

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. However, if the county adopted an ordinance
15 increasing their school impact fee on or before February 1,
16 1999, the county shall report the fees which would have been
17 collected under that ordinance for the period beginning July
18 1, 1999, through June 30, 2000. The county shall also
19 indicate how much money was actually collected on those
20 dwellings during that period. This information shall be
21 provided in a manner designated by the Comptroller's office.

22 (2) In the manner designated by the Comptroller's
23 office, the county shall provide the information specified
24 under subsection (1) and any additional information required
25 by rule quarterly as follows: not later than November 15,
26 1999, for the quarter ending September 30, 1999; not later
27 than February 15, 2000, for the quarter ending December 31,
28 1999; not later than May 15, 2000, for the quarter ending
29 March 31, 2000; not later than August 15, 2000, for the
30 quarter ending June 30, 2000.

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1 (3)(a) Once all claims are received for the quarter,
2 the Comptroller shall distribute the funds appropriated by the
3 Legislature by paying each county which makes a proper and
4 timely application the difference between the school impact
5 fees permitted to be collected for the quarter pursuant to
6 this act, and the fees which would have been collected if the
7 school impact fees in place on January 1, 1999, were fully
8 enforceable during that quarter. However, if the county
9 adopted an ordinance increasing their school impact fee on or
10 before February 1, 1999, then the Comptroller shall distribute
11 the funds appropriated by the Legislature to that county based
12 on the difference between the school impact fees permitted to
13 be collected for the quarter pursuant to this act, and the
14 fees which would have been in place under that ordinance.

15 (b) If the funds appropriated by the Legislature are
16 insufficient to pay all valid and timely claims made for any
17 quarter under this section, the Comptroller shall prorate the
18 claims for such quarter and carry forward to the next quarter
19 any unpaid claim amounts for payment after such next quarter's
20 claims are paid.

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

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

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

28 (b) To create new student stations; or

29 (c) To repair or renovate existing schools to increase
30 capacity.

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1 (5) The Comptroller has the authority to adopt rules
2 to implement this section.

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

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

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

12 2. Four members selected by the Speaker of the House
13 of Representatives, as follows: one member of the majority
14 party and one member of the minority party in the House of
15 Representatives, one representative from a local school board,
16 and one representative at large.

17 3. Four members selected by the President of the
18 Senate, as follows: one member of the majority party and one
19 member of the minority party in the Senate, one representative
20 from a local school board, and one representative at large.

21 4. The Commissioner of Education or the commissioner's
22 designee.

23 (b) Vacancies in the membership of the commission
24 shall be filled in the same manner as the original
25 appointments.

26 (c) All state agencies are directed to cooperate with
27 and assist the commission to the fullest extent possible. All
28 local governments are encouraged to assist and cooperate with
29 the commission as necessary.

30 (d) The Legislative Committee on Intergovernmental
31 Relations is authorized to employ technical support and to

1 incur expenses related to the official duties of the
2 commission, and to expend funds appropriated to the committee
3 for carrying out the official duties of the commission.

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

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

10 (b) The commission shall convene its initial meeting
11 within 60 days after the effective date of this section. At
12 its initial meeting, the commission shall select a chair and
13 shall adopt rules of procedure. Thereafter, the commission
14 shall convene at the call of the chair.

15 (c) The commission shall study the use of impact fees
16 to finance school construction, the alternative methods of
17 funding school construction, and the pros and cons of each
18 method of funding.

19 (d) The commission shall formulate tax policies which
20 take into account school construction revenue needs, the
21 availability of alternative funding mechanisms, and other
22 accepted tax policy goals, including fairness and ease of
23 administration.

24 (e) The commission shall issue a report to the
25 Governor, the Speaker of the House of Representatives, and the
26 President of the Senate no later than February 1, 2000,
27 summarizing its findings, stating its conclusions, and
28 proposing any recommended statutory changes related to the tax
29 laws of the state.

30 Section 4. There is appropriated to the Legislative
31 Committee on Intergovernmental Relations from the General

1 Revenue Fund the sum of \$150,000 to be used for the Florida
2 School Impact Fee Policy Commission.

3 Section 5. This act shall take effect upon becoming a
4 law.

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