



2022-395

REQUEST FOR LEGAL SERVICES-GENERAL(RLS-G)

DATE OF REQUEST: 4-13-22	DEPT/DIV: OMB
REQUESTER(S): Cindy Wood	EXTENSION/EMAIL: 6006 cwood@nassaucountyfl.com
PRIORITY CLASSIFICATION (Urgent/Standard): Standard	
REQUESTED RESPONSE DEADLINE:	
TITLE OF ITEM OR DOCUMENT: Financial Action Form-Impact Fee Usage Justification for Station 71 construction	
CRITICAL EVENT/DATE (if any): N/A	
SERVICE REQUIRED (check all that apply): <input type="checkbox"/> Ordinance Drafting <input type="checkbox"/> Ordinance Review <input type="checkbox"/> Resolution Drafting <input type="checkbox"/> Resolution Review <input type="checkbox"/> Staff Report Review <input type="checkbox"/> Legal Opinion <input checked="" type="checkbox"/> Legal Review <input type="checkbox"/> Approve as to Form <input type="checkbox"/> Legal Ad <input type="checkbox"/> Critical Dates Calendar <input type="checkbox"/> Other	
ATTACHMENTS (if any): Financial Action Form-Impact Fee Usage Justification, with backup documentation	
DESCRIBE REASON/DEADLINES IF RUSH REQUESTED: N/A	
SERVICES REQUESTED: Include specific legal issues or questions to be addressed, provide all relevant background information, and attach all necessary documents. For quicker review, redline any proposed modifications and identify/tab all signature pages.	
In FY2016-17, project funding was established from General and Municipal Service funds for construction of a new Heron Isles Fire Station. Effective FY2020-21, an amount of \$725,000 General fund project budget was returned to the General Fund and replaced with Fire/Rescue impact fees. Station 71 project construction was completed FY2020-21.	
Note that the latest iteration of ordinance re: this impact fee is 2020-19 - But - it is better to refer to the proper section as found & codified in Municode which is Chapter 34, Art III 34-31 - 34-35	

For County Attorney Office Use Only

DATE:	LOGGED BY:	ASSIGNED TO:
CA MATTER NAME:		
ATTORNEY RESPONSE/COMMENTS:		
<input type="checkbox"/> Insurance Approved By: Date:	<input checked="" type="checkbox"/> Contract Approved By: <i>[Signature]</i> Date: 4/16/22	<input type="checkbox"/> See Attached By: Date:
<input type="checkbox"/> See Comments By: Date:		
Comments [<input type="checkbox"/> See Attached Material]:		
no known legal issues - Charge Form		

Sec. 34-31. - Definitions applicable to fire rescue impact fees.

Sec. 34-32. - Legislative findings applicable to fire rescue impact fees.

Sec. 34-33. - Imposition of fire rescue impact fees.

Sec. 34-34. - Use of monies.

Sec. 34-35. - Individual calculation of fire rescue impact fees.

Secs. 34-36—34-40. - Reserved.

Sec. 34-34. - Use of monies.

- (a) The commission hereby creates the "Fire Rescue Impact Fee Trust Account," which shall be maintained separate and apart from all other county accounts.
- (b) Upon receipt by the county, fire rescue impact fees shall be deposited into the fire rescue impact fee trust account immediately upon receipt.
- (c) Funds on deposit in the fire rescue impact fee trust account, as established in paragraph (a) above, shall be used solely for the purpose of providing growth-necessitated capital improvements to the county fire rescue system, including, but not limited to:
 - (1) Land acquisition, including any cost of acquisition or condemnation;
 - (2) Fees for professional services, including but not limited to architecture, engineering, surveying, landscaping, soils and material testing, legal, appraisals, and construction management;
 - (3) Design and construction plan preparation;
 - (4) Site development and on-site and off-site improvements incidental to the construction thereto;
 - (5) Any permitting or application fees necessary for the construction;
 - (6) Design and construction of new fire rescue facilities;
 - (7) Design and construction of new drainage facilities required by the construction of fire rescue facilities or improvements thereto;
 - (8) Relocating utilities required by the construction of fire rescue facilities or improvements or additions thereto;
 - (9) Landscaping;
 - (10) Construction management and inspection;
 - (11) Surveying, soils, and materials testing;
 - (12) Acquisition of large capital equipment for the county fire rescue system;
 - (13) Repayment of monies borrowed from any budgetary fund of the county which were used to fund growth-necessitated capital improvements to the county fire rescue system as provided herein;
 - (14) Payment of principal and interest, necessary reserves, and costs of issuance under any bonds or other indebtedness issued by the county to fund growth-necessitated improvements and additions to the county fire rescue system; and
 - (15) Costs related to the administration, collection, and implementation of the fire rescue impact fee.
- (d) The monies deposited into the fire rescue impact fee trust account shall be used solely to provide

capital improvements or additions to the county fire rescue system as necessitated by growth as projected in the impact fee study and shall not be used for any expenditure that would be classified as a maintenance or repair expense.

- (e) Any fire rescue impact fee funds on deposit which are not immediately necessary for expenditure shall be invested by the county. All income derived from such investments shall be deposited in the fire rescue impact fee trust account and used as provided herein.
- (f) The county may retain 1.5 percent of all fire rescue impact fees received or the actual costs of administration and collection, whichever is less, as an administrative fee to defray the costs of administering the fire rescue impact fees. The Nassau County Clerk of Court may retain an additional 0.5 percent of all fire rescue impact fees received or the actual costs of administration and collection, whichever is less, as an administrative fee to defray the costs of administering the fire rescue impact fees.
- (g) A report will be prepared annually by the county reflecting the collection and expenditures of fire rescue impact fees by the county during the previous year.
- (h) The fire rescue 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 ninth 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 county for the refund within six (6) months following the end of the calendar quarter immediately following nine (9) years from the date on which the fee was received.
 - (2) The petition for refund shall be submitted to the county manager and shall contain:
 - a. A notarized sworn statement that the petitioner is the present owner of the property on behalf of which the fire rescue impact fee was paid;
 - b. A copy of the dated receipt issued for payment of the fire rescue impact fee or such other record as would evidence payment; and
 - c. A certified copy of the latest recorded deed or a copy of the most recent ad valorem tax bill.
 - (3) Within sixty (60) days from the date of receipt of a petition for refund, the county manager will advise the petitioner and the commission of the status of the fire rescue impact fee requested for refund, and if such fire rescue impact fee has not been expended or encumbered within the applicable time period, then it shall be returned to the petitioner. 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.