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Senate OKs Bennett's bill

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TALLAHASSEE - A bill by Sen. Mike Bennett that would require more transparency in the use of impact fees and establish a six-month waiting period between the enactment and collection of the fees passed unanimously in a Senate committee Monday.

The bill would also require counties to refund taxpayers if money raised by impact fees went six years without being spent on the purpose for which they were levied.

The measure passed the Senate Community Affairs Committee despite the efforts of county lobbyists, who argued that the bill would restrict the collection of impact fees necessary for growth management.

"I can't find anything in this bill that says we are stopping them from raising impact fees," said Bennett, R-Bradenton, committee chairman.

Late last week, Manatee County commissioners Joe McClash and Amy Stein said the county may have to impose a building moratorium if Bennett's bill - which they felt would suspend the collection of vital impact fees for six months - passed the Legislature.

But Bennett disputed that interpretation last week and on Monday.

Bennett used his own experience as a developer to highlight an impact fee system he said is unfair. Too often, he said, impact fees are levied with a purpose that is never made clear to home buyers. Bennett also said impact fees paid by taxpayers don't end up being spent on improvements that benefit those taxpayers.

"The last development that I did the County owes me a lot of money," Bennett said.

The bill would bring more uniformity to how impact fees are collected across the state, he said.

"New construction is used to pay for the sins of old," Bennett said. "They pay the impact fees and don't get the schools or streets or sewers."

Cari Roth, a lobbyist for Manatee County, said the bill would give state government too much control over how local decisions are made and that existing case law already mandates how counties and cities have to implement the fees.

"My counties are estimating (the bill) would drop impact fees by 25 to 30 percent," Roth said.

The bill would require counties or cities to give taxpayers a credit against the impact fee. The credit would ensure the taxpayer doesn't pay taxes twice on the same capital project. The credit for the payments would have a life of at least 30 years.

Roth said the credit provision and the six-month waiting period would handicap counties trying to raise revenue for growth management. But lawmakers on the committee were not convinced.

"We're looking at a fundamental issue of fairness," said Sen. Mike Haridopolos, R-Melbourne. "You pay as you go. Show us the numbers."

Sarah Bleakley, lobbying on behalf of the Florida Association of Counties, said the purpose of the bill is simple.

"This bill limits impact fees - how they're calculated and what they're used for," she said. "The bottom line reason for this bill is that the cost of new housing is unaffordable."

Bleakley said the only recourse for counties to raise money for growth will be to tax existing residents at a higher rate or wait for the Legislature to come up with additional infrastructure money.

She said that in Osceola County, home buyers pay the same impact fee whether their house is worth $1 million or $100,000. Lawmakers such as Tony Hill, D-Jacksonville, said that is simply unfair.

But Bleakley said each county has a system for spreading out the costs of growth through multiple measures, such as ad valorem taxes and gas taxes.

"The balance is there for each county to make," Bleakley said.

The bill will be heard next in the Regulated Industries Committee. A similar bill has been filed in the House by Rep. Donna Clarke, R-Sarasota, and will be heard next in the Local Government Council.

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