



CHAMBER ACTION

The Committee on Finance & Tax recommends the following:

**Committee Substitute**

Remove the entire bill and insert:

A bill to be entitled

An act relating to a fee on residential acquisitions; providing a popular name; providing authority for local governments to impose a fee by ordinance or resolution; prohibiting imposition of a fee in an area where a fee has been approved by another local government; providing for a referendum; providing a fee schedule; providing procedures for collection of fees; providing criteria for utilization of funds; providing that a county may adopt an ordinance for alternative use of balance; requiring the county and municipalities to divide funds pursuant to agreement; providing a time limit on local government authorization to impose or collect certain fees; providing an effective date.

WHEREAS, the Legislature finds that areas designated as areas of critical state concern under s. 380.05, Florida Statutes, experience certain limitations relating to affordable housing, wastewater and stormwater drainage, and economic



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29 | viability and stability due to the vulnerability and fragility  
30 | of those areas, and

31 |       WHEREAS, areas of critical state concern may lack available  
32 | land on which to construct affordable housing and sufficient  
33 | funds for wastewater and stormwater improvements, which may  
34 | result in fewer employment opportunities to attract new  
35 | residents and keep new generations living in those areas, and

36 |       WHEREAS, environmentally sensitive land must be set aside  
37 | for the benefit of future generations, and a lack of adequate  
38 | funds greatly diminishes the ability of government to provide  
39 | for acquisition of those lands, and

40 |       WHEREAS, for purposes of land acquisition for affordable  
41 | housing, provision of adequate wastewater and stormwater  
42 | facilities, economic stability and retention of an adequate  
43 | workforce, and acquisition of environmentally sensitive lands,  
44 | it is desirable to provide adequate funding through a stable,  
45 | recurring, and time-limited fee approved by the citizens  
46 | incurring such fee, NOW, THEREFORE,

47 |

48 | Be It Enacted by the Legislature of the State of Florida:

49 |

50 |       Section 1. This act shall be known by the popular name the  
51 | "Residential Acquisition Fund Act."

52 |       Section 2. Authority to adopt ordinance or resolution;  
53 | amount of fee; referendum; disbursement.--

54 |       (1) Any local government that contains an area or part of  
55 | an area designated as an area of critical state concern under s.  
56 | 380.05, Florida Statutes, may adopt a resolution or ordinance



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57 for imposition and collection of a residential acquisition fee  
58 in the area of critical state concern. A local government may  
59 not adopt an ordinance or resolution to collect a residential  
60 acquisition fee in any area where another local government has  
61 already passed an ordinance or resolution imposing the fee  
62 unless the fee has expired or has failed to be approved by the  
63 electorate. The fee shall be assessed in accordance with the  
64 schedule set forth in subsection (2) of section 3. The  
65 authorization provided in this section shall be construed to be  
66 general law authorization pursuant to s. 1, Art. VII of the  
67 State Constitution.

68 (2) Such ordinance or resolution must be approved by a  
69 majority of the qualified electors in the affected area of  
70 critical state concern. The ordinance or resolution for fee  
71 adoption must establish the date, time, and place of the  
72 referendum and provide appropriate ballot language, including,  
73 but not limited to, the fee schedule set forth in subsection (2)  
74 of section 3.

75 (3) Any fees imposed and collected pursuant to this  
76 section shall be deposited into a residential acquisition fund  
77 to be established by ordinance or resolution of the governing  
78 body of the local government imposing the fee. The fund shall be  
79 maintained and administered by the clerk of the court. Six  
80 months after the initial collection, and quarterly thereafter,  
81 the clerk shall remit the proceeds accrued in the residential  
82 acquisition fund, less reasonable administrative costs of the  
83 clerk amounting to no more than \$5 per transaction, to the local  
84 government imposing the fee.





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113 authorized in subsections (1)-(4); however, when a balance  
114 remains at the end of each fiscal year in any category as  
115 provided in subsections (1)-(4), the board of county  
116 commissioners may, by majority vote, reallocate up to 50 percent  
117 of the remaining balance to be used for any of the other  
118 purposes authorized by this section. Division of funds between  
119 the county and municipalities in areas of critical state concern  
120 shall be in accordance with any existing agreement between the  
121 county and municipalities addressing priorities for uses  
122 established in subsections (1)-(4).

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

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

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

130 (4) Ten percent of the funds received shall be used for  
131 other purposes necessary or resulting from the implementation of  
132 this act.

133  
134 Funds collected under this act may be used to complete projects  
135 currently underway or projects undertaken pursuant to this act.

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



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