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Counties File Suit Over New Impact Fee Law

By: News Service of Florida - Feb 11th, 2010

The Florida Association of Counties sued House Speaker Larry Cretul and Senate President Jeff Atwater in Leon County Circuit Court Wednesday over a new law that revises the way government impact fees are challenged in court.

House Bill 227, passed by the Legislature and signed by the governor last spring, changed the way that courts handle lawsuits over impact fees. In many municipalities, local government officials will order developers to pay a fee that helps pay for public services like schools or other public facilities that are impacted by population changes caused by a new development.

Under the new law, the burden of proof was shifted from the developers to local government officials, something that the association is saying is unconstitutional.

The law was hailed by proponents as a checks and balances approach to local governments that wanted to use impacts fees as a way to raise funds. A 2006 report by the Legislature's Florida Impact Fee Review Task

Force found impact fees had grown 505 percent from 1993 to 2004 and were continuing to rise as communities sought to respond to explosive growth throughout the state.

But county and city officials have said it would allow judges to second guess decisions of lawmakers.

“The act substantially alters the ability of local governments to impose or collect impact fees and places significant restrictions on the ability of cities and counties to raise revenue through impact fees in the aggregate,” the suit reads.

Spokeswomen for House Speaker Larry Cretul and Senate President Jeff Atwater did not respond to requests for comment from the News Service Wednesday afternoon.

Joining the counties in the suit were the Florida League of Cities, the Florida Association of School Boards and nine individual counties.

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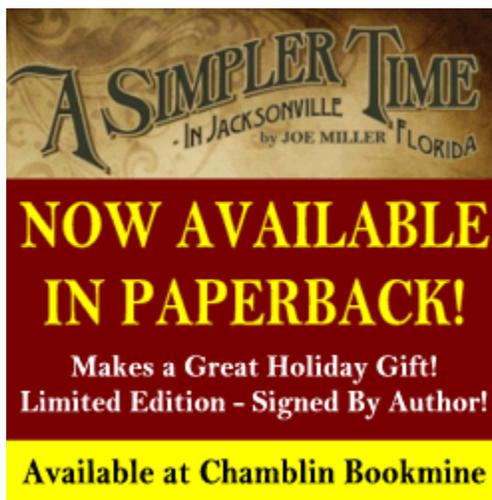
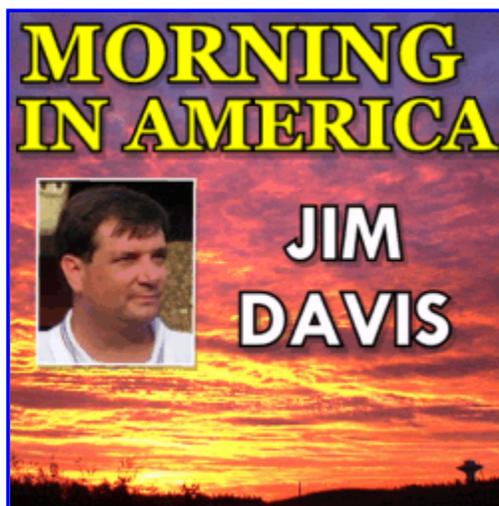
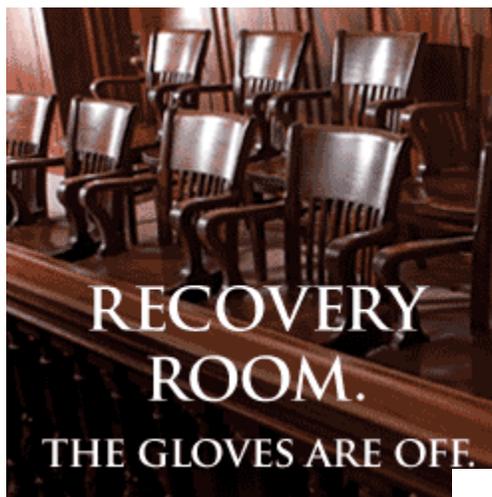
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