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Builders attack Polk's school impact fee

A lawsuit by 2 home-builders groups says the \$8,596 fee is illegal because of its ties to class-size requirements.

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State and local builders have filed a lawsuit against Polk County over its school impact fee, which they claim is unconstitutional.

The Florida Homebuilders Association and Polk County Homebuilders Association said Polk's school impact fee of \$8,596 is illegal because it includes funding to meet the class-size amendment requirements.

The suit was filed in the Polk County Circuit Court.

Scott Coulombe, executive director of the Polk home-builders' group, said about 70 percent of the impact fee -- or \$5,778 -- is used for the class-size amendment, and that is what the group is protesting.

Coulombe said Florida's law says the class-size amendment requirements should not be funded by the local school district.

"We're not saying the school impact fees should be thrown out," he said, "just this portion."

County commissioners increased the school impact fee from \$1,607 to \$8,596 last year in a 4-1 vote. At that time, Commissioner Randy Wilkinson said he voted against the impact fee because he thought inclusion of the class-size requirement made it unconstitutional.

"The Polk County School Board is the only school board that has attempted to do this," Coulombe said.

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"We have to send a signal to the rest of the state . . . and let them know this is unconstitutional. It's a very clean-cut issue."

School district officials said they need the impact-fee money to meet Polk's booming population.

"We told them if we get the money to cover the class-size amendment, we will give that back so you can adjust the impact fee," School Board member Frank O'Reilly said. "But we need to build classrooms, and we need to go out and buy land before the developer does."

"They are so greedy. Now the lawsuit comes, which stops everything," O'Reilly said. "We were banking on this money coming in. We also were out looking at land that we could buy to start school [construction] that would be ready in '09 and '10 . . . to meet the growth that is killing us. We can't go out now and find the land."

Coulombe said the home-builders association doesn't oppose what would be Polk's remaining impact fee -- about \$2,800.

But that would be too little, O'Reilly said.

Neighboring counties have school impact fees that range from \$7,000 in Orange to \$7,608 in Osceola. Lake County's impact fee is \$7,055.

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