



Interoffice Memorandum

June 11, 2021

TO: Mayor Jerry L. Demings  
—AND—  
County Commissioners

FROM: Jon V. Weiss, P.E., Director  
Planning, Environmental, and Development  
Services Department

CONTACT PERSON: **Whitney E. Evers, Assitant County Attorney**  
**County Attorney's Office**  
**407-836-7321**

SUBJECT: June 22, 2021 – Public Hearing  
Ordinance amending Orange County Code Article V, Chapter 23, School Impact Fees

On March 23, 2021, in reaction to restrictive provisions for impact fee increases and implementation schedules proposed in House Bill 337 ("HB 337") filed during the 2021 Florida Legislative Session, the Board adopted amendments to Orange County Code Article V, Chapter 23, School Impact Fees to revise the school impact fee schedule to delete the scheduled first phase of the increase originally scheduled to go into effect on April 2, 2021, and have the full fee increase effective June 27, 2021, six days earlier than originally scheduled.

Governor DeSantis signed HB 337 on June 4, 2021, which in its final form limits impact fee increases to once every four years, sets a 50 percent cap to impact fee increases, provides standards for phasing increases, among other provisions. The fee increase caps and phasing requirements are retroactively effective to January 1, 2021.

On June 22, 2021, staff will present amendments to Orange County Code Article V, Chapter 23, School Impact Fees to establish a phasing schedule, generally phasing in school impact fee increases between October 1, 2021 and October 1, 2022, to comply with standards required by HB 337.

**ACTION REQUESTED: Make a finding of consistency with the Comprehensive Plan and approve An Ordinance Amending the Orange County School Impact Fee Ordinance, Codified at Article**

**V, Chapter 23 of the Orange County Code; Amending Section 23-121 (“Definitions”), Section 23-141 (“Imposition”), and Section 23-142 (“Payment”); and Section 161 (“Exemptions”); Providing for Updated School Impact Fees, Including New and Increased Fees in Certain Land Use Categories; Making an Economic Impact Determination; Providing Effective Dates; and Directing the Posting of Notices of New and Increased Impact Fees. All Districts**

JVW/ABM:fb

Attachment

c: Byron Brooks, County Administrator  
Christopher R. Testerman, AICP, Deputy County Administrator  
Joel Prinsell, Deputy County Attorney  
Whitney E. Evers, Assistant County Attorney  
Amy Envall, Esq., General Counsel, OCPS  
Dale Kelly, Chief Financial Officer, OCPS  
Jad M. Brewer, Esq. Staff Attorney III, OCPS  
Steven Thorp, AICP, Senior Administrator, OCPS



Ordinance, on March 23, 2021, the Board adopted Ordinance No. 2021-15 (the “Amended Ordinance”) to remove the phased increase in school impact fees originally scheduled for April 2, 2021, and July 3, 2021, and to implement the full increase on June 27, 2021; and

*WHEREAS*, HB 337 was ordered enrolled on May 26, 2021, and, upon becoming a law would codify certain amendments to the Florida Impact Fee Act codified at §163.31801, F.S., including, among other things, provisions that cap annual increases to impact fees and a requirement to phase impact fee increases, which provisions are retroactive to January 1, 2021; and

*WHEREAS*, in order to comply with the requirements of HB 337, as enrolled, prior to the school impact fee increases scheduled go into effect on June 27, 2021, pursuant to the Amended Ordinance, the Board must further amend the Amended Ordinance.

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF**

**ORANGE COUNTY, FLORIDA:**

*Section 1. Amendments; In general.* Orange County Code, Chapter 23, Impact Fees, is hereby amended in part by amending Article V, School Impact Fees, Section 23-121 (“Definitions”), Section 23-141 (“Imposition”), Section 23-142 (“Payment”), and Section 23-161 (“Exemptions”) with amendments being indicated below in Sections 2 through 6 with the new language being shown by underlines and deleted language being shown by ~~strike-throughs~~.

*Section 2. Amendments to Section 23-121.* Orange County Code Chapter 23, Impact Fees, Article V, School Impact Fees, Section 23-121, “Definitions,” is hereby amended to read as follows:

**ARTICLE V  
SCHOOL IMPACT FEES  
DIVISION 1. GENERALLY**

**Sec. 23-121. Definitions.**

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

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*Affordable housing shall mean, as applicable, with the exception of affordable housing as defined in Section 23-161(10b), shall mean or housing as described in Orange County Administrative Regulation 4.08, as it may be amended from time to time.*

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**Section 3. Amendments to Section 23-141(b).** Orange County Code Chapter 23,

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Impact Fees, Article V, School Impact Fees, Section 23-141(b), "Imposition," is hereby amended to read as follows:

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**DIVISION 2  
SCHOOL IMPACT FEES**

**Sec. 23-141. Imposition.**

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(b) Effective from ~~March 26~~ June 22, 2021, until ~~June 26~~ September 30, 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:

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- (1) Single-family detached house (per dwelling unit) ..... \$8,784.00
- (2) Multifamily dwelling unit (non-high rise, per dwelling unit) ..... \$5,919.00
- (3) Multifamily dwelling unit (high rise, per dwelling unit) ..... \$307.00

(4) Townhouse dwelling unit (per dwelling unit).....\$6,930.00

96 (54) Mobile home (per dwelling unit) ..... \$6,088.00

*Section 4. Amendments to Section 23-141(c).* Orange County Code Chapter 23,

98 Impact Fees, Article V, School Impact Fees, Section 23-141(c), "Imposition," is hereby amended  
to read as follows:

100 **Sec. 23-141. Imposition.**

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102 (c) Effective ~~June 27~~October 1, 2021, all residential  
104 construction occurring within the county, for which building  
permits are issued, within the unincorporated area and the  
106 boundaries of the various municipalities, shall pay ~~the following~~  
school impact fees in accordance with the following schedule:

**School Impact Fee Schedule**

<u>Land Use Type</u>	<u>Annual Increment #1 and Installment #1 October 1, 2021 – January 31, 2022</u>	<u>Installment #2 February 1, 2022 – May 31, 2022</u>	<u>Installment #3 June 1, 2022 – September 30, 2022</u>	<u>Annual Increment #2 and Installment #4 October 1, 2022</u>
Single Family Detached <2,000 sq. ft.*	\$8,806.00	\$8,806.00	\$8,806.00	\$8,829.00
Single Family Detached 2,000 – 2,499 sq. ft.*	\$9,148.00	\$9,148.00	\$9,148.00	\$9,513.00
Single Family Detached 2,500 – 2,999 sq. ft.*	\$9,438.00	\$10,093.00	\$10,747.00	\$11,402.00
Single Family Detached 3,000 – 3,999 sq. ft.*	\$9,591.00	\$10,399.00	\$11,207.00	\$12,015.00
Single Family Detached >= 4,000 sq. ft.*	\$9,184.00	\$9,184.00	\$9,184.00	\$9,584.00
Multi-family (High Rise)	\$307.00	\$307.00	\$307.00	\$307.00
Multi-family (Non High Rise)	\$6,335.00	\$6,335.00	\$6,335.00	\$6,751.00
Townhouse	\$7,398.00	\$7,867.00	\$8,336.00	\$8,805.00
Mobile Home	\$6,849.00	\$7,610.00	\$8,371.00	\$9,132.00

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**School Impact Fee Schedule**

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

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

112 ~~(The school impact fee schedule set forth in this subsection (e) 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.)~~

114 **Section 5. Amendments to Section 23-142.** Orange County Code Chapter 23, Impact Fees, Article V, School Impact Fees, Section 23-142, “Payment,” is hereby amended to read as follows:

**Sec. 23-142. Payment.**

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120 (e) The impact of a development for which the county received a legally sufficient application prior to ~~June 27~~October 1, 2021, shall be calculated at the impact fee rates set forth in Section 23-141(b) hereof; the impact of all other 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.

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**Section 6. Amendments to Section 23-161.** Orange County Code Chapter 23, Impact

132 Fees, Article V, School Impact Fees, Section 23-161, "Exemptions," is hereby amended to read  
as follows:

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**DIVISION 3  
MISCELLANEOUS PROVISIONS**

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

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

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(10)(b) Notwithstanding that there may be students  
generated by the use, any project that meets or exceeds the  
definition of "affordable" pursuant Section 163.31801(9),  
F.S., may be exempted from all or a portion of the payment  
of impact fees, provided the level and duration of such  
affordability is documented to the County's (or applicable  
local government's) satisfaction prior to the granting of any  
impact fee exemption.

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**Section 7. Economic impact determination.** The Board does hereby determine and

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find, pursuant to section 30-2(b)(2), that sufficient information has been provided for the Board  
to assess the economic impact of this article on the development of real property in the county.

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The Board does hereby determine and find that no further economic impact statement or  
economic impact information is required in this matter. If the ongoing planning studies and  
periodic review reveal a detrimental economic impact, this article shall be reviewed and revised

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accordingly.

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**Section 8. Effective dates; Notice of increased impact fees.**

158 (a) Sections 1, 2, 3, 5, 6, 7 and 8 of this ordinance shall become effective on  
June 25, 2021. In order to comply with the notice requirement contained in Section  
160 163.31801(3)(d), Section 4 of this ordinance shall become effective on October 1, 2021.

(b) Pursuant to Section 163.31801(3)(d), Florida Statutes, the Clerk of the  
162 Board of County Commissioners shall publish a legal notice in *The Orlando Sentinel* on or  
before June 25, 2021, stating that the Board has adopted this ordinance imposing new and  
164 increased impact fees effective October 1, 2021.

(c) On or before June 25, 2021, the Planning, Environmental, and  
166 Development Services Department shall post notice in the Division of Building Safety, and in  
the appropriate location on the County website, stating that the Board has adopted this Ordinance  
168 imposing new and increased school impact fees effective October 1, 2021.

170 **ADOPTED THIS 22<sup>nd</sup> DAY OF June, 2021.**

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

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By: \_\_\_\_\_  
Jerry L. Demings, County Mayor

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

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By: \_\_\_\_\_  
184 Deputy Clerk