

WHEREAS, Section (1) of Article VIII of the Florida Constitution, as implemented by s. 125.01, Florida Statutes, was intended to enlarge the power of counties to govern themselves through home rule, and state intervention in the area of impact fees would be inconsistent with this important constitutional right;

WHEREAS, in respect of the home rule principle, the authority of local governments to impose impact fees has been firmly established in caselaw to help fund the cost of providing facilities and services necessitated by growth and development;

WHEREAS, impact fees revenues are critical to funding local government growth management plans, particularly in this critical transition period from plan development to plan implementation;

WHEREAS, impact fees are imposed to assure that growth and development pay its own way rather than having those costs shifted to current residents;

WHEREAS, impact fees by their very nature do not lend themselves to standardization and uniformity in design and application;

WHEREAS, Orange County finds its current and proposed impact fee ordinances are effective and legally sustainable without benefit of state-imposed requirements and conditions;

WHEREAS, Orange County has developed and implemented local impact fee ordinances for roads, law enforcement, fire and rescue services, and sewer and water;

WHEREAS, impact fee legislation would likely generate additional rounds of costly litigation to defend both existing and future ordinances;

WHEREAS, state-imposed impact fee regulations could force local governments to hike property taxes to pay for facilities and services demanded by the ever-growing numbers of new residents and presently funded through impact fees;

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of Orange County, Florida, urges the Orange County Legislative Delegation, the Florida Senate and the Florida House of Representatives, and the Governor of the State of Florida to preserve the full and complete home rule authority of local governments to impose impact fees by opposing legislation restricting or limiting local government use of impact fees.

DONE AND ORDERED this 3rd day of December, 1991.

Mable Butler
VICE CHAIRMAN

FOR THE COUNTY CHAIRMAN LINDA W. CHAPIN, ORANGE COUNTY CHAIRMAN