



City of Bartow

Extraordinary Circumstances for Adoption of Impact and Development Fees

August 19, 2024



Extraordinary Circumstances for Adoption of Impact and Development Fees

Legal Considerations

The methods and criteria to charge impact fees have been developed under Florida Statutes and recognized case law

Florida Impact Fee Act History

- Florida Legislature created section 163.31801 of the Florida Statutes governing impact fees
- Created June 14, 2006
- Amended 2009, 2011, 2019, and most recently in 2021

Legal Considerations (Cont.)

New Limitations on Increasing Impact Fees

- An increase 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
- An increase that exceeds 25 percent, but 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
- An impact fee increase may not exceed 50 percent of the current impact fee rate
 - › Unless considered an extraordinary circumstance
- An impact fee may not be increased more than once every 4 years

Extraordinary Circumstances

- Significant construction cost inflation impacting infrastructure cost
- High population growth
 - › Strong population growth projected at approximately 4.0% over the next five years necessitating the expansion of public facilities to maintain levels of service
 - Ensures service reliability
 - Protects the public's health and safety

Extraordinary Circumstances (cont.)

- Critical new facilities to serve the demands required from new development
 - › New public safety headquarters for police and fire services
 - New fire trucks
 - New police vehicles
 - › Additional wastewater treatment capacity to meet the needs of new development
 - › New public works operations facilities

Conclusions and Recommendations

- Adopt proposed utility and municipal impact fees
- Implement full fees while meeting extraordinary circumstances procedural requirements to comply with Florida Statutes
- By updating impact fees, the City minimizes the cost burden of growth to existing residents and businesses
- 90 Day grace period from City approval to effective date