

Bill No. CS for SB 1194

Barcode 384344

	CHAMBER ACTION	
<u>Senate</u>		<u>House</u>

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05/01/2006 11:40 AM

11 Senator Constantine moved the following amendment:

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13 **Senate Amendment (with title amendment)**

14 On page 26, line 22, through

15 page 28, line 11, delete those lines

16

17 and insert:

18 Section 9. Section 163.31801, Florida Statutes, is

19 created to read:

20 163.31801 Impact fees; short title; intent;

21 definitions; ordinances levying impact fees.--

22 (1) This section may be cited as the "Florida Impact

23 Fee Act."

24 (2) The Legislature finds that impact fees are an

25 important source of revenue for a local government to use in

26 funding the infrastructure necessitated by new growth. The

27 Legislature further finds that impact fees are an outgrowth of

28 the home rule power of a local government to provide certain

29 services within its jurisdiction. Due to the growth of impact

30 fee collections and local governments' reliance on impact

31 fees, it is the intent of the Legislature to ensure that, when

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1 a county or municipality adopts an impact fee by ordinance or
2 a special district adopts an impact fee by resolution, the
3 governing authority complies with this section.

4 (3) An impact fee adopted by ordinance of a county or
5 municipality or by resolution of a special district must, at
6 minimum:

7 (a) Require that the calculation of the impact fee be
8 based on the most recent and localized data.

9 (b) Significantly address affordable housing by
10 waiving, exempting, or deferring impact fees; paying impact
11 fees for affordable housing units out of another revenue
12 source; or establishing a significant affordable housing
13 program.

14 (c) Provide for accounting and reporting of impact fee
15 collections and expenditures. If a local governmental entity
16 imposes an impact fee to address its infrastructure needs, the
17 entity shall account for the revenues and expenditures of such
18 impact fee in a separate accounting fund.

19 (d) Limit administrative charges for the collection of
20 impact fees to actual costs.

21 (e) Require that notice be provided no less than 90
22 days before the effective date of an ordinance or resolution
23 imposing a new or amended impact fee.

24 (4) Audits of financial statements of local
25 governmental entities and district school boards which are
26 performed by a certified public accountant pursuant to s.
27 218.39 and submitted to the Auditor General must include an
28 affidavit signed by the chief financial officer of the local
29 governmental entity or district school board stating that the
30 local governmental entity or district school board has
31 complied with this section.

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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 3, lines 8-20, delete those lines

4

5 and insert:

6 creating s. 163.31801, F.S.; creating the
7 "Florida Impact Fee Act"; providing legislative
8 intent; requiring that an impact fee meet
9 certain specified requirements concerning
10 calculation of the fee, affordable housing,
11 accounting for revenues and expenditures,
12 provision of notice, and collection of
13 administrative costs; requiring inclusion of an
14 affidavit certifying compliance with the act in
15 certain audits of financial statements of a
16 local government entity or a school board
17 provided to the Auditor General; providing an

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