

Bill No. CS for SB 2688

Amendment No. \_\_\_\_ Barcode 740180

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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2	WD/2R	.	
	05/01/2003 10:32 AM	.	
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11 Senator Geller moved the following amendment:

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13 **Senate Amendment (with title amendment)**

14 On page 17, between lines 11 & 12,

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16 insert:

17 Section 8. Authority to adopt ordinance or resolution;  
18 amount of fee; referendum; disbursement.--

19 (1) Any local government that contains an area or part  
20 of an area designated as an area of critical state concern  
21 under s. 380.05, Florida Statutes, may adopt a resolution or  
22 ordinance for imposition and collection of a residential  
23 acquisition fee in the area of critical state concern. A local  
24 government may not adopt an ordinance or resolution to collect  
25 a residential acquisition fee in any area where another local  
26 government has already passed an ordinance or resolution  
27 imposing the fee unless the fee has expired or has failed to  
28 be approved by the electorate. The fee shall be assessed in  
29 accordance with the schedule set forth in subsection (2) of  
30 section 9. The authorization provided in this section shall be  
31 construed to be general law authorization pursuant to s. 1,

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1 Art. VII of the State Constitution.

2 (2) Such ordinance or resolution must be approved by a  
3 majority of the qualified electors in the affected area of  
4 critical state concern. The ordinance or resolution for fee  
5 adoption must establish the date, time, and place of the  
6 referendum and provide appropriate ballot language, including,  
7 but not limited to, the fee schedule set forth in subsection  
8 (2) of section 9.

9 (3) Any fees imposed and collected pursuant to this  
10 act shall be deposited into a residential acquisition fund to  
11 be established by ordinance or resolution of the governing  
12 body of the local government imposing the fee. The fund shall  
13 be maintained and administered by the clerk of the court. Six  
14 months after the initial collection, and quarterly thereafter,  
15 the clerk shall remit the proceeds accrued in the residential  
16 acquisition fund, less reasonable administrative costs of the  
17 clerk amounting to no more than \$5 per transaction, to the  
18 local government imposing the fee.

19 Section 9. Applicability of fee; fee schedule.--

20 (1) The residential acquisition fee shall be imposed  
21 at closing or upon the sale of a single-family residential or  
22 multifamily residential property on a sliding scale based on  
23 purchase price of the property. Commercial, governmental, and  
24 unimproved properties are not subject to the provisions of  
25 this act. Refinancing of residential loans is not subject to  
26 the provisions of this act.

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

28 SCHEDULE OF FEES  
29 PURCHASE PRICE OF PROPERTY PERCENTAGE OF FEE  
30 Properties purchased at \$249,999 or  
31 less.....0%

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1 Properties purchased at \$250,000 to  
2 \$499,999.....1.00%

3 Properties purchased at \$500,000 to  
4 \$999,999.....1.50%

5 Properties purchased at \$1,000,000 to  
6 \$1,999,999...1.75%

7 Properties purchased at \$2,000,000 or  
8 more.....2.00%

9  
10 Section 10. Collection of fee.--At the time of closing  
11 or upon the sale of a single-family residential or a  
12 multifamily residential property, the closing agent, the  
13 representative of the closing agent, or the seller must  
14 collect and remit the fee to the clerk. The closing agent, the  
15 representative of the closing agent, or the seller must  
16 provide a space on the buyer and seller disbursement statement  
17 or an addendum accompanying the buyer and seller disbursement  
18 statement identifying the fee and must disclose the amount of  
19 the fee to the prospective buyer.

20 Section 11. Utilization of funds.--Funds received by  
21 the local government pursuant to this act shall be used for  
22 the creation of or improvements to wastewater or stormwater  
23 facilities. Division of funds between the county and  
24 municipalities in areas of critical state concern shall be in  
25 accordance with any existing agreement between the county and  
26 municipalities addressing priorities for uses established in  
27 this act. Funds collected under this act may be used to  
28 complete projects currently underway or projects undertaken  
29 pursuant to this act.

30 Section 12. A local government's authorization to  
31 impose or collect the fee authorized under this act shall

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1 expire 10 years after the termination of the designation of  
2 the area of critical state concern pursuant to s. 380.05,  
3 Florida Statutes, in which the local government is located.

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5 (Redesignate subsequent sections.)  
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8 ===== T I T L E A M E N D M E N T =====

9 And the title is amended as follows:

10 On page 1, line 20, after the semicolon

11  
12 insert:

13 providing authority for local governments to  
14 impose a residential acquisition fee by  
15 ordinance or resolution; prohibiting imposition  
16 of such fee in an area where a fee has been  
17 approved by another local government; providing  
18 for a referendum; providing a fee schedule;  
19 providing procedures for collection of fees;  
20 providing for utilization of funds; requiring  
21 the county and municipalities to divide funds  
22 pursuant to agreement; providing a time limit  
23 on local government authorization to impose or  
24 collect certain fees;

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