

# **Regional & Multi- Jurisdictional Fee Systems**

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**“Planning is Politics ...”**

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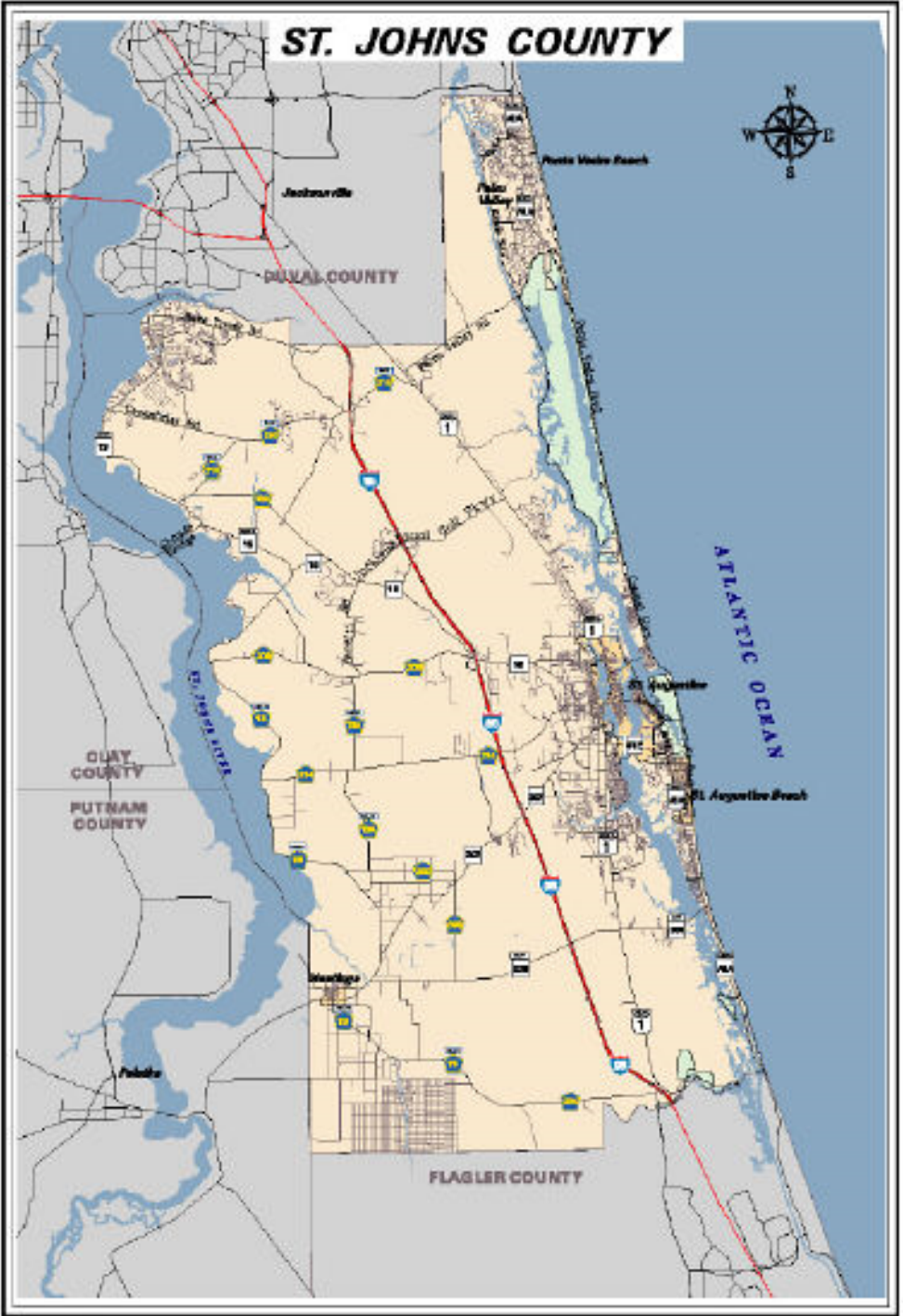
**University of Florida**

# Dual Rational Nexus Test

The local government must demonstrate a reasonable connection, or *rational nexus*, between:

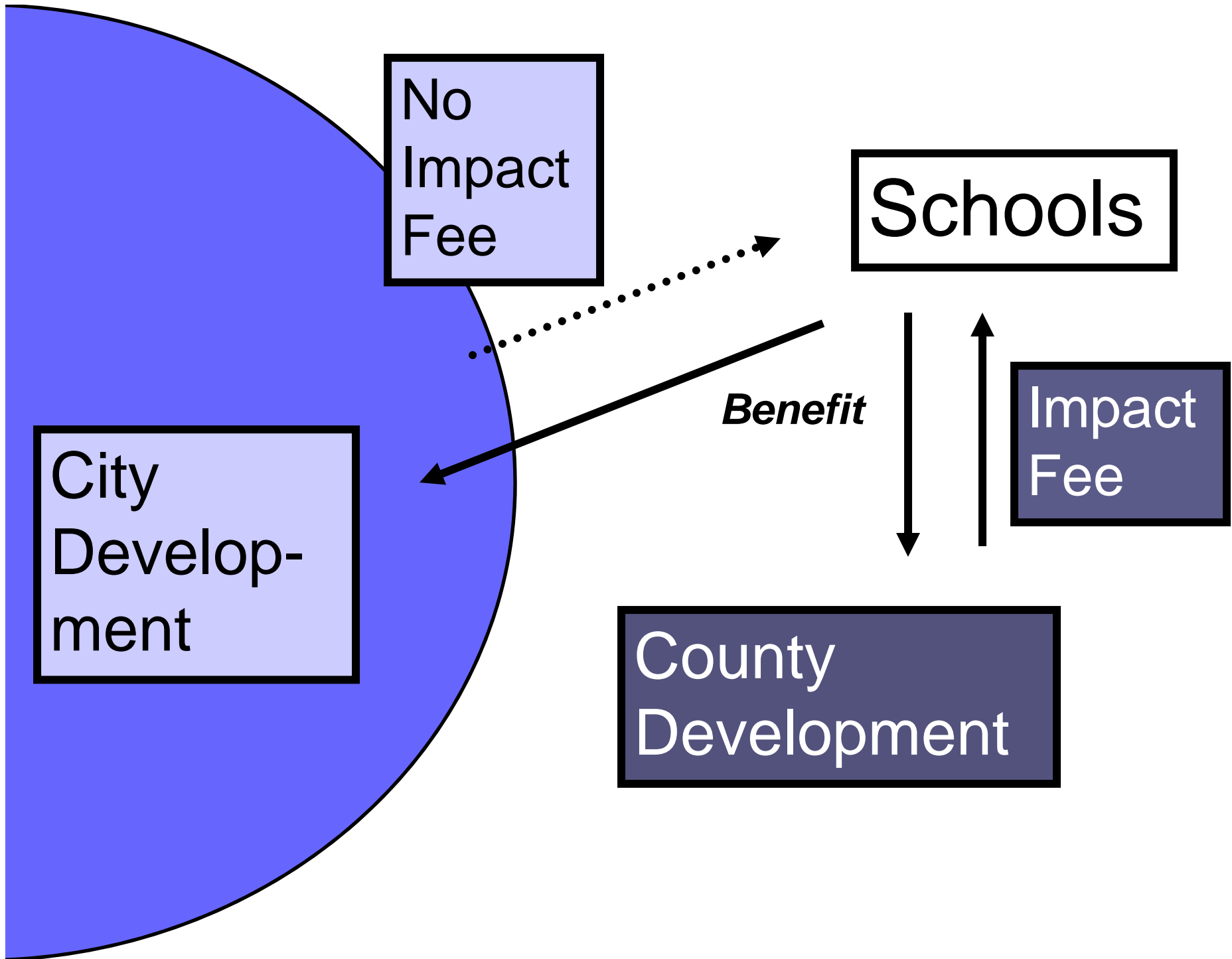
- **the need for additional capital facilities and the growth in population generated by the subdivision; and**
- **the expenditures of the funds collected and the benefits accruing to the subdivision**

*Hollywood, Inc. v. Broward County*  
431 So.2d 606 (Fla. 4<sup>th</sup> DCA 1983)



*St. Johns Co. v. Northeast Florida Builders Ass'n, Inc.*, 583 So.2d 635 (Fla. 1991)

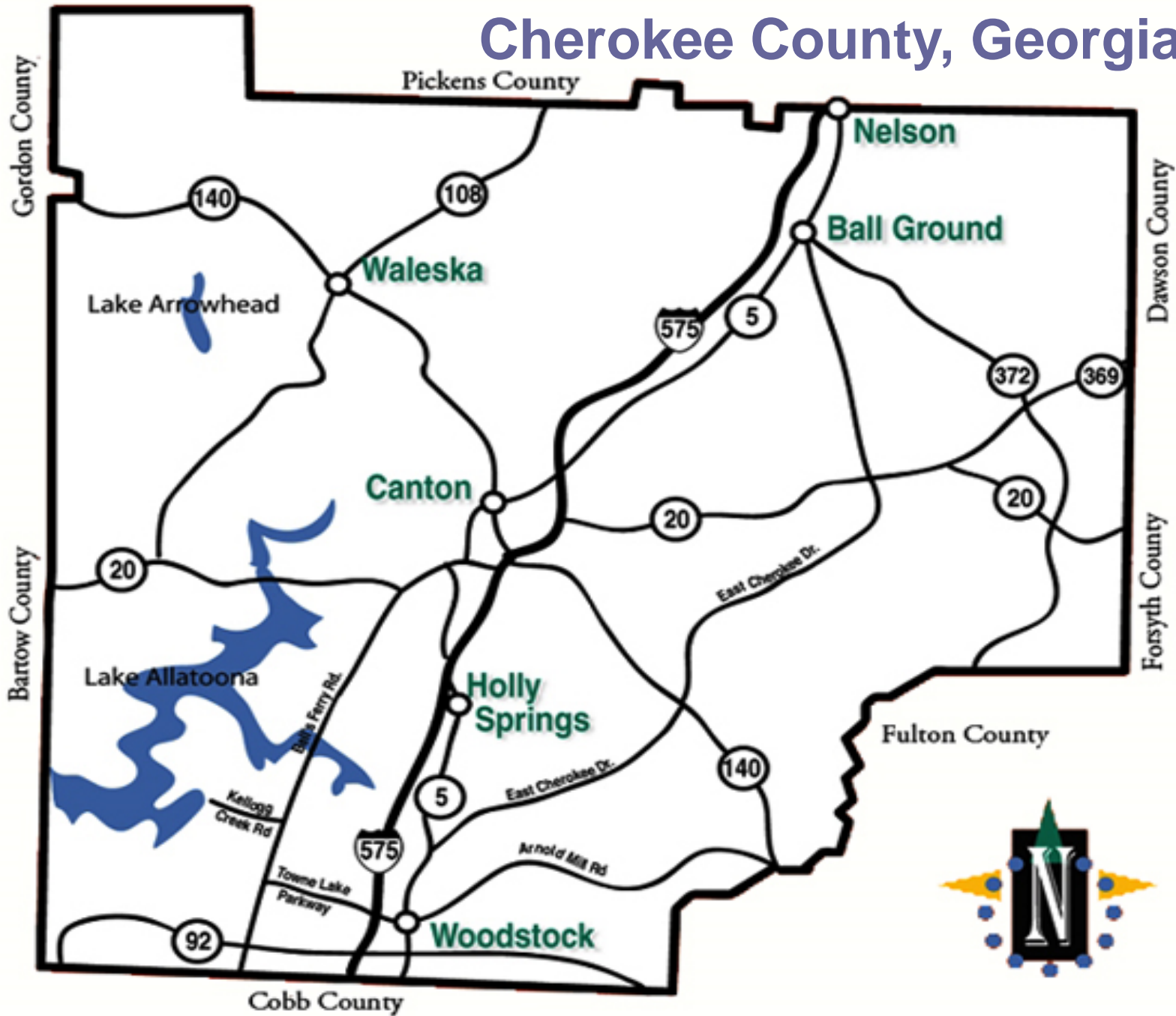
- Free Public Schools
- Uniform School System
- *“Needs” Prong met*
- *“Benefit” Prong not met*



# Disproportionate Benefit

- No requirement that every fee payer benefit or that each person who benefits pay.
- But “substantially all of the population” that benefits must pay the impact fees for that facility.

# Cherokee County, Georgia





***Cherokee Co. v. Greater Atlanta HBA*, 566  
S.E. 2d 470 (June 13, 2002)**

- County-wide Costs and Growth
- Statutory Proportionality
- Equal Protection – Due Process
- Authority to act w/in Incorp. Areas?
  - No Classification
  - No Authority
- Proportionality – Tax Standard

*See also, Wellington River Hollow v. King Co.*  
2002 WL 31103632 (WA Ct. of Appeals)

Libraries; Parks & Rec;  
& Roads

*Benefit*

City  
Development  
pays No  
Impact Fees

*Benefit*

Sheriff; P  
ublic  
Safety;  
and Fire

*Benefit*

*Benefit*

County  
Develop-  
ment Pays  
the Fee

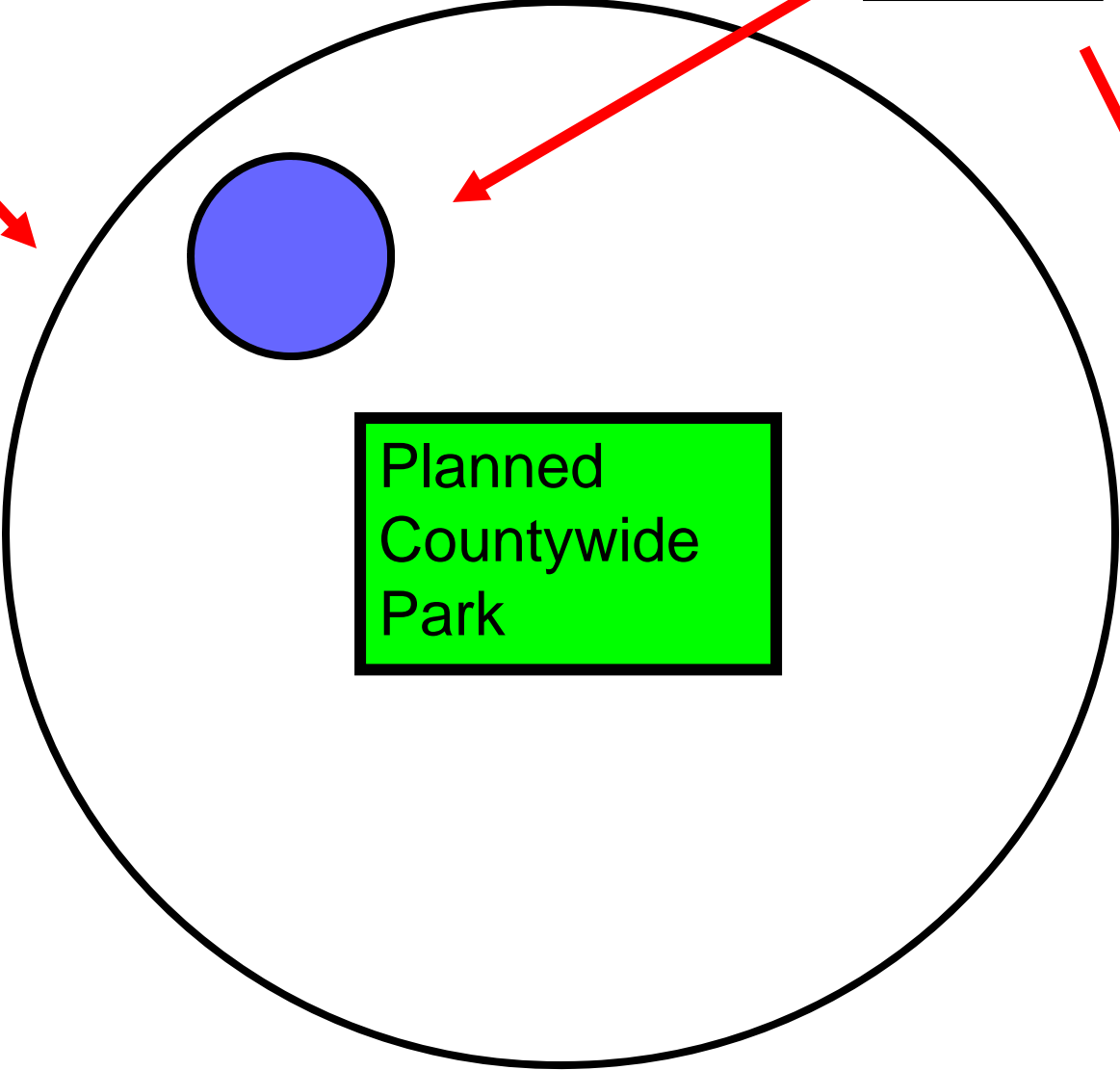
What is a County to do?

# Work Together

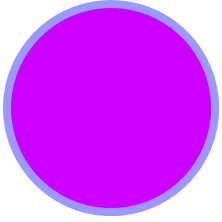
- Initiate Discussions pre-politics
- County Retains Collection responsibilities
- Point in municipal approval process where County approval is required?
- Demonstrate benefits and “nexus” to City and City residents, particularly schools, parks, roads

Park Benefit District

Cities



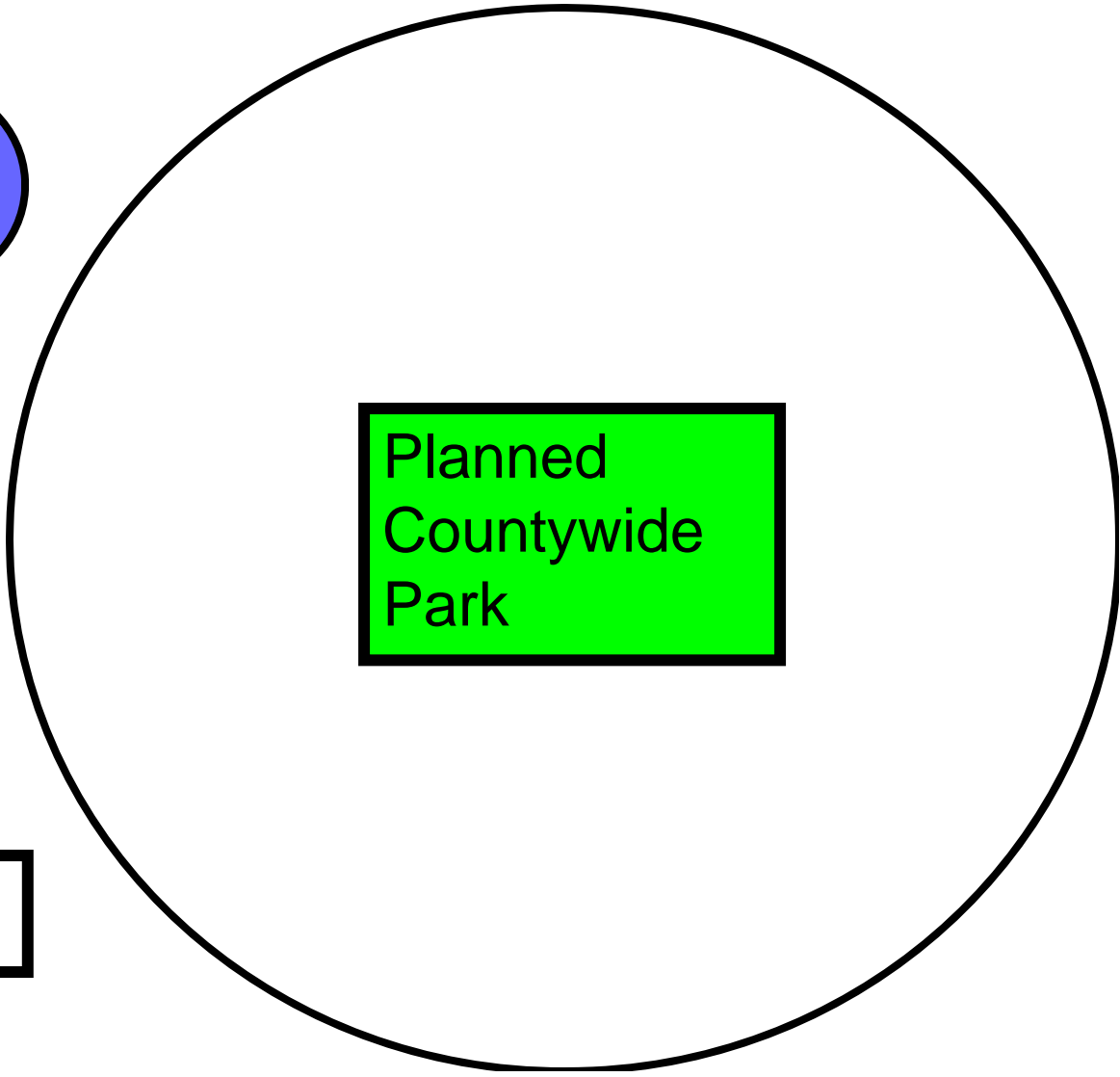
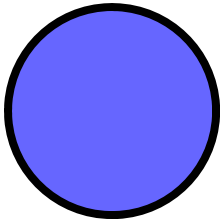
Planned  
Countywide  
Park



## Unincorporated Area Only

- Asses surcharge for use of services
- Be certain City is not Providing the same service
- Distance Public Facilities from city
- How significant is the new growth “population” benefiting but not paying

City



Planned  
Countywide  
Park



Park Benefit District



***“Which would you prefer? To get the short end of the stick or left holding the bag?”***