

HB 673

2013

1 A bill to be entitled
2 An act relating to development exactions; creating s.
3 70.45, F.S.; prohibiting local governments from
4 imposing or requiring certain exactions on or against
5 private property; providing exceptions; providing an
6 effective date.

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8 Be It Enacted by the Legislature of the State of Florida:

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10 Section 1. Section 70.45, Florida Statutes, is created to
11 read:

12 70.45 Local government development exactions.—

13 (1) A county, municipality, or other local governmental
14 entity may not impose on or against any private property a tax,
15 fee, or charge or require any other development exaction, either
16 directly or indirectly, that:

17 (a) Does not result from a development or proposed
18 development with an essential nexus to development impacts upon
19 the infrastructure or other public facilities that are
20 maintained, owned, or controlled by the county, municipality, or
21 other local governmental entity.

22 (b) Is more stringent than an exaction imposed by a state
23 or federal agency on or against the same property that concerns
24 the same impact unless the county, municipality, or other local
25 governmental entity demonstrates that the exaction is reasonably
26 necessary pursuant to this subsection.

27 (2) This section does not prohibit a county, municipality,
28 or other local governmental entity, upon demonstration, from:

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29 (a) Imposing a development exaction that is reasonably
30 necessary as a direct result of a development or proposed
31 development and that has an essential nexus to, and is roughly
32 proportionate to, the direct development impacts upon the
33 infrastructure or other public facilities that are maintained,
34 owned, or controlled by the county, municipality, or other local
35 governmental entity.

36 (b) Dedicating land or easement that is reasonably
37 necessary as a direct result of a development or proposed
38 development of specific property to or from which the dedication
39 of land or easement applies.

40 Section 2. This act shall take effect July 1, 2013.