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Building industry welcomes new Fla. legislation as plus

Local governments now must defend impact fees

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A bill signed into law Thursday by Gov. Charlie Crist means local governments must prove impact fees are justified when challenged by developers.

Rep. Gary Aubuchon, R-Cape Coral, co-sponsored the legislation and said the law makes impact fee rules more equitable.

"When somebody brings a challenge to government regarding an impact fee, they enter on a level playing field. It correctly places the burden of proof on government to prove the impact fee is justified," he said.

Prior law held that builders had to prove impact fees were unwarranted when challenged in court.

Patti Schnell, executive director of the Cape Coral Construction Industry Association, said the new law is a welcome bright spot for the industry in an otherwise gloomy economic climate.

"This is very important legislation. There's currently no law that helps determine when (impact fees) aren't fair," she said.

Aubuchon and Schnell said homeowners and commercial building owners will ultimately benefit from decreased fees because developers pass them on to buyers.

"Builders don't pay impact fees. Customers pay impact fees, citizens pay impact fees," she said.

Because the sour economy is drying up work for builders and legal challenges are costly, there is not a prevalence of formal challenges, but Schnell said that means the law's timing is perfect.

"That's why this is a good time. It's very expensive to challenge an impact fee. When construction starts to pick up, it'll be easier," she said.

The law is one of four encouraging economic growth that was enacted Thursday by Crist, who has embarked on a statewide tour to increase the their visibility.

"We are helping reignite Florida's economy through legislation that empowers businesses and creates new opportunities for families to be successful in their communities and their careers," Crist said in a prepared statement.

He signed the bills into law in Tallahassee before traveling to St. Augustine, Ocala and Naples for ceremonial signings.

"I'm certainly honored that he is highlighting this bill," Aubuchon said.

The other laws enacted Thursday provide tax incentives for businesses investing in low-income areas, streamline the incentive process for the governor's Office of Tourism, Trade and Economic Development, and allow Ocala to become an enterprise zone eligible for various tax credits.

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