



Council For Lifelong Learning School Impact Fees

Fact Sheet

September 2001

1. What are impact fees?	Impact fees are charges imposed by local governments against new development. These charges represent a total or partial reimbursement for the cost of additional facilities or services necessary as a result of the new development. Rather than imposing the cost of the additional facilities or services upon the general public, impact fees shift the capital expense burden of growth from the general public to the developer and new residents.
2. What is the purpose of impact fees?	Impact fees have been successfully levied for the purpose of funding the expansion of water and sewer facilities, the construction of road improvements, the expansion of parks, and the construction of school facilities.
3. What are the legal characteristics of impact fees?	Impact fees are not statutorily authorized or constitutionally mandated. Consequently, the characteristics and limitations of impact fees are stipulated in Florida case law. In order to withstand legal challenge, impact fees must possess the following characteristics: <ul style="list-style-type: none">• the fee is levied on new development or new expansion of existing development;• the fee is a one-time charge, although its collection may be spread out over time;• the fee is earmarked for <u>capital outlay only; operating costs are not included;</u> and• the fee represents a proportional share of the cost of the facilities needed to serve the new development.
4. Do all school districts receive revenues from the collection of impact fees?	No. Currently, only 15 school districts receive revenues from the collection of impact fees that are assessed by their respective counties. School districts benefiting from impact fee collections include Broward, Citrus, Collier, Dade, Hernando, Hillsborough, Lake, Martin, Orange, Osceola, Palm Beach, Seminole, St. Johns, St. Lucie, and Volusia.
5. How much revenue has been generated through the collection of impact fees for the purpose of school construction?	During the 1999-2000 fiscal year, the collection of impact fees generated an aggregate amount of \$81.9 million for the purpose of school construction. This amount reflects an increase of approximately 17 percent since the 1997-1998 fiscal year. Information relating to the amount of revenue generated through the collection of impact fees during the 2000-2001 fiscal year is currently unavailable. The table below provides a general summary of the collection of impact fees for the last three available fiscal years.

School Impact Fees

	School District	1997-1998	1998-1999	1999-2000
	Broward	\$8.1 million	\$8.2 million	\$6.3 million
	Citrus	\$0.2 million	\$0.2 million	\$0.4 million
	Collier	\$7.8 million	\$8.0 million	\$9.0 million
	Dade	\$19.5 million	\$19.7 million	\$15.0 million
	Hernando	\$1.5 million	\$1.5 million	\$1.4 million
	Hillsborough	\$1.6 million	\$1.6 million	\$1.6 million
	Lake	\$2.7 million	\$2.7 million	\$3.8 million
	Martin	\$1.2 million	\$1.2 million	\$1.1 million
	Orange	\$11.3 million	\$11.6 million	\$21.8 million
	Osceola	\$1.8 million	\$1.8 million	\$6.8 million
	Palm Beach	\$6.7 million	\$7.0 million	\$6.0 million
	Seminole	\$3.5 million	\$3.6 million	\$4.5 million
	St. Johns	\$0.8 million	\$0.6 million	\$0
	St. Lucie	\$1.0 million	\$1.1 million	\$1.2 million
	Volusia	\$2.4 million	\$2.5 million	\$3.0 million
	TOTAL	\$70.1 million	\$71.3 million	\$81.9 million
6. Is there any residential development that is exempted from school impact fees?	Yes. In 2000, the Florida Supreme Court ruled in the case of <i>Volusia County vs. Aberdeen at Ormond Beach</i> that school impact fees could not be levied against retirement communities since these communities have no "impact" on the public school population.			
7. What are the applicable statutes and rules?	Impact fees are not statutorily authorized or constitutionally mandated. Instead, impact fees are a unique product of local governments' home rule powers.			
8. Where can I get additional information?	<p>Florida Department of Education Office of Educational Facilities (850) 487-1130 www.firn.edu/doe</p> <p>The Florida Legislature Legislative Committee on Intergovernmental Relations (850) 488-9627 http://fcn.state.fl.us/acir/</p> <p>SMART Schools Clearinghouse (850) 921-8699 http://smartschools.state.fl.us</p> <p>The Florida House of Representatives Committee on Education Appropriations (850) 488-6204</p>			

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	<p>The Florida House of Representatives Committee on Local Government & Veterans Affairs (850) 488-1791</p>
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	<p>The Florida House of Representatives Council for Lifelong Learning (850) 414-6694</p>
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	<p>The Florida House of Representatives Committee on Education Innovation (850) 488-7451</p>
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