

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE PACE FIRE RESCUE DISTRICT ESTABLISHING FIRE RESCUE SERVICES IMPACT FEES FOR THE DISTRICT; ESTABLISHING THE AMOUNT OF IMPACT FEES; PROVIDING FOR CREDITS AND EXEMPTIONS; PROVIDING FOR ACCOUNTING AND REPORTING OF IMPACT FEE COLLECTIONS AND EXPENDITURES; REQUIRING THAT IMPACT FEES BE USED ONLY IN ACQUIRING, CONSTRUCTING, OR IMPROVING CAPITAL FACILITIES TO BENEFIT NEW USERS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Pace Fire Rescue District (the “District”) was created pursuant to Laws of Florida, Ch. 2017-221 (the “Act”).

WHEREAS, the District has the responsibility to provide fire prevention and emergency rescue services in accordance with Ch. 191, Florida Statutes, for the area of Santa Rosa County, Florida, more particularly identified in the Act.

WHEREAS, the Board of Commissioners (the “Board”) of the District has determined that there exist in the District increasing demands for fire prevention and emergency rescue that are the result, in whole or in part, of new residential and nonresidential development in the District; and in order to fulfill the District’s responsibility to reasonably meet such new increasing demands, it is reasonably necessary for the District to acquire new fire prevention and emergency rescue facilities and equipment.

WHEREAS, the Board finds that such acquisition of such new or additional facilities and equipment will necessitate significant capital expenditure that would not have been needed but for the demands created by such new residential and nonresidential development in the District.

WHEREAS, Santa Rosa County has not adopted an impact fee for fire services for distribution to the District, while the Legislature, in Section 8(4) of the Act, has authorized the District to impose impact fees.

WHEREAS, the Board finds that it reasonable and equitable that new development in the District contribute directly to the funding of new or additional fire prevention and emergency rescue facilities and equipment that would not be needed but for the demands created by such new development in the District; and, therefore, the Board has determined that it is reasonable and appropriate to establish a Fire Rescue Service Impact Fee as contemplated herein as a means of enabling such new development in the District to contribute directly to the funding of such new or additional facilities and equipment.

NOW, THEREFORE, it is hereby resolved by the Board of Commissioners of the Pace Fire Rescue District as follows:

Section 1. Intent and Purpose.

The purpose of this Resolution is to regulate the use and development of land so as to ensure that new development bears a proportionate share of the cost of capital expenditures necessary to provide fire protection and emergency rescue services in the District. The purpose of this Resolution is to establish a Fire Rescue Service Impact Fee on new development within the District to assign, to the extent practical, the District's growth-related future capital costs to new development responsible for such costs. To the extent population growth and associated development in the District requires capacity-related capital costs to provide fire rescue services, equity and modern capital funding practices suggest the assignment of such costs to the new development responsible for such costs. The collection of impact fees is an appropriate funding strategy for the District to use to help fund fire rescue service capacity that will be required by new development.

Section 2. Findings.

2.1. The proposed method for implementing the impact fee for the District is the cost per dwelling unit for residential properties and the cost per square foot of development for nonresidential development. The utilization of this method is common and is used to some degree by most public agencies that have implemented impact fees for fire and rescue services.

2.2. The level of service currently provided by the District is based on operating two fire stations with one fire engine, one ladder truck and one crossed staffed tanker. The stations are staffed for three shifts with ten operations personnel for two shifts and nine operations personnel for the third shift. The staff includes 25 career personnel, 21 firefighters, one Battalion Chief, one full time Fire Chief, one full-time Fire Inspector and one full-time administrative staff. Four of the operations personnel are cross-trained as firefighter/paramedic and 17 operations personnel cross-trained Firefighter/EMT. The staff also includes six part-time firefighter positions and 11 volunteers. The District staff is designed to provide service levels described in National Fire Protection Association 1710, which targets an average response time of approximately six minutes or less and maintain the District's ISO rating of 4/4X. In order to maintain the current level of service and meet the needs of a growing community, the District has added a new fire engine and a new ladder truck. The Fire Rescue Service Impact Fee contemplated herein was estimated based on the capital costs to equip a full-time firefighter (e.g., fire apparel, self-contained breathing apparatus), extrication equipment, the cost of vehicles for proper response and firefighting (e.g., pumper trucks and ladder trucks), the recognition of the cost of current and anticipated investment in emergency management and fire/EMS station facilities, and the level of service standard used for providing fire protection.

2.3. The Fire Rescue Service Impact Fee contemplated herein:

(a) was calculated based on the most recent and localized data as reflected in the *Fire Rescue Impact Fee Study* dated April 26, 2021, prepared for the District by Raftelis Financial Consultants, Inc., which study is incorporated herein by this reference (and a copy of which is available upon request at the District's offices);

(b) is 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

(c) 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.

Section 3. Definitions.

As used in this Resolution, the following words and phrases shall mean:

"Infrastructure" means a fixed capital expenditure or fixed capital outlay, excluding the cost of repairs or maintenance, associated with the construction, reconstruction, or improvement of public facilities that have a life expectancy of at least 5 years; related land acquisition, land improvement, design, engineering, and permitting costs; and other related construction costs required to bring the public facility into service. The term also includes a fire department vehicle, an emergency medical service vehicle, a sheriff's office vehicle, a police department vehicle, a school bus as defined in Florida Statute Section 1006.25, and the equipment necessary to outfit the vehicle or bus for its official use. The term includes new facilities.

"New facilities" means land, buildings, and capital equipment, including, but not limited to, fire and emergency vehicles, radiotelemetry equipment, and other firefighting or rescue equipment

"Nonresidential development" shall mean the development of all structures that are not residential units and includes commercial buildings, industrial buildings, institutional buildings, and public assembly buildings.

"Residential unit" includes single-family and multi-family residential dwelling units.

Section 4. Establishment of Fire Rescue Services Impact Fee.

4.1. There is hereby established for the District a Fire Rescue Services Impact Fee which must be paid to the District as a condition precedent to the issuance of a building permit or development order for construction of, substantial reconstruction of, or substantial improvement to, as appropriate, residential units or nonresidential development; provided, however, any development activity that is in progress as of the effective date of this Resolution shall not be required to pay a Fire Rescue Services Impact Fee. No building permit or development order for development of residential units or nonresidential development shall be issued unless and until the required Fire Rescue Services Impact Fees have been paid as provided herein.

4.2. Notwithstanding subsection 4.1., above, any person who, after the effective date of this Resolution, seeks to develop or improve land by applying for a development permit or building permit to make an improvement to land that will generate additional demand on the fire rescue services of the District shall be assessed a Fire Rescue Services Impact Fee as provided herein.

4.3. The District's Fire Chief is authorized to enter into appropriate interlocal agreements with other governmental entities, including Santa Rosa County, providing for the collection of the impact fees contemplated herein.

Section 5. Amount of Fire Rescue Services Impact Fee; Exemptions; Credits.

5.1. The amount of the Fire Rescue Services Impact Fee contemplated herein shall be calculated for the applicable property classification in accordance with the following schedule:

- (a) Residential Unit: \$493.00 per unit
- (b) Nonresidential Development: \$0.46 per square feet

The amount of the impact fee shall be determined by the District's Fire Chief based on the information contained in the application.

5.2. The following shall be exempted wholly or in part from payment of the Fire Rescue Services Impact Fees:

(a) Alteration or expansion of an existing building where no additional residential dwelling units are created;

(b) The construction of accessory buildings or structures which will not produce additional need for fire/EMS facilities over and above that produced by the principal building or use of the land; and

(c) The replacement of a destroyed or partially destroyed building or structure in existence on or after the effective date of this Resolution, with a new building or structure of the same or a different use; provided that no additional need for fire/EMS protection facilities will be produced over and above those produced by the original use of the land.

Any claim of exemption must be made no later than the time of application for a building permit. Any claim not so made shall be deemed waived.

5.3. A credit against the collection of the Fire Rescue Services Impact Fee shall be made for any contribution, if any, whether identified in a proportionate share agreement or other form of exaction, related to public facilities or infrastructure, including land dedication, site planning and design, or construction. Any contribution will be applied on a dollar-for-dollar basis at fair market value to reduce any education-based impact fee collected for the general category or class of public facilities or infrastructure for which the contribution was made

Section 6. Time for Payment; Refunds.

6.1. The Fire Rescue Services Impact Fee shall be paid by the applicant for issuance, as appropriate, of the building permit, development order, other permit, or certificate of occupancy for improvements to real property lying within the boundaries of the District. Such fee shall be paid at the time of submission of the application.

6.2. If it determined that no construction has occurred, no certificate of occupancy has been issued, and the building permit issued for such construction has expired or otherwise has been

cancelled, the Fire Rescue Services Impact Fees collected by or for the District pursuant to this Resolution may be refunded upon written application therefore. In order to receive a refund from impact fees paid pursuant to this Resolution, the application for refund must be made within the earlier of (a) three years of when the permit expired or was cancelled, or (b) four years from the date the impact fees were paid.

Section 7. Use of Funds.

7.1. The Fire Rescue Services Impact Fees collected by or for the District pursuant to this Resolution shall be specifically earmarked for use in acquiring, constructing, or improving capital facilities to benefit new users.

7.2. The Fire Rescue Services Impact Fees collected by or for the District pursuant to this Resolution may not be used, in whole or in part, to pay existing debt or for previously approved projects unless the expenditure is reasonably connected to, or has a rational nexus with, the increased impact generated by the residential or nonresidential development.

7.3. The Fire Rescue Services Impact Fees collected by or for the District pursuant to this Resolution shall be kept separate from other revenues of the District and must be used exclusively to acquire, purchase, or construct new facilities or portions thereof needed to provide fire protection and emergency services to new construction.

7.4. The District shall maintain adequate records to ensure that Fire Rescue Services Impact Fees collected by or for the District pursuant to this Resolution are expended only for permissible new facilities or equipment. All such impact fees shall be deposited in an appropriate account of the District to be accounted for separately.

7.5. Administrative charges for the collection of impact fees must be limited to actual costs.

7.6. The District must submit along with its annual financial report required under Florida Statute Section 218.32 or its financial audit report required under Florida Statute Section 218.39, a separate affidavit signed by its chief financial officer or, if there is no chief financial officer, its executive officer attesting, to the best of his or her knowledge, that all impact fees were collected and expended by District, or were collected and expended on its behalf, in full compliance with the spending period provision in this Resolution, and that funds expended from the impact fee account were used only to acquire, construct, or improve specific infrastructure needs.

Section 8. Appeals.

8.1. Any decision made by the District personnel in the course of administering the provisions of this Resolution may be appealed to the Board by filing a petition of appeal within 30 calendar days of the date of the rendition of the decision.

8.2. The Board shall review the petition at a public meeting within 30 calendar days from the date of appeal of said decision. The petitioner shall be provided reasonable notice of the

time, date, and place of the public meeting by certified mail, return receipt requested, and invited to attend. The Board's decision shall be final for the purpose of administrative appeals.

8.3. The Board shall revoke the decision of the District personnel only if there is competent, substantial evidence in the record that the decision fails to comply with provisions of this Resolution.

Section 9. Conflicts.

The provisions of this Resolution shall be deemed to control and prevail over any resolution or portion thereof in conflict with the terms hereof.

Section 10. Severability.

If any section, paragraph, sentence, clause, phrase, or word of this Resolution is for any reason held by any court to be unconstitutional, inoperative, invalid, or void, such holding shall not in any manner affect the validity of the remaining portions of this Resolution.

Section 11. Effective Date.

This Resolution shall become effective 91 days following the later of the date of its final adoption by the Board or the date that notice hereof is provided as contemplated in Section 163.31801(4)(d), Florida Statutes (2021).

THIS RESOLUTION was passed and adopted by the Board of Commissioners of the Pace Fire Rescue District at a duly noticed public meeting held on the ____ day of _____, 2021.

Pace Fire Rescue District

By: _____
Dean Anderson,
Chairman

Notice of the adoption of this Resolution was published in the Santa Rosa Press Gazette on the ____ day of _____, 2021.