

**PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS**

**WORKSHOP SUMMARY**

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**Meeting Date:** August 30, 2022

**Department:** Office of Financial Management & Budget

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**I. EXECUTIVE BRIEF**

**Title:** Discussion on extraordinary circumstances relating to impact fees.

**Summary:** This is the second of two workshops dedicated to the extraordinary circumstances established under the demonstrated need study, which justify exceeding the statutory limitations on increase amounts and phase-in requirements. The workshop will continue the discussion and overview of Palm Beach County’s most recent impact fee study and legislative updates to 163.31801, Florida Statutes (the “Florida Impact Fee Act”).

**Background and Policy Issues:** The Countywide impact fee program was first enacted in Palm Beach County in 1989. The program is administered in accordance with Article 13 of the Unified Land Development Code (ULDC), Florida Statutes on impact fees, and case law.

This workshop is necessitated by the subsection (6) of the Florida Impact Fee Act. Subsection 6 states that a local government 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.

Among other requirements, subsection 4 of the Florida Impact Fee Act requires local governments to ensure that the impact fee is proportional and reasonably connected to, or has a rational nexus with, the need for additional capital facilities and the increased impact generated by the new residential or commercial construction.

**Attachments:**

1. Consultant’s PowerPoint Presentation
  2. Florida Impact Fee Act (F.S. 163.31801)
  3. Demonstrated Need Study
  4. Palm Beach County Impact Fee Update Study
  5. Impact Fee Review Committee’s Recommendations
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**Recommended by:** \_\_\_\_\_  
**Department Director** **Date**

**Approved By:** \_\_\_\_\_  
**County Administration** **Date**

**II. FISCAL IMPACT ANALYSIS**

**A. Five Year Summary of Fiscal Impact:**

<b>Fiscal Years</b>	<b>2022</b>	<b>2023</b>	<b>2024</b>	<b>2025</b>	<b>2026</b>
<b>Capital Expenditures</b>					
<b>Operating Costs</b>					
<b>External Revenues</b>					
<b>Program Income(County)</b>					
<b>In-Kind Match(County)</b>					
<b>NET FISCAL IMPACT</b>	-0-				
<b>#ADDITIONAL FTE</b>					
<b>POSITIONS (CUMULATIVE)</b>					

Is Item Included in Current Budget?                      Yes       No

Does this item include the use of federal funds?    Yes       No

Budget Account No:              Fund \_\_\_\_\_              Dept. \_\_\_\_\_              Unit \_\_\_\_\_

Object: \_\_\_\_\_ Reporting Category \_\_\_\_\_

**B. Recommended Sources of Funds/Summary of Fiscal Impact:**

**C. Departmental Fiscal Review:**

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**III. REVIEW COMMENTS:**

**A. OFMB Fiscal and/or Contract Dev. and Control Comments:**

_____	_____ <u>N/A</u> _____
<b>OFMB</b>	<b>Contract Dev. &amp; Control</b>

**B. Legal Sufficiency**

\_\_\_\_\_  
Assistant County Attorney

**C. Other Department Review**

\_\_\_\_\_  
Department Director

**(THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT.)**