

Bill No. CS for SB 2688, 1st Enq.

Amendment No. ____ Barcode 742082

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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2	05/02/2003 10:44 AM	.	
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11	Senator Jones moved the following amendment:		
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13	Senate Amendment (with title amendment)		
14	On page 19, between lines 2 & 3,		
15			
16	insert:		
17	Section 11. <u>Authority to adopt ordinance or</u>		
18	<u>resolution; amount of fee; referendum; disbursement.--</u>		
19	<u>(1) Any local government that contains an area or part</u>		
20	<u>of an area designated as an area of critical state concern</u>		
21	<u>under s. 380.05, Florida Statutes, may adopt a resolution or</u>		
22	<u>ordinance for imposition and collection of a residential</u>		
23	<u>acquisition fee in the area of critical state concern. A local</u>		
24	<u>government may not adopt an ordinance or resolution to collect</u>		
25	<u>a residential acquisition fee in any area where another local</u>		
26	<u>government has already passed an ordinance or resolution</u>		
27	<u>imposing the fee unless the fee has expired or has failed to</u>		
28	<u>be approved by the electorate. The fee shall be assessed in</u>		
29	<u>accordance with the schedule set forth in subsection (2) of</u>		
30	<u>section 9. The authorization provided in this section shall be</u>		
31	<u>construed to be general law authorization pursuant to s. 1,</u>		

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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 12. 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

<u>PURCHASE PRICE OF PROPERTY</u>	<u>PERCENTAGE OF FEE</u>
Properties purchased at \$249,999 or	
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%

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10 Section 13. 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 14. 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 15. 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 27, 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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