

1 Ordinance Summary

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3 The purpose of this ordinance is to amend Section 22-8 of the Lake County Code to allow
4 licensed contractors the option of delaying the payment of impact fees for residential uses from
5 the issuance of the building permit until the issuance of the Certificate of Occupancy. The
6 ordinance also creates Section 6-10 of Lake County Code to provide for the suspension of a
7 contractor’s permitting privileges or local license if the impact fees are not paid as required by
8 the deferral under Section 22-8.

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10 **ORDINANCE NO. 2013- __**

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12 **AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE**
13 **COUNTY, FLORIDA; AMENDING SECTION 22-8, LAKE COUNTY CODE,**
14 **ENTITLED PAYMENT AND USE OF IMPACT FEES; PROVIDING LICENSED**
15 **CONTRACTORS THE OPTION OF DEFERRING PAYMENT OF IMPACT FEES**
16 **UNTIL CERTIFICATE OF OCCUPANCY FOR RESIDENTIAL USES; CREATING**
17 **SECTION 6-10, LAKE COUNTY CODE, ENTITLED SUSPENSION FOR FAILURE TO**
18 **PAY IMPACT FEES; PROVIDING FOR THE SUSPENSION OF A LICENSED**
19 **CONTRACTOR’S PERMITTING PRIVILEGES OR LOCAL LICENSE FOR FAILING**
20 **TO PAY THE DEFERRED IMPACT FEES; PROVIDING FOR SEVERABILITY;**
21 **PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR FILING WITH**
22 **THE DEPARTMENT OF STATE; AND PROVIDING AN EFFECTIVE DATE.**

23
24 **WHEREAS,** Chapter 22, Lake County Code, imposes impact fees for Transportation,
25 Educational Facilities, Parks, Libraries and Fire; and

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27 **WHEREAS,** the Board of County Commissioners wish to stimulate the local economy
28 by encouraging economic development and promoting job creation; and

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30 **WHEREAS,** the Board has determined that delaying the payment of impact fees from
31 the date of issuance of the building permit to the date of issuance of the Certificate of Occupancy
32 will encourage economic development within Lake County; and

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34 **WHEREAS,** the Board now finds that it is in the best interests of the citizens of Lake
35 County to provide an option to licensed contractors to delay the payment of impact fees for
36 residential development until the issuance of the Certificate of Occupancy.

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38 **NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of
39 Lake County, Florida as follows:

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41 **Section 1. Recitals.** The foregoing recitals are true and correct and incorporated
42 herein by reference.

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44 **Section 2. Amendment.** Section 22-8, Lake County Code, entitled Payment and Use
45 of Impact Fees, is hereby amended to read as follows

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2 **Sec. 22-8. Payment and use of impact fees.**

3 (a) Impact fees for commercial and industrial land uses shall be paid at the time of issuance of
4 the certificate of occupancy. Impact fees for residential land uses may be deferred until the
5 issuance of the certificate of occupancy, or until twelve (12) months of the date of issuance
6 of the building permit, whichever occurs first, if requested by the licensed contractor who
7 has obtained the permit for the improvements. Impact fees for all other land uses, including
8 residential land uses being improved by an owner-builder, shall be paid at the time of
9 issuance of a building permit, or if no building permit is required, at the time of approval of
10 the final development order, unless otherwise waived or deferred. ~~The amount of the impact~~
11 ~~fee shall be determined as of the date of issuance of the building permit or final development~~
12 ~~order. If a building permit or final development order expires, impact fees shall be~~
13 ~~recalculated and charged as of the date that a new building permit or final development~~
14 ~~order is issued. An extension of a building permit or final development order shall not cause~~
15 ~~additional impact fees to be due.~~

16 (b) The amount of the impact fee shall be determined as of the date of issuance of the building
17 permit or final development order. If a building permit or final development order expires,
18 impact fees shall be recalculated and charged as of the date that a new building permit or
19 final development order is issued. An extension of a building permit or final development
20 order shall not cause additional impact fees to be due.

21 ~~(bc)~~ The payment of any impact fee shall be in addition to all other fees, charges or assessments
22 due for the issuance of a building permit or final development order.

23 ~~(cd)~~ The obligation for payment of any required impact fee shall run with the land.

24 ~~(de)~~ All impact fees shall be deposited into their respective trust accounts immediately upon
25 receipt, with the exception of the educational system impact fee which is payable to the
26 school board by the county on a quarterly basis, and by the municipalities to the county on a
27 monthly basis. Any educational system impact fee collected by the county or by the
28 municipalities shall be held by them separate and distinct from all other revenues until
29 transferred to the school board.

30 ~~(ef)~~ Funds on deposit in any impact fee account established within this chapter shall not be used
31 for any expenditure that would be classified as an operational expense, a maintenance
32 expense or a repair expense.

33 ~~(fg)~~ Funds on deposit that are not immediately necessary for expenditure shall be invested in
34 accordance with the county's investment policy and applicable Florida Statutes; provided,
35 however, that the educational system impact fee shall be invested in accordance with
36 applicable school board policy. All income derived from such investments shall be deposited
37 in the respective impact fee trust account and used as provided herein.

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40 **Section 3. Creation.** Section 6-10, Lake County Code, to be entitled Suspension
41 for Failure to Pay Impact Fees, shall be created to read as follows:

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2 **Sec. 6-10. Suspension for failure to pay impact fees.**

- 3 (a) If a locally licensed contractor requests a deferral of impact fees for a residential use as
4 authorized under Section 22-8 of this Code, and such contractor fails to pay the deferred
5 impact fees when due, the building official shall suspend the contractor's license until such
6 time as the fees are paid in full.
- 7 (b) If a state certified contractor requests a deferral of impact fees for a residential use as
8 authorized under Section 22-8 of this Code, and such contractor fails to pay the deferred
9 impact fees when due, the building official shall suspend the contractor's permitting
10 privileges until such time as the fees are paid in full.
- 11 (c) Licensed contractors shall be responsible for the payment of the deferred impact fees even if
12 they are no longer the contractor of record on the permit.
- 13 (d) Any decision taken by the building official under this section may be appealed to the board
14 of examiners upon request of the licensed contractor.

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18 **Section 4. Severability.** If any section, sentence, clause, or phrase of the Ordinance
19 is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding
20 shall in no way affect the validity of the remaining portion of this Ordinance.
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22 **Section 5. Inclusion in the Code.** It is the intent of the Board of County
23 Commissioners that the provisions of this Ordinance shall become and be made a part of the
24 Lake County Code and that the sections of this Ordinance may be renumbered or relettered and
25 the word "ordinance" may be changed to "section," "article," or such other appropriate word or
26 phrase in order to accomplish such intentions.
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28 **Section 6. Filing with the Department of State.** The clerk shall be and is
29 hereby directed forthwith to send a certified copy of this Ordinance to the Secretary of State for
30 the State of Florida.
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32 **Section 7. Effective.** This Ordinance shall become effective upon filing with the
33 Department of State
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37 Enacted this _____ day of _____, 2013.

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39 Effective _____, 2013.
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Ordinance No. 2013-__; Amending Section 22-8 and creating Section 6-10, Lake County Code.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF LAKE COUNTY, FLORIDA

Neil Kelly, Clerk of the
Board of County Commissioners
of Lake County, Florida

_____, Chair

This ____ day of _____, 2013.

Approved as to form and legality:

Sanford A. Minkoff
County Attorney