



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 *[Signature]*

SUBJECT: Citizen Efficiency and Effectiveness Recommendation (CEER) #2024042

DATE: April 1, 2024

CEER #2024042 was received by the County from Sandra Sullivan.

Citizen Statement:

Brevard is historical development growth with increasing needs for transportation dollars. According to TPO we have a fiscal cliff coming on transportation. Declining gas Tax revenues. FDOT District 5 has only allocated less than 5% to transportation capacity needs in next 5 years. The availability of funding is compounded with SB102, developers will get 75% discount on property tax on those middle america units; and with latest vote, our commissions thought it wise to give these developers an exemption on transportation impact fees. According to County budget 2024, Brevard has a \$699 million deficit on transportation capacity needs.

Transportation impact fees have not been updated in nearly quarter century - despite paving costs up nearly 26.6% and materials up 17% this year alone according to FDOT 5 last TPO meeting in December 2023. The last transportation Impact fee study in 2016 recommended a 65% increase on single family homes.

https://drive.google.com/drive/folders/1D1-AdrApY-1VpizCu3nxqcljD4z__Nxb?usp=drive_link

Unfortunately, Counties are now limited on how much they can increase impact fees:

<https://www.sun-sentinel.com/2021/06/07/desantis-signs-law-limiting-impact-fees-for-development/>
State statute now restricts increasing impact fees to small increases.

http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0100-0199/0163/Sections/0163.31801.html

(b) 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 beginning with the date on which the increased fee is adopted.



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(c) 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 beginning with the date the increased fee is adopted.

CFX tried in 2021 to take over our east/west corridors (520, 192, 528) to turn them into toll roads. This would be a burden on residents and small business alike, which could be devastating during an economic downturn. Once you agree to hand off those roads, you can't ever get them back. Google MDX and Miami and see the lawsuits. This would be a bad deal for Brevard. Brevard residents would rather fund these roads for a few years with a surtax than a permanent tax by CFX.

The concern is whether the state is intentionally not funding capacity needs to push Brevard onto CFX where tolls would fund these capacity needs. The problem with that is all toll revenue goes to Central Florida. Let's be proactive.

Citizen Recommendation:

The recommendation is to proactively fund transportation capacity needs:

1. Do Transportation Impact Fee study to determine needs for tax adjustment
2. Proactively start a half cent Transportation Infrastructure Surtax

You would be in good company for increasing impact fees - so not to burden all the taxpayers.

Impact Fees - several counties have recently increased impact fees due to growth:

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

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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/FLZEUF2FBEC3IST2XP6TNH3IU/> (Feb 2023)

As the Brevard School Infrastructure surtax terms out in 2026, it is recommended that Brevard proactively initiate a 1 cent sales Infrastructure Sales Surtax to address:

1. 1/2 cent Lagoon and related sewage infrastructure (lagoon renewal with changes).
2. 1/2 cent Transportation infrastructure

It is my understanding that this planning would need begin in 2024 with referendum language.



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The school board will have had 2 decades of this tax and it's time to sunset their use of this tax; as transportation is a higher need now.

The Infrastructure Surtax is allowed to be spent on Transportation:

http://www.leg.state.fl.us/STATUTES/index.cfm?App_mode=Display_Statute&URL=0200-0299/0212/Sections/0212.055.html

(1) CHARTER COUNTY AND REGIONAL TRANSPORTATION SYSTEM SURTAX.—

(a) Each charter county that has adopted a charter, each county the government of which is consolidated with that of one or more municipalities, and each county that is within or under an interlocal agreement with a regional transportation or transit authority created under chapter 343 or chapter 349 may levy a discretionary sales surtax, subject to approval by a majority vote of the electorate of the county or by a charter amendment approved by a majority vote of the electorate of the county.

The half cent sales portion of the tax for transportation can also help with the cost of replacing causeways into fixed bridges for matching funds from the state and federal government. The causeways are where most of the muck accumulates according to the FIT scientific reports.

Staff Analysis:

A detailed evaluation of existing capacity and maintenance backlog issues as well as potential revenue generating options was conducted by Public Works in February 2022. It included the requirements and process for implementing the Infrastructure Sales Tax as well as several other alternatives. It was forwarded to the Board for further review and consideration.

In 2015, an Impact Fee Study was completed at a cost of approximately \$164,000 (\$44,000 of which was expressly related to the Transportation Impact Fee element). In September of 2016, the Board elected to allow a moratorium on Transportation Impact Fees 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 modified in 2006, based on a study from 2000). In Fiscal Year 2023, the County collected \$15,255,352 in Transportation Impact Fees.

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



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to, or has a rational nexus with, the expenditures of the funds collected and the benefits accruing to the new residential or nonresidential construction." As impact fees generally may not be increased more than once every 4 years, these fees cannot be indexed to CPI.

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 # 2024042.

Recommendation Details

Contact Information

Full Name: Sandra I Sullivan

Email Address: s2sully@gmail.com

Mailing Address: 165 Dorset Lane
South Patrick Shores fl 32937

Alt Email Address: sandra@sandrasullivan.com

Phone Number 954-224-8624

Group/Organization WAVESaction

Recommendation Information

Recommendation Title: Transportation Infrastructure Surtax

Areas Affected: Transportation Infrastructure

Department: PUBLIC WORKS DEPARTMENT

Brevard is historical development growth with increasing needs for transportation dollars. According to TPO we have a fiscal cliff coming on transportation. Declining gas Tax revenues. FDOT District 5 has only allocated less than 5% to transportation capacity needs in next 5 years. The availability of funding is compounded with SB102, developers will get 75% discount on property tax on those middle america units; and with latest vote, our commissions thought it wise to give these developers an exemption on transportation impact fees. According to County budget 2024, Brevard has a \$699 million deficit on transportation capacity needs.

**Problem
Description:**

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**Recommendation
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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	PUBLIC WORKS DEPARTMENT Assigned

Awaiting action from department director

2024042 - Links Contained Within Citizen CEER Submission

https://drive.google.com/drive/folders/1D1-AdrApY-1VpizCu3nxqcLjD4z_Nxb?usp=drive_link

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