

ORDINANCE NO. 2025-01

AN ORDINANCE OF THE TOWN OF REDINGTON SHORES, FLORIDA, AMENDING § 63-2 AND § 63-20 OF THE TOWN CODE (RELATED TO PERMIT FEES); MAKING RELATED FINDINGS; PROVIDING FOR CODIFICATION, SEVERABILITY, AND FOR AN EFFECTIVE DATE.

WHEREAS, Florida Statutes § 166.222(1) authorizes the governing body of a municipality to “provide a schedule of reasonable inspection fees in order to defer the costs of inspection and enforcement of the provisions of its building code”; and

WHEREAS, Florida Statutes § 553.80(1) provides that the governing body of a municipality may provide a schedule of fees for the enforcement of the provisions of the Florida Building Code, and provides that such fees shall be used solely for carrying out the local government’s responsibilities in enforcing the Florida Building Code; and

WHEREAS, § 63-20 of the Town Code currently requires the payment of permit fees for construction work with a cost exceeding \$25,000; and

WHEREAS, § 63-20 provides that the Commission will establish specific fees from time-to-time; and

WHEREAS, the Commission has previously established a penalty of five times the permit fee for owners who perform work without permit and must obtain an after-the-fact permit; and

WHEREAS, the Commission finds that while, in the normal course, willfully performing construction work without a permit (where such work requires a permit) should be significantly penalized, the Commission also finds that in the aftermath of Town-wide structural damage due to a hurricane or similar large scale disaster, certain categories of unpermitted construction work should not be penalized at the same five-times rate; and

WHEREAS, the Town Commission finds that is in the best interest of the Town, its residents, and property owners, to approve the provisions set forth in this Ordinance.

NOW, THEREFORE BE IT ORDAINED by the Board of Commissioners of the Town of Redington Shores, Florida, that:

Section 1. Section 63-2 of the Redington Shores Town Code is hereby amended as follows:

Sec. 63-2. - Applications ~~and fees~~.

~~A. Application fees shall be as established by the board of commissioners.~~

~~B.~~ For construction or alterations, three copies of proposed plans and specifications shall be submitted containing all required information as specified in the Florida Building Code.

Section 2. Section 63-20 of the Redington Shores Town Code is hereby amended as follows:

Sec. 63-20. - Fees.

- A. *Application fees.* A construction permit application fee, ~~in an amount set by the Redington Shores Town Commission,~~ shall be charged for all permit applications for all work with a total cost of \$25,000.00 or more ~~for plan review.~~ This application fee is nonrefundable, ~~and~~ is due and payable at the time the application is submitted for processing, and such fees shall be used solely for carrying out the town's responsibilities in enforcing the Florida Building Code.
- B. *Additional fees.* In addition to the application fee, the following fees will also be due and payable before a building permit is issued as appropriate to the work covered:
- (1) Building permit fee.
 - (2) Plan examination fee.
 - (3) Radon gas and inspector's certification fund.
 - (4) Transportation impact fee.
 - (5) All other fees which may be imposed by the Redington Shores Town Commission, by resolution or ordinance, Pinellas County, or any other county, state or federal agency having the authority to establish such fees.
- C. *Ancillary or subordinate permits.* Permit fees for all ancillary or subordinate permits required for a project shall be due and payable prior to the issuance of such permits.
- D. *Establishment and publication of fees.* The schedule for all fees established pursuant to this section shall be adopted by the commission by resolution from time to time pertaining to construction and building may be enacted and amended from time to time by resolution of the Town Commission of the Town of Redington Shores (as shown on Permit Fee Calculation Schedule, Ordinance #01-11 and Resolution 14-04). Pursuant to Florida Statutes § 166.222(2), the building official shall ensure the town's fee schedule and inspection utilization report required by Florida Statutes § 553.80(7) are posted on the town's website.
- ~~D.E.~~ E. *Fees related to unpermitted work.*

(1) Notwithstanding the provision of any fee schedule of the town to the contrary, the fee for an after-the-fact permit for work which required a permit, but for which a permit was not obtained, shall be five times the standard fee.

(2) Notwithstanding subsection (1), effective January 1st 2025, the after-the-fact permit fee for persons who:

(a) did not perform the work through a contractor or subcontractor,

(b) had initiated the permit application process with the town within ninety days after the date of a local disaster declaration by the President of the United States or the Governor of the State of Florida,

(c) were unable to obtain a permit (including floodplain review as required by code § 63-39) within thirty (30) days after having first initiated the application process with the town,

(d) performed only such work as was necessary to make their home safe, sanitary and secure as allowed under applicable FEMA regulations,

(e) continued to actively work with the building official to pursue completion of the permit application process, and

(f) owned and occupied their own home immediately prior to the disaster declaration,

shall be 2.5 times the standard fee.

(3) Work performed without permit which has been performed by a contractor or subcontractor is not eligible for the reduced after-the-fact permit fee provided for in subsection (2). In the event the building official or code enforcement deputy discover such work by a contractor or subcontractor, those officials shall pursue all available legal remedies against the contractor or subcontractor, including referring the matter to the appropriate state and county contractor licensing authorities.

E.F. All construction trailers, materials, temporary fences, temporary signs, temporary electric, and dumpsters shall be removed before a certificate of occupancy is issued for any work pursuant to any building permit.

Section 3. Pursuant to Florida Statutes § 166.041(4)(a), prior to the date the public notice of the public hearing for this Ordinance was published, the Town prepared and posted on its website a business impact estimate which included: a) a summary of the Ordinance, a statement

of the public purpose to be served by the Ordinance, b) an estimate of the direct economic impact of the Ordinance on private, for-profit businesses in the Town, c) an estimate of direct compliance costs that businesses may reasonably incur due to the Ordinance, d) identification of any new charge or fee on businesses created by the Ordinance or for which businesses will be financially responsible, e) an estimate of the Town's regulatory costs and of revenues from any new charges or fees imposed on businesses to cover such costs, and f) a good faith estimate of the number of businesses likely to be impacted by the Ordinance.

Section 4. For purposes of codification of any existing section of the Redington Shores Code herein amended, words underlined represent additions to original text, words ~~stricken~~ are deletions from the original text, and words neither underlined nor stricken remain unchanged.

Section 5. If any section, subsection, sentence, clause, provision or word of this Ordinance is held unconstitutional or otherwise legally invalid, same shall be severable and the remainder of this Ordinance shall not be affected by such invalidity, such that any remainder of the Ordinance shall withstand any severed provision, as the Board of Commissioners would have adopted the Ordinance and its regulatory scheme even absent the invalid part.


Section 6. The Codifier shall codify the substantive amendments to the Redington Shores Code contained in Sections 1 and 2 of this Ordinance as provided for therein, and shall not codify the exordial clauses nor any other sections not designated for codification.

Section 7. Pursuant to Florida Statutes § 166.041(4), this Ordinance shall take effect immediately upon adoption.

ADOPTED ON FIRST READING on the 14th day of May, 2025, by the Board of Commissioners of the Town of Redington Shores, Florida.

ADOPTED ON SECOND AND FINAL READING on the 11th day of June, 2025, by
the Board of Commissioners of the Town of Redington Shores, Florida.

Attest:


Margaret Carey, Town Clerk


Mayor Commissioner

