

By Senator Hays

11-00685-15

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1 A bill to be entitled
2 An act relating to local government; amending s.
3 163.31801, 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, F.S., for the purpose of funding certain
9 capital improvements and capital facilities in lieu of
10 impact 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 that a copy of the notice be
14 provided to the Department of Revenue; requiring the
15 department to pay certain moneys to a county or
16 municipality that imposes the surcharge; requiring a
17 county or municipality to deposit revenues from the
18 surcharge into a special trust fund and to annually
19 provide certain information about such fund to the
20 department; specifying authorized uses of surcharge
21 revenues; prohibiting a county or municipality that
22 imposes a surcharge for an authorized purpose from
23 also assessing an impact fee for the same purpose;
24 providing applicability; providing for construction;
25 providing an effective date.

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

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29 Section 1. Present subsections (4) and (5) of section

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30 163.31801, Florida Statutes, are redesignated as subsections (5)
31 and (6) respectively, and a new subsection (4) is added to that
32 section, to read:

33 163.31801 Impact fees; short title; intent; definitions;
34 ordinances levying impact fees.-

35 (4) Notwithstanding any other provision of law, a charter,
36 or an ordinance, an impact fee may be used by a county,
37 municipality, or special district to provide, construct,
38 improve, repair, alter, or replace new and existing capital
39 facilities, including, but not limited to, transportation
40 facilities, utilities, water and sewer systems, parks and
41 recreational facilities, libraries, educational facilities, and
42 health systems and facilities.

43 Section 2. Section 201.032, Florida Statutes, is created to
44 read:

45 201.032 Discretionary surcharge on real property
46 transactions in lieu of impact fees.-

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

56 (2) A discretionary surcharge imposed pursuant to this
57 section must be established by ordinance. The ordinance must be
58 proposed at a regular meeting of the governing authority of the

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59 county or municipality at least 2 weeks before formal adoption,
60 must explicitly state the purpose under subsection (5) for which
61 the surcharge is imposed, and must restrict the use of the
62 revenues of the surcharge, including penalties and accrued
63 interest thereon, for such purpose. Formal adoption of such
64 ordinance is not effective unless approved on a final vote by a
65 majority of the total membership of the governing authority of
66 the county or municipality. The ordinance may not take effect
67 until 90 days after formal adoption. Within 10 days after formal
68 adoption, the county or municipality must provide a copy of the
69 ordinance to the Department of Revenue.

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

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

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

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88 (a) Utilities and water and sewer systems.

89 (b) Transportation facilities.

90 (c) Park, recreational, library, and health system
91 facilities.

92 (d) Educational facilities.

93 1. Funds from the surcharge revenues trust fund may be
94 transferred to the local school district pursuant to an
95 interlocal agreement, which shall govern the authorized use of
96 the funds and required financial reporting.

97 2. A school district receiving funds pursuant to this
98 section shall prepare and submit an annual report to the
99 governing authority of the county detailing the expenditure of
100 funds transferred to the school district pursuant to this
101 section.

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

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

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

113 Section 3. This act shall take effect July 1, 2015.