

By Senator Hays

11-00738E-14

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1 A bill to be entitled
2 An act relating to local government; creating s.
3 163.31803, F.S.; authorizing the use of impact fees to
4 provide, construct, improve, repair, alter, or replace
5 new and existing capital facilities; creating s.
6 201.032, F.S.; authorizing a county or municipality to
7 impose a surcharge on documents taxable under s.
8 201.02 for the purpose of funding certain capital
9 improvements and capital facilities in lieu of impact
10 fees; restricting the amount of the surcharge;
11 specifying procedures to enact an ordinance to impose
12 the surcharge and specifying the effective date of
13 such ordinance; requiring the Department of Revenue to
14 pay certain moneys to a county or municipality that
15 imposes the surcharge; requiring a county or
16 municipality to deposit revenues from the surcharge
17 into a special trust fund and to annually provide
18 certain information about such fund to the Department
19 of Revenue; specifying authorized uses of surcharge
20 revenues; prohibiting a county or municipality that
21 imposes a surcharge for an authorized purpose from
22 also assessing an impact fee for the same purpose;
23 providing applicability; providing for construction;
24 providing an effective date.

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

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28 Section 1. Section 163.31803, Florida Statutes, is created
29 to read:

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30 163.31803 Impact fees; use.—Notwithstanding any other
31 provision of law, a charter, or an ordinance, an impact fee may
32 be used by a county, municipality, or special district to
33 provide, construct, improve, repair, alter, or replace new and
34 existing capital facilities, including, but not limited to,
35 transportation facilities, utilities, water and sewer systems,
36 parks and recreational facilities, libraries, educational
37 facilities, and health systems and facilities.

38 Section 2. Section 201.032, Florida Statutes, is created to
39 read:

40 201.032 Discretionary surcharge on real property
41 transactions in lieu of impact fees.—

42 (1) In lieu of an impact fee, a county or municipality may
43 impose a discretionary surcharge on documents taxable under s.
44 201.02 for the purpose of financing capital improvements or
45 facilities authorized under subsection (5). A county or
46 municipality may impose more than one surcharge pursuant to this
47 section; however, the combined total of all surcharges imposed
48 by a county and each municipality within such county may not
49 exceed the rate of \$1 for each \$100, or fractional part thereof,
50 of the consideration therefor.

51 (2) The imposition of a discretionary surcharge pursuant to
52 this section must be set by ordinance. The ordinance must be
53 proposed at a regular meeting of the governing authority of the
54 county or municipality at least 2 weeks before formal adoption,
55 must explicitly state the purpose under subsection (5) for which
56 the surcharge is imposed, and must restrict the use of the
57 revenues of the surcharge, including penalties and accrued
58 interest thereon, for such purpose. Formal adoption of such

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59 ordinance is not effective unless approved on a final vote by a
60 majority of the total membership of the governing authority of
61 the county or municipality. The ordinance may not take effect
62 until 90 days after formal adoption.

63 (3) The Department of Revenue shall pay to the governing
64 authority of a county or municipality that imposes a
65 discretionary surcharge all moneys, penalties, and interest
66 collected under this section, less any administrative costs.

67 (4) The county or municipality shall deposit revenues from
68 the imposition of a discretionary surcharge into a trust fund
69 created solely for that purpose. Revenues from each individual
70 discretionary surcharge must be deposited into a separate trust
71 fund, except revenues from the imposition of surcharges for the
72 same purpose which may be deposited into one trust fund. The
73 county or municipality shall include in the financial report
74 required under s. 218.32 information showing the revenues and
75 expenses of each trust fund of a discretionary surcharge for the
76 fiscal year.

77 (5) The revenues of a discretionary surcharge imposed
78 pursuant to this section, including penalties and accrued
79 interest thereon, may be used only to provide, construct,
80 improve, repair, alter, or replace any of the following:

81 (a) Utilities and water and sewer systems.

82 (b) Transportation facilities.

83 (c) Park, recreational, library, and health system
84 facilities.

85 (d) Educational facilities.

86 1. Funds from the surcharge revenues trust fund may be
87 transferred to the local school district pursuant to an

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88 interlocal agreement, which shall govern the authorized use of
89 the funds and required financial reporting.

90 2. A school district receiving funds pursuant to this
91 section shall prepare and submit an annual report to the
92 governing authority of the county detailing the expenditure of
93 funds transferred to the school district pursuant to this
94 section.

95 (6) A county or municipality that imposes a discretionary
96 surcharge on real property transactions pursuant to this section
97 for a purpose authorized under subsection (5) may not also
98 assess an impact fee for the same purpose while the surcharge is
99 in effect.

100 (7) All provisions of this chapter, except s. 201.15, apply
101 to a discretionary surcharge imposed pursuant to this section.

102 (8) The imposition of a discretionary surcharge pursuant to
103 this section shall be construed as being authorized by general
104 law in accordance with ss. 1 and 9, Art. VII of the State
105 Constitution.

106 Section 3. This act shall take effect July 1, 2014.