



## Legislation Text

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**File #:** 19-3216, **Version:** 1

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### **ITEM: APPROVAL OF BUILDING DEPARTMENT PURCHASE, RESOLUTION NO. R2019-60 BUDGET AMENDMENT AND SURPLUS INVENTORY**

**REQUEST:** Approval of Resolution No. R2019-60 Budget Amendment to transfer \$2,039,000 in building fund reserves for building department expenditures and approval of surplus inventory.

**EXPLANATION:** The Florida Building Codes Act provides a mechanism for the uniform adoption, updating, interpretation, and enforcement of a single, unified state building code. Local governments enforce the Florida Building Code, issue building permits, review building plans, and perform building inspections. The Florida Legislature passed CS/CS/HB 447 creating provisions related to building permits and fees as well as the enforcement and updating of the Florida Building Code during the 2019 session.

The legislation establishes a number of processes and related procedures for property owners and local governments to close open and expired building permits. Specifically, the bill:

- Allows local governments to provide written notice to a property owner and contractor no less than 30 days before a building permit is set to expire;
- Creates a procedure for property owners to close open or expired building permits by retaining the original contractor or a different contractor to perform the work necessary and obtain the inspections required to close the permit;
- Clarifies that a subsequent contractor is only liable for the work she or he performs when working to close a permit;
- Allows the owner of a residential property to close a permit by assuming the role of an owner-builder upon approval from the local government;
- Provides a local government may close a building permit after 6 years, if the agency determines that no apparent safety hazards exist;
- Prohibits a local government from penalizing or denying issuance of a building permit to a subsequent arms-length purchaser solely because a previous owner applied for a permit which was not closed;
- Prohibits a local government from denying issuance of a building permit to a contractor solely because the contractor is listed on other building permits that are not closed; and
- Limits a local government to only charge one search fee for identifying building permits for a particular tax parcel.

The bill also:

- Prohibits a local government from carrying forward an amount greater than its average cost for enforcing the

Florida Building Code for the previous four fiscal years;

- Requires a local government to use any excess code enforcement funds to rebate or reduce code enforcement fees; and

- Prohibits a local government from charging surcharges or similar fees not directly related to enforcing the Florida Building Code.

In addition, the bill clarifies the risk horizon of construction industry participants by providing that a notice of claim authorized within Chapter 558, F.S., to resolve construction defects does not toll any statute of repose under Chapter 95, F.S., on limitations of actions and adverse possession.

Finally, the bill allows the Florida Building Commission, during the triennial update process of the Florida Building Code, to approve certain amendments without a finding that the amendments are needed in order to accommodate the specific needs of the state. This provision takes effect July 1, 2020.

The proposed budget amendment addresses the fiscal impact of the legislation. Staff has reviewed the Building Department operations as well as impacts on other departments outside of the Building Department. The proposed budget amendment includes the following:

1. Reassignment of Code Enforcement expenses for enforcement of the Building Administrative Code for two code enforcement staff to the building department
2. Purchase of additional EnerGov licenses and support (remainder of contract period, approx. 5.5 years)
3. Replacement of Building Department Vehicles
4. Replacement of technology for improved mobile solutions and customer interface
5. Expansion and renovation of Building Department work space

The expenditures are proposed below:

Description	Vendor	Amount	Procurement Method
Technology Hardware	CDWG	\$144,464.66	Sorcewell, National IPA, State of Florida/State of Minnesota
Project Dux Software	Avolve	\$228,799.37	Current Provider
EnerGov Licenses & Support & Travel	Tyler	\$626,239.00	Current Provider
Tyler Enterprise Content Manager	Tyler	\$140,000.00	Current Provider
Battery Backup	CDWG	\$84,280.00	Sorcewell
Planimetrics 3D Software	GeoGen	\$23,620.70	Special Services
Plotter & Cutter	Grimco	\$19,556.00	Quotes
Vehicle Replacements	Duval Ford	\$425,950.00	FL Sheriff's Association Contract
Building Dept. Renovation	JC White	\$174,177.41	State of Florida Contract
Sub-Total		\$1,967,087.14	
Contingency, Freight, Misc.		\$168,708.71	
<b>Total</b>		<b>\$2,035,795.85</b>	

The budget amendment (R2019-60) in the amount of \$2,039,000 is attached. The reclassification of Code Enforcement expenses will be reflected in the general ledger as a prior period adjustment of approximately \$1.6 million.

Approval to declare as surplus three vehicles being replaced is also requested:

TPP TAG#	MUNIS #	PURCHASE DATE	DESCRIPTION	PURCHASE COST	ACCUMULATED DEPRECIATION	NET VALUE	COST RECOVER	REASON FOR DISPOSAL
			VEHICLES					
09-0012	10931	2/18/2008	2009 Ford Escape	\$ 16,079.00	\$ 16,079.00	\$ -		Surplus
11-0180	11087	11/10/2010	2011 Ford Escape	\$ 17,381.00	\$ 17,381.00	\$ -		Surplus
12-0063	11231	6/27/2012	2012 Ford Escape	\$ 18,333.00	\$ 18,333.00	\$ -		Surplus
				\$51,793.00	\$51,793.00	\$0.00	\$0.00	

**BUDGET AMENDMENT REQUIRED:** YES

**PUBLIC HEARING:** QUASI-JUDICIAL:

**FIRST READING:** SECOND READING:

**LEGAL SUFFICIENCY:** YES

**FISCAL IMPACT:** Approval of budget amendment Resolution No. R2019-60 will assign \$2,039,000 in building fund reserves for building department expenditures. Three vehicles are requested to be declared as surplus. The remaining vehicles will be reassigned to other Village departments.

**WELLINGTON FUNDAMENTAL:** Responsive Government

**RECOMMENDATION:** Approval of Resolution No. R2019-60 Budget Amendment to transfer \$2,039,000 in building fund reserves for building department expenditures and approval of surplus inventory.