

CS/HB 227

2009

1                   A bill to be entitled  
2           An act relating to impact fees; amending s. 163.31801,  
3           F.S.; requiring the government to prove certain elements  
4           of an impact fee by a preponderance of the evidence;  
5           prohibiting a court from using a deferential standard in a  
6           court action; providing an effective date.

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

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10           Section 1. Subsection (5) is added to section 163.31801,  
11   Florida Statutes, to read:

12           163.31801 Impact fees; short title; intent; definitions;  
13   ordinances levying impact fees.--

14           (5) In any action challenging an impact fee, the  
15   government has the burden of proving by a preponderance of the  
16   evidence that the imposition or amount of the fee meets the  
17   requirements of state legal precedent or this section. The court  
18   may not use a deferential standard.

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