## Florida Senate - 2006

## CS for SB 1196

By the Committee on Community Affairs; and Senator Constantine

578-2203-06

1	A bill to be entitled
2	An act relating to impact fees; creating s.
3	163.31801, F.S.; creating the "Florida Impact
4	Fee Act"; providing legislative intent;
5	requiring that an impact fee meet certain
б	specified requirements concerning calculation
7	of the fee, affordable housing, accounting for
8	revenues and expenditures, provision of notice,
9	collection of administrative costs, and the
10	application of credits; amending s. 201.15,
11	F.S.; revising criteria governing distribution
12	of the excise tax on documents to the State
13	Housing Trust Fund and the Local Government
14	Housing Trust Fund; providing effective dates.
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16	Be It Enacted by the Legislature of the State of Florida:
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18	Section 1. 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

1	<u>a county or municipality adopts an impact fee by ordinance or</u>
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	<u>(c) Provide for accounting and reporting of impact fee</u>
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	(f) Address whether credits should be granted for
25	future local tax payments for capital improvements, outside
26	funding sources, and in-kind contributions by the developer.
27	Section 2. Effective July 1, 2007, subsections (9),
28	(10), (15), (17), and (18) of section 201.15, Florida
29	Statutes, as amended by section 1 of chapter 2005-92, Laws of
30	Florida, are amended to read:
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1	201.15 Distribution of taxes collectedAll taxes
2	collected under this chapter shall be distributed as follows
3	and shall be subject to the service charge imposed in s.
4	215.20(1), except that such service charge shall not be levied
5	against any portion of taxes pledged to debt service on bonds
6	to the extent that the amount of the service charge is
7	required to pay any amounts relating to the bonds:
8	(9) <del>The lesser of</del> Seven and fifty-three hundredths
9	percent of the remaining taxes collected under this chapter <del>or</del>
10	\$107 million in each fiscal year shall be paid into the State
11	Treasury to the credit of the State Housing Trust Fund and
12	shall be used as follows:
13	(a) Half of that amount shall be used for the purposes
14	for which the State Housing Trust Fund was created and exists
15	by law.
16	(b) Half of that amount shall be paid into the State
17	Treasury to the credit of the Local Government Housing Trust
18	Fund and shall be used for the purposes for which the Local
19	Government Housing Trust Fund was created and exists by law.
20	(10) <del>The lesser of</del> Eight and sixty-six hundredths
21	percent of the remaining taxes collected under this chapter <del>or</del>
22	<del>\$136 million in each fiscal year</del> shall be paid into the State
23	Treasury to the credit of the State Housing Trust Fund and
24	shall be used as follows:
25	(a) Twelve and one-half percent of that amount shall
26	be deposited into the State Housing Trust Fund and be expended
27	by the Department of Community Affairs and by the Florida
28	Housing Finance Corporation for the purposes for which the
29	State Housing Trust Fund was created and exists by law.
30	(b) Eighty-seven and one-half percent of that amount
31	shall be distributed to the Local Government Housing Trust
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1 Fund and shall be used for the purposes for which the Local Government Housing Trust Fund was created and exists by law. 2 Funds from this category may also be used to provide for state 3 and local services to assist the homeless. 4 5 (15) Beginning July 1, 2008, in each fiscal year that 6 the remaining taxes collected under this chapter exceed such 7 collections in the prior fiscal year, the stated maximum 8 dollar amounts provided in subsections (2), (4), (6), and  $(7)_{\tau}$ (9), and (10) shall each be increased by an amount equal to 10 9 percent of the increase in the remaining taxes collected under 10 this chapter multiplied by the applicable percentage provided 11 12 in those subsections. 13 (17) Distributions to the State Housing Trust Fund pursuant to subsections (9) and (10) shall be sufficient to 14 15 cover amounts required to be transferred to the Florida 16 Affordable Housing Guarantee Program's annual debt service 17 reserve and guarantee fund pursuant to s. 420.5092(6)(a) and 18 up to but not exceeding the amount required to be transferred to such reserve and fund based on the percentage 19 distribution of documentary stamp tax revenues to the State 20 21 Housing Trust Fund which is in effect in the 2004 2005 fiscal 22 <del>year.</del> 23 (17) (18) The remaining taxes collected under this chapter, after the distributions provided in the preceding 2.4 subsections, shall be paid into the State Treasury to the 25 26 credit of the General Revenue Fund. Section 3. Except as otherwise expressly provided in 27 2.8 this act, this act shall take effect July 1, 2006. 29 30 31 4

**Florida Senate - 2006** 578-2203-06

1	STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN COMMITTEE SUBSTITUTE FOR
2 3	<u>Senate Bill 1196</u>
4	The CS provides that local ordinances implementing impact fees
must, at a minimum: require that the calculation of the 5 fee be based on the most recent and localized data;	must, at a minimum: require that the calculation of the impact
6	<pre>significantly address affordable housing through waiver, exemption, or payment of impact fees, or the establishment an affordable housing program; provide for accounting and reporting of impact fee collection and expenditures; limit</pre>
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8	administrative charges for the collection of impact fees to actual cost; require that notice be provided at least 90 days
9	before the effective date of a new or amended impact fee; and address whether credits should be granted for future tax
10	payments and other funding sources.
11	This CS also removes the \$243 million cap on distribution of documentary tax revenues to housing trust funds, set to take effect July 1, 2007.
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