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Sec. 33I-1. Short title and applicability.

(a) This chapter [Ordinance Number 90-31] shall be known and may be cited as the "Police Services Impact Fee Ordinance."

(b) This chapter shall be applicable to all land development in unincorporated Miami-Dade County.

(Ord. No. 90-31, § 2, 4-3-90)

Sec. 33I-2. Findings, conclusions and purpose.

(a) The provision of adequate police protection is essential for the safety of the public. The existing level of service in Miami-Dade County provides for the prompt dispatch of police assistance of a size and composition appropriate to the request and with an emergency response time of within five (5) minutes for the first arriving unit.

(b) Increase in new development in unincorporated Miami-Dade County will directly and adversely impact existing police services. In order to maintain adequate police protection for the existing population and to accommodate projected population due to new development, additional capital resources are required.

(c) Current sources of revenue will be inadequate to fund the cost of acquisition of property and capital equipment required to provide police service to new development. Without an impact fee, the adverse impact on existing and future residents of unincorporated Miami-Dade County will result.

(d) Nothing in this chapter shall prohibit or restrict funding of law enforcement related land, facilities and capital equipment from additional revenue sources to enhance police services.

(Ord. No. 90-31, § 2, 4-3-90; Ord. No. 06-14, § 1, 1-24-06)

Sec. 33I-3. Rules of construction.

(a) The provisions of this chapter shall be liberally construed so as to effectively carry out its purpose in the interest of public safety.

(b) For the purposes of administration and enforcement of this chapter, unless otherwise stated in this chapter, the following rules of construction shall apply to the text of this chapter.

(1) If there is any conflict between the text of this chapter and any table, summary table or illustration, the text shall control.

(2) The word "shall" is always mandatory and not discretionary; the word "may" is permissive.

(3) Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.

(4) The phrase "used for" includes "arranged for," "designed for," "maintained for," or "occupied for."

(5) The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.

(6) Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and," "or," or "either…or," the conjunction shall be interpreted as follows:

a. "And" indicates that all the connected terms, conditions, provisions, or events shall apply.

b. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.

c. "Either…or" indicates that the connected items, conditional provisions, or events shall apply singly but not in combination.

(7) The word "includes" shall not limit a term to the specific example but is intended to extend its meaning to all other instances or circumstances of like kind or character.

(8) The word "he" means "he or she"; "his" means "his or hers."

(Ord. No. 90-31, § 2, 4-3-90)

Sec. 33I-4. Definitions.

(a) The definitions contained in Chapters 28 and 33, Code of Miami-Dade County, shall apply to this chapter except as otherwise provided in the following definitions:

(1) *Applicant* means the person who applies for a building permit or submits a plat or waiver of plat.

(2) *Building* means any structure having a roof entirely separated from any other structure by space or by walls in which there are no communicating doors or windows or any similar opening and erected for the purpose of providing support or shelter for persons, animals, things or property of any kind.

(3) *Building permit* means an official document or certificate issued by the Miami-Dade County Building Official, authorizing the construction siting, or change of use of any building. For purposes of this chapter, the term "building permit" shall also include tie-down permits for those structures or buildings, such as mobile homes, that do not require a building permit in order to be occupied.

(4) *Comprehensive Development Master Plan (CDMP)* means the comprehensive plan of Miami-Dade County adopted and amended pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act, Section 163.3161 et seq., Florida Statutes (1987).

(5) *Credit* means the present value of past provisions made by new developments for the cost of existing or future capital improvements.

(6) *Development activity, development* or *activity* means any activity for which a building permit is required pursuant to the South Florida Building Code or any applicable County ordinance.

(7) *Development of regional impact* means any development which because of its character, magnitude or location would have a substantial impact on the health, safety or welfare of the citizens of more than one (1) county.

(8) *Director of the Miami-Dade Police Department* means the Director of the Miami-Dade Police Department or his designee.

(8.1) *Director of the Department of Planning and Zoning* means the director of the Miami-Dade County Department of Planning and Zoning or his designee.

(9) *Encumbered* means monies committed by contract or purchase order in a manner that obligates Miami-Dade County to expend the funded amount upon delivery of goods, the rendering of services or the conveyance of real property provided by a vendor, supplier, contractor or owner.

(10) *Existing development* means the lawful land use physically existing as of the effective date of the ordinance from which this chapter derives and any development or additional development for which the landowner holds a valid building permit as of the effective date of this chapter. Existing development shall also include that maximum level of development activity for which a previous impact fee was paid under the provisions of this chapter.

(11) *Feepayer* means a person intending to commence a proposed development for which an impact fee computation is required under this chapter, or a person who has paid an impact fee, or provided a letter of credit pursuant to this chapter.

(12) *Impact* means the effect of the new development, including additional residential and nonresidential development, on the police services of Miami-Dade County.

(13) *Improvement* means any physical improvement related to property, construction costs of a police district station or other facility, or acquisition of capital equipment that increases the capacity of public services.

(14) *Nonresidential development* means development not providing for any residential units.

(15) *Person,* for the purpose of this chapter, means individuals, partnerships, trusts, corporations, and all other legal entities authorized by the law of Florida to own and develop real property.

(16) *Police services impact fee, fee,* or *impact fee* means the proportionate fair share charge required to be paid in accordance with this chapter.

(17) *Residential development* means any building or buildings designed to be used as dwelling units.

(18) *Unincorporated areas* means any land in Miami-Dade County not lying within the boundaries of a municipality.

(19) *Unit* or *unit of development* means a residential structure which is a quantifiable increment of development activity; e.g., a single-family home, or a residential module; e.g., each condominium or apartment unit within a condominium complex or building.

(Ord. No. 90-31, § 2, 4-3-90; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 98-125, § 29, 9-3-98; Ord. No. 06-14, § 1, 1-24-06)

Sec. 33I-5. Imposition of police services impact fee.

(a) Any application for building permit for development activity within unincorporated Miami-Dade County shall be subject to the assessment of a police services impact fee in the manner and amount set forth in this chapter. However, any application for a building permit where the required police services impact fee payment is made prior to October 1, 1994 shall not be subject to the provisions of this ordinance amending [Chapter 33I](../level2/PTIIICOOR_CH33IPOSEIMFE.docx#PTIIICOOR_CH33IPOSEIMFE) of the Code of Metropolitan Miami-Dade County provided said building permits are issued prior to January 29, 1995.

For building permits which expire or are revoked after the effective date of this chapter, the feepayer shall be entitled to a refund of previously paid impact fees in accordance with [Section 33I-12](../level2/PTIIICOOR_CH33IPOSEIMFE.docx#PTIIICOOR_CH33IPOSEIMFE_S33I-12REIMFEPA), provided that, in the case of reapplication shall be paid.

(b) No building permit shall be issued by the County until the applicant has paid the assessed impact fees as calculated pursuant to Sections [33I-6](../level2/PTIIICOOR_CH33IPOSEIMFE.docx#PTIIICOOR_CH33IPOSEIMFE_S33I-6POSEIMFECOFO) and [33I-14](../level2/PTIIICOOR_CH33IPOSEIMFE.docx#PTIIICOOR_CH33IPOSEIMFE_S33I-14POSEIMFEMAPERE). Payment of the police services impact fee pursuant to this chapter shall not prohibit a feepayer from initiating an independent fee computation study in accordance with [Section 33I-9](../level2/PTIIICOOR_CH33IPOSEIMFE.docx#PTIIICOOR_CH33IPOSEIMFE_S33I-9FECOINST)

(c) Notwithstanding the payment of a police services impact fee, other State or County developmental regulations may limit the issuance of building permits for development activity.

(d) Nothing in this chapter shall prohibit the County from paying the required impact fee on behalf of any applicant or feepayer. In such an instance, the impact fee payment shall be from allowable fundable sources other than prior impact fee revenues.

(e) The police services impact fee manual (the manual) shall be used for the administration of this chapter.

(Ord. No. 90-31, § 2, 4-3-90; Ord. No. 94-167, § 1, 9-13-94)

Sec. 33I-6. Police services impact fee computation formula.

(a) The feepayer shall pay a police services impact fee amount based on the formula set forth below. Such fee will be based on the capital costs required to serve the increased demand for police services resulting from proposed new development activities, together with impact fee administrative costs. The formula to be used to calculate the police services impact fee shall be established as follows for each property type:

THE VALUE OF MIAMI-DADE POLICE DEPARTMENT'SCAPITAL ASSETS1 ×THE PERCENTAGE USE OF POLICE SERVICES BY RESIDENTIAL ORNONRESIDENTIAL USERS IN UNINCORPORATED MIAMI-DADE COUNTY2 °THE NUMBER OF TOTAL UNITS FOR RESIDENTIAL PROPERTY ORTHE TOTAL SQUARE FOOTAGE FOR NONRESIDENTIAL PROPERTY INUNINCORPORATED MIAMI-DADE COUNTY3 -CREDIT FOR INTEREST PAYMENTS FOR OUTSTANDING DEBT FROM GENERAL OBLIGATION BONDS ISSUED TO FINANCE CAPITAL PROJECTS FOR POLICE PURPOSES AS PROVIDED IN SEC. 33I-16 =POLICE SERVICES IMPACT FEE+5% ADMINISTRATIVE CHARGE=POLICE SERVICES IMPACT FEE AND ADMINISTRATIVE CHARGE

;i1=1.8p;1 Estimated value of capital assets ($181,566,435) derived from information provided by the Miami-Dade Police Department Budget, Planning and Resource Management Bureau for the year 2004, the Miami-Dade County Office of Capital Improvements and Development, and the Department of Planning and Zoning.

;i1=1.8p;2 Statistical information from August 1, 1988 through July 31, 1989, compiled by the Miami-Dade Police Department and updated in October 2004.

;i1=1.8p;3 Number of total units and square footage provided by the Miami-Dade County Property Appraisal Department on April 15, 2005.

The Director of the Miami-Dade Police Department shall employ the following schedule to compute the amount of fee to be paid.

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Land Use/ Occupancy Type | Percentage Use of Police Services | Net Capital Costs | Number of Units or Square Feet of Occupancy | Credit for Bond Program | Cost per Unit or per Square Foot6 |
| Residential | .70 | $127,096,505 | 309,463 | $0.000 | $410.70 per unit |
| Nonresidential | .30 | $54,469,931 | 190,882,231 | $ 0.000 | $ 0.285 per square foot |

6 The cost per unit for residential land use/occupancy types and cost per square foot for nonresidential land use/occupancy types shall be adjusted annually based on Consumer Price Index and periodically adjusted based on bond indebtedness as outlined in [Section 33I-16](../level2/PTIIICOOR_CH33IPOSEIMFE.docx#PTIIICOOR_CH33IPOSEIMFE_S33I-16PEUPFESC).

(b) The fee per residential unit or fee per nonresidential square foot shall be multiplied by the feepayer's total number of units for residential property or total number of square feet for nonresidential property. The total will then be multiplied by [1.05](../level2/PTICOAMCH_ART1BOCOCO.docx#PTICOAMCH_ART1BOCOCO_S1.05FOOFCOELAPOFEM) to accommodate the general administrative charge of five (5) percent. The resulting total is the police services impact fee and administrative charge which shall be paid by the feepayer.

(c) In the case of development activity involving a change of use or magnitude of use in which a building permit is required, the proposed development shall be required to pay an impact fee only for the increase in the development activity. The impact fee shall be the difference between the computed impact fee for the proposed development activity and the computed impact fee for the existing development activity as defined in [Section 33I-4](../level2/PTIIICOOR_CH33IPOSEIMFE.docx#PTIIICOOR_CH33IPOSEIMFE_S33I-4DE). Any building permit which expires or is revoked after the effective date of this chapter and for which a fee has not previously been paid under this chapter shall be required to comply with the provisions herein. No refunds will be given for proposed development activity resulting in a negative fee calculation.

(d) No impact fee payment shall be required for any development activity when the calculated fee is less than fifty dollars ($50.00).

(e) If the type of activity within a proposed or current development is not specified, the Director of the Miami-Dade Police Department shall use the activity most nearly comparable in computing the fee.

(f) In determining existing development activity, as defined in [Section 33I-4](../level2/PTIIICOOR_CH33IPOSEIMFE.docx#PTIIICOOR_CH33IPOSEIMFE_S33I-4DE), and the units or number of square feet for the proposed or existing development, the Director of the Miami-Dade Police Department shall use the building permit and certificate of use information contained in the building or zoning records of Miami-Dade County or other governmental agencies.

(g) All building permits subject to Police Services Impact Fee issued within one year after the effective date of this ordinance shall be obligated to pay sixty percent (60%) of the computed fee as determined herein. All building permits subject to the Police Services Impact Fee and issued more than one year after but less than two years after the effective date of this Ordinance shall be obligated to pay eighty percent (80%) of the computed fee as determined herein. Beginning the third year after the effective date of this ordinance, all building permits subject to the Police Services Impact Fee shall be obligated to pay one hundred percent (100%) of the computed fee as determined herein.

(Ord. No. 90-31, § 2, 4-3-90; Ord. No. 94-167, § 1, 9-13-94; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 98-125, § 29, 9-3-98; Ord. No. 06-14, § 1, 1-24-06)

Sec. 33I-7. Exemptions.

(a) Alteration, expansion or replacement of an existing building or unit where the use is not changed and the number of units or square footage is not increased shall not be subject to the impact fee. The burden of demonstrating the previous existence of a use or structure or previous payment of impact fees shall be upon the feepayer. In cases where there is an existing use, any additional fees shall be based upon the alteration to the existing use or structure.

(b) Governmental or public facilities are exempt from the impact fee, including those parcels, grounds, buildings, or structures owned by federal, State, County, or municipal governments, the Miami-Dade County School Board, or the South Florida Water Management District, and related to the operation of those entities and used for governmental purposes including, but not limited to, governmental offices, police and fire stations, airports, seaports, parking facilities, equipment yards, sanitation facilities, water control structures, schools, parks, and similar facilities in or through which general government operations are conducted. It is provided, however, the following shall not be considered governmental or public facilities and shall be subject to the provisions of this chapter: (1) privately owned properties or facilities leased for governmental operations or activities; and (2) public properties or facilities used for private residential, commercial, or industrial activities. Notwithstanding the foregoing, the application of the police services impact fee to facilities at a county owned airport used for private commercial or industrial activities shall be limited to the extent permitted by federal law or existing contractual commitments with the Federal Aviation Administration.

(c) The construction of accessory buildings or structures where the use is not changed, such that an additional impact does not result and the number of units or square footage is not materially increased, is exempt.

(d) A building replacement meeting the requirements of Section 104.3(D), South Florida Building Code (replacement necessitated by partial destruction) is exempt.

(e) All development activity which is subject to an existing development of regional impact development order (D.O.) adopted pursuant to Chapter 380, Florida Statutes, approved prior to the effective date of this chapter, shall be exempt in its entirety from this chapter with regard to development approved by such development order, unless otherwise provided for in the current development order. This exemption provision does not apply to those development orders which have been revoked or determined to be null and void or to any development not authorized in such development order by Miami-Dade County. This exemption shall not apply to any additional development regardless of whether such additional development constitutes a substantial deviation under Chapter 380, Florida Statutes.

(f) The issuance of a tie-down permit on a mobile home on which the impact fee has been paid is exempt.

(g) Parking garages are exempt from impact fees when the structure is accessory to a primary use structure.

(h) The following development shall be exempt from the requirement that impact fees be paid, subject to an application by the feepayer to the Director of the Department of Planning and Zoning and a determination by the Director of the Planning and Zoning Department that the proposed development activity is consistent with the CDMP and fits within one (1) or more of the following categories:

(1) Any residential development activity, or portion thereof, which provides affordable housing as defined in the "Florida Affordable Housing Act of 1986," Section 420.602(3)(a) or (b), Florida Statutes (1987) and amendments thereto.

(2) Any commercial or industrial development activity located within an existing designated enterprise zone as defined in Section 290.004(1)(a), Florida Statutes (1987), and amendments thereto, provided that: (a) the proposed development activity has been granted a property tax exemption under Sections [29-81](../level3/PTIIICOOR_CH29TA_ARTXPRTAEXENZO.docx#PTIIICOOR_CH29TA_ARTXPRTAEXENZO_S29-81AUGREX) through [29-89](../level3/PTIIICOOR_CH29TA_ARTXPRTAEXENZO.docx#PTIIICOOR_CH29TA_ARTXPRTAEXENZO_S29-89EXDA) of the Code of Miami-Dade County; (b) if such development activity is located within a municipality, the municipality has also granted property tax exemption under the aforesaid sections [29-81](../level3/PTIIICOOR_CH29TA_ARTXPRTAEXENZO.docx#PTIIICOOR_CH29TA_ARTXPRTAEXENZO_S29-81AUGREX) through [29-89](../level3/PTIIICOOR_CH29TA_ARTXPRTAEXENZO.docx#PTIIICOOR_CH29TA_ARTXPRTAEXENZO_S29-89EXDA); and (c) the fee payer has furnished all the documentation required by the County Planning and Zoning Director, in accordance with the provisions of the manual.

(3) Any commercial or industrial development activity located within an area which has been approved for tax increment financing in accordance with the Code, where specific expenditures from tax increment dollars have been allocated for police services capital acquisition, expansion and improvements as identified in [Section 33I-11](../level2/PTIIICOOR_CH33IPOSEIMFE.docx#PTIIICOOR_CH33IPOSEIMFE_S33I-11IMFEEX)(a). The total amount of exemption shall not exceed the total expenditure from tax increment dollars for police services capital acquisition, expansion, and improvements.

(i) An exemption must be claimed by the feepayer prior to paying the impact fee. Any exemption not so claimed shall be deemed to have been waived by feepayer. If an exemption is sought pursuant to [Section 33I-7](../level2/PTIIICOOR_CH33IPOSEIMFE.docx#PTIIICOOR_CH33IPOSEIMFE_S33I-7EX)(g)(1), (2), or (3) impact fees shall be paid prior to the issuance of the building permit. However, the feepayer shall be entitled to a refund pursuant to this chapter upon submitting a formal application for a refund to and receiving approval from the Director of the Planning and Zoning Department, in accordance with the provisions of the manual. Application for a refund under this section shall be made within one (1) year of the later of: (1) the effective date of this ordinance or (2) the issuance of a certificate of completion or a certificate of use for the building. Failure to apply for a refund by the feepayer, within the above referred one-year period shall invalidate the right for a refund under this section. Notwithstanding the aforesaid, if an exemption is sought pursuant to [Section 33I-7](../level2/PTIIICOOR_CH33IPOSEIMFE.docx#PTIIICOOR_CH33IPOSEIMFE_S33I-7EX)(g)(1), community development corporations (CDC) as defined in Section 290.033(2), Florida Statutes and community-based organizations (CBO) as defined in Section 420.602(5), Florida Statutes (1991) that have received assistance from Miami-Dade County or the State of Florida in funding predevelopment costs to provide affordable housing to low and very low income families shall have the option of executing a covenant running with the land, in a form approved by the Director of the Department of Planning and Zoning, in lieu of payment of impact fees prior to the issuance of the building permit, in accordance with the provisions of the manual. Joint ventures of either a CDC or a CBO with a for-profit developer, whose proposed affordable housing development has been approved by the Miami-Dade County Office of Community Development, shall also have the right to execute the aforesaid covenant.

(Ord. No. 90-31, § 2, 4-3-90; Ord. No. 92-153, § 3, 12-15-92; Ord. No. 94-167, § 1, 9-13-94; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 98-125, § 29, 9-3-98; Ord. No. 06-14, § 1, 1-24-06)

Sec. 33I-8. Credits.

(a) Credit for up to the full amount of the impact feet shall be given by the Director of the Miami-Dade Police Department for monetary contributions toward capital equipment and facilities that were voluntarily proffered or required under County development order issued for a development of regional impact or development of County impact or under other final legislative or administrative action approved prior to the effective date of this chapter. Credit shall be limited to the extent of monies paid. No refunds shall be made under this section.

(b) Any claim for credit pursuant to this section must be filed with the Director of the Miami-Dade Police Department within one (1) year from the effective date of this chapter and shall be in accord with the standards and procedures for issuance of credits provided in the Police Services Impact Fee Manual. A credit shall be considered only for those properties encompassed by the previous development order or action. Any feepayer claiming such credit shall present documentation and any other evidence of a monetary contribution for capital equipment or facilities. Any appeal from the Director of the Miami-Dade Police Department's determination of the amount of credit shall be to the Developmental Impact Committee Executive Council pursuant to the procedures set forth in this chapter and in the police services impact fee manual.

(c) The feepayer shall, at the time the application for credit is submitted to the Director of the Miami-Dade Police Department, pay the charge for applications for credit set forth in the Police Services Impact Fee Manual. That administrative charge shall be used by the County solely for the processing and review of the application for credit. The amount of the administrative charge shall not be credited against the impact fee.

(Ord. No. 90-31, § 2, 4-3-90; Ord. No. 06-14, § 1, 1-24-06)

Sec. 33I-9. Fee computation by independent study.

(a) The feepayer may elect, prior to or within thirty (30) days after paying the schedule impact fee calculated pursuant to [Section 33I-6](../level2/PTIIICOOR_CH33IPOSEIMFE.docx#PTIIICOOR_CH33IPOSEIMFE_S33I-6POSEIMFECOFO), to utilize an independent fee computation study. Such study shall calculate the fee pursuant to the formula set forth in [Section 33I-6](../level2/PTIIICOOR_CH33IPOSEIMFE.docx#PTIIICOOR_CH33IPOSEIMFE_S33I-6POSEIMFECOFO). The feepayer shall provide the Director of the Miami-Dade Police Department notice of intent to utilize an independent fee computation study prior to or within thirty (30) days of the issuance of any building permit on the property for which a police services impact fee is due. Independent fee computation studies initiated after the notice of intent is filed shall be completed and submitted to the Director of the Miami-Dade Police Department within three (3) months after the notice is filed. Nothing in this section shall allow a building permit for development activity to be issued without the payment of the police services impact fee.

(b) If the feepayer elects to utilize an independent fee computation study, the feepayer shall, at his own expense, prepare and present to the Director of the Miami-Dade Police Department a study that documents the basis upon which the value of each of the components of the fee formula set forth in [Section 33I-6](../level2/PTIIICOOR_CH33IPOSEIMFE.docx#PTIIICOOR_CH33IPOSEIMFE_S33I-6POSEIMFECOFO) were determined. The burden shall be upon the feepayer to provide the data, analysis, and reports necessary for the Director of the Miami-Dade Police Department to make a determination. The analysis and report must be based on the formula set forth in this chapter.

(c) The feepayer shall, at the time the independent fee computation study is submitted to the Director of the Miami-Dade Police Department, pay a nonrefundable independent study administrative charge in the amount set forth in the police services impact fee manual. That administrative charge shall be used by the County solely for the processing and review of the independent fee calculation study. The amount of the administrative charge shall not be credited against the impact fee.

(d) The Director of the Miami-Dade Police Department shall determine whether the independent fee computation study accomplishes the following:

(1) Adheres to the impact fee formula set forth in [Section 33I-6](../level2/PTIIICOOR_CH33IPOSEIMFE.docx#PTIIICOOR_CH33IPOSEIMFE_S33I-6POSEIMFECOFO)

(2) Provides complete, thorough, and accurate information; and

(3) Is prepared by a qualified person as defined in the Police Services Impact Fee Manual.

(e) Upon approval of the independent fee calculation study by the Director of the Miami-Dade Police Department, based on his determination that the conditions described in [Section 33I-9](../level2/PTIIICOOR_CH33IPOSEIMFE.docx#PTIIICOOR_CH33IPOSEIMFE_S33I-9FECOINST)(d) are fully met, the feepayer shall pay the amount of the fee so computed and be entitled to a refund of any amount previously paid in excess thereof.

(f) Should the Director of the Miami-Dade Police Department determine that the conditions described in [Section 33I-9](../level2/PTIIICOOR_CH33IPOSEIMFE.docx#PTIIICOOR_CH33IPOSEIMFE_S33I-9FECOINST)(d) are not fully met by the independent fee study, he shall issue a letter by certified mail, return receipt requested, to the feepayer stating the deficiencies and his intent to reject the independent fee calculation study, in whole or in part, unless the deficiencies are corrected. If the Director of the Miami-Dade Police Department determines that the deficiencies in the independent fee study have not been corrected within sixty (60) days from the date his letter of intent is mailed, he shall issue a letter rejecting the independent fee study.

(g) Any appeal from a decision of the Director of the Miami-Dade Police Department to reject an independent fee study shall be filed in accordance with [Section 33I-13](../level2/PTIIICOOR_CH33IPOSEIMFE.docx#PTIIICOOR_CH33IPOSEIMFE_S33I-13APADDE)

(Ord. No. 90-31, § 2, 4-3-90; Ord. No. 06-14, § 1, 1-24-06)

Sec. 33I-10. Benefit zones and trust funds.

(a) There are hereby created and established three (3) police services impact fee benefit zones. The geographic locations of these benefit zones are reflected on Attachment "1," which exhibit is incorporated into and made a part of this ordinance by reference. Subsequent to the effective date of this ordinance, new trust fund accounts shall be established for each of the three police services impact fee benefit zones created hereby. Existing police services impact fee benefit zones trust fund accounts shall then be prorated and transferred into these new trust fund accounts in accordance with the table identified as Attachment "2", which exhibit is incorporated into and made a part of this ordinance by reference.

(b) A separate interest bearing trust account shall be established for each benefit zone. All impact fees collected shall be promptly deposited into the trust account designated for the benefit zone where the feepaying development is located, except for general administrative costs paid pursuant to [Section 33I-6](../level2/PTIIICOOR_CH33IPOSEIMFE.docx#PTIIICOOR_CH33IPOSEIMFE_S33I-6POSEIMFECOFO)(b), which shall be deposited into the operating account of the Department of Planning and Zoning. Impact fee funds from each trust account shall be spent in accordance with Sections [33I-10](../level2/PTIIICOOR_CH33IPOSEIMFE.docx#PTIIICOOR_CH33IPOSEIMFE_S33I-10BEZOTRFU) and [33I-11](../level2/PTIIICOOR_CH33IPOSEIMFE.docx#PTIIICOOR_CH33IPOSEIMFE_S33I-11IMFEEX) within the benefit zone designated for that trust account.

(c) Expenditures from each fund shall be limited to the acquisition, expansion or improvement of real property, capital facilities or equipment made necessary by the new development from which the fees were collected or for principal and interest payments (including sinking fund payments) on bonds or other borrowed revenues used to acquire, expand or improve such facilities or equipment necessitated to mitigate the impact of and provide benefit to new development. As provided in [Section 33I-11](../level2/PTIIICOOR_CH33IPOSEIMFE.docx#PTIIICOOR_CH33IPOSEIMFE_S33I-11IMFEEX)(e), funds can be expended on acquisition, expansion or improvement of capital facilities and equipment for central response and support services made necessary by new development in proportion to the impact on central response and support services made by the new development.

(d) A financial report outlining expenditures and unexpended funds within impact fee benefit zones shall be prepared annually by the Miami-Dade Police Department and submitted to the County Manager within one hundred twenty (120) days following the end of the County's fiscal year.

(Ord. No. 90-31, § 2, 4-3-90; Ord. No. 94-167, § 1, 9-13-94; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 98-125, § 29, 9-3-98; Ord. No. 06-14, § 1, 1-24-06)

Sec. 33I-11. Impact fee expenditures.

(a) Expenditures from the impact fee shall include but not be limited to:

(1) Planning, design, and construction plan preparation;

(2) Permitting and fees;

(3) Land and materials acquisition, including any costs of acquisition or condemnation;

(4) Relocation of utilities required by the construction of improvements and additions to police facilities;

(5) Design and construction of new drainage facilities required by the construction of improvements and additions to police facilities;

(6) Landscaping and site preparation, including demucking, filling to flood criteria and compaction;

(7) Construction management and inspection;

(8) Surveying, soils and materials testing and removal of hazardous and solid waste materials;

(9) Acquisition of capital equipment for police services including the acquisition of systems, tools and machines that allow police service tasks to be performed in a more efficient manner;

(10) Repayment of any monies transferred or borrowed from any budgetary fund of the County subsequent to the effective date of this chapter, which were used to fund any of the growth-necessitated improvements as herein provided. Any funds that are borrowed shall be spent only to mitigate the impact of new development;

(11) Compliance with the provision of "Art in Public Places" if such compliance is necessitated by facility development;

(12) Purchase of land for additional police stations and support facilities needed to accommodate new growth;

(13) Design and construction of additional police stations and other facilities or design and improvement of existing police stations and other facilities needed to accommodate new growth;

(14) Purchase of other capital equipment for stations affected by new growth.

(b) The five (5) percent general administrative cost portion of the impact fee shall be deposited into a separate operating account of the Department of Planning and Zoning and shall be used solely to pay the costs of administering the impact fee.

(c) Trust account funds shall be deemed expended in the order in which they are collected. Procedures to be used in scheduling the expenditure of impact fee trust funds shall be set forth in the police services impact fee manual.

(d) Monies, including any accrued interest, not encumbered in any fiscal period shall be retained in the trust funds until the next fiscal period except as provided by the refund provisions of this chapter.

(e) To the extent that new development impacts central response and support services and receives benefit from growth-necessitated acquisition, expansion or improvement of capital facilities and equipment, funds can be expended from each benefit zone to mitigate the impact of new development on central response and support services in proportion to the impact made and funds collected.

(f) If a refund is required under this chapter, it shall be paid out of revenues collected hereunder.

(Ord. No. 90-31, § 2, 4-3-90; Ord. No. 98-125, § 29, 9-3-98; Ord. No. 06-14, § 1, 1-24-06)

Sec. 33I-12. Refund of impact fees paid.

(a) If a building permit encompassing feepaying development expires or is revoked, or if the feepayer has paid impact fees in excess of the amount determined by an approved independent fee computation study completed in accordance with conditions set forth in [Section 33I-9](../level2/PTIIICOOR_CH33IPOSEIMFE.docx#PTIIICOOR_CH33IPOSEIMFE_S33I-9FECOINST), then the feepayer may request from the Director of the Department of Planning and Zoning a refund of the impact fee paid or the appropriate portion thereof. However, the County shall retain the general administrative cost portion of the fee to cover the cost of the administration of the impact fee calculation, collection and refund. The feepayer must submit an application for such refund to the Director of the Department of Planning and Zoning within thirty (30) days of notification of any of the enumerated circumstances. No refund shall be provided for impact fees deemed expended pursuant to [Section 33I-11](../level2/PTIIICOOR_CH33IPOSEIMFE.docx#PTIIICOOR_CH33IPOSEIMFE_S33I-11IMFEEX)(c) if no timely claim was made. Funds shall be deemed expended for the purposes of this chapter when a contract or agreement encumbering all or a portion of the payment of said funds shall be approved by final County action. No refunds of police services impact fees shall be given for proposed development activity which results in a negative impact fee computation.

(b) Any impact fee trust funds not expended by the end of the fiscal quarter immediately following six (6) years from the date that the fee was paid shall be returned to the feepayer by the Director of the Department of Planning and Zoning with accrued interest; provided, however, that this subsection shall not apply to developments of regional impact with phased or long term buildout.

(c) If no claim is made within the time period prescribed by this chapter for the money eligible for refund, then said money shall be returned to the appropriate trust fund described in [Section 33I-10](../level2/PTIIICOOR_CH33IPOSEIMFE.docx#PTIIICOOR_CH33IPOSEIMFE_S33I-10BEZOTRFU) and shall be utilized for the purposes described in [Section 33I-11](../level2/PTIIICOOR_CH33IPOSEIMFE.docx#PTIIICOOR_CH33IPOSEIMFE_S33I-11IMFEEX). For the purpose of refunds under this section, monies collected shall be deemed to be spent or encumbered for expenditure on the assumption that the first money placed in the appropriate trust fund shall be the first money taken out of the fund when withdrawals are made.

(Ord. No. 90-31, § 2, 4-3-90; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 98-125, § 29, 9-3-98)

Sec. 33I-13. Appeal of administrative decisions.

(a) Except as otherwise provided in this chapter, decisions of the Director of the Miami-Dade Police Department or of the Director of the Department of Planning and Zoning under this chapter may be appealed by the feepayer to the Developmental Impact Committee Executive Council. Appeals of the decisions of the Developmental Impact Committee Executive Council shall be to the Board of County Commissioners in accordance with procedures specified in [Section 33-314](../level3/PTIIICOOR_CH33ZO_ARTXXXVIZOPR.docx#PTIIICOOR_CH33ZO_ARTXXXVIZOPR_S33-314DIAPAPCOCO). The written decision of the Council shall be mailed by certified mail, return receipt requested. Any appeal shall be filed within thirty (30) days from the date of receipt of the Council's written decision.

(b) If the feepayer wishes to appeal an administrative decision of the Director of the Miami-Dade Police Department or of the Director of the Department of Planning and Zoning, the feepayer shall first file a notice of administrative appeal on a form specified in the police services impact fee manual with the Developmental Impact Committee Coordinator. All appeals shall be filed within thirty (30) days of the issuance of a written decision of the Director of the Miami-Dade Police Department or of the Director of the Department of Planning and Zoning and shall be accompanied by a letter which provides a full explanation of the request, the reason for the appeal, and any supporting documentation. The Developmental Impact Committee Coordinator shall schedule the appeal before the Developmental Impact Committee Executive Council as soon as practically possible. The Developmental Impact Committee Executive Council shall vote to affirm, reject or revise the decision of the Director of the Miami-Dade Police Department or of the Director of the Department of Planning and Zoning.

(Ord. No. 90-31, § 2, 4-3-90; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 98-125, § 29, 9-3-98; Ord. No. 06-14, § 1, 1-24-06)

Sec. 33I-14. Police Services Impact Fee Manual and periodic review.

(a) The police services impact fee manual shall be used for the administration of this chapter. The manual shall contain the following:

(1) The methodology for independent fee calculation provided for by [Section 33I-9](../level2/PTIIICOOR_CH33IPOSEIMFE.docx#PTIIICOOR_CH33IPOSEIMFE_S33I-9FECOINST)

(2) The independent study administrative fee provided for in [Section 33I-9](../level2/PTIIICOOR_CH33IPOSEIMFE.docx#PTIIICOOR_CH33IPOSEIMFE_S33I-9FECOINST)(c).

(3) The standards and procedures for issuance of credits as set forth in [Section 33I-8](../level2/PTIIICOOR_CH33IPOSEIMFE.docx#PTIIICOOR_CH33IPOSEIMFE_S33I-8CR)

(4) The standards, procedures and other matters required to administer Sections [33I-4](../level2/PTIIICOOR_CH33IPOSEIMFE.docx#PTIIICOOR_CH33IPOSEIMFE_S33I-4DE) through [33I-15](../level2/PTIIICOOR_CH33IPOSEIMFE.docx#PTIIICOOR_CH33IPOSEIMFE_S33I-15VERI)

(b) The County Manager shall periodically review this chapter and the police services impact fee manual and, if appropriate, make recommendations to the Board of County Commissioners for revisions to the chapter and the police services impact fee manual. The purpose of this review is to ensure that the benefits to a feepaying development are equitable in that the fee charged to the paying development shall not exceed a proportionate fair share of the costs of mitigating police service impacts of new developments, and that the procedures for administering the impact fee remain efficient. Additionally, within one hundred twenty (120) days from the date of the end of the fiscal year, the Office of Capital Improvements shall submit to the County Manager a financial and management report on the impact fee trust funds. No later than thirty (30) days after submission of the report, the County Manager shall conduct a public meeting, for the purpose of presenting the report and receiving public comment on the report as well as the impact fee program. This meeting shall be advertised at least seven (7) days in advance in a newspaper of general circulation. No later than thirty (30) days after the public meeting, the County Manager shall schedule the report, which shall serve as the County's Annual Impact Fee Report, for the Board of County Commissioners' consideration. The County Manager shall provide a companion report to the Board advising of any County Manager recommended impact fee program changes and detailing comments received from the annual impact fee public meeting.

(Ord. No. 90-31, § 2, 4-3-90; Ord. No. 06-14, § 1, 1-24-06)

Sec. 33I-15. Vested rights.

Nothing in this chapter shall limit or modify the rights of any person to complete any development for which a lawful building permit was issued prior to the effective date of this chapter and on which there has been a good faith reliance and a substantial change of position. The Director of the Department of Planning and Zoning, upon application by the feepayer, shall determine the extent of the applicability of vested rights. Appeal of the Director of the Department of Planning and Zoning's determination shall be to the Developmental Impact Committee Executive Council in accordance with [Section 33I-13](../level2/PTIIICOOR_CH33IPOSEIMFE.docx#PTIIICOOR_CH33IPOSEIMFE_S33I-13APADDE) and [Section 2-114.1](../level3/PTIIICOOR_CH2AD_ARTXVDEPLDERE.docx#PTIIICOOR_CH2AD_ARTXVDEPLDERE_S2-114.1ADRETAVERICL), Code of Miami-Dade County.

(Ord. No. 90-31, § 2, 4-3-90; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 98-125, § 29, 9-3-98; Ord. No. 06-14, § 1, 1-24-06)

Sec. 33I-16. Periodic Update of Fee Schedule.

(1) The County Manager shall annually adjust the police impact fee schedule provided in [Sec. 33I-6](../level2/PTIIICOOR_CH33IPOSEIMFE.docx#PTIIICOOR_CH33IPOSEIMFE_S33I-6POSEIMFECOFO) above by indexing the schedule to inflation as defined by the Consumer Price Index (CPI) - All Urban Consumers for the United States, published by the United States Department of Labor, Bureau of Labor Statistics. The first indexing calculation adjustment shall occur during the 2006-2007 County budget year using the difference in Consumer Price Index figures for calendar years 2005 and 2006. The adjusted Impact Fee Schedule shall be on file with the Department of Planning and Zoning, Impact Fee Administration Office.

(2) Unless otherwise directed by the County Commission, any adjustments to the police impact fee, made pursuant to this section, shall be effective the first of October each calendar year.

(3) If the index is changed by the United States Department of Labor so that the base year is different, the index shall be converted in accordance with the conversion factor published by the United States Department of Labor, Bureau of Labor Statistics.

(4) If the index is discontinued or revised, such other government index or computation with which it is replaced shall be used in order to obtain substantially the same result as would be obtained if the index had not been discontinued or revised.

(5) The County Manager shall periodically adjust the police impact fee schedule provided in [Sec. 33I-6](../level2/PTIIICOOR_CH33IPOSEIMFE.docx#PTIIICOOR_CH33IPOSEIMFE_S33I-6POSEIMFECOFO) above by providing credit in the police impact fee formula for any outstanding debt from General Obligation Bonds issued to finance capital projects for police purposes which meet needs generated by population growth and development.

(Ord. No. 06-14, § 1, 1-24-06)

FOOTNOTE(S):

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**Cross reference—** Miami-Dade Police Department, § 2-91 et seq. [(Back)](#BK_6BE6336F7AD1C1951F08947ED34E9860)