

REQUESTED COMMISSION ACTION:

Consent
 Ordinance
 Resolution
 Consideration/ Discussion
 Presentation

SHORT TITLE

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH FLORIDA, AMENDING CHAPTER 111, "CONTRACTORS, MASTERS, JOURNEYMAN," OF THE POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 111.03, "CONTRACTORS' REQUIREMENTS AND RECORDS MAINTENANCE," TO MODIFY REQUIREMENTS AND RECORDS MAINTENANCE FEES FOR ISSUANCE OF BUILDING PERMITS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Summary of Purpose and Why:

Pursuant to House Bill 535 (2016), the Florida Legislature recently amended Section 553.80, Florida Statutes to modify contractor requirements and records maintenance fees for issuance of building permits and it is necessary to revise Section 111.03 of the City's Code of Ordinances to comport with the foregoing statutory revisions. Section 111.03, "Contractors' Requirements and Records Maintenance," of the City of Pompano Beach Code of Ordinances. While the City is prohibited from charging the fee for this service, Contractor Registration will still be provided as a courtesy to contractors. The loss in revenues will be offset by contributions from the building fund.

- (1) Origin of request for this action: Development Services Dept.
- (2) Primary staff contact: Robin Bird / Miguel Nunez Ext. 4632
- (3) Expiration of contract, if applicable: N/A
- (4) Fiscal impact and source of funding: (\$59,130.33) Loss of fee collections

Will be transferred annually from:
 110-1550-515-39-14 to 001-0000-316-60-00
 \$14,784 will be transferred for the remaining Fiscal Year.
See attached budget adjustment

DEPARTMENTAL COORDINATION	DATE	DEPARTMENTAL RECOMMENDATION	DEPARTMENTAL HEAD SIGNATURE
Building Div.	6/4/16	Approval	<i>[Signature]</i> - MN
Dev. Services	6/4/16	Approval	<i>[Signature]</i> - RB
City Attorney	<i>[Signature]</i>		<i>[Signature]</i>
Budget	<i>[Signature]</i>		<i>[Signature]</i>
Finance	6/3/16	Approval	<i>[Signature]</i>
X City Manager	<i>[Signature]</i>		<i>[Signature]</i>

Ordinance Workshop	Resolution	Consideration
1 st Reading <u>6/14/16</u>	1 st Reading _____	Results: _____
Approved		
2 nd Reading <u>6/28/16</u>	_____	_____
_____	_____	_____
_____	_____	_____



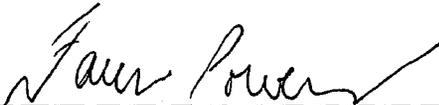
City Attorney's Communication #2016-827
May 18, 2016

TO: Miguel Nunez, Building Official
FROM: Fawn Powers, Assistant City Attorney
RE: Ordinance Amending Chapter 111, "Contractors, Masters, Journeyman"

Pursuant to your request, I have prepared and attached the following form of Ordinance:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 111, "CONTRACTORS, MASTERS, JOURNEYMAN," BY AMENDING SECTION 111.03, "CONTRACTORS' REQUIREMENTS AND RECORDS MAINTENANCE," TO MODIFY REQUIREMENTS AND RECORDS MAINTENANCE FEES FOR ISSUANCE OF BUILDING PERMITS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Please feel free to call me if I may be of further assistance.



FAWN POWERS

/jrm
L:cor/bldg/2016-827f

Attachment

**CITY OF POMPANO BEACH
Broward County, Florida**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 111, "CONTRACTORS, MASTERS, JOURNEYMEN," OF THE POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 111.03, "CONTRACTORS' REQUIREMENTS AND RECORDS MAINTENANCE," TO MODIFY REQUIREMENTS AND RECORDS MAINTENANCE FEES FOR ISSUANCE OF BUILDING PERMITS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to House Bill 535 (2016), the Florida Legislature recently amended Section 553.80, Florida Statutes, to modify contractor requirements and records maintenance fees for issuance of building permits; and

WHEREAS, it is necessary to revise Section 111.03 of the City's Code of Ordinances to comport with the foregoing statutory revisions; and

WHEREAS, pursuant to law, ten (10) days' notice has been given by publication in a paper of general circulation in the City, notifying the public of this proposed ordinance and of a public hearing in the City Commission Chambers of the City of Pompano Beach; and

WHEREAS, a public hearing before the City Commission was held pursuant to the published notice described above, at which hearing the parties in interest and all other citizens so desiring had an opportunity to be and were, in fact, heard; now, therefore,

BE IT ENACTED BY THE CITY OF POMPANO BEACH, FLORIDA:

SECTION 1. That Section 111.03, "Contractors' Requirements and Records Maintenance," of the City of Pompano Beach Code of Ordinances is hereby amended to read as follows:

§ 111.03 CONTRACTORS' REQUIREMENTS AND RECORDS MAINTENANCE.

No building permit shall be issued for the erection, alteration or use of any building or structure or part thereof or for the use of any land or water unless the qualifier of record either:

(A) Presents the following original documents at the time of each permit application:

(1) Certificate of competency with state registration (when required) or state license; and

(2) General liability insurance, ~~Workman's~~ Workers' Compensation insurance or ~~Workman's~~ Workers' Compensation exempt card; ~~and or~~

~~(3) — Appropriate business tax receipt; or~~

(B) In lieu of presentation of the documents required in subsection (A) above at the time of each permit application, ~~has~~ for convenience a contractor can instead elected to complete and file a city contractor's form providing the information required in subsection (A) above, within one year of the filing any building permit application, ~~and has paid an annual contractors' records maintenance fee of \$20.00 to~~ The city shall store all such information in the city's records for a year.

SECTION 2. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 3. This Ordinance shall become effective upon passage.

PASSED FIRST READING this _____ day of _____, 2016.

PASSED SECOND READING this _____ day of _____, 2016.

LAMAR FISHER, MAYOR

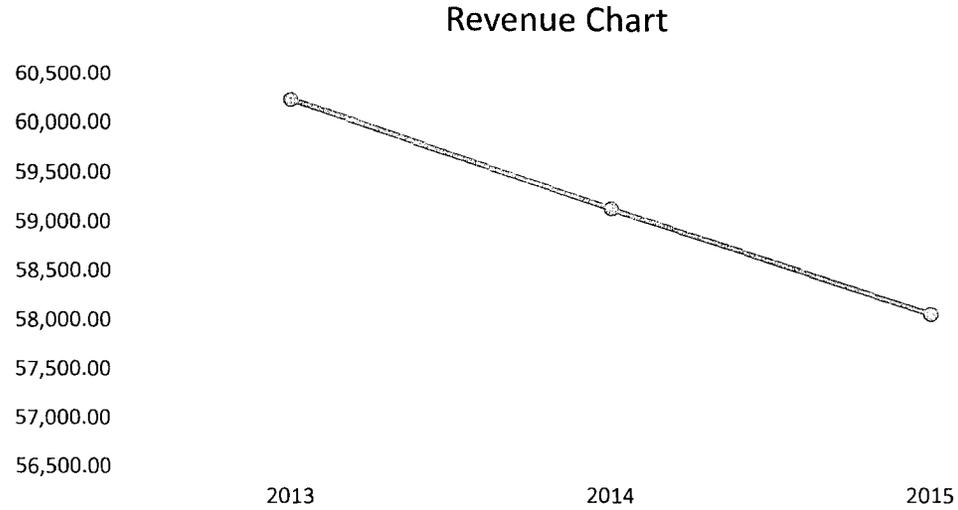
ATTEST:

ASCELETA HAMMOND, CITY CLERK

/jrm
5/18/16
L:ord\ch111/2016-204

Building Contractors' Registration Revenue

FY	Revenue
2013	60,225.00
2014	59,121.00
2015	58,045.00
Average	59,130.33



The revenue associated with this account will be lost; in addition, the service will still be provided, in order to maintain compliance with the Florida Statutes requirements; therefore, the real impact will be as follows:

Average Lost Revenue	59,130.33	
Service Provided	59,130.33	
	118,260.67	Complete Fiscal Impact

- Account miscellaneous
- Budget miscellaneous
- Transactions
- Detail by date
- Detail by code
- Detail by year & p
- Pending by date
- Pending by code
- Pending by year
- Procurement car

Account information

Q BUSINESS TAX RECEIPTS / BUILDING CONTRACTOR REG
 Fiscal year: 2015 Cr
 Estimated revenue: 60,000.00
 Total receipts: 58,045.00
 Q Unrealized revenue: 1,955.00

Project Data

Project Entry Optional

Account Balance by Period

Q 07 April	5,300.00	33,080.00
Q 08 May	4,280.00	37,360.00
Q 09 June	5,980.00	43,340.00
Q 10 July	5,445.00	48,785.00
Q 11 August	4,480.00	53,265.00
Q 12 September	5,120.00	58,385.00
Q 13 October	340.00	58,045.00

Payment information

Vendor (* indicates pending) Total

- Print
- Cancel
- Exit
- Previous acc...
- Next account
- 2014
- 2016
- Account activi...
- Pending trans...
- Images
- Budget alloca...

Segment/Balance Details

Fund 001 GENERAL FUND
 Department 00
 Division 00
 Activity basic 31 TAXES
 Sub activity 6 BUSINESS TAX RECEIPTS
 Element 60 BUILDING CONTRACTOR REG
 Object 00

Estimated revenue - original 60,000.00
 Estimated revenue - revised .00
 Actual receipts - current .00
 Actual receipts - ytd 58,045.00
 Unposted receipts .00
 Total receipts 58,045.00
 Unrealized revenue 1,955.00

- 001-0000-316.60-00
- Account miscellaneous
- Budget miscellaneous
- Transactions
- Detail by date
- Detail by code
- Detail by year & p
- Pending by date
- Pending by code
- Pending by year
- Procurement car

Account information

Q BUSINESS TAX RECEIPTS / BUILDING CONTRACTOR REG
 Fiscal year: 2014 Cr
 Estimated revenue: 52,000.00
 Total receipts: 59,121.00
 Q Unrealized revenue: 7,121.00-

Project Data

Project Entry Optional

Account Balance by Period

Period/Month	Actuals	Cumulative Totals
Q 01 October	6,400.00	6,400.00
Q 02 November	3,980.00	10,380.00
Q 03 December	3,740.00	14,120.00
Q 04 January	5,300.00	19,420.00
Q 05 February	3,920.00	23,340.00

Payment information

Vendor (* indicates pending) Total

- Print
- Cancel
- Exit
- Previous acc...
- Next account
- 2013
- 2015
- Account activi...
- Pending trans...
- Images
- Budget alloca...

Segment/Balance Details

Fund 001 GENERAL FUND
 Department 00
 Division 00
 Activity basic 31 TAXES
 Sub activity 6 BUSINESS TAX RECEIPTS
 Element 60 BUILDING CONTRACTOR REG
 Object 00

Estimated revenue - original 52,000.00
 Estimated revenue - revised .00
 Actual receipts - current .00
 Actual receipts - ytd 59,121.00
 Unposted receipts .00
 Total receipts 59,121.00
 Unrealized revenue 7,121.00-

- Account miscellaneous
- Budget miscellaneous
- Transactions
- Detail by date
- Detail by code
- Detail by year & p
- Pending by date
- Pending by code
- Pending by year
- Procurement car

Account information

Q BUSINESS TAX RECEIPTS / BUILDING CONTRACTOR REG
 Fiscal year: 2013 Cr
 Estimated revenue: 52,000.00
 Total receipts: 60,225.00
 Q Unrealized revenue: 8,225.00-

Project Data

Project Entry Optional

Account Balance by Period

Period/Month	Actuals	Cumulative Totals
Q 01 October	6,205.00	6,205.00
Q 02 November	4,300.00	10,505.00
Q 03 December	3,180.00	13,685.00
Q 04 January	5,160.00	18,845.00
Q 05 February	5,240.00	24,085.00

Payment information

Vendor (* indicates pending) Total

- Print
- Cancel
- Exit
- Previous acc...
- Next account
- 2012
- 2014
- Account activi...
- Pending trans...
- Images
- Budget alloca...

Segment/Balance Details

Fund 001 GENERAL FUND
 Department 00
 Division 00
 Activity basic 31 TAXES
 Sub activity 5 BUSINESS TAX RECEIPTS
 Element 60 BUILDING CONTRACTOR REG
 Object 00

Estimated revenue - original 52,000.00
 Estimated revenue - revised .00
 Actual receipts - current .00
 Actual receipts - ytd 60,225.00
 Unposted receipts .00
 Total receipts 60,225.00
 Unrealized revenue 8,225.00-

594-04387A-16

2016704c2

1192 553.80 Enforcement.—

1193 (7) The governing bodies of local governments may provide a
 1194 schedule of reasonable fees, as authorized by s. 125.56(2) or s.
 1195 166.222 and this section, for enforcing this part. These fees,
 1196 and any fines or investment earnings related to the fees, shall
 1197 be used solely for carrying out the local government's
 1198 responsibilities in enforcing the Florida Building Code. When
 1199 providing a schedule of reasonable fees, the total estimated
 1200 annual revenue derived from fees, and the fines and investment
 1201 earnings related to the fees, may not exceed the total estimated
 1202 annual costs of allowable activities. Any unexpended balances
 1203 shall be carried forward to future years for allowable
 1204 activities or shall be refunded at the discretion of the local
 1205 government. The basis for a fee structure for allowable
 1206 activities shall relate to the level of service provided by the
 1207 local government and shall include consideration for refunding
 1208 fees due to reduced services based on services provided as
 1209 prescribed by s. 553.791, but not provided by the local
 1210 government. Fees charged shall be consistently applied.

1211 (d) The local enforcement agency may not require the
 1212 payment of any additional fees, charges, or expenses associated
 1213 with:

- 1214 1. Providing proof of licensure pursuant to chapter 489;
- 1215 2. Recording or filing a license issued pursuant to this
 1216 chapter; or
- 1217 3. Providing, recording, or filing evidence of workers'
 1218 compensation insurance coverage as required by chapter 440.

1219 Section 21, Paragraph (a) of subsection (8) of section
 1220 553.842, Florida Statutes, is amended to read:



City Attorney's Communication #2016-602

March 11, 2016

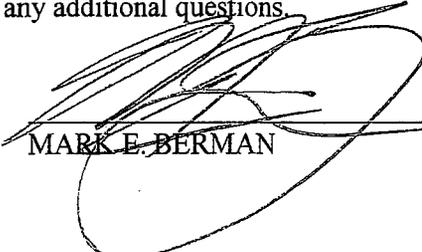
TO: Sherry McDaniel, Chief Business Tax Inspector
FROM: Mark E. Berman, City Attorney
RE: Contractor Registration and Fees

In a memorandum from Development Services dated March 8, 2016 you indicate that a member of my staff has advised you that the provision for Contractor Registration pursuant to Section 111.03 (B) of the City's Code of Ordinances is improper because it runs afoul of the provisions contained in Section 205.065, Florida Statutes, which provides that "no other local government authority may levy a business tax or any registration or regulatory fee equivalent to the business tax on the person for performing work or services on a temporary or transitory basis in another municipality or county."

My review of Section 205.065, Florida Statutes and of Section 111.03 (B) of the City's Code, reveals that said provisions are not in conflict. The City is not levying a registration or regulatory fee equivalent to the business tax. Provisions in Chapter 111 have nothing to do with business tax. The Building Code, and Chapter 111 of the City's Code require contractors to present their certification documents each time they apply for a building permit. In lieu of presentation of the required documents each time a contractor submits a building permit, the City has created a voluntary process for registration for the convenience of contractors, and charges a reasonable service charge to process the records and retain the information in our system. The minor charge of \$20.00 does in fact appear to be reasonably related to the minor cost of inputting and storing the information. Therefore, I do not believe that the current procedure in any way violates Section 205.065, Florida Statutes.

Be aware, however, that pending Senate Bill 704, which is in the legislature this session, if passed as proposed, does contain a provision preventing municipalities from charging any additional fees for recording or registering contractor information. Should this provision pass, it would then be up to the Building Official and Development Services Director to determine whether or not the City would wish to continue to register contractor information if we are not required to do so by law. The alternative would be to require the presentation of required information for each permit. Therefore, it will be necessary to monitor the progress of said bill until the end of the legislative session.

Please feel free to contact me should you have any additional questions.



MARK E. BERMAN

MEB/ds
l:cor/dev-srv/2016-602

cc: Robin Bird, Development Services Director ✓
Jennifer Gomez, Assistant Development Services Director
Miguel Nunez, Building Official
Fawn Powers, Assistant City Attorney

Agenda item #17

- Pursuant to House Bill 535 (2016), the Florida Legislature recently amended Section 553.80, Florida Statutes to modify contractor's requirements and fee elimination attendant to the contractor's registration process.
- Therefore, it is necessary to revise Section 111.03 of the City's Code of Ordinances to comport with the foregoing statutory revisions.