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State lawmakers could get involved in impact-fee fray

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As Florida's population booms and impact fees collected to pay the costs of growth fill local coffers, state lawmakers want to know if legislation is needed to regulate how those fees are calculated and applied.

Home builders say yes, while local officials are leery of any intervention by the state.

In Central Florida, impact fees for single-family homes range from \$2,500 in Seminole County to more than \$15,000 in Osceola and Polk.

Local governments want flexibility in applying the fees and say imposing them is the only way schools, roads and other facilities can keep up with growth. But builders argue that the fees imposed on new construction often are unfair and inconsistent from county to county.

Because of such disparities and the increasing reliance on impact fees, lawmakers this year created a 15-member task force to advise the governor and Legislature about the issues. The statewide panel, which includes several representatives from Central Florida, met in Orlando on Friday and heard presentations from members of all sides of the debate.

Orange County Commissioner Teresa Jacobs told the task force that she's concerned legislators may tie the hands of local officials who implement impact fees.

"This is a critical source of funding," she said. "If we don't have impact fees and the flexibility . . . we're very concerned about what that does for our future development patterns.

"I worry significantly . . . what might occur if the Legislature imposes restrictions on our ability to levy impact fees," Jacobs told the task force.

Polk County Commissioner Paul Senft told the task force that his fast-growing county needs the flexibility to implement and raise impact fees as it deems appropriate.

Since May, Polk officials have boosted impact fees for a new single-family house by more than 200 percent, pushing the combined total for such fees to about \$16,000. That gives Polk, which has historically low impact fees and slow growth, one of the highest fee totals in Central Florida.

But such increases have proved controversial and have turned builders associations against county governments and school boards.

Builders in Polk County have already said they will take legal action against commissioners there for a school-impact fee that was recently increased by more than 400 percent.

In adjacent Osceola County, where impact fees can total \$15,555 for a new home, county officials recently won the first round of a legal battle over their \$9,708 school-impact fee that home builders argued was unreasonable. Lawyers were back in court over the issue Friday.

But builders scored a victory in Volusia County, where a judge this month sided with the Volusia Home Builders Association, which accused the School Board of procedural mistakes during the development of its impact fee.

The Florida Home Builders Association doesn't oppose all impact fees, a representative told the task force Friday. That group just wants fair fees, said Linda Shelley, who spoke for the association.

"We have now very little uniformity in the way impact fees are approached around the state," Shelley said.

In addition to the fairness and predictability of how impact fees are determined, builders are concerned about the impact on affordable housing, she said. With single-family-home impact fees topping \$15,000 in some counties, builders say some people may be pushed out of the market.

"At the entry level into the housing market, there is a disproportionate impact," she said of high fees.

But putting impact-fee guidelines into state law may not solve all the problems, said Randy Young, a consultant who has conducted several impact-fee studies in Central Florida. Young told the task force that impact-fee legislation enacted in other states didn't stop litigation.

The task force will meet throughout the year and has until February to give the governor a report recommending whether and how state lawmakers should become involved in the process.

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