RESOLUTION NO. 93-M-15

A RESOLUTION AMENDING THE ORANGE COUNTY SCHEDULE OF FEES AS TO CERTAIN FEES CHARGED BY THE BUILDING DEPARTMENT; AMENDING THE METHODOLOGY OF ASSESSING BUILDING PERMIT FEES FOR CONSTRUCTION DIRECTLY REGULATED BY THE FLORIDA ELECTRIC POWER PLANT SITING ACT, CHAPTER 403, PART II, FLORIDA STATUTES, SO AS TO PROVIDE FOR AN APPROPRIATE FEE FOR SUCH CONSTRUCTION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 403.510, Florida Statutes, generally provides that the Florida Power Plant Siting Act preempts the regulation and certification of electrical power plant sites and electrical power plants as defined in the act;

WHEREAS, Section 403.511, Florida Statutes, specifically provides that the Florida Power Plant Siting Act shall not in any way affect the right of a local government to charge appropriate fees or require construction be in compliance with applicable building construction codes;

WHEREAS, pursuant to the Standard Building Code (1988 Edition), Section A103.7.5, Building Permit Valuations, permit valuations are to be based on total cost;

WHEREAS, due to the nature of electrical power plants regulated by Chapter 403, Part II, Florida Statutes, a disproportionate share of the total cost stems from mechanical equipment directly related to electrical power generation contained within and around the building;

WHEREAS, in recognition of its duty to charge an appropriate fee for a building permit under the Florida Power Plant Siting Act, Orange County seeks to modify the building permit fee schedule to appropriately and reasonably include only a portion of the total cost of mechanical equipment directly related to electric power generation regulated by the Florida Power Plant Siting Act in calculating the building permit fee as more particularly set forth below.
NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY
COMMISSIONERS OF ORANGE COUNTY, FLORIDA:

Section 1. The Board of County Commissioners hereby
amends that portion of the Orange County Schedule of Fees
relating to the Building Department as set forth in Sections
2 and 3 below with the new language being underlined and the
deleted language being struck through.

Section 2. The Building Department Schedule of Fees,
Section IA, is hereby amended, in part, as follows:

I. BUILDING AND CONSTRUCTION SUPPORT FEES:

(A) Total Valuation:

... ...

Other than One and Two Family Dwellings**:

New construction--Up to and incl. $1,000.00 . . . . . $30.00
For each additional $1,000.00 or fraction thereof . . 4.50

Other than new construction--Up to and incl. $1,000. 30.00
For each additional $1,000.00 or fraction thereof . . 4.50

Roof Permit--Up to and including $1,000. . . . . . 30.00
For each additional $1,000 or fraction thereof ... 4.50
Exception: On new construction, where a licensed
general contractor has an active building permit,
separate roofing permits are not required.

* Refer to the Engineering, Environmental Protection, Fire,
Health, Planning, Public Utilities Engineering and
Construction, and Zoning sections of this directory for
associated plans review and inspection fees, and to the
Fire, Highway Construction and Sheriff sections for impact
fees.

** Pursuant to the Florida Power Plant Siting Act, Chapter
403, Part II, Florida Statutes, a local government may
only charge an "appropriate fee" and mechanical equipment
directly related to electrical power generation is a disproportionate part of the total valuation. Therefore, the Board of County Commissioners deems it appropriate, in those situations of construction permitted under Chapter 403, Part II, to value mechanical equipment directly related to electrical power generation at a rate of twenty-five percent (25%) of the actual cost of such mechanical equipment in the calculation of "total valuation" hereunder.

Section 3. The Building Department Schedule of Fees, Section IIIC, is hereby amended as follows:

(C) Refrigeration, Ductwork, Hoods, Ventilation, Boilers and Any Other Installation(s) which Require a Mechanical Permit*:

Valuation based on cost of all units, equipment supplied by owner or contractor, materials & labor up to and including the first $1,000........ $ 30.00
For each additional $1,000 or fraction thereof to $25,000................... 9.50
For each additional $1,000 or fraction thereof above $25,000............. 5.00

* Pursuant to the Florida Power Plant Siting Act, Chapter 403, Part II, Florida Statutes, a local government may only charge an "appropriate fee" and mechanical equipment directly related to electrical power generation is a disproportionate part of the total valuation. Therefore, the Board of County Commissioners deems it appropriate, in those situations of construction permitted under Chapter 403, Part II, to value mechanical equipment directly related to electrical power generation at a rate of twenty-five percent (25%) of the actual cost of such mechanical equipment in the calculation of "total valuation" hereunder.

Section 4. Severability. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this Resolution which can be given effect without the invalid provision or application.
and to this end the provisions of this Resolution are declared severable.

Section 5. Effective Date. This Resolution shall take effect immediately upon its adoption.


ORANGE COUNTY, FLORIDA

BY: [Signature]
for the County Chairman
DATE: 4/3/93

ATTEST: Martha O. Haynie, County Comptroller
As Clerk of the Board of County Commissioners

BY: [Signature]
Deputy Clerk

PHC464 03/19/93