

AN ORDINANCE AMENDING THE PASCO COUNTY CODE OF ORDINANCES, CHAPTER 78, BY CREATING SECTIONS 78-26, 78-27, 78-28, AND 78-29, AND AMENDING CHAPTER 78; AMENDING CHAPTER 110; PROVIDING FOR UNIFORM PROVISIONS FOR GOVERNMENT ACQUISITIONS IMPACT FEE CREDITS, APPEALS, REFUNDS AND IMPOSING ADMINISTRATION FEES; PROVIDING FOR EFFECT ON OTHER COUNTY REGULATIONS, INCLUSION IN CODE, REPEALER, APPLICABILITY, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners has authority to adopt this Ordinance through general noncharter County home rule powers pursuant to Article VIII of the 1968 Florida Constitution, and Chapters 125 and 163, Florida Statutes (F.S.); and

WHEREAS, the Transportation Impact Fee Ordinance adopted by the Board of County Commissioners on April 24, 2007 (Ordinance No. 07-09) provided for procedures for the creation and appropriation of impact fee credits for property acquired by the government, as well as revised procedures for impact fee refunds and appeals; and

WHEREAS, the Board of County Commissioners desires to create and appropriate impact fee credits for property acquired by the government and standardize the procedures for impact fee refunds and appeals for all current and future Pasco County impact fees, consistent with Ord. No. 07-09 and Section 317 of the Pasco Land Development Code, including, but not limited to, said fees for Transportation, Schools, Parks and Recreation, Library, Fire Combat and Rescue Service, Law Enforcement, Hurricane Mitigation and Water and Wastewater Service; and

WHEREAS, the Board of County Commissioners finds it in the best interest of the public health, safety and welfare to create uniform procedural and implementation provisions for government acquisition impact fee credits, appeals, and refunds; and

WHEREAS, the Board of County Commissioners desires to replace the existing administration fees provided for in Chapters 78 and 110 with a general administration fee for all impact fees and to set the amount of said administration fees by separate resolution(s); and

WHEREAS, this Ordinance shall be known as the "Uniform Impact Fee Procedures Ordinance"; and

WHEREAS, this Ordinance is consistent with the Pasco County Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Pasco County, Florida, that the Pasco County Code of Ordinances, is hereby amended as follows:

Section 1. Findings.

The foregoing Whereas clauses are hereby ratified and incorporated as the legislative intent of this Ordinance.

Section 2. Section 78-26 is hereby created as follows.

Section 78-26. Government Acquisition Credit.

(a) Program Established.

(1) If the County, or another entity with eminent domain authority, acquires land by condemnation, by threat of condemnation, or otherwise purchases land with a building or structure located thereon that existed on or after the original effective date of an impact fee ordinance and intends to remove said building or structure, and such land is either (1) replaced with a use that precludes construction of any buildings, or (2) encumbered by a deed restriction that precludes construction of any buildings, the County shall create an impact fee credit, equivalent to the impact fee(s) that would be due for said building or structure if rebuilt on the date that title transfers pursuant to an Order of Taking, the date of closing for other acquisitions, or some other date as approved by the Board of County Commissioners ("Government Acquisition Credit").

(2) The County shall establish a separate Government Acquisition Credit tracking system for each applicable impact fee.

(3) Government Acquisition Credits may be appropriated to a property owner at the discretion of the County. Where a Government Acquisition Credit is appropriated to a property owner:

a. language, including the amount of credit, granting the credit to the property owner must be included in the agreement for sale and purchase and approved by the Board, or

b. if a petition for eminent domain has been filed, the credit and credit amount must be included in the settlement agreement of the eminent domain proceeding and approved by the Board.

(4) The property owner who receives a credit may utilize said credit for payment of the impact fees due upon relocation. If the credit amount is insufficient to pay the impact fees due at the new location, at the time such fees are due, the property owner shall be responsible for payment of the difference between the credit amount and the impact fees due, unless the Board of County Commissioners specifically appropriates additional unused

Government Acquisition Credit from the applicable tracking system or another funding source to pay the difference between the credit amount and the impact fees due.

(5) Unless otherwise approved by the Board in the agreement for sale and purchase or the eminent domain settlement agreement, the property owner receiving the credit must utilize the Government Acquisition Credit within four (4) years from the date that title transfers or the date of closing for other acquisitions.

(6) Government Acquisition Credit shall not be available to property owners when the issue of compensation is determined by a jury, pursuant to Section 73.071, F.S.

(b) Calculation.

The amount of the Governmental Acquisition Credit shall be calculated as set forth in Sections 78-37, 78-92, 78-192, 78-252, 78-303, 78-323 and 110-242, as may be amended from time to time, based on the fees in effect at the time that title transfers pursuant to an Order of Taking, or the date of closing for other acquisitions or other date as approved by the Board of County Commissioners. Government Acquisition Credits may not be available for impact fees adopted or increased after the date of the agreement for sale and purchase, the eminent domain settlement agreement, or some other agreement.

(c) Estimates.

A person may request at any time a nonbinding estimate of the Government Acquisition Credit for a particular property; however, such estimate is subject to change until the Board approves the agreement for sale and purchase or the settlement agreement of an eminent domain proceeding.

(d) Transfers and Appropriations.

(1) Any Government Acquisition Credits not used within the time frame established pursuant to Section 78-26(a)(5) or created but not appropriated to an individual property owner pursuant to Section 78-26(a) shall remain within the applicable tracking system until used. The Board, or, subject to purchasing authority, the County Administrator, or his designee, may appropriate unused Government Acquisition Credits within the applicable tracking system to pay impact fees on behalf of (a) qualified businesses pursuant to the Economic Development Incentive Ordinance, (b) residences or developments eligible for the Affordable Housing Rate pursuant to Section 78-38(a)(4) or other affordable housing fee payers, or (c) any other use permitted by law. The Board's utilization or transfer of such credits is not subject to the restrictions in Sections 78-38(d)(2)(d), (e) and (f) or any other transfer restriction.

(2) Government Acquisition Credits are not transferable from property owners to other persons or non-governmental entities unless otherwise approved by the Board in the agreement for sale and purchase, the eminent domain settlement agreement, or some other agreement.

Section 3. Section 78-38(d)(2)c is hereby amended as follows.

c. A credit against any transportation impact fee due shall be given for the replacement of any building, structure, or use with a new building, structure, or use, provided that the replaced building, structure, or use existed on or after January 1, 1985, and provided further that such credit shall be given only to the extent of the amount of the transportation impact fee that would have been imposed upon such replaced building, structure, or use. ~~If the County, or another entity with eminent domain authority, acquires by eminent domain or otherwise purchases land with a building or structure that existed on or after January 1, 1985, and demolishes or removes such building or structure, and such land is either (1) replaced with a use that precludes the use of new development, or (2) encumbered by a deed restriction that precludes the use of new development, The County may establish a transportation impact fee credit equivalent to the transportation impact fee assessment for the demolished building or structure as of the date of the order of taking or the closing date for other purchases ("eminent domain credit"). The County shall establish a separate accounting or fund for eminent domain credits. The Board may utilize eminent domain credits for (1) payment of the transportation impact fees due at the time the person displaced by the acquisition is relocated, or (2) payment of transportation impact fees for (a) qualified businesses pursuant to the Economic Development Incentive Ordinance, or (b) residences or developments eligible for the affordable housing rate pursuant to subsection 78-38(a)(4). The Board's utilization or transfer of such credits is not subject to the restrictions in subsections 78-38(d)(2)(d), (e) and (f).~~

Section 4. Section 78-27 is hereby created as follows.

Section 78-27. Appeals.

(a) Unless otherwise provided for in this Code, a person who receives a final determination from the County Administrator or his designee, pursuant to this Chapter 78 or Chapter 110, shall have the right to request an appeal hearing before the Board of County Commissioners in accordance with the procedures and rules in Section 317 of the Land Development Code.

Section 5. Section 78-28 is hereby created as follows.

Section 78-28. Refunds.

(a) The procedures in this Section shall apply when:

(1) a refund is required by a substantive provision of this Chapter, Chapter 110, any agreement, or other applicable law, or

(2) a refund is due because a final determination of eligibility for a waiver, credit, offset or reduced impact fee pursuant to this Chapter, Chapter 110, any agreement, or applicable law was not made or available at the time the impact fee was paid.

(b) Refunds shall be made in accordance with the following procedure:

(1) The present owner of the property for which the impact fee was paid or owner of the right to the refund pursuant to a contract, agreement or letter must petition the County Administrator or his designee for the refund within four (4) years following the date on which the impact fee payment was made, unless a longer time period is specifically permitted by Chapter 78 or Chapter 110 or by the Board of County Commissioners. The written petition must be submitted to the County Administrator or his designee and must contain:

1. The name, address and telephone number of the petitioner.
2. A notarized sworn statement that the petitioner is the current owner of the real property for which the fee was paid or the petitioner is the lawful owner of the right to the refund pursuant to a contract, agreement or letter.
3. A copy of the latest recorded deed or contract, agreement or letter establishing the right to the refund.
4. A copy of the most recent ad valorem tax bill.
5. The name of the person to whom the refund shall be issued.

(c) The right to an impact fee refund shall run with the land; accordingly, all refunds due pursuant to this Chapter and Chapter 110 shall be issued to the current owner of the real property entitled to the refund, unless another person presents the County with a contract, agreement or letter signed and notarized by the current owner, or an agreement is approved by the Board, which assigns or allocates the current owner's right to such refund to the other person.

(d) Within ninety (90) days from the date of receipt of a complete petition for refund, the County Administrator will issue a final determination on the refund request.

(e) No fee shall be charged for a refund.

Section 6. Section 78-39(c) is hereby amended as follows.

(c) Refunds by the County.

(1) The fees collected pursuant to this division shall be returned to the then present owner if the fees have not been expended within eight (8) years. Refunds shall be made in accordance with the following procedure and Section 78-28:

a. The present owner of the property for which the transportation impact fee was paid must petition the Board of County Commissioners for the refund within one (1) year following the end of the eighth year from the date on which the fee was paid.

~~b. The petition must be submitted to the County administrator and must contain:~~

~~1. A notarized sworn statement that the petitioner is the current owner of the property.~~

~~2. The original dated receipt issued for payment of the fee or other evidence of payment acceptable to the County administrator.~~

~~3. A certified copy of the latest recorded deed.~~

~~4. A copy of the most recent ad valorem tax bill.~~

~~eb. Within ninety (90) days from the date of receipt of a petition for refund, the County administrator will advise the petitioner and the Board of County Commissioners of the status of the fee requested for refund. For the purposes of this section, fees collected shall be deemed to be spent on the basis of the first fee in shall be the first fee out. In other words, the first money placed in a special revenue fund shall be the first money taken out of that account when withdrawals have been made.~~

~~d. When the money requested for refund is still in a special revenue fund and has not been expended by the end of eight (8) years from the date the fees were paid, pursuant to this section, the unexpended fees shall be refunded with interest at a rate equal to the eight-year average annual rate earned by the County in the local government surplus funds trust fund administered by the state board of administration. Interest on the unexpended amount remaining in the special revenue fund shall be calculated from the date the fees were collected to the end of the eight-year period.~~

~~(3) The right to an impact fee refund shall run with the land; accordingly, all refunds due pursuant to this division shall be issued to the current owner of the property entitled to the refund, unless another person presents the County with a contract, agreement or letter signed and notarized by the current owner which assigns the current owner's right to such refund to the other person. all petitions for refunds shall include the information in subsection 78-39(c)(1)b.~~

Section 7. Section 78-113 is hereby amended as follows.

Sec. 78-113. Refunds by the School Board and the County.

Failure of School Board to expend use the school impact fee funds within time limit. The present owner of the property may request a refund from the ~~School Board~~ County of school impact fees paid by an applicant if the School Board has failed to expend said fee within eight years. For the purpose of this section fees collected shall be deemed to be spent on the basis of the first fee in shall be the first fee out. In other words, the first money placed in the fund shall be the first money taken out of that fund when withdrawals are made. Refunds shall be made in accordance with the following procedure and Section 78-28:

(1) The present owner of the property for which the school impact fee was paid must petition the ~~School Board~~ County for the refund within one year following the end of the eight years from the date on which the fee was paid; ~~and~~

~~(2) The owner shall submit:~~

~~a. Notarized sworn affidavit that the individual requesting the refund is the current owner of the property;~~

~~b. The original dated receipt issued for payment of the fee or other evidence of payment acceptable to the superintendent;~~

~~c. A certified copy of the latest deed; and~~

~~d. A copy of the most recent ad valorem tax bill.~~

~~(3) Within 90 days from the date of receipt of a petition for a refund, the superintendent will advise the petitioner of the status of the requested refund.~~

~~(4) (2) When the money requested for refund is still in the School Board's school impact fee fund and has not been expended by the end of eight years from the date the fee was paid, pursuant to this section, the unexpended fee shall be refunded by the School Board ~~with interest~~ at a rate ~~equal to the eight years annual rate earned by the School Board in the School Board's school impact fee account.~~ Interest on the ~~unexpended amount remaining in the fund shall be~~ calculated for the date the fee was collected to the end of the eight year period. Refunds made by the School Board shall not include reimbursement of credits given and collection fees charged by the County, the clerk, and/or the cities.~~

Section 8. Section 78-213 is hereby amended as follows.

Sec. 78-213. Refunds by the County.

(a) Failure of the County to expend use the parks and recreation impact fee funds within time limit. The applicant or a successor in interest may request a refund from the County of parks

and recreation impact fees paid by an applicant if the County has failed to expend or appropriate the parks and recreation impact fees collected from the applicant within the time limits as follows:

(1) Appropriated in the County's five-year capital improvement program prior to the end of the fiscal year immediately following the fifth anniversary of the date upon which such fees were paid; or

(2) Expended prior to the end of the fiscal year immediately following the tenth anniversary of the date upon which such fees were paid.

(3) For purposes of this section, fees collected shall be deemed to be spent or appropriated on the basis of "the first fee in shall be the first fee out."

(4) For purposes of this section, all impact fees shall be deemed to be expended prior to the expenditure of any interest or investment income.

(5) Refunds shall be made only in accordance with the following procedure and Section 78-28:

a. The applicant or a successor in interest shall request the refund within one year following the end of the calendar year immediately following ten years from the date on which the fee was received;

b. Description and documentation of the County's non-use of the parks and recreation impact fees; and

~~c. Requests for a refund shall include all information required in section 78-213(d), as appropriate, and shall be submitted to the Board for approval.~~

(6) For purposes of this section, any refund received shall not include interest or investment income while on deposit in the impact fee fund.

(7) The administrator may request that the Board of County Commissioners grant a one-year extension to the time frames for appropriation and/or expenditure of the parks and recreation impact fees.

(b) Requests for refunds must be made by written request to the administrator within the time limits as established herein. ~~The applicant, or successor in interest, shall submit:~~

~~(1) A notarized sworn affidavit stating that the individual requesting the refund is the applicant or the successor in interest to the real property on which the parks and recreation impact fee was paid;~~

~~(2) Name and address; and~~

~~(3) The location of the property which was the subject of the building permit and/or certificate of occupancy and/or final inspection;~~

~~(4) The date the building permit and/or certificate of occupancy was issued; or the date of expiration, or that it was declared to be invalid; and~~

~~(5) The amount of the parks and recreation impact fee paid and copies of original receipts or canceled checks evidencing such payments; and~~

Section 9. Section 78-273(a) and (b) is hereby amended as follows.

Sec. 78-273. Refunds by the County.

(a) Failure of the County to expend ~~use~~ the library impact fee funds within time limit. The applicant or a successor in interest may request a refund from the County of library impact fees paid by an applicant if the County has failed to expend ~~use~~ or appropriate the library impact fees collected from the applicant within the time limits as follows:

(1) Appropriated in the County's five year capital improvement program prior to the end of the fiscal year immediately following the fifth anniversary of the date upon which such fees were paid; or

(2) Expended prior to the end of the fiscal year immediately following the tenth anniversary of the date upon which such fees were paid.

(3) For purposes of this section, fees collected shall be deemed to be spent or appropriated on the basis of the first fee in shall be the first fee out.

(4) For purposes of this section, all impact fees shall be deemed to be expended prior to the expenditure of any interest or investment income.

(5) Refunds shall be made only in accordance with the following procedure and Section 78-28:

a. The applicant or a successor in interest shall request the refund within one year following the end of the calendar year immediately following ten years from the date on which the fee was received; and

b. Description and documentation of the County's non-use of the library impact fees; ~~and~~

~~c. Requests for a refund shall include all information required in subsection 78-273(d), as appropriate, and shall be submitted to the Board for approval.~~

(6) For purposes of this section, any refund received shall not include interest or investment income while on deposit in the impact fee fund.

(7) The administrator may request that the Board of County Commissioners grant a one-year extension to the time frames for appropriation and/or expenditure of the library impact fees.

~~(b) Requests for refunds must be made by written request to the administrator within the time limits as established herein. The applicant, or successor in interest, shall submit:~~

- (1) ~~A notarized sworn affidavit stating that the individual requesting the refund is the applicant or the successor in interest to the real property on which the library impact fee was paid; and~~
- (2) ~~Name and address; and~~
- (3) ~~The location of the property which was the subject of the building permit and/or certificate of occupancy and/or final inspection; and~~
- (4) ~~The date the building permit and/or certificate of occupancy was issued; or the date of expiration, or that it was declared to be invalid; and~~
- (5) ~~The amount of the library impact fee paid and copies of original receipts or cancelled checks evidencing such payments; and~~
- (b) Upon receipt of a completed request for a refund, the administrator shall review the request and documentary evidence submitted by the applicant as well as such other information and evidence as may be deemed relevant. After complete verification and satisfaction of the requirements, the County shall refund the library impact fee from the County's library impact fee fund, as established pursuant to section 78-272.

Section 10. Section 78-304(c) is hereby amended as follows.

(c) Refunds by the County.

(1) Failure of the County to expend the fire combat and rescue service impact fee funds within time limit. The applicant or a successor in interest may request a refund from the County of fire combat and rescue service impact fees paid by an applicant if the County has failed to expend or appropriate the fire combat and rescue service impact fees collected from the applicant within the time limits as follows:

- a. Appropriated in the County's five-year capital improvement program prior to the end of the fiscal year immediately following the fifth anniversary of the date upon which such fees were paid; and
- b. Expended prior to the end of the fiscal year immediately following the tenth anniversary of the date upon which such fees were paid.
- c. For purposes of this section, fees collected shall be deemed to be spent or appropriated on the basis of "the first fee in shall be the first fee out."
- d. For purposes of this section, all impact fees shall be deemed to be expended prior to the expenditure of any interest or investment income.
- e. Refunds shall be made only in accordance with the following procedure:

1. The applicant or a successor in interest shall request the refund within one year following the end of the calendar year immediately following ten years from the date on which the fee was received; and

2. Description and documentation of the County's non-use of the fire combat and rescue service impact fees; ~~and requests for a refund shall include all information required in section 78-304(c)(4), as appropriate, and shall be submitted to the Board for approval.~~

f. For purposes of this section, any refund received shall not include interest or investment income while on deposit in the impact fee funds.

hg. The administrator may request that the Board of County Commissioners grant a one year extension to the time frames for appropriation and/or expenditure of the fire combat and rescue service impact fees.

(2) Requests for refunds must be made by written request to the administrator within the time limits as established herein. ~~The applicant, or successor in interest, shall submit:~~

~~a. A notarized sworn affidavit stating that the individual requesting the refund is the applicant or the successor in interest to the real property on which the fire combat and rescue service impact fee was paid;~~

~~b. Name and address;~~

~~c. The location of the property which was the subject of the building permit and/or certificate of occupancy and/or final inspection;~~

~~d. The date the building permit and/or certificate of occupancy was issued; or the date of expiration, or that it was declared to be invalid; and~~

~~e. The amount of the fire combat and rescue service impact fee paid and copies of original receipts or cancelled checks evidencing such payments; and~~

Section 11. Section 78-332 is hereby amended as follows.

Sec. 78-332. Refunds by the County.

(a) The fees collected pursuant to this division shall be returned to the then present owner if the fees have not been expended within eight years. Refunds shall be made in accordance with the following procedure:

(1) The present owner of the property for which any fee was paid must petition the Board of County Commissioners for the refund within one year following the end of the eighth year from the date on which the fee was paid.

~~(2) The petition must be submitted to the County administrator and must contain:~~

~~a. A notarized sworn statement that the petitioner is the current owner of the property;~~

~~b. The original dated receipt issued for payment of the fee or other evidence of payment acceptable to the County administrator;~~

~~c. A certified copy of the latest recorded deed; and~~

~~d. A copy of the most recent ad valorem tax bill.~~

~~(23) Within 90 days from the date of receipt of a petition for refund, the County administrator, will advise the petitioner and the Board of County Commissioners of the status of the fee requested for refund. For the purposes of this section, fees collected shall be deemed to be spent on the basis of the first fee in shall be the first fee out. In other words, the first money placed in a special revenue fund shall be the first money taken out of that account when withdrawals have been made.~~

~~(4) When the money requested for refund is still in a special revenue fund and has not been expended by the end of eight years from the date the fees were paid, pursuant to this section, the unexpended fees shall be refunded with interest at a rate equal to the eight-year average annual rate earned by the County in the local government surplus funds trust fund administered by the state Board of administration. Interest on the unexpended amount remaining in the special revenue fund, shall be calculated from the date the fees were collected to the end of the eight-year period.~~

~~(b) The fees collected pursuant to this division shall be returned to the present owner if the development activity generating shelter demand or evacuation impacts is canceled due to noncommencement of construction before the funds have been encumbered and expended pursuant to this division. For purposes of this section, noncommencement means either notice to the County of intent not to commence development or the date of expiration of a building permit. Refunds shall be made in accordance with section 78-332 provided the then present owner petitions the Board of County Commissioners for the refund within 90 days from the date of noncommencement. However, an administrative process fee of \$500.00 or 15 percent of the applicable fee, whichever is less, shall be retained by the County.~~

Section 12. Section 110-263 is hereby amended as follows.

Sec. 110-263. Refunds by the County.

(a) Failure of the County to expend~~use~~ the water and wastewater service impact fee funds within time limit. The applicant or a successor in interest may request a refund from the County of water and wastewater service impact fees paid by an applicant if the County has failed to expend~~use~~ or appropriate the water and wastewater service impact fees collected from the applicant within the time limits as follows:

(1) Appropriated in the County's ten year capital improvement program prior to the end of the fiscal year immediately following the tenth anniversary of the date upon which such fees were paid; or

(2) Expended prior to the end of the fiscal year immediately following the tenth anniversary of the date upon which such fees were paid.

(3) For purposes of this section, fees collected shall be deemed to be spent or appropriated on the basis of "the first fee in shall be the first fee out."

(4) For purposes of this section, all impact fees shall be deemed to be expended prior to the expenditure of any interest or investment income.

(5) Refunds shall be made only in accordance with the following procedure and Section 78-28:

a. The applicant or a successor in interest shall request the refund within one year following the end of the calendar year immediately following ten years from the date on which the fee was received; and

b. Description and documentation of the County's non-use of the water and wastewater service impact fees; ~~and requests for a refund shall include all information required in section 110-263(b), as appropriate, and shall be submitted to the Board for approval.~~

(6) for purposes of this section, any refund received shall not include interest or investment income while on deposit in the impact fee funds.

(7) The administrator may request that the Board of County Commissioners grant a one-year extension to the time frames for appropriation and/or expenditure of the water and wastewater service impact fees.

~~(b) Requests for refunds must be made by written request to the administrator within the time limits as established herein. The applicant, or successor in interest, shall submit:~~

~~(1) A notarized sworn affidavit stating that the individual requesting the refund is the applicant or the successor in interest to the real property on which the water and/or wastewater service impact fee was paid;~~

~~(2) Name and address; and~~

~~(3) The location of the property which was the subject of the service connection;~~

~~(4) The date the service connection was made; and~~

~~(5) The amount of the water and/or wastewater service impact fee paid and copies of original receipts or cancelled checks evidencing such payments; and~~

(eb) Upon receipt of a completed request for a refund, the administrator shall review the request and documentary evidence submitted by the applicant as well as such other information and evidence as may be deemed relevant. After complete verification and satisfaction of the

requirements, the County shall refund the water and wastewater service impact fee from the County's water and wastewater service impact fee funds, as established pursuant to section 110-262.

Section 13. Section 78-29 is hereby created as follows.

Section 78-29. Administration Fees.

Administration fees shall be set by separate resolution(s) of the Board of County Commissioners and shall be based upon the actual cost of administering and implementing Pasco County's impact fee ordinances including, but not limited to, establishing, reviewing, updating, calculating, and collecting impact fees, establishing and maintaining credit and other impact fee accounts, and processing refunds of impact fees. Administration fees shall be in addition to the impact fees due pursuant to this Chapter and Chapter 110, and impact fee credits or offsets shall not apply to administration fees. Any administration fees collected to date on any of the County's impact fees may be used for funding administrative costs associated with any of the impact fees. Administration fees shall be non-refundable unless the Board of County Commissioners, or a court of law with jurisdiction, determines that the administration fees exceed the County's actual cost of administering and implementing Pasco County's impact fee ordinances, or otherwise violate Florida law.

Section 14. Section 78-39(b)(6)b.3. is hereby repealed in its entirety.

~~3. Administrative costs of the collecting agency related to the collection of transportation impact fees (not to exceed one (1) percent of the total funds collected, or the actual costs of the collection, whichever is less).~~

Section 15. Section 78-112 (b)(2) and (c)(2) is hereby repealed in their entirety.

(b) School impact fees shall, upon receipt by the County, be deposited into the school impact fee fund. The school impact fees shall remain in the fund until transferred to the School Board pursuant to this section.

~~(2) The county may assess a collection fee not to exceed one percent of the total school impact fee to offset the administrative costs of collecting the school impact. Said collection fee shall be in addition to the school impact fee and is non-refundable.~~

(c) School impact fees shall, upon receipt by the Cities, be deposited into the funds established by the Cities for school impact fees. The school impact fees shall remain in these funds until transferred to the School Board pursuant to this section.

~~(2) The cities may assess a collection fee not to exceed one percent of the total school impact fee to offset the administrative costs of collecting the school impact. Said collection fee shall be in addition to the school impact fee and is non-refundable.~~

Section 16. Effect On Other County Regulations.

It is the intent of the Board of County Commissioners that the provisions of this Ordinance shall only supersede the provisions in other regulations within Chapters 78 or 110 relating to Government Acquisition Credits, Eminent Domain Credits, appeals and refund procedures. To the extent of any conflict between any other County regulations in Chapter 78 and this Ordinance, or Chapter 110 and this Ordinance, pertaining to Government Acquisition Credits, Eminent Domain Credits, appeals, refund procedures, or administration/collection fees, this Ordinance shall be deemed to be controlling.

Section 17. Inclusion In Code.

It is the intent of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Pasco County Code of Ordinances, Chapter 78, Article I as an amended Division 1, and Chapter 110, Article V as an amended Division 3, and that the sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," "regulation," or such other appropriate word or phrase in to order accomplish such intentions. All strike-through and underline in this amended and restated ordinance is solely to indicate additions and deletions to the original ordinance, and shall be removed when included in the Code. Changes not indicated in strike-through and underline format are not intentional, and therefore should not be considered a change to the original Code, except for changes deemed necessary by the Municipal Code Corporation Editor, after consultation with the County, to maintain consistency with the existing Code of Ordinances.

Section 18. Repealer.

All provisions of the Pasco County Code of Ordinances, as amended, and ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of any conflict. Sections 78-38(g) Appeals, Section 78-97 Appeals, Section 78-197 Appeals, Section 78-257

Appeals, Section 78-303(g) Appeals, Section 78-335 Appeals, and Section 110-247 Appeals, are repealed in their entireties.

Section 19. Applicability.

Government acquisition credits shall only apply to government acquisitions occurring after the effective date of this Ordinance, except for transportation impact fees, which shall apply to governmental acquisitions occurring after the effective date of Ordinance 07-09 (October 1, 2007). Refunds and appeals procedures shall apply to any impact fee paid or any imposition of an impact fee by Pasco County. Administrative fees shall apply to any impact fee assessed on or after the effective date of the resolution setting the amount of the administration fee.

Section 20. Severability.

It is the intent of the Board of County Commissioners that if any section, subsection, sentence, clause, or provision of this Ordinance is held invalid, the remainder of the Ordinance shall be construed as not having contained the said section, subsection, sentence, clause, or provision and shall not be affected by such holding.

Section 21. Effective Date.

A certified copy of this Ordinance shall be filed with the Department of State by the Clerk to the Board of County Commissioners within ten (10) days after adoption. This Ordinance shall take effect upon filing with the Department of State.

ADOPTED this _____ day of _____, 2008.

(SEAL)

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF PASCO COUNTY, FLORIDA

JED PITTMAN, CLERK

THEODORE J. SCHRADER, CHAIRMAN