

# **CITY OF POMPANO BEACH**

## **ANALYSIS OF BUILDING PERMIT FEE SCHEDULE**

**February 2020**

**PMG Associates, Inc.**

# City of Pompano Beach, Permit Fee Study

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## EXECUTIVE SUMMARY

### **Purpose:**

The Building Inspection Division of the Development Services Department of the City of Pompano Beach issues permits for construction, remodeling and other activities. Under FS 166.222, the revenue from these permits cannot exceed the cost of providing the service. House Bills 447 and 127 approved this passed session of the Florida Legislature. The bills establish specific reporting and permit fee requirements for municipalities. The bills prohibit local governments from carrying forward a budget balance greater than the average cost for enforcing the Building Code for the preceding four fiscal years. Any excess funds must have a specific purpose to better the Division or be returned to the customers. However, it is also essential for the revenue generated to cover all costs of maintaining the Division.

For the purpose of this study, Building Permit Fees are identified as any fee charged to obtain a permit for a construction, renovation, replacement, change of occupancy or physical improvement to a residential or commercial property within the corporate limits of the City of Pompano Beach. To clarify, revenues collected for permits issued under the title of building (structural), mechanical, electrical or plumbing are levied to offset the costs of providing this service. All revenues accrue to the General Fund and are identified in the Annual Budget. The Division also collects other revenues for permits issued related to landscape, engineering, zoning and fire as part of the permitting process. These revenues are also deposited into the General Fund.

Based on current State Law, the City must address the surplus that has been accumulated over the years. In recent budgets, the Division has projected use of the surplus to balance the Revenues. This process will result in the reduction of the surplus. However, additional actions must be provided to reduce this existing surplus. These actions could include use of the funds to acquire capital items, or a reduction in Revenue.

Information from the Finance Department of the City of Pompano Beach reveals that the current surplus is \$6.2 million. This analysis will consider the reduction of Revenue to reduce this surplus over a period of four years.

### **Purpose/Mission/Goals of the Division**

The purpose of the Building Inspection Division is to enforce certain minimum standards pursuant to the Florida Building Code. These minimum standards include public safety, health and general welfare through structural strength, stability, sanitation, adequate light and ventilation, and safety to life and property from fire, hurricane, and other hazards attributed to the built environment. These include alteration, repair, removal, demolition, use, and occupancy of buildings, structures or premises. The Building Inspection Division also regulates the installation and maintenance of all electrical, gas, mechanical and plumbing systems, which may be referred to as service systems. The provisions of the Florida Building Code shall be deemed to supplement any and all State laws of the State of Florida relating to building.

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## Mission

The mission of the Building Inspection Division is to protect lives and property by performing building, electrical, plumbing and mechanical inspections, and provide unparalleled customer service by responding to our customers' needs in a prompt and positive manner.

## Goals

The Division's goal is to provide customer friendly plan review, issuance of building permits, performance of field inspections, and issuance of certificates of occupancy to ensure conformance with the minimum standards, pursuant to the Florida Building Code.

## Responsibilities

The Division is responsible for the efficient and effective supervision of construction activities within the Pompano Beach City limits to assume compliance with the adopted version of the Florida Building Code.

The Division reviews all building permits for Building Code compliance; provides ongoing customer service to residents, businesses and the building community; provides permit expediting services; manages alarm registration, renewal and billing; and conducts records research.

The Division currently calculates permit fees based on a percentage of construction value that differs per trade as well as fixed fees for specific items. The schedule is part of the User Fee Ordinance.

## **Study Methodology:**

This study focuses on establishing the cost to perform the service and the revenue generated from the permit fees. This method will consider the ability of the fees charged to cover the expenditures of the Division.

The methodology includes:

- Financial Statement Analysis
- Determination of the cost to provide the service
- Comparison of fee rates with other municipalities
- Revision of the fee schedule
- Methods to reduce the surplus

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### **Comparison of Building Fee Schedules:**

A review of eight municipalities within the State of Florida that charge a Building Permit Fee based on a percentage of construction value were surveyed. The result of that comparison is found in Table ES-1.

The review determined that the rates vary across the range of municipalities and do not reflect any pattern based on size or location. It is essential to levy a Base/Minimum Fee to cover the basic costs of providing the service. Even with a low construction cost, the effort for application, filing paperwork and inspection remains the same.

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**TABLE ES-1**

**COMPARISON OF BUILDING PERMIT RATES IN OTHER MUNICIPALITIES USING % OF CONSTRUCTION METHOD**

Category	Pompano Beach	Miramar	Miami	Hialeah	Fort Lauderdale	Pembroke Pines	Plantation	Hollywood
Minimum Fee	\$50	\$75	\$110	\$130	\$105	\$100 Res \$500 Com	\$95	\$50
Percent of Value	2.6%	1.75%	2.50%	2.00%	\$0.70% to 2.01%	\$1.58% to 3.71%	1.75% to 5.00%	0.77% to 5.00%
Inspection Fee	Included	Included	Included	Included	Included	\$94.84	Included	Included
Re-inspection Fee	First re-inspection, no charge. A fee of \$50 can be imposed if corrections are not made. Subsequent re-inspections \$200	\$75.00 first one \$175.00 each one after	\$57.00	\$60.00	\$80	\$94.84	\$100	\$75.00
Additional Fees	None	Plan Review 0.75% Training \$0.02 per \$100 of value	None	11% of Fee Technology 3% of Fee Radon	None	None	Processing Fee \$20 plus \$10 per discipline	2% Technology 1% Education
Increases	None	None	None	None	None	CPI	None	None
Expedited Permitting	Weekdays-\$90/hour Weekends/holidays-\$330/first 3 hours \$110/each hour after	\$100.00	Actual Cost plus 10%	\$345 plus \$71.50/hour	Being restructured	\$94.84 per hour \$142.25/hour Overtime	\$200	\$75/hour, 3 hour minimum

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## **Proposed Fee Schedule:**

The existing Fee Schedule addresses the cost of managing the Division. However, certain charges appear to require revision. The principal issue is that some of the charges do not cover the costs of providing service. Most significant are: the Minimum Fee, Re-inspection .Fees, Expedited Plan Review and A/C Change out.

The fees identified above should be modified to insure that the charges cover the cost of providing the service. Although the Division has been generating a surplus (identified as \$6.2 million), it is incumbent on the City to insure that these services generate sufficient revenue to cover the costs. To account for the reduction in the surplus, the City should lower the Percentage Rate to reduce the Revenue generated. It is important to note that once the surplus is exhausted (approximately 4 years) the rates must be raised to at least the current level to insure that annual Expenditures are covered.

The rationale for the two-pronged approach is as follows:

- The current Minimum Fees are not sufficient to cover the cost of providing the service
- Lowering the Percentage Rate will bring the City more in-line with comparable municipalities
- The Percentage Rate can be easily increased in the future, when the surplus is exhausted
- If the current Minimum Fees are kept the same, it will cause some confusion in the future when they must be increased

## **New Fee Changes:**

Minimum Fees for all disciplines:	\$65.00
Re-Inspection:	\$60.00 (First re-inspection is no charge. If changes are not made a fee can be imposed. Subsequent re-inspections \$250)
Expedited Plan Review:	\$100.00/hour
A/C Change out (Minimum):	\$65.00
Minimum Plan Review Fee	\$10.00
Percentage Rate	Varied Rate based on Table 9
Technology/Education Fee	0.5% of Permit Fee

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### **Surcharges:**

Currently there are three surcharge programs that impact building permit fees. These surcharges are levied under Florida State Statutes and Broward County Ordinance. The three programs are:

- Florida Building Code Administration and Inspection Fund (FS 468.631) 1.5 % of permit fee, \$2 minimum
- Florida Department of Business and Professional Regulation for enforcement of Florida Building Code (FS 553.721) 1.0% of permit fee, \$2 minimum
- Broward County Surcharge (amended October 1, 2018) \$.65 per \$1,000 of construction cost.

These surcharges are added to the permit fee for the City of Pompano Beach and are a pass-through to the appropriate agencies.

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### HISTORIC AND PROJECTED PERMIT DATA AND ACTIVITY

Records for the Building Inspection Division were reviewed and included those permits issued from FY 16/17 through FY 18/19.

**TABLE 1**  
**BUILDING PERMITS ISSUED BY YEAR**

Fiscal Year	Total Permits	Construction Value
FY16/17	16,652	\$218,715,778
FY17/18	18,897	\$325,900,798
FY18/19	18,711	\$387,306,995

Source: City of Pompano Beach Building Inspection Division/Development Services Department, Permits Issued October 2016 – September 2019

**TABLE 2**  
**BUILDING PERMITS BY DISCIPLINE 2016/2017**

Discipline	Number	Construction Value	Permit Fee	Plan Review Fee
Plumbing	2,188	\$19,990,863	\$549,028	\$74,841
Mechanical	2,216	\$17,971,269	\$481,211	\$94,379
Electrical	3,054	\$26,290,330	\$754,662	\$109,473
Building	5,624	\$152,295,614	\$3,985,806	\$549,559
Total	13,082	\$216,548,076	\$5,770,707	\$828,252

Source: City of Pompano Beach Building Inspection Division/Development Services Department, Permits Issued October 2016 – September 2019

**TABLE 3**  
**BUILDING PERMITS BY DISCIPLINE 2017/2018**

Discipline	Number	Construction Value	Permit Fee	Plan Review Fee
Plumbing	2,464	\$21696,095	\$594,794	\$85,393
Mechanical	2,363	\$23,526,763	\$625,951	\$111,757
Electrical	3,239	\$29,234,126	\$825,593	\$116,938
Building	6,843	\$251,404,816	\$6,568,207	\$759,050
Total	14,909	\$325,861,800	\$8,614,545	\$1,073,138

Source: City of Pompano Beach Building Inspection Division/Development Services Department, Permits Issued October 2016 – September 2019



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**TABLE 4**  
**BUILDING PERMITS BY DISCIPLINE 2018/2019**

Discipline	Number	Construction Value	Permit Fee	Plan Review Fee
Plumbing	2,543	\$32,239,008	\$868,835	\$104,293
Mechanical	2,176	\$35,090,478	\$919,432	\$128,623
Electrical	3,750	\$64,168,330	\$1,747,339	\$178,286
Building	6,523	\$268,072,584	\$7,000,248	\$787,652
Total	14,992	\$399,570,400	\$10,535,854	\$1,198,854

Source: City of Pompano Beach Building Inspection Division/Development Services Department , Permits Issued October 2016 – September 2019

The activity evidenced a sharp increase in FY 2017/2018 in both the number of permits and the Construction Value. FY 2018/2019 experienced a slight increase, but still significantly over the FY2016/2017 levels. The total permits increased 13.5% from FY 2016/2017 to FY 2017/2018. The increase in FY 2018/2019 was 0.5% from the previous year's totals. The construction value increased by approximately 22% from FY 2017/2018 to FY 2018/2019.

### **FUTURE PROJECTS**

Plans to build a complete new Downtown in the Innovation District (located between I-95 on the west, Dixie Highway to the east, Atlantic Boulevard to the south and Dr. MLK Jr. Boulevard to the north), as a major initiative and partnership between the City and the CRA. Recently, the City and the CRA issued a request for letters of interest for a master developer to acquire and develop properties within the planned 70-acre Innovation District.

El Dorado Resorts has partnered with the Cordish Company to develop 200+ acres of Isle Casino vacant property to ultimately convert the racetrack to a public Krystal Lake. The development will include entertainment, hotels, class-A office spaces, housing and remodeling of the existing casino and creation of what Cordish calls the Live District!

Old Pompano continues on a path of revitalization with new commercial and residential developments. Additional planned streetscape improvements on Dr. Martin Luther King Jr. Boulevard will serve to continue revitalizing this main thoroughfare. The City plans to open the both the new Burrie Civic Center, which will serve the needs of District 2 residents, and the Fisher Family Pier in FY 2020.

The immediate objective for the East CRA is to complete the extensive public infrastructure improvements projects that were designed to reposition East Pompano as a safe and attractive location to invest and open a business. Improvements in the works for the Pier development and Atlantic Boulevard Bridge.

All of these programs will continue to expand the demand for building permits. There should not be a reduction in the number and value of permits.

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## FINANCIAL STATEMENT ANALYSIS

The Budget for the Division has been examined for the years from Fiscal Year 2017 through Fiscal Year 2019 with Actual results. The Fiscal Year 2020 Adopted Budget was also collected.

**TABLE 5**  
**REVENUE GENERATED - BUILDING INSPECTION DIVISION**  
**FY 2014 TO FY 2019**

Year	Revenue	Percent Change	Expenditures	Percent Change
FY 2016 Actual	\$8,232,844	N/A	\$6,543,776	N/A
FY 2017 Actual	\$7,391,374	-10.2%	\$7,513,273	14.9%
FY 2018 Actual	\$10,667,585	44.3%	\$8,396,354	11.8%
FY 2019 Actual	\$12,500,000	12.2%	\$9,400,000	12.0%
FY 2020 Estimated	\$12,500,000	0.0%	\$11,694,925	24.4%

Sources: Annual Budget FY 2020, Line Item Detail FY 2020, City of Pompano Beach

There is a significant increase in Expenditures for the Division for FY2020, the principal rationale for this increase is the addition of 9 new positions to manage the amount of permits. The new positions are identified below.

Additional positions added with FY 2020 budget (these positions are included in the budget projection)

- 1 Assistant Building Official (Proposed at Paygrade 33)
- 1 Building Plans Examiner
- 1 Building Inspector
- 4 Customer Service Representatives
- 1 Permit Services Support Coordinator
- 1 Permit Tech Support

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## **COST OF SERVICE PROVIDED**

Another form of analysis is based on the actual costs incurred for providing the service. The costs identified in this analysis reflect the combination of salary and direct expenses incurred by the City of Pompano Beach. The time required to provide the service is multiplied by the salary rate for each job classification to generate a total salary cost for each function. These direct salary costs are then increased by the fringe benefit rate to arrive at a true total cost for the service.

The direct salary fringe and overhead benefit rate for the City of Pompano Beach was determined through a review of the Annual Budget for the Building Inspections Division and was determined to be 57.76% of direct salaries. The budget line items included in this calculation are:

- FICA Taxes
- Medicare Tax
- Retirement Contributions
- Life and Health Insurance
- Health Savings City Contribution
- Workers Compensation

Indirect and administrative operating costs include Operating Expenditures as well as Administrative salaries. Data provided by the Annual Budget leads to a determination that Administrative and Overhead Costs are 80.57% of direct salary costs.

The cost calculations for the individual services were also reviewed to determine appropriateness. This review involved extensive interviews with staff and examined the hours dedicated to the provision of service to determine if they were appropriate. In other words, was the time expended by the City of Pompano Beach appropriate for the service provided and it is our determination that the hours assigned to these tasks are appropriate and were not excessive.

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**TABLE 6**  
**MINIMUM PERMIT FEES (PLAN REVIEW FEES HAVE A SEPARATE MINIMUM)**

Minimum Fee (all disciplines)			
Category	Rate	Hours	Cost
Front Counter Submittal	\$21.31	0.20	\$4.26
Scanning	\$21.31	0.10	\$2.13
Plans Routed or Review	\$23.49	0.10	\$2.35
Permit Issuance	\$23.49	0.10	\$2.35
Inspection	\$31.71	0.50	\$15.85
Subtotal		0.90	\$26.94
Fringe	57.76%		\$15.56
Indirect & Admin	80.57%		\$21.71
<b>Total</b>			<b>\$64.21</b>

**TABLE 7**  
**MINIMUM PLAN REVIEW FEES**

Minimum Fee (all disciplines)			
Category	Rate	Hours	Cost
Plans Examination	\$38.27	0.10	\$3.83
Subtotal		0.10	\$3.83
Fringe	57.76%		\$2.21
Indirect & Admin	80.57%		\$3.09
<b>Total</b>			<b>\$9.13</b>

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## **Comparison of Other Communities**

The current Building Permit Fee Schedule was compared for eight municipalities in the State of Florida who levy fees based on a percentage of construction value. This comparison is designed to illustrate the range of the fees in various communities. It is also important to note that the fees are established based on the effort required and the costs associated with that Division. The percentage established in any community should represent the costs incurred to provide the service.

The survey addressed several key items and includes:

- Minimum Fee
- Rate Charged
- Plan Review Fee
- Re-inspection Fee
- Additional Fees
- Expedited Permitting

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## **METHODOLOGY AND STRUCTURE**

The calculation of the permit fee based on the Construction Value of the activity should include two parts. The first is the Base Fee, which is an amount required to cover the basic costs of providing a permit, inspection and all of the required documentation. In addition, a fee based on the Construction Value of the project is also charged. This portion of the fee addresses the effort required by the Division to serve the client.

The Minimum Fee is determined through examination of the minimum effort required by the Division. The calculation of this amount is presented in Table 6 which includes the time expended to produce the permit and conduct the inspection. All support costs are also included. The Base/Minimum Fee is established at \$65 for all applications. There currently is no Minimum Fee for Plan Review. Table 7 illustrates the costs for a simple Plan Review. A Minimum Fee of \$10 for Plan Review is appropriate.

The fee based on the percentage of Construction Value was calculated based on several factors:

- The historic data from the permits
- The 2020 and previous Budgets
- Need to cover all costs associated with providing the Building Permit service
- Reduce the surplus
- Philosophy to add a change for a reduction of the percentage Rate for larger projects

### **Education/Training - Technology Fee:**

Most municipalities have established either an Education/Training Fee or Technology Fee. This policy sets aside funds to insure that staff is up-to-date on the latest techniques and trends in the industry. The Technology Fee establishes a fund to acquire new technology (software and hardware) to improve the efficiency of the service provided.

The City of Pompano Beach currently imposes a Technology Fee to cover the costs of scanning plans into the system. The best policy would be to impose a Technology Fee for all permits to cover costs associated with the changing technology needs for the industry.

Many cities combine the Education and Technology Fee into one charge which provides more flexibility in the budgeting process. Pompano Beach should consider establishing a new ordinance that would combine the Education and Technology Fees.

The common rates established by other municipalities vary based on the needs of the Division and the total revenue collected. A Fee for Pompano Beach of 0.5% of the total Permit Fee would generate approximately \$55,000 annually for the needs of the Division.

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**TABLE 8**  
**INCREASED REVENUE BASED ON REVISED FEE SCHEDULE**

CATEGORY	AMOUNT
Increase in Minimum Fee	\$132,100
Increase in A/C Change Out	\$ 36,100
Minimum Plan Review Fee	\$ 16,500
Increase in Re-Inspection Fees	\$ 10,500
Increase in Expedited Fees	\$ 5,300
Technology Fee	\$ 55,000
Total Revenue Increase	\$402,500

### **Reduction of Percentage Rate for Larger Projects**

The philosophy behind the reduction of the larger projects is that the amount of additional effort is not directly proportionate to the value of the project. To account for these larger projects, a recommendation is made to reduce the Percentage Rate for the projects based on the following scale. The recommended Percentage Rate also accounts for the reduction of the surplus that has been accumulated in the system.

**TABLE 9**  
**RECOMMENDED PERCENTAGE RATE**

PROJECT VALUE	RATE
Current Rate	2.6% of Value
Up to \$250,000	2.5% of Value
From \$250,001 to \$500,000	\$6,250 plus 2.4% over \$250,000 of Value
From \$500,001 to \$1,000,000	\$12,250 plus 2.3% over \$500,000 of Value
From \$1,000,000 to \$5,000,000	\$23,750 plus 2.2% over \$1,000,000 of Value
From \$5,000,000 to \$10,000,000	\$111,750 plus 2.1% over \$5,000,000 of Value
Over \$10,000,000	\$216,750 plus 2.0% over \$10,000,000 of Value

### **Adjustment of Percentage Rate**

As the Division has generated a surplus over the years, it is important to develop a plan to reduce this surplus. Based on the principle in the State legislation, the recommended plan is to reduce this surplus over a four year period.

The recommended strategy is to reduce the Percentage Rate and add a decreasing rate, based on value. The recommended new Percentage Rate is shown in Table 9.

The recommended Percentage Rate would reduce revenue by approximately \$892,000 based on the most recent year's activity. There is an increase in revenue of \$402,500, due to the new

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Minimum Rate and other adjustments (shown in Table 8). The two adjustments realize a reduction of \$489,500 annually, which would reduce the surplus to approximately \$4.4 million in four years.

### **Dry Run Fee**

Currently, the Division imposes a Submittal Fee of 50% of the estimated fee at the time of the application. The remainder is collected when the permit is issued. At times, prospective applicants request a “Dry Run” to determine if they wish to pursue a permit.

Our recommendation is to assess a Submittal Fee of 25% of the estimated Permit Fee, which allows for one review in the “Dry Run” stage. If the applicant actually completes the permit, this amount is credited toward the entire fee. If the applicant does not pursue the permit, the Submittal Fee is forfeited.

### **Future Surpluses**

The planned reduction of the surplus will reduce the current amount to approximately \$4.4 million after four years. The maintenance of a surplus is appropriate to cover years where there is a slowdown in the economy and Permit Fees do not match the planned Expenditures. For the future, it is recommended that the surplus be held at a level of a minimum of 25.0% of planned Expenditures. Under the new State legislation, the surplus amount can be equal to the four year average of the Expenditures.



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## RECOMMENDATIONS

The following recommendations are designed to simplify the permit fee schedule, insure that the fees are based on sound research and industry standards, provide resources to meet the operational demands of the Pompano Beach community and meet the operational expenditure needs of the Division.

1. Increase the fees for the following
  - a. Minimum Fee
  - b. Re-inspection Fee
  - c. A/C Change out
  - d. Expedited Fees
2. Establish the following fees
  - a. Minimum Plan Review Fee
  - b. Education/Technology Fee
3. Reduce the Percentage Rate to reduce the surplus and account for larger projects
4. Establish a policy of maintaining a surplus of at least 25.0% of planned Expenditures
5. Require executed contracts for the construction where a dispute regarding Construction Value exists between the Applicant and the Division
6. Continue to use industry standard information, such as RS Means, to settle differences in construction values
7. Review permit fee percentages periodically, at least every three years, to insure that they are up-to-date
8. Maintain appropriate staff levels to keep pace with operational needs.
9. Develop online transparency portal that highlights statistics such as approval time and permit volume
10. Hold regular meetings with contractors, builders, developers, permit expeditors and general public to facilitate customer feedback and proactive continuous improvement.

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### REVISED FEE SCHEDULE

Fee Type	Current	Proposed
Minimum Fee (all general permits)	\$50	\$65
Permits Fees (New Construction, additions and repairs)	2.6% of construction value	Based on Table 9
Submittal Fee (non-refundable)	50% of permit fee	50% of permit fee
Permits Fees (General maintenance)	2.6% of construction value	Based on Table 9
Minimum Plan Review Fee	None	\$10
Temporary Tents and Canopies Up to 120 Sq.ft. From 120 sq.ft. to 500 sq.ft. Over 500 sq.ft.	\$0 \$150 \$250	\$0 \$150 \$250
Foundation-only Permits	\$1.00/ sq.ft.	\$1.00/sq.ft.
Change of Contractor (per discipline)	\$75	\$100
Permit Card Replacement (per discipline)	\$15	\$25
Replacement Plans Sheets up to 8 1/2x14  Sheets over 8 1/2x14 to 11x17  Sheets over 11x17	\$0.15 plus \$0.05 for double sided \$0.30 plus \$0.10 for double sided \$6.00 per sheet	\$0.15 plus \$0.05 for double sided \$0.30 plus \$0.10 for double sided \$6.00 per sheet
Roofing permits minimum	\$75	\$75
Turn on electrical inspection	\$50	\$65
Temporary electrical	\$50	\$65
Residential A/C change-out 4-ton system Over 4-ton	\$60 \$10 per ton or fraction	\$70 \$20 per ton or fraction
Smoke evacuation test (each)	\$350	\$350
Plan examination fees (2 reviews after designers have made corrections)	.6% of construction cost Maximum \$1,000 for each \$1,000,000	.6% of construction cost Maximum \$1,000 for each \$1,000,000 Minimum Fee of \$10
Re-Review of plans	\$50 per hour with one hour minimum	\$100 per hour with one hour minimum

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Fee Type	Current	Proposed
Extensive Review of changes of plans, documents, shop drawings, or product approval after permit issuance	\$50 per hour	\$100 per hour
Re-inspection	First Re-inspection is no charge If changes are not made a fee of \$50 can be assessed. Subsequent re-inspections re \$200	First Re-inspection is no charge If changes are not made a fee of \$60 can be assessed. Subsequent re-inspections re \$250
Expedited plan review	\$90 per hour (weekdays) \$330 for first three hours plus \$110 per hour after three hours (weekends, holidays)	\$100 per hour (weekdays) \$420 for first three hours plus \$140 per hour after three hours (weekends, holidays)
Dry Run Fee	None	25% of the estimated Permit Fee, which allows for one review in the “Dry Run” stage. If the applicant actually completes the permit, this amount is credited toward the entire fee. If the applicant does not pursue the permit, the Submittal Fee is forfeited.