

Sponsored by: Garrett

**CITY OF MARATHON, FLORIDA
RESOLUTION 2023-42**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING A PARTIAL REFUND OF BUILDING PERMIT FEES PURSUANT TO 553.80 F.S.; ESTABLISHING A PROCEDURE FOR ISSUANCE OF THE PARTIAL REFUNDS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the current balance of the building permit fees exceeds that permitted by Florida Statute; and

WHEREAS, Florida grants multiple options to the City Council to reduce the sums in the building permit fee balance; and

WHEREAS, the City Council deems it most appropriate to return the excess funds back to those who need it most and helped establish the excess; and

WHEREAS, City Council is authorized by Section 553.80(7)(a) *Florida Statutes*, to refund, at the discretion of the local government, any unexpended balances of building permit fees; and

WHEREAS, the City's rate consultant, Raftelis, has recommended a partial refund of building permit fees collected from permittees over the past two to two- and one-half years; and

WHEREAS, Raftelis has also recommended that any rebate should be limited to the difference in the fees paid compared to the recently lowered building permit fee amount (Resolution 2023-32); and

WHEREAS, the City Attorney has confirmed by The Florida Commission on Ethics that City Council members who would be entitled to a partial refund are able to waive the refund to avoid any ethical conflicts,

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THAT:

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

Section 2. The Council members shall waive, in writing, any partial refund due to the member or member's relative as defined in Section 112.3143, *Florida Statutes*.

Section 3. The Council hereby establishes the following procedure for the issuance of partial refunds for the excessive building permit fees:

1. The eligible building permit fees are those which were paid from December 14, 2020, through March 14, 2023.
2. Those eligible shall be required to submit a written application in a form approved by the City for a partial refund.
3. Applications must be submitted no later than the end of this fiscal year, September 30, 2023. If an application is not submitted by the due date, the partial refund will be deemed to be waived and the unclaimed funds shall remain in the building permit fee fund.
4. Any partial refunds that are issued shall be made payable to the property owner of record at the time the building permit fee was paid and shall not be payable to any contractor or assignee.
5. The amount of the refund shall be determined based on the 2023 Building Fee Review Final Report prepared by Raftelis and dated March 9, 2023.

Section 4. This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS ____ DAY OF APRIL, 2023.

THE CITY OF MARATHON, FLORIDA

Luis Gonzalez, Mayor

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

Diane Clavier
City Clerk

(City Seal)

**APPROVED AS TO FORM AND LEGALITY FOR THE USE AND RELIANCE OF THE
CITY OF MARATHON, FLORIDA ONLY:**

Steve Williams, City Attorney

WAIVER OF RECEIPT OF REFUND

I, **Robyn Still**, hereby waive any refund that I or any relative as defined in Section 112.3143, *Florida Statutes*, would be entitled to receive by the passage of Resolution 2023-_____.

Robyn Still, Vice Mayor

STATE OF FLORIDA)

COUNTY OF MONROE)

This foregoing instrument was acknowledged before me this _____ day of _____, 2023, by **Robyn Still**.

NOTARY PUBLIC

My Commission Expires:

Personally Known _____ OR

Produced Identification _____

Type of Identification Produced _____

WAIVER OF RECEIPT OF REFUND

I, **Lynn Landry**, hereby waive any refund that I or any relative as defined in Section 112.3143, *Florida Statutes*, would be entitled to receive by the passage of Resolution 2023-_____.

Lynn Landry, Councilmember

STATE OF FLORIDA)

COUNTY OF MONROE)

This foregoing instrument was acknowledged before me this _____ day of _____, 2023, by **Lynn Landry**.

NOTARY PUBLIC

My Commission Expires:

Personally Known _____ OR

Produced Identification _____

Type of Identification Produced _____

WAIVER OF RECEIPT OF REFUND

I, **Kenny Matlock**, hereby waive any refund that I or any relative as defined in Section 112.3143, *Florida Statutes*, would be entitled to receive by the passage of Resolution 2023-_____.

Kenny Matlock, Councilmember

STATE OF FLORIDA)

COUNTY OF MONROE)

This foregoing instrument was acknowledged before me this _____ day of _____, 2023, by **Kenny Matlock**.

NOTARY PUBLIC

My Commission Expires:

Personally Known _____ OR

Produced Identification _____

Type of Identification Produced _____

WAIVER OF RECEIPT OF REFUND

I, **Jeff Smith**, hereby waive any refund that I or any relative as defined in Section 112.3143, *Florida Statutes*, would be entitled to receive by the passage of Resolution 2023-_____.

Jeff Smith, Councilmember

STATE OF FLORIDA)

COUNTY OF MONROE)

This foregoing instrument was acknowledged before me this _____ day of _____, 2023, by **Jeff Smith**.

NOTARY PUBLIC

My Commission Expires:

Personally Known _____ OR

Produced Identification _____

Type of Identification Produced _____