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\$1 million in impact fee refunds possible

The funds not spend within six years can be returned by law.

By **WENDI ZONGKER**, My Nassau Sun

YULEE - Nassau County government owes somebody more than \$1 million in impact fees - which builders pay when they construct homes or commercial buildings in the county - and Clerk of Courts John Crawford says homeowners paid those fees through higher construction prices, so they should be eligible to get the money back.

But it might already be too late, at least for some, to get refunds.

After county impact fees are collected - typically when a builder is given permits that allows a building to be sold - there is a time limit and restrictions on how it is to be spent.

The county collects \$2,697 per single-family home constructed in the county. That's in addition to the \$3,726 impact fee the Nassau County School system collects, but school impact fees aren't eligible for any refunds.

The county's residential and commercial impact fees pay for new roads, parks, law enforcement and fire rescue facilities that growth makes necessary. The fees can be spent only on capital improvements necessary to support growth.

But county impact fees not spent within six years of the collection date should be returned with interest to the fee payer, according to a county ordinance.

Currently, about \$749,000 in impact fees can be refunded, County Coordinator Edward Sealover said. And in 2008, more than \$500,000 in impact fee funds will become available if not spent before then, according to Clerk of Courts data.

Of the more than \$26.5 million Nassau County has collected in impact fees since fiscal year 1986-87, more than \$14 million is available to spend on capital improvement projects in the county, but \$1.2 million should have been refunded under county ordinance, according to Clerk of Courts data.

"The impact fee is not being coughed up from the bottom line of the developer," Crawford said. "They saw the impact fee as just another expense of doing business. So they passed it on to the buyer."

Crawford said property owners may be confused whether they can collect the refund or not.

Crawford said he isn't sure the buyer could legally request an impact fee refund, even though the cost was passed on to the buyer by the builder, who Crawford said probably doesn't know a refund is an option.

"They did their development and moved on," Crawford said of builders.

Fernandina Beach developer Dennis Jasinsky agrees.

"Six years later he's not thinking about getting his impact fee back," Jasinsky said of builders.

In order for a Nassau resident or builder to get that money back, they must request a refund within one year of the sixth year or the money stays with the county, County Attorney David Hallman said.

Hallman said if refunds are paid out the county will have to impose another tax or fee to raise the money for capital improvement projects.

Hallman said the County Commission passed a capital improvements plan in September to use available impact fee funds. If a project using impact fee funds has been included in the capital improvements plan and will be constructed within three years, the county can apply for a three-year extension rather than returning the unspent fees.

But Crawford said he doesn't think the county has received any extensions, nor have any refund requests come in since he has served as Clerk of the Courts.

To request a refund

Refund requests must be submitted within one year following the sixth year. The applicant has to include copies of the dated receipt issued at the time of payment, building permit, county-issued payment receipt, and, if needed, evidence that the applicant is the successor to the fee payer.~~~~~

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