



HB 1799

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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:

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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 subsection (2) of section 3. The
 49 authorization provided in this section shall be construed to be
 50 general law authorization pursuant to s. 1, Art. VII of the
 51 State 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 subsection (2)
 58 of section 3.

59 (3) Any fees imposed and collected pursuant to this
 60 section shall be deposited into a residential acquisition fund



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

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

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

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

75 SCHEDULE OF FEES

<u>PURCHASE PRICE OF PROPERTY</u>	<u>PERCENTAGE OF FEE</u>
<u>Properties purchased at \$199,999 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>

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



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90 and must disclose the amount of the fee to the prospective
 91 buyer.

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

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

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

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

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

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

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

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