



136972

LEGISLATIVE ACTION

Senate

.

House

.

.

Floor: WD/2R

.

04/28/2009 09:32 AM

.

.

Senator Haridopolos moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

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

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



136972

13 a deferential standard.

14 (6) Notwithstanding any law, ordinance, or resolution, a
15 county, municipality, or special district may not increase any
16 impact fees or impose any new impact fees. However, this
17 limitation shall not affect impact fees pledged to the
18 retirement of debt or impact fee increases previously enacted by
19 law, ordinance, or resolution that are phased in over time or
20 that included a consumer price index or other yearly escalator.
21 This subsection is repealed July 1, 2011.

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

23
24 ===== T I T L E A M E N D M E N T =====

25 And the title is amended as follows:

26 Delete everything before the enacting clause
27 and insert:

28 A bill to be entitled
29 An act relating to impact fees; amending s. 163.31801,
30 F.S.; requiring the government to prove certain
31 elements of an impact fee by a preponderance of the
32 evidence; prohibiting a court from using a deferential
33 standard in a court action; prohibiting certain local
34 governments from increasing impact fees or imposing
35 new impact fees; providing nonapplication to impact
36 fees pledged to retire debt or certain impact fee
37 increases; providing for future repeal; providing an
38 effective date.