

TO: ALL COUNTY PERSONNEL

**FROM: VERDENIA C. BAKER
COUNTY ADMINISTRATOR**

PREPARED BY: OFFICE OF FINANCIAL MANAGEMENT & BUDGET (OFMB)

**SUBJECT: IMPACT FEE REFUNDS, RECALCULATIONS AND
ADJUSTMENTS**

PPM #: CW-F-026

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ISSUE DATE
January 29, 2025

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EFFECTIVE DATE
January 29, 2025
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PURPOSE:

To establish the guidelines for the authorization and issuance of impact fee refunds due to non-commencement of building activity, the recalculation of impact fees due to computational or clerical errors and omissions, or to changes in size or type of use of proposed development.

UPDATES:

Future updates to this PPM are the responsibility of the Director of OFMB.

AUTHORITY:

- Palm Beach County Unified Land Development Code (ULDC), Article 13, as may be amended.
- Palm Beach County Charter, Section 1.3, as may be amended.

DEFINITIONS:

The following terms and phrases have the meanings given to them by these definitions, except where the context clearly indicates a different meaning.

Impact Fee Manager – The County official responsible for the management and administration of the countywide impact fee program.

Permitting Authority – The building construction permit issuing department of the County (Planning, Zoning & Building) or the participating municipalities.

Remit or remitted – As used in these procedures, means mailed by the U.S. Mail Certified Mail with the proper postage, on the date the mailing is postmarked. If funds are electronically transferred by way of wire or Automated Clearing House (ACH), the date funds are received by Finance Revenue.

POLICY:

1. Each of the following is grounds for recalculation and/or adjustment of County impact fees:
 - a. Changes in proposed size or use of a development for which impact fees were paid, provided such changes result in modification of the permit prior to completion of construction.
 - b. Computational or clerical error.
 - c. Expiration, cancellation, or revocation of a permit for which impact fees were paid, provided the structure has not been completed and no certificate of occupancy has been issued.
2. As appropriate, either the feepayer, the Impact Fee Manager or the permitting authority may initiate refund requests. Except as provided in #5 below, the Finance Department of the Clerk & Comptroller's Office (hereinafter "the Finance Department") shall be responsible for preparing refund payments and recording all necessary accounting entries.
3. For the refund of impact fees which were originally assessed using an independent calculation, the Impact Fee Manager, in consultation with the agency which reviewed the independent fee calculation, will review the refund request for sufficiency and validity.
4. Except as provided below, all impact fee refunds must be approved by the Impact Fee Manager prior to processing for payment through the Finance Department.
5. Municipal permitting authorities may issue refunds directly to feepayers only for impact fees which have not yet been remitted to the County, as provided in PPM CW-F-025.
6. Connection fees for water and wastewater services administered by the Water Utilities Department of the County or of any municipality are not considered impact fees, and therefore are excluded from the provisions of this PPM.

GUIDELINES:

1. In order for County capital project planning to be accomplished efficiently, and to avoid delays to specific projects, requests for refunds may be approved if received within one year of the permit's expiration, cancelation, revocation, or an event giving rise to the refund and the County has not encumbered or spent the impact fees and within three years of the date of impact fee payment. Because of the requirements for planning capital projects to meet the needs of the County, no refunds or recalculations will be granted after this period of time, except in the case of non-encumbered or unexpended funds, as described in #3 of this section.
2. Non-refunded impact fees will remain an asset attached to the property for which they were originally paid.

3. If, after a period of six years, the County has not encumbered and, after nine years has not spent, all impact fees collected from the feepayer, the current owner of an affected property may request a refund from the County, as specified in the ULDC. These refund requests will be forwarded to the Impact Fee Manager for disposition.
4. Building permits must be canceled prior to granting impact fee refunds, except in the following situations:
 - a. Non-encumbrance of funds, per #3 of this section.
 - b. Computational or clerical errors.
 - c. Changes in proposed size or use of a development for which an impact fee was paid.
5. Refunds related to any conditions made pursuant to a development order require the approval of both the authority granting the development order and the Impact Fee Manger.
6. Whenever a refund is issued by the County, except as a result of computational or clerical error, the County will retain an administrative fee. This administrative fee is non-refundable.
7. The permitting authority will recalculate impact fees if, after permit issuance, changes in either planned use and/or square footage occur. The feepayer will be responsible for any additional impact fees owed for the revised use or square footage at the rates in effect at the time the request for revision is filed with the permitting authority. As appropriate, the difference in fees will either be collected from, or refunded to, the feepayer in accordance with #1 of this section. However, no refunds shall be made for changes in use or square footage after occupancy commences. Whenever impact fees are recalculated, the transaction will be considered to be a full refund of the original impact fees followed by full payment of revised impact fees owed.
8. Incorrect impact fee assessments resulting from computational or clerical errors and omissions, which are identified by the Impact Fee Manager within the time allowed for refund, may be corrected where the Impact Fee Manager finds that an adjustment is material and in the best interest of the impact fee program. Where the adjustment would result in a refund to the feepayer of at least \$100.00, the Impact Fee Manager must initiate such adjustment.

PROCEDURE:

1. Applications by feepayers for refund must be submitted in writing to the Impact Fee Manager, and must include the following information:
 - a. Grounds for refund request, citing the ULDC section(s) under which the refund is authorized.
 - b. Copy of receipt or other proof of payment of impact fees.
 - c. Building permit issued for which an impact fee was paid.
 - d. If the applicant is not the original feepayer, a notarized statement from the original feepayer verifying that the applicant is authorized to receive the refund.

2. The Impact Fee Manager shall review applications for completeness within five working days of submittal. If an application is deemed to be incomplete, the Impact Fee Manager will notify the applicant in writing of the additional information required. No further action will be taken on the application until all required information is submitted.

When an application is found to be complete, the Impact Fee Manager will:

- a. Verify that the impact fees were paid and received by the County.
 - b. Verify that the reasons for the refund are valid and the facts in support of the request are accurate.
 - c. Verify that payment of the original fees, if made by check and paid to the County, has cleared the bank.
 - d. If a refund request is for non-commencement, the permitting authority must first cancel the associated building permit prior to the issuance of a refund.
 - e. Verify that no previous refund has been issued for the same set of facts on the same permit.
 - f. Submit a refund request to the Finance Department for payment, including:
 - A memo requesting a refund, including the reason for the refund.
 - Copy of the completed application for refund.
 - Proof of expiration, cancellation, or revocation of permit (if applicable).
 - Copy of Receipt for payment of original fees.
 - Date of remittance to the Finance Department.
 - Area/zone/geographic division and impact fee amounts by type and category.
3. The amount to be refunded will be the amount due the applicant, less the current administrative fee applicable to refunds. In no event will a refund exceed the amount of impact fees paid for an affected structure.
 4. **An applicant may appeal the decision of the Impact Fee Manager to a Hearing Officer appointed pursuant to Article 2.G.3.G of the ULDC. Appeals must be filed in writing with the Impact Fee Manager not later than 15 calendar days from the date the refund request was rejected.**



VERDENIA C. BAKER
COUNTY ADMINISTRATOR

Supersession History

1. PPM # CW-F-026, effective 05/01/1993
2. PPM # CW-F-026, effective 01/16/2001
3. PPM # CW-F-026, effective 02/07/2002
4. PPM # CW-F-026, effective 02/01/2006
5. PPM # CW-F-026, effective 12/20/2010
6. PPM # CW-F-026, effective 04/21/2015