

By Senator Wasserman Schultz

34-340B-03

1 A bill to be entitled
2 An act relating to a statewide impact fee;
3 creating s. 201.032, F.S.; imposing the fee on
4 deeds and other instruments relating to real
5 property and interests therein; providing for
6 each school district to receive a specified
7 minimum amount in proceeds from the fee;
8 providing for the proceeds to be remitted to
9 the state; providing that a county,
10 municipality, or school board may not levy
11 certain impact fees; providing that certain
12 impact-fee programs are repealed by this act;
13 providing for paying principal and interest on
14 certain bonds; specifying the effect of this
15 act on conflicting ordinances and laws;
16 providing an effective date.

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

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20 Section 1. Section 201.032, Florida Statutes, is
21 created to read:22 201.032 Statewide impact fee; use of proceeds;
23 collection and remission of proceeds; compensation of clerks;
24 local impact fees, repeal and prohibition; outstanding
25 bonds.--26 (1) There is imposed a statewide impact fee. The fee
27 shall be levied and collected as an additional surtax on those
28 documents taxed under s. 201.02, at a rate to be set annually
29 by the Legislature in the General Appropriations Act and
30 expressed as cents per \$100, or fractional part thereof, of
31 the consideration for the real estate or the interest therein.

1 (2) The proceeds of the fee imposed by subsection (1)
2 shall be appropriated by the Legislature. Each district must
3 receive at least the amount it received in fiscal year
4 2002-2003 from fees or other forms of exaction repealed by
5 subsection (4).

6 (3) Section 201.15 does not apply to this fee. The
7 clerk of the circuit court shall collect all proceeds of the
8 fee levied under this section and, after retaining for his or
9 her office the collection allowance authorized by s. 201.11,
10 shall remit the proceeds to the Department of Revenue in the
11 same manner as the proceeds from the tax on recorded documents
12 are remitted.

13 (4) Any impact fee or other form of exaction for the
14 construction or remodeling of public educational facilities
15 imposed as a condition to or in conjunction with the issuance
16 of any development permit as defined in s. 163.3164 which was
17 in effect before July 1, 2003, is repealed. A county,
18 municipality, or school district may not levy an impact fee
19 for the construction or remodeling of educational facilities.
20 If the proceeds from an impact-fee program that is in effect
21 on July 1, 2003, have been pledged to pay the principal and
22 interest on any bonds that have been issued for the
23 construction or remodeling of public educational facilities,
24 the proceeds of the fee imposed under this section must be
25 used to pay such principal and interest as long as the bonds
26 are outstanding, in accordance with existing contracts with
27 the bondholders. Any ordinance that conflicts with this
28 subsection is superseded, and any conflicting special or
29 general law is superseded to the extent of the conflict.

30 Section 2. This act shall take effect July 1, 2003.

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SENATE SUMMARY

Imposes a statewide impact fee on instruments relating to real property. Provides that each district must receive proceeds from the fee in an amount that is at least as much as the amount of the proceeds that the district received in fiscal year 2002-2003 from fees repealed by this act. Provides for the proceeds to be remitted to the state. Provides that counties, municipalities, and school boards may not levy certain impact fees. Repeals certain impact fees. Provides for paying off certain bonds from fee proceeds. Specifies that the act supersedes conflicting ordinances and laws.