Impact Fees

Demonstrating Extraordinary Circumstances

CHARLOTTE COUNTY
FLORIDA

The Florida Impact Fee Act – F.S 163.31801

- Signed into law June 2021
- Limited how and when impact fees can be increased
- Allowed for a “Demonstrated needs study” describing “Extraordinary Circumstances”

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Why take this route?

- Impact fee study had been completed within 12 months (January 2021)
- Study showed rates needed to be increased far beyond the 50% allowed.
- Some impact fee categories were not being collected.
- Prior study, which was not fully implemented, dated back to 2014

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Charlotte County Impact Fee History

- First enacted on 7-1-1986 with ORD 86-28.
- Ten increases in impact fees.
- Six decreases in impact fees.
- Eight technical studies.
- Only 30 months of the 35 years of history had implementation rates of 100% of the technical study.
- Range in fees for single family home from $946 (1986), a high of $7,780 in 2006 to the then adopted rate of $5,660

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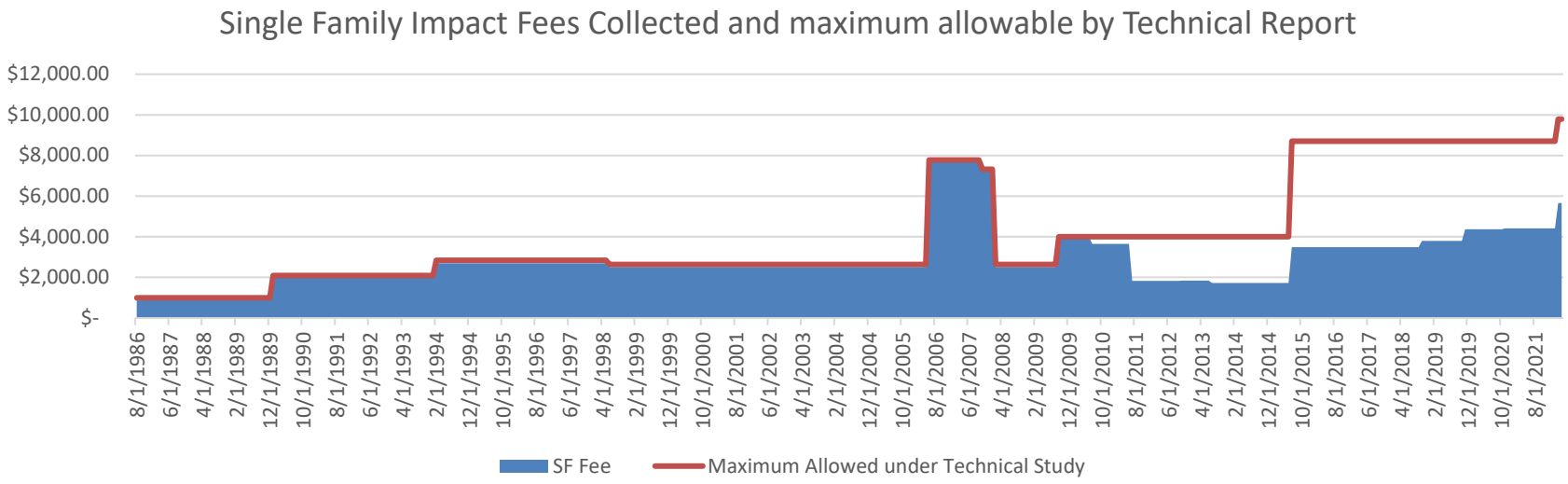
Impact Fee History



Demonstrated Needs Study

- Completed by county staff at the direction of the Board.
- Dated May 2nd, 2022.
- Considers “Extraordinary Circumstances” as applicable to all impact fee categories.

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Impact Fees – A Demonstrated Needs Study on Extraordinary Circumstances

2nd Publicly Noticed Workshop dedicated to Extraordinary Circumstances

May 24, 2022

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Purpose

- To present a demonstrated needs study establishing the existence of extraordinary circumstances necessitating the need to exceed statutory impact fee phase in limitations.

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Reasons for Extraordinary Circumstances

- Pre-emption
- Inconsistencies and conflicts within the statute language
- Local development patterns
- Age of infrastructure
- Explosive growth
- Cost escalations

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Justification

- Delta between collections and projected expenditures
- Fiscal impact of making proposed changes
- Unfunded needs if changes not made

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Results

- Board voted unanimously to determine the existence of “Extraordinary Needs” following the two required publicly noticed hearings
- Increase all fees to 100% with the exception of public buildings (25%) and Libraries (0%)
- Next study scheduled for 2026

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Thank you and any questions?