

**ORDINANCE NO. 03-2023**

**AN ORDINANCE OF THE CITY OF GULF BREEZE, FLORIDA, AMENDING DIVISION 4, CHAPTER 19, ARTICLE VI., SECTIONS 19-335 AND 19-337, OF THE CITY’S CODE OF ORDINANCES TO ADJUST THE AMOUNT OF IMPACT FEES CHARGED TO FUND WATER AND SEWER INFRASTRUCTURE EXPANSION TO SERVE NEW GROWTH; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES AND RESOLUTIONS OR PORTIONS THEREOF; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND CORRECTION OF SCRIVENER’S ERRORS; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Gulf Breeze owns and operates a water and wastewater system known as the Gulf Breeze Regional Water System (hereinafter referred to as “GBRWS”); and

**WHEREAS**, GBRWS provides water and sewer services within the City; and

**WHEREAS**, GBRWS also provides wastewater services to a designated area of South Santa Rosa County, Florida, outside of the City; and

**WHEREAS**, the Florida Impact Fee Act, §163.31801, Florida Statutes (the “Act”), authorizes municipalities to fund capital expansion necessary to provide capacity for new growth and development through the imposition of impact fees; and

**WHEREAS**, in 2021, the City engaged Raftelis Financial Consultants, Inc. (“Raftelis”) to conduct a water and wastewater utility rate study for the City, the findings of which were presented to the City in the Raftelis Water and Wastewater Utility Rate Study report dated August 2, 2021 (the “Raftelis 2021 Study”); and

**WHEREAS**, the Raftelis 2021 Study included an analysis of the City’s impact fees charged for the purpose of raising capital for infrastructure expansion; and

**WHEREAS**, a major consideration in the Raftelis 2021 Study was the cost of expanding the Tiger Point Reclamation Facility to provide necessary additional sewer treatment capacity; and

**WHEREAS**, following the Raftelis 2021 Study, the City enacted Ordinance 04-2021 to establish impact fees that were based on the recent and localized data analyzed by Raftelis and presented in the Raftelis 2021 Study, which were consistent with the dual rational nexus test required by Florida law, and which were proportional and reasonably connected to the need for

additional capital facilities and increased impact generated by new residential and commercial construction at the time; and

**WHEREAS**, subsequent to the Raftelis 2021 Study and the enactment of Ordinance 04-2021, the City received bids for the necessary expansion of the Tiger Point Reclamation Facility which were significantly higher than the costs projected in the 2021 Raftelis Study; and

**WHEREAS**, at the request of the City, Raftelis conducted an update of the Raftelis 2021 Study, which led to the issuance of its Sewer Impact Fee Study Update report dated February 16, 2023 (“Raftelis 2023 Update”); and

**WHEREAS**, the Raftelis 2023 Update Study identified the need to adjust the sewer impact fee rates to cover the projected expansion-related capital costs; and

**WHEREAS**, at its regular meeting on May 1, 2023, the City Council considered the Raftelis 2023 Update Study and approved taking the steps to increase the sewer impact fee as recommended in the Raftelis 2023 Update from \$4,314.00 to \$6,326.00, with the increase to be implemented over the course of four years in annual increments of \$503.00 per year beginning on September 18, 2023; and

**WHEREAS**, the City hereby finds, declares, ratifies, and confirms the validity of all past water and sewer connection, capacity, and impact fees and that all such funds collected have been appropriately earmarked and limited solely for meeting the costs of expansion; and

**WHEREAS**, the City nonetheless desires to modify its existing fee structure to implement the recommendations made in the Raftelis 2023 Update to adjust the sewer impact fees currently charged by the City to establish impact fees that are based on the most recent and localized data analyzed by Raftelis and that are consistent with the dual rational nexus test required by Florida law and which are proportional and reasonably connected to the need for additional capital facilities and increased impact generated by new residential and commercial construction; and

**WHEREAS**, the impact fees adopted pursuant hereto are greater than the impact fees currently charged, the City will provide ninety (90) days’ notice as required by §163.31801(4)(d), Florida Statutes, before implementation of the new fees; and

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Gulf Breeze, Florida, as follows:

**SECTION 1 – RECITALS.** The foregoing recitals are hereby ratified and confirmed as true and correct and are incorporated herein by this reference.

**SECTION 2. – AMENDMENT TO THE CODE OF ORDINANCES DIVISION 4. – IMPACT FEES - CHAPTER 19, ARTICLE VI., OF THE CODE OF ORDINANCES**

- A. Words with underlined type shall constitute additions to the original text and ~~strike-through~~ shall constitute deletions to the original text.
- B. Division 4 – Impact Fees – Chapter 19, Article VI. – the Code of Ordinances of the City of Gulf Breeze, Section 19-335 is hereby amended to read as follows:

Sec. 19-335. Adoption of impact fee study.

(a) The city council hereby adopts by reference the study entitled “City of Gulf Breeze Water and Wastewater Rate Study,” dated August 2, 2021, as prepared by Raftelis Financial Consultants, Inc., and as updated by the study entitled “City of Gulf Breeze Sewer Impact Fee Study Update,” dated February 16, 2023, as it relates to impact fees and the computation and allocation of the capital costs to provide water and wastewater service to GBRWS customers.

(b) The city council finds there is a reasonable connection, or rational nexus, between the need for GBRWS capital water and wastewater facilities to serve customers inside and outside the city and the growth in population anticipated in those areas. In addition, the city council finds there is a reasonable connection, or rational nexus, between the anticipated expenditures of the water and wastewater impact fees collected and the benefits accruing to anticipated new development.

- C. Division 4 – Impact Fees – Chapter 19, Article VI. – the Code of Ordinances of the City of Gulf Breeze, Section 19-337 is hereby amended to read as follows:

Sec. 19-337. Imposition of wastewater impact fees.

(a) Any applicant who seeks to develop or redevelop land or make improvements to real property that will require present or future GBRWS wastewater services inside or outside the city shall be required to pay a wastewater impact fee in the manner and amount established and computed pursuant to this article.

(b) The wastewater impact fee for residential and commercial developments shall be increased over the course of four years in annual increments of \$503.00 per year beginning on September 18, 2023, until the fee reaches ~~\$4,314.00~~ \$6,326.00 per equivalent residential unit (ERU).

(c) The equivalent residential unit (ERU) for commercial wastewater impact fees will be calculated using the total estimated daily sewage flows set forth in Table I of Florida Department of Health Rule F.A.C. 64E-6.008, as may be amended from time to time. The total daily estimated flow set forth in the Table for the type of proposed commercial facility shall be divided by the residential average daily consumption of 225 gallons per day to calculate the ERU. The impact fee shall be increased over the course of four years in annual increments of \$503.00 per year beginning on September 18, 2023, until the fee reaches ~~\$4,314.00~~ \$6,326.00 times the ERU calculated using this method.

(d) The applicant may provide twelve (12) months of historic sewage flow data from two facilities of similar size and type as the basis for an appeal, in accordance with section 19-333 of this article. If the appeal is granted and the impact fees charged are based on the submitted historic data, the city reserves the right to reevaluate the facility after one (1) year of active wastewater service and to assess additional impact fees if the facility's usage is greater than the historic data provided.

### **SECTION 3 – SEVERABILITY**

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by any court to be unconstitutional, inoperative, invalid, or void, such holding shall not in any manner affect the validity of the remaining portions of this Ordinance.

### **SECTION 4 – CONFLICT**

The provisions of this Ordinance shall be deemed to control and prevail over any ordinance, resolution, policy, or portion thereof in conflict with the terms hereof.

### **SECTION 5 – CODIFICATION AND CORRECTION OF SCRIVENER'S ERRORS**

It is the intention of the City Council that the provisions of this Ordinance shall be codified and that sections of this Ordinance may be renumbered or re-lettered and the word ordinance may be changed to section, article, or such other appropriate word or phrase in order to accomplish such intentions; and regardless of whether such inclusion in the code is accomplished, sections of this Ordinance may be renumbered or re-lettered and typographical errors which do not affect the intent

may be authorized by the City Manager or his/her designee without the need of a public hearing, by filing a corrected or recodified copy of same with the City Clerk.

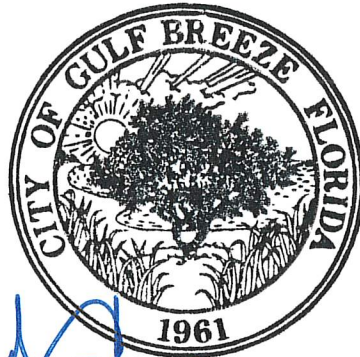
**SECTION 6 – EFFECTIVE DATE**

This Ordinance shall become effective on September 18, 2023, which is the 90<sup>th</sup> day immediately following passage after the second reading by the City Council and, in accordance with Section 163.31801(4)(d), is more than 90 days following notice of the increase through advertisement of the second reading.

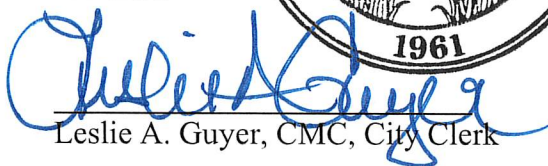
**PASSED ON THE FIRST READING ON THE 5<sup>th</sup> DAY OF JUNE 2023.**

**ADVERTISED ON THE 8<sup>th</sup> DAY OF JUNE 2023.**

**PASSED ON THE SECOND READING ON THE 20<sup>th</sup> DAY OF JUNE, 2023.**



ATTEST

  
Leslie A. Guyer, CMC, City Clerk

**CITY OF GULF BREEZE, FLORIDA**

By:   
Cherry M. Fitch, Mayor

The Gulf Breeze News & Splash! Magazine

PO Box 1414

Gulf Breeze, FL 32562-1414



# Invoice

44543-0608

6/8/2023

## Bill To:

Accounts Payable  
City of Gulf Breeze/Admin  
PO Box 640  
Gulf Breeze, FL 32562

E-mail ap@gulfbreezefl.gov

Phone 850-934-5119

## Billing Questions Please Contact:

Office Manager 850-932-8986 Ext: 115  
officemgr@gulfbreezenews.com



**Contact Office Manager to  
receive your billing  
documentation via e-mail in PDF  
format!**



Terms	Account #	P.O. No.
Net 30	GBN:91854-AD...	

Item	Description	Amount
Retail Ad B&W	2 col x 9.5" B&W (44543LN) 03-2023 Impact Fees	238.26

Received

JUN 14 2023

Accounts Payable

**Total**

**\$238.26**

Phone #	Fax #	E-mail	Web Site
(850) 932-8986	(850) 932-8794	officemgr@gulfbreezenews.com	http://www.gulfbreezenews.com





# The Gulf Breeze News

Published Weekly  
Established in 2001

STATE OF FLORIDA  
County of Santa Rosa

Notice of Proposed Ordinance #03-2023  
Adjust Impact Fees

Legal #44543  
GULF BREEZE NEWS  
6/8/2023

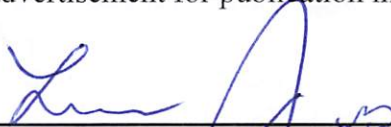
Before the undersigned authority personally appeared, Laura Jones who is personally known to me and who on oath says that she is Office Manager of the Gulf Breeze News, a weekly newspaper published at Gulf Breeze in Santa Rosa County, Florida; that the attached copy of advertisement, being a:

Notice of Proposed Ordinance #03-2023  
Adjust Impact Fees


Received from City of Gulf Breeze and was published in said newspaper in the issue of:

6/8/2023

Affiant further says that the said Gulf Breeze News published in Gulf Breeze in said Santa Rosa County, Florida, and that said newspaper has heretofore been continuously published in said county each week and has been entered as second class mail matter at the post office in Gulf Breeze, in said Santa Rosa County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that affiant has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

  
Office Manager Laura Jones

Sworn to and subscribed before me this 8 Day of June,  
A.D. 2023

  
Name: Lisa C. Newell Notary Public

My Commission Expires: 10-22-2024



Lisa C. Newell  
Comm.: HH 053374  
Expires: October 22, 2024  
Notary Public - State of Florida



# City of Gulf Breeze

1070 Shoreline Drive • Gulf Breeze, Florida 32561  
PHONE: (850) 934-5100 • FAX: (850) 934-5114

## **NOTICE OF PROPOSED ORDINANCE**

### **NO. 03-2023**

Please be notified that proposed Ordinance No. 03-2023 was presented to the City Council of the City of Gulf Breeze for First Reading on Monday, June 5, 2023, and will be presented for Public Hearing and Second Reading at a Regular Council meeting scheduled for Tuesday, June 20, 2023, at 5:30 p.m. or as soon thereafter as the matter may be heard by the City Council. The meeting will be held at Gulf Breeze City Hall, 1070 Shoreline Drive, Gulf Breeze, Florida.

The title of the proposed ordinance is as follows:

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**AN ORDINANCE OF THE CITY OF GULF BREEZE, FLORIDA, AMENDING DIVISION 4, CHAPTER 19, ARTICLE VI., SECTIONS 19-335 AND 19-337, OF THE CITY'S CODE OF ORDINANCES TO ADJUST THE AMOUNT OF IMPACT FEES CHARGED TO FUND WATER AND SEWER INFRASTRUCTURE EXPANSION TO SERVE NEW GROWTH; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES AND RESOLUTIONS OR PORTIONS THEREOF; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND CORRECTION OF SCRIVENER'S ERRORS; PROVIDING FOR AN EFFECTIVE DATE.**

This Ordinance shall become effective on September 18, 2023, which is the 90th day immediately following passage after the second reading by the City Council and, in accordance with Section 163.31801(4)(d), is more than 90 days following notice of the increase through advertisement of the second reading.

The wastewater impact fee for residential and commercial developments shall be increased over four years in annual increments of \$503.00 per year beginning on September 18, 2023, until the fee reaches \$6,326.00 per equivalent residential unit (ERU).

A copy of the proposed ordinance can be requested by emailing the City Clerk at [cityclerks@gulfbreezefl.gov](mailto:cityclerks@gulfbreezefl.gov), by phone at 850-934-5115, or by regular mail to the City of Gulf Breeze, 1070 Shoreline Drive, Gulf Breeze, FL 32561.

If any person decides to appeal any decision made with respect to any matter considered at this meeting or public hearing, such person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and any evidence upon which the appeal is to be based (FS. 286.0105).

The City of Gulf Breeze adheres to the Americans with Disabilities Act and will make reasonable accommodations for access to this meeting by a physically handicapped person upon notice no less than 72 hours (3 business days) before the meeting. Please call 850-934-5115 or e-mail [cityclerks@gulfbreezefl.gov](mailto:cityclerks@gulfbreezefl.gov) to make a request.

The City of Gulf Breeze, Florida  
By: Leslie A. Guyer, CMC, City Clerk