

By the Committee on Judiciary; and Senators Haridopolos, Gaetz, Altman, and Lynn

590-04068A-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 government prove certain
4 elements by a preponderance of the evidence in an
5 action involving the challenge of an impact fee;
6 prohibiting a court from using a deferential standard;
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 government
16 has the burden of proving by a preponderance of the evidence
17 that the imposition or amount of the fee meets the requirements
18 of state legal precedent or this section. The court may not use
19 a deferential standard.

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