

CHAPTER 364. MOBILITY FEE

Sec. 364.01. Legislative findings.

The board of county commissioners of the Alachua County finds, determines, and declares that:

- (1) Alachua County must expand the capacity of its transportation system in order to maintain current levels of service if new development is to be accommodated without decreasing current levels of service. This must be done in order to promote and protect the health, safety and welfare of both existing and new residents and businesses;
- (2) The Florida Legislature, through the enactment of the "Community Planning Act" Section 163.3180, Florida Statutes, authorizes Alachua County to enact an alternative mobility funding system based on a plan of improvements;
- (3) Alachua County has elected to adopt mobility fees based on 2045 Mobility Plan projects as its alternative mobility funding system consistent with Section 163.3180, Florida Statutes;
- (4) The Florida Legislature, through Section 163.31801, Florida Statutes requires mobility fees to follow the process and procedures established in the "Florida Impact Fee Act" Section 163.31801, Florida Statutes;
- (5) The imposition of mobility fees is one of the preferred methods of ensuring that development bears a proportionate share of the cost of capital facilities necessary to accommodate such development. This must be done in order to promote and protect the public health, safety and welfare;
- (6) The imposition of mobility fees is consistent with the Alachua County Comprehensive Plan;
- (7) Each of the types of land development described in Section Seven hereof, will generate person travel demand necessitating the construction of mobility projects identified in the 2045 Mobility Plan and in the County's Comprehensive Plan;
- (8) The fees established by section 364.07 are derived from, are based upon, and do not exceed a pro rata share of the costs of providing for the construction of mobility projects necessitated by the new land developments for which the fees are levied;
- (9) The report entitled "Alachua County 2045 Mobility Plan and Mobility Fee Technical Report", dated August 2023 and prepared by NUE Urban Concepts, LLC, sets forth a reasonable methodology and analysis for the determination of the person travel demand of new development on the need for and costs for mobility projects in Alachua County;
- (10) The mobility fee has been calculated to replace the transportation impact fee for new development which has not submitted a valid application for a building permit or received vesting to the transportation impact fee as of March 1st, 2024;
- (11) The mobility fee has been calculated to replace the multimodal transportation mitigation program for new development that has not received approval of a valid multimodal transportation mitigation agreement of new development that submitted a valid multimodal transportation mitigation application before March 1st, 2024;
- (12) The mobility fee features assessment areas for eastern and western Alachua County that differ based on the cost and types of mobility project needed to provide multimodal capacity to accommodate future travel demand consistent with recent case law;

- (13) The mobility fee features assessment areas for traditional neighborhood development (TND) and transit-oriented development (TOD) that result in mobility fees that are lower than non TND and TOD to reflect a reduction in external person travel demand due to community and internal capture:
- (14) The mobility fee increase above the existing multimodal transportation mitigation rates and the transportation impact fee rates will be phased-in over a four year period, Florida Statute;
- (15) The board of county commissioners recognizes its responsibility to assure that adequate financial resources are made available to implement the mobility fee program and maintain the financial integrity of the program.

Sec. 364.02. Short title, authority and applicability.

- (a) This chapter shall be known and may be cited as the "Alachua County Mobility Fee Ordinance."
- (b) The board of county commissioners of Alachua County has the authority to adopt this ordinance pursuant to Article VIII of the Constitution of the State of Florida, and Chapters 125, 380 and Sections 163.3180 and 163.31801, Florida Statutes.
- (c) This chapter shall apply in the unincorporated area of Alachua County. If an Alachua County municipality enters into an interlocal agreement with Alachua County to collect the county mobility fee for new development within its jurisdiction, the board of county commissioners will conduct a public hearing to consider an amendment to this ordinance to impose mobility fees within that jurisdiction.

Sec. 364.03. Intent and purpose.

- (a) This chapter is intended to assist in the implementation of the Alachua County Comprehensive Plan.
- (b) The purpose of this chapter is to require the payment of a mobility fee so as to assure that new development is provided with needed expansions of multimodal capacity and that new development bears an attributable and assignable share of the cost of mobility projects to provide that needed expansion of multimodal capacity to meet future person travel demand.

Sec. 364.04. 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 the public health, safety and welfare.
- (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) In case of any difference of meaning or implication between the text of this ordinance and any caption, illustration, summary table, or illustrative table, 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) Words expressed in the feminine gender shall include the masculine and words expressed in the masculine gender shall include the feminine.
- (5) The phrase "used for" includes "arranged for," "designed for," "maintained for," or "occupied for."
- (6) The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
- (7) 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, conditions, provisions or events shall apply singly but not in combination.
- (8) 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.
- (9) All terms relating to types of development shall have the same meaning as established in the Alachua County Land Development Code.

Sec. 364.05. Definitions.

The definitions for mobility fees shall be per the Technical Report, except as defined below:

Arterial road shall have the same meaning as set forth in Subsection 334.03(1) of the Florida Statutes.

Building permit is the approval issued by Alachua County or any municipality within Alachua County that authorizes the construction, placement, interior completion or interior renovation of a building, dwelling, mobile home, recreational vehicle or other structure on a site. This would include temporary as well as permanent occupancy.

Certificate of occupancy is the certificate issued by the Alachua County Building Department to a building permit applicant, indicating that the building is in proper condition to be occupied.

Collector road shall have the same meaning as set forth in Subsection 334.03(4) of the Florida Statutes.

Development order means a regulatory approval for the development of land issued by Alachua County or any jurisdiction within Alachua County that collects a mobility fee on behalf of Alachua County.

A feepayer is a person commencing a land development activity within Alachua County which generates additional person travel demand in Alachua County or any jurisdiction within Alachua County that collects a mobility fee on behalf of Alachua County.

The impact fee administrator means a county official, other than the county manager, designated by the county manager to carry out the administration of this chapter.

Independent fee calculation study means the traffic engineering, transportation planning, and/or economic documentation prepared by a fee payer or on behalf of a fee payer to allow the determination of the impact fee other than by the use of the table in subsection 364.07(a).

Land development activity generating person travel demand means any change in land use or any construction of buildings or structures or any change in the use of any structure that attracts or produces an increase in person travel demand above the existing use of land.

Level of service shall have the same meaning as set forth in the Transportation Research Board's Highway Capacity Manual, latest edition and the Alachua County Comprehensive Plan.

Mandatory or required right-of-way dedications and/or roadway improvements means such non-compensated dedications and/or mobility projects required by Alachua County or any jurisdiction within Alachua County that collects a mobility fee on behalf of Alachua County.

Residential means residential development in areas within the urban cluster area designated on the Comprehensive Plan Future Land Use Map.

Road shall have the same meaning as set forth in Subsection 334.03(23) of the Florida Statutes.

Rural residential means the area designated for rural/agricultural development on the Comprehensive Plan Future Land Use Map, which includes residential densities of one unit per five acres, and allows home-based businesses, agricultural activities and uses, such as forestry, cattle grazing, cultivation of field crops, vegetable crops, dairies and commercial or other uses on a limited scale serving or ancillary to agricultural activities, such as farm equipment and supplies sales and agricultural products distribution.

Shell building means a building where the exterior structure is constructed, and the interior of the building is completed through application for a building permit for interior completion.

Site-related improvements are capital improvements and right-of-way dedications for direct access improvements to and/or within the development in question. Direct access improvements include but are not limited to:

- (1) Construction of new through lanes;
- (2) Access roads leading to the development;
- (3) Driveways and roads within the development;
- (4) Connectivity with adjacent development;
- (5) Acceleration and deceleration lanes, roundabouts, and right and left turn lanes leading to those roads and driveways;
- (6) Traffic control measures for those roads, driveways, and mid-block crossings; and
- (7) Multimodal facilities such as sidewalks, bike lanes, paths, trails, transit facilities and mobility hubs.

Traditional neighborhood development (TND) shall be as defined in the Comprehensive Plan and Unified Land Development Code.

Transit oriented development shall be as defined in the Comprehensive Plan and Unified Land Development Code.

Sec. 364.06. Imposition of mobility fee.

- (a) Any person who, on or after January 1st, 2024, seeks to develop land within the unincorporated area of Alachua County, Florida, by applying for a building permit or the extension of a building permit to make an improvement to land which will generate person travel demand is hereby required to pay a mobility fee in the manner and amount set forth in this chapter. The mobility fee shall be determined at the time of building permit application. Mobility fees shall be paid prior to zoning approval or final development order approval, whichever occur last, for developments which generate person travel demand but do not require the issuance of a building permit.
- (b) No certificate of occupancy for any activity requiring payment of mobility fees pursuant to section 364.07 shall be issued by Alachua County unless and until the transportation impact fee hereby required has been paid.
- (c) No zoning approval or final development order approval, whichever occurs last, shall be issued by Alachua County for developments which generate person travel demand but do not require the issuance of a building permit unless and until the mobility fee hereby required has been paid.

Sec. 364.07. Computation of the amount of mobility fee.

- (a) At the option of the fee payer, the amount of the mobility fee may be determined by the mobility fee schedule in the Technical Report

For purposes of calculating residential mobility fees, the floor area per residential unit will be capped at (4,000 square feet) All mobility fee categories based on floor area shall be calculated on a per ft.² basis.

- (1) If a building permit is requested for mixed uses, then the fee shall be determined through using the applicable mobility fee schedule by apportioning the development committed to uses specified on the applicable mobility fee schedule.
- (2) For applications for an extension of a building permit, the amount of the mobility fee is the difference between that mobility fee then applicable or paid when the permit was originally issued and the mobility fee due pursuant to this chapter.
- (3) As a matter of policy, a broad range of uses have been categorized as being commercial, office, or industrial. The land uses identified under the commercial, office, or industrial land use categories shall utilize the mobility fee schedule for the land use category.
- (4) If the type of development activity that a building permit is applied for is not specified on the applicable fee schedule, the fee administrator shall use the fee applicable to the most nearly comparable type of land use on the mobility fee schedule. The fee administrator shall be guided in the selection of a comparable type by the report titled Trip Generation (latest edition) prepared by Institute of Transportation Engineers and the Technical Report.
- (5) If the fee administrator determines that there is no comparable type of land use on the applicable mobility fee schedule then the fee administrator shall determine the fee by:
 - a. Using traffic generation statistics provided by the Florida Department of Transportation or contained in a report titled Trip Generation (latest edition) prepared by Institute of Transportation Engineers and;
 - b. Applying the formula set forth in the Technical Report; or

- c. Making any appropriate adjustments to the fee pursuant to section 364.14.
- (6) In the case of the replacement or expansion of a residential use, the mobility fee shall be based on the net increase in residential floor area, except as otherwise exempt in section 364.13.
- (7) In the case of change of use, redevelopment, or expansion or modification of an existing non-residential use which will result in an increase in person travel demand, the mobility fee shall be based upon the net positive increase in the mobility fee for the new use as compared to the previous use.
- (c) If a feepayer opts not to have the mobility fee determined according to the applicable schedule of this section, then the feepayer shall prepare and submit to the fee administrator an independent fee calculation study for the land development activity for which a building permit is sought. The traffic engineering and/or planning or economic documentation submitted shall show the basis upon which the independent fee calculation was made, including but not limited to the following:
 - (1) Transportation engineering and planning studies:
 - a. Documentation of person travel demand for the proposed land development activity via field data collection or other professional studies that utilize field collected data. Trip Generation rates from a report titled Trip Generation (latest edition) prepared by Institute Transportation Engineers are not accepted for alternative studies.
 - b. Documentation of person trip length appropriate for the proposed land development activity.
 - c. Documentation of any other transportation data appropriate for the proposed land development activity.
 - (2) Economic documentation studies:
 - a. Documentation of the planning level cost for mobility projects for proposed land development activity.
 - b. Documentation of credits attributable to the proposed land development activity which can be expected to be available to replace the portion of the multimodal capacity used by the person travel demand generated by the proposed land development activity.

Independent fee calculation studies shall be prepared and presented by professionals qualified in their respective fields and employ methods recognized within those respective fields. The fee administrator shall consider the documentation submitted by the feepayer but is not required to accept such documentation as he/she shall reasonably deem to be inaccurate or not reliable and may, in the alternative, require the feepayer to submit additional or different documentation for consideration. If an acceptable independent fee calculation study is not presented, the feepayer shall pay mobility fees based upon the schedules shown the applicable schedule of this section. Determinations made by the fee administrator pursuant to this paragraph may be appealed to the county manager by filing a written request with the county manager within ten (10) days of the impact fee administrator's determination.

The methodology for the mobility fee calculation to be used as part of an independent fee calculation study shall be based on the Technical Report.

Sec. 364.08. Payment of fee.

- (a) The feepayer shall pay the mobility fee required by this ordinance to Alachua County prior to the issuance of a certificate of occupancy.
- (b) For a mobile home or recreational vehicle, the feepayer shall pay the mobility fee required by this ordinance to Alachua County prior to the issuance of a certificate of completion.
- (c) The feepayer shall pay the mobility fee required by this ordinance to Alachua County prior to zoning approval or final development order approval, whichever occurs last, for developments which generate an increase in person travel demand but does not require the issuance of a building permit.
- (d) All funds collected shall be properly identified by mobility fee benefit districts and promptly transferred for deposit in the appropriate mobility fee trust fund to be held in separate accounts as determined in section 364.10 of and used solely for the purposes specified in this chapter.

Sec. 364.09. Mobility fee benefit districts.

There are hereby established three (3) mobility fee benefit districts as shown on the map included in the Technical Report and incorporated herein by reference. The northwest benefit district is that area of Alachua County north of State Road 26 and west of State Road 121. The southwest benefit district is that area of Alachua County south of State Road 26 and west of State Road 121 and west of Interstate 75 south of State Road 121. The east benefit district is that area of Alachua County east of State Road 121 and east of Interstate 75 south of State Road 121.

Sec. 364.10. Mobility special revenue/mobility projects mobility fee trust funds established.

- (a) There are hereby established three (3) separate mobility special revenue/mobility projects mobility fee trust funds, one for each mobility fee benefit district established by section nine of this chapter.
- (b) Funds withdrawn from these accounts must be used in accordance with the provisions of section 364.11.

Sec. 364.11. Use of funds.

- (a) Funds collected mobility fees shall be used for the purpose of capital improvements to and expansion of the mobility projects shown in the 2045 Mobility Plan and the Alachua County Comprehensive Plan or appropriate to the implementation thereof. No mobility fees shall be expended for any mobility project within the boundaries of a municipality that has not entered into an interlocal agreement with Alachua County for the collection of mobility fees.
- (b) No funds shall be used for periodic or routine maintenance.
- (c) No funds shall be spent for expansion of through lanes on the Interstate Highway System.
- (d) No funds shall be used for local roadways, except as provided for through mobility plan implementation projects.

- (e) Funds shall be used exclusively for mobility projects within the mobility fee benefit district, including benefit district boundaries, as identified in the Technical Report, hereof, from which the funds were collected or for projects in other mobility fee benefit districts which are of benefit to the mobility fee benefit district from which the funds were collected.
- (f) Funds shall be expended in the order in which they are collected.
- (g) In the event that bonds or similar debt instruments are issued for advanced provision of mobility projects for which mobility fees may be expended, mobility fees may be used to pay debt service on such bonds or similar debt instruments to the extent that the facilities provided are described in paragraph (a) of this section and are located within the appropriate mobility fee benefit districts created by section 364.09 or as provided in paragraph (c) of this section or as authorized by Section 163.31801 Florida Statute.
- (h) Mobility fees may be rebated to any person when that person donates any mobility project provided for in (a) above if the reasonable value of that donation is greater than the mobility fees available for credit for the donation.
- (i) At least once each fiscal period the fee administrator shall present to the board of county commissioners an annual report of mobility fees collected, credits provided, the total account balance for each mobility fee trust fund, and mobility projects under construction or completed.
- (j) The annual capital improvements program shall clearly identify the amount of mobility fees used for a project. Monies, including any accrued interest, not assigned to a project in any fiscal period shall be retained in the same mobility fee trust funds until the next fiscal period except as provided by the refund provisions of this chapter.
- (k) Mobility projects funded with mobility fees shall be consistent with the Mobility Plan, and the Transportation Mobility and Capital Improvements Element of the Comprehensive Plan. If a mobility project is not in the Capital Improvements Element, then it shall be added during the next update of the Comprehensive Plan.
- (l) Funds may be used to provide refunds as described in section 364.12.
- (m) Funds collected, not to exceed the cost set forth in section 364.16, shall be used to fund the administrative cost to implement and operate the mobility fee program including the salary and benefits of the mobility fee administrator.
- (n) The County may conduct a service charge study to calculate an administrative fee to be levied on mobility fee assessments. The amount of the service charge may not exceed the actual cost to administer the mobility fee program. The service charge would require adoption by resolution of the board of county commissioners to become effective.

Sec. 364.12. Refund of mobility fees paid.

- (a) Any funds not expended or encumbered by the end of the calendar quarter immediately following six years from the date the mobility fee was paid shall, upon application of the then current landowner, be returned to such landowner with interest at the prevailing interest rates received for County, provided that the landowner submits an application to the clerk of the Court of Alachua County for a refund within 180 days of the expiration of the six-year period.
- (b) Mobility fees for temporary residence that are permitted through the issuance of a hardship variance and are required to remove the residence once it is no longer occupied shall be eligible for a partial refund of mobility fees. The eligibility period for the refund shall be five (5) years, with a

20 percent reduction in the refund for each year the residence remains on the property. After five years, there will be no refund provided.

Sec. 364.13. Exemptions from payment of mobility fees.

The following shall be exempted from payment of the mobility fee:

- (1) All development within any municipality within Alachua County that has adopted a program that provides the needed municipal funding for the relevant mobility projects shown in section 364.11(a) and that has entered into an intergovernmental agreement with the county relieving the county of any obligation for providing the relevant mobility projects shown in section 364.11(a).
- (2) All development within any municipality within Alachua County that does not require the expansion of multimodal capacities shown in section 364.11(a) or will not benefit from the expansion of multimodal capacities shown in section 364.11(a) if that municipality has entered into an intergovernmental agreement with Alachua County that providing for the period of exemption and also requiring re-valuation of the exemption at least every five years.
- (3) Alterations or expansion of an existing residential building where no additional residential rooms are created. The addition or expansion of a bathroom, kitchen, laundry or storage room, where no additional residential rooms are created shall be exempt.
- (4) Alterations or expansion of an existing non-residential building where the use is not changed and where no additional vehicular trips will be produced.
- (5) The area of non-residential buildings under roof or canopy utilized for drop-off, loading or unloading, entranceways, pedestrian circulation and access, or for employee break areas.
- (6) The construction of a new building or structure which will not produce an increase in person travel demand.
- (7) The construction of a shell building where a separate building permit is required for internal completion and issuance of a certificate of occupancy. The mobility fee shall be established at the time of application of a building permit for internal completion and payable prior to issuance of a certificate of occupancy for the internal completion. Any portion of a shell building which is to be internally completed concurrent with the construction of the shell building shall be required to pay a mobility fee. Prior to signing a lease, the owner of a shell building shall be required to provide each tenant whom applies for a building permit, to complete the interior of the building, with a disclosure affidavit that explains the assessment of impact fees for shell buildings and clearly states who is responsible for the payment of the required mobility fees. The disclosure affidavit shall be signed by the tenant. A copy of the disclosure affidavit shall be provided to the impact fee administrator for review prior to issuance of a building permit for the shell building. The tenant shall provide a copy of the signed disclosure affidavit concurrent with submittal of a building permit application for interior completion of the shell building.
- (8) The construction of accessory buildings or structures which will not produce an increase in person travel demand above that produced by or attracted to the principal building or use of the land.

- (9) The replacement of a destroyed or partially destroyed building or structure with a new building or structure of the same size and use provided an increase in person travel demand will be produced above that produced by the original use of the land. In the event that a destroyed or partially destroyed building or structure is replaced with a larger building or structure or an increase in person travel demand will be produced above those produced by the original structure, the amount of the impact fee due is the positive difference between the impact fee for the new use as compared to the previous use.
- (10) Any claim of exemption must be made no later than the time of application for a building permit. Any claim not so made shall be deemed waived.

Sec. 364.14. Credits against payment of mobility fees.

- (a) No credit shall be given for site-related construction or site-related right-of-way dedications.
- (b) Construction of mobility projects that provide site related access and are identified in the Mobility Plan or the Comprehensive Plan Transportation Mobility Element shall be eligible for mobility fee credit for the excess capacity provided. The mobility project shall be constructed along the entire property boundary and designed according to Alachua County standards in order to be eligible for the credit.
- (c) All mandatory or required right-of-way dedications and/or the addition of multimodal capacity made by a feepayer or the predecessor in interest to the feepayer, subsequent to the effective date of this ordinance, shall be credited on a pro rata basis against mobility fees otherwise due or to become due for the development that prompted the county to require such dedications or mobility project. Such credits shall be determined and provided as set forth in section 364.13.
- (d) All mobility projects and ROW dedications where mobility fee credits are provided shall be consistent with the Mobility Plan or the Transportation Mobility Element of the Comprehensive Plan. If a mobility project or the ROW to be dedicated is not in the Mobility Plan or the Transportation Mobility Element of the Comprehensive Plan, then the board of county commissioners would need to vote to add the mobility project to the capital improvements program to receive mobility fee credits.
- (e) Credit shall be provided for the payment of a proportionate fair-share contribution made to Alachua County or the Florida Department of Transportation for facilities within unincorporated Alachua County that are classified as either collector or arterial and included in the Mobility Plan and Transportation Mobility Element of the Comprehensive Plan. For mobility projects not identified in the Mobility Plan or Transportation Mobility Element of the Comprehensive Plan, credit may still be provided if the board of county commissioners vote to add the mobility project to the capital improvements program.
- (f) A feepayer may obtain credit against all or a portion of mobility fees otherwise due or to become due by offering to dedicate non-site-related right-of-way and/or construct non-site related mobility projects. This offer must specifically request or provide for a mobility fee credit. Such construction must be in accordance with county or state design standards, whichever is applicable. If the fee administrator accepts such an offer, whether the acceptance is before or after the effective date of the ordinance from which this chapter derives, the credit shall be determined and provided in the following manner:
- (1) Credit for the dedication of non-site-related right-of-way shall be valued at:
- a. 120 percent of the most recent assessed value by the property appraiser; or

- b. By such other appropriate method as the board of county commissioners may have accepted prior to the effective date of this ordinance for particular right-of-way dedications and/or mobility projects; or
 - c. At the option of the feepayer, by fair market value established by private appraisers acceptable to the county. Credit for the dedication of right-of-way shall be provided when the property has been conveyed at no charge to, and accepted by, the county in a manner satisfactory to the board of county commissioners or by another appropriate entity.
- (2) Applicants for credit for construction of non-site-related mobility projects shall submit acceptable engineering drawings and specifications, and construction cost estimates to the fee administrator. The fee administrator shall determine credit for mobility projects based upon either these cost estimates or upon alternative engineering criteria and construction cost estimates if the fee administrator determines that such estimates submitted by the applicant are either unreliable or inaccurate. The fee administrator shall provide the applicant with a letter or certificate setting forth the dollar amount of the credit, the reason for the credit, and the legal description or other adequate description of the project or development to which the credit may be applied. The applicant must sign and date a duplicate copy of such letter or certificate indicating his/her agreement to the terms of the letter or certificate and return such signed document to the impact fee administrator before credit will be given. Failure of the applicant to sign, date, and return such document within 60 days shall nullify the credit.
- (3) Except as provided in subparagraph (g), credit against mobility fees otherwise due will not be provided until:
 - a. The construction is completed and accepted by the county, a municipality within Alachua County or the state, whichever is applicable;
 - b. A suitable maintenance and warranty bond is received and approved by Alachua County, when applicable; and
 - c. All design, construction, inspection, testing, bonding and acceptance procedures are in strict compliance with the then current city or county paving and drainage ordinance, when applicable.
- (4) Credit may be provided before completion of specified mobility projects if adequate assurances are given by the applicant that the standards set out in subparagraph c., above will be met and if the feepayer posts security as provided below for the costs of such construction. Security in the form of a performance bond, irrevocable letter of credit or escrow agreement shall be posted with and approved by Alachua County in an amount determined by the impact fee administrator consistent with the then current city or county paving and drainage ordinance. If the mobility project will not be constructed within one year of the acceptance of the offer by the fee administrator, the amount of the security shall be increased by ten percent compounded, for each year of the life of the security. The security shall be reviewed and approved by the board of county commissioners prior to acceptance of the security. If the mobility project is not to be completed within five years of the date of the feepayer's offer, the board of county commissioners must approve the mobility project and its scheduled completion date prior to the acceptance of the offer by the fee administrator.
- (5) No credit will be provided for any capital project within a municipality without first obtaining the recommendation of that municipality.

- (6) A successor in interest may claim credit for dedication if that successor can show adequate documentation that such credit is appropriately due to the fee payer making the application for credit against mobility fees otherwise due.
- (g) Any claim for credit must be made no later than the time of application for a building permit. Any claim not so made shall be deemed waived.
- (h) Mobility fee credits shall not be transferable from one project or development to another, except as provided for in an agreement between the new development and the County, subject to approval by the Board of County Commissioners.
- (i) Determinations made by the fee administrator pursuant to the credit provisions of this section may be appealed to the county manager by filing a written request with the county manager within ten days of the impact fee administrator's determination.

Sec. 364.15. Review of mobility fees.

The Mobility Plan and Mobility Fee shall be updated by the County no earlier than every four (4) years and no later than every four (4) years and nine (9) months from the date of last adoption, while ensuring the 90-day notice for any increase is provided as required by Florida Statute. The update shall commence no later than twelve months prior to the adoption date. The Mobility Plan and Mobility Fee shall be reviewed annually during either the capital improvements budget process or the preparation of the mobility fee annual report. The review shall include a recommendation regarding the need to update the Mobility Plan and Mobility Fee earlier than the required update due to extraordinary circumstances. Factors that would form the basis for extraordinary circumstances would be increased cost, amendments to the Future Land Use Element and Map that result in the need for additional mobility projects, or the addition or subtraction of mobility projects to the Mobility Plan and Capital Improvements Program with a cumulative cost of more 20% of the attributable mobility plan cost. Update of professional technical reports such as the ITE Trip Generation Manual or Highway Capacity Manual or plans and surveys such as the Long-Range Transportation Plan or the National Household Travel Survey may necessitate an update of the mobility plan and mobility fee to ensure both are consistent with case law and Florida Statute. If a full re-evaluation and updates are not complete within the required time period, the last adopted mobility fee shall remain in effect until the update is complete.

Sec. 364.16. Cost to implement.

The cost to implement and administer the mobility fee ordinance shall be based upon the actual cost to implement and administer the ordinance in accordance with Section 163.31801, Florida Statutes.

Sec. 364.17. Requirement of public notice.

Notice shall be provided no less than 90 days before the effective date of an ordinance imposing a new or amended mobility fee in accordance with Sections 163.31801, Florida Statutes.

Sec. 354.18. Audit requires affidavit.

Audits of financial statements of local governmental which are performed by a certified public accountant pursuant to Section 218.39, Florida Statutes, and submitted to the auditor general must include an affidavit signed by the chief financial officer of the local governmental entity that the local governmental entity has complied with Sections 163.3180 and 163.31801, Florida Statutes.

Sec. 364.19. Penalty provision.

Alachua County shall have the power to sue for relief in civil court to enforce the provisions of this ordinance. Knowingly furnishing false information to the fee administrator, his/her designee, the building official or any municipal official who is charged with the administration of this chapter on any matter relating to the administration of the ordinance shall constitute a violation of this chapter and shall be a misdemeanor punishable according to law.