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## Legislative bullying

### Attempt to hijack school impact fees

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It's worth repeating: The new school impact fees for Volusia and Flagler counties -- \$5,284 and \$3,600 respectively -- were necessary. They also will not significantly affect the price of new homes -- not nearly as much as the Florida Homebuilders Association's scaremongers would make you believe, and especially not compared with the irrational and skyrocketing price of homes as a whole in the last several years.

Volusia's one-time impact fee is dwarfed relative to the typical cost of a new home. In Deltona, for example, median home values (including resales) have risen more than 120 percent in eight years. If the trend continues, it will proportionally devalue the effect of the impact fee on new homes. The story is similar in Palm Coast, where the new school impact fee, being smaller, will have even less of an effect on the cost of a home. Home builders don't like to project the numbers that way because they underscore home builders' huge profits in the last decade or so.

With new homes have come new residents and new students. The correlation isn't automatic, of course. Many people move into the area and into older homes whose price doesn't include an impact fee. Many people move into new homes and pay an impact fee even if they have no school-age children. What's indisputable is that the local student population is rising fast -- 1,200 new students a year in Volusia, 500 to 800 new students a year in Flagler. So is the need for new schools. It isn't unreasonable to conclude that new homes often means new students. In neither county was the half-cent sales tax enough to afford needed new schools. Impact fees will go a long way to closing that gap, raising around \$12 million a year in Flagler and \$26 million in Volusia. Homebuilders have howled (and lost) at every step of the way, at least locally.

Now they've taken their howls to Tallahassee, championing a bill that would do statewide what they couldn't do county by county -- gut local governments' abilities to levy impact fees. The bill doesn't explicitly attack impact fees. It does so more stealthily by requiring every impact fee to meet a series of standards, make room for endless exemptions and "requiring a credit against impact fees for certain taxes, fees, assessments, liens, charges or payments," in the bill's words, as well as letting fee payments stretch for years (rather than be paid up front by the builder).

Taken as a whole they add up to a calculated attempt at grinding the administration of impact fees to a halt while opening the door to litigation by a dozen means. That's not to say that impact fees shouldn't be carefully calibrated to a county's need. But it's up to local governments to build those qualifiers into their fee schedules, as some do. St. Johns County, for example, which approved \$6,685 impact fees on Thursday, will impose a \$9,299 impact fee on homes larger than 1,800 square feet. The surcharge reflects the St. Johns housing market, where mansions are popping up fast. That's not the kind of

qualifier homebuilders were looking for. But it's a more progressive schedule than a flat impact fee. And it's the kind of qualifier St. Johns needs if it's to keep providing residents with basic government services.

There's also something fundamentally wrong in giving the state (or, in this case, the Florida Homebuilders Association) the power to make an end-run around local governments. School construction and local government services are local issues the state is called in to help support, not contravene. The state has been doing too little to help counties defray the cost of school construction, forcing them to opt for sales tax surcharges and impact fees. Neither taxing schemes are entirely fair (and there's no question that impact fees are a tax). But absent other means, and given Florida's booming population, they're fair enough, and essential.

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