

By Senator Deutch

30-01452-09

20091558__

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
5 means affordable housing from payment of impact fees
6 if the local government conditions the exemption upon
7 certain requirements; providing an effective date.
8

9 Be It Enacted by the Legislature of the State of Florida:
10

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

29 (3) An impact fee adopted by ordinance of a county or

30-01452-09

20091558__

30 municipality or by resolution of a special district must, at
31 minimum:

32 (a) Require that the calculation of the impact fee be based
33 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
48 governmental entity requires, as a condition to such exemption,
49 that the 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 governmental
55 entities and district school boards which are performed by a
56 certified public accountant pursuant to s. 218.39 and submitted
57 to the Auditor General must include an affidavit signed by the
58 chief financial officer of the local governmental entity or

30-01452-09

20091558__

59 district school board stating that the local governmental entity
60 or district school board has complied with this section.

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