

By Senator Brandes

22-00963-13

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1                   A bill to be entitled  
2       An act relating to development exactions; creating s.  
3       70.45, F.S.; prohibiting local governments from  
4       imposing or requiring certain exactions on or against  
5       private property; providing exceptions; providing an  
6       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. Section 70.45, Florida Statutes, is created to  
11       read:

12       70.45 Local government development exactions.-

13       (1) A county, municipality, or other local governmental  
14       entity may not impose on or against any private property a tax,  
15       fee, or charge or require any other development exaction, either  
16       directly or indirectly, that:

17       (a) Does not result from a development or proposed  
18       development with an essential nexus to development impacts upon  
19       the infrastructure or other public facilities that are  
20       maintained, owned, or controlled by the county, municipality, or  
21       other local governmental entity.

22       (b) Is more stringent than an exaction imposed by a state  
23       or federal agency on or against the same property that concerns  
24       the same impact unless the county, municipality, or other local  
25       governmental entity demonstrates that the exaction is reasonably  
26       necessary pursuant to this subsection.

27       (2) This section does not prohibit a county, municipality,  
28       or other local governmental entity, upon demonstration, from:

29       (a) Imposing a development exaction that is reasonably

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30 necessary as a direct result of a development or proposed  
31 development and that has an essential nexus to, and is roughly  
32 proportionate to, the direct development impacts upon the  
33 infrastructure or other public facilities that are maintained,  
34 owned, or controlled by the county, municipality, or other local  
35 governmental entity.

36 (b) Dedicating land or easement that is reasonably  
37 necessary as a direct result of a development or proposed  
38 development of specific property to or from which the dedication  
39 of land or easement applies.

40 Section 2. This act shall take effect July 1, 2013.