**Official Minutes of**
**MARION COUNTY**
**BOARD OF COUNTY COMMISSIONERS**

May 23, 2025



**CALL TO ORDER:**
The Marion County Board of County Commissioners (BCC) met in a special session in Commission Chambers at 1:32 p.m. on Friday, May 23, 2025 at the Marion County Governmental Complex located in Ocala, Florida.

**INTRODUCTION OF PUBLIC HEARING BY CHAIRMAN KATHY BRYANT**
Chairman Bryant advised that the public hearing was scheduled this afternoon to consider an Ordinance creating Division 3, Article XI of Chapter 10 of the Marion County Code relating to Fire Rescue and Emergency Medical Services (EMS) Impact Fees.

**PLEDGE OF ALLEGIANCE**
The meeting opened with the Pledge of Allegiance to the Flag of our Country.

**ROLL CALL**
Upon roll call the following members were present: Chairman Kathy Bryant, District 2; Vice-Chairman Carl Zalak, III, District 4; Commissioner Craig Curry, District 1; Commissioner Matthew McClain, District 3; and Commissioner Michelle Stone, District 5. Also present were County Attorney Matthew G. Minter; County Administrator Mounir Bouyounes; and Assistant County Administrator (ACA) Tracy Straub.

**PROOF OF PUBLICATION**
Deputy Clerk Windberg presented Proof of Publication of legal ad No. 11302082 entitled, "Notice of Public Hearing" published in the Star Banner newspaper on May 13, 2025. The Notice states the Board will consider the adoption of an Ordinance amending Fire Rescue Impact Fees.

The Deputy Clerk was in receipt of a 77 page Agenda Packet to follow along with the PowerPoint presentation.

**STAFF PRESENTATION**

1. PUBLIC HEARING to Consider an Ordinance Creating Division 3, Article XI of Chapter 10 of the Marion County Code Relating to Fire Rescue Impact Fees for Infrastructure Improvement Funding that Supports Fire Rescue and Emergency Medical Services (EMS), Approving the Marion County Fire Rescue and EMS Impact Fee Study, Adopting a Fee Schedule, and Providing Regulations for the Administration of the Ordinance

Fire Chief James Banta, Marion County Fire Rescue (MCFR), presented the following recommendation:

Description/Background: This Public Hearing is required to consider the implementation of fire rescue and emergency medical services (EMS) impact fees for Marion County.

To address infrastructure needs due to new growth, Marion County adopted a fire rescue impact fee in 2002. In 2010/2011, the County suspended the impact fee program in response to the economic downturn. In 2015, the fire rescue impact fee was repealed by ordinance (Ordinance 15-14). Given the continuing growth and capital needs associated with fire rescue services, Marion County retained Benesch to conduct an up-to-date comprehensive study considering both fire rescue impact fees and EMS impact fees.

The study concludes that growth in population and service demand has outpaced available infrastructure, and that the absence of impact fees has placed an increasing burden on existing resources and taxpayers. The study supports impact fees at updated levels sufficient to recover capital costs attributable to new development.

The proposed fee schedule and associated ordinance align with Florida Statute and are designed to ensure new development contributes fairly to the cost of fire rescue and EMS infrastructure required to support it. These impact fees are proposed to go into effect for all Building Permit applications received on October 1, 2025 and thereafter.

Budget/Impact: None.

Recommended Action: Motion to approve and authorize the chairman to execute the ordinance creating Division 3, Article XI of Chapter 10 of the Marion County Code relating to fire rescue impact fees for infrastructure improvement funding that supports fire rescue and emergency medical services, approving the Marion County Fire Rescue and EMS Impact Fee study, adopting a fee schedule, and providing regulations for the administration of the ordinance.

Chief Banta advised that the MCFR and EMS Impact Fee Study is a comprehensive report that offers an in depth analysis of the projected needs for Fire Rescue and EMS in Marion County. This Study includes a detailed inventory of existing facilities, an assessment of service areas and demand components, and the calculation fees to support the County's infrastructure requirements. The primary objective of this study is to ensure that Marion County can effectively manage growth while continuing to provide high quality emergency medical services for its residents.

Chief Banta introduced Nilgun Kamp, Benesch, who will be presenting the findings of the MCFR and EMS Impact Fee Study.

Nilgun Kamp, Benesch, advised that the presentation starts with a brief background review and then gets into the technical study and next steps. She stated the purpose of the study is to calculate Fire Rescue and EMS fees reflecting the most recent and localized data, which is one of the legal requirements to even start implementing a fee. Impact Fees by definition are one time capital charge to new development. The Impact Fees cover the cost of new capacity projects, so the fees can only be used for additional capacity, not for replacement and maintenance, and can help implement Capital Improvement Plans (CIPs). Their main purpose is to maintain the level of service (LOS). Impact Fees calculate the cost of growth, and are most needed when there are high growth levels and limited alternative funding. Ms. Kamp advised that Impact Fees in Florida were governed by case law for a long time and then in 2006 the Impact Fee Act was passed, noting since then, several changes have been made. Some of its key requirements are that the fees be based on most recent and localized data. If there is an increase, there is a minimum of 90 day notice requirement for the implementation, and if there is any challenge to the fee the government has the burden of showing that their fees are correct.

In 2021 a House Bill passed that puts limits to fee increases. Those increases do not apply to the Fire/EMS fee because it is a new fee, but once the Board adopts the fee, those limits will apply. There is an exception clause that allowed if a study is conducted demonstrating extraordinary circumstances, and 2 public workshops were conducted to discuss those circumstances, and the increase is approved by 2/3's of the governing body, then it could be increased by more than 50%. She advised that this year Senate Bill 1080 passed, which basically created additional requirements. Ms. Kamp stated approval now has to be unanimous and jurisdictions cannot use extraordinary circumstances unless the fees were increased over the past five years, noting this new Bill becomes effective on October 1, 2025. Also in 2024, another Bill passed requiring studies be completed within 12 months and need to be based on data available within the past four years.

Ms. Kamp advised that this study is using what is called a Consumption Based Methodology, which is very common in Florida. It charges new growth for the value of the infrastructure that it is consuming and the way it is calculated it does not charge for any existing deficiencies. It does not generate enough revenues to fix any existing deficiencies, which is one of the requirements. She advised that the basic Impact Fee formula looks at cost to add capacity, which is the inventory of stations, buildings, land, vehicles, and equipment. From that we subtract any revenues that will be contributed from future development, along with any other revenues to the extent that the County is using taxes and other revenues. Impact Fee calculations include several components, starting with the documentation of the inventory, LOS, value of that inventory, other revenue sources being contributed to it, the net cost and finally the calculated fee. The inventory includes 32 stations, about 174,000 square feet (sf) for Fire Rescue and about 94,000 sf for EMS. In addition, it includes land, vehicles and equipment. For unit costs, in the case of buildings, staff reviewed any stations built recently, bid estimates for upcoming stations or other buildings with the cost ranging anywhere from $300.00 per sf for volunteer stations to $500.00 per sf for carrier stations. Ms. Kamp stated for land values, staff reviewed lands the County has purchased and any estimates of appraisals for upcoming purchases and supplemented that with vacant land sales throughout the County of similar sized parcels and that analysis resulted in an estimated cost of $65,000.00 per acre.

Ms. Kamp stated LOS for Impact Fee purposes it is measured in terms of population per station. Each fire station is servicing approximately 9,700 to 10,000 residents, and the EMS stations about 18,000 residents. The total asset/capital value for Fire Rescue is about $165,000,000. That divided by the service area population gives us a value of almost $570.00 per resident and represents the investment the community has made up to this point into Fire Rescue infrastructure. The starting point to charge new development in the case of EMS is about $206.00 per resident. The credit component again reviews how the County is currently funding these type of capacity projects by reviewing the Departments historical expenditures and programmed projects. There are some contributions from primarily the Sales Tax, which results in about $1,400,000.00 per year for Fire Rescue and about $1,200,000.00 per year for EMS. These contributions generate a credit, but the total cost minus that credit gives a net cost of about $475.00 per person for Fire Rescue and about $150.00 per person for EMS. These figures multiplied by the per unit for each land use gives the County it's fee schedule. For example, a 2,000 sf single family home would have Fire Rescue calculated fees of about $750.00 and for EMS it is about $240.00 for a combined total of $990.00.

Ms. Kamp provided a brief comparison of some of the other jurisdictions to show the study dates to tell how old their data is, as well as the adoption percentage, which is a policy

decision. Some jurisdictions charge anywhere from $150.00 to $670.00 for a single family homes and depending on the permitting levels, those fees are likely to generate anywhere from $4,600,000.00 to $5,600,000.00 per year.
Heather Encinosa, Nabors Giblin & Nickerson (NGN), advised that the Ordinance that is before the Board deals with Fire Rescue and EMS Impact Fees, by creating a new Division 3 in the existing Chapter 10, Article 11 of the Marion County Code. It contains certain findings that this Board is making with regard to the need for Impact Fees and the use of those fees. It also contains definitions that are specific just to Fire Rescue and EMS Impact Fees, as well as providing for certain developer credits. For example, if a big development comes in and they want to build a fire station, there is a process wherein they would be able to get credits for things like that. These funds are one time fees that are paid at the time of permitting and are limited to being used to provide additional capacity for the capital facility for which they are imposed, in this case Fire and EMS. It provides for, then adopts the fee schedules for EMS and for Fire Rescue separately. The EMS Impact Fees are intended to be Countywide since EMS provides services Countywide. The Fire Rescue fees are in the unincorporated area of the County including Belleview, Dunnellon, Reddick and McIntosh. The proposed Ordinance adopts the study and provides for the Statutorily required 90 day notice that was mentioned in the previous presentation. It also provides for the fees to go into effect and begins collection on October 1, 2025. She clarified that if a project is already in the pipeline, the applicant is not going to pay this fee. Ms. Encinosa commented on Senate Bill 1080 and what it requires, noting the Bill has not been presented to the Governor or signed yet.
In response to County Attorney Minter, Ms. Encinosa clarified that the Impact Fees must be paid prior to the issuance of a Certificate of Occupancy (CO).
In response to Commissioner Zalak, Ms. Encinosa advised that the Florida Impact Fee Act 163.31801 actually defines public facilities and now includes Fire Rescue and EMS services. She stated the BCC is good as far as having State authorization to pursue these types of fees. Ms. Encinosa stated the methodology that Benesch presented and the cost data utilized appears to be reasonable. She clarified that functional population is a methodology that is used in numerous fee studies around the State. Ms. Encinosa advised that it has not been challenged or tested by a Court, but it appears to be a reasonable means of allocating the impact to different types of development.

**PUBLIC COMMENT**
Chairman Bryant opened the floor to public comment.
Rolin Boyd, advised that he proudly serves as a Union President of the Professional Firefighters of Marion County (PFFMC) local 3169, noting he represents more than 530 brave firefighters and EMS providers of which 80% of them live in Marion County and fully support adopting the Fire Rescue and EMS Impact Fees at 100%.
Brian Donnelly, West Anthony Road, advised that he stands in support of higher Impact Fees, noting he moved to Marion County in 2009. He stated at the time the Board dropped the Impact Fees to help stimulate the economy, which was the right thing to do. Since then, growth has exploded to the point that the roads, schools and other services are unable to safely cope with this explosion. Mr. Donnelly stated the County has maxed out the One Cent Sales Tax, and the schools have recently reported much lower revenue from their reported School Tax. He opined that the County is at a financial crossroads and now is the time to make the same right decision to properly regulate fees in response to growth. Mr. Donnelly stated Impact Fees help communities grow at the right pace, in

the right place, and with the right infrastructure in place. He opined that Impact Fees ensure that growth pays for its own way and that the County is building communities that are not just bigger, but better.
Commissioner Curry was excused at 1:50 p.m.
Mr. Connelly encouraged the Board to raise fees to build a bigger and better community.
Chairman Bryant advised that public comment is now closed.

**BOARD DISCUSSION:**
Commissioner Zalak advised that the Board has worked diligently with the Fire Chief over the years and as the County is building new subdivisions, it needs more fire stations to respond to those communities. He stated residents have been fantastic in supporting the community through the One Cent Sales Tax and this Ordinance will give us that last piece of the way to ensure that the County provides safety for everyone.
A motion was made by Commissioner Zalak, seconded by Commissioner McClain, to adopt Ordinance 25-17 creating Division 3, Article XI of Chapter 10 of the Marion County Code relating to Fire Rescue Impact Fees for infrastructure improvement funding, approving the MCFR and EMS Impact Fee study, adopting a fee schedule at 100%, and providing regulations for the administration of the Ordinance. The motion was unanimously approved by the Board (4-0).
Ordinance 25-17 is entitled:

> AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, REGARDING FIRE RESCUE IMPACT FEES; CREATING DIVISION 3, ARTICLE XI OF CHAPTER 10 OF THE MARION COUNTY CODE RELATING TO FIRE RESCUE IMPACT FEES; ADOPTING A NEW SECTION 10-335 OF THE MARION COUNTY CODE ON FINDINGS, A NEW SECTION 10-336 ON DEFINITIONS APPLICABLE TO FIRE RESCUE IMPACT FEES, A NEW SECTION 10-337 ON COMPUTATION OF AMOUNT OF FEES, A NEW SECTION 10-338 ON DEVELOPER CONTRIBUTION CREDITS, A NEW SECTION 10-339 ON USE OF FUNDS, A NEW SECTION 10-340 ON FIRE RESCUE IMPACT FEE SCHEDULE; AMENDING SECTION 10-282 OF THE MARION COUNTY CODE ON ADOPTION OF IMPACT FEE TECHNICAL STUDIES; DIRECTING THE PROVISION OF NOTICE OF IMPACT FEE RATES; PROVIDING FOR SEVERABILITY, CODIFICATION, LIBERAL CONSTRUCTION, AND PROVIDING AN EFFECTIVE DATE.

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**CLOSING COMMENTS:**

There being no further business to come before the Board, the meeting thereupon adjourned at 1:53 p.m.

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Kathy Bryant, Chairman

Attest:

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Gregory C. Harrell, Clerk