



HB 1769

2003

1 A bill to be entitled

2 An act relating to a fee on residential acquisitions;  
3 providing a popular name; providing for applicability of  
4 fees in areas of critical state concern; providing for a  
5 referendum; providing a fee schedule; providing procedures  
6 for collection of fees; providing criteria for utilization  
7 of funds; providing a time limit on local government  
8 authorization to impose or collect certain fees; providing  
9 an effective date.

10  
11 WHEREAS, the Legislature finds that areas designated as  
12 areas of critical state concern under s. 380.05, Florida  
13 Statutes, experience certain limitations relating to affordable  
14 housing, wastewater and stormwater drainage, and economic  
15 viability and stability due to the vulnerability and fragility  
16 of those areas, and

17 WHEREAS, areas of critical state concern may lack available  
18 land on which to construct affordable housing and sufficient  
19 funds for wastewater and stormwater improvements, which may  
20 result in fewer employment opportunities to attract new  
21 residents and keep new generations living in those areas, and

22 WHEREAS, environmentally sensitive land must be set aside  
23 for the benefit of future generations and a lack of adequate  
24 funds greatly diminishes the ability of government to provide  
25 for acquisition of those lands, and

26 WHEREAS, for purposes of land acquisition for affordable  
27 housing, provision of adequate wastewater and stormwater  
28 facilities, economic stability and retention of an adequate  
29 workforce, and acquisition of environmentally sensitive lands,  
30 it is desirable to provide adequate funding through a stable,



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31 recurring, and time-limited fee approved by the citizens  
32 incurring such fee, NOW, THEREFORE,

33

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

35

36 Section 1. This act shall be known by the popular name the  
37 "Residential Acquisition Fund Act."

38 Section 2. Authority to adopt ordinance or resolution;  
39 amount of fee; referendum; disbursement.--

40 (1) Any local government that contains an area or part of  
41 an area designated as an area of critical state concern under s.  
42 380.05, Florida Statutes, may adopt a resolution or ordinance  
43 for imposition and collection of a residential acquisition fee.  
44 However, in an area of critical state concern where the entire  
45 county is included in the designation pursuant to s. 380.05,  
46 Florida Statutes, the authority under this act is exclusive to  
47 the county. The fee shall be assessed in accordance with the  
48 schedule set forth in section 3(2). The authorization provided  
49 in this section shall be construed to be general law  
50 authorization pursuant to s. 1, Art. VII of the State  
51 Constitution.

52 (2) Such ordinance or resolution must be approved by a  
53 majority of the qualified electors in the affected area of  
54 critical state concern. The ordinance or resolution for fee  
55 adoption must establish the date, time, and place of the  
56 referendum and provide appropriate ballot language, including,  
57 but not limited to, the fee schedule set forth in section 3(2).

58 (3) Any fees imposed and collected pursuant to this  
59 section shall be deposited into a residential acquisition fund,  
60 to be established by ordinance or resolution of the governing



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61 body of the local government imposing the fee. The fund shall be  
 62 maintained and administered by the clerk of the court. Six  
 63 months after the initial collection, and quarterly thereafter,  
 64 the clerk shall remit the proceeds accrued in the residential  
 65 acquisition fund, less reasonable administrative costs, to the  
 66 local government imposing the fee.

67 Section 3. Applicability of fee; fee schedule.--

68 (1) The residential acquisition fee shall be imposed at  
 69 closing or upon the sale of a single-family residential or  
 70 multifamily residential property on a sliding scale based on  
 71 purchase price of the property. Commercial and governmental  
 72 properties are not subject to the provisions of this act.

73 (2) The fee is based on the following schedule:

74 SCHEDULE OF FEES

<u>PURCHASE PRICE OF PROPERTY</u>	<u>PERCENTAGE OF FEE</u>
<u>Properties purchased at \$200,000 or less</u>	<u>0%</u>
<u>Properties purchased at \$200,000 to \$499,999</u>	<u>1.00%</u>
<u>Properties purchased at \$500,000 to \$999,999</u>	<u>1.50%</u>
<u>Properties purchased at \$1,000,000 to \$1,999,999</u>	<u>1.75%</u>
<u>Properties purchased at \$2,000,000 or more</u>	<u>2.00%</u>

81 Section 4. Collection of fee.--At the time of closing or  
 82 upon the sale of a single-family residential or a multifamily  
 83 residential property, the closing agent, the representative of  
 84 the closing agent, or the seller must collect and remit the fee  
 85 to the clerk. The closing agent, the representative of the  
 86 closing agent, or the seller must provide a space on the buyer  
 87 and seller disbursement statement or an addendum accompanying  
 88 the buyer and seller disbursement statement identifying the fee  
 89 and must disclose the amount of the fee to the prospective  
 90 buyer.



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91           Section 5. Utilization of funds.--Funds received by the  
 92 local government pursuant to this act shall be used as follows:

93           (1) Seventy percent of the funds received shall be used  
 94 for improvements to wastewater or stormwater facilities.

95           (2) Ten percent of the funds received shall be used for  
 96 acquisition of land for moderate and affordable housing.

97           (3) Ten percent of the funds received shall be used for  
 98 acquisition of environmentally sensitive lands as designated by  
 99 the local governing entity imposing the fee.

100           (4) Ten percent of the funds received shall be used for  
 101 other purposes necessary or resulting from the implementation of  
 102 this act.

103  
 104 Funds collected under this act may be used to complete projects  
 105 currently underway or projects undertaken pursuant to this act.

106           Section 6. A local government's authorization to impose or  
 107 collect the fee authorized under this act shall expire 10 years  
 108 after the termination of the designation of the area of critical  
 109 state concern pursuant to s. 380.05, Florida Statutes, in which  
 110 the local government is located.

111           Section 7. This act shall take effect upon becoming a law.