

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

Barcode 703514

CHAMBER ACTION

Senate

House

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05/04/2005 04:57 PM

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Senator Bennett moved the following amendment:

Senate Amendment (with title amendment)

On page 86, between lines 7 and 8,

insert:

Section 50. In any challenge filed regarding the validity of an impact fee, the local government imposing the fee has the burden of proving, by a preponderance of the evidence, that the fee is directly proportional to the need created by the development for which the fee is assessed, that the fee is based upon the actual cost of any capital improvements for which the fee will be expended less all credits to which the fee payer is entitled, and that the capital expenditures paid for by the impact fee provide a direct benefit to the property upon which the fee is imposed.

(Redesignate subsequent sections.)

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1 ===== T I T L E A M E N D M E N T =====

2 And the title is amended as follows:

3 On page 8, line 26, after the semicolon,

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5 insert:

6 specifying the evidentiary standard a local
7 government must meet when defending a challenge
8 to an ordinance establishing an impact fee;

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