

Introduction

St. Lucie County and the City of Port St. Lucie have had many discussions about impact fees over the years. Their relationship is complicated: Port St. Lucie is the 7th largest city in Florida. In addition, Developments of Regional Impact (DRIs) approved by Port St. Lucie contain infrastructure improvements and subsequently the agreements have resulted in impact fee credits. These credits reduce the amount of impact fee funding available to either jurisdiction for road infrastructure. While other sources of funding make up the majority of spending on roads, Port St. Lucie wishes to ensure that St. Lucie County impact fees are contributing to capital facility improvements that benefit the City.

A July 7, 2020 memo from the Planning and Services Department provided information in response to Port St. Lucie Council member questions. In addition to the memo, two attachments were included: one from the Port St. Lucie Public Works Department and one from St. Lucie County. In response to the City's request for annual reports, St. Lucie County provided a memo dated October 2, 2020 with additional information.

The Port St. Lucie Public Works memo and the St. Lucie County memos both provide a myriad of information: data on population growth, taxable values, and comparisons of fees, taxes, and payments to the CRA, all over various time periods and with various funding sources. Some of the information included, while interesting, is not germane to the question at hand. How is St. Lucie County using road impact fees and does their use of the funds benefit the City?

The Planning and Services Department engaged the services of van Vonno Consulting, LLC to prepare a white paper on road impact fees in St. Lucie County and its municipalities. This white paper describes what impact fees are, how they are used by the two jurisdictions, compares their ordinances on impact fees, reviews their interlocal agreements regarding the collection and use of impact fees, and analyzes how St. Lucie County is spending impact fees on roads. Lastly, this paper contains recommendations for the two jurisdictions to consider.

What are Impact Fees?

Impact fees are a method of collecting funds by a government to assist in the costs of public services. Impact fees are assessed on new development under the premise that the new development will affect existing public facilities and services provided by the local government. Impact fees have been imposed in many areas of the country. According to Clancy Duncan, 29 states have adopted enabling legislation for impact fees. (Source: Clancy Mullen, Duncan Associates, State Impact Fee Enabling Acts, www.impactfees.com, 2/12/2018)

FlagerLive.com, a local online news service for Flagler County notes that "Impact fees are especially prevalent in Florida, Texas and other low-tax states where the tax structure doesn't provide enough revenue through other sources to pay for growth."

Impact fees are assessed for new development. Fees may be imposed for parks, public buildings, libraries, emergency services facilities, law enforcement and correction facilities, transportation facilities, and schools. While local governments also impose charges for water and wastewater services, these fees are known as capital facility connection fees and are not classified as impact fees.

Fees are used to pay for the construction or expansion of off-site capital improvements (roads, public buildings, etc.) that are necessitated by, and benefit, the new development. Impact fees must be spent on capital construction costs and only on the type of facility for which the fee was collected.

Statutory Requirements

Prior to 1973 local governments in Florida operated under Dillion's Rule, which in effect considered local governments' creatures of the state with little local power. This required the State Legislators to consider thousands of local bills to address local issues annually. Home Rule language was proposed in the 1968 constitutional revision to the Florida Constitution and was adopted by the citizens. After several legal challenges, the Legislature adopted the Home Rule Powers Act in 1973. Home rule allows broad powers to local governments in developing local solutions for the needs of the particular community. In Florida impact fees were established under the Home Rule authority of local governments. (Source: The History of Home Rule, Florida League of Cities. <http://www.floridaleagueofcities.com/Resources.aspx?CNID=645>)

There were no statutory requirements for impact fees. Over time the use of impact fees was largely governed by court rulings when a private entity sued a local government over the imposition of fees, or when a local government sued another local government over the imposition, collection or sharing of fees.

As noted above Florida did not have an enabling act that laid out the procedural requirements for impact fee collections. Section 163.3202 of Florida Statute requires local governments to adopt Land Development Regulations within one year of their adoption of their Comprehensive Plan, as follows:

(3) This section shall be construed to encourage the use of innovative land development regulations which include provisions such as transfer of development rights, incentive and inclusionary zoning, planned-unit development, impact fees, and performance zoning. These and all other such regulations shall be combined and compiled into a single land development code for the jurisdiction. A general zoning code shall not be required if a local government's adopted land development regulations meet the requirements of this section." (Source: Sec. 163.3202(3), F.S. 2019)

This provision is often cited in adopting ordinances as the state encouraging the adoption of impact fees, and both St. Lucie County and Port St. Lucie cite this provision in their Codes on impact fees.

Over the years, the State Legislature has considered various bills regarding impact fees. In 2006, Section 163.31801, known as the Florida Impact Fee Act, was adopted. Since its adoption, there have been numerous proposals in every legislative session, and it has been amended several times. In 2019 the Florida Legislature amended Section 163.31801 by legislation referred to as Senate Bill (SB) 1066. SB 1066 prohibited increased fees being imposed upon pending permit applications, and provided that impact fees could be transferred from one parcel to another located within the same or an adjacent impact fee zone and receiving similar benefits. (Source: Chapter 2020-58, Senate Bill 1066, F.S. 2020)

Section 163.31801, F.S. outlines the procedures a local government must follow to enact impact fees. While the Statute basically codifies the prior case law, it has additional requirements that reflect the Florida Legislature's growing concern with local government home rule authority.

The Statutory requirements specify procedures for imposing impact fees, the collection and use of fees, and administrative procedures. The following analysis follows this organization, contains the statutory reference and highlights the two new sections added by SB 1066.

Imposition of Fees

Impact fees must be adopted by ordinance or resolution, and, notice of a new or an increase in fees, must be provided no less than 90 days before the effective date of the ordinance. (Sec. 31801 (3) (d), F.S.2019)

Impact fees must be based on the most recent and localized data. (Sec. 31801 (3) (a), F.S. 2019)

Collection and Use of Fee Requirements

Impact fees may not be collected prior to the date of building permit issuance for the property that is subject to the fee. (Sec. 31801 (3) (e), F.S. 2019)

New or increased impact fees may not be imposed on a permit application that was submitted prior to the effective date of the new fees. (Sec. 31801 (3) (e), F.S. as amended by SB 1066, 2020)

The impact fee must be reasonably connected to, or have a rational nexus with, the *need* for additional capital facilities and the increased impact generated by the new residential or commercial construction. (Sec.31801 (3) (f), F.S. 2019)

The impact fee must be reasonably connected to, or have a rational nexus with, the *expenditures* of the revenues generated and the benefits accruing to the new residential or commercial construction. (Sec.31801 (3) (g), F.S. 2019)

Fees may be transferred from one property to another. (Sec.31801 (8), as amended by SB 1066, 2020)

Administrative Requirements

The local government must provide for accounting and reporting of impact fee collections and expenditures and must account for the revenue and expenditure fees in separate accounting funds. (Sec. 31801 (3) (b), F.S. 2019)

Administrative charges for the collection of impact fees must be based on actual costs.¹
(Sec. 31801 (3) (c), F.S. 2019)

The local government must specifically earmark revenues generated by the impact fee to acquire, construct, or improve capital facilities to benefit new users. (Sec.31801 (3) (h), F.S. 2019)

The local government may not use revenues generated by the impact fee to pay existing debt or for previously approved projects unless the expenditure is reasonably connected to, or has a rational nexus with, the increased impact generated by the new residential or commercial construction. (Sec. 31801 (3) (i), F.S. 2019)

Section 163.31801 (4) through (9) contain additional requirements regarding credits, audits, legal challenges, affordable housing waivers and water and sewer connection fees. Section 163.31801(8) an addition from SB 1066 is noted above.

Sec. (5) requires that audits of financial statements of local governmental entities must include an affidavit signed by the chief financial officer of the local government stating that the local government has complied with this section.

Sec. (6) requires local government to assume the burden of proving by a preponderance of the evidence that the imposition of or the amount of the fee meets the requirements of state legal precedent of Section 163.31801. The statute has defined for the courts what standard of review it must use. The court may not use a deferential standard. This is distinct from other

¹ This reference is the administrative fee that a local government may impose as part of their impact fee schedule. It is part of the cost of the fee charged to a feepayer. Interlocal agreements between jurisdictions for the collection of fees often allow the collecting agency to charge an administrative fee for collecting fees on behalf of another jurisdiction.

types of legal challenges to local government actions which are granted a deferential standard usually characterized as “reasonable minds may disagree.”

Raise Your Standards: A Practitioner’s Guide To The Effective Use Of Appellate Standards Of Review, Rachel Canfield Florida Bar Journal Vol. 92, No. 9 November 2018 Pg 39
<https://www.floridabar.org/the-florida-bar-journal/raise-your-standards-a-practitioners-guide->

Lastly, Sec. (9) allows jurisdictions to provide a waiver or exception for impact fees for the development or construction of housing that is affordable, as defined by S. 420.9071. It does not require the payment of fees from another funding source. Sec. 420.9071 is cited since it contains the definitions used for the State Housing Initiative Program (SHIP) which funds the development or construction of affordable housing.

A full analysis of the 2020 Impact Fee legislation prepared by the City of Port St. Lucie Attorney is found within the July 7, 2020 memo.

History of Impact Fees in St. Lucie County

St. Lucie County adopted road impact fees in 1986 on a county-wide basis. Impact fees for Parks, Public Buildings, Law Enforcement, Fire, Public Libraries and Schools followed shortly thereafter. (Source: St. Lucie County Board of County Commissioners Agenda item, “Ordinance - Roads Impact Fee,” Agenda item, ORD – 2018-3, Planning and Development Services Department, February 5, 2019)

The County’s impact fee regulations are codified in Chapter 24 of the St. Lucie County Code, Articles I through VIII. Each Article is a separately adopted ordinance. While this structure results in some duplication, the organization allows the County to customize each impact fee with very specific references to State Statutes, court cases, and its rationale for the applicability of the ordinance to all areas of the County, “even in the absence of interlocal agreements with the affected municipalities.”

Article I is the Economic Development Impact Fee Mitigation Program. This Program allows the County Commission to mitigate “any real or perceived disadvantage occurring from the imposition of the impact fees” for certain qualified targeted industry businesses. (Chapter 24 Impact Fees, St. Lucie County Code, 2015)

The next six Articles describe the provisions for Educational Facilities, Fire/EMS, Law Enforcement, Libraries, Parks and Public Buildings. Article VIII describes the provisions for Road impact fees.

Each article follows a similar organizational structure, and there is much duplication of language among the seven articles.

The notable features of St. Lucie County’s impact fee ordinances are several. First is the clear assertion in Articles III through VIII that St. Lucie County is the sole provider of the service in question. For example, Article III, Section 24-51 (c) states: “The county fire district is the sole provider of fire/emergency medical services in the county.” Article IV, Section 24-91 (c) states: “The county sheriff’s department provides county-wide law enforcement, court security and correctional security throughout the county pursuant to the authority granted and required under Article VIII(1)(d) of the State Constitution and F.S. Ch. 30.”

Similar language to Section 24-91 is found in Article V, Libraries, and in Article VIII, Roads. In the case of Articles VI, Parks and VII, Public Buildings the language is slightly different, referencing the County’s power to provide services for parks and public buildings.

Benefit districts mirror service areas. Fire, Law and Public Buildings have one County-wide Benefit district; Library and Parks have two benefit districts and Roads has four benefit zones. Port St. Lucie is in the Mainland Benefit District.

The Data and Analysis to support the non-road impact fees are clearly stated in the Use of Funds Section of each ordinance. These sections reference the work performed by James C. Nicholas, Ph.D., a nationally recognized impact fee expert who has done the County's impact fee studies for years. His most recent work was done in fall, 2016 as cited in Sections 24-62, 24-102, 24-137, 24-180 and 24-219.

The St. Lucie County Roads Impact fee ordinance references "capital improvements or enhancements to transportation facilities associated with the arterial and collector road network of the county as identified in the county's comprehensive plan or the comprehensive plans of the City of Fort Pierce, City of Port St. Lucie, St. Lucie Village or by the FDOT. Roads impact fees shall not be used for maintenance or operation purposes. Such improvements shall be of the type as are made necessary by the new development" (Section 24-261, Article VIII, St. Lucie Code). The County updated its data and analysis in 2018 with a Study performed by Tindale Oliver and Culpepper & Terpening to update and recalculate its road impact fees.

Lastly the St. Lucie County ordinances have a provision for the review and automatic adjustment of fees. Each fee may be adjusted annually in April of each year. Any adjustments to the fees are done in accordance with a prescribed formula and become effective in October unless the County Commission intervenes. Fees must be reviewed and updated every five years.

This annual process of review and adjustment ensures that the County will annually review current costs to provide the public service or facility in question, and by annually adjusting the fee it can keep pace with rising costs. It also prevents sticker shock that happens in other jurisdictions that only assess costs at the update of the ordinances.

Impact Fees in the Municipalities

St. Lucie County contains three municipalities, St. Lucie Village, Fort Pierce, and Port St. Lucie. St. Lucie Village is a 1.5 acres residential community. Fort Pierce is 21 square miles while Port St. Lucie is over 120 square miles, or 63 percent of the land area of St. Lucie County.

Fort Pierce and Port St. Lucie both have impact fees. Fort Pierce fees are found in Chapter 113 of its Land Development Code. It appears that Fort Pierce has not updated their fees since 2008 except to add an Economic Development Impact Fee Mitigation Program adopted by Ordinance 15-002, in February 2015. While the language is similar to the language found in both City and County Economic Development Impact Fee Mitigation Programs, the Fort Pierce ordinance does not contain language regarding locally owned and operated small business that are targeted industries.

Port St. Lucie's impact fees are found in Chapter 159 in Code of Ordinances. Chapter 159 is structured similarity to St. Lucie County's Chapter 24 on impact fees. Chapter 159 contains five Articles: Law, Roads, Parks, Public Buildings, and an Economic Development Impact Fee Mitigation Program.

Port St. Lucie does not assess impact fees for those services which have a clear sole provider: Schools, Fire and Libraries. It does assess fees for Law Enforcement since the City has a police department. It also assesses fees for roads, parks and public buildings.

Much of the language found in the County ordinances are similar to the language in Port St. Lucie's ordinances. Each reference statutory provisions and court cases in their ordinances. The Data and Analysis for the non-road impact fees are

clearly stated in both sets of ordinances. Both jurisdiction's ordinances have a provision for the review and automatic adjustment of fees. Fees may be adjusted annually each year, in accordance with a prescribed formula. The major difference in this annual review is that it can be done administratively in St. Lucie County unless the County Commission intervenes. In Port St. Lucie the annual adjusted fee schedule must be adopted by Ordinance of the City Council. Lastly fees must be reviewed and updated every five years for St. Lucie County and every four years for Port St. Lucie.

A separate document that compares the two jurisdictions' impact fee ordinances is found as Appendix A to this report.

Interlocal Agreements

An interlocal agreement is a written contract between local government agencies to spell out cooperation on joint operations. Interlocal agreements are authorized in Florida Statute 163. 01, also known as the Florida Interlocal Cooperation Act of 1969. The Act allows local governments to enter into agreements on matters of common interest and community benefit. Some interlocal agreements are required by Statute; for example, interlocal agreements for joint planning and school siting. Interlocal agreements must be approved by a vote of the elected bodies that are parties to the agreement.

Both cities have interlocal agreements with St. Lucie County, for each of the impact fees collected by the municipalities on behalf of the County, including the agreement on school impact fees that also includes the St. Lucie School Board. The agreements, developed by the St. Lucie County Attorney's Office, outline the responsibilities of each entity and allow an administrative fee for the municipality collecting the fees for the County. The agreements also include provisions that allow the Cities to retain a portion of the County fees, as stated in Section 3.c of the Parks interlocal agreement with Fort Pierce.

Section 3.c. states that the City agrees "to remit to County thirty percent (30%) of all funds collected as impact fees, after the deduction of four (4%) percent of the funds collected which shall be kept by City as a fee for administration for collecting and transmitting the funds. City shall remit the collected funds monthly to County, with payment being made to County by the 15th day of the following month."

Section 3.g. states "To expend the impact funds retained by the City to construct part or all of a parks improvement project shown in the City's or County's comprehensive plan or for park land acquisition for sites identified in the Comprehensive Plans of the City and the County."

The interlocal agreements for the various facilities contain similar language but the percentage remitted to the County varies. A review of Fort Pierce interlocal agreements has the amount of the fee remitted to the County for Parks at 30 percent, Roads at 50 percent and Public Buildings at 84 percent.

The City of Port St. Lucie and St Lucie County have interlocal agreements for Libraries, Parks, Public Buildings and Roads.

The Library interlocal agreement is dated September 2005 and lays out the parameters of the Port St. Lucie's collection of County fees for library services. It includes language that the County will try to use fees collected on development within Port St. Lucie to fund library facilities that benefit the City.

The Parks interlocal agreement is dated September 2011 and lays out the parameters of Port St. Lucie's collection of County fees for parks services. It includes language that the County will try to use fees collected on development within Port St. Lucie to fund expansion, construction or debt service for the following facilities: St. Lucie County Region a I Football-Soccer Stadium, Ravenswood Pool, St. Lucie County Fairgrounds, Oxbow Eco-Center, Savannas Campgrounds and River Park Marina.

The Public Buildings interlocal agreement was also approved September 2011. It states that funds retained by the County shall be expended for capital improvements, land acquisition or debt service payments related to the County's public building needs as follows:

- (1) Eighty-four (84) percent of the collection amount received by the County shall be spent on County correction/detention facilities.
- (2) Sixteen (16) percent of the collection amount received by the County shall be spent on court facilities or county/constitutional officer facilities.

The Roads interlocal agreement was adopted in September 2011. It states that the City will remit to the County 100 percent of the fees collected after crediting the amount of the City's road impact fees, not to exceed 50 percent of the County fees.

“To credit one hundred percent (100%) of the amount of the City's road impact fee against the County's road impact fee collected within the City. The parties agree that the amount of the credit shall not exceed fifty percent (50%) of the applicable County impact fee amount. The credit shall also be given to those developers who chose to construct improvements as set out in Paragraph 3f in this Agreement and are granted credits by the City against the City's road impact fee.” (Source: Interlocal Agreement (Road Impact Fees), St. Lucie County and City of Port St. Lucie, dated September 20, 2011)

The agreement requires the County to inform the City regarding the expenditure of any impact fee funds collected by City and remitted to County and, where possible, expend the impact fee funds to construct part or all of a road improvement project or for debt service payments for the following roads: Midway Road, Prima Vista Boulevard, Glades Cutoff Road, Range Line Road, Walton Road and St. James/ S. 25th Street. The County is also required to submit an annual report every December indicating the amount of impact fees collected and the expenditure of impact fees for the prior fiscal year.

St. Lucie County Use of Road Impact Fees

How is St. Lucie County using road impact fees and does their use of the funds benefit the City?

As stated in the St. Lucie County memo, dated July 5, 2020:

“On Wednesday, January 22, 2020, a representative of the City of Port St. Lucie (City) requested information from St. Lucie County (County) regarding the County's five (5) year history of impact fee revenues by type, a five (5) year history of impact fee expenditures within the City and the identification of capital projects funded by impact fees within the City.”

St. Lucie County responded with “a list of Public Works projects completed by the County from 1994 through fiscal year 2020, a list of future planned/needed roadway improvement projects that the County may fund using roads impact fees and also leverage as a local match for various grant opportunities, a list of regional projects in and around the City and copies of Impact Fee Credit Agreements with various developers within the City's SW Annexation Area.” The following table was provided by the County showing collected fees for the FY 2015 through FY 2019 period.

TABLE 1
St. Lucie County Collected Road Impact Fees

FY 2015	\$4,712,684
FY 2016	\$4,956,957
FY 2017	\$4,925,460
FY 2018	\$7,637,907
FY 2019	\$10,242,284
TOTAL	\$32,475,292

Source: Memorandum 20-6, County Road Impact Fees - City of Port St. Lucie Requests, Engineering Division, St. Lucie County Public Works Department, February 5, 2020. (Attachment B to July 7, 2020 memo cited earlier.)

The impact fees collected for the FY 11-12 to FY 18-19 time period are shown in the chart below. This chart is from the July 7, 2020 memo. It does not indicate the credits noted in number 1 above. It is assumed the City did this calculation prior to sending the collected fees to the County.

TABLE 2
Road Impact Fees Collected for Residential/Commercial Development
in St. Lucie County and Port St. Lucie,
FY 11-12 through FY 18-19

Fiscal Year	St. Lucie County	Port St. Lucie
18-19	\$7,542,487	\$2,737,868
17-18	\$5,909,130	\$3,095,129
16-17	\$3,989,874	\$1,786,499
15-16	\$3,393,501	\$1,731,507
14-15	\$1,760,131	\$1,045,956
13-14	\$814,491	\$1,029,685
12-13	\$472,867	\$1,114,627
11-12	\$392,536	\$746,910
TOTAL	\$24,275,017	\$13,288,181

Sources: Memo on City and County Road Impact Fees Additional Information, Planning and Zoning Department, Port St. Lucie, July 7, 2020.

City of Port St. Lucie Public Works Memo on City and County Impact fee Information, Feb. 3, 2020. (Attachment A to July 7, 2020 memo cited above.)

TABLE 3

Total St. Lucie County Impact Fees Compared to the Amount Collected from Development within Port St. Lucie, by Fiscal Year

Fiscal Year	Amount of St Lucie County Impact Fees Collected	Amount of SLC Impact Fees Collected Port St. Lucie
FY 15	\$4,712, 684	\$1,760,131
FY 16	\$4,956,957	\$3,393,501
FY 17	\$4,925,460	\$3,989,873
FY 18	\$7,637,907	\$5,909,129
FY 19	\$10,242,292	\$7,542,487
TOTAL	\$32,475,292	\$22,595,122

Sources:

Memorandum 20-6, County Road Impact Fees - City of Port St. Lucie Requests, Engineering Division, St. Lucie County Public Works Department, February 5, 2020. (Attachment B to July 7, 2020 memo cited below.)

Impact Fee Collections from the City of Port St. Lucie and Fort Pierce, (FY12-19), attachment to Memo on City and County Road Impact Fees Additional Information, Planning and Zoning Department, Port St. Lucie, July 7, 2020.

A review of the data in Table 3 shows that the development within Port St. Lucie accounts for 69 percent of the total St. Lucie County impact fees between FY 15 through FY 19. Once the City remits impact fees to the County, there is no way to ascertain that the County road fees collected by the City is actually being spent on roads benefitting the City. The remainder of this study will focus on St. Lucie County use of road impact fees. In conducting this analysis, the two jurisdictions are governed by their impact fee ordinances and the interlocal agreement.

The St. Lucie County Roads impact fee ordinance references “capital improvements or enhancements to transportation facilities associated with the *arterial and collector road network of the county as identified in the county's comprehensive plan or the comprehensive plans* of the City of Fort Pierce, City of Port St. Lucie, St. Lucie Village or by the FDOT. Roads impact fees shall not be used for maintenance or operation purposes.

The interlocal agreement specifies the parameters of the collection and use of impact fees:

1. The City will remit to the County 100 percent of the fees collected after crediting the amount of the City’s road impact fees, not to exceed 50 percent of the County fees.
2. The County will inform the City regarding the expenditure of any impact fee funds collected by City and remitted to County and, where possible, expend the impact fee funds to construct part or all of a road improvement project or for debt service payments for the following roads: Midway Road, Prima Vista Boulevard, Glades Cutoff Road, Range Line Road, Walton Road and St. James/ S. 25th Street.

TABLE 4
Use of Road Impact Fees
For Six Roads Specified in the
St. Lucie County and Port St. Lucie Interlocal Agreement,
By Time Frame and Funding

Roads	Time Frame 1994-2019	Amount of Impact Fees	Total Project Costs
Midway	\$31,898,622	\$20,210,332	\$31,898,622
Prima Vista	\$6,090,356	\$2,268,510	\$6,090,356
Glades Cutoff Road	0	0	0
Range Line Rd.	0	0	0
Walton Road	\$8,141,970	\$3,114,496	\$8,141,970
St. James/25 th Street	\$4,939,402	\$3,023,660	\$4,939,402

Sources:

Interlocal Agreement (Road Impact Fees), St. Lucie County and City of Port St. Lucie, dated September 20, 2011.

Attachment E “Projects Completed by St. Lucie County (FY1994 to 2020 YTD) in or Near City of Port St. Lucie,” Memorandum 20-6, 2015-2020, County Road Impact Fees - City of Port St. Lucie Requests, Engineering Division, St. Lucie County Public Works Department, February 5, 2020. (Attachment B to July 7, 2020 memo cited earlier.)

As indicated in Table 4, neither Glades Cutoff Road nor Range Line Road are shown as receiving any funding in the 1994-2019 timeframe. In addition, the spending on Midway Road and related projects, has received the lion’s share of impact fees. Midway Road, while in the Interlocal, is the northern most road on this list. The City boundary skirts Midway Road. The City’s traffic pattern is decidedly to the south and east, as Port St. Lucie residents travel to employment centers in Martin and Palm Beach Counties. (Source: U.S. Census Bureau. See Appendix B)

At a minimum, the two jurisdictions should be adhering to the 2011 interlocal agreement. It appears that the County is not providing to Port St. Lucie the annual report on impact fee collections and the expenditures by road benefit districts the prior year. (Source: email from T. Lamar-Sarno, City of Port St. Lucie, dated August 28, 2020.) After a request from the Port St. Lucie City Manager requesting the Annual Report, it was provided by St. Lucie County on October 2, 2020. After reviewing the information, it is difficult to ascertain how the County is expending the City’s impact fees since impact fees are lumped together for each service or facility with no distinction as to how much of the fund is derived from the City’s development.

Analysis of County Impact Fee Use

For purposes of this analysis, the St. Lucie County Capital Improvement Plans (CIP) and Comprehensive Annual Financial Reports (CAFR) were reviewed for the fiscal years (FY) 15-16 through FY 19-20 to identify the use of fees for the last five years, as requested by the City. In addition, the Five-year Long-Range Transportation Plan and a Transportation Improvement Program (TIP) prepared by the St. Lucie TPO, the Countywide Metropolitan Planning Organization (MPO) agency responsible for transportation planning, programming, and financing of state and federal transportation was reviewed.

As noted earlier in this paper, impact fees may only be used to pay for facilities needed to support new growth. Impact fees are only one component of the many funding sources a local government may use when completing a project. Depending upon the funding source, the other types of funding may be limited by requirements of the funding source. In reviewing St.

Lucie County’s CIP, the sources of road funding include, but are not limited to County Capital - Transportation bond, impact fees, gas tax, grant funds, and ½ half cent infrastructure surtax.

The CIP is a five-year capital planning document that is adopted as part of each year’s Budget. Since it is prepared each year, it is not unusual for the funding amounts proposed for a project or year to change from year to year as funding priorities shift or other funding becomes available. Table 5 on the next page shows impact fee funding has been allocated to the six roads cited in the Interlocal agreement for the five-year period of FY15-16 through FY19-20.

TABLE 5

Allocation of Impact Fees within the St. Lucie County CIP for roads listed in the STC/PSL Interlocal Agreement, by Fiscal Year and Dollar Amount						
ROADS	FY 15-16	FY 16-17	FY 17-18	FY 18-19	FY 19-20	JUSTIFICATION
Midway Road; including adjacent improvements	\$15,450,208	\$9,531,475	\$1,494,748	\$992,968	\$822	FY 18-19 shows \$992,296 with \$672 carry forward.
Prima Vista	0	0	0	\$500,000	0	Non-impact Fee sources used: Gas Tax, Half-cent Sales Tax, others.
Glades Cutoff Road	\$156,558	\$156,558	\$156,558	\$156,558	\$456,558	FY 15-16 is for Glades and Selvitz PD&E & Design. Amount is carryover with additional funding allocated in FY 18-19.
Range Line Road	0	0	0	0	0	N/A
Walton Road	0	0	0	0	0	N/A
St. James/25 St. James SW	\$100,000	\$100,000	\$360,000	\$360,000	0	FY 19-20 shows different funding source.
TOTAL	\$15,706,766	\$9,788,033	\$2,011,306	\$2,009,526	\$457,380	

Notes: If carry forward funds are shown in the Fiscal Year, these are included in the amount shown above.

Source: St. Lucie County Final Budget Book for the Fiscal Years 15-16 through FY 19-20.

TABLE 6

Amount of Impact Fees on Other Road Projects, By Fiscal Year				
FY 15-16	FY 16-17	FY 17-18	FY 18-19	FY 19-20
\$2,667,218	\$8,763,201	\$3,389,104	0	\$6,918,485

Notes: If carry forward funds are shown in the Fiscal Year, these are included in the amount shown above.

For FY 15-16, \$2,286,707 of total amount is allocated to “Projects TBD.”

The other roads include: Airport Collector, Emerson, Indrio, Jenkins, Juanita, Kings Highway, Oleander, Weatherby, and Whispering Oaks.

Source: St. Lucie County Final Budget Book for the Fiscal Years 2015-16 through FY 19-20.

TABLE 7

Comparison of Impact Fees Allocated on Roads within the Interlocal Agreement and Other Road Projects, By Fiscal Year					
	FY 15-16	FY 16-17	FY 17-18	FY 18-19	FY 19-20
Impact Fees on Interlocal Roads	\$15,706,766	\$9,788,033	\$2,011,306	\$2,009,526	\$457,380
Impact Fees on Other Roads	\$2,667,218	\$8,763,201	\$3,389,104	0	\$6,918,485

On October 2, 2020, St. Lucie County provided a spreadsheet illustrating its Transportation Impact Fees revenue and expenditures for Fiscal Year (FY) 15 through 19. Total revenue was \$32,475,292. Of that amount, \$12,499,941 have been spent on Midway and related projects, or 38 percent of the County’s impact fee revenue. None of the other five roads in the interlocal agreement have received any impact fee funding according to the spreadsheet. However, other roads shown as having expenditures include: Airport Collector, Indrio, Jenkins, Kings Highway, and a fund for mainland roads. (Source: St. Lucie County Public Works Memo on City of Port St. Lucie Impact Fees, Oct. 2, 2020)

As noted earlier, impact fees are a portion of overall road funding. This is illustrated by looking at the funding sources for Midway Road. While impact fee expenditures account for \$12,495,09, funding from other funding sources include \$8,132,219 from the Transportation Bond, \$25,377 of Stormwater funds, \$33,181 from the 5th Cent Fuel Tax, and \$76,893 of general fund revenues. (Source: St. Lucie County Public Works Memo on City of Port St. Lucie Impact Fees, Oct. 2, 2020)

The CAFR is required by Section 218.32, Florida Statutes. It is a complete set of financial statements that must be published within nine months after the fiscal year ends. The CAFR must be prepared by the Clerk of the Circuit Court in conformance with Generally Accepted Accounting Principles (“GAAP”). Within the CAFR, funds are grouped. The Transportation Fund contains revenues and expenditures earmarked for transportation programs, including restricted and unrestricted funds. The Transportation Trust Fund contains the funds for the operation of the road and bridge and engineering departments. Financing is primarily gas taxes, although as described earlier, the fund also includes County Capital - Transportation bond, impact fees, gas tax, grant funds, and the ½ half cent infrastructure surtax. There is also an Impact Fee Fund that contains

the impact fees for parks, libraries, public buildings and correctional facilities. Both funds have some funds that are restricted to debt service. These funds have been set aside to account for the accumulation of funds that have been allocated to pay debts. For example, there is a debt service fund to pay principal, interest and other fiscal charges on the Transportation Revenue Bond.

A review of the St. Lucie CAFR for the same fiscal years indicates the County’s expenditures for transportation.

Table 8

St. Lucie County Transportation Fund Revenue and Expenditures, by Fiscal Year					
	FY 15-16	FY 16-17	FY 17-18	FY 18-19	FY 19-20
Total Revenue	\$8,368,056	\$9,705,188	\$8,935,150	\$9,111,449	\$9,650,129
Total Expenditures	\$7,226,726	\$8,502,912	\$9,837,998	\$8,681,359	\$8,730,575

Notes: Source of data is the “Actual Amounts” column of the Statement of Revenues, Expenditures and Changes in Fund Balances - Budget and Actual Transportation Trust Fund. Found in the CAFR.

Source: St. Lucie County, Florida Comprehensive Annual Financial Report for The Fiscal Years 15-16 through 19-20, prepared by the Clerk of the Circuit Court, Financial Operations Department.

Any use of impact fees for transportation is within the total amounts shown in Table 7. The CAFR data shows that Impact fee revenue is a small portion of the funds reported as expended within the Transportation Fund. The CAFR does contain a separate impact fee account for non-transportation impact fees.

In 2010 the St. Lucie County Transportation Planning Organization (TPO) contracted for a corridor study to determine the viability of extending a primary collector roadway, such as Kings Highway, through the northern and middle portions of St. Lucie County to provide additional local north-south connectivity to the western annexation area of Port St. Lucie. The intersections and arterial facilities were included in the analyses and data collection in the study area as defined as bounded by CR 609 to the west, Midway Road to the south, and Kings Highway to the east and Angle Road to the north. The study concluded that there was a need for a parallel north/south facility west of Kings Highway, and north of Okeechobee Road. (Source: North Mid County Collector Study prepared for the St. Lucie Community Transportation Planning Organization ((TPO), by Calvin, Giordano & Associates, March 2010.)

The TPO Five-Year Long-Range Transportation Plan and a Transportation Improvement Program (TIP) shows Midway within the FY 2015/16 - FY 2019/20 as a project to add lanes and reconstruct from 25th St. /SR-615 to SR-5/US 1 PD&E studies are shown as well as design costs are shown. Several of the roads noted as other in the note on Table 6 are also shown in the TIP.

Use of Funds for Other City Projects

St. Lucie County’s February 5, 2020 memo cites the following list of road projects the City has requested:

- Intersection Improvements at St. Lucie West Boulevard and Peacock Boulevard
- Intersection Improvements at Prima Vista Boulevard and Floresta Drive
- St. James Landscaping Improvements

- Walton Road Tree Canopy at Indian River Drive - Entry Feature into the City
- Walton Road Bridge across the Savannas

As noted earlier, the use of impact fees are restricted; they can only be used for the construction or expansion of off-site capital improvements (roads, public buildings, etc.) that are necessitated by and benefit the new development. Impact fees must be spent on capital construction costs and only on the type of facility for which the fee was collected. If the County is amenable to assist the City with these projects, it appears that three of the five may be eligible for funding via impact fees if those projects provide new capacity. The St. James Landscaping Improvements and the Walton Road Tree canopy entry feature likely need to be funded from other sources.

Impact Fee Reserves

In numerous documents St. Lucie County notes its reserve of 22.5 million dollars in impact fee revenues. This ongoing reserve is reflective of their “pay as you go” philosophy. The County anticipates several roadway widening projects that are planned and that these fees will be expended towards these projects. Of the interlocal roads, only Midway Road is in the design/permitting phase and construction is shown for the 2026 -2030 time period. (Source: Memorandum 20-6, 2015-2020, County Road Impact Fees - City of Port St. Lucie Requests, Engineering Division, St. Lucie County Public Works Department, February 5, 2020. (Attachment B to July 7, 2020 memo cited earlier.)

Recommendations

The County should provide the annual report that is required of the current interlocal agreement.

The County should document why it has retained \$22.5 million of impact fees as reserves.

Update the interlocal agreement.

Strengthen the language in the interlocal agreement that currently provides considerable discretion regarding the County's use of impact fees collected from development within Port St. Lucie. Port St. Lucie input in the County's use of impact fees should be included.

Consider structuring a procedure that requires cooperation during the jurisdictions' budget preparation process annually and a provision that the County's expenditures of Port St. Lucie impact fees be submitted as a supplement to the City's Capital Budget and CIP.

Refine the annual report to provide explicit documentation of the City share of county impact fee revenues and expenditures.

Consider using a percentage of funding that must be spent on City road needs as another method of allocating impact fee funding, rather than a list of roads.

Update the list of roads within the Interlocal agreement based on the change in traffic patterns that have resulted from the opening of the Cross-Town Parkway, and the use of Prima Vista, and other completed road projects, and the new revenues sources of the County.

During the negotiations over the interlocal agreement, consider if a broader interlocal agreement regarding the provision of roads by multiple funding sources would be more helpful than the current agreement that is limited to roads impact fees.

Review the City project "wish" list to determine if impact fees can be dedicated to those projects that are required by and benefit the new development.

Port St. Lucie may want to consider increasing its impact fees based on the results of the Impact Fee Study currently being completed or may wish to consider the use of Mobility Fees, as an alternative to impact fees.

Impact Fee White Paper

Part 2: Other Fees

Introduction

The Port St. Lucie Planning and Zoning Department engaged the services of van Vonno Consulting, LLC to prepare a white paper on road impact fees in St. Lucie County and its municipalities. While other sources of funding make up the majority of spending on roads, Port St. Lucie wishes to ensure that St. Lucie County impact fees are contributing to capital facility improvements that benefit the City. The white paper describes what impact fees are, how they are used by the two jurisdictions, compares their ordinances on impact fees, reviews their interlocal agreements regarding the collection and use of impact fees, and analyzes how St. Lucie County is spending impact fees on roads. Lastly, the paper contains recommendations for the two jurisdictions to consider. After reviewing the White paper on the use of road impact fees, van Vonno Consulting, LLC was directed to prepare an additional report on the other impact fees that Port St. Lucie collects on behalf of St. Lucie County: Libraries, Parks, and Public Buildings.

Background

Impact fees are a method of collecting funds by a government to assist in the costs of public services. Impact fees are assessed on new development under the premise that the new development will affect existing public facilities and services provided by the local government. Fees are used to pay for the construction or expansion of off-site capital improvements (roads, public buildings, etc.) that are necessitated by, and benefit, the new development. Impact fees must be spent on capital construction costs and only on the type of facility for which the fee was collected.

St. Lucie County adopted road impact fees in 1986 on a county-wide basis. Impact fees for Parks, Public Buildings, Law Enforcement, Fire, Public Libraries and Schools followed shortly thereafter. (Source: St. Lucie County Board of County Commissioners Agenda item, “Ordinance - Roads Impact Fee,” Agenda item, ORD – 2018-3, Planning and Development Services Department, February 5, 2019.) The Data and Analysis to support the impact fees is based on work performed by James C. Nicholas, Ph.D., a nationally recognized impact fee expert who has done the County’s impact fee studies for years. His most recent work was done in fall, 2016. St. Lucie County Benefit districts mirror service areas. Fire, Law and Public Buildings have one County-wide Benefit district; Library and Parks have two benefit districts and Roads has four benefit zones.

Port St. Lucie does not assess impact fees for those services which have a clear sole provider: Schools, Fire and Libraries. It does assess fees for Law Enforcement since the City has a police department. It also assesses fees for roads, parks and public buildings.

For purposes of this analysis, the St. Lucie County Capital Improvement Plans (CIP) were reviewed for the Fiscal Years 15-16 through FY 2019-20 to identify the use of fees for the last five years. The CIP is a five-year capital planning document that is adopted as part of each year’s Budget. Since it is prepared each year, it is not unusual for the funding amounts proposed for a project or year to change from year to year as funding priorities shift or other funding becomes available. While the Roads Study included a review of the Comprehensive Annual Financial Reports (CAFR) for the same time period, this review includes language from the FY 19-20 CAFR only.

Analysis of St. Lucie County Use of Non-Road Impact fees

St. Lucie charges impact fees for schools, parks, libraries and public buildings, fire/ems and law enforcement. Residential units are charged fees for all services. Non-residential uses are assessed fees for public buildings, fire/ems and law enforcement. As Table 1 shows, the City collects both City and County impact fees.

TABLE 1

Sources: Attachment C- Impact Fees Collected by City of Port St. Lucie, Memorandum, City and County Impact Fee Information, City of Port St. Lucie Public Works Department, February 3, 2020. Attachment A to Memo on City and County Road Impact Fees Additional Information, Planning and Zoning Department, Port St. Lucie, July 7, 2020.

Impact Fees Collected by City						
Fiscal Year	2014/15	2015/16	2016/17	2017/18	2018/19	Total
Impact Fee Type						
Education - County	\$ 3,481,344	\$ 5,274,863	\$ 7,157,979	\$ 11,553,564	\$12,129,708	\$39,597,458
Fire/EMS - County	\$ 384,425	\$ 949,134	\$ 798,252	\$ 1,602,147	\$ 1,851,336	\$5,585,294
Law Enforcement - City	\$ 183,902	\$ 314,137	\$ 373,616	\$ 649,540	\$ 734,266	\$2,255,461
Law Enforcement - County	\$ 41,025	\$ 258,385	\$ 270,988	\$ 480,260	\$ 550,779	\$1,601,438
Library - County	\$ 176,414	\$ 241,180	\$ 313,402	\$ 528,774	\$ 713,892	\$1,973,662
Parks - City	\$ 569,134	\$ 895,942	\$ 1,148,788	\$ 1,971,518	\$ 2,249,711	\$6,835,093
Parks - County	\$ 955,634	\$ 1,230,265	\$ 1,761,568	\$ 2,697,491	\$ 4,257,144	\$10,902,102
Public Buildings - City	\$ 2,980,944	\$ 3,481,060	\$ 4,343,971	\$ 5,588,743	\$ 6,197,816	\$22,592,534
Public Buildings - County	\$ 324,949	\$ 498,700	\$ 437,533	\$ 697,103	\$ 980,879	\$2,939,164
Roads - City	\$ 1,045,956	\$ 1,731,507	\$ 1,786,499	\$ 3,095,129	\$ 2,739,037	\$10,398,129
Roads - County	\$ 1,760,131	\$ 3,393,501	\$ 3,989,874	\$ 5,909,130	\$ 7,542,487	\$22,595,123
City Impact Fees	\$ 4,779,936	\$ 6,422,646	\$ 7,652,875	\$ 11,304,930	\$11,920,830	\$42,081,217
City Admin Fees	\$ 318,959	\$ 532,562	\$ 670,967	\$ 1,072,378	\$ 1,295,069	\$3,889,935
City Total Impact and Admin Fees	\$ 5,098,895	\$ 6,955,209	\$ 8,323,842	\$ 12,377,308	\$13,215,899	\$45,971,153
County Impact Fees	\$ 7,123,922	\$ 11,846,029	\$ 14,729,595	\$ 23,468,470	\$28,026,225	\$85,194,242
Total Impact and Admin Fees	\$ 12,222,817	\$ 18,801,237	\$ 23,053,437	\$ 35,845,778	\$41,242,125	\$131,165,394

Fees by Interlocal Agreements

St. Lucie County and the City of Port Saint Lucie have interlocal agreements for the City's collection of fees on behalf of the County and the County's responsibilities regarding the use of the funds for Libraries, Parks, and Public Buildings.

Libraries

The Library interlocal agreement is dated September 2005 and lays out the parameters of the Port St. Lucie's collection of County fees for library services. It includes language that the County will try to use fees collected on development within Port St. Lucie to funds library facilities that benefit the City.

TABLE 2

Allocation of Impact Fees within the St. Lucie County CIP for Library Projects by Fiscal Year						
PROJECT	FY 15-16	FY 16-17	FY 17-18	FY 18-19	FY 19-20	JUSTIFICATION
Rosser Branch	\$2,108,890	\$1,947,832	\$108,844	0	0	Renovation work also funded by General Fund
Port St. Lucie Library	-	0	0	0	\$200,000	N/A
TOTAL	\$2,108,890	\$1,947,832	\$108,844	0	\$200,000	

Source: St. Lucie County Final Budget Book for the Fiscal Years 2015-16 through FY 19-20.

Parks

TABLE 3

Allocation of Impact Fees within the St. Lucie County CIP for Park Projects listed in the Interlocal Agreement, by Fiscal Year						
PROJECT	FY 15-16	FY 16-17	FY 17-18	FY 18-19	FY 19-20	JUSTIFICATION
St. Lucie County Regional I Football-Soccer Stadium (South County Regional Sports Complex)	0	0	0	0	0	N/A
Ravenswood Pool	0	0	0	0	0	N/A
St. Lucie County Fairgrounds	0	\$450,000	\$400,000	\$902,134	0	Funding is primarily for replacement of bathrooms with additional funding in FY 18/19 for upgrades to the generator and parking lots Funding beginning in FY 17/18 is carry forward.
Oxbow Eco-Center	0	0	0	0	0	N/A
Savannas Campgrounds	0	\$30,000	0	\$75,000	\$144,766	Funding for wifi and electrical upgrades Funding in FY 19/20 is all carry forward.
River Park Marina	0	0	0	0	0	N/A
Total		\$480,000	\$400,000	\$977,134	\$144,766	

Source: St. Lucie County Final Budget Book for the Fiscal Years 2015-16 through FY 19-20.

The Parks interlocal agreement is dated September, 2011 and lays out the parameters of Port St. Lucie’s collection of County fees for park facilities. It includes language that the County will try to use fees collected on development within Port St. Lucie to fund expansion, construction or debt service for the following facilities: St. Lucie County Region I Football-Soccer Stadium, Ravenswood Pool, St. Lucie County Fairgrounds, Oxbow Eco-Center, Savannas Campgrounds and River Park Marina. As noted in Table 3 below, funding from impact fees have been allocated to the St. Lucie County Fairgrounds and to the Savannas Campgrounds. While the other projects may be found in the FY 15-16 through FY 19-20 CIPs, no impact fee funding is shown.

TABLE 4

Source: St. Lucie County Final Budget Book for the Fiscal Years 2015-16 through FY 19-20.

Allocation of Impact Fees within the St. Lucie County CIP for Other Park Projects by Fiscal Year						
PROJECT	FY 15-16	FY 16-17	FY 17-18	FY 18-19	FY 19-20	JUSTIFICATION
Adams Arena	0	\$120,000	\$110,000	0	\$12,000	PA system and electrical upgrades
Blind Creek Beach Park and Preserve	\$64,433	\$62,159	0	0	\$250,030	FY 19-20 is for restrooms
Indrio Road Recreation Area	0	\$75,000.00	0	0	\$61,040	N/A
Lawnwood	0	0	0	0	\$100,000	Pickleball Courts
Lincoln Park Comm. Center	\$32,850	0	\$26,116	\$8,568	\$8,568	N/A
Museum Park	0	0	0	\$25,000	\$113,920	Parking improvements
Parks restrooms	0	0	0	\$75,000	0	Replacement
Weldon B Lewis playground	0	0	0	0	\$179,704	ADA renovations
Walton Comm Center	0	0	0	\$130,000	\$130,000	Renovations; Expansion Study
Walton Rocks Beach	0	0	0	\$75,000	0	N/A
White City	0	0	0	0	\$150,000	Playground
Upgrades to Electrical Panel	0	\$75,000	0	0	0	N/A
Lakewood Park Regional Park	0	0	0	0	\$292,840	Water connection
First Data Field	0	0	0	0	\$20,982	N/A
TOTAL	\$97,293	\$332,159	\$136,116	\$313,568	\$1,319,084	

TABLE 5

Impact Fees Allocated on Parks listed in the Interlocal Agreement and Other Park Projects, By Fiscal Year					
	FY 15-16	FY 16-17	FY 17-18	FY 18-19	FY 19-20
Impact Fees on Parks listed in Interlocal	0	\$480,000	\$400,000	\$977,134	\$144,766
Impact Fees on Other Park Facilities	\$97,283	332,159	\$136,116	\$313,568	\$1,319,084

Source: St. Lucie County Final Budget Book for the Fiscal Years 2015-16 through FY 19-20.

Over the five-year period, the City collected \$10,902,102 in County impact fees. (Source: Table 1) The County has committed only a small percentage of these funds towards the parks listed in the Interlocal Agreement. The funding that is shown for other park facilities appear to be for community centers, parks and playgrounds in the unincorporated areas of the County.

Public Buildings

The Public Buildings Interlocal agreement was also approved September 2011. It states that funds retained by the County shall be expended for capital improvements, land acquisition or debt service payments related to the County's public building needs as follows:

- (1) Eighty-four (84) percent of the collection amount received by the County shall be spent on County correction/detention facilities.
- (2) Sixteen (16) percent of the collection amount received by the County shall be spent on court facilities or county/constitutional officer facilities.

TABLE 6

Allocation of Impact Fees within the St. Lucie County CIP for Public Buildings						
PROJECT	FY 15-16	FY 16-17	FY 17-18	FY 18-19	FY 19-20	JUSTIFICATION
Correction/detention facilities						
Rock County Jail/Medical Wing Expansion	\$250,000	\$250,000	\$250,000	\$250,000	\$250,000	Funding earmarked for design
Court facilities or Constitutional Officer facilities	0	0	0	0	0	CIP shows funding from other sources for these types of projects
TOTAL	\$250,000	\$250,000	\$250,000	\$250,000	\$250,000	

Notes: If carry forward funds are shown in the Fiscal Year, these are included in the amount shown above
 Source: St. Lucie County Final Budget Book for the Fiscal Years 2015-16 through FY 19-20.

The use of the fees for public buildings is dependent upon the needs of the controlling entity, the Sheriff, the constitutional officers or the court system. Currently only one improvement of this type is planned, an expansion of the jail facilities. After design and permitting is completed, it is expected that the funds for public buildings will be further dedicated to this need.

CAFR

The CAFR is required by Section 218.32, Florida Statutes. It is a complete set of financial statements that must be published within nine months after the fiscal year ends. The CAFR must be prepared by the Clerk of the Circuit Court in conformance with Generally Accepted Accounting Principles (“GAAP”). Within the CAFR, funds are grouped; the Impact Fee Fund contains the impact fees for parks, libraries, public buildings and correctional facilities. Some funds that are restricted to debt service. These funds have been set aside to account for the accumulation of funds that have been allocated to pay debts. Funding for these projects also include grants, tourism funds, property taxes and long-term debt.

As stated in the CAFR for Fiscal Year 2019, “The Impact Fee Fund accounts for the impact fees used for parks, libraries, public buildings and correctional facilities. It has a total fund balance of \$42 million, all of which is restricted for capital projects. The total fund balance reflects a \$13.1 million increase from the prior fiscal year. The increase is due to an increase in impact fee revenue.” (Source: St. Lucie County, Florida Comprehensive Annual Financial Report for The Fiscal Year 19-20, prepared by the Clerk of the Circuit Court, Financial Operations Department.)

Recommendations

Update the Interlocal Agreements. The Library interlocal is dated 2005.

Update the list of Parks in the Parks Interlocal Agreement.

APPENDIX A

A Comparison of St. Lucie County and Port St. Lucie Impact Fee Ordinances

Comparison of Impact fee Code provisions of Port St. Lucie and St. Lucie County

A Comparison of St. Lucie County and Port St. Lucie Impact Fee Ordinances

Overview

Port St. Lucie's impact fees are found in Chapter 159 in the Code of Ordinances: Law, Roads, Parks, Public Buildings, and an Economic Development Impact Fee Mitigation Program. Port St. Lucie does not assess impact fees for those services which have a clear sole provider: Schools, Fire and Libraries. St Lucie County impact fee regulations are codified in Chapter 24 of the St. Lucie County Code: Parks, Public Buildings, Law Enforcement, Fire, Public Libraries and Schools.

Both jurisdictions adopt each impact fee as a separate ordinance. While this structure results in some duplication, the organization allows the two jurisdictions to customize each impact fee with very specific references to State Statutes, court cases, definitions, and its rationale for the applicability of the ordinance.

Much of the language found in the Port St. Lucie's ordinances is similar to the County ordinances. Each reference statutory provisions and court cases in their ordinances. The Data and Analysis for the non-road impact fees are clearly stated in the both sets of ordinances. Both jurisdiction's ordinances have a provision for the review and automatic adjustment of fees. Fees may be adjusted annually each year, in accordance with a prescribed formula. Fees must be reviewed and updated every four years for Port St. Lucie and every five years for St. Lucie County. Lastly, the language in the two Economic Development Impact Fee Mitigation ordinances are almost identical.

How to read the Side by Side Comparison

The side by side Comparison is for Law, Roads, Parks, Public Buildings, and Economic Development Mitigation Impact Fees. The Comparison is made up of Columns and Rows. Port St. Lucie Code sections are in the first column; St Lucie's Code sections are in the second column. Several sections of the codes are organized differently since the impact fees ordinances were adopted separately and revised at different times.

The Rows under each column follow the order of the City Code, Section 159.01 through 159.506. The listing in the second column will not follow in sequential order since the ordering of the County Code is different than the ordering of the

Comparison of Impact fee Code provisions of Port St. Lucie and St. Lucie County

City Code. In some rows multiple Section references are shown to fully compare the two codes.

Port St. Lucie Code Sec. 159.01 – 159.506	St. Lucie County Code Sec. 24-1 – 2-223
Law Enforcement Impact Fee	Law Enforcement Impact Fee
<p>Sec. 159.01 Short Title, Authority, and Applicability</p> <p>Cites Florida Statutes and State Constitution</p>	<p>Sec.-24-91 Short Title, Authority, and Applicability</p> <p>Cites Florida Statutes and State Constitution</p> <p>Applies to all areas of the county.</p>
<p>Sec. 159.02 Definitions</p> <p>Defines: capital improvement, city manager, comprehensive plan, council, dwelling unit, commercial square footage, factory/industrial squared footage, gross floor area, institutional square footage, technical report, trip generation manual, warehouse storage</p>	<p>Sec. 24-93 Definitions</p> <p>Defines: capital improvement, feepayer</p>
<p>Sec. 159.03 Findings and Declarations</p> <p>References development, LOS standards, new development paying its fair share, Impact Fee Update Report of April 12, 2013, and provision of law enforcement on city-wide basis, references to Florida Statute 163.3201 and 163,3202 on adoption of impact fees within LDRs, and finding that it complies with Section 163.31801.</p>	<p>Sec.-24-92 Intents, purpose and findings</p> <p>References Comp Plan, LOS standards, new development paying its fair share. References Florida Statute 163.3201 and 163,3202 on adoption of impact fees within LDRs.</p> <p>All construction in both unincorporated and incorporated area impact need for law enforcement.</p>
<p>Sec. 159. 04. Imposition of Impact Fees; Fee Schedules, Adoption, Review and Revision; Time of Payment</p> <p>Requires impact fee payment for any development that generates additional impact on law enforcement.</p> <p>Establishes nonpayment as Ordinance violation.</p> <p>Includes Exhibit with Fee Schedule</p> <p>Adopted 2013 schedule may be updated as per Sec.158.109.</p> <p>City Manager determines applicable land use type.</p> <p>Fee based on net increase in impact.</p> <p>Allows collection of fees if fees were not collected prior to issuance of a permit, allows</p>	<p>Sec. 24-94. Imposition of law enforcement Impact Fees</p> <p>Requires impact fee payment for any development that generates additional impact on law enforcement.</p> <p>Sec. 24-95. Computation of the amount of law enforcement Impact Fees</p> <p>Includes Fee Schedule and references annual revision as per Sec. 24-106., and such CPI adjustments are included since original fee adoption in 2004.</p> <p>City Manager determines applicable land use type.</p> <p>Fee based on net increase in impact.</p> <p>Sec. 24-96. Payment of Fee</p>

Comparison of Impact fee Code provisions of Port St. Lucie and St. Lucie County

Port St. Lucie Code Sec. 159.01 – 159.506	St. Lucie County Code Sec. 24-1 – 2-223
Law Enforcement Impact Fee	Law Enforcement Impact Fee
<p>City Manager review of applicant material re fee. Provides applicant method of payment with approval by Council of any such agreement.</p> <p>Annual Report on impact fee ordinance by July 1, and which may include Fees adjustments recommended by Manager. Any changes are effective 90 days after adoption or ordinance by Council. Contains method of adjustment.</p> <p>Requires update of Impact Fee ordinance every 4 years.</p>	<p>Requires payment of fee.</p> <p>Sec. 24-106 Review and and Automatic adjustment of fees</p> <p>Fees may be adjusted by Administrator in April each calendar year and become effective Oct. 1 (unless otherwise directed by BOCC). Contains method of adjustment.</p> <p>Requires BOCC review of Impact Fee at least once every 5 years.</p>
<p>Sec. 159.05 Presumptions, Administrative Fees, Limitations, Accounting and Audits, Agreements and Security for Review Requirements</p> <p>Development presumed to have maximum impact.</p> <p>Allows admin fee of 3 percent.</p> <p>Establishes single benefit district and procedures for accounting and audits. Audits must include affidavit of CFO of compliance with F.S. 163.31801.</p> <p>Use of funds shall benefit feepayer, consistent with case law (references 4 cases). Establishes process for an applicant to enter into a impact fee agreement.</p>	<p>Sec. 24-100 Law enforcement impact fee created</p> <p>Establishes entire county as the benefit district.</p> <p>Sec. 24-101 Law enforcement impact fee trust fund established.</p> <p>Sec. 24-102. Use of Funds</p> <p>Allows admin fee of 4 percent.</p> <p>Funds to be used for capital improvement enhancements for law enforcement facilities as identified in county and municipal Comp Plan and identified in Technical Memorandum” Methods Used to Update Library, Public Buildings, Parks and Recreation and Law Enforcement Impact fees” dated Oct. 4, 2016 by Dr. James Nicholas.</p> <p>CIP presented to BOCC each July.</p>
<p>Sec. 159.06. Credits</p> <p>Credits may be granted for contributions that assist in acquiring new or enhanced capital assets as deemed useful by Chief of Police and approved by Council.</p>	<p>Sec. 24-97 Credits</p> <p>Allows credit for required fees for any contribution, construction or dedication made in the County as required by a development order issued by County or the 3 municipalities. Contains General Standards, Specific Standards on Need, site related improvements, property dedication, application procedure, acquisition by purchase or condemnation, and time of claim; waiver.</p> <p>Sec, 24-98 Independent Property Appraisal</p> <p>Feepayer who opts out of value of property dedication as per 24-97 (e) (3) BOCC will determine amount of credit</p>

Comparison of Impact fee Code provisions of Port St. Lucie and St. Lucie County

Port St. Lucie Code Sec. 159.01 – 159.506	St. Lucie County Code Sec. 24-1 – 2-223
Law Enforcement Impact Fee	Law Enforcement Impact Fee
	<p>based on an Independent Property Appraisal in accordance with standards in this section.</p> <p>Sec. 24-99-Property Review Appraisal BOCC may request a review appraisal if value in IPA exceeds 120 % of assessed value by more that 25 percent in accordance with standards in this section.</p>
<p>Sec. 159.07 Exemptions</p> <p>Exempts fee for alternations or expansions, accessory structures, and replacement of destroyed structure, if no additional impact is produced.</p>	<p>Sec. 24-104 Exemptions</p> <p>Exempts fee for alternations or expansions, accessory structures, and replacement of destroyed structure, if no additional impact is produced.</p>
<p>Sec. 159. 08 Return of Funds</p> <p>Allows refunds of fees paid if request is made within 3 months of expiration of permit. Provides submittal requirements for a refund.</p>	<p>Sec. 24-102 Refund of fees paid</p> <p>Allows refunds of fees paid if request is made within 3 years of expiration of permit. Specifies time frames.</p>
<p>Sec. 159.09 Appeals</p> <p>Decisions made by Manager may be appealed to Council, in accordance with time frames specified in the Section.</p>	<p>Sec. 24-105 Appeals</p> <p>Decisions made by County Administrator may be appealed to BOCC, in accordance with time frames specified in the Section.</p>

Comparison of Impact fee Code provisions of Port St. Lucie and St. Lucie County

Port St. Lucie Code Sec. 159.01 – 159.506	St. Lucie County Code Sec. 24-1 – 2-223
Roads Impact Fee	Roads Impact Fee
<p>Sec. 159.101 Short Title, Authority, and Applicability</p> <p>References State Constitution, Florida Statutes and Florida case law.</p>	<p>Sec. 24-255 Short Title, Authority, and Applicability</p> <p>References State Constitution, Florida Statutes and Court decisions on impact fees. Applicable to entire County.</p>
<p>Sec. 159.102 Purpose and Intent</p> <p>References Comp Plan, LOS standards, new development paying its fair share, and references to Florida Statute 163.3201 and 163,3202 on adoption of impact fees within LDRs, and finding that it complies with Section 163.31801.</p>	<p>Sec. 24-256 Intents, Purposes and Findings</p> <p>References Comp Plan, new development paying its fair share, and references to Florida Statute 163.3202, on adoption of impact fees within LDRs.</p> <p>All construction in both unincorporated and incorporated area impact county road system.</p>
<p>Sec. 159.103 Definitions</p> <p>Defines: applicant, building permit, capital cost, capital improvement, city manager, comprehensive plan, council, dwelling unit, gross floor area, land development activity or project, person, road, road program, technical report, traffic generation and trip generation manual.</p>	<p>Sec. 24-265 Definitions</p> <p>Defines: capital improvement, expansion of the capacity of a road, feepayer, generation of traffic Level of service, road, and unit for residential, hotel and motel uses.</p>
<p>Sec. 159. 104. Findings and Declarations</p> <p>References development, LOS standards, new development paying its fair share, Impact Fee Update Report of April 12, 2013, and provision of roads on city-wide basis.</p>	<p>See Sec. 24-255 above</p>
<p>Sec. 159.105 Imposition of Road Impact Fee</p> <p>Requires impact fee payment for any development that generates additional traffic. References road impact fee agreement between City and St. Lucie County.</p>	<p>Sec. 24-257 Imposition of Road Impact Fee</p> <p>Requires impact fee payment for any development that generates additional traffic</p>
<p>Sec. 159.106. Exemptions</p> <p>Exempts fee for alternations or expansions, accessory structures, and replacement of destroyed structure, if no additional impact is produced.</p>	<p>Sec. 24-263 Exemptions</p> <p>Exempts fee for alternations or expansions, accessory structures, and replacement of destroyed structure in existence on or after February 1, 1986 if no additional impact is produced. Exempts fee for RV and mobile home parks permits issued prior to Feb. 1, 2086 that have expired if more than 50 % of construction was completed.</p>
<p>Sec. 159.107 Accounting and Use of Funds</p>	<p>Sec. 24-261 Use of Funds and Road Benefit Zones</p>

Comparison of Impact fee Code provisions of Port St. Lucie and St. Lucie County

Port St. Lucie Code Sec. 159.01 – 159.506	St. Lucie County Code Sec. 24-1 – 2-223
Roads Impact Fee	Roads Impact Fee
<p>Funds collected shall be used solely for “capital improvements listed in the Road Program. Use of funds shall benefit feepayer, consistent with case law (references 4 cases). Audits must include affidavit of CFO of compliance with F.S. 163.31801.</p> <p>Allows admin fee of 3 percent.</p>	<p>Creates four benefit zones as shown on Figure 1.</p> <p>Funds collected shall be used solely for “capital improvements or enhancements to transportation facilities associated with the arterial and collector road network of the county as identified in the county's comprehensive plan or the comprehensive plans of the City of Fort Pierce, City of Port St. Lucie, St. Lucie Village or by the FDO.T”</p> <p>Allows collecting entity 4 percent admin fee.</p>
<p>Sec. 159. 108 Road Impact Fee Schedule</p> <p>Includes Exhibit with Fee Schedule. Adopted 2013 schedule may be updated as per Sec.158.109.</p> <p>City Manager determines applicable land use type. Fee based on net increase in impact.</p> <p>Allows collection of fees if fees were not collected prior to issuance of a permit, allows City Manager review of applicant material re fee. Provides applicant method of payment with approval by Council of any such agreement.</p>	<p>Sec. 24-258 Computation of the Amount of Road Impact Fee</p> <p>Contains the Impact Fee Schedules for the four Benefit Districts: Mainland, North Island, Fort Pierce Island, South Island</p> <p>Sec. 24-260 Alternative Collection mechanism Allows collection of fees if fees were not collected prior to issuance of a permit. Includes notification, ability for a hearing, and ability to lien property if fee is delinquent.</p>
<p>Sec. 159.109 Adoption, Review and Revision</p> <p>Council approves all changes to Roads Program.</p> <p>Annual Report on impact fee ordinance by July 1, and which may include fees adjustments recommended by Manager. Any changes are effective 90 days after adoption of ordinance by Council. Contains method of adjustment.</p>	<p>Sec 24-270 Review</p> <p>Fees may be adjusted by Administrator in April each calendar year and become effective Oct. 1 (unless otherwise directed by BOCC). Contains method of adjustment.</p>

Comparison of Impact fee Code provisions of Port St. Lucie and St. Lucie County

Port St. Lucie Code Sec. 159.01 – 159.506	St. Lucie County Code Sec. 24-1 – 2-223
Roads Impact Fee	Roads Impact Fee
Update of Impact Fee ordinance required every 4 years.	Requires BOCC review of Impact Fee at least once every 5 years.
<p>Sec. 159. 110. Construction or Donation of Property in Lieu of Impact Fee Payments</p> <p>Applicant may offer to construct, dedicate or acquire ROW for part of a road improvement project listed in Roads Program.</p> <p>Requires cost estimates, appraisal by a member of the Appraisal Institute (MIA)</p> <p>Agreement approved by Council, with restrictions on improvements that may be considered.</p> <p>Applicants may offer ROW in advance of development order approval.</p> <p>Credits must be specifically granted by Council.</p>	<p>Sec. 24-259 (b) Payment of Fee</p> <p>Developer may offer to construct, dedicate or acquire ROW for part of a road improvement project, as set forth in Sec. 24-261 and Sec 24-260 (6)</p> <p>Sec. 24-264 Credits</p> <p>Allows credit for required fees for any contribution, construction or dedication made in the County as required by a development order issued by County or the municipalities. Contains General Standards, Specific Standards on Need, site related improvements, ROW dedication, application procedure, acquisition by purchase of condemnation, and time for claim; waiver.</p> <p>Sec. 24-266 Independent Traffic Study Feepayer who opts out of Fee Schedule in 24-258 may do an independent traffic study in accordance with standards in this section.</p> <p>Sec 24-267 Independent Property Appraisal Feepayer who opts out of value of ROW dedication as per 24-260 (c) (6) BOCC will determine amount of credit based on an Independent Property Appraisal in accordance with standards in this section.</p> <p>Sec 24-267 Property Review Appraisal BOCC may request a review appraisal if value in IPA exceeds 120 % of assessed value by more that 25 percent in accordance with standards in this section.</p>
<p>Sec. 159. 111 Refund of Fees Paid</p> <p>Allows refunds of fees paid if request is made within 3 months of expiration of permit Provides submittal requirements for a refund.</p>	<p>Sec. 24-262 Refund of Fees Paid</p> <p>Allows refunds of fees paid if request is made within 3 years of expiration of permit</p>
Sec. 159. 112 Appeals	Sec 24-269 Appeals

Comparison of Impact fee Code provisions of Port St. Lucie and St. Lucie County

Port St. Lucie Code Sec. 159.01 – 159.506	St. Lucie County Code Sec. 24-1 – 2-223
Roads Impact Fee	Roads Impact Fee
Decisions made by Manager may be appealed to Council, in accordance with time frames specified in the Section.	Decisions made by Administrator may be appealed to BOCC, in accordance with time frames specified in the Section.

Port St. Lucie Code Sec. 159.01 – 159.506	St. Lucie County Code Sec.24-1 – 2-223
Parks Impact Fee	Parks Impact Fee Ordinance
Sec. 159.201 Short Title, Authority, and Applicability Cites Florida Statutes and State Constitution	Sec.-24-168 Short Title, Authority, and Applicability Cites Florida Statutes and State Constitution
Sec. 159.202 Purpose and Intent References Comp Plan, LOS standards, new development paying its fair share. References Florida Statute 163.3201 and 163,3202 on adoption of impact fees within LDRs, and finding that it complies with Section 163.31801.	Sec.-24-169 Intents, purpose and findings References Comp Plan, LOS standards, new development paying its fair share. References Florida Statute 163.3201 and 163,3202 on adoption of impact fees within LDRs. All construction in both unincorporated and incorporated area impact need for future improvements and expansions to park system.
Sec. 159.203 Definitions Defines: applicant, building permit, capital cost, capital improvement, city manager, comprehensive plan, council, dwelling unit, gross floor area, land development activity or project, park and recreation facility, park program, person, technical report, trip generation manual.	Sec. 24-170 Definitions Defines: beach access, capital improvement, feepayer, park system, private recreational facility, regional recreation area, special recreation area.
Sec. 159.204 Findings and Declarations References development, LOS standards, new development paying its fair share, Impact Fee Update Report of April 12, 2013, and provision of parks and recreation facilities on city-wide basis, references to Florida Statute 163.3201 and 163,3202 on adoption of impact fees within LDRs, and finding that it complies with Section 163.31801.	See Sec. 24-169 above
Sec. 159. 205. Imposition of Parks and Recreation Impact Fees	Sec. 24-171 Imposition of Parks Impact Fee Requires impact fee payment for any development that generates additional impact on parks and recreation.

Comparison of Impact fee Code provisions of Port St. Lucie and St. Lucie County

Port St. Lucie Code Sec. 159.01 – 159.506	St. Lucie County Code Sec.24-1 – 2-223
Parks Impact Fee	Parks Impact Fee Ordinance
<p>Requires impact fee payment for any development that generates additional impact on parks and recreation.</p> <p>Establishes nonpayment an ordinance violation.</p> <p>Allows collection of fees if fees were not collected prior to issuance of a permit, allows City Manager review of applicant material re fee. Provides applicant method of payment with approval by Council of any such agreement.</p>	
<p>Sec. 159.206 Exemptions</p> <p>Exempts fee for alternations or expansions, accessory structures, and replacement of destroyed structure, if no additional impact is produced.</p>	<p>Sec. 24-182 Exemptions</p> <p>Exempts fee for alternations or expansions, accessory structures, and replacement of destroyed structure, if no additional impact is produced.</p>
<p>Sec. 159.207 Accounting and Use of Funds</p> <p>Establishes single benefit district and procedures for accounting and audits.</p> <p>Audits must include affidavit of CFO of compliance with F.S. 163.31801.</p> <p>Allows admin fee of 3 percent.</p> <p>Use of funds shall benefit feepayer, consistent with case law (references 4 cases). Establishes process for an applicant to enter into a impact fee agreement.</p>	<p>Sec. 2178 Parks Impact fee districts created.</p> <p>Establishes two park impact fee benefit districts: North Park A and North Park B as described and illustrated in Figure 1.</p> <p>Sec. 24-179 Parks impact fee trust funds established. Funds to be used per Sec. 24-180.</p> <p>Sec. 24-180 Use of Funds Allows admin fee of 4 percent. Funds to be used for capital improvements to park system for facilities in Comp Plan and identified in Technical Memorandum, “Methods Used to Update Library, Public Buildings, Parks and Recreation, and Law Enforcement Impact fees”, dated Oct. 4, 2016 by Dr. James Nicholas. CIP presented to BOCC each July. Interlocal agreements with municipalities authorized.</p>
<p>Sec. 159.208 Park impact Fee Schedule</p> <p>Includes Exhibit with Fee Schedule Adopted 2013 schedule may be updated as per Sec.158.209.</p>	<p>Sec. 24-172 Park impact Fee Countywide Assessment</p> <p>Includes Fee Schedule, as subject to annual revision as per Sec.24-184</p>

Comparison of Impact fee Code provisions of Port St. Lucie and St. Lucie County

Port St. Lucie Code Sec. 159.01 – 159.506	St. Lucie County Code Sec.24-1 – 2-223
Parks Impact Fee	Parks Impact Fee Ordinance
<p>City Manager determines applicable land use type. Fee based on net increase in impact.</p>	<p>County Administrator determines applicable land use type. Feepayer may submit evidence that fee is not appropriate and upon convincing and competent evidence County Administrator may adjust fee, including up to 25 percent credit for private recreational facilities.</p> <p>Sec. 24- 174 Alternative Collection mechanism Allows collection of fees if fees were not collected prior to issuance of a permit. Includes notification, ability for a hearing, and ability to lien property if fee is delinquent.</p>
<p>Sec. 159.209 Adoption, Review and Revision</p> <p>Council approves all changes to Parks Program.</p> <p>Annual Report on impact fee ordinance by July 1, and which may include Fees adjustments recommended by Manager. Any changes are effective 90 days after adoption or ordinance by Council. Contains method of adjustment.</p> <p>Update of Impact Fee ordinance required every 4 years.</p>	<p>Sec. 24-184 Review and Automatic adjustment of fees</p> <p>Fees may be adjusted by Administrator in April each calendar year and become effective Oct. 1 (unless otherwise directed by BOCC. Contains method of adjustment.</p> <p>Requires BOCC review of Impact Fee at least once every 5 years.</p>
<p>Sec. 159.210 Construction or Donation of Property in Lieu of Impact Fee Payments</p> <p>Applicant may offer to construct, dedicate or acquire ROW for part of a road improvement project listed in Roads Program. Requires cost estimates, appraisal by a member of the Appraisal Institute (MIA) Agreement approved by Council., restrictions on improvements that may be considered. Applicants may offer ROW in advance of development order approval. Credits must be specifically granted by Council.</p>	<p>Sec. 24-173 Payment of Fee</p> <p>Fees paid prior to issuance of building permit.</p> <p>Applicant may propose to construct, donate or acquire property for facilities consistent with County or municipal Comprehensive Plans. Requires cost estimates. Allows credits as approved by BOCC per Sec. 24-175 (e)(3)</p> <p>Sec. 24-175 Credits</p> <p>Allows credit for required fees for any contribution, construction or dedication made in the County as required by a development order issued by County or the municipalities. Contains General Standards, Specific</p>

Comparison of Impact fee Code provisions of Port St. Lucie and St. Lucie County

Port St. Lucie Code Sec. 159.01 – 159.506	St. Lucie County Code Sec.24-1 – 2-223
Parks Impact Fee	Parks Impact Fee Ordinance
	<p>Standards on Need, site related improvements, property dedication, application procedure, acquisition by purchase of condemnation, and time for claim; waiver.</p> <p>Sec 24-176 Independent Property Appraisal Feepayer who opts out of value of property dedication as per 24-175 (e) (3) BOCC will determine amount of credit based on an Independent Property Appraisal in accordance with standards in this section.</p> <p>Sec 24-177 Property Review Appraisal BOCC may request a review appraisal if value in IPA exceeds 120 % of assessed value by more that 25 percent in accordance with standards in this section.</p>
<p>Sec. 159. 211 Return of Fees Paid</p> <p>Allows refunds of fees paid if request is made within 3 months of expiration of permit. Provides submittal requirements for a refund. Provides time limits.</p>	<p>Sec. 24-181 Refund of Fees paid</p> <p>Allows refunds of fees paid if request is made within 3 years of expiration of permit.</p>
<p>Sec. 159.212 Appeals</p> <p>Decisions made by Manager may be appealed to Council, in accordance with time frames specified in the Section.</p>	<p>Sec. 24-183 Appeals</p> <p>Decisions made by Administrator may be appealed to BOCC, in accordance with time frames specified in the Section.</p>

Comparison of Impact fee Code provisions of Port St. Lucie and St. Lucie County

Port St. Lucie Code Sec. 159.01 – 159.506	St. Lucie County Code Sec.24-1 – 2-223
Public Buildings Impact Fee	Public Buildings Impact Fee
Sec. 159.301 Short Title, Authority, and Applicability Cites Florida Statutes and State Constitution	Sec. 24-207 Short Title, Authority, and Applicability Cites Florida Statutes and State Constitution
Sec. 159.302 Purpose and Intent References Comp Plan, LOS standards, new development paying its fair share. References Florida Statute 163.3201 and 163,3202 on adoption of impact fees within LDRs, and finding that it complies with Section 163.31801.	Sec. 24-208 Intent, purposes and findings References Comp Plan, LOS standards, new development paying its fair share. References Florida Statute 163.3201 and 163,3202 on adoption of impact fees within LDRs. All construction in both unincorporated and incorporated area impact need for future improvements and expansions to public buildings.
Sec. 159.303 Definitions Defines: applicant, building permit, capital cost, capital improvement, city manager, comprehensive plan, council, dwelling unit, gross floor area, land development activity or project, person, public buildings, public buildings program, technical report, trip generation manual.	Sec. 24-209 Definitions Defines: capital improvement, feepayer, public building. Definition of public building specifies buildings used for county and circuit court activities and proceedings, services and responsibilities of the constitutional officers, and correction and detention activities at county jail facility.
Sec. 159. 304. Findings and Declarations References development, LOS standards, new development paying its fair share, Impact Fee Update Report of April 12, 2013, Port St. Lucie Impact Fee Study 2005 And Economic Development Study 2006, and provision of public buildings on city-wide basis. References Article VIII of Florida Constitution re effectiveness of County ordinance if it conflicts with City ordinance and declares the County public building impact fee ordinance is not effective in Port St. Lucie, to the extent of the conflict.	See Sec. 24-208 above.
Sec. 159.305 Imposition of Public Buildings Impact Fees Requires impact fee payment for any development that generates additional impact on parks and recreation. Establishes nonpayment an ordinance violation.	Sec. 24-210 Imposition of public buildings impact fee Requires payment of fees. Sec. 24-212 Payment of Fee Payment due prior to permit issuance.

Comparison of Impact fee Code provisions of Port St. Lucie and St. Lucie County

Port St. Lucie Code Sec. 159.01 – 159.506	St. Lucie County Code Sec.24-1 – 2-223
Public Buildings Impact Fee	Public Buildings Impact Fee
	Allows BOCC to accept offer of construction, dedication or acquisition of property for public building needs is consistent with Comp Plans of County or Municipalities.
<p>Sec. 159.306. Exemptions</p> <p>Exempts fee for alternations or expansions, accessory structures, and replacement of destroyed structure, if no additional impact is produced.</p>	<p>Sec. 24-221 Exemptions</p> <p>Exempts fee for alternations or expansions, accessory structures, and replacement of destroyed structure, if no additional impact is produced.</p>
<p>Sec. 159.307 Accounting and Use of Funds</p> <p>Requires impact fee payment for any development that generates additional impact on public buildings Allows admin fee of 3 percent. Use of funds shall benefit feepayer, consistent with case law (references 4 cases). Establishes process for an applicant to enter into a impact fee agreement.</p> <p>Establishes single benefit district and procedures for accounting and audits.</p> <p>Audits must include affidavit of CFO of compliance with F.S. 163.31801.</p>	<p>Sec. 224-219 Use of Funds</p> <p>Allows admin fee of 4 percent. Funds to be used for capital improvements to public building facilities in Comp Plan and identified in Technical Memorandum, “Methods Used to Update Library, Public Buildings, Parks and Recreation, and Law Enforcement Impact fees “ dated Oct. 4, 2016 by Dr. James Nicholas. CIP presented to BOCC each July. Interlocal agreements with municipalities authorized</p> <p>Sec. 24-217 Public Building Impact Fee Districts Created Establishes one public benefit district for entire county.</p> <p>Sec. 24-218 Public Building Impact Fee Trust funds established Establishes trust fund and funds may only be used in accordance with Sec. 24-219.</p> <p>Sec. 24-213 Alternative Collection Mechanism</p> <p>Allows collection of fees if fees were not collected prior to issuance of a permit. Includes notification, ability for a hearing, and ability to lien property if fee is delinquent.</p>
<p>Sec. 159. 308 Public buildings Impact Fee</p> <p>Adopted 2013 schedule may be updated as per Sec.158.309. City Manager determines applicable land use type.</p> <p>Allows revision of fees if fees paid incorrectly.</p>	<p>Sec. 24-211 Computation of the amount of public buildings impact fee.</p> <p>Provides Public Building Impact Fee Countywide Assessment (the fee schedule). Table is subject to annual revision per Sec. 24-223.</p>

Comparison of Impact fee Code provisions of Port St. Lucie and St. Lucie County

Port St. Lucie Code Sec. 159.01 – 159.506	St. Lucie County Code Sec.24-1 – 2-223
Public Buildings Impact Fee	Public Buildings Impact Fee
<p>Allows City Manager review of applicant evidence that fee should be modified. Provides applicant alternate method of payment with approval by Council of any such agreement.</p> <p>Includes Exhibit with two Fee Schedules: (A) Public Buildings Schedule Revised 2006 for permits issued prior to Sept. 5, 2013 and/or before the effective date of the ordinance; and (B) 2013 Updated Fee Schedule</p> <p>Adopted 2013 schedule may be updated as per Sec.158.309. City Manager determines applicable land use type. Fee based on net increase in impact.</p>	
<p>Sec. 159.309 Adoption, Review and Revision</p> <p>Council approves all changes to Public Buildings Program by ordinance.</p> <p>Annual Report on impact fee ordinance by July 1, and which may include fee adjustments recommended by Manager. Any changes are effective 90 days after adoption of ordinance by Council. Contains method of adjustment.</p> <p>Update of Impact Fee ordinance required every 4 years.</p>	<p>Sec.24.223 Review and Automatic adjustment of fees</p> <p>Fees may be adjusted by Administrator in April each calendar year and become effective Oct. 1 (unless otherwise directed by BOCC). Contains method of adjustment.</p> <p>Requires BOCC review of Impact Fee at least once every 5 years.</p>
<p>Sec. 159.310 Construction or Donation of Property in Lieu of Impact Fee Payments</p> <p>Applicant may offer to construct, dedicate or acquire land for public buildings for facilities listed in Public Buildings Program. Requires cost estimates, appraisal by a member of the Appraisal Institute (MIA)</p>	<p>Sec. 24-214 Credits</p> <p>Allows credit for required fees for any contribution, construction or dedication made in the County as required by a development order issued by County or the municipalities. Contains General Standards, Specific Standards on Need, site related improvements, property dedication, application procedure, acquisition by purchase of condemnation, and time for claim; waiver.</p>

Comparison of Impact fee Code provisions of Port St. Lucie and St. Lucie County

Port St. Lucie Code Sec. 159.01 – 159.506	St. Lucie County Code Sec.24-1 – 2-223
Public Buildings Impact Fee	Public Buildings Impact Fee
Agreement approved by Council with restrictions on improvements that may be considered.	<p>Sec. 24-215 Independent Property appraisal</p> <p>Feepayer who opts out of value of property dedication as per 24-214(e) (3) BOCC will determine amount of credit based on an Independent Property Appraisal in accordance with standards in this section.</p> <p>Sec. 24-216 Property review appraisal</p> <p>BOCC may request a review appraisal if value in IPA exceeds 120 % of assessed value by more that 25 percent in accordance with standards in this section.</p>
<p>Sec. 159.311 Refund of Fees Paid</p> <p>Allows refunds of fees paid if request is made within 3 months of expiration of permit Provides submittal requirements for a refund. Provides time limits.</p>	<p>Sec. 24-181 Refund of Fees paid</p> <p>Allows refunds of fees paid if request is made within 3 years of expiration of permit.</p>
<p>Sec. 159.312 Appeals</p> <p>Decisions made by Manager may be appealed to Council, in accordance with time frames specified in the Section.</p>	<p>Sec. 24-222 Appeals</p> <p>Decisions made by Administrator may be appealed to BOCC, in accordance with time frames specified in the Section.</p>

Note: Section 159.313 – 159.501 noted as reserved.

Comparison of Impact fee Code provisions of Port St. Lucie and St. Lucie County

Port St. Lucie Code Sec. 159.01 – 159.506	St. Lucie County Code Sec. 24-1 – 2-223
Economic Development Impact Fee Mitigation	Economic Development Impact Fee Mitigation
<p>Sec. 159.501 Short Title, Authority, and Applicability</p> <p>Cites Florida Statutes and State Constitution</p>	<p>Sec 21-1 Economic development impact fee mitigation</p>
<p>Sec. 159.502 Purpose and Intent</p> <p>Imposition of impact fees may place City in a non-competitive positive. Program to mitigate any real or perceived disadvantage in imposing impact fees. Program not an entitlement program. Provides opportunity, at discretion of City Council, to grant impact fee mitigation to Qualified Target Industry Business (QTIB).</p>	<p>Sec 21-1</p> <p>Defines terms shown below.</p> <p>Imposition of impact fees may place County in a non-competitive positive. Program to mitigate any real or perceived disadvantage in imposing impact fees. Program not an entitlement program. Provides opportunity, at discretion of BOCC, to grant impact fee mitigation to Qualified Target Industry Business (QTIB)</p>
<p>Sec. 159.503 Definitions</p> <p>Defines: Qualified Target Industry Business, Applicant, Locally owned and operated small business.</p> <p>Definitions match</p>	<p>Sec. 24-1</p> <p>Sec 24-1 (a) includes both qualified target industry business and applicant Sec. 24-1 (b) locally owned and operated small business</p> <p>Definitions match</p>
<p>Sec. 159. 304. Eligibility</p> <p>States requirements as QTIB</p> <p>There are three types of eligibility. An applicant must meet one.</p> <p>Eligibility criteria vary by job creation, wages and benefits paid to employees, capital investment and a ten-year minimum location in City.</p> <p>Applicant must enter into agreement with City., provide quarterly reports, and all other reports needed to demonstrate job creation and benefit package commitments, and include repayment or suspension if performance is not achieved.</p>	<p>Sec. 24-1 (e)</p> <p>States requirements as QTIB</p> <p>There are three types of eligibility. An applicant must meet one.</p> <p>Eligibility criteria vary by job creation, wages and benefits paid to employees, capital investment and a ten-year minimum location in County.</p> <p>Applicant must enter into agreement with County, provide quarterly reports, and all other reports needed to demonstrate job creation and benefit package commitments.</p>
<p>Sec. 159.505 Economic development impact fee mitigation program application</p>	<p>Sec 24-1 (f)</p>

Comparison of Impact fee Code provisions of Port St. Lucie and St. Lucie County

Port St. Lucie Code Sec. 159.01 – 159.506	St. Lucie County Code Sec. 24-1 – 2-223
Economic Development Impact Fee Mitigation	Economic Development Impact Fee Mitigation
<p>Applicant must file application prior to issuance of permit. Contains list of required materials.</p> <p>If applicant asks for immediate issuance of permit, applicant pays fees and, if application is approved, the City shall refund the mitigation amount.</p> <p>The City Manager shall place mitigation agreement on Council agenda for approval if application meets requirements of Code.</p> <p>Applicant must submit application prior to applicant decision re expansion or relocation in City.</p>	<p>Applicant must file application prior to issuance of permit. Contains list of required materials.</p> <p>Sec 24-1 (g) If applicant asks for immediate issuance of permit, applicant pays fees and, if application is approved, the County shall refund the mitigation amount.</p> <p>Sec 24-1 (i) The County Administrator shall place mitigation agreement on Council agenda for approval if application meets requirements of Code.</p> <p>Sec 24-1 (k) Applicant must submit application prior to applicant decision re expansion or relocation in County.</p>
<p>Sec. 159.306. Economic development impact fee mitigation</p> <p>Provides waiver amount per job and wage and benefit package for the three types of QTIB listed in Section 159.504.(A).</p> <p>Applicant eligible for only one type of mitigation.</p> <p>Any incentive approved shall be paid for other legally available funds.</p>	<p>Sec. 24-1 (h)</p> <p>Provides waiver amount per job and wage and benefit package for the three types of QTIB listed in Section 24-1 (e)(1), (2) and (3).</p> <p>Applicant eligible for only one type of mitigation</p> <p>Sec. 24-1 (j) Any incentive approved shall be paid for other legally available funds.</p>

APPENDIX B

On The Map

Inflow/Outflow Report

Port St. Lucie

U.S Census Bureau

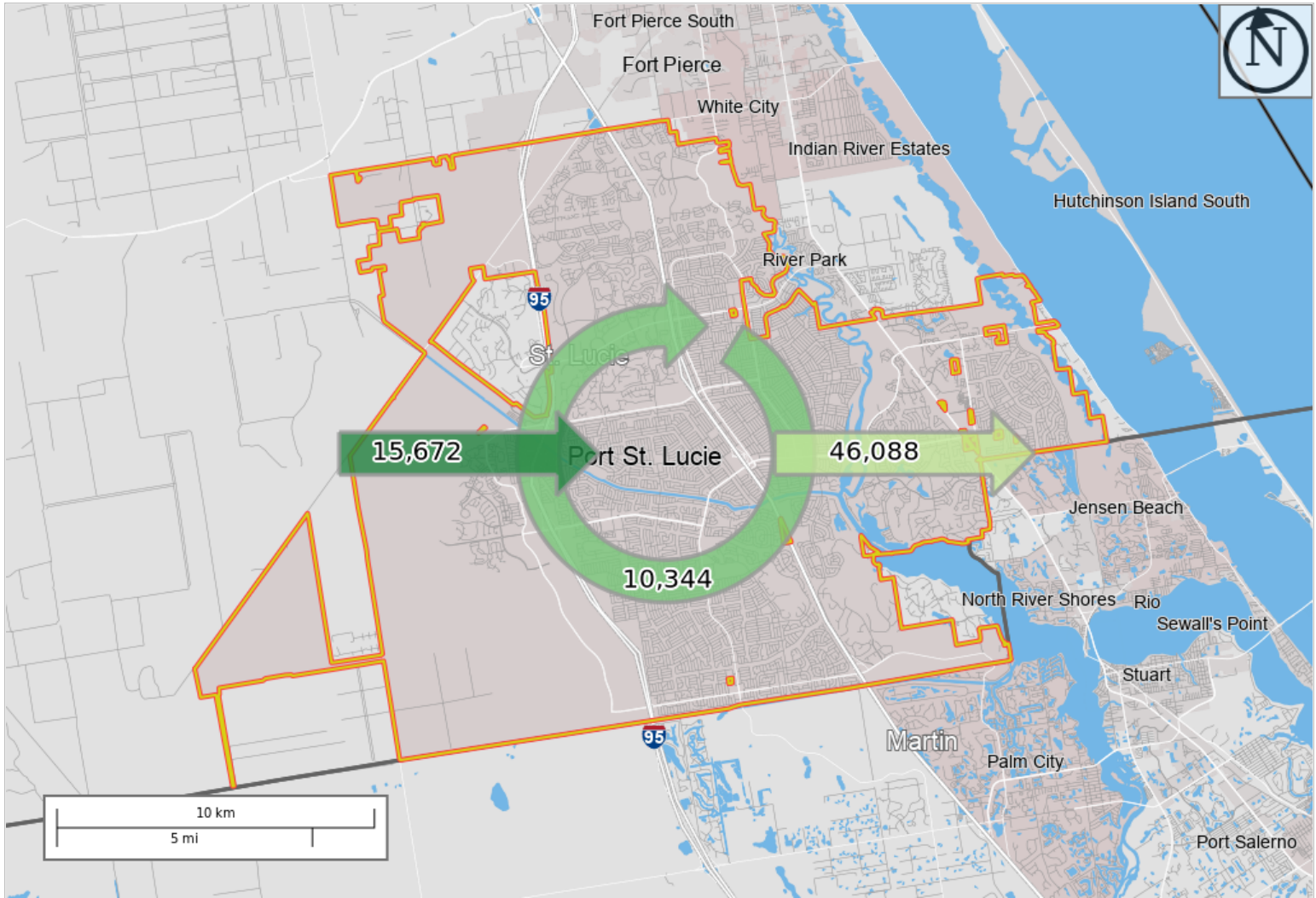
Inflow/Outflow Report

Private Primary Jobs for All Workers in 2017

Created by the U.S. Census Bureau's OnTheMap <https://onthemap.ces.census.gov> on 10/25/2020

Inflow/Outflow Counts of Private Primary Jobs for Selection Area in 2017

All Workers



Map Legend

Selection Areas

📍 Analysis Selection

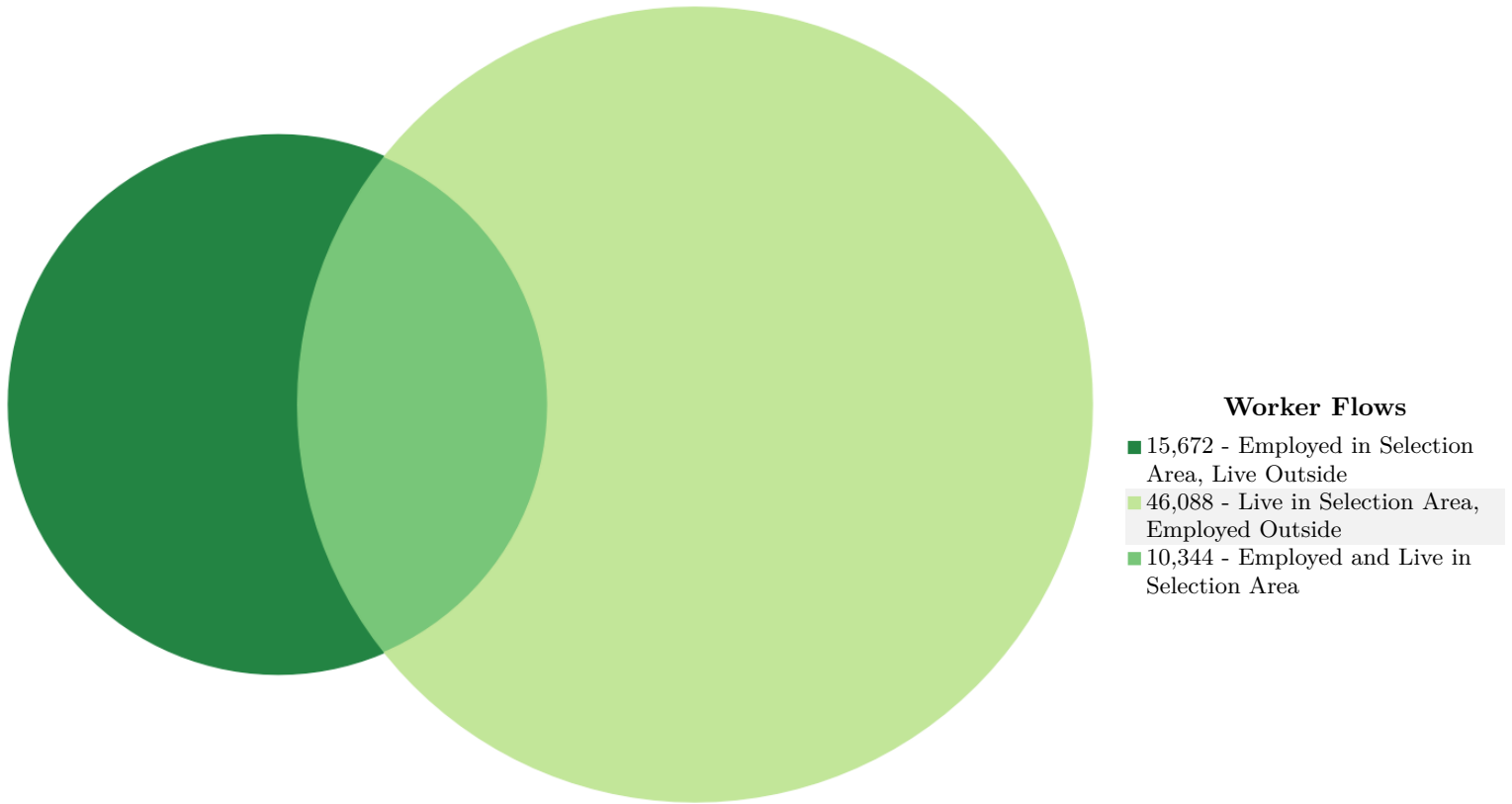
Inflow/Outflow

- ➡ Employed and Live in Selection Area
 - ➡ Employed in Selection Area, Live Outside
 - ➡ Live in Selection Area, Employed Outside
- Note: Overlay arrows do not indicate directionality of worker flow between home and employment locations.



Inflow/Outflow Counts of Private Primary Jobs for Selection Area in 2017

All Workers



Inflow/Outflow Counts of Private Primary Jobs for Selection Area in 2017

All Workers

Worker Totals and Flows	2017	
	Count	Share
Employed in the Selection Area	26,016	100.0
Employed in the Selection Area but Living Outside	15,672	60.2
Employed and Living in the Selection Area	10,344	39.8
Living in the Selection Area	56,432	100.0
Living in the Selection Area but Employed Outside	46,088	81.7
Living and Employed in the Selection Area	10,344	18.3

Additional Information

Analysis Settings

Analysis Type	Inflow/Outflow
Selection area as	N/A
Year(s)	2017
Job Type	Private Primary Jobs
Selection Area	Port St. Lucie city, FL from Places (Cities, CDPs, etc.)
Selected Census Blocks	4,409
Analysis Generation Date	10/25/2020 12:05 - OnTheMap 6.6
Code Revision	d7f8a300c9f4e458f61bc73d3099ca2cb8f8feaa
LODES Data Version	20170818

Data Sources

Source: U.S. Census Bureau, OnTheMap Application and LEHD Origin-Destination Employment Statistics (Beginning of Quarter Employment, 2nd Quarter of 2002-2017).

Notes

1. Race, Ethnicity, Educational Attainment, and Sex statistics are beta release results and are not available before 2009.
2. Educational Attainment is only produced for workers aged 30 and over.
3. Firm Age and Firm Size statistics are beta release results for All Private jobs and are not available before 2011.
4. Data on Federal employment are not available after 2015.