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ORDINANCE NO. 2020-_____

AN ORDINANCE AFFECTING THE USE OF LAND IN ORANGE COUNTY, FLORIDA RELATING TO SCHOOL IMPACT FEES AND ASSOCIATED STUDENT GENERATION RATES; AMENDING THE ORANGE COUNTY SCHOOL IMPACT FEE ORDINANCE CODIFIED AT ARTICLE V, CHAPTER 23, OF THE ORANGE COUNTY CODE; AMENDING SECTION 34-155 OF THE ORANGE COUNTY SUBDIVISION REGULATIONS TO REFLECT UPDATED STUDENT GENERATION RATES; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY, FLORIDA:

Section 1. Amending Chapter 23, Article V, School Impact Fees. Chapter 23, Article V, is amended as follows, with new language being shown by underlines and deleted language being shown by strike-throughs.

ARTICLE V
SCHOOL IMPACT FEES

DIVISION 1. GENERALLY

Sec. 23-121. Definitions.

When used in this article, the following terms shall have the following meanings, unless the context otherwise clearly requires:

Accessory ~~building or structure~~ shall mean a detached, subordinate building, the use of which is clearly indicated and related to the use of the principal building or use of the land and which is located on the same lot as the principal building or use have the meaning contained in Section 38-1 of the Orange County Code.

36 Accessory Dwelling Unit shall have the meaning contained
38 in Section 38-1 of the Orange County Code.

38 Affordable housing ,with the exception of affordable
40 housing as defined in Section 23-161(10), shall mean housing as
42 described in section 23-163 hereof and defined in Orange County
44 Administrative Regulation 4.08, as it may be amended from time
46 to time.

42 Alternative school impact fee shall mean any alternative fee
44 calculated by an applicant and approved by the county in
46 consultation with the superintendent or the school board pursuant
48 to sections 23-144 and 23-145.

46 Ancillary plant shall mean the buildings, sites and site
48 improvements necessary to provide support services to educational
50 programs and shall include, but not be limited to, such facilities as
52 vehicle maintenance, warehouses, maintenance or administrative
54 buildings not located at educational plants. Any such building, site,
56 or site improvement may be independently referred to as an
58 ancillary facility.

54 Applicant shall mean the person who applies for a building
56 permit.

56 Auxiliary facilities shall mean those portions of an
58 educational plant which are not designated for student occupant
60 stations.

58 Board shall mean the Board of County Commissioners of
60 Orange County, Florida.

60 Building shall mean any structure, either temporary or
62 permanent, designed or built for the support, enclosure, shelter or
64 protection of persons, chattels, or property of any kind.

64 Building permit shall mean the official document or
66 certificate issued by a city or the county under the authority of
68 ordinance or law, authorizing the commencement of construction
70 of any residential building, or parts thereof. For purposes of this
72 article, the term "building permit" shall also include tie-down
permits for a mobile home.

70 Capital improvement shall include, but not be limited to,
72 site planning and design, land acquisition, site improvements and
infrastructure, buildings, facilities, furniture, fixtures and
equipment, and motor vehicles, as well as those items listed in
Section 23-143(b) hereof, but excludes operations and

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maintenance. Acquisition of a "capital improvement" means the purchase of a capital improvement that expands the capacity of the School Board to provide educational facilities made necessary by new residential development countywide.

Certificate of occupancy shall mean an official document or certificate issued by the building official having jurisdiction which signifies: (i) that all inspections required under the building permit for compliance with applicable building and technical codes have been completed, and (ii) the building may be occupied for its intended use.

Cities shall mean collectively the Cities of Apopka, Bay Lake, Belle Isle, Edgewood, Lake Buena Vista, Maitland, Ocoee, Orlando, Winter Garden, Winter Park and the Towns of Eatonville, Oakland and Windermere.

City attorney shall mean the person appointed by a city commission to serve as its counsel, or the designee of such person.

City commission shall mean the governing body of each of the cities.

Comprehensive plan shall mean the comprehensive plan of the county adopted and amended pursuant to chapter 163, part II, Florida Statutes, as amended and supplemented, or its successor in function.

County shall mean Orange County, a charter county and a political subdivision of the State of Florida.

County attorney shall mean the person appointed by the board of county commissioners to serve as its counsel, or the designee of such person.

County facilities constructed for nonproprietary governmental purposes shall mean facilities constructed by or for the county to be used for governmental purposes, but shall exclude Orange County Utilities Department and Orange County Convention Center Facilities.

Development permit shall mean any building permit, zoning approval, subdivision approval, rezoning, development order, special exception, variance, or any other official action of local government having the effect of permitting the development of land.

112 *Duplex* shall mean a building with two (2) dwelling units
which has two (2) kitchens and is designed for or occupied
114 exclusively by two (2) families. The units of a duplex must be
connected by a common wall.

116 *Dwelling unit* shall mean a building, or a portion thereof,
which is designed for residential occupancy, consisting of one (1)
118 or more rooms which are arranged, designed or used as living
quarters for one (1) family only, but excluding "time-share estates"
120 and "time-share licenses" as defined in chapter 721, Florida
Statutes; "student housing" as defined in section 38-1, Orange
122 County Code; or "housing for older persons" as further defined in
section 23-161(6), Orange County Code.

124 *Educational facilities* shall mean the buildings and
equipment, structures, and special educational use areas that are
126 built, installed or established to serve primarily educational
purposes and which may lawfully be used as authorized by the
Florida Statutes and approved by the school board.

128 *Educational plant* shall mean the educational facilities, site,
and site improvements necessary to accommodate students,
130 faculty, administrators, staff and the activities of the educational
program of each plant, and shall include both the educational and
132 auxiliary facilities but shall not include modular or portable
classrooms.

134 *Encumbered* shall mean moneys committed by contract or
purchase order in a manner that obligates the county, the city or the
136 school board to expend the encumbered moneys upon delivery of
goods, the rendering of services or the conveyance of real property
138 by a vendor, supplier, contractor or owner.

140 *High rise* shall mean a residential project with a minimum
density of 70 dwelling units per acre, that contains an attached
parking structure, and that is a minimum of seven (7) stories in
142 height (height may include the parking structure).

144 *Impact fee* or *school impact fee* shall mean the fee imposed
pursuant to section 23-141 of this article.

146 *Impact fee study* shall mean the study adopted pursuant to
section 23-1242, Orange County Code.

148 *M.A.I. appraiser* shall mean a member of the American
Institute of Real Estate Appraisers.

150 *Mobile home* shall mean a structure transportable in one (1)
152 or more sections, which structure is eight (8) body feet or more in
154 width and over thirty-five (35) feet in length, and which structure
156 is built on an integral chassis and designed to be used as a dwelling
 when connected to the required utilities, and includes the
 plumbing, heating, air conditioning and electrical systems
 contained therein.

158 *Multifamily dwelling unit* shall mean a dwelling unit
159 located in a building or a portion of a building (including, but not
160 limited to ~~accessory dwelling units~~, apartments, duplexes,
162 triplexes, quadraplexes, and condominiums), regardless of form of
164 ownership, which building contains more than one (1) dwelling
 unit designed for occupancy by a single family, and such dwelling
 units are customarily offered for rent on a monthly basis, generally
 for a minimum six-month lease period.

166 *Owner* shall mean the person holding legal title to the real
 property upon which residential construction is to be built.

168 *Person* shall mean an individual, a corporation, a
 partnership, an incorporated association or any other similar entity.

170 *Public schools* shall mean all kindergarten classes;
172 elementary, middle and high school grades and special classes; and
 all adult, part-time, vocational and evening schools, courses or
 classes operated by law under the control of the school board.

174 *Quadraplex* shall mean a building with four (4) dwelling
176 units which has four (4) kitchens and is designed for or occupied
 exclusively by four (4) families. Each unit of a quadraplex must be
 connected by a common wall.

178 *Residential* means multifamily dwelling units, mobile
 homes, townhouses, or single-family detached houses.

180 *Residential construction* shall mean land development
 designed or intended to permit more dwelling units than the
 existing use or nonuse of land contains.

182 *School board* shall mean the School Board of Orange
184 County, Florida, which is the governing body of the School
 District of Orange County, Florida.

186 *School board attorney* shall mean the person appointed by
 the school board to serve as its counsel, or the designee of such
 person.

188 *School impact fee trust account* shall mean the separate
190 trust account created pursuant to section 23-143, Orange County
Code.

192 *School system* shall mean the educational and ancillary
plants which are used to provide instruction within the public
schools or the administrative or support activities related thereto.

194 *Single-family detached house* shall mean a dwelling unit on
196 an individual lot, including detached houses on lots less than fifty
(50) feet wide, such as zero lot line homes and manufactured
homes.

198 *Student housing* shall mean any multi-family development
200 or portion thereof where the dwelling units are designed and
constructed as three (3) or more bedrooms with three (3) or more
202 bathrooms which is marketed and/or rented to students attending a
local college, university, community college, or private school, or
204 any multi-family development or portion thereof comprised of
dwelling units consisting of three (3) or more bedrooms and less
206 than three (3) bathrooms where the bedrooms are leased separately
which is marketed and/or rented to students attending a local
college, university, community college, or private school.

208 *Student occupant station* shall mean the area necessary for
210 a student to engage in educational activities, excluding ancillary
and auxiliary spaces.

212 *Superintendent* shall mean the chief administrative officer
of the public schools as appointed by the school board or the
designee of such person.

214 *Time-share property* shall mean the facilities and
216 accommodations offered in a time-share plan that are classified as
time-share estates and time-share licenses as those terms are
defined in F.S. ch. 721 (2006).

218 *Townhouse* shall mean a self-contained dwelling which is
220 designed and constructed so that the unit and the lot on which it is
located may be individually owned. Townhouse units are separated
222 by fireproof and soundproof walls and are designed to provide
privacy.

224 *Triplex* shall mean a building with three (3) dwelling units
226 which has three (3) kitchens and is designed for or occupied
exclusively by three (3) families. Each unit of a triplex must be
connected by a common wall.

228 ~~Workforce housing shall mean housing as described in~~
~~section 23-163 hereof and defined in Orange County~~
230 Administrative Regulation 4.08, as may be amended from time to
time.

Sec. 23-122. Findings.

232 It is hereby ascertained, determined and declared that:

234 (1) In ~~2012~~2020, at the request of the school board, the
236 board amended a school impact fee ordinance which, prior to the
~~2016~~2020 revisions, reflected school impact fees in the amounts of
238 ~~six eight thousand five seven hundred twenty five~~eighty-four
dollars (~~\$6,5258,784.00~~) for single-family houses, ~~three five~~
240 thousand nine hundred ~~twenty one~~ nineteen dollars
~~(\$3,9215,919.00)~~ for multifamily units (which included
242 ~~townhouses~~high-rises at the time), six thousand nine hundred thirty
dollars (\$6,930) for townhouses, and ~~four six thousand three~~
~~hundred forty five~~eighty-eight dollars (~~\$4,3456,088.00~~) for mobile
homes.

244 (2) The school board has adopted a resolution which
246 requests the county to adopt a revised school impact fee which
248 requires future residential construction to contribute its fair share
of the cost of capital improvements to the school system which are
necessary to accommodate such growth. The revised impact fee
will reflect the capital costs for the school system.

250 (3) The school board has determined that ad valorem
252 tax revenue and other revenues will not be sufficient to provide the
capital improvements to the school system which are necessary to
accommodate such growth.

254 (4) Pursuant to section 1013.33(1), Florida Statutes, the
256 school board and the board of county commissioners should
coordinate the planning of educational facilities with proposed
residential development.

258 (5) Florida ~~States~~Statutes § 163.3177 requires the
260 county to adopt a comprehensive plan containing a capital
262 improvements element which considers the need and location of
public facilities within its areas of jurisdiction and the projected
264 revenue source which will be utilized to fund these facilities.
Furthermore, pursuant to F.S. § 163.3177 in 1997, the board
266 adopted a "public school facilities element" as part of the county's
comprehensive plan, and goal no. 4 of the element contains
policies calling for review and updating of the school impact fee.

268 (6) Section 23-167, Orange County Code, requires that
this article and the impact fee study be reviewed and completed at
least once every four (4) years.

270 (7) Section 1013.35, Florida Statutes, requires the
272 school board to annually adopt an educational facilities plan which
includes as a component a five-year financially feasible district
274 facilities work program, a copy of which the school board submits
annually to the board.

(8) The implementation of an updated school impact
276 fee to require future growth to contribute its fair share of the cost
of growth-necessitated capital improvements to the school system
278 promotes the general welfare of the citizens of Orange County.
Providing for education facilities that are adequate for the needs of
280 growth promotes the general welfare of all county residents and
constitutes a public purpose.

282 (9) The projected capital improvements to the school
system and the allocation of projected costs between those
284 necessary to serve existing development and those required to
accommodate the educational needs of future residential
286 construction as presented in the study entitled "Orange County
Public Schools School Impact Fee Update Study Update-Final
288 Report" dated ~~February 5, 2016~~ September 18, 2020, is hereby
approved and adopted by the county, and such study is found to be
290 based on the most recent and localized data and to be consistent
with the comprehensive plan of the county and with the
292 requirements of F.S. § 163.31801.

(10) Administrative charges for the collection of school
294 impact fees shall be calculated consistent with applicable state law,
including section 163.31801(3)(c), Florida Statutes.

296 (11) Interlocal agreements have been entered into
between the county, the school board and the cities to assist in the
298 implementation of the school impact fee within all areas of the
county. The interlocal agreements provide for the collection and
300 administration of the school impact fee throughout the county.

(12) The establishment of a school impact fee is
302 consistent with the comprehensive plan and is specifically found to
serve a county purpose.

304 (13) The State of Florida has not provided adequate
funding for necessary school system capital improvements. The
306 county, by the adoption of this article, does not intend to explicitly

308 or implicitly assume any portion of the responsibilities of the State
310 of Florida to provide for the school system, but only seeks to
312 temporarily assist in funding those growth-necessitated capital
improvements which have not been provided for by the state. The
county expects the state to meet its obligations to the citizens of
Orange County fully and to reestablish adequate funding of the
school system.

314 (14) Within a four-year period from the effective date of
| the ~~2016~~2020 revisions to this article, this article will be subject to
316 review pursuant to section 23-167, Orange County Code.

318 (15) This article will be subject to repeal by a majority
vote of the board should any of the following occur:

320 a. The state alters its funding level to the
school board as a result of this school impact fee article; or

322 b. The school board substantially redistributes
and/or reallocates any impact fees funds collected pursuant to
324 section 23-141(c), Orange County Code, for growth-necessitated
capital expenditures to operating expenses or nongrowth-
necessitated capital improvements; or

326 c. The school board fails to maintain the
328 maximum discretionary millage allowed by section 1011.71(2),
Florida Statutes, as adjusted pursuant to section 1011.715, Florida
330 Statutes, as a condition of the approval by the electors of a half
(0.5) percent school surtax for capital improvements pursuant to
section 212.055(6), Florida Statutes.

332 (16) The county acknowledges that there are deficiencies
334 in the school system capital improvements which will be addressed
by the school board with revenues other than school impact fees.

336 (17) The board has considered the short-term and long-
term public and private costs and benefits of the proposed school
338 impact fee ordinance and school impact fee study and has
determined that sufficient information has been provided to enable
340 the board to act. Therefore, the proposed ordinance need not be
submitted to any additional advisory boards, nor shall an economic
justification study be required, except as otherwise set forth herein.

342 **Sec. 23-123. Rules of construction.**

344 For the purposes of the administration and enforcement of
this article, unless otherwise stated in this article, the following
rules of construction shall apply:

346 (1) In the case of any difference of meaning or
implication between the text of this article and any caption,
348 illustration, summary table or illustrative table, the text shall
control.

350 (2) The word "shall" is always mandatory and not
discretionary, and the word "may" is permissive.

352 (3) Words used in the present tense shall include the
future; words used in the singular shall include the plural and the
354 plural the singular, unless the context clearly indicates the
contrary; and use of the masculine gender shall include the
356 feminine gender.

358 (4) The phrase "used for" includes "arranged for,"
"designed for," "maintained for," or "occupied for."

360 (5) Unless the context clearly indicates the contrary,
where a regulation involves two (2) or more items, conditions,
provisions, or events connected by the conjunction "and," "or" or
362 "either ... or," the conjunction shall be interpreted as follows:

364 a. "And" indicates that all the connected terms,
conditions, provisions, or events shall apply.

366 b. "Or" indicates that the connected items,
conditions, provisions, or events shall apply singly or in any
combination.

368 c. "Either ... or" indicates that the connected
items, conditions, provisions, or events shall apply singly but not
370 in combination.

372 (6) The word "includes" shall not limit a term to the
specific examples but is intended to extend its meaning to all other
instances or circumstances of like kind or character.

374 (7) All time periods contained within this article shall
be calculated on a calendar day basis, including Sundays and legal
376 holidays, but excluding the date of the earliest effective date of
service of such notice of impact fee statement or the date of the
378 school board's decision in the event of an appeal.

Sec. 23-124. - Adoption of impact fee study.

380 The board hereby adopts and incorporates by reference the
study entitled "Orange County Public Schools School Impact Fee

Update Study Update—Final Report" dated ~~February 5,~~
~~2016~~September 18, 2020.

Secs. 23-125—23-140. Reserved.

**DIVISION 2
SCHOOL IMPACT FEES**

Sec. 23-141. Imposition.

(a) Except to the extent exempted by general or special law, or as otherwise set forth herein, all residential construction occurring within the county, both within the unincorporated area and within the municipal boundaries of the cities, for which a building permit is issued subsequent to the effective date of this article, shall pay the school impact fee.

(b) ~~Effective from May 16, 2016, until September 30, 2016, a~~All residential construction occurring within the county, for which building permits are issued on and before July 3, 2021, within the unincorporated area and the boundaries of the various municipalities, shall pay the following school impact fee:

- (1) Single-family detached house (per dwelling unit)
~~\$8,784.00~~\$6,525.00
- (2) Multifamily dwelling unit ~~and townhouse~~
(per dwelling unit)
.....~~\$3,921.00~~\$5,919.00
- (3) Townhouse dwelling unit (per dwelling unit).....\$6,930.00
- (~~3~~4) Mobile home (per dwelling unit)
~~\$4,345.00~~\$6,088.00

(c) ~~Effective from October 1, 2016, until December 31, 2016, a~~All residential construction occurring within the county, for which building permits are issued on and after July 4, 2021, within the unincorporated area and the boundaries of the various municipalities, shall pay the following school impact fee:



School Impact Fee Schedule

Land Use Type	Impact Fee
Single Family Detached <2,000 sq. ft.*	\$7,655,008,829.00
Single Family Detached 2,000 – 2,499 sq. ft.*	<u>9,513.00</u>
Single Family Detached 2,500 – 2,999 sq. ft.*	<u>11,402.00</u>
Single Family Detached 3,000 – 3,999 sq. ft.*	<u>12,015.00</u>
Single Family Detached >= 4,000 sq. ft.*	<u>9,584.00</u>
<u>Multi-family (High Rise)</u>	<u>307.00</u>
Multi-family (Non High Rise)	4,9206,751.00
Townhouse	5,4268,805.00
Mobile Home	5,21710,387.00

418 * square footage shall include the heated / cooled living area



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School Impact Fee Schedule

Land Use Type	Impact Fee
Single Family Detached <2,000 sq. ft.*	\$7,655,009,480.00
Single Family Detached 2,000 – 2,499 sq. ft.*	<u>10,215.00</u>
Single Family Detached 2,500 – 2,999 sq. ft.*	<u>12,243.00</u>
Single Family Detached 3,000 – 3,999 sq. ft.*	<u>12,902.00</u>
Single Family Detached >= 4,000 sq. ft.*	<u>10,291.00</u>
<u>Multi-family (High Rise)</u>	<u>330.00</u>
Multi-family (Non High Rise)	4,9207,250.00
Townhouse	5,4269,455.00
Mobile Home	5,21711,153.00

* square footage shall include the heated / cooled living area

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~~Effective January 1, 2017, all residential construction occurring within the county, for which building permits are issued within the unincorporated area and the boundaries of the various municipalities, shall pay the following school impact fee:~~

School Impact Fee Schedule

Land Use Type	Impact Fee
Single Family Detached	\$8,784.00
Multi-family	5,919.00
Townhouse	6,930.00
Mobile Home	6,088.00

428 (The school impact fee schedule set forth in this subsection (c) was originally temporarily adopted pursuant to
 430 Section 5 of Ordinance Number 2011-04, effective May 13, 2011, and became permanent pursuant to Section 2 of
 Ordinance Number 2011-05, effective June 10, 2011.)

Sec. 23-142. - Payment.

432 (a) Except as otherwise provided in this
 434 article, prior to the issuance of a building permit for multi-
 family residential (with the exception of duplexes) or
 436 townhouse construction, an applicant shall pay the school
 impact fee as set forth in section 23-141, Orange County
 438 Code. However, for single-family detached homes or
 duplexes, the applicant may elect to pay the applicable fee
 no later than immediately prior to the issuance of the
 440 certificate of occupancy.

442 (1) If the residential construction is
 located within the unincorporated area of the county, or
 444 within the municipal boundaries of a city in which the
 county has taken responsibility for the issuance of building
 permits, the school impact fee shall be paid to and collected
 446 by the county.

448 (2) If the residential construction is
 located within the municipal boundaries of a city, the
 school impact fee shall be paid to and collected by that city.

450 (b) Any school impact fee collected by the
 452 county or by a city shall be held by them separate and
 distinct from all other revenues and shall be transferred at
 454 least quarterly to the school board for deposit in the school
 impact fee trust account.

456 (c) The payment of the school impact fee shall
 be in addition to all other fees, charges or assessments due
 458 for the issuance of a building permit and the subsequent
 certificate of occupancy.

460 (d) The obligation of payment of the school
 impact fee shall run with the land.

462 (e) The impact of a development for which the
463 county received a legally sufficient application prior to
464 January 1, 2021, shall be calculated at the impact fee rates
465 set forth in Section 23-141(b) hereof, the impact of all
466 other~~from the~~ development shall be calculated at the time
467 of issuance of the building permit. If the applicant for a
468 single-family or duplex home elects to pay the applicable
469 impact fee after the issuance of the building permit, but no
470 later than prior to the issuance of the certificate of
471 occupancy, the impact fee due shall be calculated to be the
472 fee due on the day of issuance of the building permit.

473 (f) The foregoing in this section 23-142
474 notwithstanding, for the period beginning August 3, 2020,
475 and ending July 30, 2021, payment of the school impact fee
476 may be made not later than when pre-power is authorized
477 for the first building, or prior to issuance of the first
478 certificate of occupancy, temporary or permanent,
479 whichever occurs earlier.

480 **Sec. 23-143. Use of monies.**

481 (a) School impact fees shall, upon receipt by the
482 school board, be deposited in a separate trust account
483 established and maintained by the school board. Such
484 account shall be designated as the "school impact fee trust
485 account" and shall be maintained separate and apart from
486 all other accounts of the school board.

487 (b) The monies deposited into the school impact
488 fee trust account shall be used solely for the purpose of
489 providing growth-necessitated capital improvements to
490 educational plants and ancillary plants of the school system
491 which are approved by the school board in its capital
492 improvements budget ~~consistent with the state school plant~~
493 ~~survey~~-including, but not limited to:

494 (1) Land acquisition, including any cost
495 of acquisition;

496 (2) Fees for professional services
497 including, but not limited to, architecture, engineering,
498 surveying, landscaping, soils and material testing, legal,
499 appraisals, building envelope, commissioning, auditing,
500 program management, and construction management;

(3) Design and construction documents;

502 (4) Site development, environmental
504 mitigation or remediation, ~~and~~ on-site and off-site
improvements, and infrastructure and roadways incidental
to the construction thereto;

506 (5) Any permitting or application fees
necessary for the construction;

508 (6) Design and construction of
educational plants and ancillary plants;

510 (7) Design and construction of drainage
512 facilities required by the construction of educational plants
and ancillary plants or improvements thereto;

514 (8) Installation or ~~R~~relocation of on-site
and off-site utilities required by the construction of
516 educational plants and ancillary plants or improvements or
additions thereto;

518 (9) Acquisition of furniture, fixtures,
vehicles, ~~and~~ equipment, technology, curriculum items, and
520 moving costs necessary to accommodate students, faculty,
administrators, staff and the activities of the educational
522 programs and services at educational plants which are
necessitated by growth;

524 (10) Repayment of monies borrowed
from any budgetary fund of the county, the cities or the
526 school board subsequent to the effective date of this article,
which were used to fund growth-necessitated capital
528 improvements to the educational plants or ancillary plants
as provided herein, provided, however, that the intent of
530 this provision is not to allow the use of impact fees as a
pledge for any bonds; and

532 (11) Payment of principal and interest,
necessary reserves and costs of issuance under any bonds
534 or other indebtedness issued by the county, the cities or
school board to fund growth-necessitated improvements
536 and additions to the school system subsequent to the
effective date of this article, provided, however, that the
538 intent of this provision is not to allow the use of impact fees
as a pledge for any such bonds.

540 (c) The moneys deposited into the school
541 impact fee trust account shall be used solely to provide
542 capital improvements to the school system as necessitated
by growth and shall not be used for any expenditure that
would be classified as a maintenance or repair expense.

544 (d) Any school impact fee funds on deposit
545 which are not immediately necessary for expenditure shall
546 be invested by the school board. All income derived from
such investments shall be deposited into the school impact
548 fee trust account and used as provided herein.

550 (e) The impact fees collected pursuant to this
551 article shall be returned to the then current owner of the
552 property on behalf of which such fee was paid, if such fees
553 have not been expended or encumbered prior to the end of
554 the fiscal year immediately following the sixth anniversary
of the date upon which such fees were paid. Refunds shall
be made only in accordance with the following procedure:

556 (1) The then present owner shall petition
557 the school board for the refund within one (1) year
558 following the end of the calendar quarter immediately
559 following five (5) years from the date on which the fee was
560 received.

562 (2) The petition for refund shall be
submitted to the superintendent and shall contain:

564 a. A notarized sworn statement
that the petitioner is the present owner of the property on
behalf of which the impact fee was paid;

566 b. A copy of the deed certified
567 by a title company to be the latest recorded deed or a copy
568 of the most recent ad valorem tax bill.

570 (3) Within three (3) months from the
571 date of receipt of a petition for refund, the superintendent
572 will advise the petitioner and the school board of the status
573 of the impact fee requested for refund, and if such impact
574 fee has not been expended or encumbered within the
applicable time period, then it shall be returned to the
petitioner, with interest paid at the rate of six (6) percent
576 per annum, or the average net interest rate earned by the
school board in the school impact fee trust account during
578 the time such refunded impact fee was on deposit,

580 whichever is less. For the purposes of this section, fees
collected shall be deemed to be spent or encumbered on the
basis of the first fee in shall be the first fee out.

582 (f) In the event that a building permit, issued
for residential construction, expires or otherwise becomes
584 invalid prior to completion of the residential construction
for which it was issued and for which a school impact fee
586 was paid, the applicant may, within one hundred twenty
(120) days of the expiration or invalidity of the building
588 permit, apply for a refund of the school impact fee. Failure
to timely apply for a refund of the school impact fee shall
590 waive any right to a refund.

592 (1) The application for refund shall be
filed with the local government that issued the subject
building permit, with a copy to the superintendent, and
594 contain the following:

596 a. The name and address of the
applicant;

598 b. The location of the property
which was the subject of the building permit;

600 c. The date the school impact
fee was paid;

602 d. A copy of the receipt of
payment for the school impact fee; and

604 e. The date the building permit
was issued and the date of expiration or that it was declared
invalid.

606 (2) After verifying that the building
permit has expired or become invalid and that the
608 residential construction has not been completed, the
governing entity holding such fee shall refund it. The
610 school board and one or more municipalities may, by
separate agreement, modify the process for issuance of
612 impact fee refunds.

614 (3) A building permit which is
subsequently issued for residential construction on the
same property which was the subject of a refund shall pay
616 the school impact fee based on the rate effective as of the

618 date of the subsequently pulled building permit as required
herein.

Sec. 23-144. Alternative school impact fee calculation.

620 (a) In the event an applicant believes that the
622 impact to the school system necessitated by residential
624 construction is less than established in the "Orange County
Public Schools School Impact Fee ~~Update Study Update~~
Final Report" dated ~~February 5, 2016~~ September 18, 2020,
626 such applicant may, at no cost to the County and prior to
issuance of a building permit for such residential
628 construction, submit a calculation of an alternative school
impact fee to the County Administrator or a designee.
Consistent with the Florida case law requirements for a
630 valid school impact fee and the mandate for the provision
of a uniform system of free public schools in Article IX,
632 section 1, Florida Constitution, any determination of a
lesser impact to the school system created by residential
634 construction under the alternative school impact fee
calculation process provided in this subsection shall not be
636 based on the projected or current use of the residential
project but shall be based on a consideration that the
638 permanent physical characteristics or limitations of the
specific residential development proposed will generate
640 fewer students initially and during their useful life than the
student generation assumptions utilized in the impact fee
642 study.

644 (b) The alternative school impact fee
calculations shall be calculated for that land use type
646 analyzed within Orange County and shall be based on data,
information or assumptions contained in this article and
impact fee study, or an independent source, provided that:

648 (1) The independent source is a
generally accepted standard source of demographic and
650 education planning; or

652 (2) The independent source is a local
study supported by a database adequate for the conclusion
654 contained in such study and performed pursuant to a
generally accepted methodology of education planning.

656 (3) If a previous residential construction
project has submitted a local study consistent with the
criteria required herein, and if, after consultation with the

658 superintendent and the city or cities wherein the residential
660 construction is located such study is determined by the
662 county to be current, the impact upon the school system as
664 described in such prior local study shall be presumed to
666 exist for other similar residential construction. In such
circumstances, the alternative school impact fee shall be
established to reflect the impact upon the school system as
described in the prior local study. There shall be a
rebuttable presumption that an alternative impact fee study
conducted more than three (3) years earlier is invalid.

668 (c) The proposed alternative school impact fee
| shall be submitted to the Impact Fee Committee~~county~~
670 which, after consultation with the superintendent and any
applicable municipality, shall review the calculations and
672 mail a written determination to the applicant within sixty
(60) calendar days of submittal as to whether such
674 calculation complies with the requirements of this section.

| (d) If the ~~county~~Impact Fee Committee, after
676 consultation with the superintendent and any applicable
municipality, determines that the data, information and
678 assumptions utilized by the applicant to calculate the
alternative school impact fee comply with the requirements
680 of this section and that the calculation of the alternative
school impact fee is by a generally accepted methodology,
682 then the applicant may propose to enter into an alternative
impact fee agreement with the county designed to establish
684 an alternative school impact fee appropriate to the
circumstances of the specific proposed development in lieu
686 of the fee set forth in section 23-141, Orange County Code.

| (e) If the ~~county~~Impact Fee Committee, after
688 consultation with the superintendent and any applicable
municipality, determines that the data, information and
690 assumptions utilized by the applicant to calculate the
alternative school impact fee do not comply with the
692 requirements of this section, or that the calculation of the
alternative school impact fee was not made by a generally
694 accepted methodology, then the alternative school impact
fee shall be rejected. Such rejection shall be in writing and
696 set forth the reasons for such rejection, and shall be
provided to the applicant by certified mail. The applicant
698 shall have thirty (30) calendar days from the mailing date
of the written notification of rejection to request an appeal
700 of the rejection pursuant to the provisions of this
subsection.

702 (f) An applicant may appeal a determination of
703 rejection by the County's Impact Fee Committee by filing a
704 written request for appeal, along with payment of a
705 nonrefundable processing fee with the county's
706 development review committee (DRC) within thirty (30)
707 calendar days from the mailing date of the written notice of
708 rejection. If the request for appeal is not filed with DRC
709 within the thirty-day period, the applicant waives all rights
710 to appeal the determination to the board. The DRC will
711 consider the appeal at a regularly scheduled DRC meeting
712 within thirty (30) days from the time the applicant files the
713 appeal and pays the processing fee. If the DRC upholds the
714 rejection, the applicant may appeal the rejection to the
715 board within thirty (30) days of the DRC's decision by
716 filing a written request with the DRC. The DRC shall
717 advise the applicant in writing of the date and time of the
718 hearing before the board of county commissioners. If the
719 DRC determines that the data, information and assumptions
720 utilized by the applicant to calculate the alternative school
721 impact fee complied with the requirements of the section,
722 then the DRC shall refer the applicant to the appropriate
723 county staff to schedule the applicant's proposed alternative
724 school impact fee agreement for consideration by the
725 board.

726 (g) Any applicant or owner who submits a
727 proposed alternative school impact fee pursuant to this
728 section and desires the immediate issuance of a building
729 permit shall pay, prior to the issuance of the building
730 permit, the applicable school impact fee pursuant to section
731 23-141, Orange County Code. Such payment shall be paid
732 to the county or any applicable municipality and shall be
733 noted in writing as "paid under protest" and shall not be
734 construed as a waiver of any review rights. Any difference
735 between the amount paid and the amount due, as
736 determined by the county or applicable municipality, shall
737 be refunded to the applicant or owner by the governmental
738 entity holding the funds. The county, any applicable
739 municipality, or school board shall not pay interest on the
740 funds paid under protest and subsequently refunded unless
741 interest has been earned on such funds.

742 **Sec. 23-145. Presumptions, agreements and security**
743 **requirements.**

744 (a) *Presumption of impacts.* The proposed
development shall be presumed to generate the maximum

746 number of students by the most intensive residential use
748 permitted under the applicable land-development
regulations such as the comprehensive plan or zoning
ordinances or under applicable deed or plat restrictions.

750 (b) *Alternative school impact fee agreement.*

752 (1) In lieu of the payment of school
754 impact fees as set forth in section 23-141, Orange County
756 Code, any applicant may propose to enter into an
758 agreement with the county designed to establish just and
equitable fees appropriate to the permanent physical
characteristics or limitations of the specific residential
development proposed. Such an agreement may include,
but shall not be limited to, provisions that:

760 a. Modify the presumption of
762 maximum impact set forth in subsection (a) and provide an
764 alternative school impact fee calculation as provided for in
766 section 23-144, Orange County Code, provided that the
agreement shall establish legally enforceable means for
ensuring that the number of school-age children residing in
the development will not exceed the number as determined
by the alternative school impact fee calculation; or

768 b. Provide for the conveyance
of land for and/or the construction of specific school
770 facilities in lieu of payment of or with credit against the
school impact fees assessable to the development; or

772 c. Establish a schedule and
774 method for payment of the school impact fees in a manner
776 appropriate to the particular circumstances of the proposed
778 development in lieu of the requirements for payment of the
school impact fees as set forth in section 23-141, Orange
County Code, provided that security is posted ensuring
payment of the fees in a form acceptable to the county and
the school board; and

780 d. Provide that the school board
782 is a third party beneficiary to the alternative school impact
fee agreement, or, where appropriate, the school board may
be a party to the agreement.

784 (2) Any agreement proposed by an
applicant pursuant to this subsection must be presented to
and approved by the board prior to the issuance of a

786 building permit. Any such agreement may provide for
788 execution by mortgagees, lienholders, or contract
790 purchasers in addition to the landowner, and may permit
792 any party to record such agreement in the public records of
794 the county. The board may approve such an agreement only
if it finds that the agreement will be consistent with the
Florida law requirements for a valid school impact fee and
the Florida constitutional mandate for the provision of a
uniform system of free public schools.

Secs. 23-146—23-160. Reserved.

796

DIVISION 3

798

MISCELLANEOUS PROVISIONS

Sec. 23-161. Exemptions.

800

The following shall be exempted from payment of
the impact fees:

802

(1) Alterations or expansion of an
existing dwelling unit where no additional dwelling units
are created and the expanded unit remained within the same
size tier, as applicable, in the fee schedule.

804

806

(2) The construction of accessory
~~buildings or~~ structures which will not create additional
dwelling units.

808

810

(3) The replacement of a dwelling unit
where no additional dwelling units are created and where
the replacement dwelling unit is located on the same lot,
provided the original dwelling unit was located on the site
as of January 1, 1993, or thereafter. If the type of dwelling
unit is different from the original dwelling unit type, or size
in the case of single family homes, the exemption shall be
limited to the equivalent fee for the original dwelling unit.
Documentation of the existence of the original dwelling
unit must be submitted to the concurrency management
official.

812

814

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818

820

(4) The issuance of a tie-down permit
for a mobile home on which the applicable school impact
fee has previously been paid for the lot upon which the
mobile home is to be situated.

822

824 (5) Government-owned residential
construction.

826 (6) Senior housing that prohibits
828 permanent residence (longer than 90 days) by persons
830 under the age of eighteen (18) by recorded deed restriction,
832 recorded declaration of covenants and restrictions, recorded
834 plat restrictions, or other restrictions provided by law, and
836 which qualifies as one of the three (3) types of communities
838 designed for older persons as "housing for older persons" in
840 the Housing for Older Persons Act, 42 U.S.C. § 3607(b).
842 This exemption shall be applied in conformity with the
844 principles set forth in *Volusia County v. Aberdeen at
Ormond Beach, L.P.*, 760 So. 2d., 126 (Fla. 2000).
846 Provided, however, that any senior housing community or
848 dwelling unit that loses its qualification as housing for
older persons or that allows permanent occupancy by
persons under the age of eighteen (18) may be required to
pay the school impact fee in effect at the time of the loss of
the qualification as housing for older persons or the
permanent occupancy by persons under the age of eighteen
(18). Collection of school impact fees at the time shall be
pursuant to the remedial collection methods set forth in
section 23-164, Orange County Code. Permanent
occupancy by a person under the age of eighteen (18) may
be determined by the school district by a student's address
while enrolled in public school.

850 (7) Student housing, as defined herein.

852 (8) The construction of an accessory
854 dwelling unit as defined in section 38-1, Orange County
Code, ~~provided, however, that the living area of the
accessory dwelling unit does not exceed five hundred (500)
square feet.~~

856 (9) County facilities constructed for
nonproprietary governmental purposes.

858 (10) Notwithstanding that there may be
860 students generated by the use, any project that meets the
definition of "affordable" pursuant Section 163.31801(9).

862

864

Sec. 23-162. Changes in size and use.

866 Unless otherwise exempt under Section 23-161,
868 impact fees shall be imposed and calculated for the
870 alteration, expansion, or replacement of a building or
872 dwelling unit or the construction of an accessory
874 buildingstructure if the alteration, expansion, or
876 replacement of the building or dwelling unit or the
878 construction of an accessory buildingstructure results in a
land use determined to increase the number of dwelling
units. The impact fee imposed shall be the impact fee
imposed under the ordinance for the building, dwelling
unit, or accessory buildingstructure after construction,
alteration, expansion, or replacement, less the impact fee
that would be imposed for the dwelling unit type prior to
such alteration, expansion, replacement, or construction.

880 **Sec. 23-163. Workforce and affordable housing.**

882 Any single-family residential unit, multifamily
884 dwelling unit, or townhouse, within a project that has been
886 certified as workforce or affordable housing by the Orange
888 County Housing and Community Development Division or
the City of Orlando may be eligible for financial incentives
to help offset school impact fees. A housing unit that is
granted incentives under this section to help offset school
impact fees shall remain affordable.

890 For purposes of this section, the terms
892 "affordable," "low income," "very low income," and
"workforce housing" shall be as defined in Orange County
Administrative Regulation 4.08, as it may be amended from
time to time.

894 The board ~~shall~~ may amend Administrative
896 Regulation 4.08 as may be necessary to implement this
898 section and to ensure that a housing unit that is granted
incentives by Orange County to help offset school impact
fees remains affordable.

Sec. 23-164. Remedial collection methods.

900 In the event the school impact fee is not paid prior
902 to the issuance of a building permit for the affected
904 residential construction, the school impact fee shall be
collected as set forth below, unless otherwise exempted
pursuant to this article. The county or the city collecting the

906 impact fee shall forward notice of such delinquency upon
908 discovery of such delinquency. The following procedure is
remedial in nature and is not intended to be an alternative
collection method.

910 (1) If a certificate of occupancy has not been
912 issued for the residential construction, then the school
impact fee shall be paid prior to the issuance of the
certificate of occupancy.

914 (2) If a certificate of occupancy has previously
916 been issued, the superintendent shall serve, by certified
918 mail, return receipt requested, a "notice of impact fee
920 statement" upon the applicant at the address set forth in the
922 application for a building permit, and the owner at the
924 address appearing on the most recent records maintained by
the property appraiser of the county. Service shall be
deemed effective on the date the return receipt indicates the
notice was received by either the applicant or the owner,
whichever occurs first. The "notice of impact fee
statement" shall contain the legal description of the
property and shall advise the applicant and the owner as
follows:

926 a. The amount due and the general
purpose for which the school impact fee was imposed;

928 b. That a hearing pursuant to
930 section 23-166, Orange County Code, may be requested
932 within thirty (30) calendar days from the effective date of
service of the notice of impact fee statement, by making
application to the superintendent;

934 c. That the school impact fee
936 shall be delinquent if not paid within thirty (30) calendar
938 days of the effective date of service of the notice of impact
940 fee statement unless a hearing is requested pursuant to
section 23-166, Orange County Code, and, upon becoming
delinquent, shall be subject to the imposition of a
delinquent fee and interest on the unpaid amount until paid;
and

942 d. That in the event the school
944 impact fee becomes delinquent, a lien against the property
for which the building permit was issued shall be recorded
in the official records book of the county.

946 (3) The school impact fee shall be
delinquent if, within thirty (30) calendar days from the
948 effective date of service of the notice of impact fee
statement, the impact fees have not been paid, or a review
950 hearing has not been requested pursuant to section 23-166,
Orange County Code. In the event a hearing is requested
952 pursuant to section 23-166, the impact fees shall become
delinquent if not paid within thirty (30) days from the date
954 the school board determines the amount of impact fees due
upon the conclusion of such hearing. In the event the due
956 date falls on a Sunday or legal holiday, the last due date
prior to becoming delinquent shall be the next business day.
958 Upon becoming delinquent, a delinquency fee equal to ten
(10) percent of the total impact fees imposed shall be
960 assessed. Such total impact fees, plus delinquency fee, shall
bear interest at the statutory rate for final judgments
calculated on a calendar day basis, until paid.

962 (4) Should the school impact fee become
delinquent as set forth in subsection (3), the county or city
964 collecting the impact fee shall notify the superintendent of
the need to file a lien. The superintendent shall serve by
966 certified mail, return receipt requested, a "notice of lien"
upon the delinquent applicant at the address indicated in the
968 application for the building permit, and upon the delinquent
owner at the address appearing on the most recent records
970 maintained by the property appraiser of the county. The
notice of lien shall notify the applicant and owner that, due
972 to their failure to pay the school impact fee, the
superintendent shall file a claim of lien with the clerk of the
974 circuit court.

976 (5) Upon mailing of the notice of lien,
the superintendent shall file a claim of lien with the clerk of
the circuit court for recording in the official records of the
978 county. The claim of lien shall contain the legal description
of the property, the amount of the delinquent impact fees
980 and the date of their imposition. Once recorded, the claim
of lien shall constitute a lien against the property described
982 therein. The superintendent shall proceed expeditiously to
collect, foreclose or otherwise enforce such lien.

984 (6) After the expiration of one (1) year
from the date of recording of the claim of lien, as provided
986 herein, a suit may be filed to foreclose such lien. Such
foreclosure proceedings shall be instituted, conducted and
988 enforced in conformity with the procedures for the

990 foreclosure of municipal special assessment liens, as set
991 forth in F.S. ch. 173, which provisions are hereby
992 incorporated herein in their entirety to the same extent as if
such provisions were set forth herein verbatim.

994 (7) The liens for delinquent impact fees
995 imposed hereunder shall remain liens, coequal with the
996 liens of all state, county, district, and municipal taxes, and
superior in dignity to all other filed liens and claims.

998 (8) The collection and enforcement
999 procedures set forth in this section shall be cumulative
1000 with, supplemental to and in addition to any applicable
1001 procedures provided in any other statute, ordinance, code or
1002 regulation. Failure to follow the procedure set forth in this
section shall not constitute a waiver of any right to proceed
under any other applicable procedure.

1004 (9) Any residential construction which
1005 was previously determined to be exempt from the payment
1006 of school impact fees, but as a result of a change in
1007 circumstances now impacts upon the school system, shall
1008 pay the school impact fee imposed by section 23-141,
1009 Orange County Code. The procedures of this section may
1010 be utilized for the collection of such impact fee.

Sec. 23-165. School impact fee credits.

1012 (a) Subject to the terms and conditions of this
1013 section, a credit shall be granted against the school impact
1014 fee imposed by section 23-141, Orange County Code, for
1015 the conveyance of land, required pursuant to a development
1016 permit, or conveyed in connection with residential
1017 construction. Such conveyances shall be subject to the
1018 approval and acceptance of the school board, which
1019 approval and acceptance may be withheld at the sole
1020 discretion of the school board.

1022 (b) Prior to issuance of a building permit, the
1023 applicant shall submit a proposed plan to the school system.
The proposed plan shall include:

1024 (1) A description of the residential
1025 construction for which the plan is being submitted;

1026 (2) A legal description of any land
1027 proposed to be conveyed, and a written appraisal prepared
1028 in conformity with subsection (e) of this section;

1030 (3) A proposed time schedule for
completion of the proposed plan.

1032 (c) The proposed plan shall be filed with the
superintendent and reviewed by the school board at a
1034 regularly scheduled meeting or a special meeting. The
applicant or owner shall be provided with written notice of
1036 the time and place of the review. Such review shall be held
within forty-five (45) days of the date the proposed plan
was submitted.

1038 (d) At the review, the school board shall
determine:

1040 (1) If such proposed plan is in
conformity with contemplated improvements and additions
1042 to the school system;

1044 (2) If the proposed conveyance of land
by the applicant is consistent with the public interest; and is
developable in accordance with applicable federal, state,
1046 and local regulations, including school board criteria; and

1048 (3) If the proposed time schedule is
consistent with the capital improvement program for the
school system.

1050 The decision of the school board as to whether to
approve and accept the proposed plan for conveyance shall
1052 be in writing and issued within twenty (20) working days of
the review. A copy shall be provided to the applicant by
1054 certified mail. Upon the acceptance and approval of a
proposed plan, the school board shall determine the amount
1056 of credit based upon the value of the conveyance and shall
approve the timetable for completion of the plan.

1058 (e) The amount of developer contribution credit
to be applied for the conveyance of land shall be the value
1060 of the conveyed land as determined by an M.A.I. appraiser
who was selected and paid for by the applicant, and who
1062 used generally accepted appraisal techniques. For
conveyances required pursuant to a development permit,
1064 the date of valuation shall be the date of conveyance of the
site or the date the plan is proposed to the school system
1066 under subsection (b), whichever is earlier, unless the
developer and the school board agree otherwise. For
1068 voluntary conveyances, the date of valuation shall be as

1070 agreed by the developer and the school board. If the
1071 appraisal does not conform to the requirements of this
1072 article and the applicable administrative regulations, the
1073 appraisal shall be corrected and resubmitted. In the event
1074 the superintendent accepts the methodology of the appraisal
1075 but disagrees with the appraised value, he or she may
1076 engage another M.A.I. appraiser at his or her expense, and
1077 the value shall be an amount equal to the average of the two
1078 (2) appraisals. If either party does not accept the average of
1079 the two (2) appraisals, a third appraisal shall be obtained,
1080 with the cost of such third appraisal being shared equally
1081 by the school board and the property owner. The third
1082 appraiser shall be selected by the first two (2) appraisers,
and the appraisal of the third appraiser shall be binding on
both parties.

1084 (f) Credit for the conveyance of land shall be
1085 granted at such time as the property has been conveyed to
1086 and accepted by the school board. The administration of
1087 such school impact fee credit accounts shall be
1088 administered by the county or applicable city.

.090 (g) Any residential construction for which
1091 reservation of a public school site was required pursuant to
1092 section 34-155, Orange County Code, or pursuant to a city
1093 ordinance, may be entitled to school impact fee credits
1094 pursuant to a reservation agreement between the school
board and the property owner, provided that the reserved
site is developable in accordance with school board criteria.

1096 (h) Except in the case of a good faith mistake, if
1097 an applicant pays the impact fee when a credit could have
1098 been used, the applicant is not entitled to a refund for the
1099 impact fees paid.

1100 **Sec. 23-166. Reserved.**

1102 **Sec. 23-167. Review requirement.**

1104 (a) This article and the impact fee study shall be
1105 reviewed by the board, in consultation with the school
1106 board and municipalities, at least once every four (4) years.
1107 The initial and each subsequent review shall consider, but
1108 not be limited to, all components of the impact fee study
1109 accepted in section 23-124, Orange County Code. Such
1110 review shall also include a detailed analysis of the
economic impact of this article sufficient to comply with

1112 the requirements of F.S. § 163.31801. The purpose of this
1113 review is to demonstrate that this impact fee does not
1114 exceed reasonably anticipated costs associated with
1115 growth-necessitated capital improvements. In the event the
1116 review of the article and impact fee study required by this
1117 section alters or changes the assumptions, conclusions and
1118 findings of the "Orange County Public Schools School
1119 Impact Fee Update Study ~~Update~~ Final Report" dated
1120 ~~February 5, 2016~~ September 18, 2020, then such study shall
1121 be amended and updated to reflect the assumptions,
1122 conclusions and findings of such reviews and the impact
fee shall be amended in accordance therewith.

1124 (b) The board hereby establishes a School
1125 Impact Fee Advisory Committee, the purpose of which will
1126 be to recommend a methodology for performing the school
1127 impact fee study. Where practicable, such methodology
1128 should be consistent with the prior school impact fee. The
1129 advisory committee shall review the school impact fee
1130 study, update methodology where necessary to utilize the
1131 most accurate and recent local data, and may review the
1132 school impact fee ordinance and recommend revisions to it.
1133 The advisory committee will be comprised of seven (7)
1134 members: three (3) members selected by the school board
1135 and four (4) members selected by the county, one (1) of
1136 which will represent the interests of the Greater Orlando
Builders Association. Meetings will be coordinated and
supported by county staff.

1138 **Sec. 23-168. Annual report by superintendent.**

1140 Within ninety (90) days after the end of the school
1141 board's fiscal year, the superintendent shall deliver to both
1142 the board and the school board a report containing the
following information with respect to the fiscal year just
ended:

1144 (1) The amount of impact fee revenue
received during the fiscal year;

1146 (2) The amount of investment earnings
1147 received on funds in the school impact fee trust account
1148 during the fiscal year;

1150 (3) The balances in the school impact
fee trust account at the beginning and the end of the fiscal
year;

.152 (4) A summary of the expenditures
1154 made during the fiscal year in whole or in part from funds
on deposit in the school impact fee trust account, including
1156 a list of school construction projects and any other school
board capital projects funded during the fiscal year in
1158 whole or in part from monies on deposit in the school
impact fee trust account; and

1160 (5) Whether the impact fee schedule
continues to reflect the most recent and localized data
1162 available, and whether any changes to the data would
materially and significantly change the school impact fees,
1164 such that a school impact fee study update should be
undertaken.

1166 (6) Any other data and information
necessary or useful for the board and the school board to
1168 understand the sources and uses of the funds on deposit in
the school impact fee trust account during the fiscal year
1170 and to be assured that such funds have been used only as
allowed under this article and applicable Florida law.

.172 **Sec. 23-169. Declaration of exclusion from
Administrative Procedures Act.**

1174 Nothing contained in this article shall be construed
or interpreted to include the county in the definition of
1176 agency contained in section 120.52, Florida Statutes, or to
otherwise subject the county to the application of the
1178 Administrative Procedures Act, chapter 120, Florida
Statutes. This declaration of intent and exclusion shall
1180 apply to all proceedings taken as a result of or pursuant to
this article.

Secs. 23-170—23-174. Reserved.

1182 *Section 2. Public school sites.* Orange County Code, Chapter 34, Article V,
Section 34-155, Design Standards, Public Sites and Open Spaces is hereby amended as follows:

1184 **ARTICLE V. DESIGN STANDARDS**

DIVISION 1. GENERAL

1186

Sec. 34-155. Public sites and open spaces

1188

* * *

1190

(b) *Public school sites.* In proposed subdivisions as defined in subparagraph (1) below, public school sites shall be designated on the preliminary plan prior to acceptance of such plan. Where reservation of school sites is determined, an executed deed or the required reservation and maintenance agreement, as noted in subparagraph (2) shall be approved by the board of county commissioners.

1192

1194

1196

(1) Multiplier of students per dwelling unit. The school age population shall be determined based on the following rate:

1198

1200

Single-Family Detached (average) 0.405*

Single-Family Detached (square feet) 0.417

1202

<2,000 0.374

2,000 - 2,499 0.403

1204

2,500 - 2,999 0.483

3,000 - 3,999 0.509

1206

>=4,000 0.406

1208

Multi-family (Other) 0.281286

Multi-family (High-Rise) 0.013

1210

Townhouse 0.329373

Mobile Home 0.289440

1212

* To be used to determine school capacity for a future land use amendment or rezoning

1214

* * *

In all other respects, section 34-155 shall remain unchanged.

1216

Section 3. Effective Date, Notice of increased impact fees.

1218

(a) This ordinance shall become effective on January 1, 2021.

(b) Pursuant to Section 163.31801(3)(d), Florida Statutes, the Clerk of the

1220 Board of County Commissioners shall publish a legal notice in *The Orlando Sentinel* on or
before January 1, 2021, stating that the Board has adopted this ordinance imposing new and
1222 increased impact fees effective July 4, 2021.

(c) On or before January 1, 2021, the Planning, Environmental, and
1224 Development Services Department shall post notice in the Building Safety Division, and in the
appropriate location on the County website, stating that the Board has adopted this Ordinance
1226 imposing new and increased school impact fees, effective July 4, 2021.

1228 **ADOPTED THIS ____ DAY OF _____, 2020.**

1230 **ORANGE COUNTY, FLORIDA**
By: Board of County Commissioners

1232

1234 By: _____
Jerry L. Demings, County Mayor

1236

1238 ATTEST: Phil Diamond, CPA, County Comptroller
As Clerk of the Board of County Commissioners

1240

1242 By: _____
Deputy Clerk

1244