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County a part of suit challenging state impact fee law

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Alachua County is a plaintiff in a lawsuit challenging a state law that may make it more difficult for local governments to prevail in legal challenges over impact fees.

Passed in the 2009 legislative session and subsequently signed by Gov. Charlie Crist, House Bill 227 places the burden on local governments to justify their impact fees when developers challenge them in court. The lawsuit, filed Wednesday in Tallahassee, argues the law is an unconstitutional unfunded mandate placed on local governments because it did not pass with two-thirds support in both houses of the Legislature.

The suit also argues the law violates the separation of powers by removing the "deferential standard" of judicial review, which presumes that "impact fee standards, like all legislative acts," are valid, and instead granting judges the authority of a local government's elected board.

Listed plaintiffs in the suit are the Florida Association of Counties, the Florida League of Cities, the Florida School Boards Association and nine counties, including Alachua and Levy.

Back in November, Alachua County commissioners voted 4-1 Tuesday to join the suit when it was eventually filed with the caveat that the county's contribution to legal fees not exceed \$2,000. commissioner Lee Pinkoson cast the dissenting vote.

Impact fees are one-time charges on new development to fund infrastructure such as roads and schools.

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