ORDINANCE NO. 2010-080

AN ORDINANCE AMENDING POLK COUNTY ORDINANCE 07-018, THE POLK COUNTY AMENDED, RESTATED AND CONSOLIDATED COMPREHENSIVE IMPACT FEE ORDINANCE, AS AMENDED; AMENDING SECTION 1.06 WHICH PROVIDED FOR A MORATORIUM ON THE COLLECTION OF EMERGENCY MEDICAL SYSTEM (EMS) IMPACT FEES, TRANSPORTATION IMPACT FEES, CORRECTIONAL FACILITIES IMPACT FEES, LIBRARY IMPACT FEES, PARKS AND RECREATIONAL FACILITIES IMPACT FEES, FIRE RESCUE IMPACT FEES AND LAW ENFORCEMENT IMPACT FEES FOR THE PURPOSE OF EXTENDING THAT MORATORIUM UNTIL JULY 31, 2012; PROVIDING FOR THE SUNSET OF SUCH MORATORIUM; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Polk County Board of County Commissioners (BoCC) imposed a six-month moratorium on the collection of Polk County EMS, Transportation, Correctional Facilities, Library, Parks and Recreational Facilities, Fire Rescue and Law Enforcement Impact Fees effective as of August 1, 2010 which is scheduled to expire on February 1, 2011; and

WHEREAS, the BoCC wishes to extend the Impact Fee Moratorium until July 31, 2012.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF

COUNTY COMMISSIONERS OF POLK COUNTY, FLORIDA:

SECTION 1: Section 1.06 of Polk County Ordinance 07-018, as amended, the Polk County Amended, Restated and Consolidated Comprehensive Impact Fee Ordinance, is amended to read as follows:

SECTION 1.06. MORATORIUM ON THE COLLECTION OF EMERGENCY MEDICAL SYSTEM (EMS) IMPACT FEES, TRANSPORTATION IMPACT FEES, CORRECTIONAL FACILITIES IMPACT FEES, LIBRARY IMPACT FEES, PARKS AND RECREATIONAL FACILITIES IMPACT FEES, FIRE RESCUE IMPACT FEES AND LAW ENFORCEMENT IMPACT FEES.

A. For the purpose of providing economic stimulus to Polk County and to

reduce high levels of unemployment in Polk County, the BoCC hereby extends the Impact Fee moratorium, which began on August 1, 2010, until July 31, 2012 on the collection of Polk County EMS, Transportation, Correctional Facilities, Library, Parks and Recreational Facilities, Fire Rescue and Law Enforcement Impact Fees for both residential and non-residential construction in the unincorporated areas of Polk County and within the municipalities in which Polk County Impact Fees are collected. Such moratorium shall apply to all such Capital Facilities Impact Construction for which a completed Building Permit application is submitted to either County or municipal building officials on or before July 31, 2012. The moratorium will continue until July 31, 2012 unless otherwise modified or repealed by the Board of County Commissioners. Otherwise qualified Capital Facilities Impact Construction shall be relieved from paying impact fees for EMS, Transportation, Correctional Facilities, Libraries, Parks and Recreational Facilities, Fire Rescue and Law Enforcement if a building permit is issued for such construction no later than six (6) months from submittal of a completed application for a building permit and a Certificate of Occupancy is issued no later than twenty-four (24) months from issuance of the building permit. For Non-Residential Construction projects the County Manager is authorized to grant a one-year extension of the deadline for obtaining a Certificate of Occupancy if the project otherwise meets the requirements imposed above.

B. Any permitted construction project which would qualify for a moratorium on impact fees pursuant to subsection A above, but for which a building permit has not been issued within six (6) months from submitting a completed application and/or a Certificate of Occupancy has not been issued within twenty-four (24) months from the issuance of the building permit, and for which the County Manager has not granted an extension, will be required to pay EMS Impact Fees, Transportation Impact Fees, Correctional Facilities Impact Fees, Library Impact Fees, Parks and Recreational Facilities Impact Fees, Fire Rescue Impact Fees and Law Enforcement Impact Fees. Pursuant to Section 2.01 (D) of this Ordinance, such fees shall be calculated according to the rate in effect at the time of payment.

C. The moratorium applied hereby does not apply to the imposition or

collection of Educational System Impact Fees and such impact fees shall continue to be imposed and collected by Polk County on all Residential Construction in both the unincorporated area of Polk County and within its municipalities.

D. Section 1.06 of Ordinance 07-018, as imposed by this Ordinance, will sunset and be effectively repealed on August 1, 2012 unless a majority vote of the BoCC determines that the economic conditions of the county warrant a continuation of the moratorium. In the event that Section 1.06, and the moratorium imposed thereby, is allowed to sunset and be repealed, prior to re-imposing EMS Impact Fees, Transportation Impact Fees, Correctional Facilities Impact Fees, Library Impact Fees, Parks and Recreational Facilities Impact Fees, Fire Rescue Impact Fees and Law Enforcement Impact Fees in effect prior to the Beginning Date of this moratorium, or imposing rates lower or higher than those rates, Polk County shall give the ninety (90) day published notice as required by Section 12.04 of Ordinance 07-018, as amended and such impact fee rates shall not be effective until ninety (90) days after such notice has been published.

SECTION 2: SEVERABILITY. If any clause, section or provision of this Ordinance or any Impact Fee imposed pursuant to this Ordinance shall be declared unconstitutional or invalid for any reason or cause, the remaining portion of said Ordinance or remaining Impact Fees shall be in full force and effect and be valid as if such invalid portion thereof had not been incorporated herein.

SECTION 3: EFFECTIVE DATE. A certified copy of this Ordinance shall be filed in the Department of State by the Clerk of the Board within ten (10) days after enactment by the Board and the Ordinance shall take effect as provided by law.

DULY ADOPTED in regular session, this 1st day of Dec., 2010.

STATE OF FLORIDA)

COUNTY OF POLK)

I Richard M. Weiss, Clerk of the Board of County Commissioners of Polk County, Florida hereby certify that the foregoing is a true and correct copy of Ordinance No. 10-080 adopted by the Board on December 01, 2010.

WITNESS my hand and official seal of said Board this 2nd day of December 2010.

Richard M. Weiss
Clerk to the Board

By Kathryn Courtney
Kathryn Courtney
Deputy Clerk

FLORIDA DEPARTMENT of STATE

CHARLIE CRIST
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

DAWN K. ROBERTS
Interim Secretary of State

December 9, 2010

Ms. Kathryn Courtney
Deputy Clerk
Finance and Accounting
Polk County
Post Office Box 988
Bartow, Florida 33831-0988

Dear Ms. Courtney:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated December 7, 2010 and certified copies of Polk County Ordinance Nos. 2010-080 through 2010-083, which were filed in this office on December 9, 2010.

Sincerely,

Liz Cloud

Liz Cloud
Program Administrator

LC/srd

RECEIVED
12-14-10 KG.
Clerk Of The Board

DIRECTOR'S OFFICE
R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250
850.245.6600 • FAX: 850. 245.6282 • TDD: 850.922.4085 • http://dlis.dos.state.fl.us

COMMUNITY DEVELOPMENT
850.245.6600 • FAX: 850.245.6643

STATE LIBRARY OF FLORIDA
850.245.6600 • FAX: 850.245.6744

STATE ARCHIVES OF FLORIDA
850.245.6700 • FAX: 850.488.4894

CAPITOL BRANCH
850.488.2812 • FAX: 850.488.9879

RECORDS MANAGEMENT SERVICES
850.245.6750 • FAX: 850.245.6795

ADMINISTRATIVE CODE AND WEEKLY
850.245.6270 • FAX: 850.245.6282