

By Senator Evers

2-00578A-14

20141310__

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
9 Be It Enacted by the Legislature of the State of Florida:

10
11 Section 1. Section 70.45, Florida Statutes, is created to
12 read:

13 70.45 Local government development exactions.—

14 (1) The Legislature finds that in the land use planning and
15 permitting process, a landowner or applicant may be especially
16 vulnerable to excessive demands for relinquishment of property
17 or money in exchange for planning and permitting approvals. The
18 Legislature further finds that exaction demands beyond the
19 direct impact of a proposed development are against public
20 policy and are therefore prohibited.

21 (2) 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,
26 private, or public-private infrastructure or facility that is
27 unrelated to the direct impact of a proposed development,
28 improvement project, or the subject of an application for a
29 development order or administrative approval.

2-00578A-14

20141310__

30 (b) Is more stringent than an exaction imposed by a state
31 or federal agency on or against the same property concerning the
32 same impact.

33 (3) This section does not prohibit a county, municipality,
34 or other local governmental entity, upon demonstration, from:

35 (a) Imposing a tax, fee, charge, or condition or requiring
36 any other development exaction that serves to mitigate the
37 direct impact of the proposed development and that has an
38 essential nexus to, and is roughly proportionate to, the impacts
39 of the proposed development upon the public, private, or public-
40 private infrastructure or facility that is maintained, owned, or
41 controlled by the county, municipality, or other local
42 governmental entity.

43 (b) Accepting the voluntary dedication of land or an
44 easement that has an essential nexus to, and is roughly
45 proportionate to, the impacts of the proposed development upon
46 the public, private, or public-private infrastructure or
47 facility that is maintained, owned, or controlled by the county,
48 municipality, or other local governmental entity and the
49 development or proposed development is situated on the specific
50 property to which the dedication of land or easement applies.

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