

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

|                       |             |       |
|-----------------------|-------------|-------|
| ADOPTED               | <u>    </u> | (Y/N) |
| ADOPTED AS AMENDED    | <u>    </u> | (Y/N) |
| ADOPTED W/O OBJECTION | <u>    </u> | (Y/N) |
| FAILED TO ADOPT       | <u>    </u> | (Y/N) |
| WITHDRAWN             | <u>    </u> | (Y/N) |
| OTHER                 | <u>    </u> |       |

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1 Committee/Subcommittee hearing bill: Judiciary Committee  
 2 Representative Fischer offered the following:

**Amendment**

Between lines 231 and 232, insert:

Section 5. Section 163.31801, Florida Statutes, is amended to read:

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

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

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

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

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

27 (a) The local government must calculate ~~require that the~~  
28 ~~calculation of~~ the impact fee be based on the most recent and  
29 localized data.

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

36 (c) The local government must limit administrative charges  
37 for the collection of impact fees to actual costs.

38 (d) The local government must provide ~~Require that~~ notice  
39 ~~be provided~~ no less than 90 days before the effective date of an  
40 ordinance or resolution imposing a new or increased impact fee.

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41 A county or municipality is not required to wait 90 days to  
42 decrease, suspend, or eliminate an impact fee.

43 (e) The local government may not require payment of the  
44 impact fee before the date of issuance of the building permit  
45 for the property that is subject to the fee.

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

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

54 (h) The local government must specifically earmark  
55 revenues generated by the impact fee to acquire, construct, or  
56 improve capital facilities to benefit new users.

57 (i) The local government may not use revenues generated by  
58 the impact fee to pay existing debt or for previously approved  
59 projects unless the expenditure is reasonably connected to, or  
60 has a rational nexus with, the increased impact generated by the  
61 new residential or commercial construction.

62 (4) The local government must credit against the  
63 collection of the impact fee any contribution, whether  
64 identified in a proportionate share agreement or other form of  
65 exaction, related to public education facilities, including land

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66 dedication, site planning and design, or construction. Any  
67 contribution must be applied to reduce impact fees on a dollar-  
68 for-dollar basis at fair market value. If the local government  
69 adjusts the amount of the impact fees, outstanding and unused  
70 credits must be adjusted accordingly.

71 (5) If a local government increases its impact fee or  
72 mobility fee rates, then the holder of any impact or mobility  
73 fee credits, whether such credits are granted under s. 163.3180,  
74 s. 380.06, or otherwise, which were in existence prior to the  
75 increase, is entitled to a proportionate increase in the credit  
76 balance.

77 (6)(4) Audits of financial statements of local  
78 governmental entities and district school boards which are  
79 performed by a certified public accountant pursuant to s. 218.39  
80 and submitted to the Auditor General must include an affidavit  
81 signed by the chief financial officer of the local governmental  
82 entity or district school board stating that the local  
83 governmental entity or district school board has complied with  
84 this section.

85 (7) Notwithstanding any provision to the contrary in this  
86 chapter, if a local government does not provide the credits  
87 required in paragraph (4) for a project, the local government  
88 may not impose concurrency mitigation conditions on the project.  
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