



**Planning & Development Department**

2725 Judge Fran Jamieson Way  
Building A, Room 114  
Viera, Florida 32940

**BOARD OF COUNTY COMMISSIONERS**

**TO:** Frank Abbate, County Manager

**THRU:** John Denninghoff, Assistant County Manager, Development and Environmental Services Group

**FROM:** Tad Calkins, Director, Planning and Development Department *JCC*

**SUBJECT:** Citizen Efficiency and Effectiveness Recommendation (CEER) #2024044

**DATE:** April 1, 2024

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CEER #2024044 was received by the County from Sandra Sullivan.

**Citizen Statement:**

Brevard has a lot growth which creates high costs for infrastructure. Developers are not paying their fair share under impact fees. Developer impact fees have NOT been increased in decades (Transportation 23 years). [https://drive.google.com/drive/folders/1D1-AdrApY-1VpizCu3nxqcLjD4z\\_\\_Nxb?usp=drive\\_link](https://drive.google.com/drive/folders/1D1-AdrApY-1VpizCu3nxqcLjD4z__Nxb?usp=drive_link)

Other counties are increasing impact fees, so should Brevard:

<https://www.mainstreetdailynews.com/govt-politics/alachua-county-increases-impact-fees> (Dec 2023)

<https://www.mysuncoast.com/2023/11/16/manatee-county-proposes-increased-impact-fees/> (Nov 2023)

<https://www.mynews13.com/fl/orlando/news/2023/07/25/kissimmee-city-leaders-voting-next-month-on-whether-to-double-impact-fees-for-home-builders--here-s-what-that-means> (July 2023)

[https://www.chronicleonline.com/news/local/county-raises-transportation-impact-fees-to-100/article\\_54e4044b-8a22-5461-88e9-94355b3b8e3e.html](https://www.chronicleonline.com/news/local/county-raises-transportation-impact-fees-to-100/article_54e4044b-8a22-5461-88e9-94355b3b8e3e.html) (June 2023)

<https://www.wftv.com/news/local/lake-county-approves-impact-fee-hike-address-massive-development/FLZEUZF2FBEC3IST2XP6TNH3IU/> (Feb 2023)

The concern is our Commission will put the cost of infrastructure burden on you the taxpayer. We need to fix impact fees so developers pay their share of infrastructure. Look at the Growth in Port St. John - Sewage plant went from 85% - 96% capacity in half a year. Now you are scrambling to figure out how to pay for a new sewage plant that costs \$170 million. A plant replacement was \$50 million in 2018. Despite the skyrocketing cost of infrastructure (over 30% in a year), impact fees have not been increased in 32 years. They don't even have a CPI increase - which is imperative.



BOARD OF COUNTY COMMISSIONERS

RESIDENTS GOT AN INCREASE IN infrastructure tax on April 7th commission meeting, while the developers do not get an inflation increase in infrastructure impact tax. Brevard raised your sewer tax 4.41% for inflation in April another increase following last year.

The concern is ultimately the taxpayers are going to be burdened with the cost of infrastructure because our commissioners do the will of the lobbyists and developers #WeTheMoney vs #WeThePeople. The BOCC cancelled the Budget Workshop in Feb 2023, to hide the severity of the infrastructure needs. Like the dump, which the commissioners kicked the can down the road on a decision until Sarno ran out of dump space - for a dump that takes 5 years to build. It is the concern, that this crisis management is also happening for infrastructure. For that reason, additional tax burden on the people will be coming.

"The charter provision ? which was approved by county voters in 2008 with 73.12% support ? generally limits the amount the county can increase property tax revenues to the lesser of 3% or the rate of inflation.

However, the commissioners can surpass that cap if four of five agree there is a "critical need" to do so."

<https://www.floridatoday.com/story/news/local/2023/03/10/court-sides-with-brevard-sheriff-in-tax-cap-dispute-with-clerk-of-court/69990493007/>

**Citizen Recommendation:**

Brevard County needs to initiate an Impact Fee study to avoid tax increases to the property tax. Doing an impact fee study was discussed at the Budget workshop in 2021 but no action followed up the discussion though clearly the need is there.

Should be giving development credits for redevelopment due to the period of time that has passed 20-60 years we are in a new infrastructure cycle.

A study would look at the projected infrastructure costs with anticipated growth projects and be able to determine fees appropriate with Brevard as fastest growing area of Florida.

Obviously the growth areas has changed in decades - and a need for a new impact fee study is paramount.

To Commission Feltner's comment that this increased tax would be passed by the developer onto the new home - yes, that may be, but it should not be passed onto everyone who have already paid their share for impact fees incorporated into their home cost.



BOARD OF COUNTY COMMISSIONERS

**Staff Analysis:**

As defined under Florida Stat. Sec. 200.065, the Brevard County Board of County Commissioners have not raised taxes in any of the last 7 years. In 2015, an Impact Fee Study was completed at a cost of approximately \$164,000. In September of 2016, the Board elected to allow a moratorium on Transportation Impact Fee that was imposed at the time to sunset, accepted the Impact Fee Study, and retained the current fee schedule (the Transportation Impact fee was last adopted in 2006). The County collected \$44,805,096 in aggregate impact fees in Fiscal Year 2023.

In order to adopt a higher fee, certain statutory procedures must be adhered to. This would include any increase being based on the most recent localized data. Depending on the percentage increase, a study and workshops may be required, the fee increase may have to be imposed incrementally, and it may require a 2/3 vote of the Board. It should be noted that, at all times, it is the duty of the County to ensure such impact fees are "proportional and reasonably connected to, or has a rational nexus with, the need for additional capital facilities and the increased impact generated by the new residential or commercial construction," and "the impact fee is proportional and reasonably connected to, or has a rational nexus with, the expenditures of the funds collected and the benefits accruing to the new residential or nonresidential construction" (see Fla. Stat. Sec. 163.31801). As impact fees generally may not be increased more than once every 4 years, these fees cannot be indexed to CPI.

County staff adheres to Statutory requirements in its assignments of impact fee credits.

**Staff Recommended Action:**

Staff recommends adhering to current Board direction, absent other Board direction such as modifying Brevard County Code of Ordinances and fee schedules to implement the 2015 impact fee study or conducting a new study.

Absent new Board direction, staff recommends rejecting CEER # 2024044.

**Recommendation #2024044**

**Recommendation Details**

**Contact Information**

<b>Full Name:</b>	Sandra Sullivan	<b>Email Address:</b>	s2sully@gmail.com
<b>Mailing Address:</b>	165 Dorset Lane South Patrick Shores fl 32937	<b>Alt Email Address:</b>	sandra@sandrasullivan.com
		<b>Phone Number</b>	954-224-8624

**Group/Organization**

WAVESaction

**Recommendation Information**

<b>Recommendation Title:</b>	Increasing Developer Impact Fees
<b>Areas Affected:</b>	Infrastructure

<b>Department:</b>	PLANNING AND DEVELOPMENT DEPARTMENT
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**Problem  
Description:**

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#### Attachments

There are no attachments for this recommendation.

Administrative Action

Evaluation

## Recommendation Timeline

User	Status	Date	Remarks
CEER WebUser	Citizen Submitted	Dec 30, 2023	
Karen Conde	Department Assigned	Jan 3, 2024	PLANNING AND DEVELOPMENT DEPARTMENT Assigned

Awaiting action from department director

2024044 - Links Contained Within Citizen CEER Submission

[https://drive.google.com/drive/folders/1D1-AdrApY-1VpizCu3nxqcLjD4z\\_Nxb?usp=drive\\_link](https://drive.google.com/drive/folders/1D1-AdrApY-1VpizCu3nxqcLjD4z_Nxb?usp=drive_link)

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