#### ORDER OF BUSINESS

## IMPACT FEE REVIEW COMMITTEE MEETING 2300 N. JOG ROAD, PALM BEACH COUNTY, FLORIDA 33411

## Room: VC-1W-47

Friday, April 22, 2022 at 9:00 a.m. - 3:00 p.m.

#### 1. CALL THE MEETING TO ORDER

- A. Roll Call
- B. Invocation/Moment of Silence
- C. Pledge of Allegiance

#### 2. INTRODUCTIONS

- A. Committee Members
- B. Impact Fee Staff & Asst. County Attorney
- C. Consultants Alfred Benesch & Co., f/k/a Tindale-Oliver & Assoc., Inc (Nilgun Kamp)
- D. Purpose & Roles (Uniform Land Development Code (ULDC)) See the below links.
  - 1. Article 2 Chapter G, Section 3 I of the ULDC (Page 86-87)
    - http://www.pbcgov.com/uldc/pdf/Article2.pdf
  - 2. Article 13 of the ULDC Impact Fee Review Committee's (IFRC) role
    - http://www.pbcgov.com/uldc/pdf/Article13.pdf

#### 3. OLD BUSINESS

- A. Approval of the Minutes (Meeting: 04/01/2022)
- B. Law Enforcement PBSO
- C. Updates by Consultants Alfred Benesch & Company (Nilgun Kamp)
  - 1. Departments (Impact Fee Components: Parks, <u>Fire Rescue</u>, Library, Law Enforcement (PBSO), Public Buildings (FDO), Palm Beach County Schools (PBC Schools), & Roads (Engineering))
    - 1. Impact Fee Summary
- D. FDO
  - 1. Review categories under Schedule D-1
  - 2. Review math on table II-3

#### E. Fire Rescue

- 1. Building size increases?
- 2. Incidence in Belle Glade or the Glades included?
- 3. Calls (update to 2021 numbers?
- F. Library
  - 1. Demographic Data?
- G. Parks
  - 1. Proposed number of Benefit zones (Regional vs. District Parks)
  - 2. Percent of Park Land Purchased vs. Donated?
- H. Palm Beach County School District
- I. Engineering (Roads)
- J. HB-337 (Maximum Allowable Increase in Rates)
- K. Fiscal Year 2022 Impact Fee Revenue & Expenditure History Reports (To date)

#### 4. NEW BUSINESS

- A. Committee Recommendation to the BCC
- B. Land Development Regulatory Advisory Board approval (4th Wednesday of the month May 25th)
- C. BCC Approval
- D. Meeting Schedule Suggested dates & times for next meeting
- 5. ATTORNEY'S REPORT/COMMENTS Asst. County Attorney Ryan Maher
- 6. IMPACT FEE MANAGER'S REPORT/COMMENTS Derrek A. Moore

# Impact Fee Review Committee (IFRC) Meeting Minutes Friday, April 1, 2022 9:00 a.m. – 3:30 p.m.

The meeting was called to order at 9:06 a.m. by Llwyd Ecclestone III, Chairman of the Impact Fee Review Committee.

Roll call/Attendance: Llwyd Ecclestone, III, Lawrence Gordon, Laura Danowski, Robert Gottlieb, Darnell Gardener, & Stewart Bosley attended the meeting in person. Committee member Robert Harvey attended the meeting via WebEx.

Ryan Maher, Assistant County Attorney, instructed the Committee that they needed to vote to approve Mr. Harvey's participation and attendance to the meeting via WebEx to satisfy Sunshine law requirements. The criteria is that his circumstances and/or reasons for attending via webex are extraordinary. Mr. Maher instructed the Committee that Mr. Harvey needed to explain to the Committee why he is unable to attend or participate in the meeting in person. Chairman Ecclestone, III asked Mr. Harvey to explain his circumstances. Mr. Harvey informed the committee that he was on a previously scheduled family vacation in Park City, Utah. Mr. Maher asked the Committee again to vote on the motion. Mr. Worley moved the motion to allow Mr. Harvey to attend the meeting via webex and Mr. Lawrence seconded the motion. The motion passed by unanimous vote.

In-Person Attendees: Richard Iavarone, David Ricks, Eric McClellan, Mike Martz, Bob Hamilton, Ryan Maher, Shawna Baker, & Derrek Moore, Morton Rose, Motasem Al-Turk,

Web-ex Attendees: Verdenia Baker, Robert Harvey, Ron Ferris, Scott Reynolds, Sherry Brown, Morton Rose, Kristin Garrison, Ray, Kathleen Farrell, Andrea McCue-Gree, Islami Ayala-Collazo, Leanne Evans, Austin Lee, Rebecca Schnirman, Johnathan Blanco, Kayrn Skyes, Claudia Correa, Ferline Mesidort, Alicia Garrow, Ellen DeLima, Joyell Shaw, Eric Call, John Boehm, Khurshid Mohyuddin, Christine Thrower-Ski, Robyn Lawrence, Blair LittleJohn, Joanne Keller, David Ricks, Motasem Al-Turk, KT Catlin, Jeff, Juan, Ray, Richard lavarone, and (561)-2\*\*-\*\*00.

Invocation/Moment of Silence: Chairman Ecclestone, III called for a brief moment of silence and thereafter everyone stood and participated in the pledge of allegiance.

#### **Introductions:**

Verdenia Baker introduced herself and thanked Mr. Ecclestone, III, Mr. Worley, Robert Gottlieb, and everyone for their hard work with the Impact Fee Review Committee.

Staff introduced themselves and thereafter, all of the Committee members introduced themselves and told a little bit about themselves. Mr. Ryan Maher, County Assistant Attorney, introduced himself. Ms. Nilgun Kamp, Consultant, then followed with her introduction. Mr. Derrek Moore, Impact Fee Manager, finished the introductions by introducing himself and briefly reviewed the purpose and roles of the IFRC.

Mr. Moore briefly introduced Article 2 Chapter 13 of the ULDC that states that we have to complete an Impact Fee Rate study every couple of years. Mr. Moore also stated that Ms. Kamp will share a presentation with the committee regarding the new impact fees. At the end of the presentation, the Committee will be allowed to ask questions and make comments. Following the Committee's questions and concerns the public will then be allowed to ask questions. After, each Department is allowed to come up and ask and answer questions from the committee. Mr. Moore reminds everyone that there are 7 components and informs everyone that Article 13 can be found on the Palm Beach County Impact Fee Page. Mr. Moore states this meeting is to review the methodology and the approach that has been taken to review the study.

Mr. Moore also stated that the meeting is being recorded with audio and video and all updates and information about the impact fee update process will be located on the Impact Fee webpage.

https://discover.pbcgov.org/pzb/administration/Pages/2022 Impact Fee Review Study Update.aspx

Jail expansion was also briefly discussed. Mr. Worley suggested reviewing the categories on Schedule D-1. Review math on Table II-3. Mr. McClellan thanked the Committee for their wealth and knowledge.

#### Fire Rescue:

Mike Martz introduced himself to the Committee as the Finance Director of Palm Beach County Fire Rescue Department. Mr. Martz informed the Committee that he will retrieve the data regarding building size increases within the report. Everyone acknowledged that the training center should not be included in the calculations. Mr. Worley pointed out the increases within Fire Rescue's equipment and vehicle quantity. Leased buildings and vehicles are not included in calculations (more operational). Mr. Martz informed the Committee due to increased cost associated with purchasing vehicles, replacement of old fleet, accidents in canals causing demand for boats. Incidents are down because of the pandemic, but it is now going back up. People were afraid to call in for ambulance and related services. Table III-5 will reflect a reduction in cost because of the elimination of the training facility from the calculation. Update call information to 2021 numbers. Chairman Ecclestone, III and Committee member Lawrence inquired about billing and collections for transportation. Mr. Martz explained that billing and collections have increased dramatically with their retention of a collection company. The Committee thanked Mr. Martz for attending and stated that they are eager to hear his updates for the next meeting.

Chairman Ecclestone, III informed everyone at 12:00 p.m. that there will be an hour break/recess for lunch. Chairman Ecclestone, III called for everyone to return at 1:15p.m.

The meeting resumed at 1:15p.m.

Chairman Ecclestone, III asked Mr. Moore to provide an updated year-to-date sheet regarding the Impact Fee Aging Analysis and the updated Revenue Summary to show how the revenue is being used. Mr. Moore agreed he would present that information to the Committee in the next scheduled meeting.

### **Libraries:**

Ms. Alicia Garrow attended the meeting via webex as a representative for Libraries. Mr. Moore asked Ms. Garrow if she has any observations. Ms. Garrow informed the Committee their most recent project in their schedule is their Canyon project. Ms. Danoswski asked Ms. Garrow if she would be able to provide the demographics of who uses the library. Ms. Danoswski asked if the report can state the age and if possible by location. Ms. Garrow informs Ms. Danoswski that she will retrieve said information. Mr. Gottlieb thanked Ms. Garrow for the library bus that services the Glades and other areas. Chairman Ecclestone, III thanked Ms. Garrow for attending the meeting. Chairman Ecclestone III inquired about the level of service and whether the pandemic has skewed the results of the data. Chairman Ecclestone III, asked Ms. Garrow to email Mr. Moore the information that has been requested.

#### Parks and Recreations:

Mr. Bob Hamilton introduced himself to the Committee as the Director of Parks Development for Parks & Recreation. Ms. Rebecca Schnirman, Finance Director also attended the meeting via webex. Mr. Worley & Chairman Ecclestone, III inquired about why land was included in the study and was not included in the last study. Mr. Hamilton explained that it was a BCC directive to include the land calculation and the present deficiency in impact fee funding to fund projects. Mr. Hamilton informed the Committee of development of the Milani parcel in the next two to three years, and the Karen Marcus property in Jupiter will be developed in the next decade. Mr. Worley asked Mr. Hamilton what percentage of park land is purchased versus acquired through gift or dedication. Mr. Hamilton informed Mr. Worley that he will present this information in the next scheduled meeting. Mr. Hamilton informed the Committee that the level of service is in the comprehensive plan. Mr. Worley continued his concern and question of including land cost in the calculation. Mr. Worley asked when the level of service was determined and mentioned that the ULDC was done in 1973, which

The Committee discussed dates and times for a follow-up meeting. Mr. Moore brought up the next meeting will give the community another opportunity to voice their opinions. The Committee agreed to meet on April 22, 2022 from 9:00 a.m. -3:00 p.m.

## **County Attorney's Report/Comments:**

Mr. Maher reported that the injunction/litigation with Palm Beach Gardens regarding the collection and remittance of road impact fees has been decided in the County's favor. Mr. Maher's stated that the County had their temporary injunction awarded. Mr. Maher informed the Committee that Palm Beach Gardens has 60 days to collect and receive payment of impact fees. Committee member Danowski asked why Palm Beach Gardens was using different methodology. Ms. Kamp stated it was due to them developing their own mobility fee and stopped collecting County road impact fees. There was also discussion about the Cities' ability to implement a mobility fee/charge, while continuing to collect the County's road impact fees. Mrs. Kamp also stated that they must also avoid double charging.

#### Impact Fee Manager's Report/Comments:

Mr. Moore pointed out the County's Impact Fee web link is presented on the agenda and that all information for this process is located on that webpage. Mr. Moore reminds the committee that in the next meeting there will be a photographer present to take their pictures of the Committee members to be included on the Impact Fee webpage.

There was no public comments.

Chairman Ecclestone, III called for a motion to adjourn the meeting and Committee member Danowski moved the motion to adjourn and Committee member Gottlieb seconded the motion. All Committee members agreed and the meeting was adjourned at 3:26 p.m.

Palm Beach County Preliminary Draft Calculations

Example Land Uses: Maximum Assessable Impact Fee Rates Under HB 337

	Example Land	USES. IVIAN	SE III	d Oses. Maxillidili Assessable illipact i ee nates oliaci	2000	ומירה					
				Max	imum Assess	able Impact Fe	Maximum Assessable Impact Fee Under HB 337	7		Maximum	Total
ITE LUC	Land Use	Unit	Public Buildings	Fire Rescue	Law	Library	Parks	Schools	Road	Assessable	Adopted
	RESIDENTIAL:										
210	Single Family (Detached)										
	800 sf & Under	np	\$211	\$414	\$192	\$181	\$548	\$3,543	\$5,892	\$10,981	\$8,114
	801 to 1,399 sf	np	\$255	\$414	\$192	\$249	\$1,101	\$6,495	\$5,892	\$14,598	\$10,542
	1,400 to 1,999 sf	ą	\$292	\$414	\$192	\$283	\$1,182	\$8,096	\$5,892		\$12,469
	2,000 to 3,599 sf	пр	\$334	\$414	\$192	\$311	\$1,289	\$8,322	\$5,892	\$16,754	\$13,055
	3,600 sf or more	np	\$367	\$414	\$192	\$334	\$1,227	\$6,397	\$5,892	\$14,823	\$12,957
220	Multi-Family (Low Rise); 1-3 levels										
	800 sf & Under	np	\$211	\$277	\$104	\$181	\$548	\$3,543	\$3,987	\$8,851	\$6,177
	801 to 1,399 sf	np	\$255	\$277	\$104	\$249	\$1,101	\$6,495	\$3,987	\$12,468	\$8,605
	1,400 to 1,999 sf	ŋp	\$292	\$277	\$104	\$283	\$1,182	\$8,096	\$3,987	\$14,221	\$10,532
	2,000 to 3,599 sf	ą	\$334	\$277	\$104	\$311	\$1,289	\$8,322	\$3,987	\$14,624	\$11,117
	3,600 sf or more	np	\$367	\$277	\$104	\$334	\$1,227	\$6,397	\$3,987	\$12,693	\$11,020
220	Multi-Family (Mid/High-Rise); 4 or more levels			n							
	800 sf & Under	ηp	\$211	\$277	\$104	\$181	\$548	\$3,543	\$2,689	\$7,553	\$6,177
	801 to 1,399 sf	np	\$255	\$277	\$104	\$249	\$1,101	\$6,495	\$2,689	\$11,170	\$8,605
	1,400 to 1,999 sf	np	\$292	\$277	\$104	\$283	\$1,182	\$8,096	\$2,689	\$12,923	\$10,532
	2,000 to 3,599 sf	np	\$334	\$277	\$104	\$311	\$1,289	\$8,322	\$2,689	\$13,326	\$11,117
	3,600 sf or more	np	\$367	\$277	\$104	\$334	\$1,227	\$6,397	\$2,689	\$11,395	\$11,020
240	Mobile Home / Mobile Home Park										
	800 sf & Under	np	\$211	\$414	\$104	\$181	\$548	\$3,543	\$2,185	\$7,186	\$5,080
	801 to 1,399 sf	np	\$255	\$414	\$104	\$249	\$1,101	\$6,495	\$2,185	\$10,803	\$7,508
	1,400 to 1,999 sf	ŋp	\$292	\$414	\$104	\$283	\$1,182	\$8,096	\$2,185	\$12,556	\$9,435
	2,000 to 3,599 sf	np	\$334	\$414	\$104	\$311	\$1,289	\$8,322	\$2,185	\$12,959	\$10,020
	3,600 sf or more	np	\$367	\$414	\$104	\$334	\$1,227	\$6,397	\$2,185	\$11,028	\$9,923
n/a	Accessory Apartment (Mother-in-Law/Grooms Quarters)										
	800 sf & Under	np	\$211	\$414	\$192	\$181	\$548	\$3,543	\$2,067	\$7,156	\$4,824
	801 to 1,399 sf	np	\$255	\$414	\$192	\$249	\$1,101	\$6,495	\$2,067	\$10,773	\$7,252
	1,400 to 1,999 sf	np	\$292	\$414	\$192	\$283	\$1,182	\$8,096	\$2,067	\$12,526	\$9,179
	2,000 to 3,599 sf	пр	\$334	\$414	\$192	\$311	\$1,289	\$8,322	\$2,067	\$12,929	\$9,765
	3,600 sf or more	qn	\$367	\$414	\$192	\$334	\$1,227	\$6,397	\$2,067	\$10,998	\$9,667
	TRANSIENT, ASSISTED, GROUP:										
310	Hotel	room	\$85	\$343	\$103	1	\$409	•	\$2,620	\$3,560	\$2,589
320	Motel	room	\$85	\$343	\$103	•	\$409	.1	\$1,263	\$2,203	\$2,343

Palm Beach County Preliminary Rates

Palm Beach County Preliminary Draft Calculations

Example Land Uses: 100% Calculated Impact Fee Rates

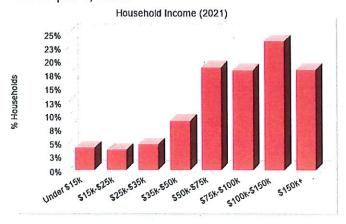
	PAG	Example Land Oses, 100% calculated impact in the mater	0203. 100								
					100% Calcu	100% Calculated Impact Fee Rates	Fee Rates			Total	Total
ITE LUC	Land Use	Impact ree Unit	Public Buildings	Fire Rescue	Law	Library	Parks	Schools	Road	Calculated	Adopted
The Court	RESIDENTIAL:										
210	Single Family (Detached)										
	800 sf & Under	пр	\$917	\$852	\$230	\$181	\$1,732	\$7,331	\$5,892	\$17,135	\$8,114
	801 to 1.399 sf	пр	\$1,264	\$852	\$230	\$249	\$2,374	\$8,775	\$5,892	\$19,636	\$10,542
	1.400 to 1.999 sf	пp	\$1,438	\$852	\$230	\$283	\$2,701	\$8,096	\$5,892	\$19,492	\$12,469
	2.000 to 3.599 sf	ŋp	\$1,573	\$852	\$230	\$311	\$2,967	\$8,322	\$5,892	\$20,147	\$13,055
	3,600 sf or more	ηp	\$1,688	\$852	\$230	\$334	\$3,185	\$6,397	\$5,892	\$18,578	\$12,957
220	Multi-Family (Low Rise); 1-3 levels										
	800 sf & Under	пр	\$917	\$518	\$138	\$181	\$1,732	\$7,331	\$3,987	\$14,804	\$6,177
	801 to 1.399 sf	пр	\$1,264	\$518	\$138	\$249	\$2,374	\$8,775	\$3,987	\$17,305	\$8,605
	1.400 to 1.999 sf	np	\$1,438	\$518	\$138	\$283	\$2,701	\$8,096	\$3,987	\$17,161	\$10,532
	2,000 to 3,599 sf	пр	\$1,573	\$518	\$138	\$311	\$2,967	\$8,322	\$3,987	\$17,816	\$11,117
	3.600 sf or more	пp	\$1,688	\$518	\$138	\$334	\$3,185	\$6,397	\$3,987	\$16,247	\$11,020
220	Multi-Family (Mid/High-Rise); 4 or more levels										
	800 sf & Under	пр	\$917	\$518	\$138	\$181	\$1,732	\$7,331	\$2,689	\$13,506	\$6,177
	801 to 1.399 sf	пр	\$1,264	\$518	\$138	\$249	\$2,374	\$8,775	\$2,689	\$16,007	\$8,605
	1,400 to 1,999 sf	пр	\$1,438	\$518	\$138	\$283	\$2,701	\$8,096	\$2,689		\$10,532
	2.000 to 3.599 sf	пр	\$1,573	\$518	\$138	\$311	\$2,967	\$8,322	\$2,689	\$16,518	\$11,117
	3.600 sf or more	пр	\$1,688	\$518	\$138	\$334	\$3,185	\$6,397	\$2,689	\$14,949	\$11,020
240	Mobile Home / Mobile Home Park										
	800 sf & Under	np	\$917	\$852	\$231	\$181	\$1,732	\$7,331	\$2,185	\$13,429	\$5,080
	801 to 1.399 sf	np	\$1,264	\$852	\$231	\$249	\$2,374	\$8,775	\$2,185	\$15,930	\$7,508
	1,400 to 1,999 sf	пр	\$1,438	\$852	\$231	\$283	\$2,701	\$8,096	\$2,185	\$15,786	\$9,435
	2,000 to 3,599 sf	np	\$1,573	\$852	\$231	\$311	\$2,967	\$8,322	\$2,185	\$16,441	\$10,020
	3,600 sf or more	пр	\$1,688	\$852	\$231	\$334	\$3,185	\$6,397	\$2,185	\$14,872	\$9,923
n/a	Accessory Apartment (Mother-in-Law/Grooms Quarters)										
	800 sf & Under	np	\$917	\$852	\$230	\$181	\$1,732	\$7,331	\$2,067	\$13,310	\$4,824
	801 to 1.399 sf	np	\$1,264	\$852	.\$230	\$249	\$2,374	\$8,775	\$2,067	\$15,811	\$7,252
	1,400 to 1,999 sf	пр	\$1,438	\$852	\$230	\$283	\$2,701	\$8,096	\$2,067	\$15,667	\$9,179
	2,000 to 3,599 sf	пp	\$1,573	\$852	\$230	\$311	\$2,967	\$8,322	\$2,067	\$16,322	\$9,765
	3,600 sf or more	пр	\$1,688	\$852	\$230	\$334	\$3,185	\$6,397	\$2,067	\$14,753	\$9,667
	TRANSIENT, ASSISTED, GROUP:										
310	Hotel	room	\$815	\$408	\$103	•	\$1,799	•	\$2,620	\$5,745	\$2,589
320	Motel	room	\$815	\$408	\$103	•	\$1,799	1	\$1,263	\$4,388	\$2,343

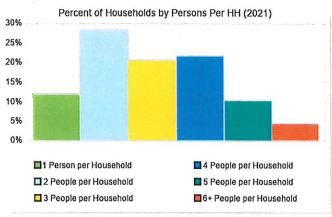
Palm Beach County Preliminary Rates

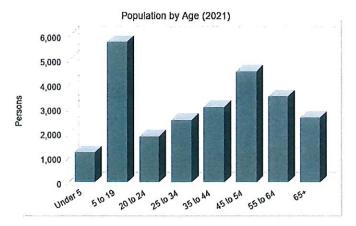
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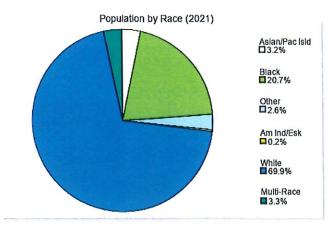
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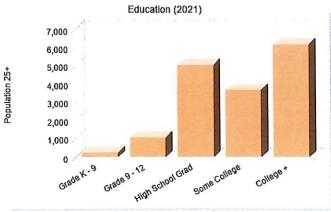


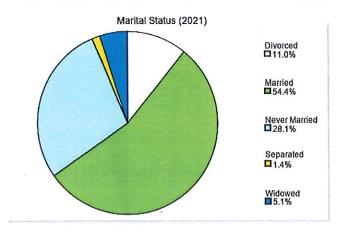


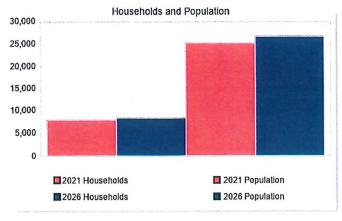






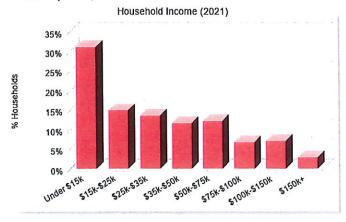


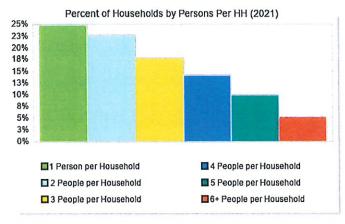


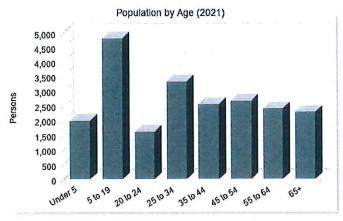


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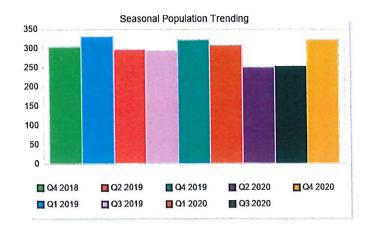
GLADE, FL, 33430 (Custom)



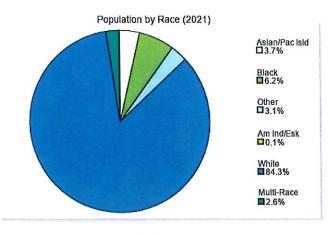


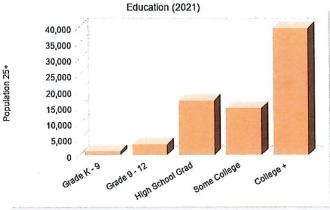


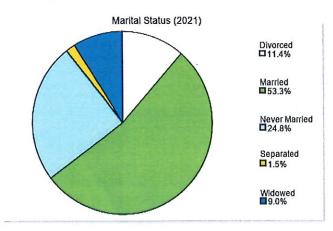


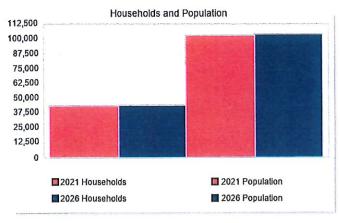


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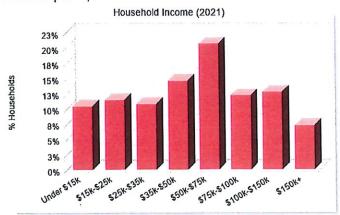


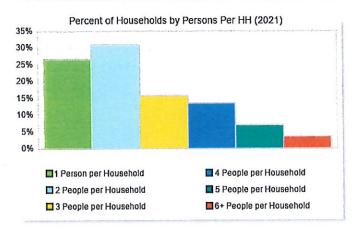


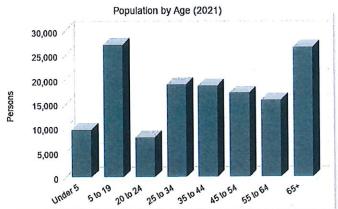




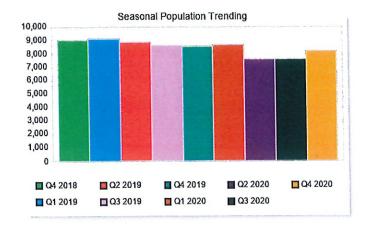
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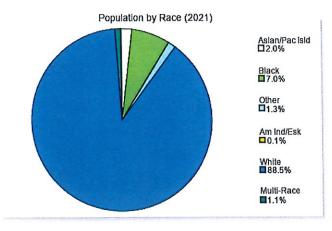


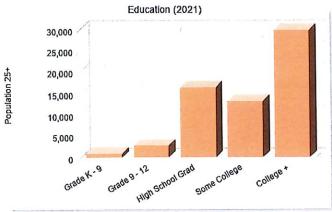


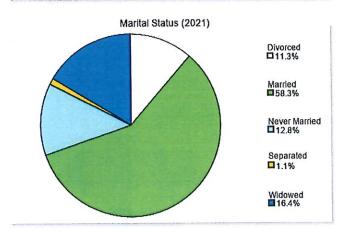


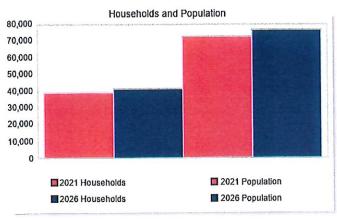


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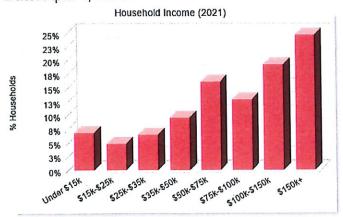


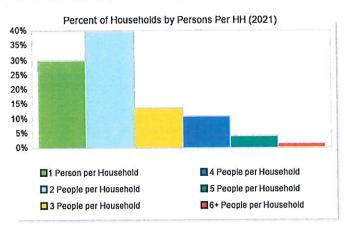


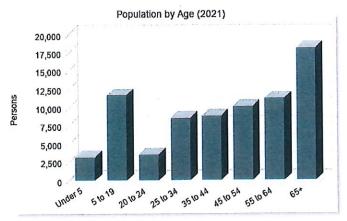




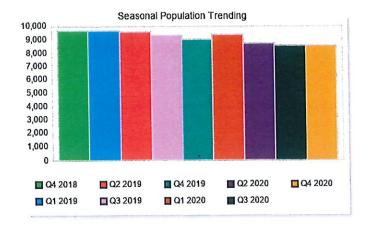
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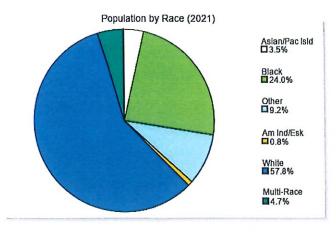


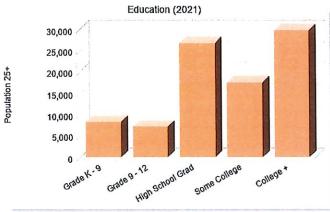


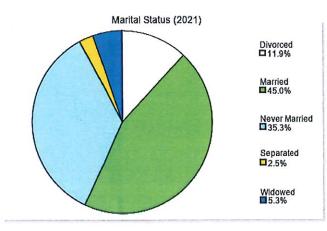


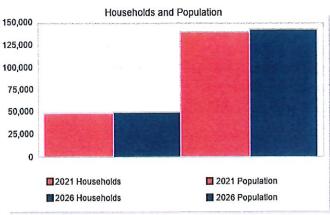


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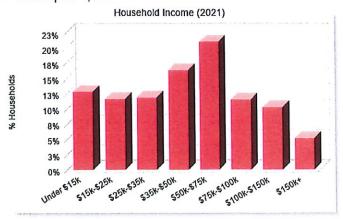


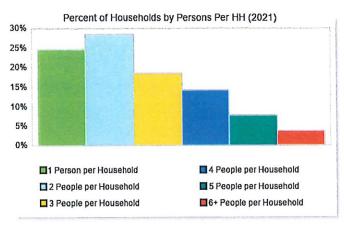


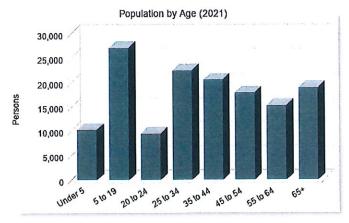


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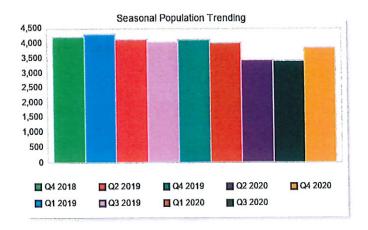
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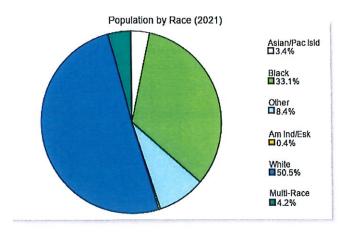


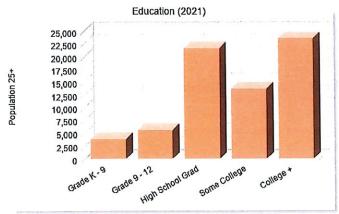


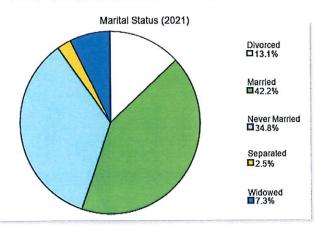


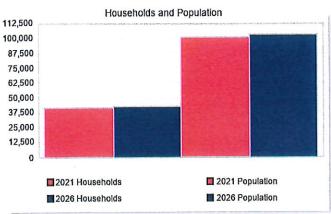


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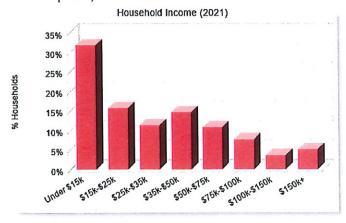


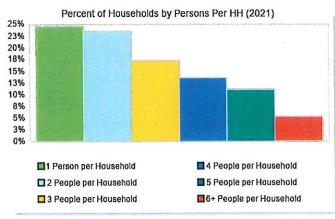


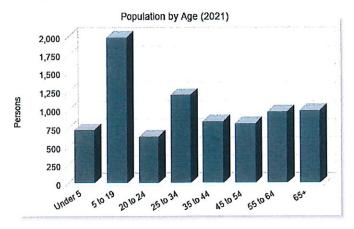


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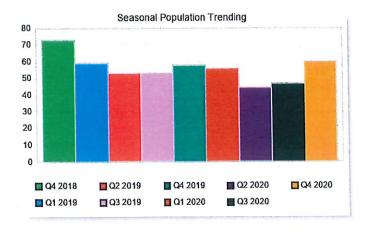
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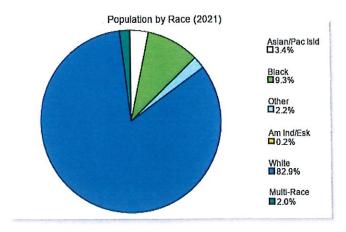


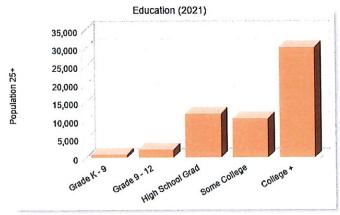


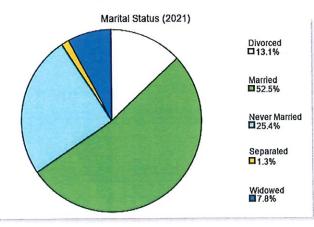


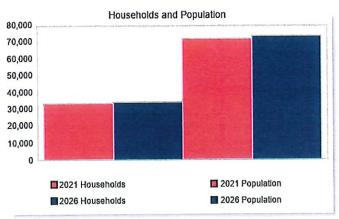


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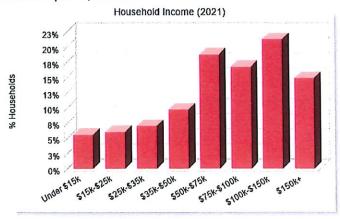


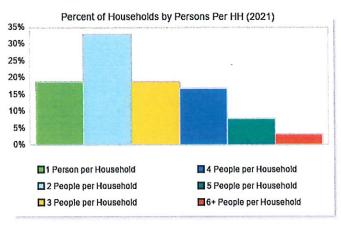


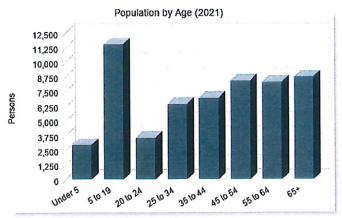




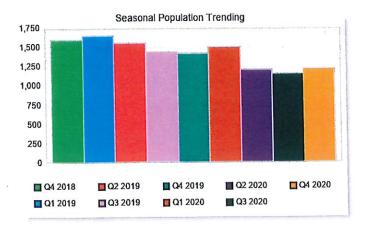
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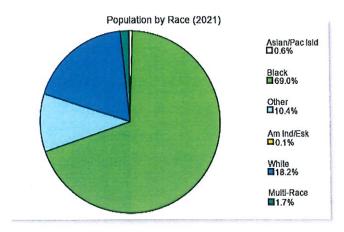


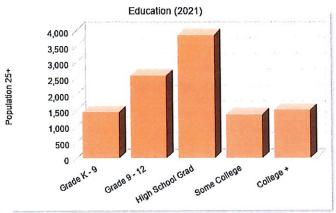


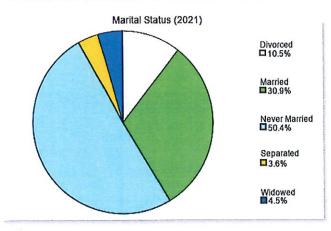


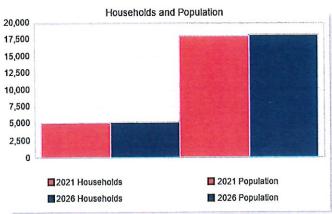


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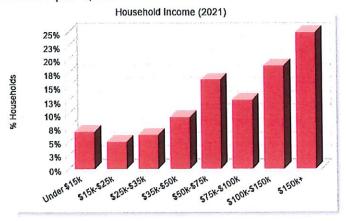


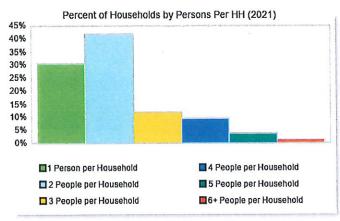


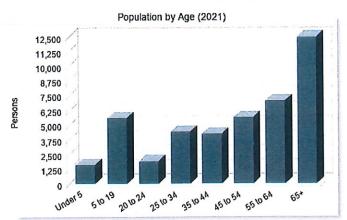


Geography: 3 Miles: 461 OLD DIXIE HWY,

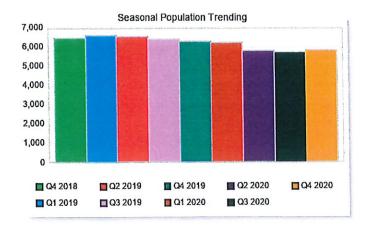
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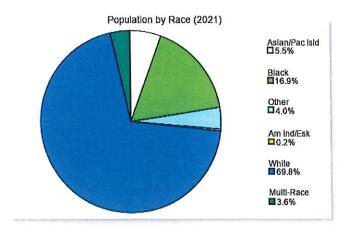


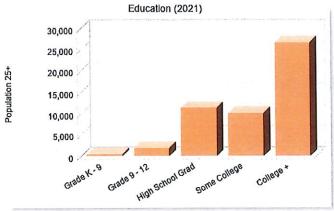


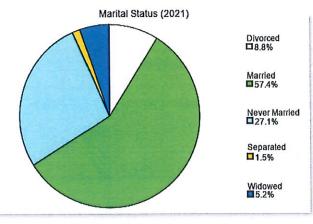


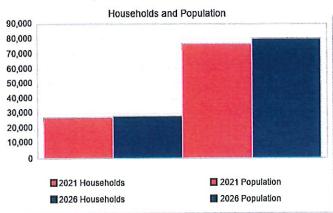


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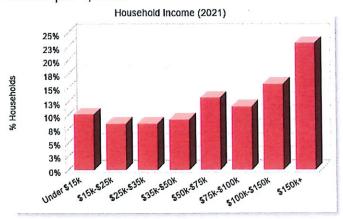


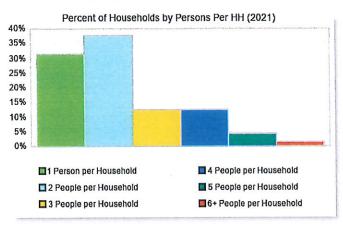


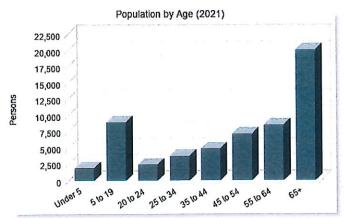




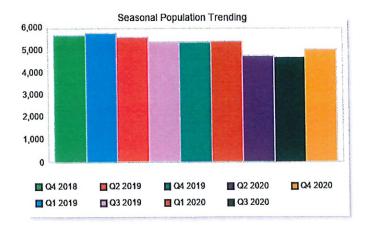
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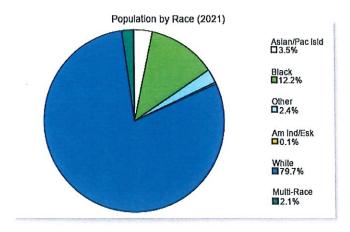


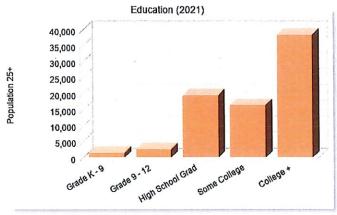


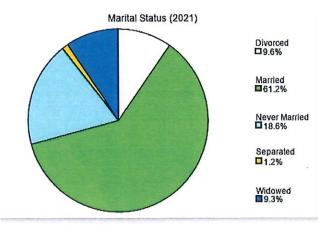


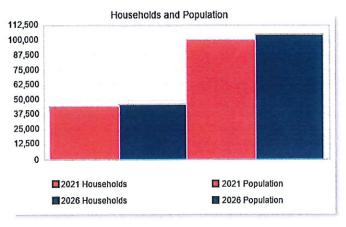


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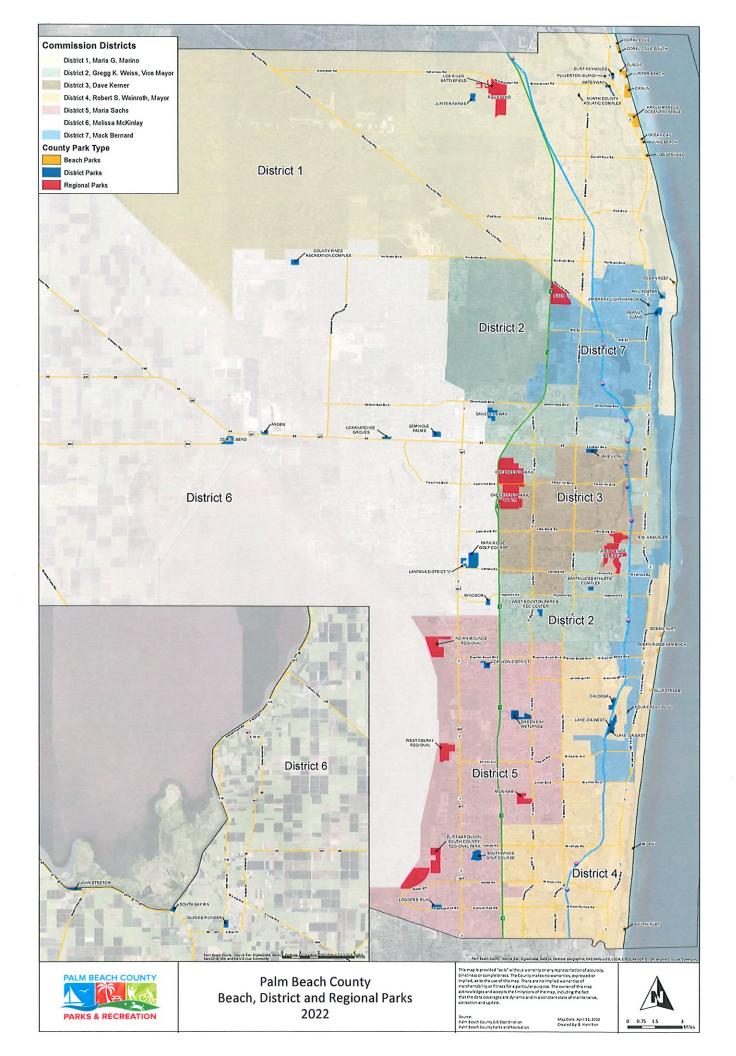


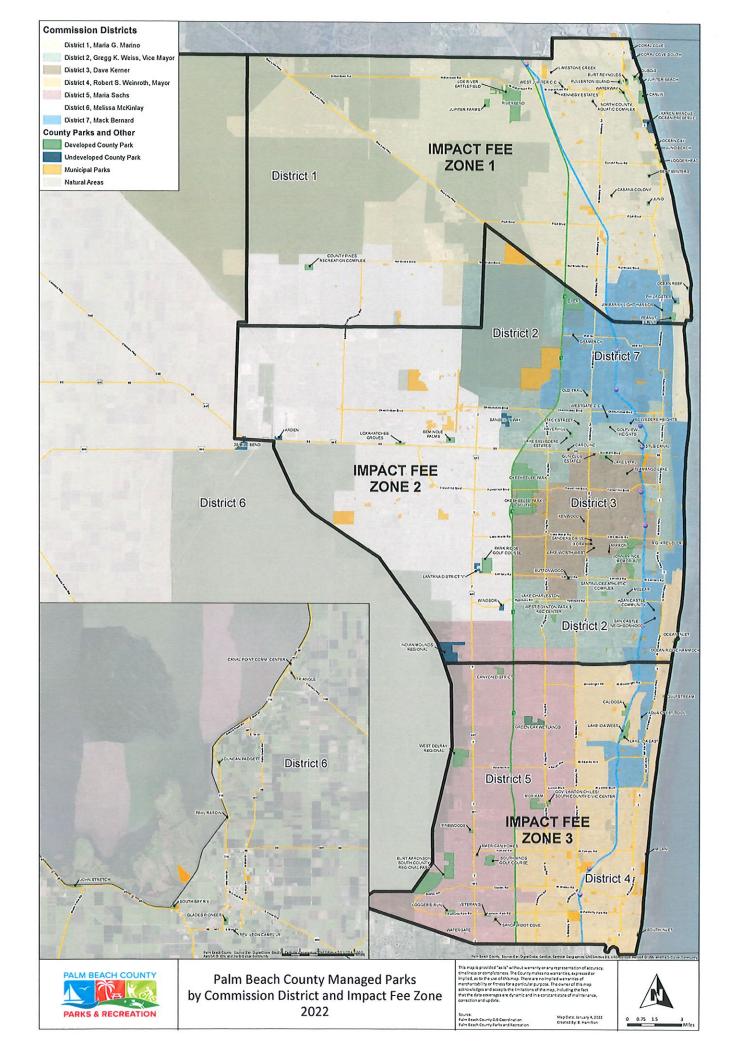




## County Managed Parks by Primary Means of Acquisition

		Total	
Park Name	Park Type	Acres	Primary Means of Acquisition
20 Mile Bend/OHV Property	District	108.22	Land Purchase
Affron Park	Neighborhood	2.70	Donation (Private Citizen)
American Homes Park	Community	6.10	Donation (HOA)
Aqua Crest Pool	District	2.67	Donation (School District)
Arden (fka Highland Dunes) Civic Site Property	District	28.77	Donation (Developer)
	Neighborhood	0.32	Donation (WUD)
Belvedere Heights Park (fka Bridgeman) Bert Winters Park	Community	17.50	Donation (FIND)
	Regional	880.31	Donation (Developer)
Burt Aaronson South County Regional Park	District	35.55	Donation (State)
Burt Reynolds Park		23.63	Donation (State)  Donation (Developer)
Buttonwood Park	Community		The state of the s
Cabana Colony Park	Neighborhood	1.64	Donation (Developer)
Caloosa Park	District	64.53	Donation (City of Boynton Beach)
Canal Point Park	Community	4.44	Land Purchase
Canyon District Park "H" Property	District	62.50	Donation (Developer)
Carlin Park	Beach	120.31	Donation (Federal) and Land Purchase
Caroline Drive Park	Neighborhood	0.24	Land Purchase
Coral Cove North Park	Beach	10.93	Land Purchase
Coral Cove South Property	Beach	21.09	Lease Agreement (State)
County Pines - Sam Friedland Park	District	70.00	Land Purchase
DuBois Park	Beach	21.84	Land Purchase
Duncan Padgett Park	Community	19.36	Land Purchase
Dyer Park	Regional	560.38	Lease Agreement (SWA)
Flamango Lake Property	Neighborhood	2.30	Donation (Developer)
Fullerton Island	District	12.14	Land Purchase (TOJ)
Glades Pioneer Park	District	64.20	Land Purchase
Golfview Heights Park	Neighborhood	0.25	Donation (WUD)
Gov. Lawton Chiles Park	Community	19.00	Donation (Developer)
Gramercy Park	Neighborhood	1.90	Land Exchange with County ERM
Green Cay Wetlands (Special Facility)	District	168.51	Land Purchase
Gulfstream Park	Beach	6.83	Land Purchase
Gun Club Estates Property	Neighborhood	0.31	Land Purchase
Haverhill Park	Community	23.27	Donation (School District)
Indian Mounds Regional Property	Regional	428.75	Donation (Legal Settlement)
Ixora Park	Neighborhood	1.00	Donation (Developer)
Jim Barry Light Harbor (Special Facility)	District	3.04	Land Purchase
John Prince Park	Regional	726.36	Donation (State)
John Stretch Park	District	56.20	Lease Agreement (State)
Juno Beach Park	Beach	5.24	Land Purchase
Juno Park	Community	18.20	Donation (FIND)
Jupiter Beach Park	Beach	46.49	Land Purchase
Jupiter Farms Park	District	51.50	Land Purchase
Karen Marcus Ocean Park Preserve Property	Beach	154.45	Land Purchase
Kennedy Estates Park	Neighborhood	1.00	Donation (Private Citizen)
Kenwood Park	Neighborhood	0.30	Land Purchase
Lake Belvedere Estates Park	Neighborhood	0.96	Donation (WUD)
	Community	9.50	Donation (Oeveloper)
Lake Charleston Park Lake Ida Park (West and 9th Street)	District	209.84	Land Purchase
	District	70.40	Donation (Federal)
Lake Lytal Park		1.82	Land Purchase
Lake Worth West Park	Neighborhood		
Lantana District "I" Property	District	90.17	Land Purchase
Limestone Creek Park	Neighborhood	0.92	Donation (Private Citizen)
Loggerhead Park	Beach	17.26	Land Purchase
Loggers' Run Park	District	54.00	Land Purchase
Loxahatchee Groves Park	District	30.12	Land Purchase
Loxahatchee River Battlefield Park	Regional	61.14	Land Purchase





## **CHAPTER 2021-63**

## Committee Substitute for Committee Substitute for Committee Substitute for House Bill No. 337

An act relating to impact fees; amending s. 163.31801, F.S.; defining the terms "infrastructure" and "public facilities"; requiring local governments and special districts to credit against the collection of impact fees any contribution related to public facilities or infrastructure; providing conditions under which credits may not be applied; providing limitations on impact fee increases; providing for retroactive operation; requiring specified entities to submit an affidavit attesting that impact fees were appropriately collected and expended; providing that impact fee credits are assignable and transferable regardless of when they the credits were established; requiring school districts to report specified information regarding impact fees; providing a directive to the Division of Law Revision; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 163.31801, Florida Statutes, is amended to read:

163.31801 Impact fees; short title; intent; minimum requirements; audits; challenges.—

- (1) This section may be cited as the "Florida Impact Fee Act."
- (2) The Legislature finds that impact fees are an important source of revenue for a local government to use in funding the infrastructure necessitated by new growth. The Legislature further finds that impact fees are an outgrowth of the home rule power of a local government to provide certain services within its jurisdiction. Due to the growth of impact fee collections and local governments' reliance on impact fees, it is the intent of the Legislature to ensure that, when a county or municipality adopts an impact fee by ordinance or a special district adopts an impact fee by resolution, the governing authority complies with this section.
  - (3) For purposes of this section, the term:
- (a) "Infrastructure" means a fixed capital expenditure or fixed capital outlay, excluding the cost of repairs or maintenance, associated with the construction, reconstruction, or improvement of public facilities that have a life expectancy of at least 5 years; related land acquisition, land improvement, design, engineering, and permitting costs; and other related construction costs required to bring the public facility into service. The term also includes a fire department vehicle, an emergency medical service vehicle, a sheriff's office vehicle, a police department vehicle, a school bus as defined in s. 1006.25, and the equipment necessary to outfit the vehicle or bus for its

official use. For independent special fire control districts, the term includes new facilities as defined in s. 191.009(4).

- (b) "Public facilities" has the same meaning as in s. 163.3164 and includes emergency medical, fire, and law enforcement facilities.
- (4)(3) At a minimum, each local government that adopts and collects an impact fee by ordinance and each special district that adopts, collects, and administers an impact fee by resolution must an impact fee adopted by ordinance of a county or municipality or by resolution of a special district must satisfy all of the following conditions:
- (a) Ensure that the calculation of the impact fee is must be based on the most recent and localized data.
- (b) The local government must Provide for accounting and reporting of impact fee collections and expenditures and. If a local governmental entity imposes an impact fee to address its infrastructure needs, the entity must account for the revenues and expenditures of such impact fee in a separate accounting fund.
- (c) <u>Limit</u> administrative charges for the collection of impact fees <del>must be</del> limited to actual costs.
- (d) The local government must Provide notice at least not less than 90 days before the effective date of an ordinance or resolution imposing a new or increased impact fee. A local government county or municipality is not required to wait 90 days to decrease, suspend, or eliminate an impact fee. Unless the result is to reduce the total mitigation costs or impact fees imposed on an applicant, new or increased impact fees may not apply to current or pending permit applications submitted before the effective date of an ordinance or resolution imposing a new or increased impact fee.
- (e) Ensure that collection of the impact fee may not be required to occur earlier than the date of issuance of the building permit for the property that is subject to the fee.
- (f) Ensure that the impact fee is must be proportional and reasonably connected to, or has have a rational nexus with, the need for additional capital facilities and the increased impact generated by the new residential or commercial construction.
- (g) Ensure that the impact fee is must be proportional and reasonably connected to, or has have a rational nexus with, the expenditures of the funds collected and the benefits accruing to the new residential or nonresidential construction.
- (h) The local government must Specifically earmark funds collected under the impact fee for use in acquiring, constructing, or improving capital facilities to benefit new users.

- 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.
  - (h) This subsection operates retroactively to January 1, 2021.
- (7) If an impact fee is increased a local government increases its impact fee rates, the holder of any impact fee credits, whether such credits are granted under s. 163.3180, s. 380.06, or otherwise, which were in existence before the increase, is entitled to the full benefit of the intensity or density prepaid by the credit balance as of the date it was first established. This subsection shall operate prospectively and not retrospectively.
- (8)(6) A local government, school district, or special district must submit with its annual financial report required under s. 218.32 or its financial audit report required under s. 218.39 a separate affidavit signed by its chief financial officer or, if there is no chief financial officer, its executive officer attesting, to the best of his or her knowledge, that all impact fees were collected and expended by the local government, school district, or special district, or were collected and expended on its behalf, in full compliance with the spending period provision in the local ordinance or resolution, and that funds expended from each impact fee account were used only to acquire, construct, or improve specific infrastructure needs Audits of financial statements of local governmental entities and district school boards which are performed by a certified public accountant pursuant to s. 218.39 and submitted to the Auditor General must include an affidavit signed by the chief financial officer of the local governmental entity or district school board stating that the local governmental entity or district school board has complied with this section.
- (9)(7) In any action challenging an impact fee or the government's failure to provide required dollar-for-dollar credits for the payment of impact fees as provided in s. 163.3180(6)(h)2.b., the government has the burden of proving by a preponderance of the evidence that the imposition or amount of the fee or credit meets the requirements of state legal precedent and this section. The court may not use a deferential standard for the benefit of the government.
- (10)(8) Impact fee credits are assignable and transferable at any time after establishment from one development or parcel to any other that is

## **IMPACT FEE AGING ANALYSIS**

This section of the report presents the status of all impact fees by type and benefit zone to facilitate analysis of the age of unspent and unencumbered impact fees. The report shows collections by fiscal year and what amounts of those collections are either unspent or unencumbered at the report date. For this report, encumbrances are defined as actual contracts awarded and in force. This definition is more stringent than the ULDC definition and allows for an early warning of potential problems with untimely spending of impact fees. Information on the Law Enforcement Countywide Impact Fee is presented in the Criminal Justice Impact Fee section.

## PALM BEACH COUNTY IMPACT FEE AGING ANALYSIS PERIOD ENDING SEPTEMBER 30, 2021

Year	Revenues	Unspent Revenues	Unencumbered Revenues
Road Program Zone 4 Fund	1 3504		
2013	3,338,260	0	0
2014	2,137,528	0	0
2015	5,371,235	0	0
2016	4,977,001	0	0
2017	5,482,565	0	0
2018	5,084,722	1,726,771	0
2019	5,894,360	5,894,360	0
2020	4,108,504	4,108,504	1,819,830
2021	5,936,750	5,936,750	5,936,750
Total	\$42,330,925	\$17,666,385	\$7,756,580
Encumbrances			\$9,909,805
Road Program Zone 5 Fund	d 3505		
2013	4,715,502	0	0
2014	4,199,913	0	0
2015	4,554,008	0	0
2016	12,297,542	281,449	0
2017	8,545,883	8,545,883	0
2018	4,811,188	4,811,188	0
2019	6,828,702	6,828,702	3,351,855
2020	5,769,712	5,769,712	5,769,712
2021	6,570,409	6,570,409	6,570,409
Total	\$58,292,859	\$32,807,343	\$15,691,976
Encumbrances			\$17,115,367
	1.5		
Parks and Recreation Zone		•	
2013	1,133,696	0	0
2014	588,778	0	0
2015	569,230	0	0
2016	327,271	0	0
2017	552,739	0	0
2018	424,148	245,409	0
2019	333,926	333,926	117,129
2020	668,807	668,807	668,807
2021	715,716	715,716	715,716
Total	\$5,314,311	\$1,963,859	\$1,501,653
Encumbrances			\$462,206

## PALM BEACH COUNTY IMPACT FEE AGING ANALYSIS PERIOD ENDING SEPTEMBER 30, 2021

Year	Revenues	Unspent Revenues	Unencumbered Revenues
Library Fund 3752			
2013	493,965	0	0
2014	509,786	0	0
2015	638,209	0	0
2016	563,661	557,032	557,032
2017	638,735	638,735	638,735
2018	603,832	603,832	603,832
2019	691,612	691,612	691,612
2020	896,661	896,661	896,661
2021	1,084,624	1,084,624	1,084,624
Total	\$6,121,085	\$4,472,496	\$4,472,496
Encumbrances			\$0
Road Patrol Fund 3803			
2013	268,069	72,940	0
2014	243,907	243,907	0
2015	254,248	254,248	26,920
2016	292,330	292,330	292,330
2017	265,188	265,188	265,188
2018	272,436	272,436	272,436
2019	376,034	376,034	376,034
2020	523,301	523,301	523,301
2021	499,493	499,493	499,493
Total	\$2,995,006	\$2,799,877	\$2,255,702
Encumbrances			\$544,175
Public Buildings Fund 3805	51、65、646、1		
2013	880,039	0	0
2014	1,075,152	0	0
2015	1,440,747	0	0
2016	1,398,516	0	0
2017	1,437,002	0	0
2018	1,296,221	764,138	764,138
2019	1,400,376	1,400,376	1,400,376
2020	1,670,838	1,670,838	1,670,838
2021	1,872,424	1,872,424	1,872,424
Total	\$12,471,315	\$5,707,776	\$5,707,776
Encumbrances			\$0

# Revenue Summary 4/20/2022

	2022 3502 361 5902 2. 2022 3502 361 5902 2. Unit <b>5902 Impact Fees Area - 2</b>	2022 3501 361 5901 2. 2022 3501 361 5901 2. Unit 5901 Impact Fees Area - 1	2022 1266 800 8000 Unit 8000 Revenue	2022 1265 800 8000 Unit 8000 Revenue	2022 1264 800 8000 Unit 8000 Revenue	<u>FY</u> <u>Fund</u> <u>Dept</u> <u>Unit</u> 2022 1263 800 8000 Unit 8000 Revenue
Fund 3502	Fund 3501 2431 Impact Fees-Residential Roads 2432 Impact Fees-Commercial Roads rea - 2	Fund 1266 2431 Impact Fees-Residential Roads 2432 Impact Fees-Commercial Roads rea - 1	Fund 1265 2451 Impact Fees-Residential human services Schools	Fund 1264 2451 Impact Fees-Residential human services Schools	Fund 1263 2451 Impact Fees-Residential human services Schools	Revenue Source 2451 Impact Fees-Residential human services Schools
2,000,000.00	3,300,000.00 1,602,156.00 397,844.00 2,000,000.00	2,500,000.00 2,013,460.00 1,286,540.00 3,300,000.00	2,500,000.00 2,500,000.00	6,750,000.00 4,500,000.00 4,500,000.00	3,500,000.00 6,750,000.00 6,750,000.00	Adopted Revenue Budget 3,500,000.00 3,500,000.00
2,000,000.00	3,300,000.00 1,602,156.00 397,844.00 2,000,000.00	2,500,000.00 2,013,460.00 1,286,540.00 3,300,000.00	2,500,000.00 2,500,000.00	6,750,000.00 4,500,000.00 4,500,000.00	3,500,000.00 6,750,000.00 6,750,000.00	<u>Current</u> <u>Revenue Budget</u> 3,500,000.00 3,500,000.00
4,148,003.11	1,715,002.90 2,969,588.36 1,178,414.75 4,148,003.11	1,388,934.11 1,004,961.89 710,041.01 1,715,002.90	2,378,172.82 1,388,934.11 1,388,934.11	222,617.00 2,378,172.82 2,378,172.82	10,833,630.94 222,617.00 222,617.00	Received Revenue 10,833,630.94 10,833,630.94
-2,148,003.11	1,584,997.10 -1,367,432.36 -780,570.75 -2,148,003.11	1,111,065.89 1,008,498.11 576,498.99 1,584,997.10	2,121,827.18 1,111,065.89 1,111,065.89	6,527,383.00 2,121,827.18 2,121,827.18	-7,333,630.94 6,527,383.00 6,527,383.00	<u>Available</u> -7,333,630.94 -7,333,630.94

not ({BUD\_STRU\_30\_LVL\_1.FUND\_CD} in ["3516", "3600"]) and {BUD\_STRU\_30\_LVL\_1.RSRC\_CD} in ["2411", "2412", "2413", "2414", "2421", "2422", "2431", "2432", "2451", "2452", "2461", "2462", "2463", "2464"] and {BUD\_STRU\_30\_LVL\_1.BFY} = 2022.00

	Unit	2022 2022 2022		Unii	2022 2022		Unit	2022	2022		Unit	2022 3704 2022 3704	FY
	I 0008 1	3805 3805 3805		1601 \$	3803 3803		t 4000 I	3752	3752		: 4000 I	3704 3704	Fund
	Unit 8000 Revenue	800 800		Sheriff-	160 160		Library	321	321		ire Re	441 441	<u>Dept</u>
	e	8000 8000		L Unit 1601 Sheriff-Law Enforcement	1601 1601		Unit 4000 Library Capital Projects	4000	4000		Unit 4000 Fire Rescue Revenues	4000 4000	Unit
Fund 3805 2022	Schools	2421 Impact Fees-Residential Public Buildings 2422 Impact Fees-Commercial Public Buildings 2451 Impact Fees-Residential human services	Fund 3803	Enforcement	2413 Impact Fees-Residential Law Enforcement 2414 Impact Fees-Commercial Law	Fund 3752	Libraries Projects	2462 Impact Fees-Commercial culture/rec	2461 Impact Fees-Residential culture/rec	Fund 3704	nues	2411 Impact Fees-Residential Fire Rescue 2412 Impact Fees-Commercial Fire Rescue	Revenue Source Fund 3603
1,100,000.00	1,100,000.00	825,000.00 275,000.00 0.00	300,000.00	300,000.00	244,770.00 55,230.00	800,000.00	800,000.00	0.00	800,000.00	1,000,000.00	1,000,000.00	910,000.00	Adopted Revenue Budget 900,000.00
1,100,000.00 38,020,000.00	1,100,000.00	825,000.00 275,000.00 0.00	300,000.00	300,000.00	244,770.00 55,230.00	800,000.00	800,000.00	0.00	800,000.00	1,000,000.00	1,000,000.00	910,000.00	Revenue Budget 900,000.00
857,979.50 29,687,241.26	857,979.50	622,037.65 235,941.85 0.00	197,262.11	197,262.11	175,956.59 21,305.52	481,592.23	481,592.23	0.00	481,592.23	718,668.59	/10,000.37	484,445.94 234,222.65	Received Revenue 371,069.70
242,020.50 8,332,758.74	242,020.50	202,962.35 39,058.15 0.00	102,737.89	102,737.89	68,813.41 33,924.48	318,407.77	318,407.77	0.00	318,407.77	281,331.41	MOLOULANT	425,554.06 -144,222.65 <b>361</b> 331 41	<u>Available</u> 528,930.30

not ({BUD\_STRU\_30\_LVL\_1.FUND\_CD} in ["3516", "3600"]) and {BUD\_STRU\_30\_LVL\_1.RSRC\_CD} in ["2411", "2412", "2413", "2414", "2421", "2422", "2431", "2432", "2451", "2452", "2462", "2463", "2464"] and {BUD\_STRU\_30\_LVL\_1.BFY} = 2022.00