

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. Subsections (5) and (6) are added to section
11 163.31801, 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.