ORDINANCE NO. 2015-026

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 THROUGH DECEMBER 31, 2015; PROVIDING FOR THE SUNSET OF SUCH MORATORIUM; AMENDING SECTION 6.03 REGARDING IMPOSITION OF UPDATED EDUCATIONAL SYSTEM IMPACT FEE RATES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Polk County Board of County Commissioners (the "Board") 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, and, by action taken on December 1, 2010, extended that Moratorium for another twelve months, and by action taken on May 15, 2012, extended that Moratorium for an additional eighteen months; and by action taken on November 19, 2013, extended that moratorium for an additional eighteen months through July 31, 2015; and

WHEREAS, the moratorium is scheduled to sunset on August 1, 2015, unless further action is taken by the Board; and

WHEREAS, on April 7, 2015, the Board adopted Ordinance 2015-014 imposing updated rates for EMS, Transportation, Correctional Facilities, Library, Parks and Recreational Facilities, Fire Rescue and Law Enforcement Impact Fees to be effective on January 1, 2016; as well as updated rates for Educational System Impact Fees to be effective on August 1, 2015;

WHEREAS, in accordance with Ordinance 2015-014, the Board wishes to further extend the Impact Fee Moratorium through December 31, 2015, an additional term of five months, and provide dates certain for imposition of the updated Educational System Impact Fee rates.

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 (the "Master Ordinance"), is hereby amended and restated in its entirety 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, through December 31, 2015, 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 December 31, 2015. The moratorium will continue through December 31, 2015, 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 imposed by this Section 1.06 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. The moratorium imposed by this Section 1.06 will sunset and be effectively repealed on January 1, 2016.

SECTION 2: Section 6.03.B. of the Master Ordinance is hereby amended and restated in its entirety as follows:

SECTION 6.03 IMPOSITION OF EDUCATIONAL SYSTEM IMPACT FEES

...

B. (1) Except as otherwise provided in Section 6.03.B(2) below, for the period commencing on August 1, 2015, and ending on December 31, 2016, all Residential Construction occurring within the County shall pay Educational System Impact Fee rates in the amounts established within the Educational System Impact Fee Rate Schedule – Phase 1, which is attached hereto as Amended Attachment 4A and incorporated herein by reference. Commencing on January 1, 2017, and until otherwise modified or amended by the Board after notice, if required, and hearing, all Residential Construction occurring within the County shall pay Educational System Impact Fee rates in the amounts established within the Educational System Impact Fee Rate Schedule – Phase 2, which is attached hereto as Amended Attachment 4B and incorporated herein by reference; provided, however, that prior to increasing the Phase 1 Rates to the Phase 2 Rates, as set forth in the aforementioned schedules, the County

shall provide not less than ninety (90) days published notice, as required by Section 12.04 of this Ordinance and by Section 163.31801(3)(d), Florida Statutes.

B. (2) The Educational System Impact Fee Rate in effect as of July 31, 2015 (and not that rate which shall become effective August 1, 2015, as provided in Section 6.03.B(1) above) shall apply to all Residential Construction for which a completed Building Permit application is submitted to either County or municipal building officials on or before July 31, 2015. Otherwise qualified Residential Construction shall pay the July 31, 2015 Rate, and not the higher August 1, 2015 Rate, 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. Any permitted construction project which would qualify for payment of the lower July 31, 2015 Rate pursuant to this Section 6.03.B(2), 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 will be required to pay the higher Educational System Impact Fee Rate which becomes effective August 1, 2015.

SECTION 3: SEVERABILITY. If any clause, section or provision of this Ordinance or any Impact Fee imposed pursuant to this Ordinance or the Master 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 4: 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 5th day of May, 2015.

STATE OF FLORIDA)
)
COUNTY OF POLK)

I Stacy M. Butterfield, County Clerk and Comptroller for Polk County, Florida, hereby certify that the foregoing is a true and correct copy of Ordinance No.15-026 adopted by the Board on May 5, 2015.

WITNESS my hand and official seal on this 6th day of May, 2015.

STACY M. BUTTERFIELD, CLERK

By: Alison Prevatt
Alison Prevatt
Deputy Clerk

FLORIDA DEPARTMENT of STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

May 7, 2015

Ms. Alison Prevatt
Deputy Clerk
Finance and Accounting
Post Office Box 988
Bartow, Florida 33831-0988

Dear Ms. Prevatt:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Polk County Ordinance No. 2015-026, which was filed in this office on May 6, 2015.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

RECEIVED
MAY 07 2015
BY: Aprevatt

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