

CS/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; prohibiting certain local governments from
7 increasing impact fees; providing nonapplication to impact
8 fees pledged to retire debt; providing for future repeal;
9 providing an effective date.

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

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13 Section 1. Subsections (5) and (6) are added to section
14 163.31801, Florida Statutes, to read:

15 163.31801 Impact fees; short title; intent; definitions;
16 ordinances levying impact fees.--

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

22 (6) Notwithstanding any law, ordinance, or resolution, a
23 county, municipality, or special district may not increase an
24 impact fee. However, this limitation shall not affect impact
25 fees pledged to the retirement of debt. This subsection is
26 repealed July 1, 2011.

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