

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

1 Representative(s) Cretul offered the following:

2
3 **Amendment (with title amendment)**

4 Between lines 35 and 36, insert:

5 Section 1. Section 163.31801, Florida Statutes, is created
6 to read:

7 163.31801 Impact fees; short title; intent; minimum
8 requirements; audits; credits.--

9 (1) SHORT TITLE.--This section may be cited as the
10 "Florida Impact Fee Act."

11 (2) FINDINGS AND INTENT.--The Legislature finds that
12 impact fees are an important source of revenue for local
13 governments to fund the infrastructure necessitated by new
14 growth. The Legislature further finds that impact fees are an
15 outgrowth of local governments' home rule powers to provide
16 certain services within their jurisdictions. Due to the growth
17 of impact fee collections and local governments' reliance on

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18 impact fees to fund infrastructure necessitated by new growth,
19 it is the intent of the Legislature to ensure that when a county
20 or municipality enacts an impact fee by ordinance, or a special
21 district enacts an impact fee by resolution, the governing
22 authority complies with this section.

23 (3) MINIMUM REQUIREMENTS.--An impact fee ordinance or
24 resolution must:

25 (a) Premise its impact fee calculations upon the most
26 recent and localized data.

27 (b) Significantly address affordable housing by either
28 waiving, exempting, deferring, or paying impact fees for
29 affordable housing units out of another revenue source.

30 (c) Provide for accounting and reporting of impact fee
31 collections and expenditures. Specifically, each local
32 governmental entity that imposes an impact fee to address
33 infrastructure needs shall account for the revenues and
34 expenditures of each impact fee within a separate accounting
35 fund.

36 (d) Limit administrative charges for impact fee
37 collections to actual cost.

38 (e) Provide notice of not less than 90 days before the
39 effective date of a new impact fee ordinance or resolution or an
40 amendment to an existing impact fee ordinance or resolution.

41 (4) REVENUE CREDITS.--Each county, municipality, or
42 special district imposing an impact fee shall also establish the
43 formula by which credit for all taxes, payments, or other
44 revenues collected for the same facility for which the impact
45 fee is imposed that are reasonably anticipated to be expended to

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46 | address the need for expanded infrastructure arising as a result
47 | of the new growth upon which the impact fee is imposed.

48 | (5) SALES PRICE.--Notwithstanding any other provision of
49 | state law or any local ordinance, the term "sales price" in s.
50 | 212.02 does not include payment of permit fees or impact fees.

51 |

52 | ===== T I T L E A M E N D M E N T =====

53 | Remove line 6 and insert:

54 | An act relating to development standards; creating s.
55 | 163.31801, F.S.; creating the "Florida Impact Fee Act";
56 | providing legislative intent; requiring that an impact fee
57 | meet specified requirements; requiring local governments
58 | imposing impact fees to provide certain revenue credits;
59 | excluding permit fees or impact fees from the definition
60 | of the term "sales price"; authorizing