

Bill No. CS for CS for CS for CS for SB 442, 1st Eng.

Barcode 322276

CHAMBER ACTION

Senate

House

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

WD/3R
05/03/2005 04:20 PM

.
. .
. .
. .
. .
. .

Senator Bennett moved the following amendment:

Senate Amendment (with title amendment)

On page 86, between lines 7 and 8,

and:

Section 50. Florida Impact Fee Review Task Force.--

(1) The Legislature recognizes that impact fees have been an important source of revenues to local governments to fund new growth. Local governments have assumed this responsibility under their constitutional home rule authority. With the increased use of impact fees, questions have arisen about whether their use should be regulated by law.

(2) Effective upon this act becoming law, the Florida Impact Fee Review Task Force is created.

(3)(a) The task force is to be composed of the following 15 members, who shall be appointed within 30 days after the effective date of this section.

1. Eleven members selected by the Governor, none of whom may be a member of the Legislature at the time of the appointment, as follows: two members of a county commission,

Bill No. CS for CS for CS for CS for SB 442, 1st Eng.

Barcode 322276

1 two members of a city commission or council, two members of a
2 local school board, two members of the development community,
3 and two members of the homebuilding community. The Governor
4 shall designate one additional appointee as chairman.

5 2. One Senator appointed by the President of the
6 Senate, and one member of the House of Representatives
7 appointed by the Speaker of the House of Representatives, who
8 shall be ex officio, nonvoting members.

9 3. One citizen appointed by the President of the
10 Senate, and one citizen appointed by the Speaker of the House
11 of Representatives. The citizen appointees shall have no
12 current or past direct relationship to local government,
13 school boards, or the development or homebuilding industries.

14 4. The Secretary of the Department of Community
15 Affairs or his designee is to serve as an ex officio,
16 nonvoting member.

17 (4)(a) The task force shall act as an advisory body to
18 the Governor and the Legislature.

19 (b) The task force shall convene its initial meeting
20 within 60 days after the effective date of this section and
21 thereafter at the call of its chair.

22 (c) Task Force members shall not receive remuneration
23 for their services, but are entitled to reimbursement by
24 Department of Community Affairs for travel and per diem
25 expenses in accordance with s. 112.061, Florida Statutes.

26 (5) The Task Force shall survey and review current use
27 of impact fees as a method of financing local infrastructure
28 to accommodate new growth and current case law controlling the
29 use of impact fees. To the extent feasible, the review is to
30 include consideration of the following:

31 (a) Local government criteria and methodology used for

Bill No. CS for CS for CS for CS for SB 442, 1st Eng.

Barcode 322276

1 the determination of the amount of impact fees.

2 (b) Application and relative burden of impact fees in
3 different areas of the state in relation to other methods of
4 financing new infrastructure.

5 (c) The range of use of impact fees as a percentage of
6 the total capital costs for infrastructure needs created by
7 new development.

8 (d) The methods used by local governments for the
9 accounting and reporting of the collection and expenditure of
10 all impact fees.

11 (e) Notice provisions prior to adoption and the
12 effective date of local ordinances creating a new impact fee
13 or increasing an existing impact fee.

14 (f) Interlocal agreements between counties and cities
15 to allocate impact fee proceeds between them.

16 (g) Requirements and options related to timing of
17 impact fees payments.

18 (h) The importance of impact fees to the ability of
19 local government to fund infrastructure needed to mitigate the
20 impacts of development and meet statutory requirements for
21 concurrency.

22 (i) Methods used by local governments to ameliorate
23 the effect of impact fee costs on affordable housing.

24 (6) The task force shall report to the Governor, the
25 President of the Senate, and the Speaker of the House of
26 Representatives by February 1, 2006. The report shall include
27 the task force's recommendations regarding:

28 (a) Whether there is a need for statutory direction on
29 the methodology and data used to calculate impact fees.

30 (b) Whether there should be statutory direction on
31 payment, exemption, or waiver of impact fees for affordable

Bill No. CS for CS for CS for CS for SB 442, 1st Eng.

Barcode 322276

1 housing.

2 (c) Whether there should be statutory direction on the
3 accounting and reporting of the collection and expenditure of
4 all impact fees.

5 (d) Whether there is a need for statutory direction on
6 the notice given in advance of the effective date of a new or
7 amended impact fee ordinance.

8 (e) Whether there is a need for statutory direction on
9 the sharing of impact fees between counties and cities.

10 (f) Whether there is a need for statutory direction on
11 the timing of payment of impact fees.

12 (g) Any other recommendation the Task Force deems
13 appropriate.

14
15 If the task force makes a recommendation for statutory
16 direction, the report shall also contain the task force's
17 recommendation for statutory changes.

18 (7) The Department of Community Affairs shall serve as
19 staff to the task force and is authorized to employ technical
20 support and expend funds appropriated to the committee for
21 carrying out the official duties of the task force. All state
22 agencies are directed to cooperate with and assist the task
23 force to the fullest extent possible. All local governments
24 are encouraged to assist and cooperate with the commission as
25 necessary.

26
27 (Redesignate subsequent sections.)

28
29
30 ===== T I T L E A M E N D M E N T =====

31 And the title is amended as follows:

Bill No. CS for CS for CS for CS for SB 442, 1st Eng.

Barcode 322276

1 On page 8, line 26, after the semicolon,
2
3 insert: creating the Florida Impact Fee Review Task Force;
4 providing legislative findings; providing for membership;
5 providing for meetings; providing duties and responsibilities
6 of the task force; prohibiting compensation of the task force;
7 providing for per diem and travel expenses; requiring a report
8 to the Governor and Legislature; specifying report contents;
9 requiring the Department of Community Affairs to serve as
10 staff;

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31