

TREASURE COAST REGIONAL PLANNING COUNCIL

MEMORANDUM

To: Council Members

AGENDA ITEM 13

From: Staff

Date: September 16, 2016 Council Meeting

Subject: Update on Mobility and Impact Fees

Introduction

The purpose of this item is to provide background information regarding impact fees and similar mechanisms, such as mobility fees, as methods to help local governments infrastructure necessitated by new growth and development. While these fees can be collected for a variety of infrastructure needs, transportation facilities tend to dominate fee collections and expenditures. As Florida's transportation network has become more multi-modal, with increasing demand for bicycle, pedestrian, and transit facilities, there has been a growing discussion among local governments about diversifying transportation impact fees. Further, as portions of the state have urbanized, with increasing densities and intensities but decreasing vehicular roadway demand, concerns have been raised by local governments regarding the equity of "one size fits all" impact fees across diverse land use conditions.

Background

Commensurate with the rise in Florida's development activity in the 1960s, Florida's local governments first began collecting impact fees in the 1960s. Initially focused on parks and recreational facilities, impact fee ordinances quickly expanded to cover additional infrastructure needs, such as roads, libraries, schools, public buildings, fire-rescue, and law enforcement. Over time, Florida's impact fee approach was developed on a case-by-case basis under statutory home rule authority granted to local governments. Pursuant to a legal challenge in 1983, Florida's 4th District Court of Appeals determined impact fees were legal so long as the local government could demonstrate a reasonable connection, or "rational nexus," between the need for additional capital facilities and the growth in population as well as the expenditure of funds collected and benefits accrued to residents. Further, the court found that impact fee ordinances "must specifically earmark the funds collected for use in acquiring capital facilities to benefit the new residents" (Nicholas, J. et al. 2005. [Impact Fee White Paper](#)). The state later adopted impact fee enabling legislation in 2006 to codify this home rule fee mechanism for local governments, maintaining the rational nexus requirement in Chapter 163.3180, Florida Statutes.

Over time, with the rapid growth patterns experienced across the State of Florida, impact fees became a primary tool for funding transportation networks, particularly roadway facilities.

Many local governments adopted impact fee ordinances that limited the use of transportation impact fees to roadway facilities exclusively. As Florida's land development and transportation patterns have changed, many local governments have begun to question the roadway dominance of impact fee structures. Across the state, many local governments have diversified their transportation networks, increasing emphasis on transit, bicycling, and pedestrian activity while reducing roadway dimensions.

To correspond with the diversification of transportation networks, mobility fees have emerged as a complementary or alternative mechanism to help fund multi-modal transportation networks. While roadway impact fees are limited to new roadway capacity, mobility fees can be utilized for roadways as well as bicycle and pedestrian facilities, transit vehicles and shelters, electric car recharging stations, and similar infrastructure improvements. Mobility fees provide increased flexibility in the use of collected funds, including operational costs as well as capital costs for facilities.

To date, 23 local governments in Florida have adopted mobility fees or mobility funding programs. These include the City of Boca Raton, fifteen additional Florida municipalities and seven counties identified in the attached map. To address concerns raised by Palm Beach County municipalities, the Palm Beach Metropolitan Planning Organization has established a Road Impact Fee Alternatives Ad Hoc Committee in July 2016, which is reviewing impact fee and similar infrastructure funding mechanisms. Additional information will be presented by staff at the Council meeting.

Recommendation

For information only.

Attachment

MAP OF FLORIDA COMMUNITIES WITH MOBILITY FEES

