

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 (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 collected.--All 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) ~~The lesser of~~ Seven and fifty-three hundredths
9 percent of the remaining taxes collected under this chapter ~~or~~
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) ~~The lesser of~~ Eight and sixty-six hundredths
21 percent of the remaining taxes collected under this chapter ~~or~~
22 ~~\$136 million in each fiscal year~~ 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

1 Fund and shall be used for the purposes for which the Local
2 Government Housing Trust Fund was created and exists by law.
3 Funds from this category may also be used to provide for state
4 and local services to assist the homeless.

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)
9 ~~(9), and (10)~~ shall each be increased by an amount equal to 10
10 percent of the increase in the remaining taxes collected under
11 this chapter multiplied by the applicable percentage provided
12 in those subsections.

13 ~~(17) Distributions to the State Housing Trust Fund~~
14 ~~pursuant to subsections (9) and (10) shall be sufficient to~~
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 ~~(b) up to but not exceeding the amount required to be~~
19 ~~transferred to such reserve and fund based on the percentage~~
20 ~~distribution of documentary stamp tax revenues to the State~~
21 ~~Housing Trust Fund which is in effect in the 2004-2005 fiscal~~
22 ~~year.~~

23 ~~(17)(18)~~ The remaining taxes collected under this
24 chapter, after the distributions provided in the preceding
25 subsections, shall be paid into the State Treasury to the
26 credit of the General Revenue Fund.

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

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 1196

The CS provides that local ordinances implementing impact fees must, at a minimum: require that the calculation of the impact fee be based on the most recent and localized data; significantly address affordable housing through waiver, exemption, or payment of impact fees, or the establishment of an affordable housing program; provide for accounting and reporting of impact fee collection and expenditures; limit administrative charges for the collection of impact fees to actual cost; require that notice be provided at least 90 days before the effective date of a new or amended impact fee; and address whether credits should be granted for future tax payments and other funding sources.

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.