

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA RELATING TO LIBRARY IMPACT FEES: AMENDING CHAPTER 115 (LIBRARY SYSTEM INTERIM IMPACT FEES) OF THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY TO REVISE AND UPDATE THE LIBRARY IMPACT FEE PROVISIONS AND LIBRARY IMPACT FEE RATES BY AMENDING SECTION 115.11(B) OF THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION IN THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Seminole County commissioned the Seminole County Impact Fee Update Study: Fire Rescue and Library Facilities prepared by Tindale Oliver & Associates and dated June 22, 2021; and

WHEREAS, based upon the findings and recommendation contained in the Seminole County Impact Fee Update Study: Fire Rescue and Library Facilities, Seminole County now desires to revise and update Land Development Code Chapter 115, Library System Interim Impact Fees; and

WHEREAS, Governor DeSantis, on June 4, 2021, signed and made effective HB337 pertaining to impact fees with amendments to Section 163.31801, Florida Statutes; and

WHEREAS, HB337 has a retroactive effective date to January 1, 2021; and

WHEREAS, Section 163.31801, Florida Statutes, as amended by HB337, requires “notice at least ninety (90) days before the effective date of an ordinance or resolution imposing a new or increased impact fee”. Accordingly, notice of the new rate schedule for the Library Impact Fees were noticed and published on March 28, 2021 and will have an effective date of June 29, 2021; and

CERTIFIED COPY - GRANT MALOY
CLERK OF THE CIRCUIT COURT
AND COMPTROLLER
SEMINOLE COUNTY, FLORIDA



BY Chariti Coker DEPUTY CLERK

WHEREAS, HB337 limits an increase to current impact fees rates to less than fifty percent (50%) of the existing rate unless, as set forth in Section 163.31801(6)(g), Florida Statutes, the following criteria are met:

- (1) A demonstrated need study completed within the last twelve (12) months justifying an increase in excess of fifty percent (50%);
- (2) The local government holds not less than two (2) publicly noticed workshops dedicated to the extraordinary circumstances necessitating the need to exceed the fifty percent (50%) limit;
- (3) The impact fee increase ordinance is approved by at least two-thirds vote of the governing body; and

WHEREAS, the Seminole County Impact Fee Update Study: Fire Rescue and Library Facilities has been completed within the last twelve (12) months; and

WHEREAS, the Seminole County Board of County Commissioners have held publicly noticed workshops dedicated to establishing the extraordinary circumstances necessitating the need to exceed the proposed fifty percent (50%) limit in HB337 with these workshops occurring on May 18, 2021 and June 8, 2021; and

WHEREAS, this Ordinance has been approved by at least a two-thirds vote of the Board of County Commissioners; and

WHEREAS, the Seminole County Local Planning Agency held a public hearing, with all required public notice on June 2, 2021, for the purpose of providing recommendations to the Board of County Commissioners with regard to the Ordinance amending the Land Development Code and recommended that the Board of County Commissioners adopt the Ordinance amending the Land Development Code to revise the Library Impact Fee provisions and rates; and

WHEREAS, the Seminole County Home Rule Charter requires that an Economic Impact Statement be prepared to address the potential fiscal impacts and economic costs of this Ordinance upon the public and taxpayers of Seminole County and such Economic Impact Statement has been prepared and has been made available for public review and copying prior to the enactment of this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

Section 1. Incorporation of Recitals. The above recitals are incorporated herein by reference and form an integral part of the Ordinance.

Section 2. Short Title. This Ordinance shall be known and referred to as Library Impact Fee Land Development Code Amendment.

Section 3. Intent and Purpose. The intent and purpose of this Ordinance is to amend the Seminole County Land Development Code to revise the existing Chapter 115 (Library System Interim Impact Fees) and amend the Impact Fee rates consistent with Sections 163.3180 and 163.31801, Florida Statutes (2020), as amended by HB337 (2021), which was signed into law on June 4, 2021, and the Seminole County Impact Fee Update Study: Fire Rescue and Library Facilities prepared by Tindale Oliver & Associates, and dated June 22, 2021.

Section 4. Chapter 115 (Library System Interim Impact Fees) of the Land Development Code of Seminole County is hereby amended to read as follows:

Chapter 115 - LIBRARY SYSTEM-INTERIM IMPACT FEES

PART 1. – GENERAL

Sec. 115.1. Definitions. When used in this ~~chapter~~ Chapter, the following terms shall have the following meanings, unless the content clearly otherwise requires:

Accessory building or structure: A detached, subordinate building, the use of which is clearly indicated and related to the use of the principal building or use of the land and which is located on the same lot as the principal building or use.

Accessory Dwelling Unit: A dwelling unit, subordinate in size to the principal dwelling unit, which is attached to a principal unit, or located on the same lot, and having an independent means of entry. Except as provided in Section 5.19(b), an accessory dwelling unit shall not exceed thirty-five percent (35%) of the gross floor area of the principal dwelling unit, or one thousand (1,000) square feet, whichever is less.

Affordable housing: A dwelling unit for which monthly rents or monthly mortgage payments, including taxes, insurance and utilities, do not exceed thirty percent (30%) of that amount which represents the percentage of the median adjusted gross annual income for households or persons indicated in Section 420.0004, Florida Statutes, at one hundred forty percent (140%) or less of the median annual adjusted gross income for the household within Seminole County. The period of affordability shall be for a minimum of thirty (30) years as evidenced by a restrictive covenant or similar document running with the land.

Apartment: A rental dwelling unit located within the same building as other dwelling units.

Applicant: The person who applies for a building permit.

Alternative library system-interim impact fee: Any alternative fee calculated by an applicant and approved by the ~~library and leisure services director~~ Leisure Services Director or ~~board~~ Board pursuant to ~~section~~ Section 115.14 or ~~section~~ Section 115.28.

Board: The Board of County Commissioners of Seminole County, Florida.

Building: Any structure, either temporary or permanent, built for the support, shelter or enclosure of persons, chattels or property of any kind. This term shall include tents, trailers, mobile

homes or any vehicles serving in any way the function of a building. This term shall not include temporary construction sheds or trailers erected to assist in construction and maintained during the term of a building permit.

Building permit: An official document or certificate issued by the authority having jurisdiction, authorizing the construction or siting of any building. For purposes of this ~~chapter~~ Chapter, the term “building permit” shall also include tie-down permits for those structures or buildings, such as a mobile home, that do not require a building permit in order to be occupied.

Certificate of occupancy: An official document or certificate issued by the county or a municipality under the authority of law authorizing the occupancy for its intended use of a building, or any portion thereof, within a library system impact construction.

Collection items: Books, periodicals, audio-visual materials and other additions to the library's permanent collection.

Comprehensive plan: The comprehensive plan of the county adopted and amended pursuant to the ~~Local Government Comprehensive Community Planning and Land Development Regulation Act~~ and Chapter 74-612, as amended by Chapter 2011-139, Laws of Florida, or their statutory successors in function.

County: Seminole County, a political subdivision of the State of Florida.

County-~~attorney~~ Attorney: The person appointed as ~~county attorney~~ County Attorney pursuant to the Seminole County Home Rule Charter, or the designee of such person.

County library system: The buildings, books, periodicals, furniture, equipment and audio visual materials provided by the county that are used primarily for the reading and reference use of the public.

~~County manager~~ Manager: The chief administrative officer of the ~~county~~ County, appointed by the ~~board~~ Board or the designee of such person.

Dwelling unit: A building, or portion thereof, designed for residential occupancy, consisting of one or more rooms which are arranged, designed or used as living quarters for one family only.

Encumbered: Monies committed by contract or purchase order in a manner that obligates the county to expend the encumbered amount upon delivery or completion of goods, services or real property provided by a vendor, supplier, contractor or owner.

~~Interim impact~~ Impact fee: The fee imposed by the ~~county~~ County pursuant to ~~section~~ Section 115.11 of this ~~chapter~~ Chapter.

Impact fee statement: The document, valid for up to sixty (60) days, issued to an applicant prior to the issuance of a building permit containing the calculation of the impact fees imposed on library system impact construction under ~~section~~ Section 115.11.

Impact fee study: The study adopted pursuant to ~~section~~ Section 115.4 as amended and supplemented pursuant to ~~section~~ Section 115.29.

Land Development Code: Seminole County Ordinance No. 80-35, as amended and supplemented, or its successor in function.

~~Library and leisure services director~~ Leisure Services Director: The person appointed by the ~~county manager~~ County Manager to supervise the administration, the operations and the acquisition of the county library system or the designee of such person.

Library system impact construction: Land development designed or intended to permit a use of the land which will contain more dwelling units than the existing use of land.

Library System Impact Fee Trust Account: The separate trust account created pursuant to ~~section~~ Section 115.13.

Owner: The person holding legal title to the real property upon which library system impact construction is to occur.

Person: An individual, a corporation, a partnership, an incorporated association, or any other similar entity.

Sec. 115.2. Rules of construction. For the purposes of administration and enforcement of this ~~chapter~~ Chapter, unless otherwise stated in this chapter, the following rules of construction shall apply:

(a) In case of any difference of meaning or implication between the text of this ~~chapter~~ Chapter and any caption, illustration, summary table, or illustrative table, the text shall control.

(b) The word “shall” is always mandatory and not discretionary: the word “may” is permissive.

(c) Words used in the present tense shall include the future; and words used in the singular number shall include the plural and the plural the singular, unless the context clearly indicates the contrary.

(d) The phrase “used for” includes “arranged for,” “designed for,” “maintained for,” or “occupied for.”

(e) Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction “and,” “or” or “either...or”, the conjunction shall be interpreted as follows:

(1) “And” indicates that all the connected terms, conditions, provisions or event shall apply.

(2) “Or” indicates that the connected items, conditions, provisions or events may apply singly or in any combination.

(3) “Either...or” indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.

(f) The word “includes” shall not limit a term to the specific example but is intended to extend its meaning to all other instances or circumstances of like kind or character.

Sec. 115.3. Findings. It is hereby ascertained, determined and declared that:

(a) Future growth represented by library system impact construction should contribute its fair share to the cost of acquiring additional collection items for the ~~county~~ County library system that are required to accommodate the use of the library system by such growth.

(b) Implementation of an impact fee structure to require future library system impact construction to contribute its fair share of the cost of the acquisition of collection items for the ~~county~~ County library system is an integral and vital element of the regulatory plan of growth management incorporated in the comprehensive plan.

(c) The standard of service, as determined in the impact fee study is hereby approved and adopted by the ~~county~~ County and found to be in conformity with the comprehensive plan.

(d) Library system planning is an evolving process and the standard of service of the county library system constitutes a projection of anticipated need for library systems, based upon present knowledge and judgment. Therefore, in recognition of changing growth patterns and the dynamic nature of population growth, it is the intent of the ~~board~~ Board that the standard of service for the ~~county~~ County library system and the impact fee imposed be reviewed and adjusted periodically, pursuant to ~~section~~ Section 115.30, to insure that the ~~county~~ County library system

~~interim~~ impact fees are imposed equitably and lawfully, based upon actual and anticipated growth at the time of their imposition.

(e) The ~~county~~ County library system provides library services for all citizens of the ~~county~~ County and that the presence of the ~~county~~ County library system enhances and benefits the education and general welfare of all citizens of the ~~county~~ County, including those residing within municipal boundaries. Therefore, the library system ~~interim~~ impact fee shall be imposed and collected from all library system impact construction occurring in both the unincorporated and incorporated areas of the ~~county~~ County.

(f) This ~~chapter~~ Chapter shall not be construed to permit the collection of impact fees from library system impact construction in excess of the amount reasonably anticipated to offset the demand on the ~~county~~ County library system generated by the library system impact construction occurring subsequent to the effective date of this ~~chapter~~ Chapter.

(g) The existing ~~county~~ County library system and other improvements and additions, contemplated by the board and funded by revenues other than impact fees, shall eliminate any deficiency between the existing library system and the standard of service, and shall be sufficient for the needs of the existing population of the ~~county~~ County. Therefore the revenue derived from the library system impact fee shall be utilized only for the acquisition of collection items for the ~~county~~ County library system which are necessitated by new library system impact construction.

Sec. 115.4. Adoption of impact fee study. The ~~board~~ County hereby adopts and incorporates by reference, the study entitled "~~Library Impact Fees for Seminole County, Florida~~" "Seminole County Impact Fee Update Study: Fire Rescue and Library Facilities" prepared by Tindale Oliver & Associates and dated June 22, 2021, particularly the assumptions, conclusions and findings in such study as to the determination of anticipated costs of the acquisition of

collection items for the county library system required to accommodate growth contemplated in the comprehensive plan.

Secs. 115.5—115.10. Reserved.

PART 2. - LIBRARY SYSTEM-INTERIM IMPACT FEES

Sec. 115.11. Imposition.

(a) All library system impact construction occurring within the ~~county~~ County, both within the unincorporated areas and within the boundaries of all municipalities, shall pay the impact fee as established in this ~~chapter~~ Chapter.

(b) The ~~board~~ Board hereby adopts the following library system-~~interim~~ impact fee, which shall be imposed upon all library system impact construction occurring within the ~~county~~ County.

~~Residential-Dwelling Unit—\$54.00/dwelling unit~~

| <u>ITE LUC</u> | <u>Land Use</u> | <u>Impact Unit</u> | <u>Calculated Impact Fee</u> |
|----------------------------|--|--------------------|------------------------------|
| <u>Residential:</u> | | | |
| <u>210</u> | <u>Single Family (detached)</u> | | |
| | - Affordable Housing* | <u>du</u> | <u>\$198</u> |
| | - Less than 1,500 sf | <u>du</u> | <u>\$351</u> |
| | - 1,500 to 2,499 sf | <u>du</u> | <u>\$395</u> |
| | - 2,500 sf or greater | <u>du</u> | <u>\$443</u> |
| <u>220/221/222</u> | <u>Multi-Family (Apartment/Condominium/Townhouse)</u> | | |
| | Affordable Housing* | <u>du</u> | <u>\$148</u> |
| | All Other | <u>du</u> | <u>\$269</u> |
| <u>240</u> | <u>Mobile Home</u> | <u>du</u> | <u>\$280</u> |

* Greater than eighty percent (80%) and less than or equal to one hundred forty percent (140%) of the median annual adjusted gross income for the household within Seminole County.

Sec. 115.12. Calculation of library system-~~interim~~ impact fee.

(a) Except as otherwise provided in this ~~chapter~~ Chapter, an impact fee statement shall be issued for all library system impact construction occurring within the unincorporated areas of the ~~county~~ County following application for, but prior to the issuance of, a building permit.

(b) In all municipal areas of the ~~county~~ County, the impact fee statement shall be calculated and issued as provided in ~~section~~ Section 115.24(c) or under the provisions of ~~section~~ Section 115.25 in the event a municipality has not agreed to assist in the calculation and collection of impact fees as recognized in ~~section~~ Section 115.24(d).

Sec. 115.13. Use of monies.

(a) The ~~board~~ Board hereby establishes a separate trust account for the library system ~~interim~~ impact fees, to be designated as the “library system ~~interim~~ impact fee trust account” which shall be maintained separate and apart from all other accounts of the ~~county~~ County. All such impact fees shall be deposited into such trust fund immediately upon receipt.

(b) The monies deposited into the library system impact fee trust account shall be used solely for the purpose of improving the ~~county~~ County library system, including, but not limited to:

- (1) Acquisition of collection items;
- (2) Repayment of monies transferred or borrowed from any budgetary fund of the ~~county~~ County, subsequent to the adoption of this ~~chapter~~ Chapter, which were used to fund any collection item acquisitions herein defined; and
- (3) Payment of principal and interest, necessary reserves and costs of issuance under any bonds or other indebtedness issued by the ~~county~~ County to provide funds to acquire contemplated collection items, subsequent to the adoption of this ~~chapter~~ Chapter.

Funds on deposit in the library system impact fee trust account shall not be used for any expenditure that would be classified as a maintenance or repair expense nor shall it be utilized for the purchase of land or construction of buildings for the ~~county~~ County library system.

(c) Any funds on deposit which are not immediately necessary for expenditure shall be invested by the ~~county~~ County. All income derived from such investments shall be deposited in the library system impact fee trust account and used as provided herein.

(d) The ~~interim~~ impact fee collected pursuant to this ~~chapter~~ Chapter may be returned by the ~~county~~ County to the then current owner of the property on behalf of which such fee was paid if such fees have not been expended or encumbered prior to the end of the fiscal year immediately following the third anniversary of the date upon which such fees were paid. Refunds shall be made in accordance with procedures to be established by the ~~board~~ Board.

(1) If such ~~interim~~ impact fee has not been expended or encumbered by the end of the fiscal year immediately following the third anniversary of the date such fees were paid, then it shall be returned to the current owner with interest paid at the rate of six ~~(6)~~ percent (6%) per annum or the average net interest rate earned by the ~~county~~ County in the library system impact fee trust account during the time such refunded ~~interim~~ impact fee was on deposit, whichever is less. For the purposes of this ~~section~~ Section, fees collected shall be deemed to be spent or encumbered on the basis of the first fee in shall be the first fee out.

Sec. 115.14. Alternative fee calculation.

(a) In the event an applicant believes that the impact to the ~~county~~ County library system necessitated by its library system impact construction is less than the fee established in ~~section~~ Section 115.11, such applicant may, prior to issuance of a building permit for such library system impact construction, submit a calculation of an alternative library system ~~interim~~ impact fee to the ~~library and leisure services director~~ Leisure Services Director pursuant to the provisions of this ~~section~~ Section. The ~~library and leisure services director~~ Leisure Services Director shall

review the calculations and make a determination within fifteen (15) calendar days of submittal as to whether such calculation complies with the requirements of this ~~section~~ Section.

(b) The alternative library system ~~interim~~ impact fee shall be calculated by use of the following formula:

ALTERNATIVE LIBRARY SYSTEM ~~INTERIM~~ IMPACT FEE PER DWELLING UNIT = CPCI X PPH
CPCI: Cost per collection item ~~(\$20.65)~~ (\$87.00)
PPH: Persons per household (X.X)

(c) Alternative library system ~~interim~~ impact fee calculations shall be based on data, information or assumptions contained in this ~~chapter~~ Chapter or independent sources, provided that:

(1) The independent source is a generally accepted standard source of socioeconomic or demographic information, or

(2) The independent source is a local study supported by a data base adequate for the conclusions contained in such study performed according to a generally accepted methodology.

(3) If a previously approved library system impact construction project submitted, during its approval process, a library system impact study substantially consistent with the criteria required by this ~~section~~ Section, and if such study is determined by the ~~library and leisure services director~~ Leisure Services Director to be current, the library system impact of such previously approved library system impact construction shall be presumed to be as described in the prior study. In such circumstances, an alternative library system ~~interim~~ impact fee shall be established reflecting the impact described in the prior study.

(d) If the ~~library and leisure services director~~ Leisure Services Director determines that the data, information and assumptions utilized by the applicant to calculate the alternative library

system-~~interim~~ impact fee complies with the requirements of this section, the alternative library system-~~interim~~ impact fee shall be paid in lieu of the fee set forth in-~~section~~ Section 115.11.

(e) If the ~~library and leisure services director~~ Leisure Services Director determines that the data, information and assumptions utilized by the applicant to calculate the alternative library system-~~interim~~ impact fee does not comply with the requirements of this-~~section~~ Section, then the ~~county~~ County shall provide to the applicant by certified mail, return receipt requested, written notification of the rejection of the alternative library system-~~interim~~ impact fee and the reason therefor. The applicant shall have fifteen (15) days from the receipt of the written notification of rejection to request a hearing pursuant to-~~section~~ Section 115.28.

Secs. 115.15—115.20. Reserved.

PART 3. - MISCELLANEOUS PROVISIONS

Sec. 115.21. Exemptions.

(a) The following shall be exempted from payment of the-~~interim~~ impact fees:

(a) (1) Alterations or expansion or replacement of an existing dwelling unit which does not increase the number of families when such dwelling unit is arranged, designed or intended to accommodate for the purpose of providing living quarters.

(2) The construction of accessory buildings or structures which will not create additional dwelling units.

(3) The replacement of an existing dwelling unit where no additional dwelling units are created.

(4) The construction of publicly owned residential housing.

(b) Notwithstanding subsection (a)(1), (2), and (3), if the alteration, expansion, construction, or replacement increases the square footage of the dwelling unit, the new

construction shall be charged the rate difference per Section 115.11(b) between the prior existing structure and the new resulting structure.

(c) An affordable housing unit at eighty percent (80%) or less of the median annual adjusted gross income for household within Seminole County and with a deed restriction having an affordability period of a minimum of thirty (30) years.

Sec. 115.22. Changes of size and use. ~~Interim impact~~ Impact fees shall be imposed and calculated for the alteration, expansion or replacement of a building or dwelling unit or the construction of an accessory building if the alteration, expansion or replacement of the building or dwelling unit or the construction of an accessory building results in a land use determined to increase the number of dwelling units or a change to the impact fee rate based on the square footage of the dwelling unit pursuant to Section 115.11(b).

Sec. 115.23. Vested rights. A written agreement which establishes, restricts, or prohibits the imposition of Library System Impact Fees on property within the County entered into on or before September 27, 2021, which is ninety (90) days from the effective date of the new Library System Impact fee Rate under this Chapter and which is between the owner and the County for property within the unincorporated area of the County, or between the owner and the appropriate city for property within municipal boundaries, shall be binding upon the County; such property shall not be subject to the provisions of this Chapter but shall pay such library system impact fee rates as established in such written agreement provided a building permit utilizing the library system impact fee rates in such written agreement is obtained within eighteen (18) months of the effective date of such written agreement. Such written agreement is deemed void if not utilized within eighteen (18) months of its effective date. Provided, however, if the agreement is amended subsequent to the effective date of this Chapter or any subsequent amendment to this Chapter

increasing the net new impact to the County library system resulting from library system impact construction, the impact fee imposed by Section 115.11 shall be required to be paid as provided by this Chapter on the increased net new impact to the County library system.

~~(a) Any owner of land which was the subject of a development order prior to the effective date of this chapter may petition the board for a vested rights determination which would exempt the landowner from the provisions of this chapter. Such petition shall be evaluated by the county attorney and a determination made based on the following criteria:~~

~~(1) The existence of a valid, unexpired governmental act of the county or a municipality authorizing the specific development for which a determination is sought;~~

~~(2) Expenditures or obligations made or incurred in reliance upon the authorizing governmental act that are reasonably equivalent to the fees required by this chapter.~~

~~(3) Other factors that demonstrate it is inequitable to deny the owner the opportunity to complete the previously approved development under the conditions of approval by requiring the owner to comply with the requirements of this chapter. For the purposes of this paragraph, the following factors shall be considered in determining whether it is inequitable to deny the owner the opportunity to complete the previously approved development:~~

~~(A) Whether the injury suffered by the owner outweighs the public cost of allowing the development to go forward without payment of the interim impact fee required by this chapter; and~~

~~(B) Whether the expenses or obligations for the development were made or incurred subsequent to the effective date of this chapter.~~

~~(b) The county attorney shall make a written determination as to whether the owner has a vested right and, if so, whether such vested right would exempt the owner from the provisions~~

~~of this chapter. In the event the vested right petition is based upon a governmental act of a municipality, the county attorney shall consult with the attorney representing such municipality prior to the making of a determination.~~

~~(e) Any owner aggrieved by a decision of the county attorney pursuant to this section may appeal said decision to the board within thirty (30) days of the date of the written decision, by filing said appeal with the clerk to the board and with a copy to the county attorney.~~

~~(d) Any written agreement entered into prior to the effective date of this chapter between the owner of any property and either the county or a municipality within the county, which establishes, restricts or prohibits the imposition of library interim impact fees by the county shall be binding upon the county and not subject to the provisions of this chapter. Provided, however, that if such vested written agreement is subsequently amended to increase the amount of library system impact construction permitted on the property, that such additional library system impact construction shall be required to pay the library system interim impact fee as provided by this chapter.~~

Sec. 115.24. Payment.

(a) Except as otherwise provided in this ~~chapter~~ Chapter, an applicant shall pay the amount specified in the impact fee statement issued pursuant to ~~section~~ Section 115.11 above. The Board of County Commissioners (BCC) shall, by resolution adopted after a duly noticed public hearing, determine the point or points in the development process when such payments must be made. The BCC may establish different times for payment for developments occurring in the unincorporated area and those occurring within incorporated areas. In the absence of a written agreement between the ~~county~~ County and an applicant as provided in section (f) below, the timing of such payments may not be changed on an individual case by case basis.

(b) If the library system impact construction is located within the unincorporated area of the ~~county~~ County, the ~~interim~~ impact fee shall be paid directly to the ~~county~~ County.

(c) If the library system impact construction is located within a municipality and the governing body of the municipality by interlocal agreement or otherwise has agreed to collect the library system impact fees then such fees shall be calculated and paid in accordance with the provisions of the interlocal agreement or municipal ordinance.

(d) If the library system impact construction is located within a municipality and the governing body of the municipality has not agreed to collect the library system ~~interim~~ impact fees, then such fees shall be calculated and paid as provided in ~~section~~ Section 115.25.

(e) In the event the ~~interim~~ impact fee rate or payment provisions for a particular library system construction is changed subsequent to the issuance of an impact fee statement, the impact fee rate calculation in the issued impact fee statement or payment provisions set forth therein shall be the impact fee imposed or payment provisions applicable for such library system impact construction.

(f) In the event that the ~~board~~ Board determines that there is a valid public purpose to allow deferral of the payment of library system ~~interim~~ impact fees related to a development located within a municipality that requires payment of impact fees before issuance of a building permit such as, by way of example and not limitation, economic development or job growth, the ~~county~~ County and the developer may enter into an agreement that provides for the deferred payment of impact fees required under this ~~chapter~~ Chapter that would otherwise be due and payable; provided, however, that the maximum period of deferment shall be for a period of one hundred eighty (180) days from the date that the city issues a building permit for the project; provided, further, however,

that in no event shall the payment of fees and other assessments be paid later than the issuance of a certificate of occupancy for the development for which the building was issued.

(g) The payment of the library system ~~interim~~ impact fee shall be in addition to any other fees, charges or assessments due for the issuance of a building permit.

(h) The obligation for payment of the library system ~~interim~~ impact fee shall run with the land. However, this ~~section~~ Section shall not be construed to relieve an applicant of responsibility or liability.

Sec. 115.25. Collection of fees when not paid by mistake or inadvertence or by agreement. In the event the library system impact fee is not paid for the affected library system impact construction when specified by BCC resolution because of mistake or inadvertence or in the event a municipality has not agreed to assist in the calculation and collection of impact fees as recognized in ~~section~~ Section 115.24(d), the county shall proceed to collect the library system ~~interim~~ impact fee as follows:

(a) The ~~county~~ County shall serve, by certified mail, return receipt requested, or by hand delivery an "impact fee statement notice" upon the applicant at the address set forth in the application for building permit, and the owner at the address appearing on the most recent records maintained by the property appraiser of the ~~county~~ County. The ~~county~~ County shall also file a copy of the impact fee statement notice in the official records of the ~~county~~ County. Service of the impact fee statement notice shall be deemed notice of the ~~interim~~ impact fees due and service shall be deemed effective on the date the return receipt indicates the notice was received by either the applicant or the owner or the date said notice was hand delivered to either the applicant or owner, whichever occurs first. Provided, however, that should none of these methods of service be successful, service shall be deemed effective on the date the copy of the impact fee statement

notice was filed in the official records of the ~~county~~ County. The impact fee statement notice shall contain the legal description of the property and shall advise the applicant and the owner as follows:

(1) The amount due and the general purpose for which the library system ~~interim~~ impact fee was imposed;

(2) That administrative review pursuant to ~~section~~ Section 115.28 may be requested no later than forty-five (45) calendar days from the date of receipt of the impact fee statement notice, by making application to the office of the ~~county library service director~~ County Leisure Services Director.

(3) That the ~~county~~ County shall file a release of the impact fee statement notice in the official records of the county upon collection of payment in full.

(4) That the library system ~~interim~~ impact fee shall be delinquent if not paid and received by the ~~county~~ County within sixty (60) calendar days of the date the impact fee statement notice is received, excluding the date of receipt. Upon becoming delinquent, the applicant shall be subject to the imposition of a delinquent fee and interest on the unpaid amount until paid.

(5) That in the event the library system ~~interim~~ impact fee becomes delinquent, a lien against the property for which the building permit was secured shall be recorded in the official records book of the ~~county~~ County.

(b) The library system ~~interim~~ impact fee shall be delinquent if, within sixty (60) calendar days from the date of receipt of the impact fee statement notice by either the applicant or owner or the date said notice was filed in the official records that the ~~interim~~ impact fees have not been paid and received by the ~~county~~ County. Said time periods shall be calculated on a calendar

day basis, including Sundays and legal holidays, but excluding the date of the earliest receipt of said impact fee statement notice. In the event the last due date falls on a Sunday or legal holiday, the last due date prior to becoming delinquent shall be the next business day. Upon becoming delinquent, a delinquency fee equal to ten ~~(10)~~ percent (10%) of the total ~~interim~~ impact fee imposed shall be assessed. Such total ~~interim~~ impact fee, plus delinquency fee, shall bear interest at the statutory rate for final judgments calculated on a calendar day basis, until paid.

(c) Should the library system ~~interim~~ impact fee become delinquent as set forth in subsection (b), the ~~county~~ County shall serve, by certified mail return receipt requested, a “notice of lien” upon the delinquent applicant if the building is under construction at the address indicated in the application for the building permit, and upon the delinquent owner at the address appearing on the most recent records maintained by the property appraiser of the ~~county~~ County. ~~the~~ The notice of lien shall notify the delinquent applicant and owner that due to their failure to pay the library system ~~interim~~ impact fee, the ~~county~~ County shall file a claim of lien with the ~~clerk of the circuit court~~ Clerk of the Circuit Court.

(d) Upon the mailing of the notice of lien, the ~~county attorney~~ County Attorney shall file a claim of lien with the ~~clerk of the circuit court~~ Clerk of the Circuit Court for recording in the official records of the ~~county~~ County. The claim of lien shall contain the legal description of the property, the amount of the delinquent ~~interim~~ impact fee and the date of its imposition. ~~once~~ Once recorded, the claim of lien shall constitute a lien against the property described therein. The ~~county attorney~~ County Attorney shall proceed expeditiously to collect, foreclose or otherwise enforce said lien.

(e) After the expiration of one (1) year from the date of recording of the claim of lien, as provided herein, a suit may be filed to foreclose said lien. Such foreclosure proceedings shall

be instituted, conducted and enforced in conformity with the procedures for the foreclosure of municipal special assessment liens, as set forth in Sections 173.04 through 173.12, inclusive, Florida Statutes, which provisions are hereby incorporated herein in their entirety to the same extent as if such provisions were set forth herein verbatim.

(f) The liens for delinquent ~~interim~~ impact fees imposed hereunder shall remain liens, coequal with the lien of all state, ~~county~~ County, district and municipal taxes upon which this lien is on parity, superior in dignity to all filed liens and claims, until paid as provided herein.

(g) The collection and enforcement procedures set forth in this ~~section~~ Section shall be cumulative with, supplemental to and in addition to, all other applicable procedures provided in any other ordinances or administrative regulations of the State of Florida. Failure of the ~~county~~ County to follow the procedure set forth in this ~~section~~ Section shall not constitute a waiver of its rights to proceed under any other ordinances or administrative regulations of the ~~county~~ County or any applicable law or administrative regulation of the State of Florida.

Sec. 115.26. Municipal contribution credit.

(a) The ~~county~~ County shall grant a credit against the library system ~~interim~~ impact fee imposed by ~~section~~ Section 115.11 upon library system impact construction occurring within any municipality to the extent that any portion of the proceeds of a municipal impact fee or other municipal revenue is encumbered for the acquisition of collection items for a municipal library system required to accommodate future growth.

(b) Such municipal contribution credit shall be applied at the time of the imposition of the ~~interim~~ impact fees for the library system impact construction and shall not exceed the total of the library system ~~interim~~ impact fee imposed by the ~~county~~ County.

(c) ~~The library and leisure services director~~ Leisure Services Director shall consult with representatives of the municipalities to determine the amount of municipal contribution credit which should be allowed pursuant to ~~this section~~ Section. Once there has been a determination of the amount of municipal contribution credit, that amount shall be credited to all library system impact construction occurring within the boundaries of that municipality. The applicant shall have fifteen (15) days from notification of the amount of municipal contribution credit to request a hearing pursuant to ~~section~~ Section 115.28.

Sec. 115.27. Administrative review procedures.

(a) An applicant or owner who is required to pay a library system ~~interim~~ impact fee pursuant to ~~section~~ Section 115.11 shall have the right to request a special review by the ~~library and leisure services director~~ Leisure Services Director.

(b) Such review shall be for the purpose of the ~~library and leisure services director~~ Leisure Services Director rendering a determination concerning the application or calculation of the appropriate library system ~~interim~~ impact fee pursuant to ~~section~~ Section 115.12.

(c) Except as otherwise provided in this ~~chapter~~ Chapter, such review shall be requested by the applicant or owner within forty-five (45) calendar days, including Sundays and legal holidays, of the date of receipt of the impact fee statement, provided however that any request must be filed prior to the date of issuance of the certificate of occupancy. Failure to request a review within the time provided shall be deemed a waiver of such right.

(d) A written request for review shall be filed with the office of the ~~library and leisure services director~~ Leisure Services Director and shall contain the following:

- (1) The name and address of the applicant or owner;

(2) The telephone number at which the applicant or owner may be reached during daytime hours;

(3) The legal description of the property in question;

(4) If issued, the date the building permit was issued and the building permit number;

(5) The impact fee statement number;

(6) A brief description of the nature of the construction being undertaken pursuant to the building permit;

(7) If paid, the date the library system ~~interim~~ impact fee was paid; and

(8) A statement of the reasons why the applicant or owner is requesting the review, including any supporting information and site or construction plan.

(e) Within fifteen (15) calendar days of receipt of such request, the ~~library and leisure services director~~ Leisure Services Director shall forward to the applicant and owner his written review of and determination concerning the library system ~~interim~~ impact fee.

(f) The applicant or owner shall have fifteen (15) calendar days from the receipt of the written special review or; in the event of lack of response by the ~~library and leisure services director~~ Leisure Services Director, thirty (30) days from filing of the request for review, whichever is later, to request a hearing pursuant to ~~section~~ Section 115.28.

Sec. 115.28. Review hearings.

(a) An applicant or owner who is required to pay a library system ~~interim~~ impact fee pursuant to ~~section~~ Section 115.11, shall have the right to request a review hearing.

(b) Such hearing shall be limited to the review of the following:

(1) The special review determination made by the ~~library and leisure services director~~ Leisure Services Director concerning the application or calculation of the appropriate library service-~~interim~~ impact fee pursuant to ~~section~~ Section 115.27 or, in the event of non-response of the ~~Library and leisure services director's~~ Leisure Services Director's direct review concerning the application or calculation of the appropriate library services-~~interim~~ impact fee pursuant to this ~~section~~ Section.

(2) The failure to grant or granting insufficient alternative library system ~~interim~~ impact fees pursuant to ~~section~~ Section 115.14.

(3) The failure to grant or the granting of insufficient municipal contribution credit pursuant to ~~section~~ Section 115.26.

(c) Except as otherwise provided in this ~~chapter~~ Chapter, such hearing shall be requested by the applicant or owner within fifteen (15) calendar days, including Sundays and legal holidays, of the date of first receipt of the following, whichever is applicable: 1) the impact fee special review determination, 2) the determination as to an alternative library system impact fees, or 3) the determination as to the amount of municipal contribution credit. Failure to request a hearing within the time provided shall be deemed a waiver of such right.

(d) The request for hearing shall be filed with the ~~office of county manager~~ County Manager's Office and shall contain the following:

- (1) The name and address of the applicant or owner;
- (2) The legal description of the property in question;
- (3) If issued, the date the building permit was issued and building permit number;
- (4) Impact fee statement number if issued;

(5) A brief description of the nature of the construction being undertaken pursuant to the building permit;

(6) If paid, the date the library system-~~interim~~ impact fee was paid; and

(7) A statement of the reasons why the applicant or owner is requesting the hearing.

(e) Upon receipt of such request, the ~~county manager~~ County Manager shall schedule a hearing before the board at a regularly scheduled meeting or a special meeting called for the purpose of conducting the hearing and shall provide the applicant and owner written notice of the time and place of the hearing. Such hearing shall be held within forty-five (45) days of the date the request for hearing was filed.

(f) Such hearing shall be before the ~~board~~ Board and shall be conducted in a manner designed to obtain all information and evidence relevant to the requested hearing. Formal rules of civil procedure and evidence shall not be applicable; however, the hearing shall be conducted in a fair and impartial manner with each party having an opportunity to be heard and to present information and evidence.

Sec. 115.29. Review requirements.

(a) This ~~chapter~~ Chapter and the impact fee study shall be reviewed by the ~~board~~ Board initially in connection with its approval of the capital improvements element of its comprehensive plan as required by Section 163.3177, Florida Statutes. Thereafter, this ~~chapter~~ Chapter and the impact fee study shall be reviewed every four (4) years unless otherwise directed by the ~~board~~ Board. The initial and each subsequent review shall consider new estimates of population per household, costs related to the acquisition of collection items necessitated by growth, the amount of any municipal contribution credits to be given and adjustments to the assumptions, conclusions

of findings set forth in the study adopted by ~~section~~ Section 115.4. The purpose of this review is to ensure that the library system ~~interim~~ impact fees do not exceed the reasonably anticipated costs associated with the improvements necessary to offset the demand generated by the library system impact construction on the ~~county~~ County library system. In the event the review of this ~~chapter~~ Chapter required by this ~~section~~ Section alters or changes the assumptions, conclusions and findings of the study adopted by reference in ~~section~~ Section 115.4, revises or changes the county library system or alters or changes the amount of ~~interim~~ impact fees, the study adopted by reference in ~~section~~ Section 115.4 shall be amended and updated to reflect the assumptions, conclusions and findings of such reviews and ~~section~~ Section 115.4 shall be amended to adopt by reference such updated studies. If, upon the conclusion of the review of this ~~chapter~~ Chapter required by this ~~section~~ Section, the ~~board~~ Board determines in its legislative discretion that a rebate of ~~interim~~ impact fees previously collected is appropriate because of an alteration or change in the amount of ~~interim~~ impact fees previously collected, the ~~ordinance~~ Ordinance amending ~~section~~ Section 115.4 shall establish the procedures and determinations for any such rebate.

(b) ~~Simultaneous with the review of the impact fee study required in subsection (a) of this section, the board shall review the capital improvements element for the availability and adequacy of revenue sources to construct improvements and additions to the county library system determined in the impact fee study to be required to accommodate existing development.~~

Sec. 115.30. Library system impact fee citizens advisory committee. There is hereby created an advisory committee to the ~~board~~ Board to be known as the library system impact fee citizens advisory committee. The number of members and their terms shall be established by the ~~board~~ Board by resolution; provided however, there shall be included in the membership of the committee representatives of the business community, the industrial community, the homebuilders

and the homeowners. The terms of the members shall be staggered to ensure continuity and experience on the committee. The committee shall set its own rules of procedure and meeting dates and shall meet additionally as requested by the ~~county manager~~ County Manager. The committee shall consider and review the assumptions utilized in each review of the impact fee study as required in ~~section~~ Section 115.29. In such consideration and review, the committee is requested to provide such comments and recommendations as are necessary and appropriate to assist the ~~county manager~~ County Manager and the ~~board~~ Board in the review required in ~~section~~ Section 115.29.

Sec. 115.31. Library system impact fee municipal technical advisory committee.

There is hereby created a technical advisory committee to the ~~board~~ Board to be known as the library system impact fee municipal technical advisory committee. The membership of the committee shall be the mayor of each municipality within the ~~county~~ County, or the designee of the mayor. The committee shall set its own rules of procedure and shall meet as requested by the ~~county manager~~ County Manager. The committee shall consider and review the assumptions utilized in each review of the impact fee study as required in ~~section~~ Section 115.29. Such consideration and review of assumptions shall include, but not be limited to, estimates of population and other socioeconomic data; changes in costs within the countywide library system and establishment of schedules for improvements to the ~~county~~ County library system. In such consideration and review, the committee is requested to provide such comment and supplemental information and technical assistance as is necessary and appropriate to assist the ~~county manager~~ County Manager and the ~~board~~ Board in the review required in ~~section~~ Section 115.29.

Sec. 115.32. Declaration of exclusion from administrative procedures act. Nothing contained in this ~~chapter~~ Chapter shall be construed or interpreted to include the ~~county~~ County in

the definition of agency contained in Section 120.52, Florida Statutes, or to otherwise subject the County to the application of the Administrative Procedure Act, Chapter 120, Florida Statutes. This declaration of intent and exclusion shall apply to all proceedings taken as a result of or pursuant to this ~~chapter~~ Chapter including specifically, but not limited to, consideration of a petition for vested rights determination under ~~section~~ Section 115.23 and a review hearing under ~~section~~ Section 115.28.

Sec. 115.33. Escrow of impact fees. In the event a municipality within the area of collection, enacts a municipal ordinance attempting to interfere with or prevent the imposition or collection of ~~interim~~ impact fees imposed by the ~~board~~ Board under this ~~chapter~~ Chapter on library system impact construction occurring within the boundaries of such municipality, the impact fees collected pursuant to the provisions of ~~section~~ Section 115.24 shall be held by the ~~board~~ Board in escrow and not utilized as provided in ~~section~~ Section 115.13 until the authority of the municipality by municipal ordinance to interfere with or prevent the imposition and collection of ~~interim~~ impact fees imposed by the ~~board~~ Board is determined by a court of competent jurisdiction.

Sec. 115.34. Effect of imposition of impact fees by ordinance subsequent to imposition of ~~interim~~ impact fees. In the event that library system impact fees are imposed by the ~~county~~ County, applicants or owners who have paid library system ~~interim~~ impact fees pursuant to this ~~chapter~~ Chapter shall not be required to pay an amount greater than that provided by this ~~chapter~~ Chapter. If a subsequently enacted ordinance imposes a library system impact fee greater than that provided by this ~~chapter~~ Chapter, the ~~interim~~ library system impact fee calculated in all issued, valid, impact fee statements that have not been paid shall be the impact fee imposed for such library impact construction.

Section 5. Conflicts. This Ordinance shall control over any County ordinances or parts of ordinances in conflict herewith.

Section 6. Codification. It is the intention of the Board of County Commissioners that the provisions of this Ordinance will become and be made a part of the Land Development Code of Seminole County, and that the word “ordinance” may be changed to “section”, “article”, or other appropriate word or phrase and the sections of this Ordinance may be renumbered or re-lettered to accomplish such intention; providing, however, that Sections 5, 6, 7 and 8 of this Ordinance shall not be codified.

Section 7. Severability. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that such invalidity will not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application and, to this end, the provisions of this Ordinance are declared severable.


Section 8. Effective date. This Ordinance will take effect upon filing a copy of this Ordinance with the Department of State by the Clerk to the Board of County Commissioners. Notwithstanding the above, pursuant to Section 163.31801(3)(d), Florida Statutes, the revised Library Impact Fee Rates as set forth in Section 115.11(b) and the time by which an applicant shall pay the appropriate Library Impact Fee as that time is to be established by resolution pursuant to Section 115.24(a) of the Land Development Code of Seminole County, Florida, as amended by this Ordinance, shall be effective on June 29, 2021, which is more than ninety (90) days from the date of publication of notice stating the maximum amount of the revised Library Impact Fee rates. Upon the resolution establishing the time of payment of the Library Impact Fee pursuant to Section 115.24(a) is effective, the time of such collection shall remain consistent with Resolution 2018-R-45. The Board

of County Commissioners of Seminole County declares that is the intent of Seminole County that the Library Impact Fee Rates as have been established under the existing Chapter 115, Seminole County Land Development Code, will remain applicable to and enforceable on new development and redevelopment until the revised Library Impact Fee Rates as adopted under this Ordinance are effective.

BE IT ORDAINED by the Board of County Commissioners of Seminole County, this

22 day of June, 2021.

ATTEST:


JENNY SPENCER, DIRECTOR, for

GRANT MALOY 6/28/21

Clerk to the Board of
County Commissioners of
Seminole County, Florida

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA


LEE CONSTANTINE, Chairman

PHC/sjs/DWM

6/10/21

T:\CAO Protected\Misc\Master Docs\SJS Ordinances\2021\LDC Library Impact Fee Ordinance Jun09(21).docx



FLORIDA DEPARTMENT of STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

June 29, 2021

Honorable Grant Maloy
Clerk of the Circuit Court
Seminole County
County Commission Records
1101 E. First Street, Room 2204
Sanford, Florida 32771

Attention: Chariti Colon

Dear Mr. Maloy:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy for Seminole County Ordinance No. 2021-28, which was filed in this office on June 28, 2021.

Sincerely,

Anya Grosenbaugh
Program Administrator

AG/lb