RESOLUTION 2017-02

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE PINELLAS SUNCOAST FIRE & RESCUE DISTRICT REVISING THE PREVIOUSLY ESTABLISHED IMPACT FEE PURSUANT TO THE CHARTER OF THE DISTRICT AND SETTING RATES AND CHARGES FOR SAME AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Pinellas Suncoast Fire & Rescue District is an independent fire district under Chapter 191 of the Florida Statutes; and,

WHEREAS, Florida Statutes 191.009(4) authorizes the Pinellas Suncoast Fire & Rescue District to establish a schedule of impact fees on all new construction within the geographical boundaries of the District to pay for the cost of new facilities and equipment; and,

WHEREAS, the Board of Commissioners of the Pinellas Suncoast Fire & Rescue District has previously established a schedule of impact fees; and,

WHEREAS, the Pinellas Suncoast Fire & Rescue District continues to experience growth and development within its boundaries, creating a proportionate additional burden on its assets and requires the District to expend funds on capital assets in a proportionate amount to service new construction; and,

WHEREAS, the District has undertaken studies and formal audits to review its existing impact fees, and has determined a new, decreased rate to fairly assess new construction to address the additional burdens on existing District assets created by the new construction; and,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE PINELLAS SUNCOAST FIRE & RESCUE DISTRICT;

SECTION 1. The Pinellas Suncoast Fire & Rescue District shall implement the imposition and collection of the decreased impact fee in accordance with all applicable law and in accordance with its provisions of its Charter and in accordance with this Resolution and shall retain and expend all funds so collected in a manner consistent with all applicable law and its Charter.

SECTION 2. The impact fee shall be assessed and collected and in such amounts as are set out in Schedule A to this Resolution as if fully set forth in this section.

SECTION 3. If any part or sub-part of this resolution is declared void or unenforceable by any court of competent jurisdiction, all remaining parts of this resolution not so affected shall remain in full force and effect.

SECTION 4. This resolution shall be effective when adopted and shall remain in full force and effect until supplemented, amended, modified, repealed, discontinued, or otherwise altered.

PASSED AND ADOPTED on the 18th day of April, 2017.

PINELLAS SUNCOAST FIRE & RESCUE DISTRICT

Board of Commissioners:

Joseph V. Bruni, Chair

ATTEST:

Lawrence G. Schear, Secretary/Treasurer

SCHEDULE A

Resolution 2017-02

1. Effective Date:

This impact fee shall become effective on the date set forth in the Resolution adopting same.

2. Fee Schedule:

A. Single-story developments will be assessed at a rate of $0.50 per square foot.
B. Multi-story developments will be assessed at a rate of $0.63 per square foot.
C. The fee shall be charged and collected for all new construction under roof without regard as to whether the space is heated or cooled and without regard to the existence of walls.
D. The fee shall be imposed upon all new construction located within the boundaries of the Pinellas Suncoast Fire & Rescue District, including additions to existing structures and including all covered parking or other covered structures.

3. Credits:

Credit shall be given for any existing square footage (as indicated on the Tax Assessor's records or as shown on the demolition permit) that is replaced by new construction. The square footage of the existing construction shall be subtracted from the square footage of the new construction according to the fee schedule.

4. Time of Collection, Late Payments, and Interest:

A. Within 10 days of making application for a new construction building permit, the owner or developer of the real property shall submit the building plans to the District for determination of the amount of the impact fee.
B. The District shall endeavor to issue an impact fee invoice to the person or entity making the plan submission (also referred to herein as "Fee Payer") within 10 days of receipt of the submission. Failure of the District to issue the impact fee invoice to the Fee Payer within the time limit set forth herein shall not bar the right of the District to otherwise enforce the provisions of this Resolution.
C. A copy of the impact fee invoice will be provided by the District to the County or City Building Department affected by the new construction. Said Building Department shall not issue a Certificate of Occupancy until notice of the payment of the impact fee has been provided to the Building Department by the Fee Payer. It is expected that this notice shall be a copy of the receipt issued by the District.
D. The Fee Payer shall make payment in full of the impact fee to the District. The impact fee shall be paid within 30 days of the date of the invoice issued by the District. Upon receipt of full payment of the impact fee, the District shall issue to the Fee Payer a receipt showing the impact fee has been paid in full.
E. Interest shall accrue on any unpaid impact fee at the rate of 1% per month until paid.
F. The District shall retain the right to waive all or part of any accrued interest at its sole discretion.

5. "As Build" Inspections, Errors, and Misrepresentations:

A. Upon completion of the new construction, the District shall undertake an inspection of the new construction. If the District, in its sole discretion, determines that the impact fee was calculated and paid based on error of either party or misrepresentation, or finds that the "as built" new construction is not consistent with the plans that were submitted to the District for computation of the impact fee, the impact fee shall be re-calculated by the District.

   a. If the correct amount based on the "as built" construction is found to be less than the impact fee that was originally computed, the difference shall be refunded to the original Fee Payer. In such event, the Fee Payer shall not be entitled to recover interest.
   b. If it is found based on the "as built" construction that an additional impact fee is owed, the Fee Payer shall pay the additional amount owed within five business days of the date of the amended impact fee invoice.

B. Failure of the Fee Payer to pay the additional impact fee owed on a timely basis shall provide a basis for the District to cause the Certificate of Occupancy to be revoked without further notice to the owner and/or developer of the real property and shall also provide a basis for the District to bring any action permitted by law or equity to collect unpaid impact fees.

6. Attorney's Fees and Costs:

In the event the District brings an action to revoke the Certificate of Occupancy and/or institutes legal action to collect any unpaid impact fee due hereunder, the prevailing party shall be entitled to recover all reasonable attorney's fees and costs incurred in such action, including any and all such amounts incurred in any appeal proceeding.