

## Fire Rescue Facilities and Emergency Medical Services Impact Fees

### Background

- An impact fee study was last conducted in 2015, at a cost of about \$164,000 (was not limited to Fire/EMS)
  - In September of 2016 the Board accepted the Impact Fee Study, and retained the then-current fee schedule (i.e. did not act on the study's findings)
  - The fee schedule for the Fire Rescue Facilities Impact Fee<sup>1</sup>, were last amended in 2001
  - The fee schedule for the Emergency Medical Services Impact Fee<sup>2</sup>, was last amended in 2001.
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### Process for increasing the Impact Fees (The process below is governed by Sec. 163.31801, Fla. Stat.)

#### Study:

- The County must “ensure that the calculation of the impact fee is based on a study using the most recent and localized data available within 4 years of the current impact fee update”
  - Because the County's most-current data is older than 4 years, a new study is required before updating the fee schedule
- The study must be adopted by the Board within 12 months of the initiation of the impact fee study if it desires to increase the impact fee based on the study.
- In order to justify an increase, the study must reflect a rational nexus between the construction generating the impact and qualifying expenditures

#### Extraordinary Approval Process (allows for no phase-in and increases of more than 50%):

- The demonstrated-need study that justifies the increase must be completed within 1 year of enactment
- The study must “expressly demonstrate the extraordinary circumstances” necessitating the need to exceed the limitations listed below under the heading ‘normal approval process’
- There must be at least two publicly noticed workshops dedicated to this topic
- Must be approved by a 2/3 vote of the Board
- 90 days notice, prior to effective date of increase, must be given

#### Normal Approval Process:

- “An increase to a current impact fee rate of not more than 25 percent of the current rate must be implemented in two equal annual increments.”
- “An increase to a current impact fee rate which exceeds 25 percent but is not more than 50 percent of the current rate must be implemented in four equal installments”
- “An impact fee increase may not exceed 50 percent of the current impact fee rate.”

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<sup>1</sup> See Sec. 62-179, Brevard County Code of Ordinances

<sup>2</sup> See Sec. 62-849, Brevard County Code of Ordinances

- 90 days notice, prior to effective date of increase, must be given

Other Considerations:

- The County must “limit administrative charges for the collection of impact fees to actual costs.”
- The County cannot index the impact fee to CPI or any other measure, because doing so would inevitably violate the prohibition on raising the impact fee more than once every 4 years
- Impact fee increases cannot be retroactive in any way