed, single family detached residential structures permitted subject to the *Florida Building Code* are not required to comply with this section.

105.16 Inspection of existing residential building not impacted by construction.

- (a) A local enforcing agency, and any local building code administrator, inspector, or other official or entity, may not require as a condition of issuance of a one- or two-family residential building *permit* the inspection of any portion of a building, structure, or real property that is not directly impacted by the construction, erection, alteration, modification, repair, or demolition of the building, structure, or real property for which the *permit* is sought.
- (b) This subsection does not apply to a building *permit* sought for:
 - 1. A substantial improvement as defined in s. 161.54, *Florida Statutes* or as defined in the *Florida Building Code*.
 - 2. A change of occupancy as defined in the *Florida Building Code*.
 - 3. A conversion from residential to nonresidential or mixed use pursuant to s. 553.507(2)(a), *Florida Statutes* or as defined in the *Florida Building Code*.
 - 4. A historic building as defined in the *Florida Building Code*.
- (c) This subsection does not prohibit a local enforcing agency, or any local building code administrator, inspector, or other official or entity, from:
 - 1. Citing any violation inadvertently observed in plain view during the ordinary course of an inspection conducted in accordance with the prohibition in paragraph (a).
 - 2. Inspecting a physically nonadjacent portion of a building, structure, or real property that is directly impacted by the construction, erection, alteration, modification, repair, or demolition of the building, structure, or real property for which the *permit* is sought in accordance with the prohibition in paragraph (a).
 - 3. Inspecting any portion of a building, structure, or real property for which the owner or other person having control of the building, structure, or real property has voluntarily consented to the inspection of that portion of the building, structure, or real property in accordance with the prohibition in paragraph (a).
 - 4. Inspecting any portion of a building, structure, or real property pursuant to an inspection warrant issued in accordance with ss. 933.20-933.30, *Florida Statutes*.

105.17 Streamlined low-voltage alarm system installation permitting.

- (1) As used in this section, the term:
 - (a) “Contractor” means a person who is qualified to engage in the business of electrical or alarm system contracting pursuant to a certificate or registration issued by the department under Part II of Chapter 489, *Florida Statutes*.
 - (b) “Low-voltage alarm system project” means a project related to the installation, maintenance, inspection, replacement, or service of a new or existing alarm system, as defined in s. 489.505, *Florida Statutes*, including video cameras and closed-circuit television systems used to signal or detect a burglary, fire, robbery, or medical emergency, that is hardwired and operating at low voltage, as defined in the *National Electrical Code* Standard 70, Current Edition, or a new or existing low-voltage electric fence. The term also includes ancillary components or equipment attached to a low-voltage alarm system, or low-voltage electric fence, including, but not limited to, home-automation equipment, thermostats, closed-circuit television systems, access controls, battery recharging devices, and video cameras.
 - (c) “Low-voltage electric fence” means an alarm system, as defined in s. 489.505, that consists of a fence

structure and an energizer powered by a commercial storage battery not exceeding 12 volts which produces an electric charge upon contact with the fence structure.

- (d) "Wireless alarm system" means a burglar alarm system or smoke detector that is not hardwired.
 - (2) Notwithstanding any provision of this code, this section applies to all low-voltage alarm system projects for which a *permit* is required by a local enforcement agency. However, a *permit* is not required to install, maintain, inspect, replace, or service a wireless alarm system, including any ancillary components or equipment attached to the system.
 - (3) A low-voltage electric fence must meet all of the following requirements to be permitted as a low-voltage alarm system project and no further *permit* shall be required for the low-voltage alarm system project other than as provided in this section:
 - (a) The electric charge produced by the fence upon contact must not exceed energizer characteristics set forth in paragraph 22.108 and depicted in Figure 102 of International Electrotechnical Commission Standard No. 60335-2-76, Current Edition.
 - (b) A nonelectric fence or wall must completely enclose the low-voltage electric fence. The low-voltage electric fence may be up to 2 feet higher than the perimeter nonelectric fence or wall.
 - (c) The low-voltage electric fence must be identified using warning signs attached to the fence at intervals of not more than 60 feet.
 - (d) The low-voltage electric fence shall not be installed in an area zoned exclusively for single-family or multi-family residential use.
 - (e) The low-voltage electric fence shall not enclose the portions of a property which are used for residential purposes.
 - (4) This section does not apply to the installation or replacement of a fire alarm if a plan review is required.
 - (5) A local enforcement agency shall make uniform basic *permit* labels available for purchase by a contractor to be used for the installation or replacement of a new or existing alarm system at a cost as indicated in s. 553.793, *Florida Statutes*. The local enforcement agency may not require the payment of any additional fees, charges, or expenses associated with the installation or replacement of a new or existing alarm.
 - (a) A local enforcement agency may not require a contractor, as a condition of purchasing a label, to submit information other than identification information of the licensee and proof of registration or certification as a contractor.
 - (b) A label is valid for 1 year after the date of purchase and may only be used within the jurisdiction of the local enforcement agency that issued the label. A contractor may purchase labels in bulk for one or more unspecified current or future projects.
 - (6) A contractor shall post an unused uniform basic *permit* label in a conspicuous place on the premises of the low-voltage alarm system project site before commencing work on the project.
 - (7) A contractor is not required to notify the local enforcement agency before commencing work on a low-voltage alarm system project. However, a contractor must submit a Uniform Notice of a Low-Voltage Alarm System Project as provided under subsection (7) to the local enforcement agency within 14 days after completing the project. A local enforcement agency may take disciplinary action against a contractor who fails to timely submit a Uniform Notice of a Low-Voltage Alarm System Project.
 - (8) The Uniform Notice of a Low-Voltage Alarm System Project may be submitted electronically or by facsimile if all submissions are signed by the owner, tenant, contractor, or authorized representative of such persons. The Uniform Notice of a Low-Voltage Alarm System Project shall be in the format prescribed by the local enforcement agency and must comply with the requirements of s. 553.793(7), *Florida Statutes*.
 - (9) A local enforcement agency may coordinate directly with the owner or customer to inspect a low-voltage alarm system to ensure compliance with applicable codes and standards. If a low-voltage alarm system project fails an inspection, the contractor must take corrective action as necessary to pass inspection.
 - (10) A municipality, county, district, or other entity of local government may not adopt or maintain in effect any ordinance or rule regarding a low-voltage alarm system project that is inconsistent with this section.
 - (11) A uniform basic *permit* label shall not be required for the subsequent maintenance, inspection, or service of an alarm system that was permitted in accordance with this section.
- The provisions of this act are not intended to impose new or additional licensure requirements on persons licensed in accordance with the applicable provisions of Chapter 489, *Florida Statutes*.

SECTION 106 FLOOR AND ROOF DESIGN LOADS

106.1 Live loads posted. In commercial or industrial buildings, for each floor or portion thereof designed for *live loads* exceeding 50 psf (2.40 kN/m²), such design *live loads* shall be conspicuously posted by the owner or the owner's authorized agent in that part of each *story* in which they apply, using durable signs. It shall be unlawful to remove or deface such notices.

106.2 Issuance of certificate of occupancy. A certificate of occupancy required by Section 111 shall not be issued until the floor load signs, required by Section 106.1, have been installed.

106.3 Restrictions on loading. It shall be unlawful to place, or cause or *permit* to be placed, on any floor or roof of a building, structure or portion thereof, a load greater than is permitted by this code.

SECTION 107 SUBMITTAL DOCUMENTS

107.1 General. Submittal documents consisting of *construction documents*, statement of *special inspections*, geotechnical report and other data shall be submitted with each *permit* application in accordance with Florida Statute 553.79. The *construction documents* shall be prepared by a *registered design professional* where required by Chapter 471, *Florida Statutes* & 61G15 Florida Administrative Code or Chapter 481, *Florida Statutes* & 61G1 Florida Administrative Code. Where special conditions exist, the *building official* is authorized to require additional *construction documents* to be prepared by a *registered design professional*.

Exception: The *building official* is authorized to waive the submission of *construction documents* and other data not required to be prepared by a *registered design professional* if it is found that the nature of the work applied for is such that review of *construction documents* is not necessary to obtain compliance with this code.

107.2 Construction documents. *Construction documents* shall be in accordance with Sections 107.2.1 through 107.2.6.

107.2.1 Information on construction documents. *Construction documents* shall be dimensioned and drawn upon suitable material. Electronic media documents are permitted to be submitted where *approved* by the *building official*. *Construction documents* shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the *building official*. Such drawings and specifications shall contain information, in the form of notes or otherwise, as to the quality of materials, where quality is essential to conformity with the technical codes. Such information shall be specific, and the technical codes shall not be cited as a whole or in part, nor shall the term "legal" or its equivalent be used as a substitute for specific information. All information, drawings, specifications and accompanying data shall bear the name and signature of the person responsible for the design.

107.2.2 Fire protection system shop drawings. Shop drawings for the *fire protection system(s)* shall be submitted to indicate conformance to this code and the *construction documents* and shall be *approved* prior to the start of system installation. Shop drawings shall contain all information as required by the referenced installation standards in Chapter 9.

107.2.3 Means of egress. The *construction documents* shall show in sufficient detail the location, construction, size and character of all portions of the *means of egress* including the path of the *exit discharge* to the *public way* in compliance with the provisions of this code. In other than occupancies in Groups R-2, R-3, and I-1, the *construction documents* shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces.

107.2.4 Exterior wall envelope. *Construction documents* for all buildings shall describe the *exterior wall envelope* in sufficient detail to determine compliance with this code. The *construction documents* shall provide details of the *exterior wall envelope* as required, including flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves or parapets, means of drainage, water-resistive membrane and details around openings.

The *construction documents* shall include manufacturer's installation instructions that provide supporting documentation that the proposed penetration and opening details described in the *construction documents* maintain the weather resistance of the *exterior wall envelope*. The supporting documentation shall fully describe

107.2.5 Exterior balcony and elevated walking surfaces. Where balcony or other elevated walking surfaces are exposed to water from direct or blowing rain or irrigation, and the structural framing is protected by an impervious moisture barrier, the construction documents shall include details for all elements of the impervious moisture barrier system. The construction documents shall include manufacturer's installation instructions.

107.2.6 Site plan. The *construction documents* submitted with the application for *permit* shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from *lot lines*, the established street grades and the proposed finished grades and, as applicable, *flood hazard areas*, *floodways*, and *design flood elevations*; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The *building official* is authorized to waive or modify the requirement for a site plan where the application for *permit* is for *alteration* or *repair* or where other- wise warranted.

107.2.6.1 Design flood elevations. Where *design flood elevations* are not specified, they shall be established in accordance with Section 1612.3.1.

107.2.6.2 For the purpose of inspection and record retention, site plans for a building may be maintained in the form of an electronic copy at the worksite. These plans must be open to inspection by the *building official* or a duly authorized representative, as required by the *Florida Building Code*.

107.2.7 Structural information. The *construction documents* shall provide the information specified in Section 1603.

107.3 Examination of documents. The *building official* shall examine or cause to be examined the accompanying submittal documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this code and other pertinent laws or ordinances.

Exceptions:

1. Building plans approved pursuant to Section 553.77(5), *Florida Statutes*, and state-approved manufactured buildings are exempt from local codes enforcing agency plan reviews except for provisions of the code relating to erection, assembly or construction at the site. Erection, assembly and construction at the site are subject to local permitting and inspections. Photocopies of plans approved according to Rule 61-41.009, *Florida Administrative Code*, shall be sufficient for local *permit* application documents of record for the modular building portion of the permitted project.
2. Industrial construction on sites where design, construction and fire safety are supervised by appropriately licensed design and inspection professionals and which contain adequate in-house fire departments and rescue squads is exempt, subject to approval by the *building official*, from review of plans and inspections, providing the appropriate licensed design and inspection professionals certify that applicable codes and standards have been met and supply appropriate approved drawings to local building and fire-safety inspectors.

107.3.1 Approval of construction documents. When the *building official* issues a *permit*, the *construction documents* shall be *approved*, in writing or by stamp, as "Reviewed for Code Compliance." One set of *construction documents* so reviewed shall be retained by the *building official*. The other set shall be returned to the applicant,

shall be kept at the site of work and shall be open to inspection by the *building official* or a duly authorized representative.

107.3.2 Previous approvals. This code shall not require changes in the *construction documents*, construction or designated occupancy of a structure for which a lawful *permit* has been heretofore issued or otherwise law- fully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of this code and has not been abandoned.

107.3.3 Phased approval. The *building official* is authorized to issue a *permit* for the construction of foundations or any other part of a building or structure before the *construction documents* for the whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this code. The holder of such *permit* for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a *permit* for the entire structure will be granted.

107.3.4 Design professional in responsible charge. Where it is required that documents be prepared by a *registered design professional*, the *building official* shall be authorized to require the *owner* or the *owner's* authorized agent to engage and designate on the building *permit* application a *registered design professional* who shall act as the *registered design professional in responsible charge*. If the circumstances require, the *owner* or the *owner's* authorized agent shall designate a successor *registered design professional in responsible charge* who shall perform the duties required of the original *registered design professional in responsible charge*. The *building official* shall be notified in writing by the *owner* or *owner's* authorized agent if the *registered design professional in responsible charge* is changed or is unable to continue to perform the duties. Successor *registered design professional in responsible charge* licensed under Chapter 471 Florida Statutes shall comply with Section 471.025(4) Florida Statute and the procedure set forth in 61G15-27.001 Florida Administrative Code; or licensed under Chapter 481 Florida Statutes shall comply with Section 481.221(6) Florida Statute and the procedure set forth in 61G1-18.002 Florida Administrative Code.

The *registered design professional in responsible charge* shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.

107.3.4.1 Deferred submittals. For the purposes of this section, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the *building official*.

Deferral of any submittal items shall have the prior approval of the *building official*. The *registered design professional in responsible charge* shall list the deferred submittals on the *construction documents* for review by the *building official*.

Documents for deferred submittal items shall be submitted to the *registered design professional in responsible charge* who shall review them and forward them to the *building official* with a notation indicating that the deferred submittal documents have been reviewed and found to be in general conformance to the design of the building. The deferred submittal items shall not be installed until the deferred submittal documents have been approved by the *building official*.

107.3.4.2 Certifications by contractors authorized under the provisions of Section 489.115(4)(b), *Florida Statutes*, shall be considered equivalent to sealed plans and specifications by a person licensed under Chapter 471, *Florida Statutes*, or Chapter 481, *Florida Statutes*, by local enforcement agencies for plans review for permitting purposes relating to compliance with the wind- resistance provisions of the code or alternate methodologies approved by the Florida Building Commission for one- and two-family dwellings. Local enforcement agencies may rely upon such certification by contractors that the plans and specifications submitted conform to the requirements of the code for wind resistance. Upon good cause shown, local government code enforcement agencies may accept or reject plans sealed by persons licensed under Chapters 471, 481 or 489, *Florida Statutes*.

107.3.5 Minimum plan review criteria for buildings. The examination of the documents by the *building official* shall include the following minimum criteria and documents: a floor plan; site plan; foundation plan; floor/roof framing plan or truss layout; all fenestration and building envelope penetrations; flashing; and rough opening dimensions; and all exterior elevations:

Commercial Buildings:

Building:

1. Site requirements:
 - Parking
 - Fire access
 - Vehicle loading
 - Driving/turning radius
 - Fire hydrant/water supply/post indicator valve (PIV)
 - Set back/separation (assumed property lines)
 - Location of specific tanks, water lines and sewer lines
 - Flood hazard areas, flood zones, and design flood elevations*
2. Occupancy group and special occupancy requirements shall be determined (with cross check with the energy code submittal).
3. Minimum type of construction shall be determined (see Table 503).
4. Fire-resistant construction requirements shall include the following components:
 - Fire-resistant separations
 - Fire-resistant protection for type of construction
 - Protection of openings and penetrations of rated walls
 - Fireblocking and draftstopping* and calculated fire resistance
5. Fire suppression systems shall include:
 - Early warning smoke evacuation systems
 - Schematic fire sprinklers
 - Standpipes
 - Pre-engineered systems
 - Riser diagram.
6. Life safety systems shall be determined and shall include the following requirements:
 - Occupant load and egress capacities
 - Early warning
 - Smoke control
 - Stair pressurization
 - Systems schematic
7. Occupancy load/egress requirements shall include:
 - Occupancy load
 - Gross
 - Net
 - Means of egress
 - Exit access
 - Exit
 - Exit discharge
 - Stairs construction/geometry and protection
 - Doors
 - Emergency lighting and exit signs
 - Specific occupancy requirements
 - Construction requirements
 - Horizontal exits/exit passageways
8. Structural requirements shall include:
 - Soil conditions/analysis
 - Termite protection
 - Design loads
 - Wind requirements
 - Building envelope

Impact resistant coverings or systems

Structural calculations (if required)

Foundation

Flood requirements in accordance with Section 1612, including lowest floor elevations, enclosures, flood damage- resistant materials

Wall systems Floor systems

Roof systems

Threshold inspection plan

Stair systems

9. Materials shall be reviewed and shall at a minimum include the following:

Wood

Steel

Aluminum

Concrete

Plastic

Glass

Masonry

Gypsum board and plaster Insulating (mechanical)

Roofing

Insulation

Building envelope portions of the Energy Code (including calculation and mandatory requirements)

10. Accessibility requirements shall include the following:

Site requirements

Accessible route

Vertical accessibility

Toilet and bathing facilities

Drinking fountains

Equipment

Special occupancy requirements

Fair housing requirements

11. Interior requirements shall include the following:

Interior finishes (flame spread/smoke development)

Light and ventilation (including corresponding portion of the energy code)

Sanitation

12. Special systems:

Elevators

Escalators

Lifts

13. Swimming pools:

Barrier requirements

Spas

Wading pools

14. Location and installation details. The specific location and installation details of each fire door, fire damper, ceiling damper and smoke damper shall be shown and properly identified on the building plans by the designer.

Electrical:

1. Electrical:

Wiring

Services

Feeders and branch circuits

Overcurrent protection

Grounding

Wiring methods and materials

GFCIs

Electrical portions of the Energy Code (including calculation and mandatory requirements)

2. Equipment

3. Special occupancies
4. Emergency systems
5. Communication systems
6. Low voltage
7. Load calculations
8. *Design flood elevation*

Plumbing:

1. Minimum plumbing facilities
2. Fixture requirements
3. Water supply piping
4. Sanitary drainage
5. Water heaters
6. Vents
7. Roof drainage
8. Back flow prevention
9. Irrigation
10. Location of water supply line
11. Grease traps
12. Environmental requirements
13. Plumbing riser
14. *Design flood elevation*
15. Water/plumbing portions of the Energy Code (including calculation and mandatory requirements)

Mechanical:

1. Mechanical portions of the Energy calculations
2. Exhaust systems:
Clothes dryer exhaust
Kitchen equipment exhaust
Specialty exhaust systems
3. Equipment
4. Equipment location
5. Make-up air
6. Roof-mounted equipment
7. Duct systems
8. Ventilation
9. Combustion air
10. Chimneys, fireplaces and vents
11. Appliances
12. Boilers
13. Refrigeration
14. Bathroom ventilation
15. Laboratory
16. *Design flood elevation*
17. Smoke and/or Fire Dampers

Gas:

1. Gas piping
2. Venting
3. Combustion air
4. Chimneys and vents
5. Appliances
6. Type of gas
7. Fireplaces
8. LP tank location
9. Riser diagram/shutoffs

10. *Design flood elevation*

11. Gas portions of the Energy Code (including calculation and mandatory requirements)

Demolition:

1. Asbestos removal

Residential (one- and two-family):

1. Site requirements:
Set back/separation (assumed property lines) Location of septic tanks
2. Fire-resistant construction (if required)
3. Fire
4. Smoke and/or carbon monoxide alarm/detector locations
5. Egress:
Egress window size and location stairs construction requirements
6. Structural requirements shall include:
Wall section from foundation through roof, including assembly and materials connector tables wind requirements structural calculations (if required)
Termite protection
Design loads
Wind requirements
Building envelope
Foundation
Wall systems
Floor systems
Roof systems
Flood hazard areas, flood zones, design flood elevations, lowest floor elevations, enclosures, equipment, and flood damage- resistant materials
7. Accessibility requirements:
Show/identify
Accessible bath
8. Impact resistant coverings or systems
9. Residential Energy Code submittal (including calculation and mandatory requirements)

Manufactured buildings/housing:

1. Site requirements
Setback/separation (assumed property lines)
Location of septic tanks (if applicable)
2. Structural
Wind zone
Flood
Anchoring
Blocking
3. Plumbing
List potable water source and meter size (if applicable)
4. Mechanical
Exhaust systems
Clothes dryer exhaust
Kitchen equipment exhaust
5. Electrical exterior disconnect location

Exemptions: Plans examination by the *building official* shall not be required for the following work:

1. Replacing existing equipment such as mechanical units, water heaters, etc.
2. Reroofs
3. Minor electrical, plumbing and mechanical repairs
4. Annual maintenance *permits*
5. Prototype plans:

Except for local site adaptations, siding, foundations and/or modifications.

Except for structures that require waiver.

6. Manufactured buildings plan except for foundations and modifications of buildings on site and as listed above in manufactured buildings/housing.

107.4 Amended construction documents. Work shall be installed in accordance with the *approved construction documents*, and any changes made during construction that are not in compliance with the *approved construction documents* shall be resubmitted for approval as an amended set of *construction documents*.

107.5 Retention of construction documents. One set of *approved construction documents* shall be retained by the *building official* for a period of not less than 180 days from date of completion of the permitted work, or as required by state or local laws.

107.6 Affidavits. The *building official* may accept a sworn affidavit from a registered architect or engineer stating that the plans submitted conform to the technical codes. For buildings and structures, the affidavit shall state that the plans conform to the laws as to egress, type of construction and general arrangement and, if accompanied by drawings, show the structural design and that the plans and design conform to the requirements of the technical codes as to strength, stresses, strains, loads and stability. The *building official* may without any examination or inspection accept such affidavit, provided the architect or engineer who made such affidavit agrees to submit to the *building official* copies of inspection reports as inspections are performed and upon completion of the structure, electrical, gas, mechanical or plumbing systems a certification that the structure, electrical, gas, mechanical or plumbing system has been erected in accordance with the requirements of the technical codes. Where the *building official* relies upon such affidavit, the architect or engineer shall assume full responsibility for compliance with all provisions of the technical codes and other pertinent laws or ordinances. The *building official* shall ensure that any person conducting plans review is qualified as a plans examiner under Part XII of Chapter 468, *Florida Statutes*, and that any person conducting inspections is qualified as a building inspector under Part XII of Chapter 468, *Florida Statutes*.

107.6.1 Building permits issued in flood hazard areas on the basis of an affidavit. Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Parts 59 and 60), the authority granted to the *building official* to issue *permits*, to rely on inspections, and to accept plans and *construction documents* on the basis of affidavits and plans submitted pursuant to Sections 105.14 and 107.6, shall not extend to the flood load and flood-resistance construction requirements of the *Florida Building Code*.

107.6.2 Affidavits Provided Pursuant to Section 553.791, Florida Statutes. For a building or structure in a *flood hazard area*, the *building official* shall review any affidavit certifying compliance with the flood load and flood-resistant construction requirements of the *Florida Building Code*.

107.7 If the local building code administrator or inspector finds that the plans are not in compliance with the *Florida Building Code*, the local building code administrator or inspector shall identify the specific plan features that do not comply with the applicable codes, identify the specific code chapters and sections upon which the finding is based, and provide this information to the local enforcing agency. If the building code administrator, plans examiner, or inspector requests another local enforcing agency employee or a person contracted by the local enforcing agency to review the plans and that employee or person identifies specific plan features that do not comply with the applicable codes, the building code administrator, plans examiner, or inspector must provide this information to the local enforcing agency. The local enforcing agency shall provide this information to the permit applicant.

SECTION 108 TEMPORARY STRUCTURES AND USES

108.1 General. The *building official* is authorized to issue a *permit* for temporary structures and temporary uses. Such *permits* shall be limited as to time of service, but shall not be permitted for more than 180 days. The *building official* is authorized to grant extensions for demonstrated cause.

108.2 Conformance. Temporary structures and uses shall comply with the requirements in Section 3103.

108.3 Temporary power. The *building official* is authorized to give permission to temporarily supply and use power in part of an electric installation before such installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in NFPA 70.

108.4 Termination of approval. The *building official* is authorized to terminate such *permit* for a temporary structure or use and to order the temporary structure or use to be discontinued.

SECTION 109 FEES

109.1 Payment of fees. A *permit* shall not be valid until the fees prescribed by law have been paid, nor shall an amendment to a *permit* be released until the additional fee, if any, has been paid.

109.2 Schedule of *permit* fees. On buildings, structures, electrical, gas, mechanical, and plumbing systems or *alterations* requiring a *permit*, a fee for each *permit* shall be paid as required, in accordance with the schedule as established by the applicable governing authority.

109.2.1 Types of Fees Enumerated. Fees may be charged for but not limited to the following:

1. *Permits*;
2. Plans examination;
3. Certificates of competency (including fees for applications, examinations, renewal, late renewal, and reciprocity);
4. Re-inspections;
5. Administrative fees (including fees for investigative and legal costs incurred in the context of certain disciplinary cases heard by the board);
6. Variance requests;
7. Administrative appeals;
8. Violations; and
9. Other fees as established by local resolution or ordinance.

109.3 Building permit valuations. The applicant for a *permit* shall provide an estimated *permit* value at time of application. *Permit* valuations shall include total value of work, including materials and labor, for which the *permit* is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. If, in the opinion of the *building official*, the valuation is underestimated on the application, the *permit* shall be denied, unless the applicant can show detailed estimates to meet the approval of the *building official*. Final building *permit* valuation shall be set by the *building official*.

109.4 Work commencing before *permit* issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary *permits* or without prior approval from the *building official* as permitted in Section 105.2.2 or 105.12 shall be subject to a fee established by the *building official* that shall be in addition to the required *permit* fees or as provided by local ordinance. This provision shall not apply to emergency work when delay would clearly have placed life or property in imminent danger. But in all such cases the required *permit(s)* must be applied for within three (3) business days and any unreasonable delay in obtaining those *permit(s)* shall result in the charge of a double fee. The payment of a double fee shall not preclude or be deemed a substitute for prosecution for commencing work without first obtaining a *permit*. The *building official* may grant extensions of time or waive fees when justifiable cause has been demonstrated in writing.

109.5 Related fees. The payment of the fee for the construction, *alteration*, removal or demolition for work done in connection to or concurrently with the work authorized by a building *permit* shall not relieve the applicant or holder of the *permit* from the payment of other fees that are prescribed by law.

109.6 Refunds. The *building official* is authorized to establish a refund policy.

SECTION 110 INSPECTIONS

110.1 General. Construction or work for which a *permit* is required shall be subject to inspection by the *building official* and such construction or work shall remain exposed and provided with access for inspection purposes until *approved*. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the *owner* or the *owner's* authorized agent to cause the work to remain exposed and provided with access for inspection purposes. The *building official* shall be permitted to require a boundary line survey prepared by a Florida licensed professional surveyor and mapper whenever the boundary lines cannot be readily determined in the field. Neither the *building official* nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

110.1.1 Manufacturers and fabricators. When deemed necessary by the *building official*, he/she shall make, or cause to be made, an inspection of materials or assemblies at the point of manufacture or fabrication. A record shall be made of every such examination and inspection and of all violations of the technical codes.

110.1.2 Inspection service. The *building official* may make, or cause to be made, the inspections required by Section 110. He or she may accept reports of department inspectors, independent inspectors or of recognized inspection services, provided that after investigation he/she is satisfied as to their licensure, qualifications and reliability. A certificate required by any provision of this code shall not be based on such reports unless the same are recorded by the building code inspector or the architect or engineer performing building code inspections in a manner specified by the *building official*. The *building official* shall ensure that all persons making such inspections shall be certified in accordance to Chapter 468 Florida Statutes; or licensed under Chapter 471 or 481 Florida Statutes.

110.2 Preliminary inspection. Before issuing a *permit*, the *building official* is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed.

110.3 Required inspections. The *building official* upon notification from the *permit* holder or his or her agent shall make the following inspections, or any other such inspection as deemed necessary and shall either release that portion of the construction or shall notify the *permit* holder or his or her agent of any violations which must be corrected in order to comply with the technical codes. The *building official* shall determine the timing and sequencing of when inspections occur and what elements are inspected at each inspection.

Building

1. Foundation inspection. To be made after trenches are excavated, any required reinforcing steel is in place, forms erected and shall at a minimum include the following building components:
 - Stem-wall
 - Monolithic slab-on-grade
 - Piling/pile caps
 - Footers/grade beams
- 1.1. Slab Inspection: Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.
- 1.2. A foundation/form board survey prepared and certified by a Florida licensed professional surveyor and mapper may be required, prior to approval of the slab inspection. The survey shall certify placement of the building on the site, illustrate all surrounding setback dimensions and shall be available at the job site for review by the building inspector. In lieu of providing a survey, the contractor may elect to uncover all property line markers and string-up all property lines in preparation for inspection.

- 1.3. In *flood hazard areas*, upon placement of the lowest floor, including basement, and prior to further vertical construction, the elevation certification shall be submitted to the *building official*.
2. Framing inspection. To be made after the roof, all framing, *fireblocking* and bracing is in place, all concealing wiring, all pipes, chimneys, ducts and vents are complete and the rough electrical, plumbing, heating wires, pipes and ducts are *approved* and shall at a minimum include the following building components:
 - Window/door framing
 - Window U-factor/SHGC (as indicated on *approved* energy calculations)
 - Vertical cells/columns
 - Lintel/tie beams
 - Framing/trusses/bracing/connectors (including truss layout and engineered drawings)
 - Draftstopping/fireblocking*
 - Curtain wall framing
 - Energy insulation (Insulation R-factor as indicated on *approved* energy calculations)
 - Accessibility
 - Verify rough opening dimensions are within tolerances.
 - Window/door buck attachment
 - 2.1 Insulation Inspection: To be made after the framing inspection is *approved* and the insulation is in place, according to *approved* energy calculation submittal. Includes wall and ceiling insulation.
 - 2.2 Lath and gypsum board inspection for fire-resistance rated or shear assemblies. Lath and gypsum board inspections shall be made after lathing and gypsum board, interior and exterior, is in place, but before any plastering is applied or gypsum board joints and fasteners are taped and finished.
3. Sheathing inspection. To be made either as part of a dry-in inspection or done separately at the request of the contractor after all roof and wall sheathing and fasteners are complete and shall at a minimum include the following building components:
 - Roof sheathing
 - Wall sheathing
 - Continuous air barrier
 - Exterior siding/cladding
 - Sheathing fasteners
 - Roof/wall dry-in

Sheathing fasteners installed and found to be missing the structural member (shiners) shall be removed and properly reinstalled prior to installation of the dry-in material.
4. Exterior wall coverings. Shall at a minimum include the following building components in progress inspections:
 - Exterior wall coverings and veneers
 - Soffit coverings
5. Roofing inspection. Shall at a minimum be made in at least two inspections and include the following building components:
 - Dry-in
 - Insulation
 - Roof coverings (including In Progress as necessary)
 - Insulation on roof deck (according to submitted energy calculation)
 - Flashing
 - 5.1 Re-roof sheathing inspection. An affidavit with a notarized signature of a state or locally licensed roofing contractor for the installation of additional sheathing fasteners as required by the Existing Building Code may be accepted at the discretion of the *building official*.
6. Final inspection. To be made after the building is completed and ready for occupancy.
 - 6.1. In *flood hazard areas*, as part of the final inspection, a final certification of the lowest floor elevation or the elevation to which a building is dry floodproofed, as applicable, shall be submitted to the authority having jurisdiction.
7. Swimming pool inspection. First inspection to be made after excavation and installation of reinforcing steel, bonding and main drain and prior to placing of concrete.
 1. Steel reinforcement inspection
 2. Underground electric inspection

3. Underground piping inspection including a pressure test.
4. Underground electric inspection under deck area (including the equipotential bonding)
5. Underground piping inspection under deck area
6. Deck inspection: to be made prior to installation of the deck material (with forms, deck drains, and any reinforcement in place
7. Safety Inspection; Made prior to filling the pool with the bonding connections made, the proper drain covers installed and the final barriers installed.
8. Final pool piping
9. Final Electrical inspection
10. Final inspection to be made when the swimming pool is complete and all required enclosure requirements are in place.

In order to pass final inspection and receive a certificate of completion, a residential swimming pool must meet the requirements relating to pool safety features as described in Section 454.2.17 of this code.

8. Demolition inspections. First inspection to be made after all utility connections have been disconnected and secured in such manner that no unsafe or unsanitary conditions shall exist during or after demolition operations.
Final inspection to be made after all demolition work is completed.
9. Manufactured building inspections. The building department shall inspect construction of foundations; connecting buildings to foundations; installation of parts identified on plans as site installed items, joining the modules, including utility cross-overs; utility connections from the building to utility lines on site; and any other work done on site which requires compliance with the *Florida Building Code*. Additional inspections may be required for public educational facilities (see Section 453.27.20 of this code).
10. Where impact-resistant coverings or impact-resistant systems are installed, the *building official* shall schedule adequate inspections of impact-resistant coverings or impact-resistant systems to determine the following:
The system indicated on the plans was installed.
The system is installed in accordance with the manufacturer's installation instructions and the product approval.

Electrical

1. Underground inspection. To be made after trenches or ditches are excavated, conduit or cable installed, and before any backfill is put in place.
2. Rough-in inspection. To be made after the roof, framing, *fireblocking* and bracing is in place and prior to the installation of wall or ceiling membranes.
3. Final inspection. To be made after the building is complete, all required electrical fixtures are in place and properly connected or protected, and the structure is ready for occupancy.
4. Existing Swimming Pools. To be made after all repairs or alterations are complete, all required electrical equipment, GFCI protection, and equipotential bonding are in place on said alterations or repairs.

Plumbing

1. Underground inspection. To be made after trenches or ditches are excavated, piping installed, and before any backfill is put in place.
2. Rough-in inspection. To be made after the roof, framing, *fireblocking* and bracing is in place and all soil, waste and vent piping is complete, and prior to this installation of wall or ceiling membranes.
Includes plumbing provisions of the energy code and *approved* energy calculation provisions.
3. Final inspection. To be made after the building is complete, all plumbing fixtures are in place and properly connected, and the structure is ready for occupancy.

Note: See Section 312 of the *Florida Building Code, Plumbing* for required tests.

Mechanical

1. Underground inspection. To be made after trenches or ditches are excavated, underground duct and fuel piping installed, and before any backfill is put in place.
2. Rough-in inspection. To be made after the roof, framing, *fireblocking* and bracing are in place and all ducting, and other concealed components are complete, and prior to the installation of wall or ceiling membranes.
Includes mechanical provisions of the energy code and *approved* energy calculation provisions.
3. Final inspection. To be made after the building is complete, the mechanical system is in place and properly connected, and the structure is ready for occupancy.

Gas

1. Rough piping inspection. To be made after all new piping authorized by the permit has been installed, and

before any such piping has been covered or concealed or any fixtures or gas appliances have been connected. Includes gas provisions of the energy code and *approved* energy calculation provisions.

2. Final piping inspection. To be made after all piping authorized by the *permit* has been installed and after all portions which are to be concealed by plastering or otherwise have been so concealed, and before any fixtures or gas appliances have been connected. This inspection shall include a pressure test.
3. Final inspection. To be made on all new gas work authorized by the *permit* and such portions of existing systems as may be affected by new work or any changes, to ensure compliance with all the requirements of this code and to assure that the installation and construction of the gas system is in accordance with reviewed plans.

Site Debris

1. The contractor and/or owner of any active or inactive construction project shall be responsible for the clean-up and removal of all construction debris or any other miscellaneous discarded articles during the course of the construction project and prior to receiving final inspection approval. Construction job sites must be kept clean and in a safe condition at all times.
2. All debris shall be kept in such a manner as to prevent it from being spread by any means.

110.3.1 Footing and foundation inspection.

Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM C 94, the concrete need not be on the job.

110.3.2 Concrete slab and under-floor inspection. Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.

110.3.3 Lowest floor elevation. In *flood hazard areas*, upon placement of the lowest floor, including the basement, and prior to further vertical construction, the elevation certification required in Section 1612.4 of the Florida Building Code, Building and Section R322 of the Florida Building Code, Residential, shall be submitted to the *building official*.

110.3.4 Frame inspection. Framing inspections shall be made after the roof deck or sheathing, all framing, *fireblocking* and bracing are in place and pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, heating wires, pipes and ducts are *approved*.

110.3.5 Lath, gypsum board and gypsum panel product inspection. Lath, gypsum board and gypsum panel product inspections shall be made after lathing, gypsum board and gypsum panel products, interior and exterior, are in place, but before any plastering is applied or gypsum board and gypsum panel product joints and fasteners are taped and finished.

Exception: Gypsum board and gypsum panel products that are not part of a fire-resistance-rated assembly or a shear assembly.

110.3.6 Weather-exposed balcony and walking surface waterproofing. Where balcony or other elevated walking surfaces are exposed to water from direct or blowing rain or irrigation, and the structural framing is protected by an impervious moisture barrier, all elements of the impervious-moisture-barrier system shall not be concealed until inspected and *approved*.

110.3.7 Fire and smoke-resistant penetrations. Protection of joints and penetrations in *fire-resistance- rated* assemblies, *smoke barriers* and smoke partitions shall not be concealed from view until inspected and *approved*.

110.3.8 Energy efficiency inspections. Inspections shall be made to determine compliance with *FBC, Energy Conservation* and confirm with the *approved* energy code submittal (by appropriate trade) and corresponding mandatory requirements and shall include, but not be limited to, inspections for: corresponding envelope

insulation R- and U-values, fenestration U-value, and Solar Heat Gain Coefficient, duct system R-value, and HVAC, lighting, electrical and water-heating equipment efficiency.

110.3.9 Other inspections. In addition to the inspections specified in Sections 110.3 through 110.3.8, the *building official* is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws that are enforced by the department of building safety.

110.3.10 Special inspections. Reserved.

110.3.11 Final inspection. The final inspection shall be made after all work required by the building *permit* is completed.

110.3.11.1 Flood hazard documentation.

If located in a *flood hazard area*, documentation as required in Section 1612.5 of the Florida Building Code, Building; or Section R322 of the Florida Building Code, Residential, shall be submitted to the *building official* prior to the final inspection.

110.3.11.2 Commercial Energy Code documentation. If required by energy code path submittal, confirmation that commissioning result requirements have been received by building owner.

110.3.11.3 Residential Energy Code documentation. If required by energy code path submittal (R405), confirmation that the envelope and duct test requirements shall be received by *building official*.

110.3.12 Termites. Building components and building surroundings required to be protected from termite damage in accordance with Section 1503.7, Section 2304.12.9 or Section 2304.12.4, specifically required to be inspected for termites in accordance with Section 2114, or required to have chemical soil treatment in accordance with Section 1816 shall not be covered or concealed until the release from the *building official* has been received.

110.3.13 Impact-resistant coverings or systems. Where impact-resistant coverings or systems are installed to meet requirements of this code, the *building official* shall schedule adequate inspections of impact-resistant coverings or systems to determine the following:

1. The system indicated on the plans was installed.
2. The system is installed in accordance with the manufacturer's installation instructions and the product approval.

110.4 Inspection agencies. The *building official* is authorized to accept reports of *approved* inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

110.5 Inspection requests. It shall be the duty of the holder of the building *permit* or their duly authorized agent to notify the *building official* when work is ready for inspection. It shall be the duty of the *permit* holder to provide access to and means for inspections of such work that are required by this code.

110.6 Approval required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the *building official*. The *building official*, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the *permit* holder or his or her agent wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the *building official*.

110.7 Shoring. For threshold buildings, shoring and associated formwork or falsework shall be designed and inspected by a Florida licensed professional engineer prior to any required mandatory inspections by the threshold building inspector.

110.8 Threshold building.

110.8.1 During new construction or during repair or restoration projects in which the structural system or structural loading of a building is being modified, the enforcing agency shall require a special inspector to perform structural inspections on a threshold building pursuant to a structural inspection plan prepared by the engineer or architect of record. The structural inspection plan must be submitted to the enforcing agency prior to the issuance of a building *permit* for the construction of a threshold building. The purpose of the structural inspection plans is to provide specific inspection procedures and schedules so that the building can be adequately inspected for compliance with the permitted documents. The special inspector may not serve as a surrogate in carrying out the responsibilities of the *building official*, the architect, or the engineer of record. The contractor's contractual or statutory obligations are not relieved by any action of the special inspector.

110.8.2 The special inspector shall determine that a professional engineer who specializes in shoring design has inspected the shoring and reshoring for conformance with the shoring and reshoring plans submitted to the enforcing agency. A fee simple title owner of a building, which does not meet the minimum size, height, occupancy, occupancy classification, or number-of-stories criteria which would result in classification as a threshold building under s. 553.71(7), *Florida Statutes* may designate such building as a threshold building, subject to more than the minimum number of inspections required by the *Florida Building Code*.

110.8.3 The fee owner of a threshold building shall select and pay all costs of employing a special inspector, but the special inspector shall be responsible to the enforcement agency. The inspector shall be a person certified, licensed or registered under Chapter 471, *Florida Statutes*, as an engineer or under Chapter 481, *Florida Statutes*, as an architect.

110.8.4 Each enforcement agency shall require that, on every threshold building:

110.8.4.1 The special inspector, upon completion of the building and prior to the issuance of a certificate of occupancy, file a signed and sealed statement with the enforcement agency in substantially the following form: "To the best of my knowledge and belief, the above described construction of all structural load-bearing components complies with the permitted documents, and the shoring and reshoring conforms to the shoring and reshoring plans submitted to the enforcement agency."

110.8.4.2 Any proposal to install an alternate structural product or system to which building codes apply be submitted to the enforcement agency for review for compliance with the codes and made part of the enforcement agency's recorded set of *permit* documents.

110.8.4.3 All shoring and reshoring procedures, plans and details be submitted to the enforcement agency for recordkeeping. Each shoring and reshoring installation shall be supervised, inspected and certified to be in compliance with the shoring documents by the contractor.

110.8.4.4 All plans for the building which are required to be signed and sealed by the architect or engineer of record contain a statement that, to the best of the architect's or engineer's knowledge, the plans and specifications comply with the applicable minimum building codes and the applicable fire-safety standards as determined by the local authority in accordance with this section and Chapter 633, *Florida Statutes*.

110.8.5 No enforcing agency may issue a building *permit* for construction of any threshold building except to a licensed general contractor, as defined in Section 489.105(3)(a), *Florida Statutes*, or to a licensed building contractor, as defined in Section 489.105(3)(b), *Florida Statutes*, within the scope of her or his license. The named contractor to whom the building *permit* is issued shall have the responsibility for supervision, direction, management and control of the construction activities on the project for which the building *permit* was issued.

110.8.6 The building department may allow a special inspector to conduct the minimum structural inspection of threshold buildings required by this code, Section 553.73, *Florida Statutes*, without duplicative inspection by the building department. The *building official* is responsible for ensuring that any person conducting inspections is qualified as a building inspector under Part XII of Chapter 468, *Florida Statutes*, or certified as a special inspector

under Chapter 471 or 481, *Florida Statutes*. Inspections of threshold buildings required by Section 553.79(5), *Florida Statutes*, are in addition to the minimum inspections required by this code.

110.9 Mandatory structural inspections for condominium and cooperative buildings.

110.9.1 General. The Legislature finds that maintaining the structural integrity of a building throughout the life of the building is of paramount importance in order to ensure that buildings are structurally sound so as to not pose a threat to the public health, safety, or welfare. As such, the Legislature finds that the imposition of a statewide structural inspection program for aging condominium and cooperative buildings in this state is necessary to ensure that such buildings are safe for continued use.

110.9.2. As used in this section, the terms:

- (a) "Milestone inspection" means a structural inspection of a building, including an inspection of load-bearing elements and the primary structural members and primary structural systems as those terms are defined in s. 627.706, *Florida Statutes*, by an architect licensed under chapter 481 or engineer licensed under chapter 471 authorized to practice in this state for the purposes of attesting to the life safety and adequacy of the structural components of the building and, to the extent reasonably possible, determining the general structural condition of the building as it affects the safety of such building, including a determination of any necessary maintenance, repair, or replacement of any structural component of the building. The purpose of such inspection is not to determine if the condition of an existing building is in compliance with the Florida Building Code or the firesafety code. The milestone inspection services may be provided by a team of professionals with an architect or engineer acting as a registered design professional in responsible charge with all work and reports signed and sealed by the appropriate qualified team member.
- (b) "Substantial structural deterioration" means substantial structural distress or substantial structural weakness that negatively affects a building's general structural condition and integrity. The term does not include surface imperfections such as cracks, distortion, sagging, deflections, misalignment, signs of leakage, or peeling of finishes unless the licensed engineer or architect performing the phase one or phase two inspection determines that such surface imperfections are a sign of substantial structural deterioration.

110.9.3. (a) An owner or owners of a building that is three stories or more in height as determined by the Florida Building Code and that is subject, in whole or in part, to the condominium or cooperative form of ownership as a residential condominium under chapter 718, *Florida Statutes*, or a residential cooperative under chapter 719, *Florida Statutes*, must have a milestone inspection performed by December 31 of the year in which the building reaches 30 years of age, based on the date the certificate of occupancy for the building was issued, and every 10 years thereafter. If a building reached 30 years of age before July 1, 2022, the building's initial milestone inspection must be performed before December 31, 2024. If a building reaches 30 years of age on or after July 1, 2022, and before December 31, 2024, the building's initial milestone inspection must be performed before December 31, 2025. If the date of issuance for the certificate of occupancy is not available, the date of issuance of the building's certificate of occupancy shall be the date of occupancy evidenced in any record of the local building official.

(b) The local enforcement agency may determine that local circumstances, including environmental conditions such as proximity to salt water as defined in s. 379.101, require that a milestone inspection must be performed by December 31 of the year in which the building reaches 25 years of age, based on the date the certificate of occupancy for the building was issued, and every 10 years thereafter.

(c) The local enforcement agency may extend the date by which a building's initial milestone inspection must be completed upon a showing of good cause by the owner or owners of the building that the inspection cannot be timely completed if the owner or owners have entered into a contract with an architect or engineer to perform the milestone inspection and the inspection cannot reasonably be completed before the deadline or other circumstance to justify an extension.

(d) The local enforcement agency may accept an inspection report prepared by a licensed engineer or architect for a structural integrity and condition inspection of a building performed before July 1, 2022, if the inspection and report substantially comply with the requirements of this section. Notwithstanding when such inspection was completed, the condominium or cooperative association must comply with the unit owner notice requirements in Section 110.9.9. The inspection for which an inspection report is

accepted by the local enforcement agency under this paragraph is deemed a milestone inspection for the applicable requirements in chapters 718 and 719. If a previous inspection and report is accepted by the local enforcement agency under this paragraph, the deadline for the building's subsequent 10-year milestone inspection is based on the date of the accepted previous inspection.

110.9.4. The milestone inspection report must be arranged by a condominium or cooperative association and any owner of any portion of the building which is not subject to the condominium or cooperative form of ownership. The condominium association or cooperative association and any owner of any portion of the building which is not subject to the condominium or cooperative form of ownership are each responsible for ensuring compliance with the requirements of this section. The condominium association or cooperative association is responsible for all costs associated with the milestone inspection attributable to the portions of a building which the association is responsible to maintain under the governing documents of the association. This section does not apply to a single-family, two-family, or three-family dwelling with three or fewer habitable stories above ground.

110.9.5. Upon determining that a building must have a milestone inspection, the local enforcement agency must provide written notice of such required inspection to the condominium association or cooperative association and any owner of any portion of the building which is not subject to the condominium or cooperative form of ownership, as applicable, by certified mail, return receipt requested. The condominium or cooperative association must notify the unit owners of the required milestone inspection within 14 days after receipt of the written notice from the local enforcement agency and provide the date that the milestone inspection must be completed. Such notice may be given by electronic submission to unit owners who consent to receive notice by electronic submission or by posting on the association's website.

110.9.6. Phase one of the milestone inspection must be completed within 180 days after the owner or owners of the building receive the written notice under Section 110.9.5. For purposes of this section, completion of phase one of the milestone inspection means the licensed engineer or architect who performed the phase one inspection submitted the inspection report by e-mail, United States Postal Service, or commercial delivery service to the local enforcement agency.

110.9.7. A milestone inspection consists of two phases:

110.9.7.1. For phase one of the milestone inspection, a licensed architect or engineer authorized to practice in this state shall perform a visual examination of habitable and nonhabitable areas of a building, including the major structural components of a building, and provide a qualitative assessment of the structural conditions of the building. If the architect or engineer finds no signs of substantial structural deterioration to any building components under visual examination, phase two of the inspection, as provided in Section 110.9.7.2, is not required. An architect or engineer who completes a phase one milestone inspection shall prepare and submit an inspection report pursuant to Section 110.9.8.

110.9.7.2. A phase two of the milestone inspection must be performed if any substantial structural deterioration is identified during phase one. A phase two inspection may involve destructive or nondestructive testing at the inspector's direction. The inspection may be as extensive or as limited as necessary to fully assess areas of structural distress in order to confirm that the building is structurally sound and safe for its intended use and to recommend a program for fully assessing and repairing distressed and damaged portions of the building. When determining testing locations, the inspector must give preference to locations that are the least disruptive and most easily repairable while still being representative of the structure. If a phase two inspection is required, within 180 days after submitting a phase one inspection report the architect or engineer performing the phase two inspection must submit a phase two progress report to the local enforcement agency with a timeline for completion of the phase two inspection. An inspector who completes a phase two milestone inspection shall prepare and submit an inspection report pursuant to Section 110.9.8.

110.9.8. Upon completion of a phase one or phase two milestone inspection, the architect or engineer who performed the inspection must submit a sealed copy of the inspection report with a separate summary of, at minimum, the material findings and recommendations in the inspection report to the condominium association or cooperative association, to any other owner of any portion of the building which is not subject to the condominium or cooperative form of ownership, and to the *building official* of the local government which has jurisdiction. The inspection report must, at a minimum, meet all of the following criteria:

- (a) Bear the seal and signature, or the electronic signature, of the licensed engineer or architect who performed the inspection.
- (b) Indicate the manner and type of inspection forming the basis for the inspection report.
- (c) Identify any substantial structural deterioration, within a reasonable professional probability based on the scope of the inspection, describe the extent of such deterioration, and identify any recommended repairs for such deterioration.
- (d) State whether unsafe or dangerous conditions, as those terms are defined in the Florida Building Code, were observed.
- (e) Recommend any remedial or preventive repair for any items that are damaged but are not substantial structural deterioration.
- (f) Identify and describe any items requiring further inspection.

110.9.9. Within 45 days after receiving the applicable inspection report, the condominium or cooperative association must distribute a copy of the inspector-prepared summary of the inspection report to each condominium unit owner or cooperative unit owner, regardless of the findings or recommendations in the report, by United States mail or personal delivery at the mailing address, property address, or any other address of the owner provided to fulfill the association's notice requirements under chapter 718 or chapter 719, as applicable, and by electronic transmission to the e-mail address or facsimile number provided to fulfill the association's notice requirements to unit owners who previously consented to receive notice by electronic transmission; must post a copy of the inspector-prepared summary in a conspicuous place on the condominium or cooperative property; and must publish the full report and inspector-prepared summary on the association's website, if the association is required to have a website.

110.9.10. A local enforcement agency may prescribe timelines and penalties with respect to compliance with this section.

110.9.11. A board of county commissioners or municipal governing body may adopt an ordinance requiring that a condominium or cooperative association and any other owner that is subject to this section schedule or commence repairs for substantial structural deterioration within a specified timeframe after the local enforcement agency receives a phase two inspection report; however, such repairs must be commenced within 365 days after receiving such report. If an owner of the building fails to submit proof to the local enforcement agency that repairs have been scheduled or have commenced for substantial structural deterioration identified in a phase two inspection report within the required timeframe, the local enforcement agency must review and determine if the building is unsafe for human occupancy.

SECTION 111 CERTIFICATE OF OCCUPANCY

111.1 Use and occupancy. A building or structure shall not be used or occupied, and a change in the existing use or occupancy classification of a building or structure or portion thereof shall not be made, until the *building official* has issued a certificate of occupancy therefor as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction.

Exception: Certificates of occupancy are not required for work exempt from *permits* in accordance with Section 105.2.

111.2 Certificate issued. After the *building official* inspects the building or structure and does not find violations of

the provisions of this code or other laws that are enforced by the department of building safety, the *building official* shall issue a certificate of occupancy that contains the following:

1. The building *permit* number.
2. The address of the structure.
3. The name and address of the *owner* or the owner's authorized agent.
4. A description of that portion of the structure for which the certificate is issued.
5. A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
6. For buildings and structures in *flood hazard areas*, a statement that documentation of the as-built lowest floor elevation has been provided and is retained in the records of the *building official*.
7. The name of the *building official*.
8. The edition of the code under which the *permit* was issued.
9. The use and occupancy, in accordance with the provisions of Chapter 3.
10. The type of construction as defined in Chapter 6.
11. The design *occupant load*.
12. If an *automatic sprinkler system* is provided, whether the sprinkler system is required.
13. Any special stipulations and conditions of the building *permit*.

111.3 Temporary occupancy. The *building official* is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the *permit*, provided that such portion or portions shall be occupied safely. The *building official* shall set a time period during which the temporary certificate of occupancy is valid.

111.4 Revocation. The *building official* is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of this code wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code.

111.5 Certificate of completion. A certificate of completion is proof that a structure or system is complete and for certain types of *permits* is released for use and may be connected to a utility system. This certificate does not grant authority to occupy a building, such as shell building, prior to the issuance of a certificate of occupancy.

SECTION 112 SERVICE UTILITIES

112.1 Connection of service utilities. A person shall not make connections from a utility, source of energy, fuel or power to any building or system that is regulated by this code for which a *permit* is required, until released by the *building official*.

112.2 Temporary connection. The *building official* shall have the authority to authorize the temporary connection of the building or system to the utility, source of energy, fuel or power.

112.3 Authority to disconnect service utilities. The *building official* shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards set forth in Section 101.4 in case of emergency where necessary to eliminate an immediate hazard to life or property or where such utility connection has been made without the approval required by Section 112.1 or 112.2. The *building official* shall notify the serving utility, and wherever possible the *owner* and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the *owner* or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

SECTION 113 APPEALS

113.1 General. The Planning, Zoning and Adjustment Board shall hear and decide appeals of orders, decisions or determinations made by the *building official* relative to the application and interpretation of this code.

113.2 Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The board shall have no authority to waive requirements of this code.

SECTION 114 VIOLATIONS

114.1 Unlawful acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

114.2 Notice of violation. The *building official* is authorized to serve a notice of violation or order on the person responsible for the erection, construction, *alteration*, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this code, or in violation of a *permit* or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

114.3 Prosecution of violation. If the notice of violation is not complied with promptly, the *building official* is authorized to request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

114.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the *approved construction documents* or directive of the *building official*, or of a *permit* or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law.

SECTION 115 STOP WORK ORDER

115.1 Authority. Where the *building official* finds any work regulated by this code being performed in a manner either contrary to the provisions of this code or dangerous or unsafe, the *building official* is authorized to issue a stop work order.

115.2 Issuance. The stop work order shall be in writing and shall be given to the *owner* of the property involved, the owner's authorized agent or the person performing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work will be permitted to resume.

115.3 Unlawful continuance. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

SECTION 116 UNSAFE STRUCTURES AND EQUIPMENT

116.1 Conditions. Structures or existing equipment that are or hereafter become unsafe, insanitary or deficient because of inadequate *means of egress* facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the *building official* deems necessary and as provided for in this section. A vacant structure that is not secured against entry shall be deemed unsafe.

116.2 Record. The *building official* shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

116.3 Notice. If an unsafe condition is found, the *building official* shall serve on the owner, agent or person in control of the structure, a written notice that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be demolished within a stipulated time. Such notice shall require the person thus notified to declare immediately to the *building official* acceptance or rejection of the terms of the order.

116.4 Method of service. Such notice shall be deemed properly served if a copy thereof is (a) delivered to the owner personally; (b) sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested; or (c) delivered in any other manner as prescribed by local law. If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

116.5 Restoration. Where the structure or equipment determined to be unsafe by the *building official* is restored to a safe condition, to the extent that repairs, *alterations* or *additions* are made or a change of occupancy occurs during the restoration of the structure, such *repairs, alterations, additions* and change of occupancy shall comply with the requirements of Section 105.2.2 and the *Florida Building Code, Existing Building*.

SECTION 117 VARIANCES IN FLOOD HAZARD AREAS

117.1 Flood hazard areas. Pursuant to Section 553.73(5), *Florida Statutes*, the variance procedures adopted in the local flood plain management ordinance shall apply to requests submitted to the *building official* for variances to the provisions of Section 1612.4 of the *Florida Building Code, Building* or, as applicable, the provisions of Section R322 of the *Florida Building Code, Residential*. This section shall not apply to Section 3109 of the *Florida Building Code, Building*.

**VILLAGE OF NORTH PALM BEACH
COMMUNITY DEVELOPMENT DEPARTMENT**

TO: Honorable Mayor and Village Council

THRU: Chuck Huff, Village Manager

FROM: Caryn Gardner-Young, Community Development Director

DATE: January 11, 2024

SUBJECT: **Ordinance – 1st Reading Amendment to R-1 Zoning Regulations for two-story single-family dwellings re-adopt portions of Ordinance No. 2022-18 due to the inapplicability of Senate Bill 250 to Palm Beach County**

Background:

On October 27, 2022, the Village Council adopted Ordinance No. 2022-18, which included the recommendations of the Ad Hoc Committee (and this Board). The new regulations address the volume and massing of two-story single-family dwellings. These regulations are summarized as follows:

- Increasing the second-story front yard setback to 30 feet;
- Increasing the second-story rear yard setback to 25 feet;
- Increasing the second-story side yard setback to 15 feet;
- Requiring building wall articulation on all walls with an unbroken plane over 15 feet in height and 30 feet in length in the form of a wall perpendicular to the property line at a minimum distance of 2 feet and extending parallel to the property line at a minimum of 10 feet; and
- Limiting the floor area of the second story to 75% of the floor area of the first story.

Through the enactment of Section 14 of Chapter 2023-304, Florida Statutes (Senate Bill 250), the Florida Legislature prohibited the Village from proposing any amendments to its land development regulations that are more restrictive or burdensome. This law has been in effect since September 28, 2022, and any such amendments that violate this law would be considered *void ab initio*, meaning they will have no effect from the date of adoption.

The Village Staff made the Village Council aware of the impact of Senate Bill 250. After discussing the matter, the Village Council acknowledged that the provisions mentioned in the Bill were preempted. However, they directed the Staff to issue a guidance statement encouraging property owners to use the previous regulations as guidelines while constructing or significantly altering two-story single-family dwellings. The Village Council also stated that they intend to re-adopt the regulations upon the expiration of the preemption provision of Senate Bill 250 on October 1, 2024. The regulations were repealed on October 12, 2023, by Ordinance 2023-17.

However, a bill was introduced and adopted during the most recent Special Session of the State Legislature, which exempts Palm Beach County from the effects of Senate Bill 250. As a result, the Village Council can now re-adopt the previously repealed regulations.

Discussion:

The Village Staff has been implementing the volume and massing regulations for two story single family dwellings since its adoption in October of 2022. During the review of building permits since 2022, some implementation issues arose which the Village Staff would like to correct. Therefore, Village Staff is recommending readopting the massing and volume provisions but with some modifications.

First, the building articulation provision can be difficult to understand or explain, and Village Staff has received consistent questions about it. Therefore, the Village Staff recommends deleting it. Building articulation refers to the process of stepping and recessing external walls of a building to add scale and visual interest. However, the Village Staff believes this design feature is already being addressed in the code. The existing yard space regulations require a further setback for second stories, which can divide the building wall into smaller parts. Additionally, under the current regulations, 75% of the second floor cannot exceed the first story's floor area, reducing large, expansive blank walls.

Next, the staff is recommending adding additional language regarding blank walls. The proposed language is intended to prevent long, monotonous walls. The language will mandate that 75% of the blank walls must incorporate architectural features to create visual appeal and add diversity to the community.

Finally, we recommend expanding the instances where the second-story setback exemption does not apply to the rear property line. The regulations state that the second-story setback for the backyard does not apply if any part of the rear lot line borders a waterway. However, the Village Staff believes this exception should also extend to other open areas such as golf courses and other parcels dedicated to recreation or open space (excluding vacant lots).

Planning, Zoning and Adjustment Board recommendation.

The Planning, Zoning and Adjustment Board discussed the Ordinance at their January 2, 2024 meeting. On a Motion by Board Member Cross and Seconded by Board Member Kennedy, the Planning, Zoning and Adjustment Board (5-2 with Board Member Haigh and Board Member Hogarth dissenting) recommended the Ordinance as presented by staff with the following modifications:

Section E should read as follows:

E. *Wall treatment.* All exterior walls shall contain articulation creating visual interest and shall incorporate at least four (4) of the following features:

1. Masonry (but not flat concrete block).
2. Concrete or masonry plinth at wall base.
3. Belt courses of a different texture and color.
4. Projecting cornice.
5. Projecting metal canopy.
6. Decorative tile work.
7. Medallions.
8. Opaque, translucent, or transparent glass windows.
9. Vertical articulation.
10. Lighting fixtures.
11. Recesses.
12. A permanent architectural element or feature not listed above, as approved by the village, that meets the intent of this section.

Recommendation:

The Village Staff requests Council consideration and approval of the proposed Ordinance on first reading amending the Village's Zoning Code to readopt the provisions relating to massing two-story single-family dwellings preempted by Senate Bill 250, but with some modifications. The Ordinance presented reflects the recommendation of the Planning, Zoning and Adjustment Board.

ORDINANCE NO. 2024-____

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, AMENDING APPENDIX C (CHAPTER 45), "ZONING," OF THE VILLAGE CODE OF ORDINANCES TO READOPT CERTAIN REGULATIONS RELATING TO THE VOLUME AND MASSING OF SINGLE-FAMILY DWELLINGS; AMENDING SECTION 45-27, "R-1 SINGLE-FAMILY DWELLING DISTRICT," TO REQUIRE ADDITIONAL SETBACKS FOR SECOND STORIES, LIMIT THE FLOOR AREA OF THE SECOND STORY, AND PROHIBIT BLANK WALLS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, through the adoption of Ordinance No. 2022-18 on October 27, 2022, the Village Council implemented the recommendations of the Ad Hoc Committee and adopted new regulations to address the volume and massing of two-story single-family dwellings, including additional second-story setbacks, building wall articulation requirements, and a limitation on the floor area of the second story; and

WHEREAS, through the enactment of Section 14 of Chapter 2023-304, Laws of Florida (Senate Bill 250), the Florida Legislature prohibited the Village from proposing or adopting more restrictive or burdensome amendments to its land development regulations retroactive to September 28, 2022 and declared any such amendments void ab initio; and

WHEREAS, through the adoption of Ordinance No. 2023-17 on October 12, 2023, the Village Council formally recognized the statutory preemption, repealed the new regulations, and adopted a guidance statement encouraging voluntary compliance; and

WHEREAS, through the enactment of Chapter 2023-349, Laws of Florida (House Bill 1C), the Florida Legislature amended Section 14 of Chapter 2023-14 to remove Palm Beach County from the prohibition against proposing or adopting more restrictive or burdensome amendments to its land development regulations; and

WHEREAS, due to the removal of the statutory preemption, the Village Council wishes to formally readopt the regulations relating to the volume and massing of two-story single-family dwellings with certain modifications; and

WHEREAS, on January 2, 2024, the Planning, Zoning and Adjustment Board, sitting as the Local Planning Agency, conducted a public hearing to review this Ordinance and provided a recommendation to the Village Council; and

WHEREAS, having considered the recommendation of the Planning, Zoning and Adjustment Board and conducted all required advertised public hearings, the Village Council determines that the adoption of this Ordinance is in the interests of the health, safety, and welfare of the residents of the Village of North Palm Beach.

1 NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE
2 OF NORTH PALM BEACH, FLORIDA as follows:

3
4 Section 1. The foregoing recitals are ratified as true and correct and are incorporated herein.

5
6 Section 2. The Village Council hereby amends Article III, "District Regulations," of
7 Appendix C (Chapter 45), "Zoning," of the Village Code of Ordinances by amending Section 45-
8 27, "R-1 Single-Family District," to read as follows (additional language is underlined and deleted
9 language is ~~stricken through~~):

10
11 **Sec. 45-27. R-1 single-family dwelling district.**

12
13 A. *Uses permitted.* Within any R-1 single-family dwelling district no
14 building, structure, land or water shall be used except for one (1) or
15 more of the following uses:

- 16
17 1. Single-family dwellings with accessory buildings
18 customarily incident thereto, subject to each of the
19 requirements set forth in this section and throughout this
20 chapter.
- 21
22 2. Public schools.
- 23
24 3. Parks and recreation facilities owned or leased by or
25 operated under the supervision of the Village of North Palm
26 Beach.
- 27
28 4. Detached fence storage areas.
- 29
30 5. Satellite dish antenna.
- 31
32 6. Community residential homes. Community residential
33 homes of six (6) or fewer residents which otherwise meet the
34 definition of a community residential home, provided that
35 such homes shall not be located within a radius of one
36 thousand (1,000) feet of another existing such home with six
37 (6) or fewer residents.
- 38
39 7. Family day care home.
- 40
41 8. Lamp post.
- 42
43 9. Decorative post structure.

44
45 B. *Building height regulations.* All single-family dwellings shall be
46 limited to two (2) stories and thirty feet (30') in height. For the

purposes of this subsection, height shall be measured from the average elevation of the existing grade prior to land alteration for properties outside of special flood hazard areas and from the required design flood elevation for properties within special flood hazard areas. Height shall be measured to the highest point of the following:

1. the coping of a flat roof and the deck lines on a mansard roof;
2. the average height level between the eaves and roof ridges or peak for gable, hip or gambrel roofs; or
3. the average height between high and low points for a shed roof.

Decorative architectural elements, chimneys, mechanical equipment, non-habitable cupolas, elevator shafts or similar appurtenances shall be excluded from the foregoing height restrictions. Rooftops shall not be used for pools, decks, or other spaces to congregate.

C. *Building site area regulations.* The minimum lot or building site area for each single-family dwelling shall be seven thousand five hundred (7,500) square feet and have a width of not less than seventy-five (75) feet, measured at the building line.

D. *Yard space regulations.*

1. *Front yard.* There shall be a front yard of not less than twenty-five (25) feet for the first story and thirty (30) feet for the second story measured from the street line to the front building line.
2. *Rear yard.* There shall be a rear yard of not less than twenty (20) feet for the first story and twenty-five (25) feet for the second story measured from the rear building line to the rear lot line.
3. *Side yards.* There shall be a side yard on each side of the side building line of not less than ten (10) feet for the first story and fifteen (15) feet for the second story. In the case of corner lots, no building and no addition to any building shall be erected or placed nearer than twenty (20) feet to the side street line of any such lot.

(a) For a distance of one block on streets intersecting U.S. #1, measured from the right-of-way line of said U.S. #1, side yards of at least twenty-five (25) feet in depth shall be provided.

4. Applicability of second story setback. The second story setback shall apply only to the roofed portion of the second story of a two-story, single-family dwelling and shall not apply to non-roofed second story patios or balconies. The second story setback for the rear yard shall not apply if any portion of the rear lot line abuts a waterway, golf course, or other parcel dedicated in perpetuity to recreation or open space.

E. Wall treatment. All exterior walls shall contain articulation creating visual interest and shall incorporate at least four (4) of the following features:

1. Masonry (but not flat concrete block).

2. Concrete or masonry plinth at wall base.

3. Belt courses of a different texture and color.

4. Projecting cornice.

5. Projecting metal canopy.

6. Decorative tile work.

7. Medallions.

8. Opaque, translucent, or transparent glass windows.

9. Vertical articulation.

10. Lighting fixtures.

11. Recesses.

12. An architectural element or feature not listed above, as approved by the village, that meets the intent of this section.

Figure 1 Building Wall Articulation (Figure Deleted)

1 F. Second-story floor area. The floor area of the second story of a
2 single-family dwelling shall not exceed seventy-five percent (75%)
3 of the floor area of the first story. For the purposes of this
4 subsection, floor area shall include all areas lying within the
5 building perimeter established by the interior side of the exterior
6 walls of the building, including garages, covered patios, and other
7 open-air exterior areas that are under roof. The floor area for the
8 second story shall include areas open to below.

9
10 E. ~~Guidance on volume and massing of single family dwellings.~~ Due
11 to the legislature's enactment of Chapter 2023-304, Laws of Florida
12 (Senate Bill No. 250), the village was required to repeal recently
13 adopted regulations relating to the volume and massing of single-
14 family dwellings. However, to preserve the character of the
15 village's existing single family neighborhoods, the village
16 encourages the use of the following guidelines when constructing or
17 substantially altering single family dwellings:

18
19 1. ~~Second story setbacks should be five (5) feet greater than the~~
20 ~~required first story setbacks. These enhanced setbacks~~
21 ~~should apply to the roofed portion of the second story of a~~
22 ~~two-story, single family dwelling.~~

23
24 2. ~~Building wall articulation should be provided on all walls~~
25 ~~with an unbroken plane in excess of fifteen (15) feet in height~~
26 ~~and thirty (30) feet in length. The articulation should be in~~
27 ~~the form of a wall perpendicular to the property line at a~~
28 ~~minimum distance of two (2) feet, extending parallel to the~~
29 ~~property line a minimum of ten (10) feet, and should extend~~
30 ~~evenly over the entire height of the building wall (see Figure~~
31 ~~1 above).~~

32
33 3. ~~The second story of a single family dwelling should not~~
34 ~~exceed seventy five percent (75%) of the floor area of the~~
35 ~~first story. Floor area includes all areas lying within the~~
36 ~~building perimeter established by the interior side of the~~
37 ~~exterior walls of the building, including garages, covered~~
38 ~~patios and open-air exterior areas under roof. The floor area~~
39 ~~of the second story should include areas open to below.~~

40
41 ~~The village council intends to readopt these regulations as of~~
42 ~~October 1, 2024.~~

43
44 G F. *Off street parking regulations.* At least one parking space measuring
45 at least nine (9) feet by eighteen (18) feet (one hundred sixty-two
46 (162) square feet) shall be provided. All parking spaces shall consist

1 of a durable surfaced area as approved by the community
2 development director, and may be enclosed in the dwelling, in an
3 accessory building or in an unenclosed area or a driveway. All
4 vehicles parking on a lot must be parked on a durable surface.
5

6 H G. *Accessory structures.* One detached automobile garage and one
7 open-air pavilion may be constructed on any lot within the R-1
8 single-family dwelling district provided that all requirements of this
9 chapter are met. Open air pavilions shall be subject to the following
10 additional conditions and restrictions:
11

12 1. *Permitting.*
13

14 (a) All open-air pavilions must be permitted in
15 accordance with all Florida Building Code and
16 Village Code requirements.
17

18 (b) Open-air pavilions meeting the definition of a
19 traditional chickee hut are exempt from the Florida
20 Building Code but shall be subject to consistency
21 review by the village. Consistency shall be
22 demonstrated through the issuance of a zoning
23 permit and shall require the submittal of the
24 following information:
25

26 (1) A survey that includes scaled dimensions of
27 the proposed structure, including setbacks;
28

29 (2) Proof that the builder of the chickee hut is a
30 member of either the Miccosukee Tribe of
31 Indians of Florida or the Seminole Tribe of
32 Florida (such proof consisting of a copy of
33 the tribal member's identification card); and
34

35 (3) Drawings of the proposed structure
36 depicting, at a minimum, the overall design,
37 dimensions, roof materials, and height.
38

39 2. *Dimensions.* Open-air pavilions shall not exceed two
40 hundred (200) square feet in floor area. The floor area shall
41 be measured from outside the support posts, provided that
42 the roof overhang does not exceed three (3) feet from the
43 support posts. If the roof overhang exceeds three (3) feet, the
44 floor area shall consist of the entire roofed area. For
45 structures supported by a single-pole, i.e., umbrella shape,

1 the floor area shall be measured from the drip line of the roof
2 material.

- 3
4 3. *Height.* Open-air pavilions shall not exceed twelve (12) feet
5 in height or the height of the principal building located on
6 the lot, whichever is more restrictive. For sloped roofs, the
7 height shall be measured at the mean roof height.

8
9 4. *Location and Setbacks.*

- 10
11 (a) No open-air pavilion may be erected within ten (10)
12 feet of the side property line. This side setback shall
13 be increased to twenty (20) feet for corner lots.
14
15 (b) No open-air pavilion may be erected within seven
16 and one-half (7½) feet of the rear property line.
17
18 (c) No open-air pavilion or any portion thereof may be
19 erected between the front line of the principal
20 building and the front property lot line, within a
21 utility or drainage easement, or within a required
22 landscape buffer.

23
24 5. *Use restrictions.*

- 25
26 (a) An open-air pavilion shall be used only for private
27 recreational activities as an accessory use to the
28 principal residential use and shall not be used for
29 habitation, for a tool room, storage room or
30 workshop, or for any commercial purpose
31 whatsoever.
32
33 (b) Open-air pavilions shall not be used for storage of
34 items of personal property, including, but not limited
35 to, the following:
36
37 (1) Operable or inoperable vehicles, boats, boat
38 trailers, utility trailers or similar items of
39 personal property;
40
41 (2) Building materials, lawn equipment, tools or
42 similar items; and
43
44 (3) Ice boxes, refrigerators and other types of
45 food storage facilities with the exception of
46 under-counter units.

(c) No gas, charcoal or propane grills, stoves or other types of cooking devices may be stored or utilized within a traditional chickee hut.

6. *Maintenance.* Open-air pavilions shall be maintained in good repair and in sound structural condition. Painted or stained surfaces shall be free of peeling paint, mold and mildew and void of any evidence of deterioration.

7. *Design.*

(a) Open-air pavilions, with the exception of traditional chickee huts, pergolas and other structures with only partial or slatted roofs, shall incorporate the same types of building materials and be consistent with the architectural theme or style of the main or principal building.

(b) At the request of a property owner, the community development director may approve the use of different building materials or alternate architectural themes or styles when such materials, themes or styles are complementary to the main or principal building.

(c) Should the community development director deny the request for different building materials or alternate architectural themes or styles, a property owner may appeal this decision to the planning commission by submitting a written request for a hearing to the community development director within thirty (30) calendar days of the date of the determination. The appeal shall be placed on the next available agenda and the decision of the planning commission shall be final, subject only to judicial review by writ of certiorari.

I H. *Mechanical equipment.* All non-roof-mounted mechanical equipment shall be located behind the front building face of the principal structure in either the side yard or the rear yard. Such equipment shall be located adjacent to the principal structure whenever practicable, provided, however, that all mechanical equipment shall be located at least five (5) feet from the side property line and at least seven and one-half feet (7½) from the rear property line.

1 J I. *Minimum landscaped area.*

- 2
- 3 1. All single-family dwellings shall have a minimum
- 4 landscaped area of thirty percent (30%).
- 5
- 6 2. All single-family dwellings (both one and two story) shall
- 7 provide a minimum landscaped area of fifty percent (50%)
- 8 in the required twenty-five-foot (25') front yard setback.
- 9 Properties with frontage along urban collector roads
- 10 (Lighthouse Drive and Prosperity Farms Road) shall provide
- 11 a minimum landscaped area of forty percent (40%) in the
- 12 required twenty-five-foot (25') front yard setback.
- 13 Properties having an irregular lot shape, meaning a lot which
- 14 is not close to rectangular or square and in which the width
- 15 of the property at the front property line is less than required
- 16 by the underlying zoning district, shall provide a minimum
- 17 landscaped area of twenty-five percent (25%) in the required
- 18 twenty-five-foot (25') front yard setback.
- 19
- 20 3. A property owner who meets the overall minimum
- 21 landscaped area requirement set forth in subsection (1)
- 22 above and who does not meet the minimum landscaped area
- 23 requirement in the twenty-five-foot (25') front yard setback
- 24 set forth in subsection (2) above may request a waiver of up
- 25 to five percent (5%) of the minimum required area by filing
- 26 a request with the Community Development Department.
- 27 The request shall be forwarded to the Planning Commission
- 28 for final action. A property owner seeking such a waiver
- 29 shall be required to demonstrate to the Planning Commission
- 30 that he or she has made a reasonable attempt to comply with
- 31 the required minimum landscaped area within the front yard
- 32 setback and has mitigated any deficiency through the
- 33 installation of enhanced landscaping materials, the use of
- 34 permeable hardscape materials or some other acceptable
- 35 means.
- 36

37 For the purposes of this subsection, the term minimum landscaped

38 area shall mean a pervious landscaped area unencumbered by

39 structures, buildings, paved parking lots, sidewalks, sports courts,

40 pools, decks, or any impervious surface. Landscape material shall

41 include, but not be limited to, grass, ground covers, bushes, shrubs,

42 hedges or similar plantings, or decorative rock or bark. No landscape

43 material shall be used for parking. However, pervious surfaces used

44 for the parking of recreational equipment in side and rear yards shall

45 be included in the calculation of the minimum landscaped area.

46

1 With respect to building permits for renovations of existing single-
2 family dwellings, the minimum landscaped area standards shall
3 apply only to the extent that the proposed scope of work impacts the
4 applicable standard.
5

6 I J. *Maximum driveway width in swale.* The total width of driveways
7 from the edge of the public roadway to the abutting privately-owned
8 property shall not exceed a total of thirty-two feet (32') in width at
9 the property line, excluding flares. For lots with ninety (90) or more
10 feet of public roadway frontage, the total width of driveways from
11 the edge of the public roadway to the abutting privately-owned
12 private shall not exceed a total of forty feet (40') in width at the
13 property line, excluding flares. Each side of a flared driveway shall
14 be no more than three feet (3') wider than the rest of the driveway.
15

16 Section 3. The provisions of this Ordinance shall become and be made a part of the Code of
17 the Village of North Palm Beach, Florida.
18

19 Section 4. If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for
20 any reason held by a court of competent jurisdiction to be unconstitutional, inoperative, or void,
21 such holding shall not affect the remainder of this Ordinance.
22

23 Section 5. All ordinances or parts of ordinances and resolutions or parts of resolutions in
24 conflict herewith are hereby repealed to the extent of such conflict.
25

26 Section 6. This Ordinance shall take effect immediately upon adoption.
27

28 PLACED ON FIRST READING THIS ____ DAY OF _____, 2024.
29

30 PLACED ON SECOND, FINAL READING AND PASSED THIS ____ DAY OF _____,
31 2024.
32
33

34 (Village Seal)

MAYOR

36
37 ATTEST:
38
39

VILLAGE CLERK

41
42 APPROVED AS TO FORM AND
43 LEGAL SUFFICIENCY:
44
45

VILLAGE ATTORNEY
46

VILLAGE OF NORTH PALM BEACH

POLICE DEPARTMENT

TO: The Honorable Mayor and Members of the Village Council

THRU: Chuck Huff, Village Manager

FROM: Keith Davis, Fleet Manager

DATE: January 11, 2024

SUBJECT: **RESOLUTION – Approving the purchase of Police Boat Replacement for Marine 1 from Sirocco Marine LLC in the amount of \$159,389.00, the purchase of two Police Boat engines from Nick’s Creative Marine, Inc. in the amount of \$48,000.00, and waiving the Village’s purchasing policies and procedures.**

Village Staff is recommending Village Council consideration and adoption of a Resolution approving the purchase of a new Fluid Watercraft Patrol 29 Rigid inflatable boat to replace the current Marine 1 patrol boat and the purchase of two (2) Suzuki outboard engines.

Background:

The Police Department utilizes Marine 1 for police operations. The current boat was submerged and has been rendered inoperable. The insurance company is looking to total the current boat.

Purchasing:

The Police Department is requesting to purchase a 2023 Fluid Watercraft Patrol 29 Rigid inflatable boat. Because the current Marine 1 boat is inoperable, the purchase of a new boat is of paramount importance to the Police Departments’ marine unit. The new boat is currently built and ready to pull off the lot. In lieu of ordering a replacement boat, which would require a significant wait time before the Village is able to put the new boat in the water, staff is requesting a waiver of the Village’s purchasing policies for the purchase of both the boat and motors. The waiver is necessary to place the boat into operation as quickly as possible in the event of an emergency.

Staff is also requesting that the two (2) Suzuki outboard motors be purchased from Nick’s Creative Marine. These motors will come with a five-year warranty in lieu of the one-year warranty if the motors are purchased from the boat dealer. The Village recently purchased a pair of boat motors from Nick’s Creative Marine and was satisfied with the product and service that the vendor provided. Nick’s Creative Marine also performs routine maintenance on the Police Department’s other boat motors.

The cost breakdown is as follows:

Sirocco Marine (boat)	\$159,389.00
Nick’s Creative Marine (engines)	<u>\$ 48,000.00</u>
Total cost of purchase:	\$207,389.00

Funding:

This is not a budgeted expense; however, the cost will be offset by insurance proceeds for the damage to the existing boat. Based on the report by PDA the Village anticipates receiving

\$220,000 from insurance for the Police Boat. A budget amendment will be prepared at year-end if necessary.

Account Information:

Fund	Department	Account Number	Account Description	Amount
General Fund	Police	A5711-66410	Automotive	\$207,389.00

The attached Resolution has been prepared and/or reviewed for legal sufficiency by the Village Attorney.

Recommendation:

Village Staff recommends Council consideration and approval of the attached Resolution authorizing the purchase of a Fluid Watercraft Patrol Boat from Sirocco Marine LLC to replace the current Marine 1 patrol boat and the purchase of two Suzuki outboard engines from Nick's Creative Marine, Inc. at a total cost of \$207,389.00, with funds expended from Account No. A5711-66410 (Police – Automotive), and waiving the Village's purchasing policies and procedures.

RESOLUTION 2024-_____

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA APPROVING THE PURCHASE OF A FLUID WATERCRAFT PATROL BOAT FROM SIROCCO MARINE LLC TO REPLACE THE POLICE DEPARTMENT'S MARINE 1 PATROL BOAT AND THE PURCHASE OF TWO SUZUKI OUTBOARD ENGINES FROM NICK'S CREATIVE MARINE, INC.; WAIVING THE VILLAGE'S PURCHASING POLICIES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Police Department's Marine 1 patrol boat was submerged and has been rendered inoperable and declared a total loss by the Village's insurance provider; and

WHEREAS, to address potential emergencies and allow the Department to resume operation of Marine 1 as soon as possible, Village Staff is recommending the purchase of an existing 2023 Fluid Watercraft Patrol 29 Rigid Inflatable Boat from Sirocco Marine LLC, the purchase of two Suzuki outboard engines from Nick's Creative Marine, Inc., and a waiver of the Village's purchasing policies and procedures; and

WHEREAS, the Village Council determines that the adoption of this Resolution is in the best interests of the Village and its residents.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA as follows:

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

Section 2. The Village Council hereby approves the purchase of one 2023 Fluid Watercraft Patrol 29 Rigid Inflatable Boat from Sirocco Marine LLC at a cost of \$159,389.00 and the purchase of two Suzuki outboard engines from Nick's Creative Marine, Inc. at a cost of \$48,000.00 (for a total expenditure of \$207,389.00), with funds expended from Account No. A5711-66410 (Police – Automotive).

Section 3. In approving this purchase, the Village Council waives all conflicting purchasing policies and procedures.

Section 4. This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED THIS ____ DAY OF _____, 2024.

(Village Seal)

MAYOR

ATTEST:

VILLAGE CLERK

Sirocco Marine

91 Volks Way, Franklinton NC 27525
(954) 764-9561 / alanm@fluidboats.com

Quote#: 092123AP
Customer: Ofc. Michael Abramczyk
Dept: North Palm Beach Police Department
Address: 560 U.S. Hwy 1 North Palm Beach, FL 33408
Email: mabramczyk@village-npb.org
Phone: (561) 848-2525



www.fluidboats.com

Date: 10/16/2023
Valid Until: 60 Days

Description	Qty.	Unit Price	Total Price
Fluid Patrol 29			
FLUID WaterCraft Patrol 29 Rigid Inflatable Boat (RHIB)	1	\$159,389.00	\$159,389.00
HIN # TBD			
Tube Material : Orca 866 Hypalon 1670 Dtex	1		
Tube Color: Neptune Grey	1		
Gelcoat Color: Cloud Grey	1		
Double EPDM Rubstrake	1		
Extra bow rubstrake	1		
Black rubber non skid pads	10		
2" Aluminum Keel guard	1		
Engines			
No Engines (Customer Supplying)			
Console and Seating			
Console with aluminum RAPTOR-lined T-Top, glass windshield	1		
"POLICE" logo painted on T-Top	1		
Windshield wiper	1		
Seat configuration: 2 person FRP bolster	1		
Life Cell safety box with insert	1		
Fire Extinguisher and insert	1		

Long Arms Cabinet with universal rack and timer lock	1	
Electronics		
Simrad NSS12 GPS with total scan transducer upgrade	1	\$530.00
Simrad RS20S or B&G V20 VHF with Antenna	1	
Simrad Radar	1	
LE Equipment		
LE Lights and Siren system	1	
Whelen WPA112 amplifier	1	
Whelen WPA3BM switch panel	1	
SoundOff Signal 100 watt speaker	1	
nROADS® blue strobe light	1	
Lumitec overhead courtesy lights	2	
SoundOff Signal blue/white side strobes	5	
LE mount / platform	1	
Hardware		
316 Stainless-Steel Samson Post - Reinforced	1	
Aluminum engine rope guard	1	
Standard Equipment - Includes labor		
Systems - Build - Prep	1	
Aluminum 130 gal. EPA-compliant fuel tank	1	
Fuel venting system	1	
Repair kit - Foot pump	1	
Group 27 Start Batteries	2	
Group 27 House Battery	1	
12 switch panel	1	
Blue Seas VSR	1	
LED Navigation lights (USCG 2nm)	1	
800 gph auto-bilge pump	1	
1,500 gph bilge pump	1	
Spine Board	1	
Twin Hydraulic Steering 1.7L Cylinder	1	
Boat Specs		
Length: 28' 11"		
Beam: 9' 8"		

Tube Diameter: 23"

Hull: Vacuum-infused GRP

Gelcoat: ISO NPG

Transom: 30" or 2 x 25"

Additions Included			
Aluminium dual-axle trailer with brakes	1	incl.	incl.
Starboard swim ladder bracket with ladder	1	incl.	incl.
Rope lifeline across port and starboard	1	incl.	incl.
3-Bank Battery Charger	1	incl.	incl.
Rear tow post	1	incl.	incl.
Cupholders	1	incl.	incl.
Delivery to North Palm Beach Police Dept	1		\$2,271.00
Sonyx Night Vision	1	\$1,850.00	\$1,850.00
TOTAL QUOTE			\$164,040.00

Nick's Creative Marine
2280 Avenue L
Riviera Beach FL 33404
561-844-4555

Sold To: Estimate # 01-EST955

MIKE ABRAMCZYK
NPB POLICE DEPT

HP 954-444-5367

Estimate	Salesperson	Customer	Tax Number	Date	Charge	PQ Number
01-EST955	MTT	2409		12/08/2023	N	

- NEW DF250APX5

SKU	Description	Qty	Retail	Price	Extended
DF250APX5	DF250APX5	1	48000.00	48000.00	48000.00

- NEW 2023 DF250APX5 BLACK 25" FLY-BY-SHIFT MOTORS
- PRICE INCLUDES MOTORS AND RIGGING INSTALLED
- NEW CONTROL BOX
- NEW KEY SWITCH
- ALL HARNESSES AND CABLES NEEDED FOR REPOWER
- NEW FUEL LINE FROM MOTORS TO PRIMA BALLS
- S.S PROPS BEST FIT TO BOAT
- TWO SUZUKI 4" MFD GAUGES
- TWO SEATRIALS TO ENSURE PROP SIZE AND MOTOR HEIGHT ARE CORRECT
- SERIAL NUMBERS TBA
- 5- YEAR FACTORY WARRANTY

Parts	48,000.00	Labor	0.00	Other	0.00
-------	-----------	-------	------	-------	------

Sale Total	48,000.00
Shop Supplies	0.00
Tax	0.00
Grand Total	48,000.00
Deposits	0.00
Amount Due	48,000.00



DETAILED REPORT

Insured Village of North Palm Beach Policy No. _____

Claimant _____ Claim No. 1157088

Replacement Cash Value quote: Virgil @ Gus's Toy Box, LLC authorized Contender Boat Dealer 104001 Overseas Hwy Key Largo FL

2023 Contender 28T with twin 300 HP Yamaha 4 Stroke O/B engines \$220.00.00

11/20/2023 2:43:20 PM Rec'd Johns Eastern Co.

DATE CLOSED 11/09/2023 INSPECTION MADE BY Charlie vourakis

F197 Revised 3/02

PDA Offices Independently Owned and Operated

F197_Detailed_Rpt.fml

Subject: Qt2310-0250rev1- SRA 900- North Palm Beach PD

From: *Name:* Justin Antolini
 Phone: 410-443-6439
 Email: Justin.Antolini@ZodiacMilPro.com

To: *Name:* Michael Abramczyk
 Phone: 561-848-2525
 Email: mabramczyk@village-nnpb.org

Company: *North Palm Beach Police Dept. Marine Unit*

Date: 10/26/2023

Zodiac of North America is pleased to present the following quote for the SRA 900.

Accompanying the quote are general assembly renderings of your vessel, showing basic configuration and layout of the SRA 900 Vessel.

1. PRICE & CONFIGURATION

	SRA 900	QTY	Extended
RHIB			
	SRA 900 Aluminum Hull	1	
	SRA 900 Air Holding Collar	1	
	- Black Bow Skirt	1	
Hull Equipment			
	Antifoul/ Bottom Paint	1	
	Lenco Trim Tabs	1	
	Sea Dek Floor Matting	1	
Structural Equipment			
	Storm Console	1	
	- Windshield Glass Package	1	
	- Isinglass Three-sided Enclosures	1	
	Milpro Air Shock Mitigating Bolster Duo Seat	2	
	Custom Storage Cabinet	1	
	SRA 900 Tow Package, Bow Post, Tow Post, and Rope Guard	1	
Nav-Com Package			
	Ritchie Compass F-82	1	
	Garmin, 215 VHF Marine Radio	1	
	Garmin 8612XSV Chart plotter	1	
	Garmin 18x Fantom Black Radome	1	
	Garmin GT51M-THP Transducer	1	
	-Scanstrut 6" Radar Mount	1	
	Whelen, Siren/Police Lightbar Package	1	
	Rigid LED Flood Light Package	1	
	GoLight LED Package	1	
	Hella LED Nav Light Package	1	
	Lumitec Dome Light	1	
	Flir M232 Pan and Tilt w/ JCU 3 controller	1	
Propulsion System			
	Mercury Verado 300hp Twin Engine Configuration	1	
	Mercury 300hp Twin Engine Prerig	1	
	Propellers	1	
	Engines can be changed to Customer Preference		

	SRA 900	QTY	Extended
Standard Equipment			
	SRA 900 Steering System	1	
	SRA 900 Fuel System	1	
	Bilge Pump Package	1	
	Ventilation Package	1	
	Label/ Warming Package	1	
Electrical System			
	2 Eng. 3 Battery System	1	
	Prosport Battery Trickle Charger	1	
	8 Switch Electrical System	1	
Misc. Items			
	Seatrail	1	
	Delivery Prep	1	
	Boat Master 9M Boat Trailer	1	
	Logos and Lettering, To Be Determined by Customer	1	
	SRA 950 North Palm Beach PD Sales Price:		\$ 408,000.00

2. PRICE & CONFIGURATION

Price:

All prices are in USD, taxes not shown. No sales tax to be charged if customer can provide Sales and Tax Resale/Exemption Certificate. Sales and Resale/Exemption Certificate must be provided to ZNA at time of order.

Shipping Terms:

Incoterms 2020, EX-WORKS Stevensville Maryland, USA

ZNA Proposed Payment Schedule:

25% At Time of Order

50% At Completion of Hull Production

25% At Time of Successful Sea Trial

Delivery:

Estimate Date of Readiness to be Shipped: **12-14 Months from Date of PO**

Validity:

Prices shown on this quote sheet are valid for **90 Days** from Date of Quote.

General Selling Conditions:

1. All custom orders are not returnable.
2. Payments made by credit cards may be subject to a 3% processing fee.
3. Packaging, freight, and shipping fees are estimates. The actual amount will be provided at time of invoicing plus a 15% administration fee.
4. Late payments are subject to a 2% per month late fee.

Best Regards,

Justin Antolini
Sales Director
Zodiac of North America

Alec Pupshis
Project Manager
Zodiac of North America

Acceptance of Order:

I agree to the terms and prices of this proposition

NAME:

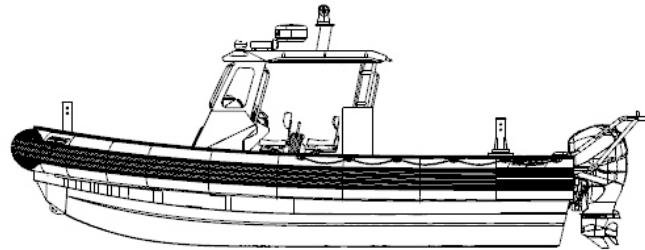
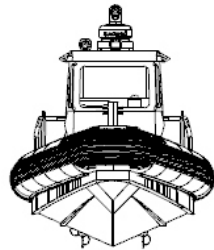
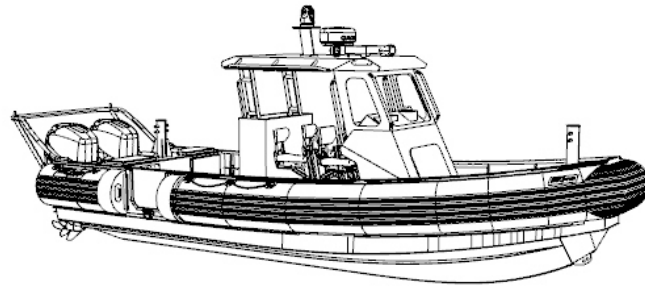
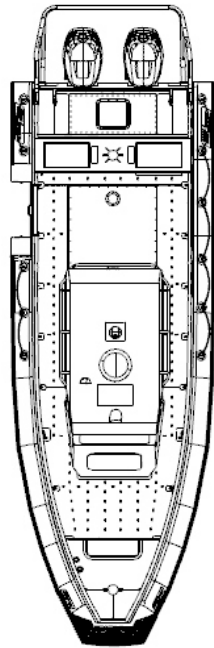
COMPANY:

SIGNATURE



FOR THOSE WHO WORK ON THE WATER.

SRA 900 North Palm Beach FL. PD



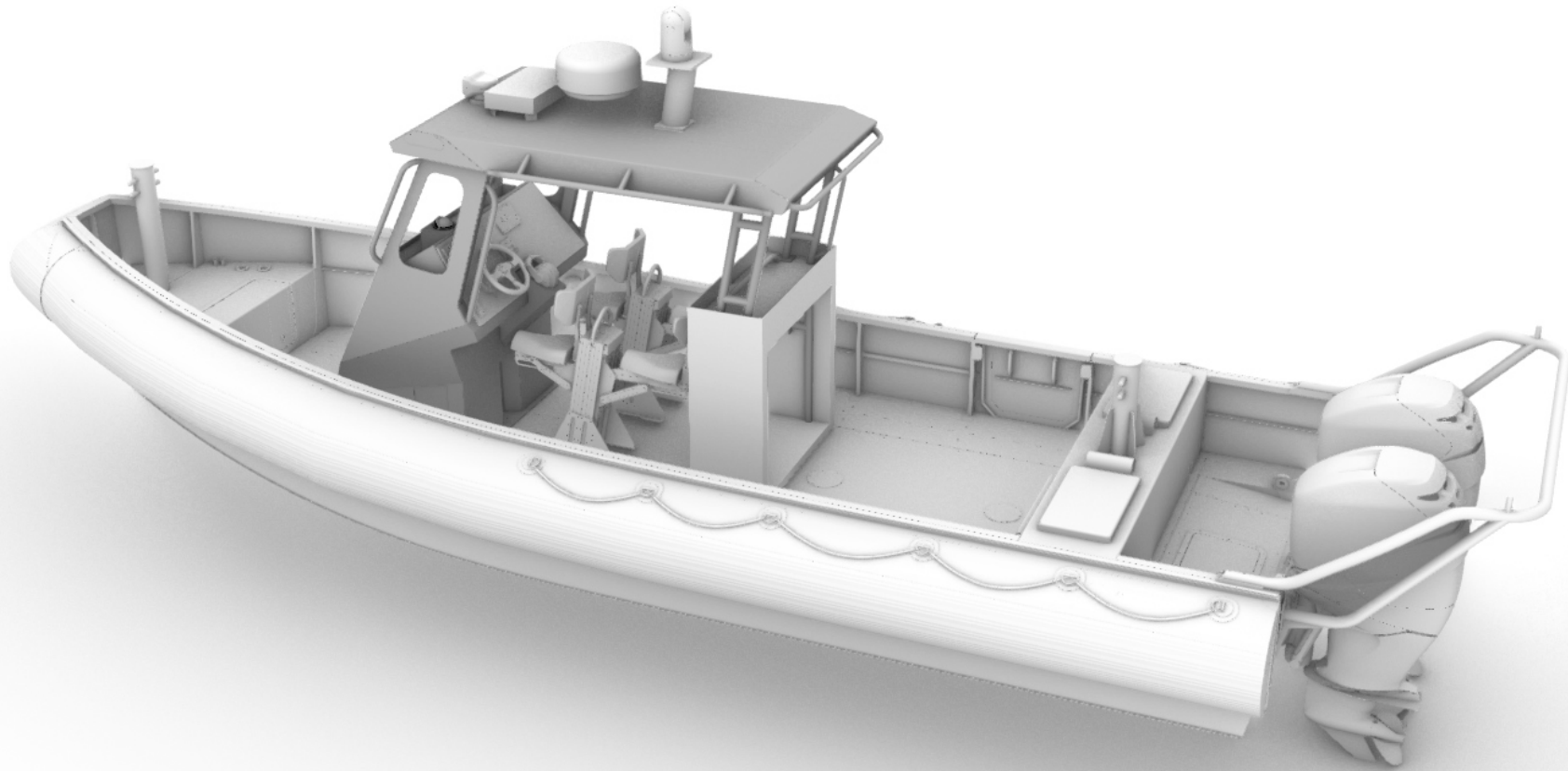


FOR THOSE WHO WORK ON THE WATER.



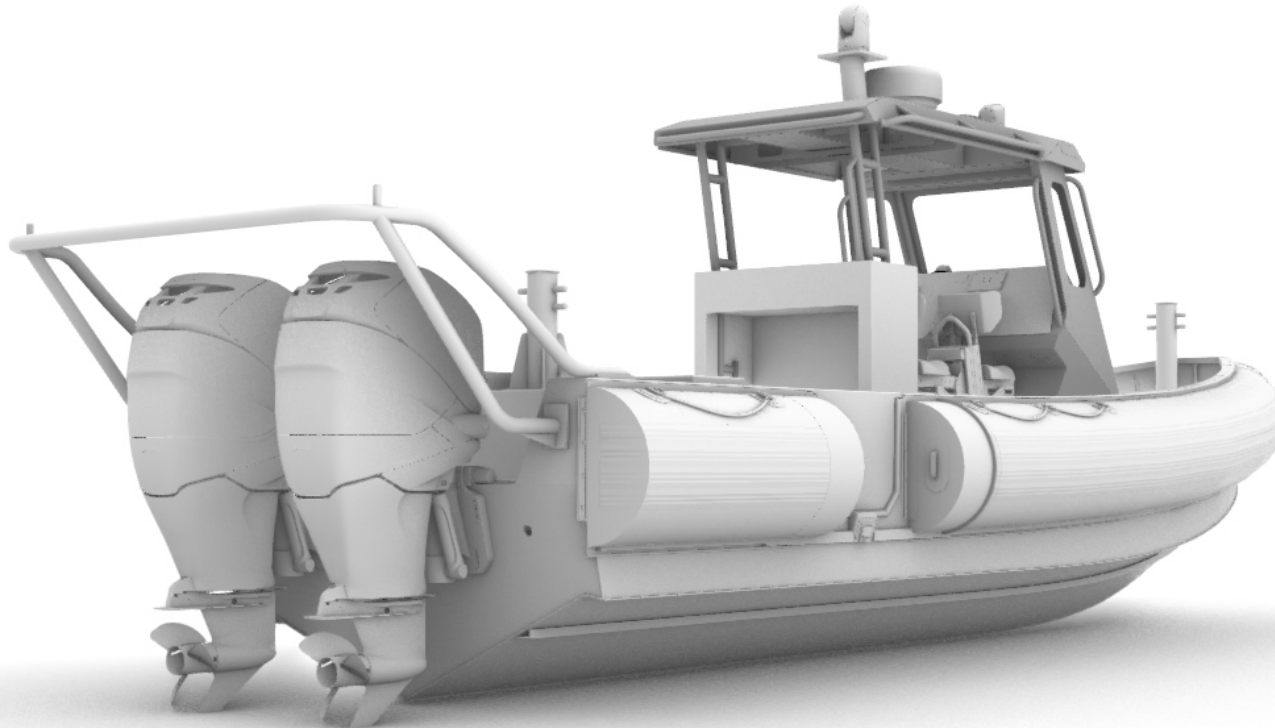


FOR THOSE WHO WORK ON THE WATER.



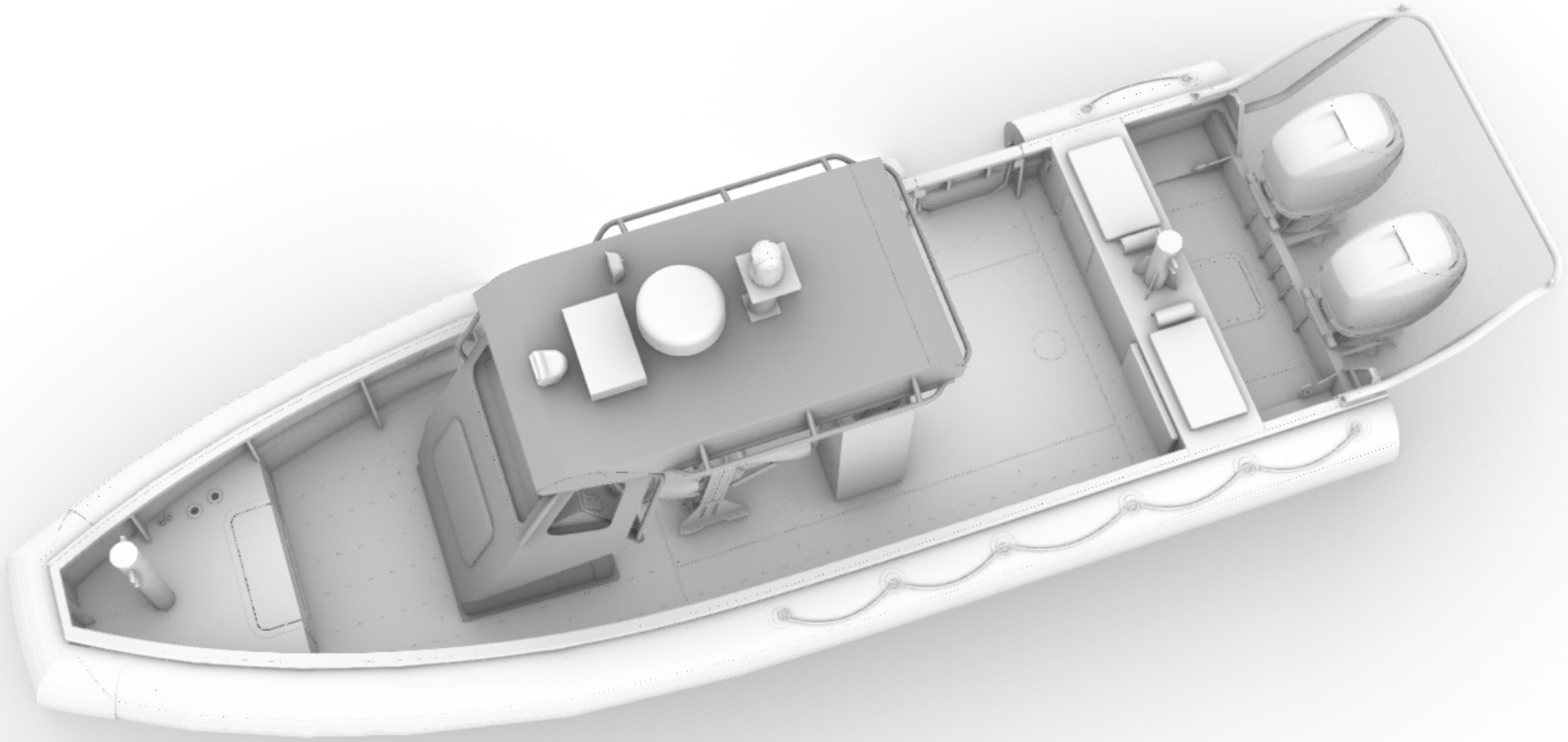


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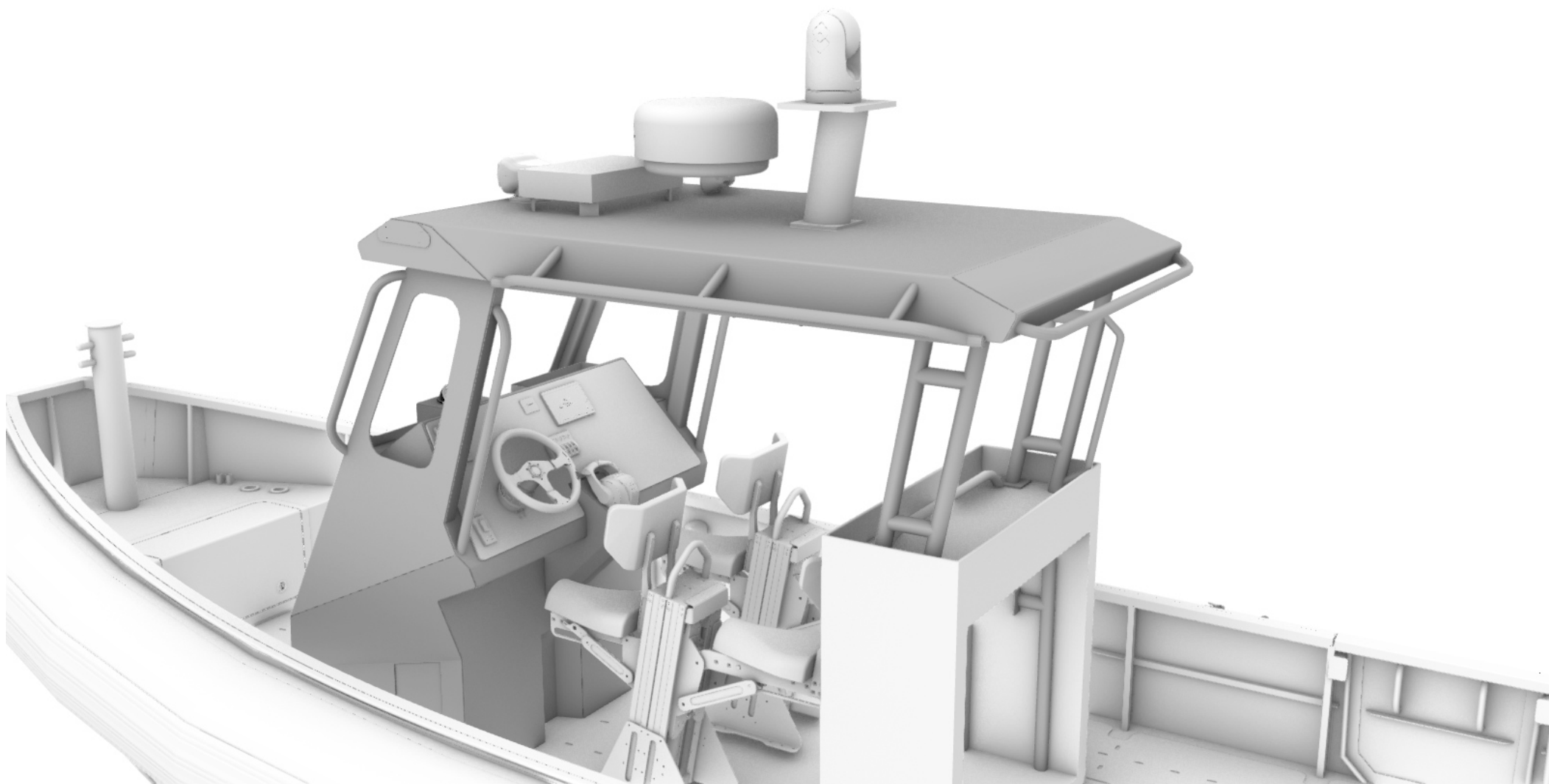


FOR THOSE WHO WORK ON THE WATER.





FOR THOSE WHO WORK ON THE WATER.



Subject: Qt2310-0250- SRA 1050- North Palm Beach PD

From: *Name:* Justin Antolini
 Phone: 410-443-6439
 Email: Justin.Antolini@ZodiacMilPro.com

To: *Name:* Michael Abramczyk
 Phone: 561-848-2525
 Email: mabramczyk@village-nnpb.org

Company: *North Palm Beach Police Dept. Marine Unit*

Date: 10/13/2023

Zodiac of North America is pleased to present the following quote for the SRA 1050.

Accompanying the quote are general assembly renderings of your vessel, showing basic configuration and layout of the SRA 1050 Vessel.

1. PRICE & CONFIGURATION

	SRA 1050	QTY	Extended
RHIB			
	SRA 1050 Aluminum Hull	1	
	SRA 1050 Air Holding Collar	1	
	- Black Bow Skirt	1	
Hull Equipment			
	Antifoul/ Bottom Paint	1	
	Lenco Trim Tabs	1	
	Sea Dek Floor Matting	1	
Structural Equipment			
	Storm Console	1	
	- Windshield Glass Package	1	
	- Isinglass Three-sided Enclosures	1	
	Milpro Air Shock Mitigating Bolster Duo Seat	2	
	Custom Storage Cabinet	1	
	SRA 1050 Tow Package, Bow Post, Tow Post, and Rope Guard	1	
Nav-Com Package			
	Ritchie Compass F-82	1	
	Garmin, 215 VHF Marine Radio	1	
	Garmin 8612XSV Chart plotter	1	
	Garmin 18x Fantom Black Radome	1	
	Garmin GT51M-THP Transducer	1	
	-Scanstrut 6" Radar Mount	1	
	Whelen, Siren/Police Lightbar Package	1	
	Rigid LED Flood Light Package	1	
	GoLight LED Package	1	
	Hella LED Nav Light Package	1	
	Lumitec Dome Light	1	
	Flir M232 Pan and Tilt w/ JCU 3 controller	1	
Propulsion System			
	Mercury Verado V10 400hp Twin Engine Configuration	1	
	Mercury 400hp Twin Engine Prerig	1	
	Propellers	1	
	Engines can be changed to Customer Preference		

	SRA 1050	QTY	Extended
Standard Equipment			
	SRA 1050 Steering System	1	
	SRA 1050 Fuel System	1	
	Bilge Pump Package	1	
	Ventilation Package	1	
	Label/ Warming Package	1	
Electrical System			
	2 Eng. 3 Battery System	1	
	Prosport Battery Trickle Charger	1	
	8 Switch Electrical System	1	
Misc. Items			
	Seatrail	1	
	Delivery Prep	1	
	Boat Master 11M Boat Trailer	1	
	Logos and Lettering, To Be Determined by Customer	1	
	SRA 1050 North Palm Beach PD Sales Price:		\$ 520,000.00
	Shipping Estimate from Stevensville, MD to North Palm Beach FL:		\$ 10,000.00
	Total Sales Price Rigged and Shipped:		\$ 530,000.00

2. PRICE & CONFIGURATION

Price:

All prices are in USD, taxes not shown. No sales tax to be charged if customer can provide Sales and Tax Resale/Exemption Certificate. Sales and Resale/Exemption Certificate must be provided to ZNA at time of order.

Shipping Terms:

Incoterms 2020, EX-WORKS Stevensville Maryland, USA

ZNA Proposed Payment Schedule:

25% At Time of Order

50% At Completion of Hull Production

25% At Time of Successful Sea Trial

Delivery:

Estimate Date of Readiness to be Shipped: **12-14 Months from Date of PO**

Validity:

Prices shown on this quote sheet are valid for **90 Days** from Date of Quote.

General Selling Conditions:

1. All custom orders are not returnable.
2. Payments made by credit cards may be subject to a 3% processing fee.
3. Packaging, freight, and shipping fees are estimates. The actual amount will be provided at time of invoicing plus a 15% administration fee.
4. Late payments are subject to a 2% per month late fee.

Best Regards,

Justin Antolini
Sales Director
Zodiac of North America

Alec Pupshis
Project Manager
Zodiac of North America

Acceptance of Order:

I agree to the terms and prices of this proposition

NAME:

.....

COMPANY:

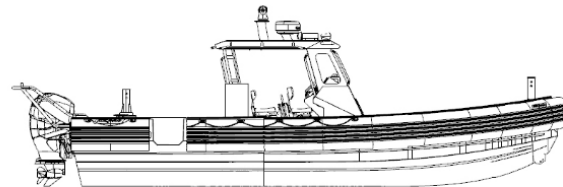
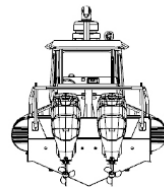
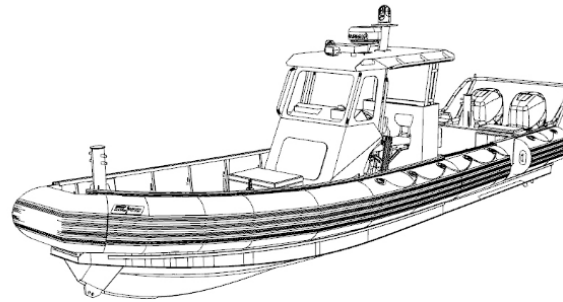
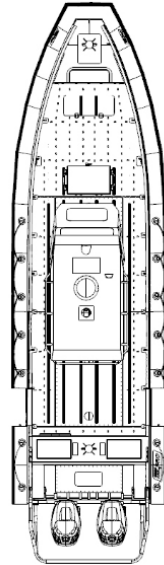
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SIGNATURE



FOR THOSE WHO WORK ON THE WATER.

North Palm Beach Fl. PD SRA 1050



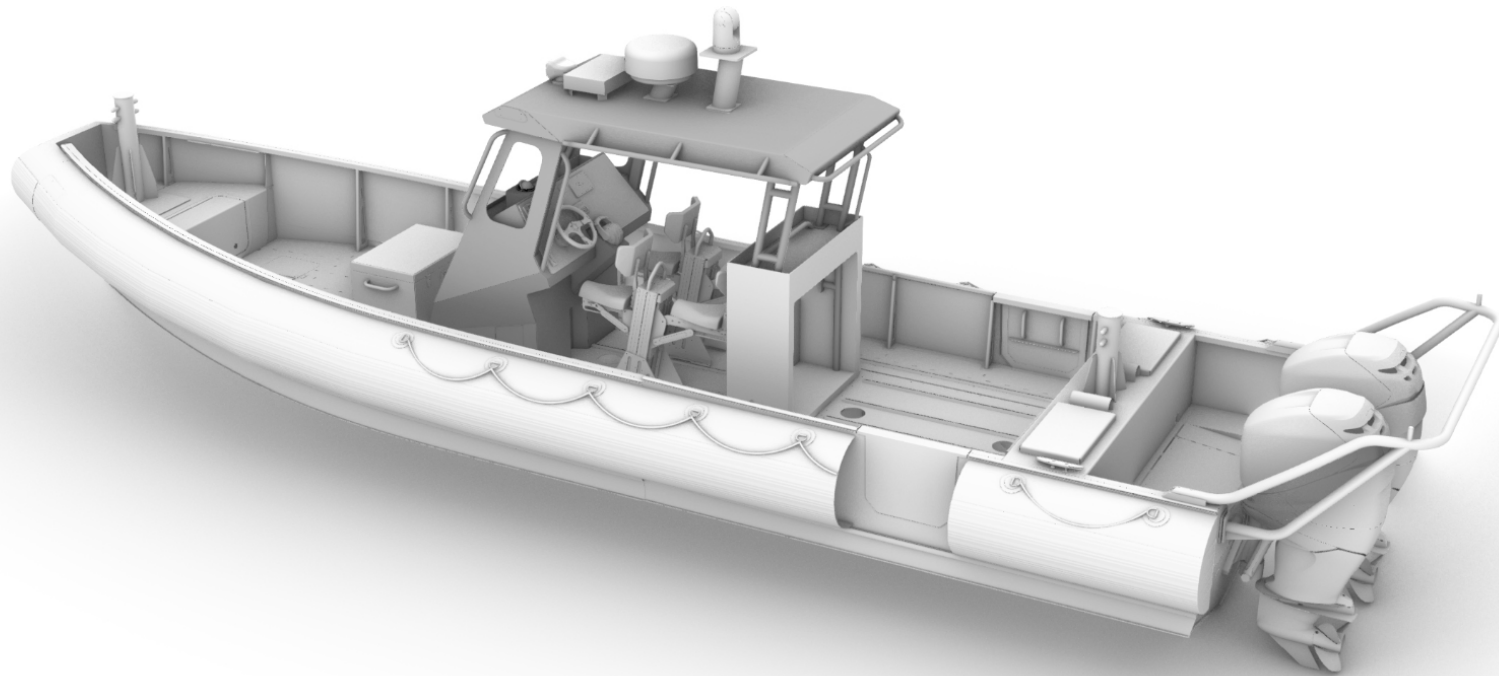


FOR THOSE WHO WORK ON THE WATER.



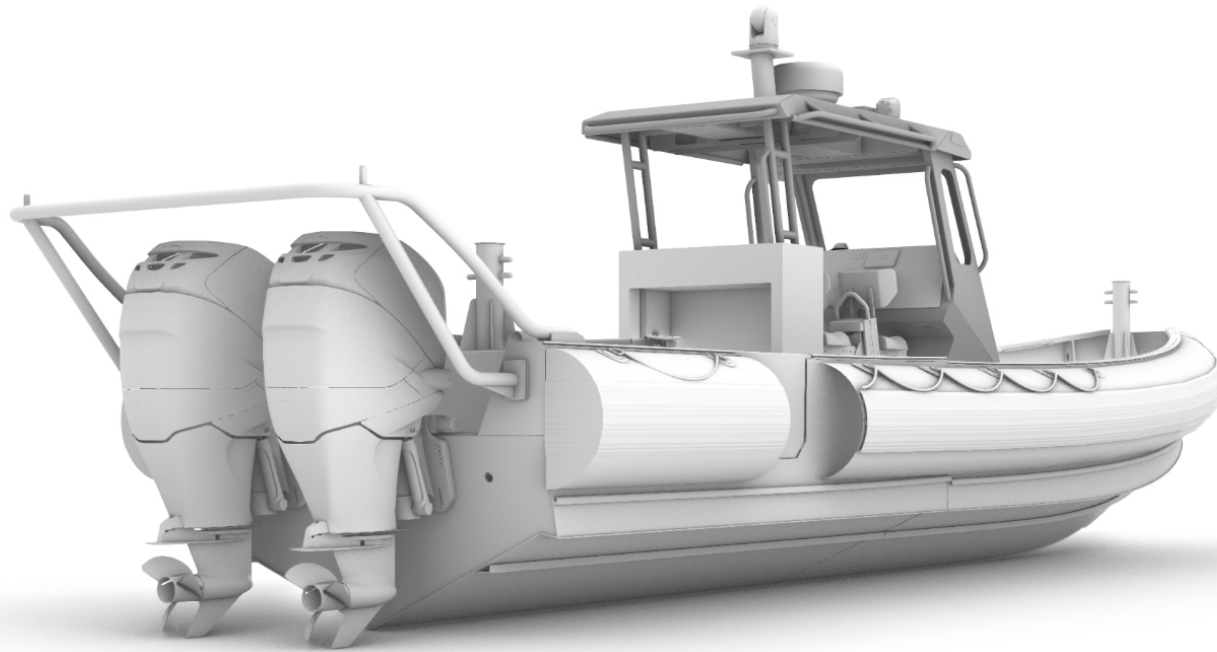


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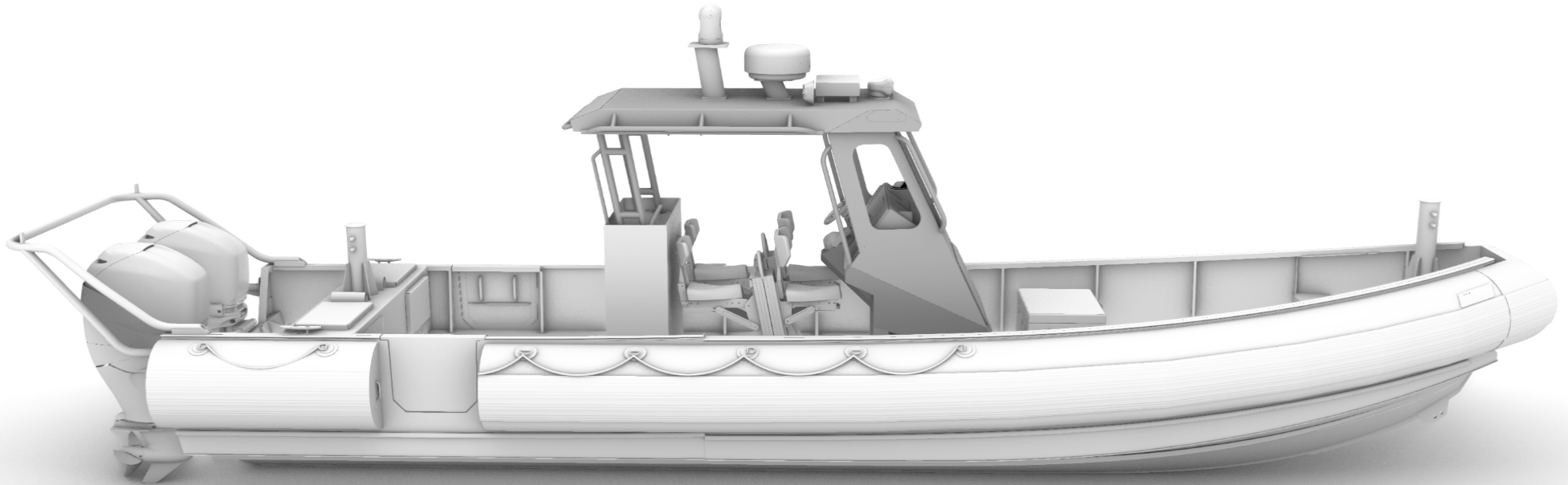


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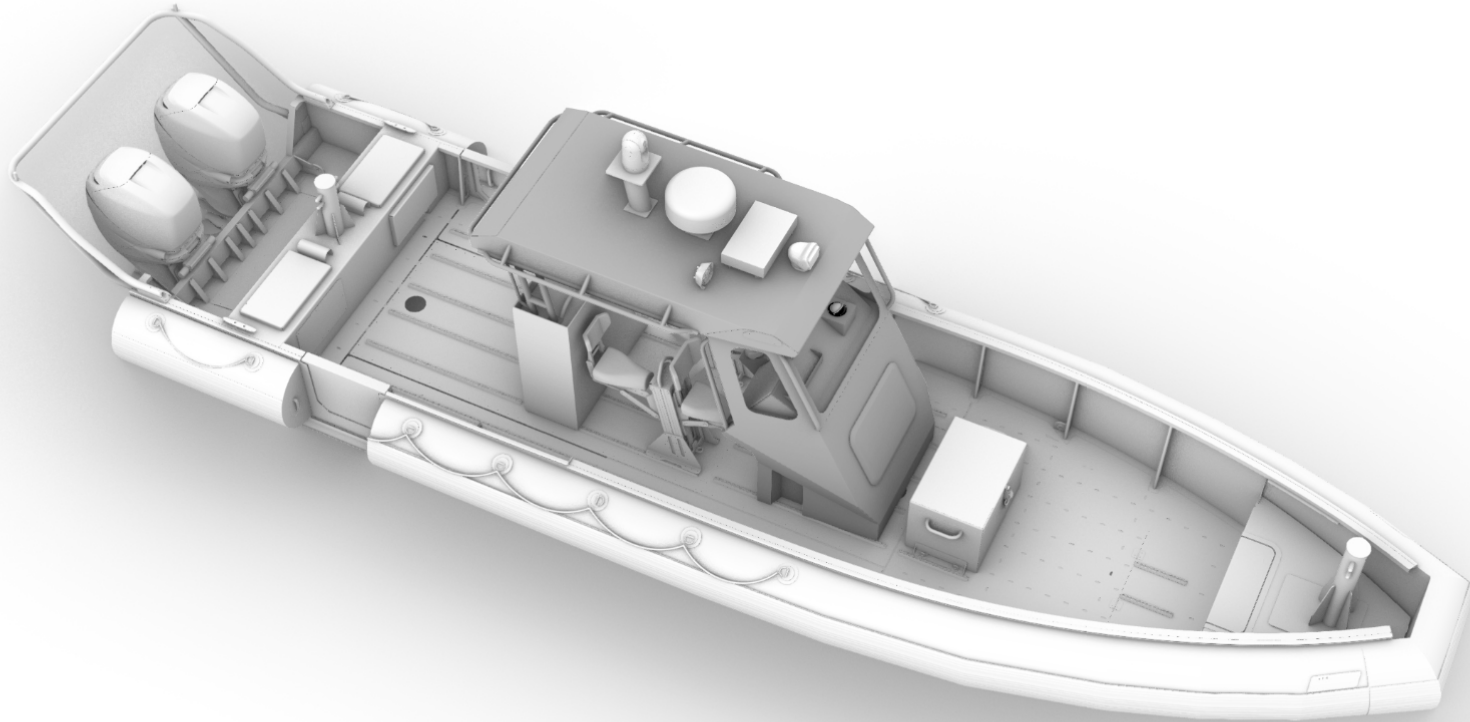


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