

BCC Mtg. Date: December 1, 2020

EFFECTIVE DATE: April 1, 2021

**ORDINANCE NO. 2020-35**

**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.

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

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

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

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

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

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

*Board* shall mean the Board of County Commissioners of Orange County, Florida.

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

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

Capital improvement shall include, but not be limited to, 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 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.

*Duplex* shall mean a building with two (2) dwelling units which has two (2) kitchens and is designed for or occupied

exclusively by two (2) families. The units of a duplex must be connected by a common wall.

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

*Educational facilities* shall mean the buildings and equipment, structures, and special educational use areas that are 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.

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

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

*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 height (height may include the parking structure).

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

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

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

*Mobile home* shall mean a structure transportable in one (1) or more sections, which structure is eight (8) body feet or more in width and over thirty-five (35) feet in length, and which structure

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.

*Multifamily dwelling unit* shall mean a dwelling unit located in a building or a portion of a building (including, but not limited to ~~accessory dwelling units~~, apartments, duplexes, triplexes, quadraplexes, and condominiums), regardless of form of 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.

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

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

*Public schools* shall mean all kindergarten classes; 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.

*Quadraplex* shall mean a building with four (4) dwelling 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.

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

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

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

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

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

*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.

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

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

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

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

*Time-share property* shall mean the facilities and 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).

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

*Triplex* shall mean a building with three (3) dwelling units 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.

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

**Sec. 23-122. Findings.**

It is hereby ascertained, determined and declared that:

(1) In ~~201~~2020, at the request of the school board, the board amended a school impact fee ordinance which, prior to the ~~2016~~2020 revisions, reflected school impact fees in the amounts of ~~six-eight thousand five-seven hundred twenty-five~~eighty-four dollars (~~\$6,525~~8,784.00) for single-family houses, ~~three-five thousand nine hundred twenty-one~~nineteen dollars (~~\$3,921~~5,919.00) for multifamily units (which included ~~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 (~~\$4,345~~6,088.00) for mobile homes.

(2) The school board has adopted a resolution which requests the county to adopt a revised school impact fee which 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.

(3) The school board has determined that ad valorem 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.

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

(5) Florida ~~States~~Statutes § 163.3177 requires the county to adopt a comprehensive plan containing a capital improvements element which considers the need and location of public facilities within its areas of jurisdiction and the projected revenue source which will be utilized to fund these facilities. Furthermore, pursuant to F.S. § 163.3177 in 1997, the board 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.

(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.

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

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

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

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

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

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

(13) The State of Florida has not provided adequate funding for necessary school system capital improvements. The county, by the adoption of this article, does not intend to explicitly or implicitly assume any portion of the responsibilities of the State of Florida to provide for the school system, but only seeks to 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.

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

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

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

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

c. The school board fails to maintain the maximum discretionary millage allowed by section 1011.71(2), Florida Statutes, as adjusted pursuant to section 1011.715, Florida 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.

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

(17) The board has considered the short-term and long-term public and private costs and benefits of the proposed school impact fee ordinance and school impact fee study and has determined that sufficient information has been provided to enable 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.

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

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

(1) In the case of any difference of meaning or implication between the text of this article and any caption,

illustration, summary table or illustrative table, the text shall control.

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

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

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

(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 "either ... or," the conjunction shall be interpreted as follows:

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

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

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

(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.

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

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

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~~ January 1, 2021, until ~~September 30, 2016~~ April 1, 2021, 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:

- (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

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- (34) Mobile home (per dwelling unit) .....  
~~\$4,345.00~~ \$6,088.00

(c) Effective from ~~October 1, 2016~~ April 2, 2021, until ~~December 31, 2016~~ July 2, 2021, 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**

<u>Land Use Type</u>	<u>Impact Fee</u>
Single Family Detached <2,000 sq. ft.*	<del>\$7,655.00</del> <u>8,807.00</u>
<u>Single Family Detached 2,000 – 2,499 sq. ft.*</u>	<u>9,149.00</u>
<u>Single Family Detached 2,500 – 2,999 sq. ft.*</u>	<u>10,093.00</u>
<u>Single Family Detached 3,000 – 3,999 sq. ft.*</u>	<u>10,400.00</u>
<u>Single Family Detached &gt;= 4,000 sq. ft.*</u>	<u>9,184.00</u>

<u>Multi-family (High Rise)</u>	<u>307.00</u>
<u>Multi-family (Non High Rise)</u>	<u>4,920-6,335.00</u>
Townhouse	<u>5,426-7,868.00</u>
Mobile Home	<u>5,217-8,238.00</u>

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

Effective ~~January 1, 2017~~ July 3, 2021, 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

<u>Land Use Type</u>	<u>Impact Fee</u>
<u>Single Family Detached</u>	<u>\$8,784.00</u>
<u>Single Family Detached &lt;2,000 sq. ft.*</u>	<u>8,829.00</u>
<u>Single Family Detached 2,000 – 2,499 sq. ft.*</u>	<u>9,513.00</u>
<u>Single Family Detached 2,500 – 2,999 sq. ft.*</u>	<u>11,402.00</u>
<u>Single Family Detached 3,000 – 3,999 sq. ft.*</u>	<u>12,015.00</u>
<u>Single Family Detached &gt;= 4,000 sq. ft.*</u>	<u>9,584.00</u>
<u>Multi-family (High Rise)</u>	<u>307.00</u>
<u>Multi-family (Non High Rise)</u>	<u>4,920-6,751.00</u>
Townhouse	<u>5,426-8,805.00</u>
Mobile Home	<u>5,217-10,387.00</u>

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

(The school impact fee schedule set forth in this subsection (c) was originally temporarily adopted pursuant to 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.

(a) Except as otherwise provided in this article, prior to the issuance of a building permit for multi-family residential (with the exception of duplexes) or townhouse construction, an applicant shall pay the school impact fee as set forth in section 23-141, Orange County 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 certificate of occupancy.

(1) If the residential construction is located within the unincorporated area of the county, or 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 by the county.

(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.

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

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

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

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

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

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

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

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

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

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

(3) Design and construction documents;

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

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

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

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

(8) Installation or Relocation of on-site and off-site utilities required by the construction of

educational plants and ancillary plants or improvements or additions thereto;

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

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

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

(c) The moneys deposited into the school impact fee trust account shall be used solely to provide 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.

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

(e) The impact fees collected pursuant to this article shall be returned to the then current owner of the property on behalf of which such fee was paid, if such fees have not been expended or encumbered prior to the end of 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:

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

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

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

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

(3) Within three (3) months from the date of receipt of a petition for refund, the superintendent will advise the petitioner and the school board of the status of the impact fee requested for refund, and if such impact 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 per annum, or the average net interest rate earned by the school board in the school impact fee trust account during the time such refunded impact fee was on deposit, 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.

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

(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 contain the following:



- a. The name and address of the applicant;
- b. The location of the property which was the subject of the building permit;
- c. The date the school impact fee was paid;
- d. A copy of the receipt of payment for the school impact fee; and
- e. The date the building permit was issued and the date of expiration or that it was declared invalid.

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

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

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

(a) In the event an applicant believes that the impact to the school system necessitated by residential 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, such applicant may, at no cost to the County and prior to issuance of a building permit for such residential 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 valid school impact fee and the mandate for the provision of a uniform system of free public schools in Article IX, section 1, Florida Constitution, any determination of a lesser impact to the school system created by residential construction under the alternative school impact fee

calculation process provided in this subsection shall not be based on the projected or current use of the residential project but shall be based on a consideration that the permanent physical characteristics or limitations of the specific residential development proposed will generate fewer students initially and during their useful life than the student generation assumptions utilized in the impact fee study.

(b) The alternative school impact fee calculations shall be calculated for that land use type 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:

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

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

(3) If a previous residential construction project has submitted a local study consistent with the criteria required herein, and if, after consultation with the superintendent and the city or cities wherein the residential construction is located such study is determined by the county to be current, the impact upon the school system as described in such prior local study shall be presumed to 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.

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

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

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

(f) An applicant may appeal a determination of rejection by the County's Impact Fee Committee by filing a written request for appeal, along with payment of a nonrefundable processing fee with the county's development review committee (DRC) within thirty (30) calendar days from the mailing date of the written notice of rejection. If the request for appeal is not filed with DRC within the thirty-day period, the applicant waives all rights to appeal the determination to the board. The DRC will consider the appeal at a regularly scheduled DRC meeting within thirty (30) days from the time the applicant files the appeal and pays the processing fee. If the DRC upholds the rejection, the applicant may appeal the rejection to the board within thirty (30) days of the DRC's decision by filing a written request with the DRC. The DRC shall advise the applicant in writing of the date and time of the hearing before the board of county commissioners. If the DRC determines that the data, information and assumptions

utilized by the applicant to calculate the alternative school impact fee complied with the requirements of the section, then the DRC shall refer the applicant to the appropriate county staff to schedule the applicant's proposed alternative school impact fee agreement for consideration by the board.

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

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

(a) *Presumption of impacts.* The proposed development shall be presumed to generate the maximum number of students by the most intensive residential use permitted under the applicable land-development regulations such as the comprehensive plan or zoning ordinances or under applicable deed or plat restrictions.

(b) *Alternative school impact fee agreement.*

(1) In lieu of the payment of school impact fees as set forth in section 23-141, Orange County Code, any applicant may propose to enter into an 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:

a. Modify the presumption of maximum impact set forth in subsection (a) and provide an

alternative school impact fee calculation as provided for in 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

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

c. Establish a schedule and method for payment of the school impact fees in a manner appropriate to the particular circumstances of the proposed 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

d. Provide that the school board 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.

(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 building permit. Any such agreement may provide for execution by mortgagees, lienholders, or contract purchasers in addition to the landowner, and may permit any party to record such agreement in the public records of 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.**

### **DIVISION 3**

#### **MISCELLANEOUS PROVISIONS**

**Sec. 23-161. Exemptions.**

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

(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.

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

(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.

(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.

(5) Government-owned residential construction.

(6) Senior housing that prohibits permanent residence (longer than 90 days) by persons under the age of eighteen (18) by recorded deed restriction, recorded declaration of covenants and restrictions, recorded plat restrictions, or other restrictions provided by law, and which qualifies as one of the three (3) types of communities designed for older persons as "housing for older persons" in the Housing for Older Persons Act, 42 U.S.C. § 3607(b). This exemption shall be applied in conformity with the principles set forth in *Volusia County v. Aberdeen at Ormond Beach, L.P.*, 760 So. 2d., 126 (Fla. 2000). Provided, however, that any senior housing community or 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.

(7) Student housing, as defined herein.

(8) The construction of an accessory 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.~~

(9) County facilities constructed for nonproprietary governmental purposes.

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

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

Unless otherwise exempt under Section 23-161, impact fees shall be imposed and calculated for the alteration, expansion, or replacement of a building or dwelling unit or the construction of an accessory buildingstructure if the alteration, expansion, or replacement of the building or dwelling unit or the 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.

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

Any single-family residential unit, multifamily dwelling unit, or townhouse, within a project that has been certified as workforce or affordable housing by the Orange

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.

For purposes of this section, ~~The~~ terms "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.

The board ~~shall~~ may amend Administrative Regulation 4.08 as may be necessary to implement this 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.**

In the event the school impact fee is not paid prior to the issuance of a building permit for the affected 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 impact fee shall forward notice of such delinquency upon discovery of such delinquency. The following procedure is remedial in nature and is not intended to be an alternative collection method.

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

(2) If a certificate of occupancy has previously been issued, the superintendent shall serve, by certified mail, return receipt requested, a "notice of impact fee statement" upon the applicant at the address set forth in the application for a building permit, and the owner at the 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:

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

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

c. That the school impact fee shall be delinquent if not paid within thirty (30) calendar days of the effective date of service of the notice of impact 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

d. That in the event the school 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.

(3) The school impact fee shall be delinquent if, within thirty (30) calendar days from the effective date of service of the notice of impact fee statement, the impact fees have not been paid, or a review hearing has not been requested pursuant to section 23-166, Orange County Code. In the event a hearing is requested pursuant to section 23-166, the impact fees shall become delinquent if not paid within thirty (30) days from the date the school board determines the amount of impact fees due upon the conclusion of such hearing. In the event the due date falls on a Sunday or legal holiday, the last due date prior to becoming delinquent shall be the next business day. Upon becoming delinquent, a delinquency fee equal to ten (10) percent of the total impact fees imposed shall be 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.

(4) Should the school impact fee become delinquent as set forth in subsection (3), the county or city collecting the impact fee shall notify the superintendent of

the need to file a lien. The superintendent shall serve by certified mail, return receipt requested, a "notice of lien" upon the delinquent applicant at the address indicated in the application for the building permit, and upon the delinquent owner at the address appearing on the most recent records maintained by the property appraiser of the county. The notice of lien shall notify the applicant and owner that, due to their failure to pay the school impact fee, the superintendent shall file a claim of lien with the clerk of the circuit court.

(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 county. The claim of lien shall contain the legal description of the property, the amount of the delinquent impact fees and the date of their imposition. Once recorded, the claim of lien shall constitute a lien against the property described therein. The superintendent shall proceed expeditiously to collect, foreclose or otherwise enforce such lien.

(6) After the expiration of one (1) year from the date of recording of the claim of lien, as provided herein, a suit may be filed to foreclose such lien. Such foreclosure proceedings shall be instituted, conducted and enforced in conformity with the procedures for the foreclosure of municipal special assessment liens, as set forth in F.S. ch. 173, which provisions are hereby incorporated herein in their entirety to the same extent as if such provisions were set forth herein verbatim.

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

(8) The collection and enforcement procedures set forth in this section shall be cumulative with, supplemental to and in addition to any applicable procedures provided in any other statute, ordinance, code or 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.

(9) Any residential construction which was previously determined to be exempt from the payment of school impact fees, but as a result of a change in

circumstances now impacts upon the school system, shall pay the school impact fee imposed by section 23-141, Orange County Code. The procedures of this section may be utilized for the collection of such impact fee.

**Sec. 23-165. School impact fee credits.**

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

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

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

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

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

(c) The proposed plan shall be filed with the superintendent and reviewed by the school board at a regularly scheduled meeting or a special meeting. The applicant or owner shall be provided with written notice of 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.

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

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

(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, and local regulations, including school board criteria; and

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

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

(e) The amount of developer contribution credit to be applied for the conveyance of land shall be the value of the conveyed land as determined by an M.A.I. appraiser who was selected and paid for by the applicant, and who used generally accepted appraisal techniques. For conveyances required pursuant to a development permit, the date of valuation shall be the date of conveyance of the site or the date the plan is proposed to the school system under subsection (b), whichever is earlier, unless the developer and the school board agree otherwise. For voluntary conveyances, the date of valuation shall be as agreed by the developer and the school board. If the appraisal does not conform to the requirements of this article and the applicable administrative regulations, the appraisal shall be corrected and resubmitted. In the event the superintendent accepts the methodology of the appraisal but disagrees with the appraised value, he or she may engage another M.A.I. appraiser at his or her expense, and the value shall be an amount equal to the average of the two (2) appraisals. If either party does not accept the average of the two (2) appraisals, a third appraisal shall be obtained, with the cost of such third appraisal being shared equally by the school board and the property owner. The third appraiser shall be selected by the first two (2) appraisers, and the appraisal of the third appraiser shall be binding on both parties.

(f) Credit for the conveyance of land shall be granted at such time as the property has been conveyed to and accepted by the school board. The administration of

such school impact fee credit accounts shall be administered by the county or applicable city.

(g) Any residential construction for which reservation of a public school site was required pursuant to section 34-155, Orange County Code, or pursuant to a city ordinance, may be entitled to school impact fee credits 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.

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

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

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

(a) This article and the impact fee study shall be reviewed by the board, in consultation with the school board and municipalities, at least once every four (4) years. The initial and each subsequent review shall consider, but not be limited to, all components of the impact fee study accepted in section 23-124, Orange County Code. Such review shall also include a detailed analysis of the economic impact of this article sufficient to comply with the requirements of F.S. § 163.31801. The purpose of this review is to demonstrate that this impact fee does not exceed reasonably anticipated costs associated with growth-necessitated capital improvements. In the event the review of the article and impact fee study required by this section alters or changes the assumptions, conclusions and findings of the "Orange County Public Schools School Impact Fee Update Study Update—Final Report" dated ~~February 5, 2016~~September 18, 2020, then such study shall be amended and updated to reflect the assumptions, conclusions and findings of such reviews and the impact fee shall be amended in accordance therewith.

(b) The board hereby establishes a School Impact Fee Advisory Committee, the purpose of which will be to recommend a methodology for performing the school impact fee study. Where practicable, such methodology should be consistent with the prior school impact fee. The advisory committee shall review the school impact fee

study, update methodology where necessary to utilize the most accurate and recent local data, and may review the school impact fee ordinance and recommend revisions to it. The advisory committee will be comprised of seven (7) members: three (3) members selected by the school board and four (4) members selected by the county, one (1) of which will represent the interests of the Greater Orlando Builders Association. Meetings will be coordinated and supported by county staff.

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

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

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

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

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

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

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

(6) Any other data and information necessary or useful for the board and the school board to understand the sources and uses of the funds on deposit in the school impact fee trust account during the fiscal year

and to be assured that such funds have been used only as allowed under this article and applicable Florida law.

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

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

**Secs. 23-170—23-174. Reserved.**

*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:

**ARTICLE V. DESIGN STANDARDS**

**DIVISION 1. GENERAL**

**Sec. 34-155. Public sites and open spaces**

\* \* \*

(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.

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

<u>Single-Family Detached (average)</u>	<u>0.405*</u>
Single-Family <u>Detached (square feet)</u>	<u>0.417</u>
<u>&lt;2,000</u>	<u>0.374</u>
<u>2,000 - 2,499</u>	<u>0.403</u>
<u>2,500 – 2,999</u>	<u>0.483</u>
<u>3,000 – 3,999</u>	<u>0.509</u>
<u>&gt;=4,000</u>	<u>0.406</u>
Multi-family <u>(Other)</u>	<u>0.281286</u>
<u>Multi-family (High-Rise)</u>	<u>0.013</u>
Townhouse	<u>0.329373</u>
Mobile Home	<u>0.289440</u>

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

\* \* \*

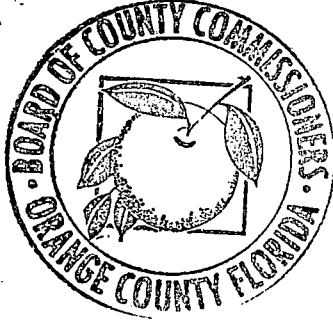
In all other respects, section 34-155 shall remain unchanged.

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

- (a) This ordinance shall become effective on January 1, 2021.
- (b) Pursuant to Section 163.31801(3)(d), Florida Statutes, the Clerk of the 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 increased impact fees effective April 1, 2021.
- (c) On or before January 1, 2021, the Planning, Environmental, and 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 imposing new and increased school impact fees, effective April 1, 2021.



ADOPTED THIS 1st DAY OF December, 2020.



ORANGE COUNTY, FLORIDA  
By: Board of County Commissioners

By: *Jerry L. Demings*  
for Jerry L. Demings, County Mayor

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

By: *Heather Per*  
for Deputy Clerk