

HB 227

2009

1 A bill to be entitled
2 An act relating to impact fees; amending s. 163.31801,
3 F.S.; requiring a challenger of an impact fee to prove
4 certain elements by a preponderance of the evidence;
5 prohibiting a court from using a deferential standard that
6 favors either party to such an action; providing an
7 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. Subsection (5) is added to section 163.31801,
12 Florida Statutes, to read:

13 163.31801 Impact fees; short title; intent; definitions;
14 ordinances levying impact fees.--

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

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