

**PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS**

**WORKSHOP SUMMARY**

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**Meeting Date:** JULY 19, 2022

**Department:** Office of Financial Management & Budget

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**I. EXECUTIVE BRIEF**

**Title:** Discussion on extraordinary circumstances relating to impact fees.

**Summary:** The workshop will provide an overview of Palm Beach County’s most recent impact fee study and legislative updates to 163.31801, Florida Statutes. It will also be the first of two workshops dedicated to the extraordinary circumstances established under the demonstrated need study, which justify exceeding the statutory limitations on increase amounts and phase-in requirements.

**Background and Policy Issues:** The Countywide impact fee program was first enacted in Palm Beach County in 1989. The program is administered in accordance with Article 13 of the Unified Land Development Code (ULDC), Florida Statutes on impact fees, and case law.

This workshop is necessitated by the amendments to the “Florida Impact Fee Act” of Section 1 of Section 163.31801, Florida Statutes. The statute states that a local government may increase an impact fee rate beyond the phase-in limitations established under paragraph(b), paragraph(c), paragraph (d), or paragraph (e) by establishing the need for such increase in full compliance with the requirements of subsection (4), provided the following criteria are met:

1. A demonstrated need study justifying any increase in excess of those authorized in paragraph (b), paragraph (c), paragraph (d), or paragraph (e) has been completed within the 12 months before the adoption of the impact fee increase and expressly demonstrates the extraordinary circumstances necessitating the need to exceed the phase-in limitations.
2. The local government jurisdiction has held not less than two publicly noticed workshops dedicated to the extraordinary circumstances necessitating the need to exceed the phase-in limitations set forth in paragraph (b), paragraph (c), paragraph (d), or paragraph (e).
3. The impact fee increase ordinance is approved by at least a two-thirds vote of the governing body.

**Attachments:**

1. HB 337
  2. Consultant’s Powerpoint
  3. Demonstrated Needs Study
  4. Recommended Amendments to Article 13 to the ULDC
  5. Palm Beach County Impact Fee Update Study
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**Recommended by:** \_\_\_\_\_  
**Department Director** **Date**

**Approved By:** \_\_\_\_\_  
**County Administration** **Date**

**II. FISCAL IMPACT ANALYSIS**

**A. Five Year Summary of Fiscal Impact:**

<b>Fiscal Years</b>	<b>2022</b>	<b>2023</b>	<b>2024</b>	<b>2025</b>	<b>2026</b>
<b>Capital Expenditures</b>					
<b>Operating Costs</b>					
<b>External Revenues</b>					
<b>Program Income(County)</b>					
<b>In-Kind Match(County)</b>					
<b>NET FISCAL IMPACT</b>	-0-				
<b>#ADDITIONAL FTE</b>					
<b>POSITIONS (CUMULATIVE)</b>					

Is Item Included in Current Budget?      Yes \_\_\_      No X  
 Does this item include the use of federal funds?      Yes \_\_\_      No X

Budget Account No:      Fund \_\_\_\_\_      Dept. \_\_\_\_\_      Unit \_\_\_\_\_  
 Object: \_\_\_\_\_ Reporting Category \_\_\_\_\_

**B. Recommended Sources of Funds/Summary of Fiscal Impact:**

**C. Departmental Fiscal Review:**

\_\_\_\_\_

**III. REVIEW COMMENTS:**

**A. OFMB Fiscal and/or Contract Dev. and Control Comments:**

\_\_\_\_\_      \_\_\_\_\_  
 OFMB      Contract Dev. & Control

**B. Legal Sufficiency**

\_\_\_\_\_  
 Assistant County Attorney

**C. Other Department Review**

\_\_\_\_\_  
 Department Director

**(THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT.)**