

Impact Fee Discussion

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Board Options and Recommendations

The two options available to the County are to either adopt impact fees consistent with Florida State Statute 163.31801 up to a maximum increase of 50 percent of the current impact fee rate OR designate, by study, a need in excess of the statutory 50 percent maximum increase and adopt consistent with State Statute procedures.

Staff requests that the BOCC provide direction on the preparation of updated impact fees following the completion of the County's impact fee study.

FL Statute 163.31801 “Impact Fees”

(6) A local government, school district, or special district may increase an impact fee only as provided in this subsection.

- a. An impact fee may be increased only pursuant to a plan for the imposition, collection, and use of the increased impact fees which complies with this section.
- b. An increase to a current impact fee rate of not more than 25 percent of the current rate must be implemented in two equal annual increments beginning with the date on which the increased fee is adopted.
- c. An increase to a current impact fee rate which exceeds 25 percent but is not more than 50 percent of the current rate must be implemented in four equal installments beginning with the date the increased fee is adopted.**
- d. An impact fee increase may not exceed 50 percent of the current impact fee rate.
- e. An impact fee may not be increased more than once every 4 years.
- f. An impact fee may not be increased retroactively for a previous or current fiscal or calendar year.

FL Statute 163.31801 “Impact Fees”

A local government, school district, or special district may increase an impact fee rate beyond the phase-in limitations established under paragraph (b), paragraph (c), paragraph (d), or paragraph (e) by establishing the need for such increase in full compliance with the requirements of subsection (4), provided the following criteria are met:

1. A demonstrated-need study justifying any increase in excess of those authorized in paragraph (b), paragraph (c), paragraph (d), or paragraph (e) has been completed within the 12 months before the adoption of the impact fee increase and expressly demonstrates the extraordinary circumstances necessitating the need to exceed the phase-in limitations.
2. The local government jurisdiction has held not less than two publicly noticed workshops dedicated to the extraordinary circumstances necessitating the need to exceed the phase-in limitations set forth in paragraph (b), paragraph (c), paragraph (d), or paragraph (e).
3. The impact fee increase ordinance is approved by at least a two-thirds vote of the governing body.

Use of Impact Fees



IMPACT FEES SHALL
BE USED
EXCLUSIVELY FOR
THE PURPOSE OF
CAPITAL
IMPROVEMENTS,
EQUIPMENT AND
FACILITIES.



IMPACT FEES MAY BE
USED TO PAY DEBT
SERVICE TO THE
EXTENT THAT THE
FACILITIES
PROVIDED ARE AN
ELIGIBLE EXPENSE.



CREDITS MAY BE
OBTAINED TO THE
EXTENT THAT THE
FEE PAYER
PROVIDES AN
ELIGIBLE CAPITAL
IMPROVEMENT
(LAND FACILITIES,
EQUIPMENT, OTHER
IMPROVEMENTS)



IMPACT FEES
SHOULD BE
REVIEWED
PERIODICALLY FOR
ACCURACY (EVERY 5
YEARS PER CODE)

Florida Statute 161.31801

- The calculation of the impact fee must be based upon the most recent and localized data.
- Collection of the impact fee may be no earlier than the date of the issuance of a building permit (not prepaid).
- The impact fee must be proportional and reasonably connected to or have a rational nexus with the need for capital facilities generated by new growth, and the benefit accrued to new growth.
- Credits must be applied on a dollar-for-dollar basis for any contributions made by the fee payer.
- If any challenge, the local government has the burden of providing by a preponderance of evidence that the impact fee meets the legal precedent that the fee is correct.

Updated Impact Fee Studies

IMPACT FEE STUDY

- Board Presentation 5-4-21; Finalized Report Provided 7-13-22
- Covered Fire, EMS, Public Buildings, Jail, Law Enforcement, Library, Parks.
- Consolidated Fire/EMS into one fee
- Included a list of updated land use categories
- The updated land use categories included a small number of fees that were reduced (i.e., warehouse, mini storage, furniture store).

ROADS IMPACT FEE STUDY

- Finalized Report Dated 4-7-2022
- Updated land use categories

Updated Land Use Classification	Current Land Use Classification	Unit	Effect on Demand
Senior Housing (detached)	Single Family (detached)	du	-
Senior Housing (attached)	Single Family (attached)	du	-
Industrial Park	Industrial Buildings	1,000 sf	-
Manufacturing		1,000 sf	-
Medical Office 10,000 sq ft or less	Medical Offices	1,000 sf	-
Hospital		1,000 sf	-
Clinic		1,000 sf	+
Public Assembly	General Offices	1,000 sf	-
Day Care Center		1,000 sf	-
Automobile Care Center		1,000 sf	+
Bank/Savings Drive-In		1,000 sf	+
Health/Fitness Club	Retail	1,000 sf	+
Building Materials/Lumber Store		1,000 sf	-
Discount Superstore, Free-Standing		1,000 sf	+
Hardware/Paint Store		1,000 sf	-
New/Used Auto Sales		1,000 sf	+
Supermarket		1,000 sf	+
Home Improvement Superstore		1,000 sf	+
Pharmacy/Drug Store with & without Drive-Thru		1,000 sf	+
Furniture Store		1,000 sf	-
Convenience/Gasoline/Fast Food Restaurant		1,000 sf	+

Updated Land Use Classification	Current Land Use Classification	Unit
Quality Restaurant	Restaurant	1,000 sf
Fast Food Restaurant w/Drive-Thru		1,000 sf
Assisted Living Facility	Unit Updates	bed
Nursing Home		bed
RV Park		occupied site
Marina		boat berth
Golf Course		acre
Movie Theater		screen
Elementary School (Private)		student
Middle School (Private)		student
High School (Private)		student
University 7,500 or fewer students (Private)		student
University greater than 7,500 students (Private)		student
Gas Station w/Convenience Market <2,000 sq ft		fuel pos.
Gas Station w/Convenience Market 2,000-2,999 sq ft		fuel pos.
Gas Station w/Convenience Market 3,000+ sq ft		fuel pos.
Self-Service Car Wash		service bay

Updated Land Use Categories

Identified Areas of Need

Public Building Financing

Park maintenance and
expansion to create new
recreation space

Roadway expansion to relieve
congestion on roads

Sample of Current Impact Fees Charged

Single Family	\$5,757
Multi-Family	\$5,010
Medical (10,000 sq. ft. or greater)	\$5,172
Fast Food with drive through	\$19,122
Retail/Shopping Center	\$3,027

Component Breakdown of Single Family Impact Fee

Total: \$5,757

- Fire/EMS: \$235
- Public Buildings: \$466
- Correctional Facilities: \$6.99
- Law Enforcement: \$86
- Library Facilities: \$107
- Parks and Rec: \$411
- Education: \$3,176
- Transportation: \$1,269

Example of impact
fee increase at
statutory maximum

Public buildings 75%

Parks and
Recreation
100%

Remainder to
Transportation

Existing Single Family (Sample)

Single Family \$5,757

Public Buildings \$466

Parks and Recreation \$411

Transportation \$1,269

New Single Family (Sample)

Single Family \$8,635

Public Buildings \$911

Parks and Recreation \$491

Transportation \$3,650

Increase of Impact Fee to Maximum 50% Increase

Four Equal Annual Installments

Land Use	Current Fee Paid	Annual Increase	Year 1	Year 2	Year 3	Year 4
Single Family	\$5,757	\$719	\$6,476	\$7,195	\$7,914	\$8,633
Assisted Living (Under 30,000 sq. ft.)	\$1,130	\$141	\$1,271	\$1,412	\$1,553	\$1,694
Mobile Home	\$5,757	\$719	\$6,476	\$7,195	\$7,914	\$8,633
Fast Food with drive through	\$19,122	\$2,390	\$21,512	\$23,902	\$26,292	\$28,682
Medical Office greater than 10,000 sq. ft.	\$5,172	\$646.5	\$5,818.5	\$6,465	\$7,111.5	\$7,758
Warehouse	\$623	\$77.875	\$700.875	\$778.75	\$856.625	\$934.5

LAND USE	ALL RATES AT 100%
Single Family	\$17, 403
Multi-family (Low-Rise) 1-3 Levels	\$11,453
Medical (Clinic)	\$22,713
Fast Food with Drive Through	\$89,710
Retail/Shopping (Under 40,000 sqft)	\$6,420

**Maximum Impact Fee Rates (Per Study)
Components of Impact Fee At Maximum (100%)**

Impact Fee Options

Single Family (detached) Example

% of Total Fee	Fire/EMS	Public Buildings	Correctional Facility	Law Enf.	Library Services	Parks & Rec	Educational Facility	Transportation	Total
Existing	\$235	\$466	\$7	\$68	\$107	\$411	\$3,176	\$1,269	\$5,757
100%	\$320	\$1,215	\$15	\$156	\$222	\$491	\$8,764	\$6,220	\$17,403
OPTIONS FOR INCREASE OF IMPACT FEE									
65%	\$208	\$790	\$10	\$101	\$144	\$319	\$5,697	\$4,043	\$11,312
75%	\$240	\$911	\$11	\$117	\$167	\$368	\$6,573	\$4,665	\$13,052
80%	\$256	\$972	\$12	\$125	\$178	\$393	\$7,011	\$4,976	\$13,923
INCREASE FROM EXISTING FEE									
65%	-\$27	\$324	\$3	\$15	\$37	-\$92	\$2,521	\$2,774	\$5,555
75%	\$5	\$445	\$4	\$31	\$60	-\$43	\$3,397	\$3,396	\$7,296
80% _s	\$21	\$506	\$5	\$39	\$71	-\$18	\$3,835	\$3,707	\$8,166

BOCC will provide staff direction on the preparation of updated impact fees. Two options are available to the County.

1. Prepare an impact fee update consistent with Florida State Statute 163.31801 up to a maximum increase of 50 percent of the current impact fee rate, phased in over 4 years.
2. Designate a need in excess of the statutory 50 percent maximum increase and adopt consistent with State Statute procedures.

Recommended Actions and Policy Direction