By the Committee on Community Affairs; and Senator Bennett

578-1825-05

1	A bill to be entitled
2	An act relating to local government land
3	development requirements; creating s. 163.3219,
4	F.S.; providing legislative findings,
5	declarations, and intent relating to local
6	government impact fees; requiring impact fees
7	to be based upon certain available data;
8	requiring a credit against impact fees for
9	certain taxes, fees, assessments, liens,
10	charges, or payments; providing criteria;
11	specifying a time period before collecting an
12	impact fee or fee increase; prohibiting
13	application of an impact fee to certain
14	building permits; requiring local governments
15	to report certain impact fee information to the
16	Auditor General; limiting imposition of
17	administrative fees; requiring refund of an
18	impact fee under certain circumstances;
19	providing for the distribution of impact fees
20	collected within an incorporated area;
21	providing criteria for payment of impact fees;
22	authorizing a local government to establish a
23	schedule of payments; providing an exception;
24	providing an effective date.
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26	Be It Enacted by the Legislature of the State of Florida:
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28	Section 1. Section 163.3219, Florida Statutes, is
29	created to read:
30	163.3219 Local government impact fees; credits;
31	reports; application; payment

1	(1) The Legislature finds and declares that there is a
2	lack of consistent criteria for the determination of the
3	appropriateness, amount, and collection of impact fees.
4	Consequently, there is a wide disparity developing in the
5	application and relative burden of impact fees in different
6	areas of the state. In some areas of the state, impact fees
7	are driving up the cost of housing to an unreasonable degree,
8	and there is insufficient oversight of local governments who
9	collect and use impact fees. Therefore, it is the intent of
10	the Legislature to ensure greater consistency in the
11	determination of the appropriateness, amount, and collection
12	of impact fees; ensure flexibility in the timing of payment of
13	impact fees; provide appropriate notice to fee payers of new
14	fees or fee increases; and ensure the accountability of local
15	governments for the collection and expenditure of all impact
16	fees.
17	(2) Any impact fee that is adopted or amended shall be
18	based upon the most recent accurate and relevant data
19	available.
20	(3)(a) Any local government that imposes an impact fee
21	must include in the calculation of the amount of the fee to be
22	paid a credit for the full present value of all taxes, fees,
23	assessments, liens, charges, or other payments of any kind
24	that have been or will be directly paid by the fee payer or
25	property owner to the local government or other service
26	provider and that will be used to construct capital facilities
27	of the same type for which the impact fee is imposed. The
28	calculation of the credit shall estimate such payments for a
29	period of not less than 30 years; shall include adjustments in
30	the estimated annual payments to account for inflation,
31	increased taxable values, and increased payments; shall use a

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1	discount rate no greater than the current costs of borrowing
2	to finance such capital improvements; and shall be based
3	solely upon the estimated payments from new development and
4	the property upon which the new development is located.
5	(b) A local government that imposes an impact fee
6	shall also provide a credit for all taxes or other payments of
7	any kind indirectly paid by the fee payer or property owner
8	through state, federal, or other revenues anticipated to be
9	expended to construct capital facilities of the same type for
10	which the impact fee is imposed.
11	(4)(a) An impact fee or impact fee increase may be
12	collected only after 6 months following the date of final
13	adoption of the ordinance imposing the impact fee or impact
14	fee increase.
15	(b) An impact fee or impact fee increase may not apply
16	to building permits for which a complete application has been
17	filed with the local government prior to the effective date of
18	the ordinance adopting the impact fee or impact fee increase.
19	(5)(a) Each local government that collects impact fees
20	shall report to the Auditor General annually on all
21	collections, expenditures, refunds, and administrative
22	expenses relating to such fees.
23	(b) A local government may not impose an
24	administrative fee for collecting, accounting for, and
25	disbursing impact fees which exceeds the actual direct costs
26	associated with collecting, accounting for, and disbursing the
27	impact fees. In no event shall the administrative fee exceed 3
28	percent of the total fees collected.
29	(c) Any local government that has not expended an
30	impact fee for the purpose for which the fee was collected

1	within 6 years after receiving the fee shall refund the fee,
2	with interest, to the person who paid the fee.
3	(d) If impact fees are collected as a result of new
4	development within an incorporated area, the impact fees shall
5	be expended pursuant to an interlocal agreement between the
6	county and the municipality in which the fees are collected.
7	If there is no interlocal agreement for expending the impact
8	fees, the fees shall be expended for infrastructure
9	improvements within the municipality in which the impact fees
10	are collected and for infrastructure improvements outside the
11	municipality which directly benefit the new development.
12	(6) Any local government that collects impact fees
13	shall permit the fees to be paid in whole or in part at the
14	time of the first closing to transfer real estate or title
15	following issuance of a certificate of occupancy for the
16	property subject to the fee and shall allow any remainder to
17	be assessed as part of the local government's tax bill and
18	paid over a 10-year to 20-year period. If the fee is not fully
19	paid at the time of closing, the local government may
20	establish a schedule of payments including any costs of
21	deferring payment of the fee.
22	(7) For purposes of the section, an impact fee does
23	not include any charge or fee imposed for a municipally owned
24	utility, including, but not limited to, electric, gas, water,
25	or wastewater facilities.
26	Section 2. This act shall take effect July 1, 2005.
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1	STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN COMMITTEE SUBSTITUTE FOR
2 Senate Bill 2302	
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impact fees collected within a municipality pursuant to interlocal agreement between the county and municipality the absence of such an interlocal agreement, the impact must be spent for infrastructure improvements within the municipality or, if the infrastructure improvements dire	The committee substitute (CS) provides for the expenditure of
	interlocal agreement between the county and municipality. In
	must be spent for infrastructure improvements within the
	benefit the new development, in the unincorporated area.
8	This CS amends the phrase "first real estate closing" to read
the "first closing to transfer real estate or title." T glass exempts any charge or fee imposed for a municipall utility, including, but not limited to, electric, gas, or wastewater facilities.	also exempts any charge or fee imposed for a municipally owned
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