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CHAMBER ACTION

Senate

House

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Floor: WD/2R  
5/2/2008 11:13 AM

Senators Haridopolos, Deutch, and Gaetz moved the following  
**amendment to amendment (223482):**

**Senate Amendment (with directory and title amendments)**

Between line(s) 16 and 17,  
insert:

(5) In any action challenging an impact fee, the challenger has the burden of proving by a preponderance of the evidence that the imposition or amount of the fee does not meet the requirements of this section or legal precedent. The court may not use a deferential standard that favors either party in such action.

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D I R E C T O R Y C L A U S E A M E N D M E N T  
=====

And the directory clause is amended as follows:

Delete line(s) 7

and insert:



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18 | 163.31801, Florida Statutes, is amended, and subsection (5) is  
19 | added to that section, to read:

20 |  
21 | ===== T I T L E A M E N D M E N T =====

22 | And the title is amended as follows:

23 |       On line(s) 1736, after the semicolon,  
24 | insert:

25 |       providing that the challenger of an impact fee has the  
26 |       burden of proof; prohibiting the court from using a  
27 |       deferential standard that favors either party in such  
28 |       action;