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Builders see solution to school-fee dispute

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KISSIMMEE -- Attorneys for a home-builders group offered a compromise in a battle over school-impact fees during a hearing Friday at the Osceola County Courthouse.

Lawyers for the Home Builders Association of Metro Orlando argued that an extra source of revenue was unfairly included when the county created a formula used to increase the impact fee, which Circuit Judge R. James Stroker ruled last month was justified.

William Hyde, attorney for the home builders, said the extra money should create a \$2,100 credit toward the impact fee, which would lower the \$9,708 fee for single-family homes -- the highest school fee in the state.

Hyde suggested that a reduced fee could end a yearlong lawsuit, which has seen both sides debate the minutiae of impact-fee methodologies.

He said such a change in the fee could prevent future appeals and lawsuits, which ultimately would allow the Osceola County School District to begin using money from the higher fee, which is held in an escrow account worth more than \$34 million.

"It would definitely be a big step in the right direction, and it may well satisfy my clients," Hyde said.

Charlie Robertson, vice president of the Home Builders Association of Metro Orlando, agreed with his lawyer's assessment and said a reduction would be a "positive" move.

Stroker said he will make a decision Oct. 7 about the extra source of income derived from a certificate of participation, which is a fee issued by the School Board that doesn't require taxpayer approval. If necessary, Stroker could request another hearing so both sides could present evidence.

Last year, the home-builders group sued the county after commissioners approved a 243 percent increase, which more than tripled the \$2,828 school fee already in place.



The county created an escrow account for the difference in the two fees, which has been collecting interest since April 2004, when the lawsuit was filed.

The school district is eager to start using the money to build new schools. The district has grown 27 percent in the past four years, forcing campuses to rely heavily on portables for additional space.

Gregory Stewart, a Tallahassee attorney hired to represent the county, said the other side was arguing a case that had been decided last month.

"This has to end someday. Let us move on," he said during his argument.

After the hourlong hearing, Stewart said he was not approached about "any kind of reduction" in fees and did not consider that a settlement offer from the builders.

But he hoped the end was in sight.

"We hope to have the matter behind us so that we can begin [spending the extra] impact fees to benefit our children," he said.

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