

By Senator Haridopolos

26-00504A-09

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1 A bill to be entitled
2 An act relating to impact fees; amending s. 163.31801,
3 F.S.; requiring that the challenger of an impact fee
4 prove certain elements by a preponderance of the
5 evidence; prohibiting a court from using a deferential
6 standard that favors either party to such an action;
7 providing an 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 challenger
16 has the burden of proving by a preponderance of the evidence
17 that the imposition or amount of the fee does not meet the
18 requirements of state legal precedent or this section. The court
19 may not use a deferential standard that favors either party.

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