MEMORANDUM

Agenda Item No. 7(A)

(Second Reading 6-3-14)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: March 4, 2014

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Ordinance relating to the road impact fee; providing a partial deferral of road impact fees under certain circumstances; providing a limitation on the amount of impact fees that may be deferred per application; creating Section 33E-18 of the Code

The accompanying ordinance was prepared and placed on the agenda at the request of Co-Prime Sponsors Commissioner Audrey M. Edmonson and Commissioner Jose "Pepe" Diaz and Co-Sponsor Commissioner Jean Monestime.

R. A. Cuevas, Jr.
County Attorney

RAC/lmp

Memorandum

MIAMI-DADE COUNTY

Date: June 3, 2014

To: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: Ordinance relating to the road impact fee; providing a partial deferral of road impact fees under certain circumstances; providing a limitation on the amount of impact fees that may be deferred per application; creating section 33E-18 of the code of Miami-Dade County

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The proposed ordinance relates to the Road Impact Fee and creates section 33E-18 of the Code of Miami-Dade County, providing a partial deferral of Road Impact Fees under certain circumstances, and a limitation on the amount of impact fees that may be deferred per application. The maximum total of road impact fees that may be deferred pursuant to this program is one million dollars ($1,000,000), whereupon this program shall not be available to defer impact fees until such time as the total deferred amount has been reduced by payment of impact fees below the maximum $1,000,000 limitation.

The Regulatory and Economic Resources (RER) Department will have an estimated first year fiscal impact of $20,000 to pay for billing services associated with implementing the program, and an estimated fiscal impact of $33,300 for billing services for each subsequent year that the $1,000,000 limitation is maintained. The costs associated with reprogramming the Impact Fee System to support the proposed deferral program will be absorbed through the Service Level Agreement between RER and the Information Technology Department.

The Public Works and Waste Management Department will be impacted in the amount of the value of deferred fees until such time as the fees are collected.

Alina T. Hudak
Deputy Mayor

Fis5714

MEMORANDUM

(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: June 3, 2014

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 7(A)

Please note any items checked.

_____ **"3-Day Rule" for committees applicable if raised**

✓ **6 weeks required between first reading and public hearing**

✓ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

✓ **Budget required**

_____ **Statement of fiscal impact required**

_____ **Ordinance creating a new board requires detailed County Mayor's report for public hearing**

_____ **No committee review**

_____ **Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous _____) to approve**

_____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(A)
6-3-14

ORDINANCE NO. _____

ORDINANCE RELATING TO THE ROAD IMPACT FEE; PROVIDING A PARTIAL DEFERRAL OF ROAD IMPACT FEES UNDER CERTAIN CIRCUMSTANCES; PROVIDING A LIMITATION ON THE AMOUNT OF IMPACT FEES THAT MAY BE DEFERRED PER APPLICATION; CREATING SECTION 33E-18 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, small businesses are an important component to the economy of Miami-Dade County; and

WHEREAS, small businesses are significant employers for the citizens of Miami-Dade County; and

WHEREAS, deferring partial payment of road impact fees will encourage the establishment of new small businesses and the expansion of existing small businesses within Miami-Dade County,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 33E-18 of the Code of Miami-Dade County, Florida, is hereby created to read as follows:[1]

Sec. 33E-18. Road Impact Fee Deferral For Certain Land Use Types.

(A) Notwithstanding anything in the code to the contrary an applicant for a building permit requiring payment of a road

[1] Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

impact fee may request a deferral of road impact fee payment for one half (1/2) of the assessed road impact fee for a period of up to three (3) years subject to the following terms, conditions, requirements and limitations:

(1) The deferral program shall not be used to defer road impact for uses under Section 33E-8 for ITE Land Use Types that are categorized as Residential, Recreational or Institutional according to Tables 100 & 100A.

(2) As condition of deferral of road impact fees pursuant to this section, the owner of the property that is subject to the road impact fee shall execute a voluntary lien securing payment of the deferred portion of the road impact fee on a form provided by the Director of Public Works & Waste Management Department and filed in the Public Records of Miami-Dade County.

(3) A notice that said voluntary lien has been satisfied shall be promptly filed in the Public Records by Miami-Dade County upon final payment of all outstanding road impact fees including associated administrative fees and penalties, if any that may be owed in connection with the road impact fee.

(4) The total amount of the road impact fee owed shall be assessed at the time the building permit is issued.

(5) Prior to issuance of the building permit, the applicant shall pay the sum of one half (1/2) of the total road impact fee assessed against the property ("initial payment"), plus the total administrative fee for the assessed road impact fee, plus the total administrative fee for deferral as provided under this section.

(6) An administrative fee of ($100) or two percent (2%) of the deferred portion of the road impact fee, whichever amount is greater, shall be charged in connection with the application for deferred payment of road impact fees under this section.

(7) No deferral amount under this section shall exceed twenty-five thousand dollars ($25,000) for a single application.

(8) The schedule of payment for the deferred portion of the road impact fee shall be set as follows:

a. no schedule authorized under this section may exceed three (3) years; and

b. the payment schedule shall provide for collection of a minimum of one-third of the deferred amount for each year; and

c. all road impact fees deferred pursuant to this section shall become immediately due upon a sale, conveyance or other transfer of title of the property that is the subject of the road impact fee.

(9) No interest shall be charged against road impact fees deferred under this section provided that they are paid on time in accordance with the payment schedule. It is provided, however, that payments made later than thirty (30) calendar days from the date that payment of the impact fee installment is due shall be charged interest at the rate of twelve percent (12%) per annum simple interest accruing from the date of the initial payment up to the date of the late payment plus cost of collection established by implementing order of the Board of County Commissioners.

(10) The Director of Public Works and Waste Management Department is authorized to foreclose on the lien for any deferred impact fees including and accrued interest that remain unpaid for more than one hundred and eighty (180) calendar days beyond the date when deferred impact fees are due and may assess reasonable fees associated with the foreclosure of the lien and collection of the road impact fee payment including reasonable attorney's fees and court costs.

(B) The Impact Fee Section of the Regulatory and Economic Resources Department shall provide an annual report on the status of this program to the Board of County Commissioners.

(C) The maximum total amount of road impact funds that may be deferred pursuant to this program is one million dollars

($1,000,000), whereupon this program shall not be available to defer impact fees until such time as the total deferred amount has been reduced by payment of impact fees below the maximum set forth herein. It is provided, however, the amount of deferred road impact fees shall not include deferred impact fees that are secured by a bond or letter of credit pursuant to Sec. 33E-6.1(g).

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4. This ordinance shall become effective one hundred eighty (180) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

Section 5. This ordinance shall stand repealed three years from its effective date.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Craig H. Coller

Co-Prime Sponsors: Commissioner Audrey M. Edmonson
Commissioner Jose "Pepe" Diaz
Co-Sponsor: Commissioner Jean Monestime