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1 A bill to be entitled 2 An act relating to development exactions; creating s. 3 70.45, F.S.; providing legislative findings; 4 prohibiting local governments from imposing or 5 requiring certain exactions on or against private 6 property; providing exceptions; providing an effective 7 date. 8 Be It Enacted by the Legislature of the State of Florida: 9 10 11 Section 1. Section 70.45, Florida Statutes, is created to 12 read: 70.45 Local government development exactions.-13 The Legislature finds that in the land use planning 14 (1)15 and permitting process, a landowner or applicant may be 16 especially vulnerable to excessive demands for relinquishment of 17 property or money in exchange for planning and permitting 18 approvals. The Legislature further finds that exaction demands 19 beyond the direct impact of a proposed development are against 20 public policy and are therefore prohibited. 21 A county, municipality, or other local governmental 22 entity may not impose on or against any private property a tax, 23 fee, charge, or condition or require any other development 24 exaction, either directly or indirectly, that: 25 (a) Requires building, maintaining, or improving a public, private, or public-private infrastructure or facility that is 26

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CODING: Words stricken are deletions; words underlined are additions.

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unrelated to the direct impact of a proposed development, improvement project, or the subject of an application for a development order or administrative approval.

- (b) Is more stringent than an exaction imposed by a state or federal agency on or against the same property that concerns the same impact.
- (3) This section does not prohibit a county, municipality, or other local governmental entity, upon demonstration, from:
- (a) Imposing a tax, fee, charge, or condition or requiring any other development exaction that serves to mitigate the direct impact of the proposed development and that has an essential nexus to, and is roughly proportionate to, the impacts of the proposed development upon the public, private, or public-private infrastructure or facility that is maintained, owned, or controlled by the county, municipality, or other local governmental entity.
- (b) Accepting the voluntary dedication of land or an easement that has an essential nexus to, and is roughly proportionate to, the impacts of the proposed development upon the public, private, or public-private infrastructure or facility that is maintained, owned, or controlled by the county, municipality, or other local governmental entity and the development or proposed development is situated on the specific property to which the dedication of land or easement applies.

Section 2. This act shall take effect July 1, 2014.