



RESOLUTION 21-019

A RESOLUTION OF THE NORTH COLLIER FIRE CONTROL AND RESCUE DISTRICT OF COLLIER COUNTY, FLORIDA, IMPOSING IMPACT FEE RATES FOR THE NORTH COLLIER FIRE CONTROL AND RESCUE DISTRICT FOR FISCAL YEAR 2021-2022; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, impact fees are a funding mechanism that a local government may utilize to pay for public improvements that are necessary to serve new growth; and

WHEREAS, impact fees must satisfy a dual rational nexus test to be constitutional; and

WHEREAS, the dual rational nexus test requires a local government to show a reasonable nexus between the local government's need for additional capital facilities and the new construction and that a special benefit is conferred upon the fee payers; and

WHEREAS, Subsection 8 of section 6 of the North Collier Fire Control and Rescue District's Charter within section 3 of chapter 2015-191, Laws of Florida, authorizes the North Collier Fire Control and Rescue District to assess impact fees for capital improvements on new construction within its boundaries; and

WHEREAS, Resolution 20-022 established new impact fee rates that are effective January 1, 2021 which were based upon the most recent and localized data, as evidenced by the Impact Fee Indexing Study Final Report dated August 24, 2020, and

WHEREAS, the accounting of the impact fee revenues and expenditures are provided for and reported in a separate and segregated special revenue fund entitled Impact Fee Fund; and

WHEREAS, Collier County collects the impact fees for the North Collier Fire Control and Rescue District and charges an administrative fee to cover Collier County's actual costs of such collection, pursuant to interlocal agreements dated September 25, 1990 and December 13, 2005; and

WHEREAS, to promote efficiency with Collier County in its collection of the North Collier Fire Control and Rescue District's impact fees, this resolution includes impact fee land use categories that are consistent with Collier County's impact fee land use categories as well other collection procedures; and

WHEREAS, Section 163.31801, Florida Statutes (2020), requires that notice be provided no less than ninety (90) days before the resolution may take effect since it is imposing an increased impact fee, and upon approval of this resolution and at least 90 days prior to October 1, 2021, District staff shall ensure publication of notice as required by Florida law; and

WHEREAS, upon the timely publication of notice, the impact fees adopted by the Board of Fire Commissioners of the North Collier Fire Control and Rescue District for the 2021-2022 fiscal year are imposed in compliance with Section 163.31801, Florida Statutes (2020).

NOW, THEREFORE, BE IT RESOLVED by the BOARD OF FIRE COMMISSIONERS OF THE NORTH COLLIER FIRE CONTROL AND RESCUE DISTRICT of Collier County Florida, that:

Section 1. The above recitals are true and correct, and are fully incorporated herein.

Section 2. The North Collier Fire Control and Rescue District hereby adopts and incorporates the North Collier Fire Control & Rescue District Fire Impact Fee Indexing Study Final Report dated August 24, 2020, attached in its entirety as Exhibit A, including the assumptions, conclusions and findings in the study.

Section 3. This resolution shall be applicable within the entirety of the North Collier Fire Control and Rescue District.

Section 4. The North Collier Fire Control and Rescue District hereby adopts the following schedule of impact fee charges upon new construction to be used for capital improvements that are necessary to serve new growth in accordance with Florida law:

Land Use	Unit	Total Impact Fee
Residential	sf	\$0.17
Non-Residential	sf	\$1.06

Section 5. The following terms shall have the below meanings:

Section 6. In the event a development is a mixed use development, the impact fee shall be calculated based upon each separate impact fee land use category included in the proposed mixed use development as set forth in Section 4.

Section 7. In the event a development involves a land use not contemplated under the impact fee land use categories set forth in Section 4, the impact fee shall be calculated using the appropriate impact fees methodologies contained in the North Collier Fire Control & Rescue District Fire Impact Fee Update Study Final Report dated August 24, 2020. The impact fee rate calculation shall be determined by using variables applicable to the most similar land use categories in the applicable impact fee rate schedules.

Section 8. If a conventional building permit for the development is not required (e.g., golf course, park, change of use, etc.), then the impact fee shall be paid prior to the occurrence of any one of the following events, whichever occurs first:

- (1) The date when the first certificate of occupancy has been issued for any building or structure accessory to the principle use or structure of the development; or
- (2) The date when the first certificate of occupancy is issued for the first non-accessory building or non-accessory structure to be used by any part of the development; or
- (3) The date when a final development order, final development permit or other final authorization is issued authorizing construction of a parking facility for any portion of the development; or
- (4) The date when a final development order, final development permit or other final approval is issued for any part of the development in instances where no further building permit is required for that part of the development; or

(5) The date when any part of the development opens for business or goes into use.

Section 9. Impact fees shall be collected and kept separate from other North Collier Fire Control and Rescue District revenues and used exclusively in the manner provided for under applicable Florida Law, including Sections 163.31801 and 191.009, Florida Statutes, and Chapter 2015-191, Laws of Florida.

Section 10. No reduction in the assessed impact fee rate is authorized and the provisions within Resolution 19-004 through December 31, 2020, and Resolution 20-022 are applicable.

Section 11. If any section, subsection, sentence, clause or provision of this resolution is held invalid, the remainder of the resolution shall not be affected.

Section 12. This resolution shall take effect on January 1, 2021.

Section 13. This resolution supersedes Resolution 20-004, which was adopted on May 28, 2020 and was to take effect on October 1, 2020.

This Resolution shall be effective immediately upon adoption.

The foregoing Resolution was offered by Commissioner Feder, who moved its adoption.

The motion was seconded by Commissioner Burke, and the Vote was as follows:

Commissioner	Vote
Commissioner M. James Burke	Yay
Commissioner James A. Calamari	Yay
Commissioner Christopher L. Crossan	Yay
Commissioner Norman E. Feder	Yay
Commissioner J. Christopher Lombardo	Yay

Duly passed on this 21st day of September, 2021 by the Board of Fire Commissioners of the North Collier Fire Control and Rescue District.