

**RESOLUTION #2023-012**

**A RESOLUTION OF THE IMMOKALEE FIRE CONTROL DISTRICT OF COLLIER COUNTY FLORIDA, IMPOSING THE TENTATIVE IMPACT FEE RATES FOR THE IMMOKALEE FIRE CONTROL DISTRICT FOR FISCAL YEAR 2023-2024, PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, impact fees are a funding mechanism that a local government may utilize to pay for public improvements that are necessary to serve new growth; and

**WHEREAS**, impact fees must satisfy a dual rational nexus test to be constitutional; and

**WHEREAS**, the dual rational nexus test requires a local government to show a reasonable nexus between the local government's need for additional capital facilities and the new construction and that a special benefit is conferred upon the fee payers; and

**WHEREAS**, Subsection 6 of chapter 2001-330, Laws of Florida, authorizes the Immokalee Fire Control District to assess impact fees for capital improvements on new construction within its boundaries; and

**WHEREAS**, the calculation of impact fee rates assessed effective for the 2023-2024 fiscal year was based upon the most recent and localized data, as evidenced by the Fire/Rescue Service Impact Fee Update Study dated January 2006; and

**WHEREAS**, the accounting of the impact fee revenues are provided for and reported in a separate and segregated special revenue fund entitled Impact Fee Fund; and

**WHEREAS**, the impact fees adopted by the Board of Fire Commissioners of the Immokalee Fire Control and Rescue District for the 2023-2024 fiscal year are imposed in compliance with Section 163.31801, Florida Statutes; and

**WHEREAS**, the tentative impact fee rates adopted by the Board of Fire Commissioners were adopted at a Public Meeting held on September 5, 2023;

**NOW, THEREFORE, BE IT RESOLVED** by the BOARD OF FIRE

COMMISSIONERS OF THE IMMOKALEE FIRE CONTROL DISTRICT of Collier County Florida, that the tentative charges for impact fees of \$1.11 per square foot of defined living area for residential development and \$0.32 per square foot of useable area for commercial and industrial structures as defined in Subsection 6 of chapter 2001-330, Laws of Florida, are adopted in the Immokalee Fire Control District to be used for capital improvements that are necessary to serve new growth in accordance with Florida law. No reduction in the assessed impact fee charge is authorized;

This resolution shall take effect immediately upon its adoption.

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The foregoing resolution was offered by Commissioner Halman,

who moved its adoption.

The motion was seconded by Commissioner Gunthner, and the

Vote was as follows:

Commissioner Patricia Anne Goodnight	<u>no</u>
Commissioner Joseph Brister	<u>absent</u>
Commissioner Robert Halman	<u>ROD</u>
Commissioner Bonnie Keen	<u>Bl</u>
Commissioner Donald Gunthner	<u>DJG</u>

Duly passed and adopted on this 5th day of September, 2023.

Board of Commissioners of the Immokalee Fire Control District

By: Patricia Anne Goodnight  
Patricia Anne Goodnight, Chair