

RESOLUTION 25- 21

WAIVING FEES AND PERMITS FOR STORM RECONSTRUCTION AND REPAIR

WHEREAS, on September 23, 2024, pursuant to applicable state law (including Florida Statutes Section 252.36), the Governor of the State of Florida issued Executive Order 24-208 to declare a state of emergency in certain counties, including Pinellas County (also referred to herein as the “County”), due to a tropical weather system then designated as “Potential Tropical Cyclone Nine” and ultimately designated as “Hurricane Helene” (“**Helene**”); and

WHEREAS, on September 24, 2024, pursuant to Florida Statutes Section 252.38(3)(a)5 and Pinellas County Charter Section 2.04(k), the Pinellas County Board of County Commissioners passed Resolution 24-68 declaring a state of emergency within the boundaries of the County due to Helene (as may be extended or expanded from time-to-time, the **Emergency**”); and

WHEREAS, as Helene passed west of Pinellas County, the County experienced unprecedented storm surge, measuring 6.31 MHHW at Albert Whitted Airport in St. Petersburg. That storm surge caused significant and widespread damage throughout the County, particularly in low-lying neighborhoods. Initial damage assessment by County staff identified 5948 properties within the unincorporated county and the communities of Belleair Beach, Belleair Bluffs, Belleair Shore, Indian Rocks Beach, Oldsmar, Kenneth City and Safety Harbor (which are served by the Pinellas County Building & Development Review Services) that were affected by Helene, of which 208 were destroyed, 3552 suffered major damage, 1078 suffered minor damage, and 1110 were otherwise affected; and

WHEREAS, on October 5, 2024, the Governor of the State of Florida issued Executive Order 24-214 to declare an additional state of emergency in certain counties, including Pinellas, due to a tropical weather system then designated as “Tropical Storm Milton” and ultimately designated as “Hurricane Milton” (“**Milton**”); and

WHEREAS, on October 9, 2024, at 8:30 PM, Milton made landfall south of Tampa Bay as a Category 3 hurricane. Although the County was not impacted by storm surge, the County experienced sustained winds of 83 MPH, with a gust of 101 MPH recorded at the Albert Whitted Airport tower. In addition to those hurricane-force winds, over 18 inches of rain was recorded in the County, with 5 inches of rain falling in a single hour. The combination of wind and rain from Milton caused extensive damage throughout the County, including loss of power to more than 450,000 households in Pinellas County. Initial damage assessment by County staff identified 2623 properties within the unincorporated county and the communities of Belleair Beach, Belleair Bluffs, Belleair Shore, Indian Rocks Beach, Oldsmar, Kenneth City and Safety Harbor (which are served by the Pinellas County Building & Development Review Services) that were affected by Milton, including damage from high winds, rainfall-driven flooding, or both. Of those properties, 50 were destroyed, 582 suffered major damage, 908 suffered minor damage, and 1083 were otherwise affected; and

WHEREAS, the unprecedented combination of two major hurricanes (each a “**Storm**”) impacting the County in a 13-day period has resulted in widespread damage and destruction of residential and commercial properties in the County; and

WHEREAS, properties damaged by water intrusion due to storm surge, rainfall-based flooding, or wind-driven rain (resulting from failure of the building envelope due to fallen trees, windborne debris, or other issues) during the extreme rainfall described above are in immediate need of selective demolition and water remediation work to remove water-soaked materials and help mitigate mold growth and additional property damage, followed by repair or reconstruction to make them habitable again; and

WHEREAS, if demolition, repair, or reconstruction work is performed without the permits and inspections required under the Florida Building Code, it will (i) increase the likelihood that the work will fail to comply with the Florida Building Code, thereby reducing the safety and value of the affected property, and (ii) jeopardize the 45% discount on flood insurance currently applied to *all* residents in the County through FEMA's Community Rating System. Therefore, the risk of such unpermitted, uninspected work poses an immediate danger to the public health, safety, and welfare that requires emergency action; and

WHEREAS, various provisions of state and local law (including Florida Statutes Sections 553.79 and 553.80) ordinarily require the County to establish application and inspection fees for building permits and to apply those fees consistently. But with more than 5,120 properties in the unincorporated County affected by the Storms and potentially in immediate need of the demolition, repair, and reconstruction work described above, it is necessary to protect the public interest to waive permit fees for that work to allow owners of Storm-damaged properties to obtain required permits and inspections as expeditiously as possible and in spite of any financial losses caused by either storm; and

WHEREAS, because uninhabitable structures pose an immediate danger to the public health, safety, and welfare, the waiver should apply to work that restores the affected structures to habitability as quickly as possible. Accordingly, the waiver for reconstruction work should be limited to reconstruction of an existing structure, which has the potential for quicker occupancy and lower job cost than new construction; and

WHEREAS, considering the extensive number of damaged properties, the time needed for owners to obtain insurance payments and hire licensed contractors is likely to be significantly longer than normal. Accordingly, the waiver should apply to permit applications submitted within the six-month period following Helene’s landfall, with performance of the permitted work and inspections allowed to continue beyond that period.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pinellas County, Florida, at a duly assembled meeting held on this 25th day of February, 2025, that;

The Board of County Commissioners hereby waives any application or inspection fee for a building permit application submitted from September 27, 2024, to June 1, 2025, for work on

property in the unincorporated County and the communities of Belleair Beach, Belleair Bluffs (independent of application administrative fees for ‘internal costs related to pre-permit applications), Belleair Shore, Indian Rocks Beach, Oldsmar, Kenneth City and Safety Harbor that was damaged, directly or indirectly, by either Storm, subject to the following conditions:

1. This waiver is applicable to permits for work to demolish and repair such damage.
2. This waiver is applicable to permits for work to demolish a “substantially damaged” structure as that term is defined in Section 158-182 of the Pinellas County Code.
3. This waiver is applicable to permits for work to reconstruct, alter, or modify a structure that sustained such damage to elevate that structure or otherwise bring it into compliance with the County’s floodplain regulations and the Florida Building Code.
4. This waiver is not applicable to permits for accessory outdoor amenities including, but not limited to a swimming pool, driveway, patios, screen cages and sheds.
5. This waiver is not applicable to permits for new construction.

Commissioner Eggers offered the foregoing Resolution and moved its adoption, which was seconded by Commissioner Nowicki, and upon roll call the vote was:

AYES: Scott, Eggers, Flowers, Latvala, Nowicki, Peters, and Scherer.

NAYS: None.

ABSENT AND NOT VOTING: None.

APPROVED AS TO FORM
By: Derrill McAteer
Office of the County Attorney

PCAO 505215