

By the Committee on Finance & Taxation and Representatives
 Albright, Lacasa, Fasano and Starks

1 A bill to be entitled
 2 An act relating to school impact fees;
 3 prohibiting any county which was not levying
 4 such a fee on January 1, 1999, from levying
 5 such fee during a specified period; limiting
 6 the amount of such fees that may be collected
 7 by a county during that period; providing
 8 procedures for reimbursing a county for
 9 revenues lost during that period based on fees
 10 which exceed the limitation which were in
 11 effect on January 1, 1999; providing duties of
 12 the Comptroller; specifying the purposes for
 13 which such reimbursed funds may be used;
 14 providing for rules; creating a Florida School
 15 Impact Fee Policy Commission; providing for
 16 appointment and qualifications of members;
 17 providing administrative duties of the
 18 Legislative Committee on Intergovernmental
 19 Relations; providing duties of the commission;
 20 providing for a report; providing an
 21 appropriation; providing an effective date.

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

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 25 Section 1. (1) Any county which was not levying a
 26 school impact fee on January 1, 1999, may not levy any school
 27 impact fee during the period beginning July 1, 1999, through
 28 June 30, 2000.

29 (2) During the period beginning July 1, 1999, through
 30 June 30, 2000, any school impact fee collected by a county may
 31 not exceed \$500 per dwelling unit. If a county was levying a

1 school impact fee in excess of \$500 per dwelling unit on
2 January 1, 1999, the county may collect only the first \$500 of
3 the fee due on each dwelling unit during that period.

4 Section 2. If a county was levying a school impact fee
5 in excess of \$500 per dwelling unit on January 1, 1999, and
6 the fee becomes due during the period beginning July 1, 1999,
7 through June 30, 2000, the county may receive funds from the
8 Comptroller under the following procedures:

9 (1) The county must provide to the Comptroller the
10 number of dwellings upon which the school impact fee would
11 have been imposed and the amount of fees which would have been
12 collected on those dwellings under the January 1, 1999, fee
13 schedule during the period beginning July 1, 1999, through
14 June 30, 2000. The county shall also indicate how much money
15 was actually collected on those dwellings during that period.
16 This information shall be provided in a manner designated by
17 the Comptroller's office.

18 (2) In the manner designated by the Comptroller's
19 office, the county shall provide the information specified
20 under subsection (1) and any additional information required
21 by rule quarterly as follows: not later than November 15,
22 1999, for the quarter ending September 30, 1999; not later
23 than February 15, 2000, for the quarter ending December 31,
24 1999; not later than May 15, 2000, for the quarter ending
25 March 31, 2000; not later than August 15, 2000, for the
26 quarter ending June 30, 2000.

27 (3)(a) Once all claims are received for the quarter,
28 the Comptroller shall distribute the funds appropriated by the
29 Legislature by paying each county which makes a proper and
30 timely application the difference between the school impact
31 fees permitted to be collected for the quarter pursuant to

1 this act, and the fees which would have been collected if the
2 school impact fees in place on January 1, 1999, were fully
3 enforceable during that quarter.

4 (b) If the funds appropriated by the Legislature are
5 insufficient to pay all valid and timely claims made for any
6 quarter under this section, the Comptroller shall prorate the
7 claims for such quarter and carry forward to the next quarter
8 any unpaid claim amounts for payment after such next quarter's
9 claims are paid.

10 (c) If additional funds remain after the distributions
11 under this section, the Comptroller shall return the excess
12 funds to the General Revenue Fund by September 30, 2000.

13 (4) Funds distributed pursuant to this section shall
14 not be used to defray operating expenses, but shall be used
15 only for the following purposes:

16 (a) To eliminate or reduce use of portable classrooms;

17 (b) To create new student stations; or

18 (c) To repair or renovate existing schools to increase
19 capacity.

20 (5) The Comptroller has the authority to adopt rules
21 to implement this section.

22 Section 3. (1) The Florida School Impact Fee Policy
23 Commission is hereby created, to serve through June 30, 2000.

24 (2)(a) The commission shall be composed of the
25 following 15 members, who shall be appointed within 30 days
26 after the effective date of this section:

27 1. Six members selected by the Governor, none of whom
28 shall be a member of the Legislature at the time of
29 appointment, as follows: one representative from a local
30 school board, and five representatives at large.

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1 2. Four members selected by the Speaker of the House
2 of Representatives, as follows: one member of the majority
3 party and one member of the minority party in the House of
4 Representatives, one representative from a local school board,
5 and one representative at large.

6 3. Four members selected by the President of the
7 Senate, as follows: one member of the majority party and one
8 member of the minority party in the Senate, one representative
9 from a local school board, and one representative at large.

10 4. The Commissioner of Education or the commissioner's
11 designee.

12 (b) Vacancies in the membership of the commission
13 shall be filled in the same manner as the original
14 appointments.

15 (c) All state agencies are directed to cooperate with
16 and assist the commission to the fullest extent possible. All
17 local governments are encouraged to assist and cooperate with
18 the commission as necessary.

19 (d) The Legislative Committee on Intergovernmental
20 Relations is authorized to employ technical support and to
21 incur expenses related to the official duties of the
22 commission, and to expend funds appropriated to the committee
23 for carrying out the official duties of the commission.

24 (e) Commission members shall not receive remuneration
25 for their services but shall be reimbursed by the Legislative
26 Committee on Intergovernmental Relations for travel and per
27 diem expenses in accordance with s. 112.061, Florida Statutes.

28 (3)(a) The commission shall act as an advisory and
29 recommendatory body to the Governor and the Legislature.

30 (b) The commission shall convene its initial meeting
31 within 60 days after the effective date of this section. At

1 its initial meeting, the commission shall select a chair and
2 shall adopt rules of procedure. Thereafter, the commission
3 shall convene at the call of the chair.

4 (c) The commission shall study the use of impact fees
5 to finance school construction, the alternative methods of
6 funding school construction, and the pros and cons of each
7 method of funding.

8 (d) The commission shall formulate tax policies which
9 take into account school construction revenue needs, the
10 availability of alternative funding mechanisms, and other
11 accepted tax policy goals, including fairness and ease of
12 administration.

13 (e) The commission shall issue a report to the
14 Governor, the Speaker of the House of Representatives, and the
15 President of the Senate no later than February 1, 2000,
16 summarizing its findings, stating its conclusions, and
17 proposing any recommended statutory changes related to the tax
18 laws of the state.

19 Section 4. There is appropriated to the Legislative
20 Committee on Intergovernmental Relations from the General
21 Revenue Fund the sum of \$150,000 to be used for the Florida
22 School Impact Fee Policy Commission.

23 Section 5. This act shall take effect upon becoming a
24 law.

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HOUSE SUMMARY

Provides that a county that was not imposing a school impact fee on January 1, 1999, may not impose such a fee during the period July 1, 1999-June 30, 2000. Limits the amount of school impact fees that may be collected by a county during that period to \$500 per dwelling unit. Provides procedures for reimbursing a county for revenues lost during that period based on fees which exceed the limitation which were in place January 1, 1999, and specifies the purposes for which such reimbursed funds may be used.

Creates a 15-member Florida School Impact Fee Policy Commission to study the use of impact fees and other methods to fund school construction and report its recommendations to the Governor and Legislature. Provides an appropriation for the commission.