

ORDINANCE NO. 2020 - 01

AN ORDINANCE RELATING TO SANTA ROSA COUNTY, FLORIDA, AMENDING ARTICLE V OF THE SANTA ROSA COUNTY, FLORIDA, CODE; RELATING TO THE CREATION OF AN EDUCATIONAL FACILITIES IMPACT FEE; PROVIDING A SHORT TITLE, AUTHORITY, AND APPLICABILITY; PROVIDING LEGISLATIVE FINDINGS; PROVIDING INTENT AND PURPOSE; PROVIDING DEFINITIONS; PROVIDING FOR IMPOSITION OF AN EDUCATIONAL FACILITIES IMPACT FEE; PROVIDING A FEE SCHEDULE; PROVIDING FOR PAYMENT OF FEES AND FOR CREDITS; PROVIDING FOR USE OF FUNDS COLLECTED; PROVIDING EXEMPTIONS; PROVIDING FOR APPEALS; PROVIDING FOR REVIEW; DECLARING THE EXCLUSION FROM THE ADMINISTRATIVE PROCEDURES ACT; PROVIDING FOR NOTICE OF IMPACT FEE RATES; PROVIDING FOR CONFLICTS OF LAW; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA ROSA COUNTY, FLORIDA:

SECTION 1. SHORT TITLE, AUTHORITY, APPLICABILITY, AND LEGISLATIVE FINDINGS

(a) This Ordinance shall be known and may be cited as the “Santa Rosa County Educational Facilities Impact Fee Ordinance.”

(b) The Board of County Commissioners has the authority to adopt this Ordinance pursuant to Article VIII of the Constitution of the State of Florida, and Chapter 125 and Sections 163.3201 and 163.3202, Florida Statutes.

(c) This Ordinance shall apply to all areas of the County in a manner consistent with the opinion of the Florida Supreme Court in *St. Johns County v. Northeast Florida Builders Association, Inc.*, 583 So.2d 635 (Fla. 1991).

(d) Section 163.3202(3), Florida Statutes, encourages the use of innovative land development regulations, including the use of Impact Fees, to implement the goals, objectives and policies of a County's Comprehensive Plan.

(e) The School Board has adopted a resolution which requests the County to adopt an Educational System Impact Fee which requires future Residential Construction to contribute its fair share of the cost of capital improvements and additions to the Educational System which are necessary to accommodate the impact generated by such growth.

(f) The School Board has determined that ad valorem tax revenue and other revenues will not be sufficient to provide the capital improvements and additions to the Educational System which are necessary to accommodate such growth.

(g) Part II, Chapter 163, Florida Statutes, requires the County to adopt a Comprehensive Plan containing a capital improvements element which considers the need and location of public facilities within its areas of jurisdiction and the projected revenue source which will be utilized to fund these facilities.

(h) Pursuant to Section 1013.33, Florida Statutes, the School Board and the County are required to coordinate the planning of Educational Facilities with the planning of Residential Construction and the providing of other necessary services. Moreover, Section 1013.33(10), Florida Statutes, requires Educational Facilities to be consistent with the Comprehensive Plan.

(i) Implementation of the Educational System Impact Fee to require Residential Construction to contribute its fair share of the cost of growth-necessitated capital improvements to the Educational System promotes the general welfare of the citizens of Santa Rosa County. The provision of Educational Facilities which are adequate for the needs of growth is in the general welfare of all County residents and constitutes a public purpose.

(j) Implementation of the Educational System Impact Fee to require Residential Construction to contribute its fair share of the cost of required capital improvements and additions is an integral and vital element of the regulatory plan of growth management of the County.

(k) The projected capital improvements to the Educational System and the allocation of projected costs between those necessary to serve existing development and those required to accommodate the educational needs of future Residential Construction as presented in the Educational System Impact Fee Study have been approved and adopted by the County and such study is found to be consistent with the Comprehensive Plan of the County.

(l) It is anticipated that an interlocal agreement will be entered into between the County and the School Board to assist in the imposition and implementation of the Educational System Impact Fee within all areas of the County. The interlocal agreement shall provide for the consistent collection and administration of the Educational System Impact Fee throughout the County.

(m) The required improvements and additions to the Educational System needed to eliminate any existing deficiencies shall be financed by revenue sources of the School Board other than Educational System Impact Fees.

(n) The Board expressly finds that the improvements and additions to the Educational System funded by the Educational System Impact Fee provide a benefit to all Residential Construction in excess of the Educational System Impact Fee.

(o) The purpose of this article is to require payment of Educational System Impact Fees by those who engage in Residential Construction and to provide for the cost of capital improvements to the Educational System which are required to accommodate such growth. This article shall not be construed to permit the collection of Educational System Impact Fees in excess of the amount reasonably anticipated to offset the demand on the Educational System generated by such Residential Construction.

(p) The imposition of the Educational System Impact Fee is to provide a source of revenue to fund the construction or improvement of the Educational System necessitated by growth as delineated in the capital improvement element of the Comprehensive Plan.

(q) Both existing development and development resulting from growth, as contemplated by the Comprehensive Plan, will require improvements and additions to Educational Facilities to accommodate and maintain the level of service adopted by the County.

SECTION 2. INTENT AND PURPOSE.

(a) This Ordinance is intended to implement and be consistent with the Santa Rosa County Comprehensive Plan.

(b) The purpose of this Ordinance is to regulate the use and development of land so as to assure that new development bears a proportionate share of the cost of capital expenditures necessary to provide adequate public educational facilities as contemplated by the Santa Rosa County Comprehensive Plan.

(c) This Ordinance is intended to implement the polices established in Section 1013.33, Florida Statutes.

(d) Through enactment of Chapters 163 and 380, and Sections 163.31801 and 163.3202, Florida Statutes, the Florida Legislature has encouraged local governments to enact impact fees as a part of their land development regulation programs.

SECTION 3. DEFINITIONS.

The following words, terms, and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Affordable housing means a residential unit that is offered for sale or rent to low-income persons or very-low-income persons and for which monthly rent or monthly mortgage payments, including taxes, insurance, and utilities, do not exceed thirty percent (30%) of the amount that represents the percentage of the median adjusted gross income for low-income persons and very-low-income persons.

Ancillary Plant shall mean the Buildings, sites and site improvements necessary to provide support services to educational programs and shall include, but not be limited to, such facilities as vehicle maintenance, warehouses, maintenance or administrative Buildings not located at Educational Plants. Any such Building, site or site improvement may be independently referred to as an ancillary facility.

Auxiliary Facilities shall mean those portions of an Educational Plant which are not designated for Student Occupant Stations.

Building permit means the permit required for new construction, additions, and renovations pursuant to the land development regulations of Santa Rosa County, Florida, including a tie-down or similar permit for the establishment of a mobile home or similar structure.

Capital costs of educational facilities means expenditures for the acquisition of fixed assets or additions to fixed assets and expenditures for site acquisition, construction design, site development, necessary off-site improvements, and equipment.

Certificate of occupancy means the official document or certificate issued by the County under the land development regulations of Santa Rosa County, Florida, authorizing the occupancy of any building or parts thereof within Residential Construction, and shall include a tie-down permit for a mobile home or similar structure.

County means Santa Rosa County, a political subdivision of the State of Florida.

County Administrator means the County Administrator of Santa Rosa County, Florida, or the County official that the County Administrator may designate to administer the various provisions of this Ordinance.

Feepayer means a person commencing occupancy of Residential Construction by applying for the issuance of a certificate of occupancy for a residential unit or a mobile home.

Educational Facilities shall mean the Building, furniture and equipment that are built, installed or established to serve educational purposes and are designated for Student Occupant Stations or to facilitate the delivery of educational services.

Educational Plant shall mean the land, Building, furniture, equipment and site improvements necessary to accommodate students, faculty, administrators, staff and the activities of the educational programs and services for each student and shall include both the Educational Facilities and Auxiliary Facilities.

Educational System shall mean the Educational Plants and Ancillary Plants which are used to provide instruction within the Public Schools or the administrative or support activities related thereto.

Educational System Impact Fee shall mean the Impact Fee imposed to fund growth-necessitated capital improvements to the Educational System.

Educational System Impact Fee Study shall mean the study adopted pursuant to Section 4, as amended and supplemented pursuant to Section 11 hereof.

Housing for Older Persons shall mean Residential Units that:

1. Are within a community or subdivision that is operated as housing for older Persons in compliance with the terms and provisions of the Federal Fair Housing Act, Title VIII of the Civil Rights Acts of 1968, as amended by the Fair Housing Amendments Act of 1988 and the Housing for Older Persons Act of 1995, 42 U.S.C. § 3601-19; and
2. Prohibit any Person under the age of eighteen (18) years of age from residing within any Dwelling Unit on the property as a permanent resident, as evidenced by a recorded declaration of covenants and restrictions that runs with the land and is not subject to revocation or amendment for a period of at least thirty (30) years from the date of recording.

Low-income persons means one or more natural persons, the total adjusted gross household income of whom does not exceed eighty percent (80%) of the median adjusted gross income for households within the metropolitan statistical area covering the County, as reported by the United States Department of Housing and Urban Development or its governmental successor in function.

Owner means the natural person, corporation, partnership, incorporated association, or other similar entity holding legal title to the real property upon which a residential unit is to be built or installed.

Residential Construction shall mean land development designed or intended to permit more Residential Units than the existing use or non-use of land contains.

Residential unit means any building or structure or portion thereof, or any mobile home, that is designed for or used for residential purposes by a single housekeeping unit.

School Board means The School Board of Santa Rosa County, Florida, that, in accordance with the provisions of Article IX, Section 4(b), of the State Constitution, shall operate, control, and supervise all free public schools in its district and may exercise any power except as expressly prohibited by the State Constitution or general law.

Superintendent means the Superintendent of Schools for the School District of Santa Rosa County, Florida, elected in accordance with the provisions of Article IX, Section 5, of the State Constitution, or the School District official that the Superintendent may designate to administer the various provisions of this Ordinance.

Student Occupant Station shall mean the area necessary for a student to engage in educational activities, excluding ancillary and auxiliary spaces.

Very-low-income persons means one or more natural persons, the total adjusted gross household income of whom does not exceed fifty percent (50%) of the median adjusted gross income for households within the metropolitan statistical area covering the County, as reported by the United States Department of Housing and Urban Development or its governmental successor in function.

SECTION 4. ADOPTION OF STUDY; IMPOSITION OF FEE.

(a) The Board hereby adopts and incorporates by reference the “Public Educational Facility Funding Analysis,” dated December 2, 2019, prepared by Building Livable Communities, Inc., and including particularly the assumptions, conclusions and findings therein as to the allocation of anticipated costs of capital improvements and additions to the Educational System between costs required to accommodate existing development and costs required to serve new Residential Construction.

(b) Except as provided in Section 9 of this Ordinance, after the effective date of this ordinance, all Residential Construction occurring within the County, both within the unincorporated area and those areas within the incorporated area of any municipality, shall pay the Educational System Impact Fee as established herein at the time of, and as a condition of, issuance of a Certificate of Occupancy for such Residential Construction. No such Certificate of Occupancy shall be issued unless and until the educational facilities impact fee imposed by this Ordinance has been paid pursuant to Section 6.

SECTION 5. FEE SCHEDULE.

(a) Except as provided in Section 9, all Residential Construction in the County shall pay the applicable Educational System Impact Fees established in the following fee schedule:

SCHEDULE OF EDUCATIONAL FACILITIES IMPACT FEES

<u>Land Use Type</u>	<u>Impact Fee Per Unit</u>
Single Family	\$5,000
Mobile Home	\$4,000
Multi-Family	\$2,750

(b) If the type of Residential Construction is not specified on the above fee schedule, the County Administrator, in consultation with the Superintendent, shall use the fee applicable to the most nearly comparable type of land use on the schedule.

SECTION 6. PAYMENT OF FEES; CREDITS.

(a) The person applying for the issuance of a Building permit for Residential Construction shall pay the Educational System Impact Fee to the County at the time of the issuance of a Certificate of Occupancy for such Residential Construction. If not paid at the issuance of a certificate of occupancy, the Educational System Impact Fee may be collected by any other method authorized by law.

(b) The obligation for payment of the Educational Facilities Impact Fees shall run with the land.

(c) The payment of all Educational Facilities Impact Fees shall be in addition to any other fees, charges or assessments imposed by the County for the issuance of a Certificate of Occupancy.

(d) In lieu of all or part of an educational impact fee payable pursuant to this Ordinance, the School Board may accept an offer of a feepayer to donate land or equipment or to construct Educational Facilities and donate to the School Board. No credit shall be given for the donation of land or construction of Educational Facilities unless such property is conveyed, in fee simple to the School Board without remuneration. If the School Board accepts such an offer, the feepayer and the School Board shall enter into a credit agreement which shall provide for the parties' obligations and responsibilities, including, but not limited to the timing of actions to be taken by the feepayer and the obligations and responsibilities of the feepayer, including, but not limited to, the construction standards and requirements to be complied with; the obligations and responsibilities of the School Board, including, but not limited to, inspection of the project; and the amount of the credit as determined in accordance with Subsection (e) of this Section. Upon the granting of a credit, the School Board shall so inform the County Administrator, who shall credit the amount indicated by the School Board against the sum otherwise due. Except as provided in subsection (c) of this Section, the fee or portion thereof satisfied by the dedication or conveyance shall be deemed paid when the dedication or conveyance has occurred pursuant to the following procedure:

(1) The delivery to the School Board of a title insurance commitment, to insure the property in a sum to be agreed upon by the Board.

(2) The delivery to the School Board of a deed, with sufficient funds to pay all costs of transfer of title including recording.

(3) The escrow of real property taxes for the current year, pursuant to Section 196.265, Florida Statutes, as the same may be amended, or the payment of the taxes for the year.

(4) The issuance of a title insurance policy subsequent to recording of the deed and escrow or payment of real property taxes.

(e) The amount of developer contribution credit to be applied shall be determined according to the following standards of valuation:

(1) The value of donated land shall be based upon a written appraisal of fair market value by an M.A.I. Appraiser who was selected and paid for by the feepayer, and who used generally accepted appraisal techniques. If the appraisal does not conform to the requirements of this Ordinance and any applicable administrative regulations, the appraisal shall be corrected and resubmitted. In the event the School Board accepts the methodology of the appraisal but

disagrees with the appraised value, the School Board may engage another M.A.I. Appraiser at the School Board's expense and the value shall be an amount equal to the average of the two (2) appraisals. If either party does not accept the average of the two (2) appraisals, a third appraisal shall be obtained, with the cost of said third appraisal being shared equally by the School Board and the feepayer. The third appraiser shall be selected by the first two (2) appraisers and the third appraisal shall be binding on the parties.

(2) The actual cost of construction of a capital improvement or value of donated capital equipment shall be based upon actual costs of construction or acquisition of said capital improvement or capital equipment as certified by a professional architect or engineer or as shown by a manufacturer's or supplier's invoice. However, as to the construction of capital improvements, in no event shall any credit be granted in excess of the estimated construction costs provided by a professional architect or engineer and approved by the School Board unless the construction project is competitively bid, in which case, the credit shall be limited to the actual cost or one hundred twenty (120) per cent of the bid amounts, whichever is less.

(f) Notwithstanding the procedure set forth in subsection (d) of this Section, the educational impact fee credit allowed for property that is the subject of an impact fee agreement between the School Board and the feepayer or the feepayer's predecessor in interest shall be determined as provided in such agreement.

(g) Pursuant to Section 163.31801(4), Florida Statutes, the value of any contribution relating to public educational capital facilities, including land dedication, site planning and design, and construction, required pursuant to a County-approved development order shall be credited against the educational facilities impact fee.

(h) Credits shall not be transferable as a credit against any other impact fee levied for purposes other than for educational facilities. No credit shall exceed the amount due for the educational facilities impact fee.

(i) If an educational facilities impact fee is owed by a feepayer for any Residential Construction in the County, no development permit of any type may be issued to that feepayer for any Residential Construction in the County while the fee remains unpaid. The County Administrator, in consultation with the Superintendent, may authorize the initiation of any action as permitted by law or equity to collect the unpaid fees.

(j) The County retains the right independently to determine the amount of credit to be recommended by securing other engineering and construction cost estimates or property appraisals for the proposed land dedication. In every case, educational facilities impact fee credits must be calculated so as to be consistent with the provisions of Section 163.31801, Florida Statutes.

SECTION 7. USE OF FUNDS COLLECTED.

(a) Educational System Impact Fees shall be collected by the County and deposited in a designated account established and maintained by County. The funds collected by the County under this Ordinance shall be remitted quarterly to the School Board. The County as the collecting governmental unit shall be entitled to retain up to but not more than three percent (3%) of the funds collected, not to exceed actual costs, to compensate for the administrative expense of collecting and administering this Ordinance.

(b) The funds collected and transmitted to the School Board shall be segregated from other School Board funds, in a separate accounting fund. Such account shall be known as the "Educational System Impact Fee Account." The monies deposited into the Educational System Impact Fee account shall be used solely for the purpose of providing growth-necessitated capital improvements to Educational Plants and Ancillary Plants of the Educational System, including, without limitation:

- (1) Design and construction plan preparation;
- (2) Any permitting or application fees necessary for the construction;
- (3) Site development and on-site and Off-Site Improvements incidental to the construction thereto;
- (4) Land acquisition, including any cost of acquisition;
- (5) Design and construction of Educational Plants and Ancillary Plants;

(6) Design and construction of new drainage facilities required by the construction of Educational Plants and Ancillary Plants or improvements thereto;

(7) Relocating utilities required by the construction of Educational Plants and Ancillary Plants or improvements or additions thereto;

(8) Landscaping;

(9) Construction management and inspection;

(10) Surveying, soils and materials testing;

(11) Acquisition of furniture and equipment necessary to accommodate students, faculty, administrators, staff and the activities of the educational programs and services at Educational Plants which is necessitated by growth;

(12) Repayment of monies transferred or borrowed from any budgetary fund of the County or the School Board which were used to fund growth-necessitated capital improvements to the Educational Plants or Ancillary Plants;

(13) Costs related to the administration, collection and implementation of the Educational System Impact Fee;

(14) Payment of principal and interest, necessary reserves and costs of issuance under any bonds or other indebtedness issued by the School Board to fund growth-necessitated improvements and additions to the Educational System; and

(15) Fees for professional services, including, without limitation, architecture, engineering, surveying, landscaping, soils and material testing, legal, appraisals, and construction management.

(16) On-site sidewalk improvements incidental to the construction of Educational Facilities or growth-necessitated improvements thereto.

(c) Funds on deposit in the Educational System Impact Fee account shall not be used for any expenditure needed to eliminate existing deficiencies or that would be classified as a maintenance or repair expense.

(d) At least every three (3) years, the School Board shall submit to the County a report summarizing all expenditures of funds and demonstrating that all expenditures comply with requirements of Florida law. The first report shall be due three (3) years from the effective date of this Ordinance.

(e) Audits of the financial statements of the School Board that are performed by a certified public accountant pursuant to Section 218.39, Florida Statutes, and submitted to the Florida Auditor General shall include an affidavit signed by the chief financial officer of the School Board stating that the School Board has complied with Section 163.31801, Florida Statutes.

(e) The Board of County Commissioners and the School Board will enter an appropriate interlocal agreement to provide for the collection of fees imposed and to ensure proper use of the funds collected pursuant to this Ordinance. The interlocal agreement will include provisions whereby the School Board agrees (i) to indemnify and hold the County and its officers and employees harmless from and against all liability, claims and suits, costs, and attorneys' fees in any manner connected with this Ordinance or any future amendment of successor ordinance, unless caused by the sole negligence of the County, (ii) to provide any legal defense necessary at no cost to the County or its officers or employees, and (iii) to pay any refund of educational facilities impact fees as may be ordered by any court or agreed to by the School Board, solely at the expense of the School Board.

SECTION 8. REFUND OF FEES PAID.

Any funds not expended or encumbered by the end of the calendar quarter immediately following ten (10) years from the date the educational facilities impact fee was paid shall, upon application of the fee payer, be returned to the fee payer with any interest which may have been earned within 180 days of that date. For the purposes of this Section, fees collected shall be deemed to be spent or Encumbered on the basis of the first fee in shall be the first fee out.

SECTION 9. EXEMPTIONS.

(a) The following shall be exempted from payment of the educational facilities impact fee:

(1) Alteration or expansion of an existing residential unit where no additional residential unit is created and where the use is not changed.

(2) The construction of accessory buildings or structures that will not produce additional residential units.

(3) The replacement of an existing lawfully permitted residential land use unit with a new unit of the same type and use provided that no additional residential unit will be produced.

(4) The construction of residential units meeting the requirements as Housing for Older Persons in compliance with the terms and provisions of the Federal Fair Housing Act, Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988 and the Housing for Older Persons Act of 1995, 42 U.S.C., Sections 3601 through 3619. This restriction must be evidenced by a recorded declaration of enforceable covenants and restrictions that are not subject to revocation or amendment for a period of at least thirty (30) years from the date of recording. The covenants and restrictions must run with the land.

(5) Subject to the availability of School Board funds to pay for each exemption, any residential unit that qualifies as affordable housing and meets the following requirements:

A. Any feepayer seeking an affordable housing exemption shall file with the Superintendent an application for exemption prior to receiving a certificate of occupancy for the proposed residential unit. The application for exemption shall contain the following:

1. The name and address of the owner;
2. The legal description of the residential unit;
3. The proposed selling price or the proposed rental price, as applicable, of the residential unit; and

4. Evidence that the residential unit shall be occupied by low-income persons or very-low-income persons, including the form of restrictions to be contained within the deed as required by Section 9(a)(6)B of this Ordinance.

B. For a residential unit to receive an affordable housing exemption, it must meet all of the restrictions of affordable housing as provided in this Ordinance and these restrictions must continue for a period of at least eight (8) years from the date of issuance of a certificate of occupancy for the residential unit. Such restrictions must be contained within the deed for the residential unit.

C. If the residential unit meets the requirements for an affordable housing exemption, the Superintendent shall issue a written exemption to the feepayer. The exemption shall be presented to the County upon application for a certificate of occupancy for the residential unit and in lieu of payment of the educational facilities impact fee.

D. The amount of the educational facilities impact fee shall not be increased to replace any revenue lost due to the affordable housing exemption.

E. In the event the residential unit fails to meet the restrictions of affordable housing as provided in this Ordinance at any time within the eight (8) year period following issuance of the certificate of occupancy such that the property no longer qualifies as affordable housing and is no longer occupied by low-income persons or very-low-income persons,

the educational facilities impact fee in effect at the time of the change in circumstances shall be due and the provisions of Section 6(f) of this Ordinance shall apply.

(6) The construction of residential units for which a development order, permit, or other authorization:

A. Was extended in accordance with Section 252.363(1), Florida Statutes, or other lawfully adopted statute or ordinance prior to the effective date of this Ordinance, and

B. Has not expired prior to the owner or feepayer seeking a building permit to construct such units.

(b) An exemption must be claimed by the feepayer at the time of the issuance of a certificate of occupancy for the residential construction. Any exemption not so claimed shall be deemed waived by the feepayer.

SECTION 10. APPEALS.

(a) Any decision made by the County Administrator or the Superintendent in the course of administering the provisions of this Ordinance may be appealed to the School Board by filing a petition of appeal within thirty (30) calendar days of the date of the rendition of the decision. Failure to request a hearing within the time provided shall be deemed a waiver of any right for consideration of administrative relief. The appeal shall contain the following:

- (1) The name and address of the feepayer and owner;
- (2) The address and legal description of the property in question;
- (3) If issued, the date the Certificate of occupancy was issued;
- (4) A brief description of the nature of the construction;
- (5) If paid, the date the Educational System Impact Fees were paid; and
- (6) A statement of the reasons for the appeal.

(b) The School Board shall review the petition at a public meeting within thirty (30) calendar days from the date of appeal of the County Administrator's or Superintendent's decision. The petitioner shall be provided reasonable notice of the time, date, and place of the public meeting by certified mail, return receipt requested, and invited to attend. Testimony at the public meeting shall be limited to ten (10) minutes per side, unless an extension of time is granted by the School Board. The School Board's decision shall be final for the purpose of administrative appeals.

(c) The School Board shall revoke the decision of the County Administrator or the Superintendent only if there is competent, substantial evidence in the record that the decision fails to comply with this Ordinance.

SECTION 11. REVIEW REQUIREMENT.

This Ordinance and the Impact Fee study adopted herein, as may be supplemented and amended, shall be reviewed by the School Board and County at least once every five (5) years, unless the School Board determines that a substantial increase in revenues or new revenue sources warrant an earlier review to evaluate and adjust, if appropriate, the Impact Fees. The initial and each subsequent review shall consider but not be limited to all components of the Impact Fee Study. The purpose of this review is to demonstrate that the Impact Fees do not exceed reasonably anticipated costs associated with growth-necessitated capital improvements. In the event the review of this Ordinance and the Impact Fee study required by this Section alters or changes the assumptions, conclusions and findings of the Impact Fee study accepted by reference herein then said studies shall be amended and updated to reflect the assumptions, conclusions and findings of such reviews and the Impact Fees shall be amended in accordance therewith.

SECTION 12. DECLARATION OF EXCLUSION FROM ADMINISTRATIVE PROCEDURES ACT.

Nothing contained in this Ordinance shall be construed or interpreted to include the County in the definition of agency contained in Section 120.52, Florida Statutes, or to otherwise subject the County to the application of the Administrative Procedures Act, Chapter 120, Florida Statutes. This declaration of intent and exclusion shall apply to all proceedings taken as a result of or pursuant to this Ordinance, including specifically, but not limited to, a review hearing under Section 10.

SECTION 13. NOTICE OF IMPACT FEE RATES.

Upon adoption of this Ordinance and any amendment to this Ordinance imposing revised Impact Fee rates or revising the impact fee land use categories, the County Manager shall publish a notice once in a newspaper of general circulation within the County which shall include:

- A. A brief and general description of the Impact Fees subject to adjustment;
- B. A description of the geographic area in which such Impact Fees will be collected;
- C. The Impact Fee rates to be imposed for each impact fee land use category; and
- D. The date of implementation of the revised Impact Fee rates set forth in the notice, which date shall not be earlier than ninety (90) days after the date of publication of the notice.

SECTION 14. CONFLICTS OF LAW.

Whenever the requirements or provisions of this Ordinance are in conflict with the requirements or provisions of any other lawfully adopted ordinance or statute, the most restrictive requirements shall apply.

SECTION 15. SEVERABILITY.

The provisions of this Ordinance shall be deemed to be separate and independent of all other provisions herein and if any provision of this Ordinance is declared invalid or void for any reason, the validity thereof shall not affect the remaining provisions of this Ordinance.

SECTION 16. CODIFICATION.

The provisions of this Ordinance shall become and be made a part of the code of laws and ordinances of the County of Santa Rosa. The sections of this Ordinance may be renumbered or re-lettered, and the word "ordinance" may be changed to "section," "article," or other appropriate word or phrase, to accomplish codification.

SECTION 17. EFFECTIVE DATE.

A certified copy of this Ordinance shall be filed in the office of the Secretary of State within ten (10) days after enactment, and this Ordinance shall take effect (a) upon receipt of official acknowledgment from that office that said Ordinance has been filed, or (b) ninety (90) days after provision of the notice required by Section 163.31801, Florida Statutes, whichever last occurs. The impact fee shall be due upon issuance of the Certificate of Occupancy for all residential units for which applications for building permits were received after the effective date.

PASSED AND ADOPTED by a vote of ___ yeas, ___ nays, and ___ absent of the board of County Commissioners of Santa Rosa County, Florida, on the ___ day of _____, 2020.

**BOARD OF COUNTY COMMISSIONERS
SANTA ROSA COUNTY, FLORIDA**

By: _____
W. D. "Don" Salter, Chairman

ATTEST:

Donald C. Spencer, Clerk of Court

I, Donald C. Spencer, Clerk of Court of Santa Rosa County, Florida, do hereby certify that the same was adopted and filed of record and sent electronically to the Secretary of State of Florida, on this ___ day of _____, 2020.

Donald C. Spencer, Clerk of Court