

Bill No. SB 1196

Barcode 821648

CHAMBER ACTION

Senate

House

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The Committee on Community Affairs (Clary) recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

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

163.31801 Impact fees; short title; intent; definitions; ordinances levying impact fees.--

(1) This section may be cited as the "Florida Impact Fee Act."

(2) The Legislature finds that impact fees are an important source of revenue for a local government to use in funding the infrastructure necessitated by new growth. The Legislature further finds that impact fees are an outgrowth of the home rule power of a local government to provide certain services within its jurisdiction. Due to the growth of impact fee collections and local governments' reliance on impact 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 Section 2. Effective July 1, 2007, subsections (9),
25 (10), (15), (17), and (18) of section 201.15, Florida
26 Statutes, as amended by section 1 of chapter 2005-92, Laws of
27 Florida, are amended to read:

28 201.15 Distribution of taxes collected.--All taxes
29 collected under this chapter shall be distributed as follows
30 and shall be subject to the service charge imposed in s.
31 215.20(1), except that such service charge shall not be levied

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1 against any portion of taxes pledged to debt service on bonds
2 to the extent that the amount of the service charge is
3 required to pay any amounts relating to the bonds:

4 (9) ~~The lesser of~~ Seven and fifty-three hundredths
5 percent of the remaining taxes collected under this chapter ~~or~~
6 ~~\$107 million in each fiscal year~~ shall be paid into the State
7 Treasury to the credit of the State Housing Trust Fund and
8 shall be used as follows:

9 (a) Half of that amount shall be used for the purposes
10 for which the State Housing Trust Fund was created and exists
11 by law.

12 (b) Half of that amount shall be paid into the State
13 Treasury to the credit of the Local Government Housing Trust
14 Fund and shall be used for the purposes for which the Local
15 Government Housing Trust Fund was created and exists by law.

16 (10) ~~The lesser of~~ Eight and sixty-six hundredths
17 percent of the remaining taxes collected under this chapter ~~or~~
18 ~~\$136 million in each fiscal year~~ shall be paid into the State
19 Treasury to the credit of the State Housing Trust Fund and
20 shall be used as follows:

21 (a) Twelve and one-half percent of that amount shall
22 be deposited into the State Housing Trust Fund and be expended
23 by the Department of Community Affairs and by the Florida
24 Housing Finance Corporation for the purposes for which the
25 State Housing Trust Fund was created and exists by law.

26 (b) Eighty-seven and one-half percent of that amount
27 shall be distributed to the Local Government Housing Trust
28 Fund and shall be used for the purposes for which the Local
29 Government Housing Trust Fund was created and exists by law.
30 Funds from this category may also be used to provide for state
31 and local services to assist the homeless.

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1 (15) Beginning July 1, 2008, in each fiscal year that
 2 the remaining taxes collected under this chapter exceed such
 3 collections in the prior fiscal year, the stated maximum
 4 dollar amounts provided in subsections (2), (4), (6), and (7)
 5 ~~(9), and (10)~~ shall each be increased by an amount equal to 10
 6 percent of the increase in the remaining taxes collected under
 7 this chapter multiplied by the applicable percentage provided
 8 in those subsections.

9 ~~(17) Distributions to the State Housing Trust Fund~~
 10 ~~pursuant to subsections (9) and (10) shall be sufficient to~~
 11 ~~cover amounts required to be transferred to the Florida~~
 12 ~~Affordable Housing Guarantee Program's annual debt service~~
 13 ~~reserve and guarantee fund pursuant to s. 420.5092(6)(a) and~~
 14 ~~(b) up to but not exceeding the amount required to be~~
 15 ~~transferred to such reserve and fund based on the percentage~~
 16 ~~distribution of documentary stamp tax revenues to the State~~
 17 ~~Housing Trust Fund which is in effect in the 2004-2005 fiscal~~
 18 ~~year.~~

19 ~~(17)~~~~(18)~~ The remaining taxes collected under this
 20 chapter, after the distributions provided in the preceding
 21 subsections, shall be paid into the State Treasury to the
 22 credit of the General Revenue Fund.

23 Section 3. Except as otherwise expressly provided in
 24 this act, this act shall take effect July 1, 2006.

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

28 And the title is amended as follows:

29 Delete everything before the enacting clause

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31 and insert:

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A bill to be entitled
An act relating to impact fees; creating s.
163.31801, F.S.; creating the "Florida Impact
Fee Act"; providing legislative intent;
requiring that an impact fee meet certain
specified requirements; concerning calculation
of the fee, affordable housing, accounting for
revenues and expenditures, provision of notice,
and collection of administrative costs;
amending s. 201.15, F.S.; revising criteria
governing distribution of the excise tax on
documents to the State Housing Trust Fund and
the Local Government Housing Trust Fund;
providing effective dates.