

## ORDINANCE 23-26

AN ORDINANCE AMENDING AND RESTATING THE CITY OF PORT ST. LUCIE CODE OF ORDINANCES CHAPTER 159, ARTICLE I, ENTITLED “LAW ENFORCEMENT IMPACT FEE SCHEDULE”; PROVIDING FOR THE ADOPTION OF THE CITY OF PORT ST. LUCIE IMPACT FEE STUDY; PROVIDING FINDINGS; RESTATING TITLE, AUTHORITY AND APPLICABILITY; PROVIDING AMENDED AND RESTATED IMPOSITION OF LAW ENFORCEMENT IMPACT FEES, FEE SCHEDULES, TIME OF PAYMENT, REVISION; PROVIDING AMENDED AND RESTATED PRESUMPTIONS, ADMINISTRATIVE FEES, ACCOUNTING AND AUDITS, LIMITATION, AGREEMENTS, AND SECURITY FOR REVIEW; PROVIDING AMENDED AND RESTATED CREDITS; PROVIDING AMENDED AND RESTATED EXEMPTIONS; PROVIDING AMENDED AND RESTATED RETURN OF FUNDS; PROVIDING FOR APPEALS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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**WHEREAS**, the authority to collect impact fees to offset the demands future development creates for new infrastructure is well established under Florida and federal caselaw and, in 2006, the Florida Legislature passed the “Florida Impact Fee Act”, which recognized impact fees as “an outgrowth of the home rule power of a local government to provide certain services within its jurisdiction.” § 163.31801(2), Florida Statutes; and

**WHEREAS**, the City Council of Port St. Lucie, Florida (hereinafter “Council”) has determined that the City of Port St. Lucie (hereinafter “City”) has and will continue to experience development and redevelopment which generates a need for additional public facility capacity and capital equipment; and

**WHEREAS**, as vacant lands within the City develop, or as existing uses expand, the demand imposed upon the City for additional law enforcement capital facilities, supportive infrastructure and equipment increases proportionately; and

**WHEREAS**, the City is updating its impact fees related to law enforcement to fund law enforcement capital facilities, supportive infrastructure and equipment needed to meet the demand created by future development; and

**WHEREAS**, impact fees are one mechanism the City uses to help shift the cost of providing such public facility capacity, capital equipment and supportive infrastructure to such development, and the Council hereby finds and declares that the existing law enforcement impact

fees established pursuant to Ordinance 13-27, as amended by Ordinance 16-31, should be updated to reflect current data, costs and development impacts on the need for additional law enforcement facilities, equipment and supportive infrastructure; and

**WHEREAS**, the Council has considered and desires to adopt the information and recommendations presented in the “Impact Fee Study – Prepared for: Port St. Lucie, Florida” by TischlerBise, dated April 12, 2023 (the “2023 Impact Fee Study”); and

**WHEREAS**, the Florida Impact Fee Act (the “Act”) places limitations on how much local governments may increase an impact fee and if an impact fee is increased in excess of fifty (50) percent of the current impact fee rate, it must be demonstrated by the extraordinary circumstances necessitating the need to exceed the phase-in limitation of the Act; and

**WHEREAS**, the City is experiencing extraordinary growth and new development; and

**WHEREAS**, the City is currently operating at a deficient level of service related to law enforcement and without adopting the proposed law enforcement impact fees, the City will be perpetually underserving its residents; and

**WHEREAS**, the capital expenditures required for additional law enforcement facilities, supportive infrastructure and equipment generated by the extraordinary growth and new development occurring within the City, as set forth in the 2023 Impact Fee Study, are significant and demonstrates the extraordinary circumstances that necessitate the need to exceed the phase-in limitations of the Act; and

**WHEREAS**, imposition of law enforcement impact fees, requiring future development and growth within the City to contribute its fair share of the cost of extraordinary growth-necessitated law enforcement capital improvements and equipment is necessary and reasonably related to the public health, safety, and welfare of the people of the City, provided that the law enforcement impact fee does not exceed the amount necessary to offset the demand generated by new development and redevelopment; and

**WHEREAS**, the 2023 Impact Fee Study demonstrates a clear need for additional law enforcement facilities, supportive infrastructure and equipment to accommodate future extraordinary growth and a clear benefit provided by those facilities and equipment, as required by the dual rational nexus test; and

**WHEREAS**, the City Council has noticed, advertised, scheduled and held two (2) public workshops and a public hearing in compliance with Florida Statutes with respect to enactment of this proposed Ordinance; and

**WHEREAS**, the Council has determined that it is advisable and in the public interest to adopt and implement the proposed Ordinance.

**NOW, THEREFORE, THE CITY OF PORT ST. LUCIE HEREBY ORDAINS:**

**Section 1. Ratification of Recitals.** That the foregoing recitals are hereby ratified and confirmed as true and correct and are hereby incorporated herein by this reference.

**Section 2. Amendment and Restatement.** Article I of Chapter 159 of the City of Port St. Lucie Code of Ordinances is hereby presented in its entirety and restated and amended as specifically set forth as follows, with deleted text indicated by ~~striketrough~~ and inserted text indicated by underline:

**Sec. 159.01. – Short Title, Authority, and Applicability.**

- (A) This article shall be known and may be cited as the "Port St. Lucie Law Enforcement Impact Fee Ordinance."
- (B) The City Council of Port St. Lucie, Florida, has authority to adopt this article ~~through~~ pursuant to its home rule powers under its City Charter granted by Article VIII of the Constitution of the State of Florida and Chapter 166 Florida Statutes, and pursuant to other Florida laws, including sections 163.3201, 163.3202 and 163.31801, Florida Statutes. ~~given to municipalities under applicable Florida Statutes, and the State of Florida Constitution.~~
- (C) Planning for additional law enforcement capital facilities, supportive infrastructure ~~manpower~~ and capital equipment needed to serve new growth and development that generate additional demand for law enforcement facilities, infrastructure and equipment, and the subsequent fulfillment of these needs, is a responsibility of the City. Moreover, such planning is deemed to be in the best interests of the health, safety, and welfare of the citizens of the City.
- (D) The City of Port St. Lucie has the power and responsibility to provide law enforcement facilities, related infrastructure and equipment in the City. Development within the City impacts the law enforcement facility capital and

equipment needs of the City, including the need for infrastructure to serve those law enforcement facilities.

**Sec. 159.011. – Purpose and Intent.**

(A) This article is intended to implement and be consistent with the goals, objectives and policies of the Comprehensive Plan.

(B) It is the purpose of this article to ensure the provision of an adequate level of service in law enforcement facilities, supportive infrastructure and equipment throughout the City, concurrent with the impacts of development.

(C) It is also the purpose of this article to regulate the use and development of land so as to assure that new development bears a proportionate share of the cost of capital improvements that will be necessary to provide law enforcement facilities, their related infrastructure and equipment to adequately serve the future needs of the City and at the same level of service provided to existing development.

(D) The Florida Legislature, through the enactment of the Community Planning Act, Sections 163.3201 and 163.3202, Florida Statutes, and the Environmental Land and Water Management Act, Section 380.06(4), (5), (8) and (12), Florida Statutes, and the entirety of Chapters 163 and 380, respectively, encourages local governments to enact impact fee programs as a part of their land development regulations to implement their Comprehensive Plan.

(E) The Council hereby finds and declares that the impact fees imposed pursuant to this article comply with the requirements of F.S. § 163.31801. Specifically, the requirements of F.S. § 163.31801, are fulfilled as follows:

- a. the impact fees imposed herein are calculated based on the most recent and localized data,
- b. the established separate accounts and accounting procedures provide for appropriate accounting and reporting of impact fee collections and expenditures,

- c. the administrative charges that may be implemented will reflect actual costs to the City for the creation and maintenance of the impact fee system,
- d. impact fee collection is not earlier than building permit issuance,
- e. notice was provided at least ninety (90) days prior to the effective date of any increased impact fees in accordance with F.S. § 163.31801,
- f. the Technical Report, which was completed within twelve (12) months before the adoption of the impact fees, establishes that extraordinary circumstances exist, based on the City's extraordinary growth, that necessitates law enforcement facilities, supportive infrastructure and equipment to accommodate that growth, such that an increase in the impact fees is required,
- g. the ordinance adopting the law enforcement impact fees was adopted by 2/3 vote of the Council,
- h. the impact fees are proportional and reasonably connected to, or has a rational nexus with, the need for additional law enforcement capital facilities, supportive infrastructure and equipment and, the increased impact generated by the new residential construction,
- i. the impact fees are calculated to produce revenue adequate to provide the same level of service to new development as is provided to existing development, and
- j. audits of the City performed pursuant to F.S. § 218.39, will include an affidavit from the chief financial officer of the City stating that the City has complied with F.S. § 163.31801.

(F) New impact fees may not apply to current or pending permit applications submitted before the effective date of a new impact fee.

**Sec. 159.02. – Definitions.**

For the purpose of this article, the following definitions words or phrases shall apply have the meaning ascribed to them in this article unless the context clearly indicates or requires a different meaning; otherwise.

**APPLICANT:** A person commencing a land development activity or a change of use or requesting approval of a land development activity or a change of use covered by this article.

**BUILDING PERMIT:** Permits issued by the City of Port St. Lucie Building Department, authorizing the construction or installation of buildings, structures, and other improvements, including mobile homes and recreational vehicles, ~~according to standards set out in all applicable development regulations.~~

**CAPITAL COST:** Any expenditure which, under generally accepted accounting principles for local governments, would be considered a one time capital expense. ~~These capital expenses for law enforcement are further defined and itemized in eExhibit "A", attached hereto, and in the technical report.~~

~~**Editor's note** — Exhibit "A" is not set out herein but is available in the office of the City Clerk.~~

**CAPITAL IMPROVEMENT:** Includes, but is not limited to, construction costs, planning, engineering, design, surveys, inspection, testing, land acquisition, and other costs associated with the acquisition and construction of facilities and capital equipment to add capacity to law enforcement services. May include payment of existing debt service as identified in the ~~T~~technical Rreport.

**CITY MANAGER:** The City Manager of the City of Port St. Lucie, as defined in its City Charter, or a person or persons designated by the City Manager to carry out a function described in this article.

**COMPREHENSIVE PLAN:** The ~~adopted~~ Comprehensive Plan ~~document for~~ of the City of Port St. Lucie, Florida, adopted pursuant to F.S. ~~ch. art.~~ 163.3161 et. seq.

**COUNCIL:** The City Council of the City of Port St. Lucie, Florida.

**DEVELOPMENT:** Any improvement to real property for which, as a condition to legally constructing or building it, a building permit must first be obtained from the City,

including any change in land use, development type, or any construction of buildings or structures, or any change of use of any building or structure.

**DWELLING UNIT:** Single-family and multi-family residential units, attached and detached dwellings, houses of conventional or manufactured construction, mobile homes, recreational vehicles and all other structures used for permanent residence, regardless of whether occupied by a tenant or owner. This term does not include hotels or motels. The term housing unit, as used in the ~~T~~technical Rreport and in fee tables, is equivalent to a dwelling unit. ~~Pursuant to the technical report, updated impact fees shall be imposed per housing unit on single unit residential structures and per housing unit on structures with two (2) or more units per structure.~~

**COMMERCIAL SQUARE FOOTAGE:** Gross floor area for ~~structures which will include the following land uses: retail, wholesale, amusement/recreation/entertainment, theater, office, medical office, finance, auto repair, restaurant, personal service (barber/beauty, etc.), and any other related use which involves the sale or provision of goods and services for compensation~~ establishments primarily selling merchandise, eating/drinking places, and entertainment uses. By way of example without limitation, commercial includes shopping centers, supermarkets, pharmacies, restaurants, bars, nightclubs, automobile dealerships, and movie theaters.

**~~FACTORY/INDUSTRIAL SQUARE FOOTAGE:~~** Gross floor area for ~~structures which will include the following land uses: manufacturing, chemical processing, bottling and distribution, agricultural processing/packaging, and other related uses which specifically do not include a direct retail or wholesale provision of goods and services to the public at large.~~

**GROSS FLOOR AREA:** Total area (in square feet) of all floors of a structure that are within the principal outside faces of exterior walls including halls, stairways, corridors, lobbies, elevator shafts, but excluding architectural setbacks or projections. It also includes areas where business is conducted outside the walls of the structure. If a site contains multiple buildings, the gross floor area shall be computed separately for each building.

The definition of gross floor area (GFA) in the ITE trip generation manual shall be used to resolve any questions regarding calculation of gross floor area.

**INDUSTRIAL – GENERAL SQUARE FOOTAGE:** Gross floor area for establishments primarily engaged in the production of goods. By way of example without limitation, industrial – general includes manufacturing plants, utility substations, power generation facilities, and telecommunications buildings.

**INDUSTRIAL – WAREHOUSE SQUARE FOOTAGE:** Gross floor area for establishments primarily engaged in the transportation or storage of goods. By way of example without limitation, industrial – warehouse includes distribution warehouses, trucking companies, and data centers.

**INSTITUTIONAL SQUARE FOOTAGE:** Gross floor area for ~~the following land uses:~~ schools, hospitals, community centers, nursing homes, government services, museums, libraries, child care, clubs/lodges, and other related public purpose structures public and quasi-public buildings providing educational, social assistance, or religious services. By way of example without limitation, institutional includes schools, universities, churches, daycare facilities, and government buildings.

**OFFICE AND OTHER SERVICES SQUARE FOOTAGE:** Gross floor area for establishments providing management, administrative, professional, business services, and health services. By way of example without limitation, office and other services includes banks, business offices, medical offices, hospitals, and veterinary clinics.

**PERSON:** Any individual, company, corporation, association, or other legal entity.

**TECHNICAL REPORT:** Technical ~~Report~~ shall mean and refer to the "Impact Fee Update — City of Port St. Lucie, Florida" by TischlerBise, dated April 12, 2013 "Impact Fee Study – Prepared for: Port St. Lucie, Florida" by TischlerBise, dated April 12, 2023.



**TRIP GENERATION MANUAL:** The report entitled "Trip Generation" of the Institute of Transportation Engineers (9 11th edition). Official updates to the 9 11th edition may be accepted and used by the City as appropriate.

**WAREHOUSE/STORAGE:** ~~Gross floor area for structures used exclusively for private long term or short term storage of goods. This category does not include commercial warehouses unless the primary business of the warehouse is storage of goods for compensation. Warehouses used for distribution or sale of goods are classified as commercial square footage.~~

**Sec. 159.03. - Findings and Declarations.**

- (A) The ~~City~~ Council hereby finds that new development in the City requires additional governmental services and facilities, specifically including law enforcement facilities, supportive infrastructure and equipment ~~services as provided by the Port St. Lucie Police Department. It is the policy of the City Council, as specified in the comprehensive plan, that new development should be permitted to occur only where an adequate level of service can be provided.~~
- (B) It is the policy of the Council that new development should pay a pro rata fair share of capital costs related to the additional law enforcement facilities, supportive infrastructure and equipment ~~governmental services and facilities~~ required to accommodate that new development.
- (C) It is the policy purpose of the City this article that an ~~to ensure the provision of an~~ adequate level of service in law enforcement will be provided throughout the City concurrent with the impacts of development jurisdiction, so that new development will may occur in a manner consistent with the comprehensive plan.
- (D) Under the provisions of this article, new development shall be required to pay a reasonable and pro rata share of the fair portion of overall capital costs related to the additional law enforcement facilities, supporting infrastructure and equipment ~~services~~ made necessary by such new development, ~~in order to avoid assessing those costs against the City's general fund.~~ New development is not responsible for the ~~public~~ law enforcement facility, supportive infrastructure and equipment needs for

existing development and impact fees will not be used to cure existing deficiencies resulting from existing development.

- (~~E~~) ~~The Council hereby finds that impact fees provide a reasonable method of regulating new development in the City to ensure that such new development pays an appropriate share of capital costs of governmental services and facilities necessary to accommodate new development.~~
- (~~EF~~) It is the policy of the City to of Port St. Lucie Police Department provides law enforcement services on a City-wide basis, without regard to the location of or specific use of parcels of land. Therefore, impact fees imposed pursuant to this article will be used to pay for those capital costs related to the law enforcement facilities, supportive infrastructure and equipment that will be required for and benefit new development in the City at the established level of service. The City assumes the responsibility for, and will pay from other revenues other than impact fees, the costs of the law enforcement facilities, supportive infrastructure and equipment needs to provide the established level of service to existing development. Because of this public policy, the capital equipment purchased with impact fees cannot be restricted to the patrol zones or sectors used by the Police Department in assigning personnel for patrol activities. It is, however, herein acknowledged that the Police Department shall have an affirmative duty to ensure that capital equipment purchased with impact fees benefits the payers of those fees. This duty shall require that all new development required to contribute impact fees shall receive patrol services from the Police Department, according to the Level of Service adopted herein.
- (~~FG~~) The provision of law enforcement services is acknowledged to be a governmental service provided on a uniform City-wide basis. All new development, as defined herein, creates an impact upon the cost of providing law enforcement services.
- (~~GH~~) Providing an adequate level of law enforcement services within the City is essential to and in the best interests of the public health, safety, and welfare of the citizens of Port St. Lucie.
- (~~H~~) It is the intent of the City Council that impact fees imposed pursuant to this article be used to pay for those capital costs related to the additional law enforcement facilities,

supportive infrastructure and equipment services required for new development in Port St. Lucie.

- (I~~F~~) New development creates an impact on the capital cost of providing law enforcement facilities, supportive infrastructure and equipment. The Technical Report ~~law enforcement impact fee~~ allocates the capital cost of providing law enforcement facilities, supportive infrastructure and capital equipment among various types of development land uses and between new development and existing development according to an analysis of law enforcement needs as described in the Technical Report "Impact Fee Update — City of Port St. Lucie, Florida" by ~~TischlerBise, Fiscal, Economic & Planning Consultants~~ dated April 12, 2013. The provisions of this article relate to adequate law enforcement service and facilities in Port St. Lucie, ~~the law enforcement facilities and capital equipment needed for new development in Port St. Lucie, and the impact fee for those capital costs as based on and supported by the "Impact Fee Update — City of Port St. Lucie, Florida" by TischlerBise, Fiscal, Economic & Planning Consultants~~ dated April 12, 2013.
- (J~~K~~) The City Council, after consideration of the Technical Report, incorporated herein by reference, and the experience of the City and other similarly situated communities, and testimony from the public, hereby finds that the impact fees provide a reasonable method of regulating development in the City so that new development pays a pro rata share of ~~there exists a rational nexus between the~~ capital costs of ~~providing~~ law enforcement facilities, supportive infrastructure and equipment services necessary to accommodate new development and the impact fees imposed on new development by this article.
- (K~~L~~) Based on the Technical Report, the City Council hereby finds that a rational nexus, relationship, and connection exists between the capital costs of law enforcement facilities, supportive infrastructure and equipment made necessary by development and the impact fees to be imposed on new development and collected, pursuant to this article, and between the expenditure of these funds on capital law enforcement facilities, supportive infrastructure and equipment costs induced by new growth and the benefit to the payers of fees, as limited and prescribed in this article.

(M) ~~The City Council hereby finds and declares that the impact fees imposed pursuant to this chapter comply with the requirements of F.S. § 163.31801. Specifically, the requirements of F.S. § 163.31801, are fulfilled as follows: the impact fees imposed herein are calculated based on the most recent and localized data, the established separate accounts and accounting procedures provide for appropriate accounting and reporting of impact fee collections and expenditures, the administrative charges that may be implemented will reflect actual costs to the City for the creation and maintenance of the impact fee system, notice was provided at least ninety (90) days prior to the effective date of any increased impact fees, and audits of the City performed pursuant to F.S. § 218.39, will include an affidavit from the chief financial officer of the City stating that the City has complied with F.S. § 163.31801.~~

**Sec. 159.04. - Imposition of Impact Fees; Fee Schedules; Adoption, Review and Revision; Time of Payment.**

**Imposition of Impact Fees:**

- (A) Effective June 30, 2023, ~~a~~Any person who seeks to make improvements to land which can generate additional demand on law enforcement facilities, supportive infrastructure and equipment services and which requires the issuance of a building permit or certificate of occupancy or other development permit, or who seeks to change the use of land to a use which can generate additional need for law enforcement facilities, supportive infrastructure and ~~capital~~ equipment, shall be required to pay a law enforcement impact fee in the manner and amount set forth in this article.
- (B) No building permit, certificate of occupancy, or other permit shall be issued or change of use allowed unless and until the law enforcement impact fee hereby required has been paid.
- (C) The applicant shall pay the applicable impact fee to the City prior to the issuance of a building permit, a certificate of occupancy, or other permit, or to a change of use.
- (D) If law enforcement impact fees are owed, no development permits of any type or certificates of occupancy may be issued for the building or structure in question and no construction or change of use allowed while the fee remains unpaid. The City

Manager may authorize the initiation of any action as permitted by law or equity to collect the unpaid fee.

- (E) A violation of this article is punishable as an ordinance violation as provided in the City Charter and City Code. ~~In addition to or in lieu of any criminal prosecution,~~ The City has the power to sue for relief in civil court to enforce the provisions of this article. Knowingly furnishing false information to the City Manager or any municipal official who is charged with the administration of this article on any matter relating to the administration of this article constitutes a violation hereof.
- (F) In the case of ~~structures,~~ mobile homes, ~~and~~ recreational vehicles, that are moved from one location to another, a law enforcement impact fee will be collected for the new location if the ~~structure,~~ mobile home or recreational vehicle constitutes one of the land development types ~~uses~~ listed in the Fee Schedule in subsection (L) ~~section 159.308,~~ regardless of whether law enforcement impact fees had been paid at the old location, unless the use at the new location is a replacement of an equivalent use. If the ~~structure,~~ mobile home or recreational vehicles so moved is replaced by an equivalent use, no law enforcement impact fee is owed for the replacement use. In every case, the burden of proving past payment of law enforcement impact fee equivalency of use rests with the applicant.

**Fee Schedules:**

- (G) The amount of the fee shall be determined by the ~~applicable~~ law enforcement impact fee schedule adopted as in this article. The 2013 2023 updated fee schedule, adopted pursuant to a Council finding that extraordinary circumstances exist to justify increases beyond the phase-in limitations imposed by F.S. § 163.31801 (2022), is set at the maximum justifiable level of the Technical Report and is subject to revision based on the provisions of this section ~~159.04.~~
- (H) The City Manager shall make a determination ~~determine the applicable land use type in the following circumstances:-~~
- (1) If a building or structure is requested for mixed uses, then the impact fee shall be determined through using the applicable fee schedule by apportioning the space committed to development types ~~uses~~ specified on the fee schedule.

- (2) If the type of development ~~activity~~ for which a building permit is applied, or change of use is not specified on the applicable fee schedule, the City Manager shall use the fee applicable to the most nearly comparable type of ~~land~~ development on the fee schedule.
- (I) In the case of a change of use, redevelopment, or modification of an existing use, the impact fee shall be based upon the net increase in the impact fee for the new use as compared to the previous use in accordance with the fee schedule. No impact fee refund will be granted if a net decrease results.
- (J) If the law enforcement impact fee has been calculated and paid based on error or misrepresentation, it will be recalculated and the difference refunded to or requested from the original applicant or any successor in interest. If law enforcement impact fees are owed, no permits of any type may be issued for the building or structure in question, or for any other portion of a development of which the building or structure in question is a part, until law enforcement impact fees are paid.
- (K) The applicant may submit evidence to the City Manager demonstrating that the law enforcement impact fees set out in this section are not reasonable when applied to the particular development. Based upon convincing and competent evidence and in accordance with the governing caselaw and statute, the City Manager may adjust the law enforcement impact fee to be reasonable for the particular development.
- (L) The 2023 Law Enforcement Impact Fee Schedule is effective June 30, 2023. The fee schedule is phased over a period of four (4) years. The applicable fees per year are as follows: Fee Schedules.
- ~~(1) Fees Schedule Applicable to Building Permits Issued Prior to Midnight on September 5, 2013. The following fee schedule shall be applicable to all building permits issued prior to midnight on September 5, 2013 and prior to the effective date of Ord. No. 13-24. If the building permit is issued prior to midnight on September 5, 2013 but after the effective date of Ord. No. 13-24, this subsection (L) fee schedule shall apply unless the impact fees due under the 2013 updated fee schedule are less, in which case, the 2013 updated fee schedule shall apply.~~

|   |                                      |
|---|--------------------------------------|
| Law Enforcement Impact Fee Schedule<br>Revised 10-1-2012 pursuant to Section 4 of<br>Ord. 99-20 |                                      |
| Land Use Category   | Impact Fee Per Unit or 1,000 Sq. Ft. |
| Residential single family   | \$167.97/unit                        |
| Residential multi family  | \$158.07/unit                        |
| Hotel/motel   | \$148.21/unit                        |
| Commercial  | \$212.43/1,000 sq. ft.               |
| Factory/industrial  | \$18.12/1,000 sq. ft.                |
| Institutional   | \$59.28/1,000 sq. ft.                |
| Warehouse/storage   | \$6.59/1,000 sq. ft.                 |

(2) ~~2013 Updated Fee Schedule. The following fee schedule shall be applicable to:~~

- (i) ~~All building permits issued on or after midnight on September 5, 2013, and~~
- (ii) ~~Building permits issued prior to midnight on September 5, 2013 but after the effective date of the ordinance from which this section is derived when the impact fees due under the 2013 updated fee schedule are less than the impact fees due under the fee schedule in section 159.04(H)(1).~~

|   |          |
|---|----------|
| 2013 Updated Law Enforcement<br>Impact Fee Schedule |          |
| Residential (per dwelling unit)                     | Police   |
| Single Unit   | \$205.00 |
| 2+ Units per Structure                              | \$167.00 |

(1) Law Enforcement Impact Fees: Year 1

|   |
|---|
| 2013 Updated Law Enforcement<br>Impact Fee Schedule <u>Law Enforcement Impact Fee Schedule – Effective June 30, 2023</u><br><br><u>Year 1: June 30, 2023 to June 29, 2024</u> |
|---|

| <u>Nonresidential Development Type</u>     | <u>Demand Indicator Unit of Measure (sf = gross sq. ft.)</u> | <u>Police Law Enforcement</u> |
|--|--|-------------------------------|
| <u>Single-Family</u>                       | <u>Dwelling Unit</u>   | <u>\$366.00</u>               |
| <u>Multi-Family</u>                        | <u>Dwelling Unit</u>   | <u>\$236.00</u>               |
| <u>Mobile Residence</u>                    | <u>Dwelling Unit</u>   | <u>\$306.00</u>               |
| <u>Commercial</u>                          | <u>1,000 SF</u>  | <u>\$56.00 \$814.00</u>       |
| <u>Research and Development Ctr Center</u> | <u>1,000 SF</u>  | <u>\$16.00 \$367.00</u>       |
| <u>Office</u>                              | <u>1,000 SF</u>  | <u>\$22.00 \$358.00</u>       |
| <u>Nursing Home</u>                        | <u>1,000 SF</u>  | <u>\$15.00 \$133.00</u>       |
| <u>Hospital</u>                            | <u>1,000 SF</u>  | <u>\$26.00 \$348.00</u>       |
| <u>Day Care</u>                            | <u>student</u>   | <u>\$4.00 \$146.00</u>        |
| <u>University/College</u>                  | <u>student</u>   | <u>\$3.00 \$54.00</u>         |
| <u>Secondary School</u>                    | <u>1,000 SF</u>  | <u>\$18.00 \$312.00</u>       |
| <u>Elementary School</u>                   | <u>1,000 SF</u>  | <u>\$20.00 \$440.00</u>       |
| <u>Lodging</u>                             | <u>room</u>  | <u>\$11.00 \$88.00</u>        |
| <u>Assisted Living</u>                     | <u>bed</u>   | <u>\$5.00 \$48.00</u>         |
| <u>Mini-Warehouse</u>                      | <u>1,000 SF</u>  | <u>\$5.00 \$49.00</u>         |
| <u>Warehousing</u>                         | <u>1,000 SF</u>  | <u>\$7.00 \$58.00</u>         |
| <u>Manufacturing</u>                       | <u>1,000 SF</u>  | <u>\$7.00 \$160.00</u>        |
| <u>Light Industrial</u>                    | <u>1,000 SF</u>  | <u>\$14.00 \$165.00</u>       |

(2) Law Enforcement Impact Fees: Year 2

| <u>Law Enforcement Impact Fee Schedule – Effective June 30, 2023</u> |  |                               |
|--|--|-------------------------------|
| <u>Year 2: June 30, 2024 to June 29, 2025</u>                        |  |                               |
| <u>Development Type</u>  | <u>Demand Indicator Unit of Measure (sf = gross sq. ft.)</u> | <u>Police Law Enforcement</u> |
| <u>Single-Family</u>   | <u>Dwelling Unit</u>   | <u>\$360.00</u>               |
| <u>Multi-Family</u>  | <u>Dwelling Unit</u>   | <u>\$231.00</u>               |
| <u>Mobile Residence</u>  | <u>Dwelling Unit</u>   | <u>\$302.00</u>               |
| <u>Commercial</u>  | <u>1,000 SF</u>  | <u>\$806.00</u>               |
| <u>Research and Development Ctr Center</u>                           | <u>1,000 SF</u>  | <u>\$367.00</u>               |
| <u>Office</u>  | <u>1,000 SF</u>  | <u>\$358.00</u>               |
| <u>Nursing Home</u>  | <u>1,000 SF</u>  | <u>\$133.00</u>               |
| <u>Hospital</u>  | <u>1,000 SF</u>  | <u>\$346.00</u>               |
| <u>Day Care</u>  | <u>student</u>   | <u>\$146.00</u>               |
| <u>University/College</u>  | <u>student</u>   | <u>\$54.00</u>                |
| <u>Secondary School</u>  | <u>1,000 SF</u>  | <u>\$312.00</u>               |
| <u>Elementary School</u>   | <u>1,000 SF</u>  | <u>\$440.00</u>               |
| <u>Lodging</u>   | <u>room</u>  | <u>\$85.00</u>                |
| <u>Assisted Living</u>   | <u>bed</u>   | <u>\$48.00</u>                |



|                         |                 |                 |
|-------------------------|-----------------|-----------------|
| <u>Mini-Warehouse</u>   | <u>1,000 SF</u> | <u>\$49.00</u>  |
| <u>Warehousing</u>      | <u>1,000 SF</u> | <u>\$58.00</u>  |
| <u>Manufacturing</u>    | <u>1,000 SF</u> | <u>\$159.00</u> |
| <u>Light Industrial</u> | <u>1,000 SF</u> | <u>\$164.00</u> |

(3) Law Enforcement Impact Fees: Year 3

|  |  |                               |
|--|--|-------------------------------|
| <u>Law Enforcement Impact Fee Schedule – Effective June 30, 2023</u> |  |                               |
| <u>Year 3: June 30, 2025 to June 29, 2026</u>                        |  |                               |
| <u>Development Type</u>  | <u>Demand Indicator Unit of Measure (sf = gross sq. ft.)</u> | <u>Police Law Enforcement</u> |
| <u>Single-Family</u>   | <u>Dwelling Unit</u>   | <u>\$353.00</u>               |
| <u>Multi-Family</u>  | <u>Dwelling Unit</u>   | <u>\$227.00</u>               |
| <u>Mobile Residence</u>  | <u>Dwelling Unit</u>   | <u>\$298.00</u>               |
| <u>Commercial</u>  | <u>1,000 SF</u>  | <u>\$798.00</u>               |
| <u>Research and Development Ctr Center</u>                           | <u>1,000 SF</u>  | <u>\$367.00</u>               |
| <u>Office</u>  | <u>1,000 SF</u>  | <u>\$358.00</u>               |
| <u>Nursing Home</u>  | <u>1,000 SF</u>  | <u>\$133.00</u>               |
| <u>Hospital</u>  | <u>1,000 SF</u>  | <u>\$344.00</u>               |
| <u>Day Care</u>  | <u>student</u>   | <u>\$146.00</u>               |
| <u>University/College</u>  | <u>student</u>   | <u>\$54.00</u>                |
| <u>Secondary School</u>  | <u>1,000 SF</u>  | <u>\$312.00</u>               |
| <u>Elementary School</u>   | <u>1,000 SF</u>  | <u>\$440.00</u>               |
| <u>Lodging</u>   | <u>room</u>  | <u>\$81.00</u>                |
| <u>Assisted Living</u>   | <u>bed</u>   | <u>\$48.00</u>                |
| <u>Mini-Warehouse</u>  | <u>1,000 SF</u>  | <u>\$49.00</u>                |
| <u>Warehousing</u>   | <u>1,000 SF</u>  | <u>\$58.00</u>                |
| <u>Manufacturing</u>   | <u>1,000 SF</u>  | <u>\$157.00</u>               |
| <u>Light Industrial</u>  | <u>1,000 SF</u>  | <u>\$162.00</u>               |

(4) Law Enforcement Impact Fees: Year 4

|  |  |                               |
|--|--|-------------------------------|
| <u>Law Enforcement Impact Fee Schedule – Effective June 30, 2023</u> |  |                               |
| <u>Year 4: June 30, 2026 to June 29, 2027*</u>                       |  |                               |
| <u>Development Type</u>  | <u>Demand Indicator Unit of Measure (sf = gross sq. ft.)</u> | <u>Police Law Enforcement</u> |
| <u>Single-Family</u>   | <u>Dwelling Unit</u>   | <u>\$347.00</u>               |
| <u>Multi-Family</u>  | <u>Dwelling Unit</u>   | <u>\$223.00</u>               |
| <u>Mobile Residence</u>  | <u>Dwelling Unit</u>   | <u>\$294.00</u>               |
| <u>Commercial</u>  | <u>1,000 SF</u>  | <u>\$790.00</u>               |
| <u>Research and Development Ctr Center</u>                           | <u>1,000 SF</u>  | <u>\$367.00</u>               |

|                           |                 |                 |
|---------------------------|-----------------|-----------------|
| <u>Office</u>             | <u>1,000 SF</u> | <u>\$358.00</u> |
| <u>Nursing Home</u>       | <u>1,000 SF</u> | <u>\$133.00</u> |
| <u>Hospital</u>           | <u>1,000 SF</u> | <u>\$343.00</u> |
| <u>Day Care</u>           | <u>student</u>  | <u>\$146.00</u> |
| <u>University/College</u> | <u>student</u>  | <u>\$54.00</u>  |
| <u>Secondary School</u>   | <u>1,000 SF</u> | <u>\$312.00</u> |
| <u>Elementary School</u>  | <u>1,000 SF</u> | <u>\$440.00</u> |
| <u>Lodging</u>            | <u>room</u>     | <u>\$78.00</u>  |
| <u>Assisted Living</u>    | <u>bed</u>      | <u>\$48.00</u>  |
| <u>Mini-Warehouse</u>     | <u>1,000 SF</u> | <u>\$49.00</u>  |
| <u>Warehousing</u>        | <u>1,000 SF</u> | <u>\$58.00</u>  |
| <u>Manufacturing</u>      | <u>1,000 SF</u> | <u>\$156.00</u> |
| <u>Light Industrial</u>   | <u>1,000 SF</u> | <u>\$161.00</u> |

\*In the event the fee schedules are not updated by June 29, 2027, the Year 4 fee schedule shall apply until the update is complete.

(M) Classification of Development Types ~~Land Uses~~. The City Manager, ~~or his designee~~, shall be responsible for determining the appropriate development type ~~land use~~ categories for all building permits issued by the City of Port St. Lucie. In matters of interpretation, the City Manager, or his designee will consult the Police Department for a recommendation regarding law enforcement impacts associated with a particular type of development ~~land use~~. Such consultations will be limited to those cases where a question exists regarding the correct development type ~~land use~~ category to which a building permit should be assigned.

(N) **Adoption, Review and Revision.**

(1) The City Manager shall direct staff or consultants to annually review the impact fee ordinance, procedures, assumptions, and fee calculations and to issue, on or before July 1, an annual report summarizing information on the impact fees. Information on all impact fees imposed by the City may be included in one annual report. The annual report shall be distributed to the Council by the City Manager. The annual report should include, for example, information on account balances, annual collections, annual expenditures, capital improvement projects funded in whole or in part with impact fees, administrative costs and administrative fees charged, if

any, and may include any other issues of concern related to the City's impact fee system and ordinance. Information from the Annual Comprehensive annual Financial Report (ACFR), the capital improvements program (CIP) and any other reports or plans adopted by the City may be included by reference or duplicated in part for the annual impact fee report. ~~The annual report should include recommendations related to the impact fee system, including but not limited to, whether there is a need to update the fees based on the ENR construction cost index pursuant to subsection (M), the need for any updates to the impact fee calculations, and the need for any modifications to the ordinance. When increased fees are recommended, the report should include a discussion of affordable housing and how the increase might affect housing affordability. Based upon the annual report, the Council may, but is not required to, direct further action on the impact fee system.~~ Nothing in this article shall be construed to limit the Council's authority to amend this article at any time.

- (2) The Council shall, through staff or consultants, ~~conduct a complete review and, if needed, update the Technical Report law enforcement impact fee study and ordinance at least once every four (4) years. Fee studies should specifically address affordable housing methodologies and/or alternative methods of setting fees, such as tiered impact fees based on square footage for residential fees or reduction of impact fees for in-fill housing or housing in different areas of the City, such as CRA, etc. new estimates of population and other socioeconomic data, changes in construction, land acquisition and related costs, and adjustments to the assumptions, and account for any changes in the governing law. The report issued based on this review shall be distributed to the Council by the City Manager. Changes to the impact fee system, including updated fee calculations, should be adopted within a year of completion of the quadrennial report.~~

This quadrennial report shall be issued on or before July 1 in the applicable years and may substitute for the annual report in that year.

~~(3) In conjunction with the annual report, the City Manager shall review the law enforcement impact fee schedule each calendar year to account for changes in the costs of construction and property acquisition. The adjusted fee schedule shall be adopted by ordinance and any increases in the fee schedule shall not be effective prior to ninety (90) days after adoption of such ordinance. Unless otherwise directed by the Council, such annual adjustments to the law enforcement impact fee schedule shall be based on the engineering news record (ENR) construction cost index or such other indexes or computations determined by the City Manager to be suitable for use in the City of Port St. Lucie, Florida to reflect the cost of capital facilities and capital equipment for law enforcement.~~

**Sec- 159.05. - Presumptions, Administrative Fees, Limitations, Accounting and Use of Funds Audits, Agreements, and Security for Review Requirements.**

~~(A) **Development Presumed to Have Maximum Impact.** Any proposed development shall be presumed to have the maximum impact on necessary capital equipment and facilities for law enforcement.~~

(A) All funds collected from law enforcement impact fees shall be used solely for the purpose of capital improvements to law enforcement facility capital improvements, supportive infrastructure and equipment. All law enforcement impact fee funds collected by the City shall be placed in an interest bearing separate accounting fund until such time as the expenditures authorized by this article will take place. Interest proceeds from these funds will accrue to the separate accounting fund. The law enforcement impact fee amounts may include an additional charge not to exceed three (3) percent to offset the costs of administering, updating, maintaining and enforcement of this article. Any such administrative charge imposed by the City is in addition to the impact fees due, is nonrefundable, is payable at the time of payment of impact fees, and may include, but is not limited to costs associated with consultants, administrative staff, equipment,

software, and other associated expenses. ~~Administrative Fee Authorized.~~ The City may charge an additional fee not to exceed three (3) percent to offset the cost of administration, updating, maintaining, and enforcement of this article. The charge shall be based on actual costs. The charge may be established by resolution of the City Council as necessary to conform to this paragraph. Any such administrative charge imposed by the City is in addition to the impact fees due, is nonrefundable, is payable at the time of payment of impact fees, and may include, but is not limited to, costs associated with consultants, administrative staff, equipment, software and other associated expenses.

- (B) The City shall ensure that payers of the law enforcement impact fee receive benefit of funds collected, consistent with the requirements of Florida case law on impact fees. All expenditures of impact fee funds shall be consistent with F.S. 163.31801 and with the principles set forth in *Volusia County v. Aberdeen at Ormond Beach*, 760 So. 2d 126 (Fla. 2000), and *St. Johns County v. NE Fla. Builders Ass'n, Inc.*, 583 So. 2d 635 (Fla. 1991). ~~Limitations on Expenditure of Funds Collected.~~ For purposes of this article, the City limits of Port St. Lucie shall constitute a single benefit district to ensure that payers of the law enforcement impact fee receive benefit of funds collected, consistent with the requirements of Florida case law on impact fees. To enable the City to comply with this requirement, all funds collected shall be maintained in an interest bearing separate accounting fund. All equipment associated manpower will be assigned to the patrol sectors by the chief of police, or his designee, consistent with the principles set forth in *Contractors and Builders Association v. City of Dunedin*, 329 So. 2nd 314 (Fla. 1976), *Hollywood, Inc., v. Broward County*, 446 So. 2nd 606 (Fla. 4th DCA 1983), and *Home Builders and Contractors Association of Palm Beach County, Inc., v. Board of County Commissioners of Palm Beach County*, 446 So. 2nd 140 (Fla. 4th DCA 1984), cert. denied, 451 So. 2nd 848 Fla. 1984). Said funds shall not be used to repair or maintain any capital equipment or facilities. Funds may be used only for capital costs. All funds collected by the City shall be placed in an interest bearing account until such time as the expenditures authorized by this article will take place.

~~Interest proceeds from these funds will accrue to the law enforcement impact fee separate accounting fund.~~

~~(C)~~ **Audits.** Audits of the City performed pursuant to F.S. § 218.39, shall include an affidavit from the chief financial officer of the City stating that the City has complied with F.S. § 163.31801.

~~(D)~~ Impact fees shall be encumbered and expended in the order in which they are collected.

~~(E)~~ **Impact Agreement.** In lieu of payment of fees as calculated in section 159.04, any applicant for a building permit may propose to enter in an impact fee agreement with the City to establish just and equitable fees or in kind contributions appropriate to the specifics of the development at hand. Such an impact fee agreement may include, but shall not be limited to, provisions which:

(1) ~~Modify the presumption of impact set forth in section 159.05 by specifying the nature of proposed development for purposes of computing service need generated; providing that the agreement shall establish enforceable means for ensuring that the nature of the development will be substantially as agreed;~~

(2) ~~Provide an impact fee which may differ from that set forth in this article; provided that such estimate shall be based on sufficient law enforcement standards and data, in a form acceptable to the City, to demonstrate that a different fee is appropriate;~~

(3) ~~Provide a schedule and method for payment of the fees in a manner appropriate to the particular circumstances of the proposed development in lieu of the requirements for payment of the fees as set forth in section 159.04; provided that the City receives acceptable security ensuring payment of the fees prior to the issuance of a building permit. Such security may take the form of a cash bond, surety bond, irrevocable letter of credit, or a negotiable certificate of deposit. Liens or mortgages on lands to be covered by the building permit are not acceptable. Any~~

~~agreement proposed by a developer pursuant to this section of this article must be approved by the City Council prior to the issuance of the building permit. On favorable recommendation by the City Staff, the City Council may approve such agreements only if it finds that the agreement will apportion the burden of new capital equipment and facilities in a just and equitable fashion.~~

**Sec. 159.06. – Construction or donation of property in lieu of impact fee payments. Credits.**

- (A) In lieu of all or part of the law enforcement impact fee, the applicant may offer to construct capital improvements, or dedicate or donate property for a law enforcement facility capital improvement. The applicant shall submit an estimate of the cost of a proposed capital improvement certified by a registered Florida professional engineer, architect or landscape architect acceptable to the Council and an appraisal of the fair market value of a proposed donation of property prepared by a state certified general appraiser who is a member of the Appraisal Institute (MAI), acceptable to the Council.
- (B) If it finds the offer acceptable, the Council may enter into an agreement with the applicant to apply the cost of the construction of a law enforcement capital facility improvement, the fair market value of the property dedication or donation, to the law enforcement impact fees otherwise due. The portion of the fee represented by the construction of a law enforcement capital improvement or property dedication or donation shall be considered paid when the construction or donation is completed and accepted by the City (or other governmental entity as may be approved by the City) for maintenance or when adequate security for the completion of the construction has been provided. If law enforcement impact fees are owed, no development permits of any type may be issued for the building or structure in question while the fee remains unpaid. The City Manager may authorize the initiation of any action as permitted by law or equity to collect the unpaid fees.

(C) The City shall not give impact fee credits for impact fees paid, or capital improvements constructed, or dedications or donations of property, except to the extent that such credit was specifically granted by the City to an applicant in a binding written agreement with the City. If an applicant or successor in interest or predecessor in title has agreed in a binding written agreement with the City or other governmental agency not to seek or accept any impact fee credits then it shall not be given impact fee credits for the construction of capital improvements or the dedication or donation of property required by the agreement.

(1) The holder of any impact fee credits granted by the City, shall be entitled to redeem such credits for the full benefit of the density or intensity represented by such credits as of the date of issuance, notwithstanding any subsequent increase in impact fee rates. The transferability of any impact fee credits granted by the City shall be in accordance with state law.

(2) Credit for contributions, payments, construction or dedications of the law enforcement impact fee shall not be transferrable as a credit against other impact fees imposed for purposes other than law enforcement.

(3) Unless otherwise agreed to in writing in relation to an excess of law enforcement impact fee credits, no credit shall exceed the amount due for the law enforcement impact fee.

(D) The City may adopt policies and procedures related to construction or donation of property in lieu of impact fee payments by resolution.

~~The City Council of Port St. Lucie may grant a credit against impact fees imposed by this article for an appropriate private expenditure or contribution which assists the Port St. Lucie Police Department in acquiring new or enhanced capital assets. Such credits may be granted only for contribution which are deemed useful and necessary by the Chief of Police, or his designee, and approved by the City Council. Credits may be granted only for expenditures or contributions of items properly regarded as capital equipment and/or facilities under the definitions used in this article. No credit shall exceed the fees imposed by this article. The City may adopt policies and procedures related to credits against law enforcement impact fee payments by resolution.~~



**Sec. 159.07. - Exemptions.**

The following shall be ~~types of development~~ are exempt from the payment of the law enforcement impact fees ~~imposed pursuant to this article~~:

- (A) Alterations or expansion of an existing building or structure or a change of use where no additional dwelling units will be produced, where the use will not be changed, and where no additional need for law enforcement facilities will be generated over and above those generated by the existing building, structure, or use. ~~Any addition or expansion to a residential unit which does not increase the number of dwelling units in the structure;~~
- (B) The construction of accessory buildings or structures or change of use which will not generate additional need for law enforcement facilities over and above those generated by the principal building, structure or use of the land. ~~Any accessory or ancillary buildings for a subordinate or incidental use to a dwelling unit on residential property, provided that such building does not constitute a second, separate dwelling unit;~~
- (C) The replacement of a demolished or partially demolished building or structure with a new building or structure which will not generate additional need for law enforcement facilities over and above those generated by the original building or structure, provided that there is no change of use of the land and that the new building or structure is permitted. ~~Any reconstruction or replacement of a dilapidated, destroyed, or partially destroyed structure, provided that the replacement structure does not change the land use type designation of the structure being replaced or generate additional need for law enforcement facilities over and above those generated by the original building or structure, provided that there is no change of use of the land and that the new building or structure is permitted;~~

~~(D)~~ Expansions of, or additions to, existing non-residential structures, provided that such expansion or addition will not require additional law enforcement services, and will not require the issuance of a certificate of occupancy.

~~(DE)~~ Any claim of exemption must be made no later than the time of application for a building permit or certificate of occupancy or other applicable permit.

~~In circumstances where a structure is being renovated or remodeled, and when such remodeling is for the purpose of changing the primary use of the structure, law enforcement impact fees shall be collected for the size and new use of the structure less an amount equal to the fee for the previous use and size of the structure. This provision of this article ensures that appropriate credit shall be given to building permit applicants for building square footage already in the Port St. Lucie development inventory.~~

**Sec. 159.08. - Refund of Fees Paid ~~Return of Funds.~~**

(A) If a building permit or a permit for a mobile home or recreational vehicle expires or is cancelled, and no construction has been commenced, then the applicant or its successors may request, within three (3) months of permit expiration or cancellation, a refund of the impact fee paid ~~as a condition for its issuance~~ without payment of interest. The refund request should substantially follow the submittal requirements of a refund petition as described in subsection (B). ~~If administrative charges are adopted by resolution under section 159.307(A),~~ The City shall retain any administrative charges ~~the appropriate fee amount~~ as reimbursement for the City's cost of processing the refund.

(B) Any impact fee funds not expended or encumbered by the end of the calendar quarter immediately following seven (7) years from the date the law enforcement impact fee was paid shall, upon application of the current owner of the property within one hundred eighty (180) days of the expiration of the seven (7) year period, be returned to the current owner of the property with interest at the rate of three (3) percent per annum. ~~Funds collected pursuant to this article shall be returned to the then-present owner of the structure, according to the procedure~~

~~specified below, if the fees have not been spent by the end of the calendar quarter immediately following seven (7) years from the date the fees were received.~~ If such funds have not been spent during this time period, the then-present owner of the property may obtain a refund according to the following procedure:

- (1) The then-present owner must petition the ~~City~~ Council for a refund within one hundred eighty (180) days of expiration of the seven (7) year period.
- (2) The petition must be submitted to the City Manager and must include the following:
  - (a) A notarized, sworn statement that the petitioner is the current owner of the property;
  - (b) A copy of the dated receipt issued for payment of the law enforcement impact fee;
  - (c) A certified copy of the latest recorded deed; and
  - (d) A copy of the most recent ad valorem tax bill.
- (3) Within sixty (60) days from the date of receipt of the petition for refund, the City Manager, ~~or his designee,~~ shall advise the petitioner and the ~~City~~ Council of the status of the fee requested for refund. For purposes of determining whether law enforcement impact fees have been spent or encumbered, the first money placed into the special revenue account shall be deemed to be the first money taken out of that account. ~~If administrative charges are adopted by resolution under section 159.05(B), the City shall retain the appropriate fee amount as reimbursement for the City's cost of processing the refund.~~
- (4) When the money requested is still in the special revenue account and has not been spent or encumbered by the end of the calendar quarter immediately following seven (7) years from the date the law enforcement impact fees were paid, the funds shall be returned with interest at the rate

of three (3) percent per annum. The City shall retain any administrative charges as reimbursement for the City's cost of processing the refund.

~~(C) — If a building permit or a permit for a mobile home or recreational vehicle expires, or is canceled, and no construction has been commenced, then the applicant or its successors may request, within three (3) months of permit expiration, a refund of the impact fee paid as a condition for its issuance without payment of interest. If administrative charges are adopted by resolution under section 159.05(B), the City shall retain the appropriate fee amount as reimbursement for the City's cost of processing the refund.~~

### **Sec. 159.09. - Appeals.**

- (A) Any decision made by the City Manager in the course of administering the provisions of this article may be appealed to the Council by filing a petition of appeal within thirty (30) calendar days of the date of the rendition of the decision.
- (B) The Council shall review the petition at a public meeting within thirty (30) calendar days from the date of filing the appeal. The petitioner shall be provided reasonable notice of the time, date, and place of the public meeting by certified mail, return receipt requested, and invited to attend. The Council's decision shall be final for the purpose of administrative appeals. The Council shall revoke the decision of the City Manager only if there is no competent and substantial evidence in the record supporting the decision of the City Manager or that there is no adequate legal basis for the decision of the City Manager or there was a failure to substantially comply with this article. A determination shall be made in writing and issued within thirty (30) days of the hearing.

**Section 3. Conflict.** If any ordinances, or parts of ordinances, resolutions or parts of resolution, are in conflict herewith this Ordinance shall control to the extent of the conflicting provisions.

**Section 4. Severability.** The provisions of this Ordinance are intended to be severable. If any provision of this Ordinance is determined to be void or is declared illegal, invalid, or unconstitutional by a Court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.

**Section 6. Codification.** The provisions of this Ordinance shall be made a part of the Code of Ordinances of the City of Port St. Lucie, Florida. The sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; the word “ordinance” may be changed to “section” or other appropriate word as may be necessary.

**Section 7. Effective Date.** This Ordinance shall become effective on June 30, 2023.

**PASSED AND ADOPTED** by the City Council of the City of Port St. Lucie, Florida, on this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

CITY COUNCIL  
CITY OF PORT ST. LUCIE

BY: \_\_\_\_\_  
Shannon M. Martin, Mayor

ATTEST:

\_\_\_\_\_  
Sally Walsh, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
James D. Stokes, City Attorney