

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Local, Federal & Veterans
2 Affairs Subcommittee

3 Representative Miller, M. offered the following:

4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Section 163.31801, Florida Statutes, is amended
8 to read:

9 163.31801 Impact fees; short title; intent; minimum
10 requirements; audits; challenges ~~definitions; ordinances levying~~
11 ~~impact fees.~~-

12 (1) This section may be cited as the "Florida Impact Fee
13 Act."

14 (2) The Legislature finds that impact fees are an
15 important source of revenue for a local government to use in
16 funding the infrastructure necessitated by new growth. The

Amendment No.

17 Legislature further finds that impact fees are an outgrowth of
18 the home rule power of a local government to provide certain
19 services within its jurisdiction. Due to the growth of impact
20 fee collections and local governments' reliance on impact fees,
21 it is the intent of the Legislature to ensure that, when a
22 county or municipality adopts an impact fee by ordinance or a
23 special district adopts an impact fee by resolution, the
24 governing authority complies with this section.

25 (3) At a minimum, impact fees ~~An impact fee~~ adopted by
26 ordinance of a county or municipality or by resolution of a
27 special district must, ~~at minimum~~ satisfy the following
28 conditions:

29 (a) ~~Require that~~ The calculation of the impact fees must
30 ~~fee~~ be based on the most recent and localized data.

31 (b) The local government must provide for accounting and
32 reporting of impact fee collections and expenditures. If a local
33 governmental entity imposes an impact fee to address its
34 infrastructure needs, the entity shall account for the revenues
35 and expenditures of such impact fee in a separate accounting
36 fund.

37 (c) ~~Limit~~ Administrative charges for the collection of
38 impact fees must be limited to actual costs.

39 (d) ~~Require that~~ Notice must be provided no less than 90
40 days before the effective date of an ordinance or resolution
41 imposing a new or increased impact fees ~~fee~~. A county or

Amendment No.

42 municipality is not required to wait 90 days to decrease,
43 suspend, or eliminate ~~an~~ impact fees ~~fee~~.

44 (e) Collection of the impact fees may not occur earlier
45 than the issuance of the building permit for the property that
46 is subject to the fee.

47 (f) The impact fee must be reasonably connected to, or
48 have a rational nexus with, the need for additional capital
49 facilities and the increased impact generated by the new
50 residential or commercial construction.

51 (g) The impact fee must be reasonably connected to, or
52 have a rational nexus with, the expenditures of the funds
53 collected and the benefits accruing to the new residential or
54 commercial construction.

55 (h) The local government must specifically earmark funds
56 collected by the impact fees for use in acquiring capital
57 facilities to benefit the new residents.

58 (i) The collection or expenditure of the impact fee
59 revenues may not be used, in whole or part, to pay existing debt
60 or be used for prior approved projects unless the expenditure is
61 reasonably connected to, or has a rational nexus with, the
62 increased impact generated by the new residential or commercial
63 construction.

64 (4) Audits of financial statements of local governmental
65 entities and district school boards which are performed by a
66 certified public accountant pursuant to s. 218.39 and submitted

Amendment No.

67 to the Auditor General must include an affidavit signed by the
68 chief financial officer of the local governmental entity or
69 district school board stating that the local governmental entity
70 or district school board has complied with this section.

71 (5) In any action challenging an impact fee, the
72 government has the burden of proving by a preponderance of the
73 evidence that the imposition or amount of the fee meets the
74 requirements of state legal precedent or this section. The court
75 may not use a deferential standard.

76 Section 2. This act shall take effect July 1, 2018.

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79 **T I T L E A M E N D M E N T**

80 Remove lines 3-4 and insert:

81 F.S.; revising the minimum requirements for impact fees;