

HB 1075

2009

1 A bill to be entitled
2 An act relating to impact fees; amending s. 163.31801,
3 F.S.; authorizing a county, municipality, or special
4 district to wholly or partially exempt by specified means
5 affordable housing from payment of impact fees if the
6 local government conditions the exemption upon certain
7 requirements; providing an effective date.

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9 Be It Enacted by the Legislature of the State of Florida:

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11 Section 1. Section 163.31801, Florida Statutes, is amended
12 to read:

13 163.31801 Impact fees; short title; intent; definitions;
14 ordinances levying impact fees; exemption for affordable
15 housing.--

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

18 (2) The Legislature finds that impact fees are an
19 important source of revenue for a local government to use in
20 funding the infrastructure necessitated by new growth. The
21 Legislature further finds that impact fees are an outgrowth of
22 the home rule power of a local government to provide certain
23 services within its jurisdiction. Due to the growth of impact
24 fee collections and local governments' reliance on impact fees,
25 it is the intent of the Legislature to ensure that, when a
26 county or municipality adopts an impact fee by ordinance or a
27 special district adopts an impact fee by resolution, the
28 governing authority complies with this section.

29 (3) An impact fee adopted by ordinance of a county or
 30 municipality or by resolution of a special district must, at
 31 minimum:

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

34 (b) Provide for accounting and reporting of impact fee
 35 collections and expenditures. If a local governmental entity
 36 imposes an impact fee to address its infrastructure needs, the
 37 entity shall account for the revenues and expenditures of such
 38 impact fee in a separate accounting fund.

39 (c) Limit administrative charges for the collection of
 40 impact fees to actual costs.

41 (d) Require that notice be provided no less than 90 days
 42 before the effective date of an ordinance or resolution imposing
 43 a new or amended impact fee.

44 (4) Any county or municipality may by ordinance, or a
 45 special district may by resolution, wholly or partially exempt
 46 from payment of impact fees housing that is designed to be
 47 affordable as defined in s. 420.0004, if the local governmental
 48 entity requires, as a condition to such exemption, that the
 49 housing is affordable to:

50 (a) The initial purchaser or renter; and

51 (b) Any subsequent purchaser or renter for a period of at
 52 least 15 years after the date of issuance of the certificate of
 53 occupancy.

54 (5)-(4) Audits of financial statements of local
 55 governmental entities and district school boards which are
 56 performed by a certified public accountant pursuant to s. 218.39

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57 | and submitted to the Auditor General must include an affidavit
58 | signed by the chief financial officer of the local governmental
59 | entity or district school board stating that the local
60 | governmental entity or district school board has complied with
61 | this section.

62 | Section 2. This act shall take effect July 1, 2009.