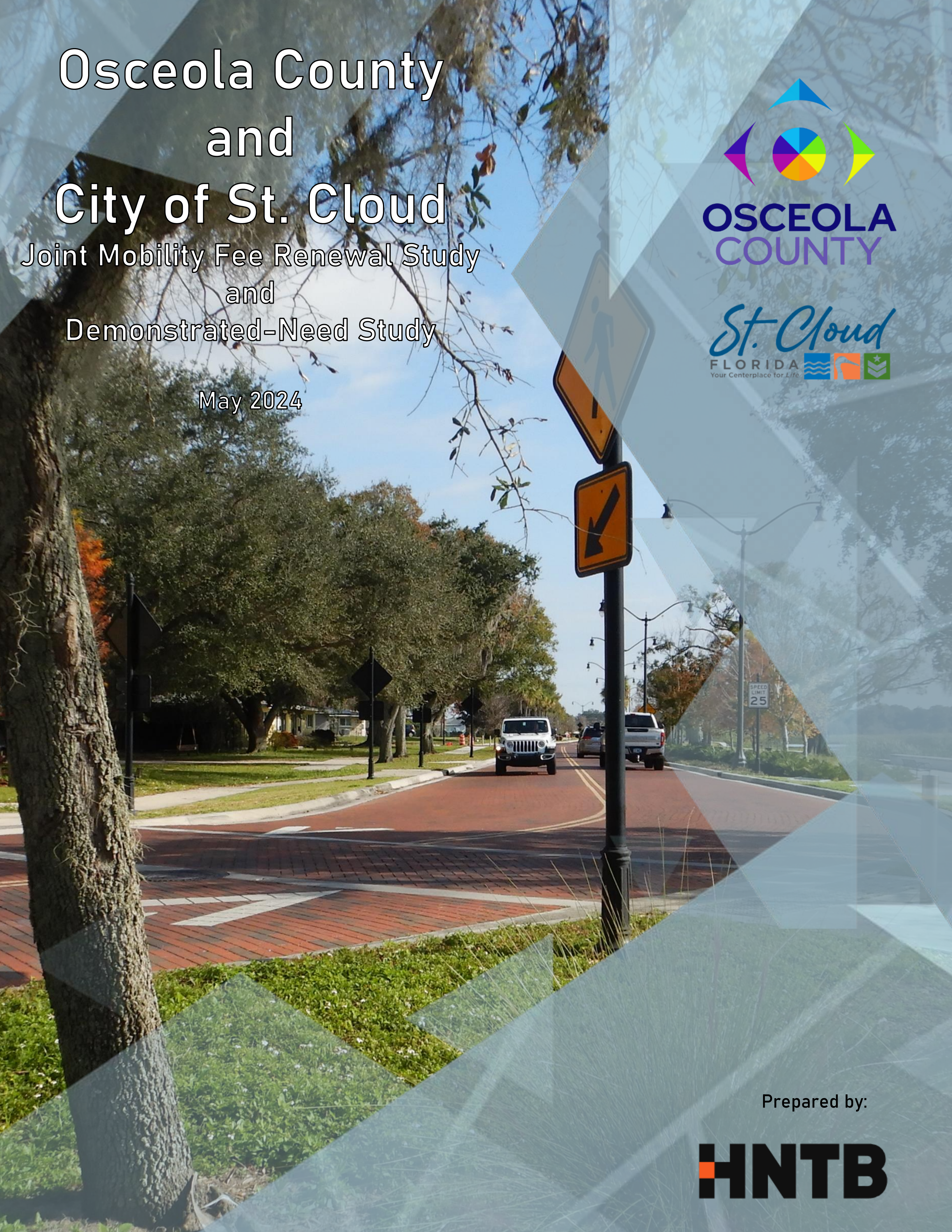

Osceola County and City of St. Cloud

Joint Mobility Fee Renewal Study and Demonstrated-Need Study

May 2024

OSCEOLA COUNTY

St. Cloud FLORIDA Your Centerplace for Life

Prepared by:

HNTB

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1. Introduction

The purpose of this Joint Mobility Fee Renewal Study is to update the City of St. Cloud's (City) and Osceola County's (County) Mobility Fee schedule utilizing the most up-to-date regional travel demand model (CFRPM 7.0), Institute of Transportation Engineers (ITE) Trip Generation manual (11th Edition), and the latest localized construction cost data for Osceola County and the City of St. Cloud. The base year established for the study was 2020 and the horizon was recognized as 2045.

The Joint Mobility Fee Renewal Study was established due to the need for enhancing future multimodal transportation infrastructure in Osceola County and the City of St. Cloud. This initiative aims to accommodate anticipated growth, as outlined by the County's and City's adopted Comprehensive Plan Transportation Element. Mobility fees are a one-time (up-front) charge assessed to new developments for their impacts to the local transportation network.

Osceola County's first Mobility Fee was adopted in 2015, as a replacement to its prior transportation impact fee. The County's Comprehensive Plan was amended to adopt several goals, objectives, and policies to promote mobility through multiple modes of transportation which were captured in the 2015 Mobility Fee Study. Of relevant importance is the following goal:

Goal 6-3: - Establishment of a Multimodal System

"*To establish safe and convenient multimodal systems, supporting livable communities and economic development, where access and travel choices are increased through new and enhanced public transit, bicycle, pedestrian, and roadway systems".*

The City of St. Cloud last updated their Comprehensive Plan in 2017 to encourage the most appropriate use of land, water and resource within St. Cloud, consistent with the interest of the citizens of St. Cloud. The City's Comprehensive plan set forth goals, objectives, and policies to guide development activity within the City and promote, preserve, and protect the health, safety and general welfare of the citizen of St. Cloud. Of relevant importance is the following goal:

Goal 1:

"To effectively manage the land use pattern in the City to enhance the quality of life for its citizens; promote economic vitality; and, accommodate population and development growth in an environmentally acceptable manner."

Broadway Ave. at E. Darlington Ave., Kissimmee

In 2017, a review of the County Mobility Fee Ordinance was conducted and several changes were recommended including the modification of the Mobility Fee schedule to more accurately reflect actual construction costs, indexing of the Mobility Fees using established indicators, payment of the fee upon issuance of the building permit, and effectively using the existing provision in the ordinance that requires no credit for roadway facilities necessary to connect to the existing roadway network.

In 2020, a study was conducted to evaluate the impacts on the transportation system due to future development in Osceola County. As part of this effort, the establishment of additional mobility fee districts were evaluated. The original Mobility Fee Study from 2015 recognized Florida's Turnpike as a physical feature impacting travel patterns within the County and was used to define the mobility fee district boundaries. The 2020 study maintained the same underlaying principal and ensured funds paid by developers within a given mobility fee district are spent on roadway improvements within the same district. The 2020 study made recommendations to update the Mobility Fee Schedule and recommended the split of the East District into two mobility fee districts where the Florida's Turnpike remains an east-west boundary while US 192, Pine Grove Road and Nova Road became the new north-south delineating feature to define the new Northeast and Southeast Mobility Fee Districts.

The current 2024 Joint Mobility Renewal Study suggests redefining the current mobility fee boundaries as described in Section 7 - *Mobility Fee Districts*. A map of the County's mobility fee districts with redefined boundaries can be seen in Figure 1 -Mobility Fee Districts, located in Section 7.

Osceola County undertook a mobility fee update in 2021, which aimed to evaluate the impacts to the transportation system from additional development within the County. This comprehensive analysis considered factors such as population growth, infrastructure demands, and future transportation needs. However, it is important to note that this update did not include the City of St. Cloud at that time, as it had a separate mobility fee schedule underway.

E. Dakin Ave. at E Monument Ave., Kissimmee

The purpose of this 2024 Joint Mobility Fee Renewal Study is to update the Mobility Fee schedule for Osceola County and the City of St. Cloud together while, utilizing the most up-to-date data. The Mobility Fees outlined in Section 6.14 reflect the maximum allowable rates the County and City are entitled to collect. It is important to note that the County and City reserve the right to promote certain types of developments by utilizing reduced or discounted mobility fee rates. Florida House Bill 337, passed in June of 2021 (Appendix A), lays out the requirements associated with the implementation and periodic escalations of Mobility Fees throughout the state. Osceola County and the City of St. Cloud must adhere to the stipulations of this bill and the new mobility fees will need to be adopted accordingly.

2. Legislative Principles

In 1985, the State of Florida passed the Growth Management Act which mandated that local governments in Florida adopt a Comprehensive Plan to guide and control future development. The policy required that public facilities must be provided "concurrent" with the impacts of new development. State mandated "concurrency" was adopted to ensure the health, safety, and general welfare of the public. In essence, transportation concurrency focused on accommodating or mitigating the impact of new development principally by adding roadway capacity via new and wider roadways. As a result, new development was driven away from urban areas where capacity considerations were unavailable or cost prohibitive.

Kissimmee's Founding Families Monument, Kissimmee.

The Florida Legislature has enacted changes over the last several years limiting growth management and a local government's ability to require new development mitigate their impacts to the transportation system. The foundation of the Mobility Fee is based on the mobility policies defined in the Osceola County and the City of St. Cloud Comprehensive Plans including the established horizon year and mobility districts. These standards are for planning purposes, not for regulating timing or approval of development.

Mobility plans and mobility fees were introduced by legislation in 2007 as a replacement for Transportation Concurrency, Proportionate Share, and Road Impact fees. In 2011, the Legislature eliminated state mandated transportation concurrency and made it optional for local governments to enact transportation concurrency polices.

In 2013, the Legislature established Mobility Plans associating mobility fees as the primary means by which local governments allow development considerations to be consistent with adopted local comprehensive planning efforts, equitably mitigate transportation impacts, and fund Premium Transit corridors, previously known as multi-modal corridor improvements.

In 2019, the Legislature required mobility fees, based on a mobility plan, explicitly follow the requirements for impact fees per Florida Statute 163.31801 (Appendix B).

In 2020, the Legislature, through Senate Bill 1066, made several additional changes to the Impact Fee Act to clarify that new or updated impact fees cannot be assessed on a permit if the permit was approved prior to the new or updated fee. The bill also made credits assignable and transferable to third parties under certain conditions.

In 2021, the Legislature, through House Bill 337 and Florida Statutes Chapter 163.31801, instituted specific limitations on the amount by which a local government may increase its impact fees. The limitations operate retroactively to January 1, 2021, and are as follows:

- *An increase to a current impact fee rate of not more than 25 percent of the current rate must be implemented in two equal annual increments beginning with the date on which the increased fee is adopted. An increase to a current impact fee rate which exceeds 25 percent but is not more than 50 percent of the current rate must be implemented in four equal installments beginning with the date the increased fee is adopted.*

- *An impact fee increase may not exceed 50 percent of the current impact fee rate.*

- *An impact fee may not be increased more than once every 4 years.*

- *An impact fee may not be increased retroactively for a previous or current fiscal or calendar year.*

- *A local government, school district, or special district may increase an impact fee rate beyond the phase-in limitations established under the above bullet points by establishing the need for such increase in full compliance with the requirements of Subsection 4 of HB 337, provided the following criteria are met:*

    - *A demonstrated need study justifying any increase in excess of those authorized in the aforementioned bullets has been completed within the 12 months before the adoption of the impact fee increase and expressly demonstrates the extraordinary circumstances necessitating the need to exceed the phase-in limitations.*

    - *The local government jurisdiction has held not less than two publicly noticed workshops dedicated to the extraordinary circumstances necessitating the need to exceed the phase-in limitations set forth in the four bullets provided above.*

    - *The impact fee increase ordinance is approved by at least a two-thirds vote of the governing body.*

The legislation establishes a 5-year renewal period, and this study covers the steps taken to review the existing procedures and make recommendations for a new mobility fee structure. The horizon year will be 2045 consistent with the current Metropolitan Transportation Plan (MTP).

The legislation also calls for a mobility fee process designed to:

- Provide for mobility needs.
- Ensure that development provides mitigation for its impacts on the transportation system in approximate proportionality to those impacts.
- Fairly distribute the fee among the governmental entities responsible for maintaining the impacted roadways and transit systems.
- Promote compact, mixed-use, and energy-efficient development.

In 2023, the Legislature, through Senate Bill 102 (Appendix C) and Florida Statute 166.04151 (Appendix D), made several additions and changes to programs related to affordable housing and policies at both the local and state level. The bill introduced and clarified new or updated impact fees. The impact fees outlined provide estimates for provisions introduced in the bill. Other property tax exemptions are outlined as well.

The Revenue Estimating Conference (REC) made the following estimates for the specified bill provisions:

- *The sales tax refund for building materials will reduce General Revenue Fund receipts by $31.9 [million] beginning in Fiscal Year 2023-2024 and will reduce local government revenues by $8.9 million beginning in Fiscal Year 2023-2024.*
- *Increasing the Community Contribution Tax Credit cap will reduce General Revenue Fund receipts by $8.4 million beginning in Fiscal Year 2023-2024 and will reduce local government revenues by $2.1 million beginning in Fiscal Year 2023-2024.*
- *The Live Local Program will reduce General Revenue receipts by $50 million in Fiscal Year 2023-2024 and by $100 million in future years.*
- *The property tax exemption for certain lands leased for affordable housing will reduce local property tax revenues by $8.5 million beginning in Fiscal Year 2023-2024.*
- *The local option affordable housing property tax exemption will have an indeterminate reduction to local property tax revenue due to variations in how many local governments implement the program, but the REC estimates the impact could be a reduction of local property tax revenues by $ 225.1 million by Fiscal Year 2027-2028.*
- *The General Revenue service charge redirect will reduce General Revenue Fund receipts by $150 million beginning in Fiscal Year 2023-2024 and will increase State Housing Trust Fund receipts by $150 million beginning in Fiscal Year 2023-2024.*
- *The property tax exemption for newly constructed or substantially renovated multi-family rental units used to provide affordable housing will reduce local government revenues by $183 million by Fiscal Year 2027-2028, with no impact in Fiscal Year 2023-2024 and increasing rates thereafter.*

Impacts in the private sector include a reduction in bureaucracy in multifamily housing and an increase in the amount of available property, for residential development relating to housing projects which qualify for the density, height, and zoning preemptions. Additionally, developers in the private sector will benefit from tax exemptions outlined in the SB 102 legislation while also receiving increased funding to the Florida Housing Finance Corporation (FHFC). Individuals could potentially benefit from an increase in income-limited units, overall housing production increases, and downpayment assistance eligibility as a result of the specified bill.

Impacts in the government sector include local governments possibly incurring expenditures and lost revenues in implementing the bill as it pertains to updating inventory lists of publicly owned land, publishing certain procedures and regulations electronically, and administering new ad valorem tax exemptions. Local governments could benefit from the expansion of the Community Contribution Tax Credit Program, the locally held land leasing provisions, and State Housing Initiatives Partnership (SHIP) funding.

Components of the bill, more specifically the General Revenue service charge redirection and the Live Local Program, have the neutral effect of reducing general revenue while increasing funding to the FHFC programs.

The Department of Revenue (DOR) and the FHFC will face costs related to administration of various provisions of the bill.

The bill makes the following appropriations to the FHFC:

- *$100 million in non-recurring funds from the General Revenue Fund to implement the Florida Hometown Heroes Program.*
- *$252 million in non-recurring funds from the Local Government Housing Trust Fund for the SHIP program.*
- *$150 million in recurring funds from the State Housing Trust Fund for the purpose of implementing section 30 of the bill, related to the State Apartment Incentive Loan (SAIL) project funding derived from a redirected General Revenue service charge.*
- *$109 million in non-recurring funds from the State Housing Trust Fund for the SAIL program; and*
- *$100 million in non-recurring funds from the General Revenue Fund to implement a competitive loan program to alleviate inflation-related cost increases for FHFC-approved multifamily projects that have not yet commenced construction; if not used by December 1, 2023, these funds are allocated to the SAIL program.*

The legislation establishes tax exemptions for local governments in sectors such as housing, property, and sales tax. For individuals and private property owners, this legislation provides benefits, which include an increased amount of income-limited units, and eligibility for downpayment financial assistance.

3. Comprehensive Plan

The County's Comprehensive Plan includes several goals, objectives, and policies to promote mobility through multiple modes of transportation. Key mobility goals, objectives, and policies in the transportation element of the Comprehensive Plan include:

Objective 6-1.1: - Coordination of Future Land Use and Transportation Planning

"Guided by the Urban Growth Strategy of the Future Land Use Element and the subarea Conceptual Master Plan/Mixed Use District areas, the County shall coordinate existing and future transportation improvements, ensuring that they are able to serve existing and proposed population densities, housing, and employment patterns."

Policy 6-1.1.2: - Implementation of Sustainability Plan.

"Consistent with the Future Land Use Element, the transportation system shall be planned and implemented to improve safety, increase connectivity, provide high-frequency transit and create a pedestrian environment to reduce reliance on automobile travel, as well as to recognize the build-out of the County to a new sustainable vision that encourages a balanced 1:1 jobs to housing ratio."

Goal 6-3: - Establishment of a Multimodal System

"To establish safe and convenient multimodal systems, supporting livable communities and economic development, where access and travel choices are increased through new and enhanced public transit, bicycle, pedestrian, and roadway systems."

Objective 6-3.1: - Integrated Transportation Network

"The County shall promote alternative modes of transportation to provide a safe, comfortable, attractive, efficient, and energy-efficient multimodal transportation network and shall encourage the use and expansion of alternative modes of transportation for commuting, as well as for recreational purposes. This coordinated web of streets and travel modes will address resident and visitor travel demands and ensure adequate movement of people and goods as a means to attract and sustain economic development."

The City has its own Comprehensive Plan which includes several goals, objectives, and policies to promote mobility and ensure that the City's Comprehensive Plan is aligned with the County's Comprehensive Plan. Key goals, objectives, and policies in the transportation element of the Comprehensive Plan include:

Objective 1.2: - Adjacent Jurisdictions

"The City will strive to ensure that development surrounding the municipal boundary and adjacent land uses in unincorporated Osceola County develop in a manner that is compatible with the City's land use pattern."

Objective 1.4: - Urban Sprawl

"The City shall discourage urban sprawl to ensure orderly compact development within the City and its Urban Service Area by promoting infill development, utilizing high density land uses in areas where adequate support infrastructure is available, expanding an urban collector transportation network, and adhering to efficient provisions of sewer and water services."

Goal 2:

"The City shall seek to enhance the livability and character of St. Cloud through the encouragement of innovative and development techniques and an attractive and functional mix of residential, commercial, educational, cultural and recreational land uses."

Objective 4.1: Mixed Use (MX)

"Provide the future land use category which is intended to promote a balanced mix of activities – residence, shops, schools, workplaces, parks, etc. it allows residential uses with densities ranging from 5 dwelling units per acre up to 25 dwelling units per acre. It also allows for non-residential uses with intensities ranging from 0.35 FAR to 2.5 FAR. These density and intensity standards may be modified for a Mixed-Use District through the adoption of a Conceptual Master Plan, or other approved development process, as long as the average density and intensity for the Mixed-Use District continues to meet or exceed the minimum standard as established herein. The development opportunities afforded by the mixed-use category's wide range of densities and intensities are a part of an integrated development strategy and cannot be severed from the category's design and diversity policies."

The 2040 Osceola County Comprehensive Plan established an Urban Growth Boundary (UGB) which identified the area targeted for urban development with the remainder of the County outside of that boundary to remain as a rural agricultural use.

The calculated Mobility Fees presented in this study meet the Dual Rational Nexus Test, which outlines two (2) requirements that give local governments the authority to impose regulatory fees, such as mobility fees. Local governments must demonstrate a reasonable connection, or rational nexus, between proposed new development and its projected impacts. The Mobility Fee is a combination of a consumption based and an improvement-based fee, where development is assessed and charged based off its future congestion (projected impact), thus proving there is a rational nexus between new development and the need for congestion mitigation. The second requirement that local governments must demonstrate is a rational nexus between the mobility fees collected and the expenditures they are tied to. In other words, the mobility fees collected must directly benefit proposed new development. Figure 1, located in Section 7, established three (3) mobility fee districts consistent with Ordinance No. 2020-63 and Ordinance No. 2022-15. It should be mentioned that a boundary adjustment between Districts 1 and Districts 3 occurred due to new traffic patterns expected within the East of Lake Toho and South of Lake Toho Planning Areas. These mobility fee districts help meet the second requirement of the Dual Rational Nexus Test, whereby expenditures will be limited to mobility fee districts that are directly proportionate to where the fees are collected.

4. Expansion Costs

Recent available Expansion Costs (EC) which include engineering, right-of-way (ROW), Construction Engineering and Inspection (CEI), and construction data from FDOT District 5 were utilized to establish the EC for Major Collector, Minor Collector, Minor Arterial, and Principal Arterial classifications on a per lane mile basis. Functional classification is the process when streets and highways are grouped into classes, or systems, according to the characters of service and connectivity they provide within a given roadway network. For this mobility fee update study, land development was analyzed in terms of functional classification within Osceola County and the City of St. Cloud.

4.1 Land Development Code

Major Collectors and Minor Collectors

FDOT defines a Collector as a divided or undivided roadway which serves to link arterials with local roads or major traffic generators. They serve as transition links between mobility needs and land use needs. Collectors may include minor state roads, major county roads, and major urban and suburban streets. Collectors can be classified as major or minor, which is determined by characteristics such as length, driveway density, speed limit, and traffic volume, as can be seen in Table 1. Roadways that are classified as Major Collectors and Minor Collectors are associated with the facility type of Avenue for this mobility fee study update, as Avenues, Major Collectors, and Minor Collectors have similar characteristics and requirements.

Minor Arterials

FDOT defines Minor Arterials as road segments that typically provide service for trips of moderate length and at a lower level of through traffic movement than Principal Arterials. They connect with urban Principal Arterial roads and rural Collector routes. Some of the characteristics that define a Minor Arterial can be seen in Table 1. Roadways that are classified as Minor Arterials are associated with the facility type of Boulevard due to their similar characteristics and requirements.

Principal Arterial

FDOT defines Principal Arterials as systems that serve the major centers of activity of a metropolitan area, have the highest traffic volume corridors, and have the longest trips. Principal Arterials also carry a high portion of the total urban area travel on a minimum amount of mileage, carry most trips that enter and leave urban areas, and provide continuity for rural Principal Arterials that intercept urban boundaries. Roadways that are classified as Principal Arterials are associated with the facility types of either Boulevard or Premium Transit Corridor. A facility type of Boulevard or Premium Transit Corridor was assigned to each Principal Arterial based on the average between defining characteristics of the two facility types such as construction costs and traffic volume. Typical characteristics for Principal Arterials can be seen in Table 1, which were also used to guide the facility type classification of Boulevard or Premium Transit Corridor. This mobility fee study update shows 55% of the identified Principal Arterials as Premium Transit Corridors and 45% as Boulevards.

Table 1: Functional Classification Variables and Typical Characteristics

Variable	Principal Arterial	Minor Arterial	Major Collector	Minor Collector	Local
Distance Served/Length of Route (mi)	Greater than 3	Greater than 3	Less than or equal to 3	Less than or equal to 3	Less than 1
Posted Speed Limit (MPH)	35-55	35-55	25-45	25-45	Less than 30
Usage - Annual Average Daily Traffic (AADT)	Greater than 7,000	3,000-14,000	Greater than 1,100	Less than 6,300	Less than 700
Number of Travel Lanes	Greater than or equal to 4	Greater than or equal to 4	Less than or equal to 4	Less than or equal to 4	Less than or equal to 2

4.2 Construction Cost Information

This mobility fee study adheres to Florida Statute requirements whereby the most current and localized available data must be used. To get accurate local construction cost data and determine the total expansion cost per lane mile, four projects that are within the Osceola County boundary were found and used to compare along with available construction costs data from the FDOT District 5. All four projects located within the Osceola County boundary began construction in the second half of 2023 and are projected to finish by 2026, widening four roadways in Osceola County from 2 lanes to 4 lanes. The average total cost per lane mile saw an increase across all functional classifications when compared to similar data from 2021 and the construction costs for all facility types increased compared to the 2021 construction costs. The average total cost per lane mile of construction can be seen in Table 2.

Table 2: Average Total Cost per Lane Mile

FDOT Financial Project ID	Facility	Total Cost per Lane Mile		
		Major Collector and Minor Collector	Minor Arterial	Principal Arterial
FDOT Generic New Urban 2 Lane	2 Lane	$6,121,471	$6,378,651	$6,641,546
FDOT Generic New Urban 4 Lane	4 Lane	$9,172,014	$9,429,194	$9,692,089
FDOT Generic Widen 2 to 4 Lane	2 to 4 Lane	$6,642,699	$6,899,880	$7,162,775
FDOT Generic Widen 4 to 6 Lane	4 to 6 Lane	$5,713,830	$5,971,011	$6,233,906
*FPID 201150-4	2 to 4 Lane	$14,427,828	$14,890,752	$15,363,964
FPID 415030-2/3/5/6	2 to 4 Lane	$10,299,793	$10,403,179	$10,508,863
*FPID 443548-1 (South)	2 to 4 Lane	$19,412,734	$19,606,477	$19,804,525
*FPID 443548-1 (North)	2 to 4 Lane	$20,633,335	$21,065,398	$21,507,062
*FPID 201150-3	2 to 4 Lane	$13,963,026	$14,940,311	$15,939,313
FPID 240196-1	4 to 6 Lane	$16,407,309	$17,219,741	$18,050,228
Average Total Cost per Lane Mile		**$ 12,279,404.01**	**$ 12,680,459.40**	**$13,090,427.64**

Notes:
1. FPID stands for Financial Project Identification Number.
2. * indicates projects within Osceola County.

The average cost of construction per lane mile saw an overall increase from 2021 to 2022, with Major Collectors and Minor Collectors increasing by an average of $2.71 million and Minor Arterials increasing by an average of $1.95 million. To determine the average increase in construction cost for Principal Arterials, an average of the construction costs for Boulevards and Premium Transit Corridors was taken, which amounted to an average increase of $1.59 million. From 2022 to 2023, the average cost of construction per lane mile increased again, with Major Collectors and Minor Collectors increasing by $3.42 million, Minor Arterials increasing by $2.46 million, and Principal Arterials increasing by $2.01 million. FDOT Cost per Mile Long Range Estimating recorded a 23-29 percent increase in roadway construction costs for new construction urban 2 lane, new construction urban 4 lane, widening urban 2 lane to 4 lane, and widening urban 4 lane to 6 lane in 2023.

Table 3: FDOT District 5 Average Total Cost Per Lane Mile Increases

	Major Collector and Minor Collector	Minor Arterial	Principal Arterial
Increase from 2021 to 2022	$2,714,960.82	$1,952,117.36	$1,592,260.03
Increase from 2022 to 2023	$3,420,850.63	$2,459,667.87	$2,006,247.64

5. Mobility Fee

The County's and City's adopted Comprehensive Plan Transportation Element establishes policies that promote land use designs that support a multimodal transportation system. These plans identify multimodal transportation projects that are integral to providing mobility within the County. The Mobility Fee is calculated as the capital expense required to satisfy the future multimodal demand on the transportation network imposed by new development in Osceola County.

This Joint Mobility Fee Renewal Study continues to be based on the projected travel demand within Osceola County between 2020 and 2045 and the framework roadway improvements in the adopted Transportation Element.

The Joint Mobility Fee Renewal Study is based on the need for future multimodal transportation improvements in Osceola County and in the City to accommodate future growth as established by the Transportation Element. Mobility fees are one-time (up-front) charges assessed to new developments for their impacts to the local transportation network.

Mobility fees allow for more flexibility in the use of collected funds than a traditional roadway impact fee and can promote compact, mixed-use, and energy-efficient development. Mobility fees are shared by all developments creating the need for transportation system investments. (Planning, 2016)

With the City of St. Cloud now being considered in the County's Mobility Fee plan, additional steps need to be taken to ensure that development within the City of St. Cloud's Joint Planning Area (JPA) will be paying the proper split of the Mobility Fee to the City and the County. To determine the split of the Mobility Fee that will go to the City and the County, a rate which considers the number of lane miles that each agency is responsible for within the JPA was found that uses the statutory definition of the County Road System and City Street System. The County Road System is defined in the 2023 Florida Statutes 334.03 (Appendix E) as "all collector roads in the unincorporated areas of a county and all extensions of such collector roads into and through any incorporated areas, all local roads in the unincorporated areas, and all urban minor arterial roads not in the State Highway System". City Street System is also defined in the 2023 Florida Statutes Chapter 334 as "all local roads within a municipality, and all collector roads inside that municipality, which are not in the county road system". Once this split rate, which used the County Road System and the City Street System, was determined, it was applied to the total Mobility Fee to determine how much of the total fee the City and the County would collect.

The following steps document the approach used to calculate the total Mobility Fee that the County and City will need to adequately meet their future transportation needs.

5.1 Travel Demand Model

The latest Central Florida Regional Planning Model (CFRPM) Version 7.0 developed as part of the Orlando MetroPlan 2045 Metropolitan Transportation Plan (MTP) was utilized to evaluate growth in vehicle miles of travel (VMT) within Osceola County. CFRPM was validated to a base year of 2015 with scenarios every 5-years up to the horizon year of 2045 consistent with the adopted MetroPlan Orlando MTP. 2020 was used as the base year for this study to perform calculations. The CFRPM is recognized by the Florida Department of Transportation (FDOT) District 5 and Osceola County as the adopted travel demand model for the region.

Broadway Ave. at W. Darlington Ave., Kissimmee

5.2 Validation Methodology

The CFRPM is validated to its base year of 2015. No further modifications or validation of the travel demand model was conducted as part of this study.

5.3 Model Setup

Citilabs Cube software was utilized to run the new CFRPM Version 7.0 for both the base year of 2020 and the horizon year of 2045 which uses the updated 2045 Southeast Area Transportation Study (SEATS) Network. The purpose is to compare the impact on the roadway network caused by new development.

5.4 Model Outputs

After the model runs were complete, the next step involved organizing the output data into a manageable format that facilitated the analysis process. The 2020 and 2045 model outputs were exported to Microsoft Excel. This software allowed for the comparison of the two models. Appendix F captures the model outputs. The following fields were used for the analysis “LINK_ID”, “FAC_TYPE”, “SIS”, “NHS”, “COUNTY”, “NUM_LANES”, “DISTANCE, AM_VCC”, “AM_TOTVOL”, “PM_TOTVOL” and “PM_VCC”. Each individual link throughout the entire system was compared using the “LINK_ID” field.

5.5 Comparison

The AM and PM peak volumes were compared separately for the 2020 project base year against the 2045 horizon year to determine a percentage difference. The difference between the 2020 and 2045 model runs both in the AM and PM peak periods for each segment were compared to arrive at a volume difference or delta value. In the CFRPM Version 7.0 model, roadway segments are defined as small sections of an entire roadway corridor.

In this analysis, additional lanes needed to provide capacity to accommodate future demand were determined by using the volume differences as follows:

- $(V_{\text{difference}}/1950) > 1$, then an additional 2-lanes would be required
- $1 > (V_{\text{difference}}/1950) > 0$, then an additional 1-lane would be required

Note: 1950pcphpl – Base saturation flow rate for Interrupted Flow Facilities per FDOT QLOS Handbook

Although whole lanes are the basis of this calculation, new developments will be assessed based on their corresponding percentages to the increase in congestion on the roadway network.

The final value that was calculated is the Mobility Fee for the various segments that make up the Osceola County network. Table 4 summarizes the formulas that were utilized in the calculation.

Table 4: Formulas

New Variable	Formula	Notes
Percentage Increase	$= \frac{(V)_{2045} - (V)_{2020}}{N_{AL} * 1950}$	This was calculated twice for the AM and PM peak periods. The maximum value was selected. $N_{AL} = Additional\ Lanes\ Needed$ $V = Volume$
Additional Lanes	$= \frac{V_{2045} - V_{2020}}{1950} > 1, then\ 2\ lanes$ $= 1 > \frac{V_{2045} - V_{2020}}{1950} > 0, then\ 1\ lanes$	Additional lanes based on Volume difference
Mobility Fee (per segment)	$= S_L * N_{AL} * \% * EC$	$S_L = Segment\ Length$ $N_{AL} = Additional\ Lanes\ Needed$ $\% = Percent\ Increase\ in\ Volume$ $EC = expansion\ cost\ per\ lane\ mile$

Appendix G includes a step-by-step example (Boggy Creek Road) of the calculated values using the formulas depicted in Table 4.

5.6 Total Mobility Fee

The total Mobility Fee that the City of St. Cloud and Osceola County will need to adequately meet their future transportation needs calculated by the aforementioned method will be $8,089,739,049, with $5,560,181,822 going towards the County Road System (Osceola County) and $2,529,557,226 going towards the City Street System (City of St. Cloud). This equates to $222.4M annually for Osceola County and $101.2M annually for the City of St. Cloud for the next 25-years at present worth value. This Mobility Fee represents the maximum amount that the County and City may be entitled to collect for new development from the years 2020 to 2045 prior to taking into consideration HB 337. Please note that these fees exclude credits and discounts which are covered in Sections 6.7, 6.8, 6.9, 6.10, and 6.11 of this study.

6. Methodology

6.1 Demand and Future Growth

According to the medium projection from the University of Florida Bureau of Economic and Business Research (BEBR) (Appendix H), the Osceola County population is anticipated to grow by approximately 60% between the years of 2020 and 2045. Osceola County is primed to be Central Florida's fastest-growing county in the next decade surpassing the projected growth for its neighboring counties of Orange and Seminole. In addition to the hotel and theme park industry continuing to drive growth, the centralized location of Osceola County and accessibility to major throughfares will also continue to grow industrial development.

The City of St. Cloud saw an increase in population of almost 24,000 between 2010 and 2020 (67.6% increase), ranking 9th in the state of Florida by population change. St. Cloud recorded a population of 61,997 in 2023, which is a 5.1% increase from 2020. In 2023, the City of St. Cloud ranked 46th in terms of highest population in the state of Florida while in 2020 it ranked 50th and in 2010 it ranked 73rd. While BEBR does not have projected growth and demand on a city-size basis, it is reasonable to assume that the City will continue to grow at a rate that is similar to the above observed data.

Future transportation improvements associated with the I-4 Beyond the Ultimate projects and expansion of the SunRail system will continue to attract new residents to the City and the County. Table 5 shows the projected growth for Osceola County over a 25-year span according to the University of Florida BEBR.

Table 5: Population Forecast

Osceola County	Population Estimate April 2022	2025	2030	2035	2040	2045
Low	424,946	435,700	473,500	495,300	506,900	512,300
Medium		468,500	535,000	587,900	631,600	669,600
High		501,200	596,500	680,500	756,400	827,000

Source: University of Florida Bureau of Economic and Business Research (Volume 54, Bulletin 192, April 2022).

Travel Demand or the amount of transportation system consumed by a unit of new land development is calculated using the following variables and is a measure of the vehicle-miles of new travel a unit of development places on the existing roadway system:

- Number of daily trips generated
- Average length of those trips
- Proportion of travel that is new travel

The trip characteristic variables were primarily obtained from the ITE Trip Generation Manual (11th Edition) and the US Department of Transportation, 2017 National Household Travel Survey (2017 NHTS). (Appendix I)

6.1.1 Local Average Trip Length

The National Household Travel Survey is the source of the nation's information about travel by US residents in all 50 States. The 2017 NHTS provides data on individual and household travel behavior, the data is collected directly from a stratified random sample of U.S. households. Average Trip Length by Trip Purpose is an important variable in calculating the travel demand used in formulating the updated 2024 Study Fee Schedule. The 2017 NHTS results specifically for the State of Florida were used for the Adjusted Local Trip Length metric. The land use categories found in the 2024 Study Fee Schedule typically had a corresponding Trip Destination Purpose found in the 2017 NHTS. Land use categories from the 2024 Study that did not explicitly have a corresponding Trip Destination Purpose found in the 2017 NHTS used an average of related trips to formulate a corresponding Adjusted Local Trip Length. Table 6 shows a comparison of national average trip length compared to Florida's local average trip length by trip purpose.

Table 6: Average Trip Length by Trip Purpose

Trip Purpose	2017 National Average Trip Length (Miles)	Local Average Trip Length (Miles)
All Purposes	9.55	9.16
To / From Work	10.1	7.51
Recreational Activities	15.21	12.23
Exercise	6.5	5.63
Religious or Other Community Activity	8.73	7.09
Drop Off/Pick Up Someone	7.25	7.46
Attend Child Care	7.49	5.51
Work Related Business	9.69	7.82
Work	11.61	10.82
Warehouse	15.67	5.44
Shopping	6.91	6.32
Other Family / Personal Errands	7.95	6.41
School	7.25	7.46
Pharmacy	8.3	5.89
Buy Meals	7.49	7.55
Auto Parts/Sales	6.91	6.32
Hotels	24.89	6.94
Other	50.4	3.94

Source: National average trip lengths from the US Department of Transportation, 2017 National Household Travel Survey (Table 5b). To/From Work was calculated using the 2017 NHTS categories of Regular Home Activities, Work from Home, Work, Drop off/Pick up Someone, Attend Child Care, Buy Goods, Buy Meals, Other General Errands, Recreational Activities, Exercise, Health Care Visit, and Something Else. Work Related Business was calculated using the 2017 NHTS categories of Work from Home (paid) and Work. Other Family/Personal Errands was calculated using the 2017 NHTS categories of Drop off/Pick Up Someone, Other General Errands, and Health Care Visits. Warehouse was calculated using the 2017 categories of Something else, Other General Errands. Shopping was calculated using the 2017 NHTS categories of Buy Goods, Other General Errands. School was calculated using the 2017 NHTS categories of Drop off/Pick up someone. Pharmacy was calculated using the 2017 NHTS categories of Other General Errands and Health Care Visit. Auto Parts/Sales was calculated using the 2017 NHTS categories of Buy Goods and Other General Errands.

6.1.2 Future Land Use Trip Length Reduction

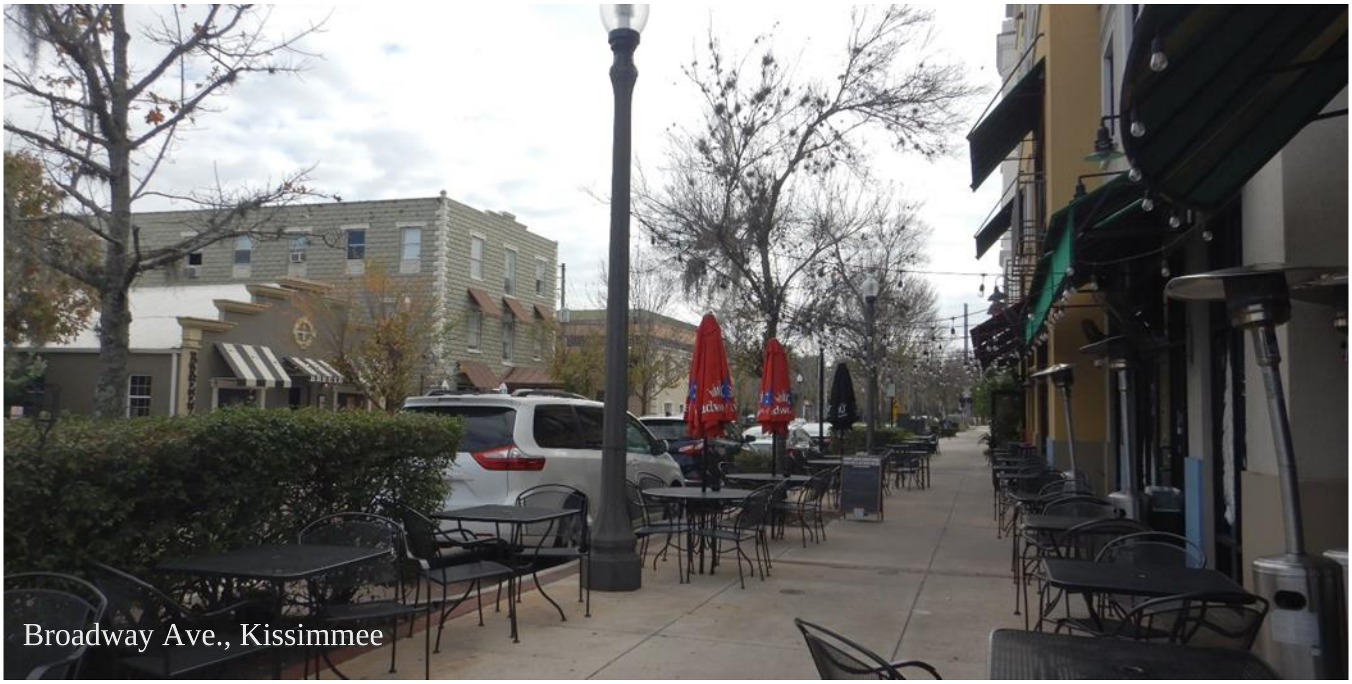
A Future Land Use Trip Length Reduction factor was applied to Adjusted Local Trip Length based on the anticipated increase in certain land use categories up to the horizon year 2045. For example, current zoning in Osceola County for general commercial retail is at approximately 11,484 acres and future land use for general commercial retail is predicted to be 19,834 acres by 2045. This data was taken from Osceola County's GIS Data Portal for Zoning & Future Land Use. Appendix T and Appendix U display current zoning land use and future land use within Osceola County, respectively. Based on the predicted increase in the general commercial retail land use category, a Future Trip Length Reduction factor was implemented. A similar Future Trip Length Reduction factor was calculated based on a current and future land use comparison by acreage and applied to the different land use categories in the 2024 Study Fee Schedule. Trip length is reduced due to the increased density of a certain land use, this will inherently reduce the overall length of the trip to reach said amenity. Table 7 shows the Future Land Use Trip Length Reduction factor that is applied to the Adjusted Local Trip Length based on land use category. An explicit formulation for the mobility fee schedule can be found in section *6.14 Fee Schedule.*

Table 7: Future Land Use Trip Length Reduction by Land Use Category

Category/Item	Future Land Use Trip Length Reduction
Living/Residential	100%
Recreation/Entertainment Office General Commercial Medical Retail Non-Residential	57.90%
Institutional	100%
Industrial	18.36%

6.2 Roadway Capacity

The 2023 Florida Department of Transportation's (FDOT) Generalized Service Volume Tables were used to establish daily capacities for roadways and intersections (Appendix J). A key difference between a road impact fee based on vehicle miles of travel (VMT) and a mobility fee based on person-miles of travel (PMT) is accounting for vehicle occupancy. To account for vehicle occupancy, the road capacities in Table 8 are multiplied by a Vehicle Occupancy factor of 2.44, based on the "Estimation and Prediction of Average Vehicle Occupancies using Traffic Accident Records" Study prepared by Florida International University (FIU) for Social and Recreational Travel (Appendix K). The Vehicle Occupancy factor is used in the multimodal capacity analysis for road and intersection projects identified in the Mobility Plan.


Broadway Ave., Kissimmee

The types of future projects utilized to calculate capacities include 2, 4, and 6 lane roads. The only roadways that were proposed to be widened to 8 and 10 lanes were toll roads and Interstate 4; these are included in the 2045 MetroPlan Orlando MTP.

Table 8: Daily Roadway Capacities

Lane Type & Number	Number of Lanes	Daily Capacity	Daily Capacity/ Lane	Daily Person Capacity/Lane
Class 1 Arterials				
2-Lane Divided Class 1 (State)	2	17,700	8,850	21,594
2-Lane Divided Class 1(Non-State)	2	15,930	7,965	19,435
4-Lane Divided Class 1 (State)	4	39,800	9,950	24,278
4-Lane Divided Class 1 (Non-State)	4	35,820	8,955	21,851
6-Lane Divided Class 1 (State)	6	59,900	9,983	24,360
6-Lane Divided Class 1 (Non-State)	6	53,910	8,985	21,924
Class 2 Arterials				
2-Lane Undivided Class 2 (State)	2	15,600	7,800	19,032
2-Lane Undivided Class 2 (Non-State)	2	14,040	7,020	17,129
4-Lane Divided Class 2 (State)	4	33,800	8,450	20,618
4-Lane Divided Class 2 (Non-State)	4	30,420	7,605	18,557
6-Lane Divided Class 2 (State)	6	50,900	8,483	20,700
6-Lane Divided Class 2 (Non-State)	6	45,810	7,635	18,630
Highways				
2-Lane Divided Highway	2	32,600	16,300	39,772
4-Lane Divided Highway	4	75,300	18,825	45,933
6-Lane Divided Highway	6	113,100	18,850	45,994

Source: Capacities are based on FDOT QLOS Generalized Annual Average Daily Volumes for Florida's Urbanized Areas (Table 1).

6.3 Multimodal Capacity

To establish a multimodal capacity to account for pedestrian, bicycle, and transit travel, it is necessary to establish a capacity for each of these forms of transportation. The process for establishing capacities for bicycle and pedestrian facilities is based upon the methodologies used in several multimodal level of service (LOS) reports and the Transportation Research Board 2022 Highway Capacity Manual. The capacity for transit vehicles is based upon methodologies from the Quality Level of Service Manual, 3rd Edition, as well as the Transportation Research Board Transit Capacity. The capacity for bicycle and pedestrian facilities was based on a LOS standard of B. The methodology for calculating capacity for Local Transit is based upon the Transportation Research Board Transit Capacity and Quality Level of Service Manual, 3rd Edition. The capacity for Local Transit Vehicle was derived based upon the functional carrying capacity for one vehicle (60 passengers with 40 seated and 20 standing) projected to run at 20-minute headways during peak periods for a span of service of 8 hours and 30-minute headways during off-peak hours for a span of service of 8 hours. The cost to operate and maintain transit service would be funded by sources other than the Mobility Fee. Table 9 illustrates the calculated multimodal capacities:

Table 9: Multimodal Daily Capacity per Lane Mile

Facility Type	Unit of Measure	Daily Capacity per Lane Mile
Sidewalk	5' Wide	3600
Transit	per Vehicle	2400
Bicycle Lane	4'-5' wide	2760
Multi-Use Path	8'-10' wide	3840
Trail	10'-12' wide	7920

Source: Capacities are based on Transportation Research Record 1636 Paper No. 98-0066 of Maximum Hourly Volumes. Assuming two peak hour movements a day.

Kissimmee Station E. Dakin Ave., Kissimmee

6.4 Future Person Miles of Capacity

To determine the future lane miles of Person Miles of Capacity (PMC) needed to accommodate the projected increase in Person Miles of Travel (PMT), the planned lane miles for each of the functional classifications as shown in the SEATS Network was calculated. One hundred and fourteen (114) roads were identified as contributing to the future increase in PMT. Each individual road segment had a corresponding facility type and functional classification that was used in formulating the current future person miles of capacity. Analysis of CFRPM 7.0 indicates 30.3% of the planned improvements consist of Major Collectors, 15.8% consists of Minor Collectors, 37.7% consists of Minor Arterials, and 16.1% consists of Principal Arterials as captured below in Table 10. In addition, Map A illustrates the County's Roadway Network including roadway reconstruction, planned limited access expressways, and planned roadway networks. Person Miles of Capacity is derived by multiplying Future Lane Miles by the Functional Classification Capacity added and dividing by the increase in Number of Lanes, as shown in Equation 1.

Equation 1: Person Miles of Capacity (PMC)

$$Future\ PMC = \frac{Future\ Lane\ Miles * Functional\ Classification_{capacity\ added}}{Increase\ in\ Number\ of\ Lanes}$$

Per Lane Person Miles of Capacity is derived by dividing Future Person Miles of Capacity by Future Lane Miles. Functional Classification Capacity is based on Table 8. The Multimodal Capacity elements per Facility Type are identified in Table 9 and applied to each functional classification where required. Collector and Arterial capacity is based on seven different functional classification lanes added: new 2 lanes, new 4 lanes, new 6 lanes, new 8 lanes, increase in capacity from 2 to 4 lanes, increase in capacity from 4 to 6 lanes, and increase in capacity from 6 to 8 lanes, plus the Multimodal Capacities covered in Table 9 for the aforementioned facility types and their corresponding functional classification.

Functional Classification Capacity was estimated from *FDOT's QLOS Generalized Annual Average Daily Volumes for Florida's Urbanized Areas* –a portion of which is represented in Table 8. Roadway segments classified as Major Collectors and Minor Collectors were categorized under the facility type of Avenues—capacity data from Avenues was then attributed to these functional classifications. Similarly, Minor Arterials were associated with Boulevards and considered the capacity data associated with Boulevards. Since Principal Arterials were distributed between Boulevards and Premium Transit Corridors, an average between the capacities of Boulevards and Premium Transit Corridors was used to represent daily person miles of capacity per lane. The per lane person miles of capacity using functional classifications can be seen in Table 10 for each of the functional classifications and the respective lanes added.

Table 10: Per Lane Person Miles of Capacity

Functional Classification	Functional Classification Lanes Added	Future Lane Miles	% of Future Lane Miles	Functional Classification Capacity Added	Future Person Miles of Capacity	Per Lane Person Miles of Capacity
Major Collector	New 2-Lane	114	17.70%	48,880	2,786,160	24,440
Major Collector	New 4-Lane	68	10.60%	103,788	1,764,396	25,947
Major Collector	Widen 2 to 4-Lanes	13	2.00%	37,074	240,981	18,537
Major Collector		195	30.30%	63,247	4,791,537	24,572
Minor Collector	New 2-Lane	102	15.80%	48,880	2,492,880	24,440
Minor Collector		102	15.80%	76,334	2,492,880	24,440
Principal Arterial	New 2-Lane	2	0.30%	60,708	60,708	30,354
Principal Arterial	New 4-Lane	92	14.30%	131,616	3,027,168	32,904
Principal Arterial	New 6-Lane	3	0.50%	197,886	98,943	32,981
Principal Arterial	New 8-Lane	2	0.30%	267,960	66,990	33,495
Principal Arterial	Widen 2 to 4-Lanes	5	0.80%	48,994	122,485	24,497
Principal Arterial		104	16.10%	125,864	3,376,294	32,464
Minor Arterial	New 2-Lane	1	0.20%	54,228	27,114	27,114
Minor Arterial	New 4-Lane	191	29.70%	118,656	5,665,824	29,664
Minor Arterial	Widen 2 to 4-Lanes	51	7.90%	42,514	1,084,107	21,257
Minor Arterial		243	37.70%	71,799	6,777,045	27,889
Total		644	100%	84,311	17,437,756	27,077

6.5 Cost per Person Mile of Capacity

To determine the total cost of the PMC needed to accommodate the increase in PMT, it was necessary to calculate an Average Total Cost per Lane Mile (Table 2) based on functional classifications. Construction costs are based on the per mile cost from FDOT District 5. The construction cost per lane mile for all functional classifications includes the cost for right turn lanes at $457,209 and two acres of stormwater ponds at $609,612. The construction cost per lane mile for Minor Arterials and Principal Arterials includes the cost for a traffic signal at $342,907. Five of the nine Principal Arterials identified in this study were associated with the facility type of Premium Transit Corridor, so these Principal Arterials included the cost for wider pedestrian facilities on either side of the roadway at $609,612, the cost of transit stops at $91,442, and the cost for transit vehicles at $1,524,301. The four remaining Principal Arterials only included the cost for right turns, stormwater ponds, and traffic signals as they are not planned Premium Transit Corridors and therefore will not need to consider Premium Transit Corridor features such as a transit stop or transit vehicles. Transit operation and maintenance are assumed to be funded by revenue sources other than Mobility Fees. For FDOT Generic Projects the following cost assumptions were made:

1. Design/Engineering – 10% of construction cost
2. Right-of-Way – 30% of construction cost
3. Engineering and Inspection – 10% of construction cost

For roadway construction costs and capacities that were not already established, proportions of neighboring data points were used to provide an accurate estimation. These estimations were based on projected growth from FDOT's historical data on average daily volume in urbanized areas (Appendix J). Construction costs for Major Collectors, Minor Collectors, and Minor Arterials correspond to the facility types that they are associated with, as mentioned in Section 4.1, and are taken from the most recent construction cost update (June 2023). Principal Arterial construction costs were averaged from the construction costs for Boulevard and PTC, as Principal Arterials could be classified as either a Boulevard or a PTC as stated in Section 4.1.

As shown in Table 11, the Cost per Person Mile of Capacity was calculated. This was derived by dividing the Average Total Cost per Lane Mile (Table 2) by the Per Lane Person Mile of Capacity (Table 10).

Table 11: Cost per Person Mile of Capacity

Functional Classification	Average Total Cost per Person Mile of Capacity	Per Lane Person Mile of Capacity	Cost per Person Mile of Capacity
Major Collector	$12,279,404.01	22,546	$544.65
Minor Collector	$12,279,404.01	22,546	$544.65
Principal Arterial	$12,926,203.75	28,898	$447.31
Minor Arterial	$12,680,459.40	25,562	$496.07

6.6 Person Miles of Capacity (PMC) Rate

The weighted Person Mile of Capacity (PMC) Rate is derived by multiplying Cost per Person Mile of Capacity (Table 11) by the Percent of Future Lane Miles (Table 10). The calculated rate per PMC is shown in Table 12:

Table 12: Person Miles of Capacity (PMC) Rate

Functional Classification	Cost per Person Mile of Capacity	% of Future Lane Miles	Weighted Average Person Miles of Capacity Rate
Major Collector	$544.65	30.28%	$164.92
Minor Collector	$544.65	15.84%	$86.26
Principal Arterial	$447.31	16.15%	$72.24
Minor Arterial	$496.07	37.73%	$187.18
PMC Rate		**100%**	**$510.60**

6.7 Credits

There are six types of credit being applied to new development mobility fees that will decrease the total mobility fee the new development is required to pay. These credits will ensure that new development is not paying more than its impact, is not paying for existing deficiencies, is utilizing local, state, and federal funding that is available, and considers any outstanding transportation related debt that the County or City may have.

Transportation revenue credits will be allotted for dedicated revenues that will be generated by new development and used to pay for Major Collectors, Minor Collectors, Minor Arterials, and Principal Arterials within the County and City. The credits will equate to a reduction in the PMC rate to ensure that new development is not charged twice for capacity improvements, once through mobility fees, and again through general taxes. In the calculation of mobility fees in this renewal study, credit is given for the portion of Federal, State, and local fuel taxes that are being used to fund improvements to the transportation network throughout the County and City that help to expand or enhance capacity. This update also includes a credit for capacity related funding from the infrastructure sales tax and ad valorem revenues allocated for transportation capacity and scheduled principal repayment for long-term road related debt that added roadway capacity. The analysis conducted provides projections for the revenues and transportation revenue credits that will potentially fund the improvements within the County and City's Transportation and Capital Improvements Element.

The major sources of transportation funds are fuel taxes levied at federal, state and local levels. Federal funds are collected and distributed to federal highway, rail, and transit programs from which Florida receives funding for eligible programs. State funds are collected from state tax levies and distributed to state funding programs, with the State Transportation Fund receiving the bulk of these funds. These programs fund statewide projects, as well as distribute funds to counties and municipalities. On the local level, funds are collected from local tax levies, as well as state tax levies. The federal government imposes taxes on gasoline, diesel fuel, special fuels, compressed natural gas, gasohol, tires, truck and trailer sales, and heavy vehicle use. These revenues are distributed to each state through a system of formula grants and discretionary allocations. State highway fuel sales taxes are shared between the State of Florida Department of Transportation (FDOT) and Florida's county governments. Local Governments have the ability to raise revenues through levying local taxes. Osceola County has used a combination of sales taxes, gas taxes, and Mobility Fees, previously impact fees, to pay for transportation projects. The taxes most frequently utilized are the Local Option Gas Tax (LOGT), the Constitutional Gas Tax, and the Local Government Infrastructure Sales Surtax. The State collects and distributes the Constitutional Gas Tax, county and municipal gas taxes, and fuel use taxes on behalf of local governments. Osceola County has an Infrastructure Surtax that is used to fund capital improvements. Osceola County also has a Dedicated Ad Valorem Trust Fund allocation for funding within its Urban Growth Transportation System. The City of St. Cloud does not use a Dedicated Ad Valorem Trust Fund, so this was not considered in the City's transportation revenue credit. The County has also utilized bonding to pay for existing roadway

E. Monument Ave. Rail Crossing, Kissimmee deficiencies for which new development will receive a transportation revenue credit. This section provides an analysis of available funds for the Osceola County and the City of St. Cloud Mobility Fee from current sources. These funds are projected to be available to fund Major Collectors, Minor Collectors, Minor Arterials, and Principal Arterials and will reduce the total Mobility Fee required to fund the entire transportation plan. Osceola County and the City of St. Cloud provided projections for future funding levels from their current funding sources, which have then been projected out to 2045.

The formula for calculating transportation revenue credit looks at the total funding available from a given revenue source, the total years the funding is available, and the present value of funding based on the current discount rate. The previous study used the Federal Reserve's monthly H.15-1 release to determine the appropriate discount rate (which is the average annual interest rate on state and local bonds from the Federal Reserve). Due to the aforementioned source being discontinued; this renewal study recommends the use of the average Bond Buyer Revenue Bond Index of 3.31% as of January 2024.

To derive a credit per Person Mile of Capacity added, the present value of the funding is divided by the total PMC as provided in Table 12 by multiplying the total Centerline Miles by the average Facility Capacity Added. The credit per PMC formula used is provided below. The credit formula for debt service payments varies from this formula and is described in further detail under the debt service payment section. FDOT developed revenue forecasts of state and federal transportation funds for MTP through the year 2045. These forecasts are based on a statewide estimate of revenues that fund the State Transportation Program (STP). This study provides a credit based directly on the average annual Federal and State tax funding for capacity expanding road projects per PMC.

Fuel tax credits are received by Osceola County and the City from the sixth-cent and ninth-cent local option fuel taxes, the Constitutional, County and Municipal Fuel Taxes. The County receives a portion of an existing local government infrastructure sales surtax that could be used for mobility capacity expansion as well. As the percentage of electric vehicles and hybrid vehicles significantly increases every year, gas taxes continue to decline not only statewide but nationally as well. Such impacts will need to be accounted for in the future so that adjustments can be made to mitigate for the reduction in revenue streams generated from fuel taxes which are essential to the County and City to support operations, maintenance, and expansion projects.


Broadway Plaza, Kissimmee

The **dedicated ad valorem credit** is only applied to County credits as the City does not have this type of credit. Osceola County initiated a funding program that allocates a portion of the ad valorem revenues for capacity expansion transportation projects within its Urban Growth Transportation System. This funding source is an annual policy adopted through the budget process. The projection of funding utilized in this analysis is based upon the assumption of the Board of County Commission past practices. The current allocation is equal to the lesser of the Tax Increment or ten percent of the countywide ad valorem tax revenue, or an amount determined by the County Manager as determined through the budget process.

The **local government infrastructure sales surtax credit** was approved by Osceola County pursuant to Section 212.055(2), Florida Statutes, to fund some of the capital facility needs of the County. This funding mechanism expires in 2025 however, it was renewed by voter referendum in 2022 with a new expiration date of December 31, 2045. The City of St. Cloud uses a One Percent Surcharge Tax, which is the equivalent of the local government infrastructure sales surtax and is shown as such when calculating the City's local government infrastructure sales surtax credit.

The **debt services credit** consists of the sales tax revenue bond, the infrastructure sales surtax revenue bond, and the capital improvements revenue bond. The City of St. Cloud's debt credit will only include the capital improvement revenue bond, as the City does not use sales tax revenue bonds or infrastructure sales surtax revenue bonds.

The County's Capital Improvement Plan includes capacity-expanding projects funded through the issuance of long-term debt. The existing debts will be retired between 2025 and 2045. A credit for outstanding debt will reduce the PMC rate to account for future debt service payments from new development. These payments will go towards partly retiring outstanding debt on existing facilities. The debt service credit ensures that the County is accounting for new developments contribution towards remedying existing deficiencies. Given that new development will pay mobility fees to provide the existing level of service for itself, the fact that new development may also be paying for the facilities that provide that level of service for existing development could amount to paying for more than its proportionate share.

A credit for outstanding debt reduces the mobility fee by accounting for future debt service payments that will be made with funds generated by new development. The debt service credit is based upon the percentage of the total outstanding principal bond proceeds that are used for Avenues, Boulevards, and Premium Transit Corridors. Consequently, the PMC rate used to calculate the mobility fees will be reduced to account for future payments that will retire outstanding debt on existing facilities. A simplified methodology was utilized that differs from the other credits, to ensure that new development is not required to pay for existing facilities, through funds used for debt retirement. This places new development on the same level as existing development in terms of funding its share of capital costs funded through debt.

A **Northeast Improvement District Revenue Credit** is a type of tax credit that is granted to a developer or business that invests in public infrastructure or community development within the Northeast Infrastructure Improvement Plan area. The County anticipates that encouraging development in the

Northeast District will boost property values as advancements are implemented and maintained, thereby increasing property tax revenues.

The County has developed an alternative funding strategy for the future buildout of the Northeast District. The formal establishment of the Northeast Improvement District deals with funding for transportation needs that exceed the revenue collected by developer paid mobility fees through an annual increment in property valuations. This newly established revenue source allows for additional debt capacity to make funding readily available early in the development process to ensure infrastructure is in place prior to the growth in population. The fund specifically provides for the design, construction, and financing of infrastructure improvements within the Northeast Infrastructure Improvement Plan area.

6.8 Osceola County Credits

Osceola County observes all of the aforementioned credits to determine their total credit per person mile of capacity. For the county, an increase in person miles of capacity was found to be 12,406,012 as shown in Table 10. Using this PMC value, the following credits were determined and applied to the entire county, including within City limits:

6.8.1 Transportation Revenue Credits

The MetroPlan Orlando adopted Five-Year (FY 2020/2021 to 2024/2025) Transportation Improvement Program and the adopted 2045 MTP (FY 2019/2020 to FY 2044/2045) estimate $389,171,000 in Federal and State Funding being available to fund Major Collectors, Minor Collectors, Minor Arterials, and Principal Arterials in Osceola County. Separate Federal and State funds are available for improvements to Interstate 4. Separate funding from tolls paid to and allocated by the various Expressway Authorities are available for improvements to toll roads such as the Florida Turnpike and are not included in the available funding. Over the 25-year Mobility Fee Plan Horizon, $15.6 million dollars will be available annually. This equates to a present value of approximately $261.9 million. Over the 25-year horizon, roughly 17.4 million PMC are projected to be added to the transportation system. To determine the projected credit of $21.11, as illustrated in Table 13, the Present Value is divided by the future PMC.

In addition to Federal and State funding for capacity expansion on major roads in Osceola County, the County utilizes a variety of local funding sources to fund transportation improvements.

Table 13: Federal and State Capacity Funding

Federal & State Capacity Funding FY 2020-2045	$ 389,171,000.00
Total Years in Mobility Fee	25
Average Annual Funding	$ 15,566,840.00
Present Value of State & Federal Capacity Funding	$261,937,722.12
Increase in Person Miles of Capacity	12,406,012
Federal & State Revenue Credit per PMC	$21.11

6.8.2 Fuel Tax Credit

Historically, Osceola County uses all of its gas tax revenue for operations and maintenance, with the exception of 15% of the Constitutional Gas Tax for capacity building transportation projects. As such, $16 million, over the next 25 years of the total fuel tax revenue is available for Major Collectors, Minor Collectors, Minor Arterials, and Principal Arterials.

Table 14 shows that the total capital use portion of the Constitutional gas tax will generate a mobility fee credit of $0.87 per PMC.

Table 14: Constitutional Fuel Tax Credit

Constitutional Fuel Tax Revenue FY 2020-2045	$ 16,000,00.00
Total Years in Mobility Fee	25
Average Annual Funding	$ 640,000.00
Present Value of State & Federal Capacity Funding	$10,769,054.10
Increase in Person Miles of Capacity	12,406,012
Fuel Tax Credit per PMC	$0.87

6.8.3 Dedicated Ad Valorem Credit

Currently, the Dedicated Ad Valorem (DAT) is projected to total $659.5 million by 2043. For Fiscal Years (FY) based on these calculations, new development could be expected to generate about $44.72 in capacity-expanding road funding from DAT sources for every daily person-mile of capacity, as shown in Table 15.

Table 15: Dedicated Ad Valorem (DAT) Credit

Dedicated Ad Valorem (DAT) Credit FY 2023-2043	$ 659,500,000.00
Total Years in Mobility Fee	20
Average Annual Funding	$ 32,975,000.00
Present Value of State & Federal Capacity Funding	$554,858,685.95
Increase in Person Miles of Capacity	12,406,012
Dedicated Ad Valorem Funding per PMC	$44.72

6.8.4 Local Government Infrastructure Sales Surtax Credit

The County has historically allocated 20% of the Local Government Infrastructure Sales Surtax to fund capacity. Total funding available through December 2045 is projected to be $1.7 billion. Approximately $7.5 million is available annually to fund Major Collectors, Minor Collectors, Minor Arterials, and Principal Arterials. Based on these calculations, new development could be expected to generate about $10.17 in capacity-expanding road funding from the local infrastructure sales tax for every daily person mile of capacity (Table 16).

Table 16: Local Government Infrastructure Sales Surtax Credit

Local Government Infrastructure Sales Surtax FY 2020-2045	$ 1,700,000,000.00
Total Years in Mobility Fee	23
Average Annual Funding	$7,500,000.00
Present Value of State & Federal Capacity Funding	$126,199,852.76
Increase in Person Miles of Capacity	12,406,012
Fuel Tax Credit per PMC	$10.17

6.8.5 Debt Services Credit

As shown in Table 17, the debt credit is $6.33 per PMC.

Table 17: Debt Service Credit

Sales Tax Revenue Bonds, Series 2016	$ 12,628,100.00
Infrastructure Sales Surtax Revenue Bonds, Series 2017	$ 9,006,000.00
Capital Improvements Revenue Bond, Series 2019	$56,851,390.00
Total Outstanding Road Debt on Major Road System	$ 78,485,490.00
Increase in Person Miles of Capacity	12,406,012
Debt Service Credit per PMC	$6.33

6.8.6 Northeast Improvement District Revenue Credit

District Revenue credits are designed to encourage development in areas that have existing or planned infrastructure, such as urban service areas or community redevelopment areas. The Northeast Improvement District is a special area designated by the municipality to fund projects using incremental property taxes generated by the area. The reported revenues and expenditures of the Tax Increment Finance (TIF) District is $19.5M for the years 2020-2045 and the reported revenues and expenditures of the Bond proceeds is $144,797,323. Over 25 years, this equates to an average $6,572,607.84 yearly that will be available for funding. The projected Northeast Improvement District Revenue credit per PMC is $8.91.

Table 18: Northeast Improvement District Revenue Credit

Northeast Improvement District TIF FY 2020-2045	$19,517,873.00
Northeast Improvement District Bonds Proceeds FY 2020-2045	$144,797,323.00
Total Northeast Improvement District Revenue Credit FY 2020-2045	$164,315,196.00
Total Years in Mobility Fee	25
Average Annual Funding	$6,572,607.84
Present Value of Northeast Improvement District Revenue Funding	$110,594,952.22
Increase in Person Miles of Capacity	12,406,012
Northeast Improvement District Revenue Credit per PMC	$8.91

6.8.7 Total County Credits

The total County credits related to Federal and State fuel taxes, the local option fuel taxes, the Constitutional fuel tax, the dedicated ad valorem revenue, infrastructure sales tax revenue, debt service, local government transportation surcharge funding, and the Northeast Improvement District Revenue Credit for Major Collectors, Minor Collectors, Minor Arterials, and Principal Arterials are summarized in Table 19.

Table 19: Total Credits per Person Mile of Capacity

Federal & State Revenue Credit	$21.11
Fuel Tax Credit	$0.87
Dedicated Ad Valorem (DAT) Credit	$44.72
Local Government Infrastructure Sales Surtax Credit	$10.17
Debt Service Credit	$6.33
Northeast Improvement District Revenue Credit	$8.91
Total PMC Credit	**$92.12**

New development could be expected to generate the current equivalent of $92.12 in funding over the next 25 years per PMC.

6.9 The City of St. Cloud Credits

The City of St. Cloud will observe all of the aforementioned credits except for the dedicated ad valorem credit, as the City does not use this type of credit. All credits calculated for the City will be applied within the JPA boundary, which is covered by portions of Mobility Districts 2 and 3. County credits will first be applied within the JPA boundary, and then the calculated City credits will be applied to further reduce the mobility fee within the JPA boundary. Using the calculated PMC of 5,031,744, a value calculated by taking the future PMC strictly associated to the City, the credits were calculated to be as follows:

6.9.1 Transportation Revenue Credits

The City of St. Cloud previously utilized Fund 310 (Traffic Impact Fees) to help fund their transportation revenue credits. This fund was phased out in 2018 and replaced by Fund 350 (Mobility Impact Fees), which currently is and will continue to be the City's main fund for transportation revenue credits. From 2018 to 2023, the total Fund 350 amount was able to be determined based on collected data, and from the years 2024 to 2045, the total available funds for each year were projected based on an assumed annual percent increase of 3%.

In total, the City will have $173 million available in transportation revenue credits between the years 2024 and 2045, with an average of $7.8 million available yearly. Dividing the calculated present value of the average annual funding by the calculated PMC, the transportation revenue credit per PMC was found to be $24.18.

Table 20: Federal and State Capacity Funding

Federal & State Capacity Funding FY 2024-2045	$ 173,209,543.00
Total Years in Mobility Fee	22
Average Annual Funding	$ 7,873,161.05
Present Value of State & Federal Capacity Funding	$121,664,382.91
Increase in Person Miles of Capacity	5,031,744
Federal & State Revenue Credit per PMC	$24.18

6.9.2 Fuel Tax Credit

The City of St. Cloud is allocated a pro rate share of 12.5% of the total revenues collected by the sixth-cent gas tax within Osceola County. Using a 3% assumed annual percent increase from the years 2024 to 2045, an estimated $44.5 million will be available to use for the fuel tax credit, with $2 million being available annually to help fund Major Collectors, Minor Collectors, Minor Arterials, and Principal Arterials.

Table 21 shows that the total capital use portion of the gas tax will generate a mobility fee credit of $6.22 per PMC.

Table 21: Constitutional Fuel Tax Credit

Constitutional Fuel Tax Revenue FY 2024-2045	$ 44,530,543.00
Total Years in Mobility Fee	22
Average Annual Funding	$ 2,024,115.59
Present Value of State & Federal Capacity Funding	$31,278,767.56
Increase in Person Miles of Capacity	5,031,744
Fuel Tax Credit per PMC	$6.22

6.9.3 Local Government Infrastructure Sales Surtax Credit

The City receives 9.5% of the one percent sales tax collected by Osceola County. Total funding available through December 2045 is projected to be $234.9 million. Approximately $10.7 million is available annually to fund Major Collectors, Minor Collectors, Minor Arterials, and Principal Arterials. Based on these calculations, new development could be expected to generate about $32.79 in capacity-expanding road funding from the local infrastructure sales tax per PMC.

Table 22: Local Government Infrastructure Sales Surtax Credit

Local Government Infrastructure Sales Surtax FY 2020-2045	$ 234,902,683.00
Total Years in Mobility Fee	22
Average Annual Funding	$10,677,394.68
Present Value of State & Federal Capacity Funding	$164,998,356.77
Increase in Person Miles of Capacity	5,031,744
Fuel Tax Credit per PMC	$32.79

6.9.4 Debt Service Credit

The City of St. Cloud does not use sales tax revenue bonds or infrastructure sales surtax revenue bonds to determine their debt service credit, so the only available debt service comes from the City's capital improvements revenue bond. As of 2023, this bond totals $31 million. Table 23 shows that the debt service credit per PMC is $6.17.

Table 23: Debt Service Credit

Sales Tax Revenue Bonds, Series 2016	$0.00
Infrastructure Sales Surtax Revenue Bonds, Series 2017	$0.00
Capital Improvements Revenue Bond, Series 2019	$31,030,000.00
Total Outstanding Road Debt on Major Road System	$31,030,000.00
Increase in Person Miles of Capacity	5,031,744
Debt Service Credit per PMC	$6.17

6.9.5 Total City Credits

The total credits related to Federal and State fuel taxes, the local option fuel taxes, the Constitutional fuel tax, infrastructure sales tax revenue, debt service, and the local government transportation surcharge funding for Major Collectors, Minor Collectors, Minor Arterials, and Principal Arterials are summarized in Table 24.

Table 24: Total Credits per Person Mile of Capacity

Federal & State Revenue Credit	$24.18
Fuel Tax Credit	$6.22
Local Government Infrastructure Sales Surtax Credit	$32.79
Debt Service Credit	$6.17
Total PMC Credit	$69.35

New development could be expected to generate the current equivalent of $69.35 in funding over the next 22 years per PMC.

6.10 Total Credits

The total credits for the districts of Osceola County outside of the JPA is $92.12 per PMC. This is based on an increase in person miles of capacity of 12,406,012 and only considers credits that are available throughout the County.

For the districts that are located within the JPA, the total credits available are $161.47 per PMC. This total is found by first applying the available County credits of $92.12 per PMC and then applying the available City credits of $69.35 per PMC to further reduce the Mobility Fee. City credits are applied after County credits to ensure that County credits are being equally distributed between the City and the remainder of the County, and to ensure that City credits are only being applied within the JPA boundary.

New development outside of the JPA could be expected to generate the current equivalent of $92.12 in funding over the next 25 years per PMC while new development inside of the JPA could be expected to generate the current equivalent of $161.47 in funding ($92.12 from the County and $69.35 from the City) over the next 22 years.

As shown in Table 25, the results of the VMT and PMT analysis yields an increase of 4,927,529 and 8,278,249, respectively, between the base year and future year within Osceola County. The VMT from Interstate 4, the Florida's Turnpike, and the toll roads were excluded in the analysis as these facilities primarily serve metropolitan and regional travel demand. The annual rate of growth for Osceola County was 3.08 percent, indicating a fairly significant increase in future travel demand within the County.

Table 25: Base Year and Future Year Model Derived Travel Demand

Vehicle and Person Miles of Travel	County Wide Model VMT
2020 Base Year Model Vehicle Miles of Travel (VMT)	6,399,231
2020 Base Year Model Person Miles of Travel (PMT)	10,750,708
2045 Future Year Model Vehicle Miles of Travel (VMT)	14,179,267
2045 Future Year Model Person Miles of Travel (PMT)	23,821,168
Increase in Vehicle Miles of Travel (2020 – 2045)	7,780,036
Increase in Person Miles of Travel (2020 – 2045)	13,070,460
Annual Rate of Growth in VMT & PMT	4.86%

6.11 Trip Generation

Trip generation is the process of estimating the number of trips that different land uses will generate. Rates are based on information published in the ITE Trip Generation Manual 11th Edition (Appendix L). The ITE Manual provides the most recent, uniform and widely utilized source for trip generation rates, and is the accepted source for trip generation rates by the FDOT.

The ITE Trip Generation Manual currently does not include extensive amounts of data that incorporate compact dense land use forms, access to transit, and greater mixed uses in more urbanized contexts. It is known throughout the industry as well as in real life applications that these factors lead to fewer and shorter vehicle trips and that the trips will use alternative travel modes or remain internal (entirely within the development). As a result, these trips may not be added to the roadway network, and a trip reduction rate may be considered as part of an Independent Mobility Fee Study (IMFS). The ITE Manual lacks recent studies that show a higher trip reduction rate because of a higher percentage of internal trips within mixed use developments.

6.12 New (Primary) Trips

For this renewal study, the percentage of new (primary) trips was kept the same as the adopted 2015 Mobility Fee Study as there are no industry indicators that suggest the need to implement new trip percentages.

6.13 Vehicle Miles Traveled (VMT) to People Miles Traveled (PMT) Factor

The assessment of future person miles of travel (PMT) is the initial component in the development of a mobility fee. To account for person trips made by walking, biking, riding transit, and vehicle occupancy in a multimodal travel environment, vehicle travel demand is converted into PMT based on data from the 2017 National Household Travel Survey (NHTS). PMT is calculated based on person trips and person trip length from the NHTS data. An evaluation of the personal travel data from the NHTS resulted in a PMT factor of 1.68 (Appendix M).

The multimodal projects necessary to serve person miles of travel demand include sidewalks, paths, trails, bike lanes, transit, low speed and complete streets, streetscape, intersections, and roadways. These multimodal projects are necessary to meet future person miles of travel demand and lay the foundation for use of new micro mobility devices (electric pedal assist bicycles, electric scooters) and micro transit vehicles (autonomous transit shuttles, golf carts, neighborhood electric vehicles).

6.14 Fee Schedule

The result of combining trip generation rates, percent of new trips, and localized trip length is a travel demand schedule that establishes the PMT per land use during the average weekday per unit of development for Osceola County and the City of St. Cloud. The percentage of new trips are the percent of the total trips that will be added to the roadway network from a given ITE Land Use Category that will be considered a new trip on the roadway network and would not exist if not for this new development. The ITE Land Use Code descriptions can be found in Appendix N. The localized trip lengths are based upon the values provided in Table 6. The future trip length reductions are based upon the values provided in Table 7. Equation 2 below illustrates the calculation for PMT per land use.

Equation 2: PMT per Land Use

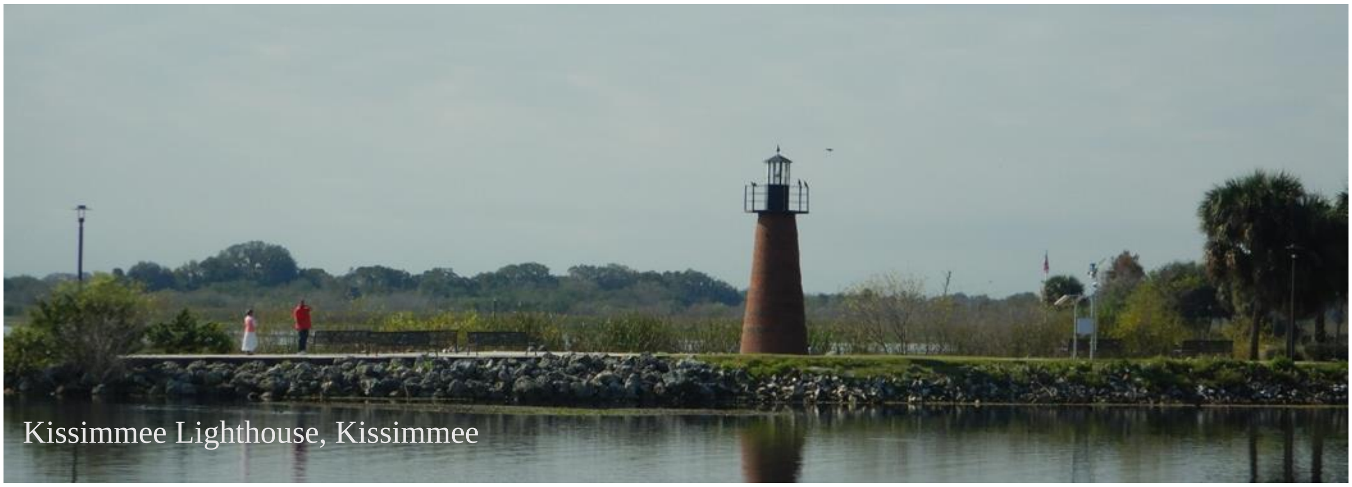
$$PMT_{per\ land\ use} = TG_{2023\ Mobility\ Fee\ Study} * Percent\ New\ Trips * TL_{Adjusted} * Future\ Trip\ Length\ Reduction * \frac{PMT_{Factor}}{2}$$

$$TG_{2023\ Mobility\ Fee\ Study} = 2023\ Mobility\ Fee\ Study\ Trip\ Generation$$

$$TL_{Adjusted} = Adjusted\ Trip\ Length$$

$$PMT_{Factor} = Person\ Miles\ Traveled\ Factor$$

$$*\ Note - The\ PMT_{per\ land\ use} equation\ gets\ divided\ by\ 2\ to\ avoid\ double\ counting\ trips\ for\ origin\ and\ destination$$



Kissimmee Lighthouse, Kissimmee

Mobility Fee is achieved by multiplying the PMT per land use by the PMC Rate minus the PMC Credits available. A general PMC rate was established for the County and was applied to development outside of the JPA. Inside of the JPA, the general PMC rate is split between the County and the City based on the percentage of lane miles within the JPA that each agency is responsible for based on the County Road System and the City Street System respectively. PMC credits were established for both the County and the City and were subtracted from the respective PMC rate. PMC credits for the County are subtracted from the general PMC rate if the development is outside of the JPA and are subtracted from the split County PMC rate if the development is inside of the JPA. PMC credit for the City is only subtracted from the split City PMC rate for development inside of the JPA. Example calculations are shown in Section 9 for an annexed development within the JPA and a development outside of the JPA. The general Mobility Fee equation is shown by Equation 3.

Equation 3: Mobility Fee

$$Mobility\ Fee = \left(PMC_{rate,general} - PMC_{credit}\right) * PMT_{per\ land\ use}$$

$$PMC_{rate,general} = General\ PMC\ rate$$

$$PMC_{credit} = PMC\ credit\ for\ County\ or\ City$$

$$PMT_{per\ land\ use} = TG_{2023\ Mobility\ Fee\ Study} * Percent\ New\ Trips * TL_{Adjusted} * Future\ Trip\ Length\ Reduction * \frac{PMT_{Factor}}{2}$$

$$TG_{2023\ Mobility\ Fee\ Study} = 2023\ Mobility\ Fee\ Study\ Trip\ Generation$$

$$TL_{Adjusted} = Adjusted\ Trip\ Length$$

Using the functional classification of roadways within the County and the JPA, as determined by CFRPM 7.0, two mobility fee calculation scenarios were proposed that consider a roadway's jurisdiction pre-annexation versus post-annexation within the JPA.

Pre-annexation is based on the overall County Arterial and County Collector Framework Network (Appendix O) and will equate to a mobility fee that is the same regardless of where in the County a development is. Mobility fees will be paid to the County based on their proposed land use's impact to the overall County Arterial and Collector Framework Network and will be used in their applicable mobility fee district where the permit is issued.

Post-annexation Mobility Fees will be paid to the City. These fees are based on the overall County Arterial Framework Network and JPA Collector Framework Network (Appendix P) as once a road is annexed, the City is not responsible for maintaining arterial roads, while the County is. However, the City is responsible for maintaining collector roads in the JPA once annexed.

The travel demand schedule for each land use is presented in Table 26.

Table 26: Mobility Fee Schedule

Proposed Mobility Fee Categories									
Category/Item	**ITE Code (11th Ed.)**	**Unit**	**2024 Mobility Fee Study Trip Gen.**	**% New Trips**	**Adjusted Local Trip Length**	**Future Land Use Trip Length Reduction**	**PMT per land use**	**Osceola County** Mobility Fee (Osceola County)	**City of St. Cloud** Mobility Fee (City of St. Cloud)
Living/Residential									
Single Family Detached	210	D.U.	9.48	1.00	7.51	1.000	59.77	$25,012.42	$20,866.64
Townhouse (Single-Family Attached Housing)	215	D.U.	7.2	1.00	7.51	1.000	45.40	$18,998.90	$15,849.84
Condo/Multi-Family (Apartments)	220	D.U.	6.74	1.00	7.51	1.000	42.49	$17,781.12	$14,833.92
Mobile Home	240	D.U.	7.12	1.00	7.51	1.000	44.89	$18,785.47	$15,671.79
Active Adult	251, 252	D.U.	3.775	1.00	7.51	1.000	23.80	$9,959.77	$8,308.95
Assisted Living/Care/Nursing Home	254	1000 s.f.	4.24	1.00	7.51	1.000	26.73	$11,185.91	$9,331.85
Recreation/Entertainment									
Marina	420	Berth	2.59	1.00	12.23	0.579	15.42	$6,452.93	$5,383.35
Golf Course	430	Hole	27.24	0.50	12.23	0.579	81.01	$33,900.90	$28,281.85
Amusement Park	480	Acres	53.41	0.75	12.23	0.579	238.27	$99,710.74	$83,183.79
Movie Theater	445	Seat	1.84	0.75	12.23	0.579	8.21	$3,435.70	$2,866.23
Racquet/Tennis Club	490, 491	Tennis Court	29.02	0.50	5.63	0.579	39.72	$16,621.94	$13,866.87
Health/Fitness/Athletic Club	492, 493	1000 s.f.	19.74	0.50	5.63	0.579	27.02	$11,307.27	$9,433.09
Recreational Community Center/Multipurpose Recreational Facility	495	1000 s.f.	23.83	0.50	6.94	0.579	40.21	$16,826.99	$14,037.93
Campground/Recreational Vehicle Park	416	Space	2.67	0.50	12.23	0.579	7.93	$3,318.53	$2,768.48
Institutional									
Place of Worship	560, 561, 562	1000 s.f.	2.24	0.90	7.09	0.579	6.95	$2,908.42	$2,426.35
Public/Private School (K-8) (K-12)	520, 522, 525, 530, 532, 534, 536, 538	Student	2.22	0.40	7.46	0.579	3.22	$1,347.49	$1,124.14
University/College/Community College	540, 550	Student	1.03	0.40	7.46	0.579	1.50	$627.71	$523.66
Day Care Center	565	1000 s.f.	35.74	0.40	5.51	+0.416	27.53	$11,520.69	$9,611.15
Office									
Office Space	710, 714, 715, 770	1000 s.f.	9.21	0.75	7.815	0.579	26.26	$10,989.23	$9,167.76
Medical Building									
Medical/Dental Offices	720	1000 s.f.	27.71	0.50	6.41	0.579	43.18	$18,069.87	$15,074.81
Hospitals	610	1000 s.f.	9.76	0.75	6.41	0.579	22.82	$9,549.66	$7,966.81

+ Day Care Center facilities can be developed within multiple land use categories—a weighted average of Future Land Use Trip Length Reduction values from Living/Residential and General Commercial land use was taken to calculate Day Care Center's Future Land Use Trip Length Reduction

Proposed Mobility Fee Categories									
Category/Item	ITE Code (11th Ed.)	Unit	2024 Mobility Fee Study Trip Gen.	% New Trips	Adjusted Local Trip Length	Future Land Use Trip Length Reduction	PMT per land use	Osceola County Mobility Fee (Osceola County)	City of St. Cloud Mobility Fee (City of St. Cloud)
Industrial									
Warehousing/Manufacturing/Industrial	130, 140, 150	1000 s.f.	2.66	0.90	10.82	0.184	3.98	$1,665.54	$1,389.47
High-Cube Transload and Short-Term Storage Warehouse	154, 157	1000 s.f.	1.76	0.90	5.44	0.184	1.32	$552.39	$460.83
High-Cube Fulfillment Center Warehouse	155, 156	1000 s.f.	3.22	0.90	5.44	0.184	2.43	$1,016.90	$848.35
Mini-Warehouse	151	1000 s.f.	1.50	0.90	5.44	0.184	1.13	$472.88	$394.49
General Commercial Retail									
Shopping Center	820	1000 s.f.	35.80	0.50	6.32	0.579	55.02	$23,024.65	$19,208.34
Variety/Dollar Store	814, 815	1000 s.f.	58.77	0.40	6.32	0.579	72.25	$30,235.03	$25,223.60
Factory Outlet Store	823	1000 s.f.	26.59	0.80	6.32	0.579	65.38	$27,360.09	$22,825.17
Grocery Store	850	1000 s.f.	97.77	0.50	6.32	0.579	150.26	$62,880.50	$52,458.11
Pharmacy/Drugstore Without Drive Thru	880	1000 s.f.	90.08	0.40	5.89	0.579	103.22	$43,195.29	$36,035.71
Pharmacy/Drugstore with Drive Thru	881	1000 s.f.	100.35	0.40	5.89	0.579	114.98	$48,116.59	$40,141.31
Food & Drink Service without Drive Thru	930, 932	1000 s.f.	105.79	0.25	3.94	0.579	50.67	$21,204.27	$17,689.68
Food & Drink Service with Drive Thru	934, 937	1000 s.f.	500.53	0.25	3.94	0.579	239.78	$100,342.64	$83,710.95
Car Sales	840, 841	1000 s.f.	27.45	0.75	6.32	0.579	63.28	$26,481.28	$22,092.03
Auto Parts Store	843	1000 s.f.	54.57	0.60	6.32	0.579	100.64	$42,115.62	$35,135.00
Tire & Auto Repair	942, 943	1000 s.f.	16.94	0.60	6.32	0.579	31.24	$13,073.25	$10,906.36
Non-Residential									
Hotel per room	310	Room	7.71	0.75	6.94	0.579	19.51	$8,164.50	$6,811.23
Resort Hotel	330	Room	4.06	0.75	6.94	0.579	10.26	$4,293.58	$3,581.92
Cemetery	566	Acres	7.58	1.00	3.94	0.579	14.51	$6,072.11	$5,065.65
Bank/Savings w/ Drive-thru per Drive-thru Lane	912	Drive in Lanes	88.60	0.40	3.94	0.579	67.91	$28,418.83	$23,708.44
Convenience Market & Gas Fuel	944, 945	Vehicle Fueling Position	205.98	0.25	3.94	0.579	98.67	$41,291.22	$34,447.23
Quick Lube Vehicle Service	941	Service Bay	38.57	0.40	6.32	0.579	47.42	$19,844.22	$16,555.05
Car Wash	947	Wash Stall	112.13	0.25	6.32	0.579	86.16	$36,056.06	$30,079.80

Note-These are the maximum allowable fees that Osceola County and St. Cloud can charge and do not represent the values that will be charged to developers.

7. Mobility Fee Districts

Mobility Fee Districts are strategically created to ensure that mobility fees collected within each District are expended on multimodal corridor projects within the District to the benefit of development which pays the fee. The City of Kissimmee is currently excluded from the County's Mobility Fee. A Joint Planning Area (JPA) has been established, within the Northeast District and what is a newly defined Osceola County Southeast District, that is being considered as an area of coordination between the City of St. Cloud and the County's Mobility Fees. The City of St. Cloud will have one mobility fee district (which consists of the St. Cloud City Limits within the JPA) that will expand as properties are annexed within the JPA Boundary. The implementation of the Mobility Fee Benefit Districts ensures the second requirement of the dual rational nexus test is met by clearly defining where funds are collected and where they are expended. The Districts also ensure that the land uses within the Districts that pay the fee are provided the benefit of mobility from the multimodal corridor projects to be funded within the District.

Kissimmee Lakefront Park, Kissimmee

The 2020 supplemental mobility fee study confirmed the Florida's Turnpike as a clearly defined physical feature that impacts travel patterns within the county. Based on traffic projections and the increase of development activity in the northeast quadrant of the District Conceptual Master Plan boundaries as well as the development within the City of St. Cloud, the following reconstruction of the mobility fee districts for unincorporated Osceola County was determined:

Western Mobility District

- The "West" Mobility District (Area "1") is the sector located west of the Florida's Turnpike (SR 91). With the update of this report a restructure of the district boundary was done, the South of Lake Toho and East of Lake Toho Planning Areas were removed from the West Mobility District.

Northeastern Mobility District

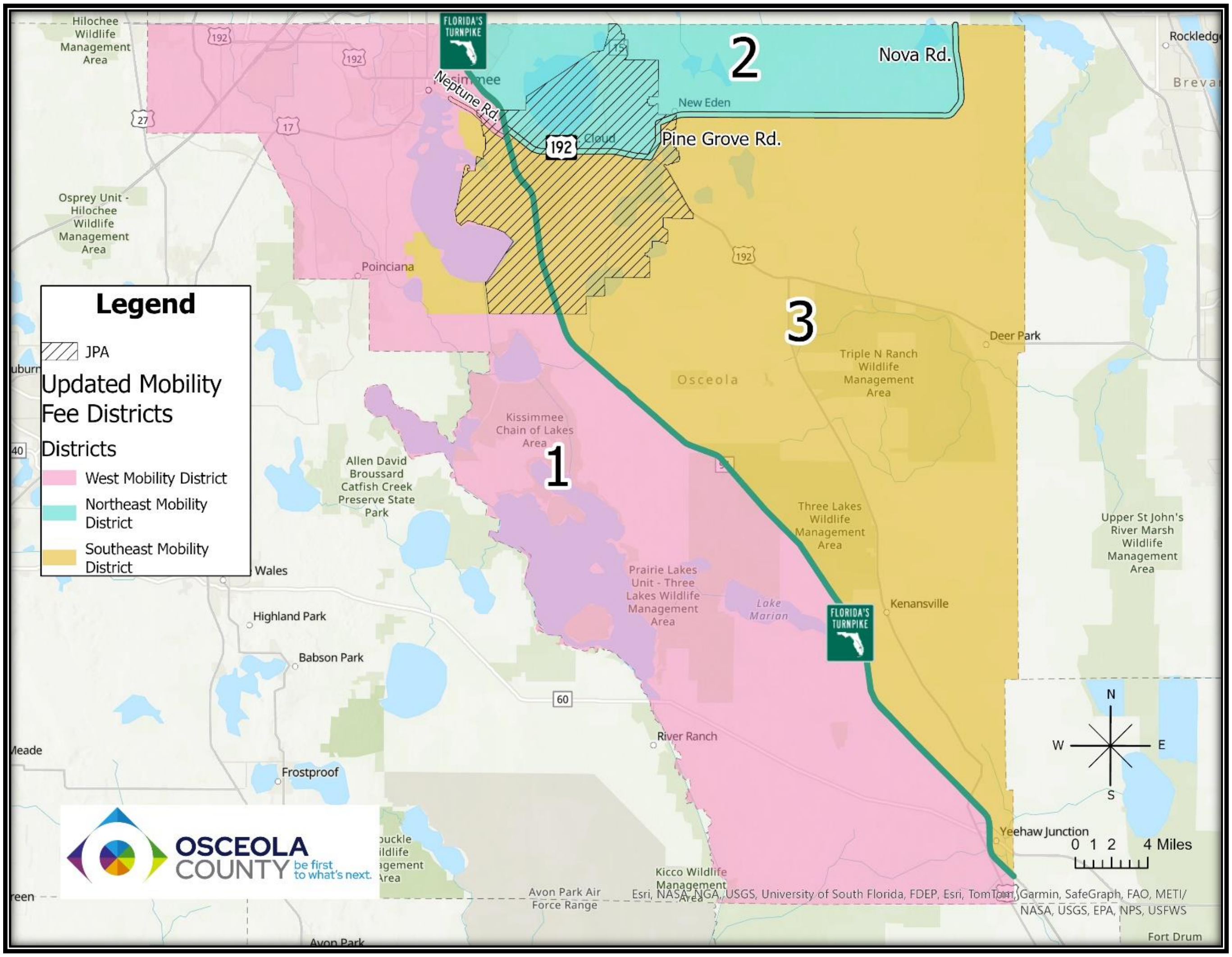
- The "Northeast" Mobility District (Area "2") is the sector located east of the Florida's Turnpike, north of the US 192 to Pine Grove to Nova Road, and includes Pine Grove and Nova Road right-of-way.
    - The portion of this district within the JPA Boundary will split the mobility fee between the City of St. Cloud and the County based on the percentage of lane miles that each entity is ultimately responsible for within the JPA using the County Road System and City Street System

Southeastern Mobility District

- The "Southeast" Mobility District (Area "3") is the sector located east of the Florida's Turnpike, south of US 192 to Pine Grove Road to Nova Road. With the update of this report, a restructure of the district boundary was completed, and the South of Lake Toho (SLT) and East of Lake Toho (ELT) Planning Areas were added to the Southeast Mobility District. The characteristics of the transportation network in the SLT and the ELT are more similar to the Southeast Mobility District than the West Mobility District, and ongoing concerns with respect to tracking credits and mobility fees within the SLT Planning Area due to the fact that it crosses the Turnpike and falls under two different mobility districts caused this boundary restructure to be completed. SLT and ELT development patterns and traffic patterns will introduce additional crossings of the Turnpike, which already has crossings between mobility fee districts. The crossing of the Turnpike will only be applicable within the specific limit of the Southeast Mobility District. Further justification for crossing the Turnpike with this boundary reconstruction can be found in the re-districting memo (Appendix Q).
    - The portion of this district within the JPA Boundary will split the mobility fee between the City of St. Cloud and the County based on the percentage of lane miles that each entity is ultimately responsible for within the JPA using the County Road System and City Street System

Figure 1 shows these mobility districts graphically.

Figure 1: Mobility Fee Districts




Districts 1
Downtown Kissimmee
2
Nova Rd.
Districts 2
St. Cloud Lakefront Park
Districts 3
TWIN LAKES
Twin Lakes Community

8. Mobility Fee Example Calculation

An example fee calculation is provided in this section for the Single-Family Residential land use category (ITE 210) if it is annexed and located within the JPA Boundary, as well as an example if it is located outside of the JPA using information from the proposed Mobility Fee schedule.

<u>Residential (inside of JPA)</u>

$$A\ Single - Family\ dwelling\ unit\ (DU)\ residential\ development\ (ITE\ 210)$$

$$Mobility\ Fee\ (County) = PMT_{per\ land\ use} * (PMC_{rate,county} - PMC_{credit,county})$$

$$Mobility\ Fee\ (County) = 59.77 * (\$160.03 - \$92.12) = \$4{,}058.96$$

$$Mobility\ Fee\ (City) = PMT_{per\ land\ use} * (PMC_{rate,city} - PMC_{credit,city})$$

$$Mobility\ Fee\ (City) = 59.77 * (\$350.56 - \$69.35) = \$16{,}807.68$$

$$Mobility\ Fee\ (Total) = \$20{,}866.64$$

Since this development was annexed and located within the JPA, the mobility fee will be collected by the City of St. Cloud and for calculation purposes is split between the County and City based on maintenance responsibility. The PMC rates for the County and the City are split based on the percentage of lane miles that each agency is ultimately responsible for maintaining within the JPA using the County Road System and City Street System. The PMC rates for the County and the City will not change within the JPA, while the PMT per land use will change based on the land use code.

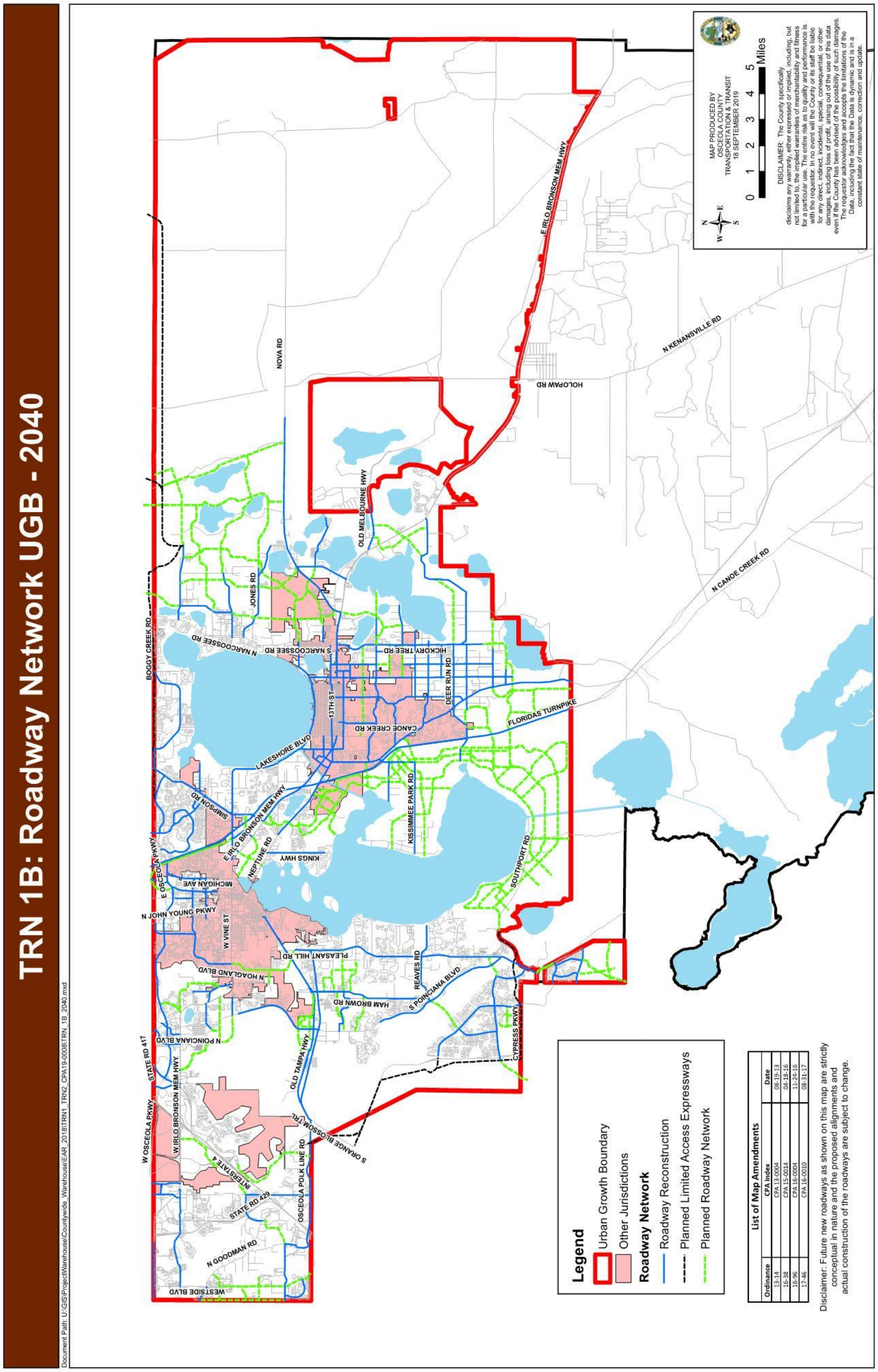
<u>Residential (outside of JPA)</u>

$$A\ Single - Family\ dwelling\ unit\ (DU)\ residential\ development\ (ITE\ 210)$$

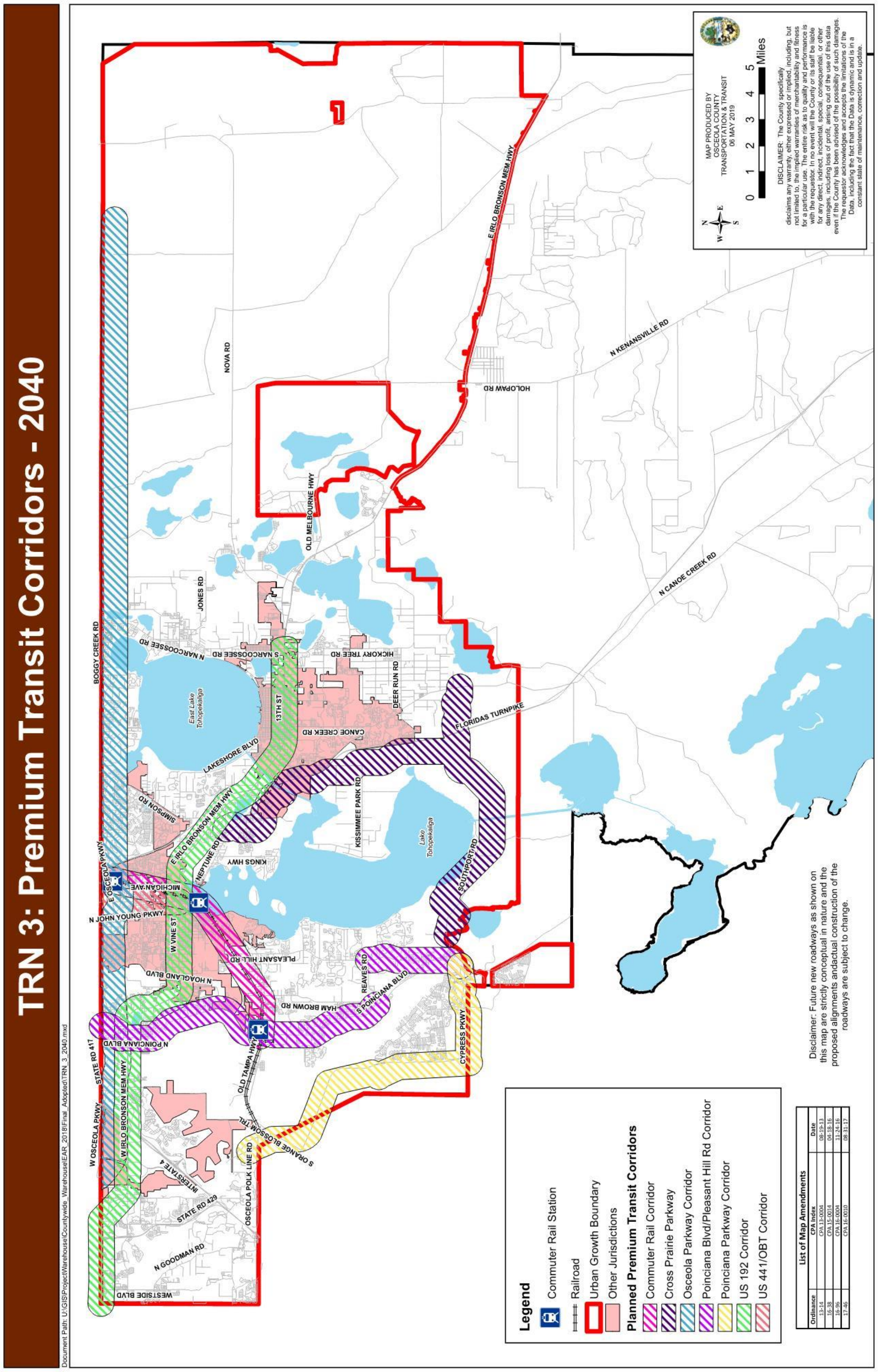
$$Mobility\ Fee\ (Total) = PMT_{per\ land\ use} * (PMC_{rate,general} - PMC_{credit})$$

$$Mobility\ Fee\ (Total) = 59.77 * (\$510.60 - \$92.12) = \$25{,}012.42$$

Map A: TRN 1B


TRN 1B: Roadway Network UGB - 2040
Legend
Urban Growth Boundary
Other Jurisdictions
Roadway Network
Roadway Reconstruction
Planned Limited Access Expressways
Planned Roadway Network
List of Map Amendments
Ordinance
CPA Index
Date
13-14
CPA 13-0004
08-19-13
16-38
CPA 15-0014
04-18-16
16-96
CPA 16-0004
11-28-16
17-46
CPA 16-0010
08-31-17
Disclaimer: Future new roadways as shown on this map are strictly conceptual in nature and the proposed alignments and actual construction of the roadways are subject to change.
MAP PRODUCED BY
OSCEOLA COUNTY
TRANSPORTATION & TRANSIT
18 SEPTEMBER 2019
Miles
E IRLO BRONSON MEM HWY
N KENANSVILLE RD
HOLOPAW RD
NOVA RD
N CANOE CREEK RD
OLD MELBOURNE HWY
JONES RD
BOGGY CREEK RD
N NARCOOSSEE RD
S NARCOOSSEE RD
HICKORY TREE RD
DEER RUN RD
13TH ST
CANOE CREEK RD
FLORIDAS TURNPIKE
LAKESHORE BLVD
SIMPSON RD
NEPTUNE RD
KINGS HWY
KISSIMMEE PARK RD
SOUTHPORT RD
E OSCEOLA PKWY
MICHIGAN AVE
N JOHN YOUNG PKWY
W VINE ST
PLEASANT HILL RD
N HOAGLAND BLVD
REAVES RD
S POINCIANA BLVD
HAM BROWN RD
CYPRESS PKWY
N POINCIANA BLVD
STATE RD 417
OLD TAMPA HWY
W IRLO BRONSON MEM HWY
W OSCEOLA PKWY
INTERSTATE 4
S ORANGE BLOSSOM TRL
OSCEOLA POLK LINE RD
STATE RD 429
N GOODMAN RD
WESTSIDE BLVD

Map B: TRN 3


TRN 3: Premium Transit Corridors - 2040
Legend
Commuter Rail Station
Railroad
Urban Growth Boundary
Other Jurisdictions
Planned Premium Transit Corridors
Commuter Rail Corridor
Cross Prairie Parkway
Osceola Parkway Corridor
Poinciana Blvd/Pleasant Hill Rd Corridor
Poinciana Parkway Corridor
US 192 Corridor
US 441/OBT Corridor
List of Map Amendments
Disclaimer: Future new roadways as shown on this map are strictly conceptual in nature and the proposed alignments andactual construction of the roadways are subject to change.
MAP PRODUCED BY OSCEOLA COUNTY TRANSPORTATION & TRANSIT 06 MAY 2019
Miles
East Lake Tohopekaliga
Lake Tohopekaliga

Appendix A – Florida House of Representatives HB 337

F L O R I D A   H O U S E   O F   R E P R E S E N T A T I V E S

ENROLLED

CS/CS/CS/HB 337 2021 Legislature

An act relating to impact fees; amending s. 163.31801, F.S.; defining the terms "infrastructure" and "public facilities"; requiring local governments and special districts to credit against the collection of impact fees any contribution related to public facilities or infrastructure; providing conditions under which credits may not be applied; providing limitations on impact fee increases; providing for retroactive operation; requiring specified entities to submit an affidavit attesting that impact fees were appropriately collected and expended; providing that impact fee credits are assignable and transferable regardless of when they the credits were established; requiring school districts to report specified information regarding impact fees; providing a directive to the Division of Law Revision; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 163.31801, Florida Statutes, is amended to read:

163.31801 Impact fees; short title; intent; minimum requirements; audits; challenges.—

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

hb0337-04-er

(1) This section may be cited as the "Florida Impact Fee Act."

(2) The Legislature finds that impact fees are an important source of revenue for a local government to use in funding the infrastructure necessitated by new growth. The Legislature further finds that impact fees are an outgrowth of the home rule power of a local government to provide certain services within its jurisdiction. Due to the growth of impact fee collections and local governments' reliance on impact fees, it is the intent of the Legislature to ensure that, when a county or municipality adopts an impact fee by ordinance or a special district adopts an impact fee by resolution, the governing authority complies with this section.

(3) For purposes of this section, the term:

(a) "Infrastructure" means a fixed capital expenditure or fixed capital outlay, excluding the cost of repairs or maintenance, associated with the construction, reconstruction, or improvement of public facilities that have a life expectancy of at least 5 years; related land acquisition, land improvement, design, engineering, and permitting costs; and other related construction costs required to bring the public facility into service. The term also includes a fire department vehicle, an emergency medical service vehicle, a sheriff's office vehicle, a police department vehicle, a school bus as defined in s. 1006.25, and the equipment necessary to outfit the vehicle or bus for its official use. For independent special fire control districts, the term includes new facilities as defined in s. 191.009(4).

(b) "Public facilities" has the same meaning as in s. 163.3164 and includes emergency medical, fire, and law enforcement facilities.

(4)~~(3)~~ At a minimum, each local government that adopts and collects an impact fee by ordinance and each special district that adopts, collects, and administers an impact fee by resolution must ~~an impact fee adopted by ordinance of a county or municipality or by resolution of a special district must satisfy all of the following conditions~~:

(a) Ensure that the calculation of the impact fee is ~~must be~~ based on the most recent and localized data.

(b) ~~The local government must~~ Provide for accounting and reporting of impact fee collections and expenditures and~~. If a local governmental entity imposes an impact fee to address its infrastructure needs, the entity must~~ account for the revenues and expenditures of such impact fee in a separate accounting fund.

(c) Limit administrative charges for the collection of impact fees ~~must be limited~~ to actual costs.

(d) ~~The local government must~~ Provide notice at least ~~not less than~~ 90 days before the effective date of an ordinance or resolution imposing a new or increased impact fee. A local

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

ENROLLED
CS/CS/CS/HB 337 2021 Legislature

government ~~county or municipality~~ is not required to wait 90 days to decrease, suspend, or eliminate an impact fee. Unless the result is to reduce the total mitigation costs or impact fees imposed on an applicant, new or increased impact fees may not apply to current or pending permit applications submitted before the effective date of ~~an ordinance or resolution imposing~~ a new or increased impact fee.

(e) Ensure that collection of the impact fee may not be required to occur earlier than the date of issuance of the building permit for the property that is subject to the fee.

(f) Ensure that the impact fee is ~~must be~~ proportional and reasonably connected to, or has ~~have~~ a rational nexus with, the need for additional capital facilities and the increased impact generated by the new residential or commercial construction.

(g) Ensure that the impact fee is ~~must be~~ proportional and reasonably connected to, or has ~~have~~ a rational nexus with, the expenditures of the funds collected and the benefits accruing to the new residential or nonresidential construction.

(h) ~~The local government must~~ Specifically earmark funds collected under the impact fee for use in acquiring, constructing, or improving capital facilities to benefit new users.

(i) Ensure that revenues generated by the impact fee are ~~may~~ not ~~be~~ used, in whole or in part, to pay existing debt or for previously approved projects unless the expenditure is

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

hb0337-04-er

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

ENROLLED

CS/CS/CS/HB 337 2021 Legislature

reasonably connected to, or has a rational nexus with, the increased impact generated by the new residential or nonresidential construction.

(5)(a) ~~(4)~~ Notwithstanding any charter provision, comprehensive plan policy, ordinance, development order, development permit, or resolution, the local government or special district must credit against the collection of the impact fee any contribution, whether identified in a proportionate share agreement or other form of exaction, related to public ~~education~~ facilities or infrastructure, including land dedication, site planning and design, or construction. Any contribution must be applied on a dollar-for-dollar basis at fair market value to reduce any ~~education-based~~ impact fee collected for the general category or class of public facilities or infrastructure for which the contribution was made ~~fees on a dollar-for-dollar basis at fair market value~~.

(b) If a local government or special district does not charge and collect an impact fee for the general category or class of public facilities or infrastructure contributed, a credit may not be applied under paragraph (a).

(6) ~~(5)~~ A local government, school district, or special district may increase an impact fee only as provided in this subsection.

(a) An impact fee may be increased only pursuant to a plan for the imposition, collection, and use of the increased impact fees which complies with this section.

(b) An increase to a current impact fee rate of not more than 25 percent of the current rate must be implemented in two equal annual increments beginning with the date on which the increased fee is adopted.

(c) An increase to a current impact fee rate which exceeds 25 percent but is not more than 50 percent of the current rate must be implemented in four equal installments beginning with the date the increased fee is adopted.

(d) An impact fee increase may not exceed 50 percent of the current impact fee rate.

(e) An impact fee may not be increased more than once every 4 years.

(f) An impact fee may not be increased retroactively for a previous or current fiscal or calendar year.

(g) A local government, school district, or special district may increase an impact fee rate beyond the phase-in limitations established under paragraph (b), paragraph (c), paragraph (d), or paragraph (e) by establishing the need for such increase in full compliance with the requirements of subsection (4), provided the following criteria are met:

1. A demonstrated need study justifying any increase in excess of those authorized in paragraph (b), paragraph (c), paragraph (d), or paragraph (e) has been completed within the 12 months before the adoption of the impact fee increase and

expressly demonstrates the extraordinary circumstances necessitating the need to exceed the phase-in limitations.

2. The local government jurisdiction has held not less than two publicly noticed workshops dedicated to the extraordinary circumstances necessitating the need to exceed the phase-in limitations set forth in paragraph (b), paragraph (c), paragraph (d), or paragraph (e).

3. The impact fee increase ordinance is approved by at least a two-thirds vote of the governing body.

(h) This subsection operates retroactively to January 1, 2021.

(7) If an impact fee is increased ~~a local government increases its impact fee rates~~, the holder of any impact fee credits, whether such credits are granted under s. 163.3180, s. 380.06, or otherwise, which were in existence before the increase, is entitled to the full benefit of the intensity or density prepaid by the credit balance as of the date it was first established. ~~This subsection shall operate prospectively and not retrospectively.~~

(8)~~(6)~~ A local government, school district, or special district must submit with its annual financial report required under s. 218.32 or its financial audit report required under s. 218.39 a separate affidavit signed by its chief financial officer or, if there is no chief financial officer, its executive officer attesting, to the best of his or her knowledge, that all impact fees were collected and expended by the local government, school district, or special district, or were collected and expended on its behalf, in full compliance with the spending period provision in the local ordinance or resolution, and that funds expended from each impact fee account were used only to acquire, construct, or improve specific infrastructure needs ~~Audits of financial statements of local governmental entities and district school boards which are performed by a certified public accountant pursuant to s. 218.39 and submitted to the Auditor General must include an affidavit signed by the chief financial officer of the local governmental entity or district school board stating that the local governmental entity or district school board has complied with this section~~.

(9) ~~(7)~~ In any action challenging an impact fee or the government's failure to provide required dollar-for-dollar credits for the payment of impact fees as provided in s. 163.3180(6)(h)2.b., the government has the burden of proving by a preponderance of the evidence that the imposition or amount of the fee or credit meets the requirements of state legal precedent and this section. The court may not use a deferential standard for the benefit of the government.

(10) ~~(8)~~ Impact fee credits are assignable and transferable at any time after establishment from one development or parcel to any other that is within the same impact fee zone or impact

fee district or that is within an adjoining impact fee zone or impact fee district within the same local government jurisdiction and which receives benefits from the improvement or contribution that generated the credits. This subsection applies to all impact fee credits regardless of whether the credits were established before or after the effective date of this act.

(11) ~~(9)~~ A county, municipality, or special district may provide an exception or waiver for an impact fee for the development or construction of housing that is affordable, as defined in s. 420.9071. If a county, municipality, or special district provides such an exception or waiver, it is not required to use any revenues to offset the impact.

(12) ~~(10)~~ This section does not apply to water and sewer connection fees.

(13) ~~(11)~~ In addition to the items that must be reported in the annual financial reports under s. 218.32, a local government, school district ~~county, municipality~~, or special district must report all of the following information ~~data~~ on all impact fees charged:

(a) The specific purpose of the impact fee, including the specific infrastructure needs to be met, including, but not limited to, transportation, parks, water, sewer, and schools.

(b) The impact fee schedule policy describing the method of calculating impact fees, such as flat fees, tiered scales based on number of bedrooms, or tiered scales based on square footage.

(c) The amount assessed for each purpose and for each type of dwelling.

(d) The total amount of impact fees charged by type of dwelling.

(e) Each exception and waiver provided for construction or development of housing that is affordable.

Section 2. The Division of Law Revision is directed to replace the phrase "the effective date of this act" wherever it occurs in this act with the date the act becomes a law.

Section 3. This act shall take effect upon becoming a law.

Appendix B – Florida Statute 163.31801

Select Year: 2023 Go

The 2023 Florida Statutes (including Special Session C)

Title XI COUNTY ORGANIZATION AND INTERGOVERNMENTAL RELATIONS	Chapter 163 INTERGOVERNMENTAL PROGRAMS	View Entire Chapter

163.31801 Impact fees; short title; intent; minimum requirements; audits; challenges.—

(1) This section may be cited as the "Florida Impact Fee Act."

(2) The Legislature finds that impact fees are an important source of revenue for a local government to use in funding the infrastructure necessitated by new growth. The Legislature further finds that impact fees are an outgrowth of the home rule power of a local government to provide certain services within its jurisdiction. Due to the growth of impact fee collections and local governments' reliance on impact fees, it is the intent of the Legislature to ensure that, when a county or municipality adopts an impact fee by ordinance or a special district adopts an impact fee by resolution, the governing authority complies with this section.

(3) For purposes of this section, the term:

(a) "Infrastructure" means a fixed capital expenditure or fixed capital outlay, excluding the cost of repairs or maintenance, associated with the construction, reconstruction, or improvement of public facilities that have a life expectancy of at least 5 years; related land acquisition, land improvement, design, engineering, and permitting costs; and other related construction costs required to bring the public facility into service. The term also includes a fire department vehicle, an emergency medical service vehicle, a sheriff's office vehicle, a police department vehicle, a school bus as defined in s. 1006.25, and the equipment necessary to outfit the vehicle or bus for its official use. For independent special fire control districts, the term includes new facilities as defined in s. 191.009(4).

(b) "Public facilities" has the same meaning as in s. 163.3164 and includes emergency medical, fire, and law enforcement facilities.

(4) At a minimum, each local government that adopts and collects an impact fee by ordinance and each special district that adopts, collects, and administers an impact fee by resolution must:

(a) Ensure that the calculation of the impact fee is based on the most recent and localized data.

(b) Provide for accounting and reporting of impact fee collections and expenditures and account for the revenues and expenditures of such impact fee in a separate accounting fund.

(c) Limit administrative charges for the collection of impact fees to actual costs.

(d) Provide notice at least 90 days before the effective date of an ordinance or resolution imposing a new or increased impact fee. A local government is not required to wait 90 days to decrease, suspend, or eliminate an impact fee. Unless the result is to reduce the total mitigation costs or impact fees imposed on an applicant, new or increased impact fees may not apply to current or pending permit applications submitted before the effective date of a new or increased impact fee.

(e) Ensure that collection of the impact fee may not be required to occur earlier than the date of issuance of the building permit for the property that is subject to the fee.

(f) Ensure that the impact fee is proportional and reasonably connected to, or has a rational nexus with, the need for additional capital facilities and the increased impact generated by the new residential or commercial construction.

(g) Ensure that the impact fee is proportional and reasonably connected to, or has a rational nexus with, the expenditures of the funds collected and the benefits accruing to the new residential or nonresidential construction.

(h) Specifically earmark funds collected under the impact fee for use in acquiring, constructing, or improving capital facilities to benefit new users.

(i) Ensure that revenues generated by the impact fee are not used, in whole or in part, to pay existing debt or for previously approved projects unless the expenditure is reasonably connected to, or has a rational nexus with, the increased impact generated by the new residential or nonresidential construction.

(5)(a) Notwithstanding any charter provision, comprehensive plan policy, ordinance, development order, development permit, or resolution, the local government or special district must credit against the collection of the impact fee any contribution, whether identified in a proportionate share agreement or other form of exaction, related to public facilities or infrastructure, including land dedication, site planning and design, or construction. Any contribution must be applied on a dollar-for-dollar basis at fair market value to reduce any impact fee collected for the general category or class of public facilities or infrastructure for which the contribution was made.

(b) If a local government or special district does not charge and collect an impact fee for the general category or class of public facilities or infrastructure contributed, a credit may not be applied under paragraph (a).

(6) A local government, school district, or special district may increase an impact fee only as provided in this subsection.

(a) An impact fee may be increased only pursuant to a plan for the imposition, collection, and use of the increased impact fees which complies with this section.

(b) An increase to a current impact fee rate of not more than 25 percent of the current rate must be implemented in two equal annual increments beginning with the date on which the increased fee is adopted.

(c) An increase to a current impact fee rate which exceeds 25 percent but is not more than 50 percent of the current rate must be implemented in four equal installments beginning with the date the increased fee is adopted.

(d) An impact fee increase may not exceed 50 percent of the current impact fee rate.

(e) An impact fee may not be increased more than once every 4 years.

(f) An impact fee may not be increased retroactively for a previous or current fiscal or calendar year.

(g) A local government, school district, or special district may increase an impact fee rate beyond the phase-in limitations established under paragraph (b), paragraph (c), paragraph (d), or paragraph (e) by establishing the need for such increase in full compliance with the requirements of subsection (4), provided the following criteria are met:

1. A demonstrated-need study justifying any increase in excess of those authorized in paragraph (b), paragraph (c), paragraph (d), or paragraph (e) has been completed within the 12 months before the adoption of the impact fee increase and expressly demonstrates the extraordinary circumstances necessitating the need to exceed the phase-in limitations.

2. The local government jurisdiction has held not less than two publicly noticed workshops dedicated to the extraordinary circumstances necessitating the need to exceed the phase-in limitations set forth in paragraph (b), paragraph (c), paragraph (d), or paragraph (e).

3. The impact fee increase ordinance is approved by at least a two-thirds vote of the governing body.

(h) This subsection operates retroactively to January 1, 2021.

(7) If an impact fee is increased, the holder of any impact fee credits, whether such credits are granted under s. 163.3180, s. 380.06, or otherwise, which were in existence before the increase, is entitled to the full benefit of the intensity or density prepaid by the credit balance as of the date it was first established.

(8) A local government, school district, or special district must submit with its annual financial report required under s. 218.32 or its financial audit report required under s. 218.39 a separate affidavit signed by its chief financial officer or, if there is no chief financial officer, its executive officer attesting, to the best of his or her knowledge, that all impact fees were collected and expended by the local government, school district, or special district, or were collected and expended on its behalf, in full compliance with the spending period provision in the local ordinance or resolution, and that funds expended from each impact fee account were used only to acquire, construct, or improve specific infrastructure needs.

(9) In any action challenging an impact fee or the government's failure to provide required dollar-for-dollar credits for the payment of impact fees as provided in s. 163.3180(6)(h)2.b., the government has the burden of proving by a preponderance of the evidence that the imposition or amount of the fee or credit meets the requirements of state legal precedent and this section. The court may not use a deferential standard for the benefit of the government.

(10) Impact fee credits are assignable and transferable at any time after establishment from one development or parcel to any other that is within the same impact fee zone or impact fee district or that is within an adjoining impact fee zone or impact fee district within the same local government jurisdiction and which receives benefits from the improvement or contribution that generated the credits. This subsection applies to all impact fee credits regardless of whether the credits were established before or after June 4, 2021.

(11) A county, municipality, or special district may provide an exception or waiver for an impact fee for the development or construction of housing that is affordable, as defined in s. 420.9071. If a county, municipality, or special district provides such an exception or waiver, it is not required to use any revenues to offset the impact.

(12) This section does not apply to water and sewer connection fees.

(13) In addition to the items that must be reported in the annual financial reports under s. 218.32, a local government, school district, or special district must report all of the following information on all impact fees charged:

(a) The specific purpose of the impact fee, including the specific infrastructure needs to be met, including, but not limited to, transportation, parks, water, sewer, and schools.

(b) The impact fee schedule policy describing the method of calculating impact fees, such as flat fees, tiered scales based on number of bedrooms, or tiered scales based on square footage.

(c) The amount assessed for each purpose and for each type of dwelling.

(d) The total amount of impact fees charged by type of dwelling.

(e) Each exception and waiver provided for construction or development of housing that is affordable.

History.—s. 9, ch. 2006-218; s. 1, ch. 2009-49; s. 5, ch. 2009-96; s. 5, ch. 2011-14; s. 1, ch. 2011-149; s. 1, ch. 2019-106; s. 5, ch. 2019-165; s. 5, ch. 2020-27; s. 1, ch. 2020-58; ss. 1, 2, ch. 2021-63.

Appendix C – Senate Bill 102

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

The REC made the following estimates for the specified bill provisions:

- The sales tax refund for building materials will reduce General Revenue Fund receipts by $31.9 beginning in Fiscal Year 2023-2024, and will reduce local government revenues by $8.9 million beginning in Fiscal Year 2023-2024.
- Increasing the Community Contribution Tax Credit cap will reduce General Revenue Fund receipts by $8.4 million beginning in Fiscal Year 2023-2024, and will reduce local government revenues by $2.1 million beginning in Fiscal Year 2023-2024.
- The Live Local Program will reduce General Revenue receipts by $50 million in Fiscal Year 2023-2024 and by $100 million in future years.
- The property tax exemption for certain lands leased for affordable housing will reduce local property tax revenues by $8.5 million beginning in Fiscal Year 2023-2024.
- The local option affordable housing property tax exemption will have an indeterminate reduction to local property tax revenue.
- The General Revenue service charge redirect will reduce General Revenue Fund receipts by $150 million beginning in Fiscal Year 2023-2024 and will increase State Housing Trust Fund receipts by $150 million beginning in Fiscal Year 2023-2024.

The REC has not yet estimated the impact of the property tax exemption for newly constructed or substantially renovated multi-family rental units used to provide affordable housing.

B. Private Sector Impact:

Developers of multifamily housing should see a reduction in bureaucracy, and an increase in the amount of property available, for residential development relating to housing projects which qualify for the density, height, and zoning preemptions. Developers will also benefit from tax exemption portions of the legislation, and increased funding to FHFC.

Individuals may benefit from a resulting increase in income-limited units, overall housing production increases, and downpayment assistance eligibility.

C. Government Sector Impact:

Local governments may incur expenditures and lost revenues in implementing the bill with regards to updating inventory lists of publicly owned land, publishing certain procedures and regulations electronically, and administering new ad valorem tax exemptions. Local governments may benefit from the expansion of the Community Contribution Tax Credit Program, the locally held land leasing provisions, and SHIP funding.

Certain components of the bill, specifically the General Revenue service charge redirection and Live Local program, have the neutral effect of reducing general revenue while increasing funding to FHFC programs.

The DOR and FHFC will face costs related to administration of various provisions of the bill.

The bill makes the following appropriations to the FHFC:

- $100 million in non-recurring funds from the General Revenue Fund to implement the Florida Hometown Hero Program;
- $252 million in non-recurring funds from the Local Government Housing Trust Fund for the SHIP program;
- $150 million in recurring funds from the State Housing Trust Fund for the purpose of implementing section 30 of the bill, related to SAIL project funding derived from a redirected General Revenue service charge;
- $109 million in non-recurring funds from the State Housing Trust Fund for the SAIL program; and
- $100 million in non-recurring funds from the General Revenue Fund to implement a competitive loan program to alleviate inflation-related cost increases for FHFC-approved multifamily projects that have not yet commenced construction.[170]

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends or creates the following sections of the Florida Statutes: 125.0103, 125.01055, 125.379, 166.04151, 166.043, 166.0451, 196.1978, 196.1979, 201.15, 212.08,

[170] FHFC currently maintains such an effort through a program called the Construction Housing Inflation Response Program (CHIRP), which sets aside funding for projects that were previously awarded SAIL funding but risk failure due to acutely rising construction costs. *See* FHFC, *Construction Housing Inflation Response Program (CHIRP)*, April 29, 2022, available at https://www.floridahousing.org/docs/default-source/programs/competitive/2022/2022--chirp/4-29-22-board-presentation-re-chirp-(1).pdf?sfvrsn=c94cf57b_0 (last visited January 19, 2023). This provision takes effect upon the bill becoming a law.

Appendix D – Florida Statute 166.04151