



590750

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/26/2020	.	
	.	
	.	
	.	

The Committee on Appropriations (Gruters) recommended the following:

Senate Amendment

Delete lines 67 - 232
and insert:

(a) Require that the calculation of any new or updated the impact fee must be based on the most recent and localized data collected within the last 36 months and excludes any cost that does not meet the definition of infrastructure.

(b) Account for the revenues and expenditures of such impact fee in a separate impact fee account, if the local



590750

11 governmental entity imposes an impact fee to address its
12 infrastructure needs ~~The local government must provide for~~
13 ~~accounting and reporting of impact fee collections and~~
14 ~~expenditures. If a local governmental entity imposes an impact~~
15 ~~fee to address its infrastructure needs, the entity must account~~
16 ~~for the revenues and expenditures of such impact fee in a~~
17 ~~separate accounting fund.~~

18 (c) Limit administrative charges for the collection of
19 impact fees ~~must be limited~~ to actual costs. The cost per
20 student station established in school impact fee calculations
21 may not exceed that statutory total maximum cost per student
22 station calculated under s. 1013.64(6).

23 (d) ~~The local government must~~ Provide notice not less than
24 90 days before the effective date of an ordinance or resolution
25 imposing a new or increased impact fee. Unless the result is to
26 reduce the total mitigation costs or impact fees imposed on an
27 applicant, new or increased impact fees may not apply to current
28 or pending permit applications submitted before the effective
29 date of an ordinance or resolution imposing a new or increased
30 impact fee. A county or municipality is not required to wait 90
31 days to decrease, suspend, or eliminate an impact fee.

32 (e) ~~Collection of the impact fee may not be required to~~
33 ~~occur earlier than the date of issuance of the building permit~~
34 ~~for the property that is subject to the fee.~~

35 ~~(f)~~ Ensure that the impact fee is ~~must be~~ proportional and
36 reasonably connected to, or has ~~have~~ a rational nexus with, the
37 need for additional infrastructure ~~capital facilities~~ and the
38 increased impact generated by the new residential or commercial
39 construction.



590750

40 ~~(f)-(g)~~ Ensure that the impact fee ~~is must be~~ proportional
41 and reasonably connected to, or has have a rational nexus with,
42 the expenditures of the funds collected and the benefits
43 accruing to the new residential or nonresidential construction.

44 ~~(g)-(h)~~ ~~The local government must~~ Specifically earmark funds
45 collected under the impact fee for use in acquiring,
46 constructing, or improving infrastructure ~~capital facilities~~ to
47 benefit new users.

48 (5) Collection of the impact fee may not be required to
49 occur earlier than the date of issuance of the building permit
50 for the property that is subject to the fee.

51 ~~(6)-(i)~~ Revenues generated by the impact fee may not be
52 used, in whole or in part, to pay existing debt or for
53 previously approved projects unless the expenditure is
54 reasonably connected to, or has a rational nexus with, the
55 increased impact generated by the new residential or
56 nonresidential construction.

57 ~~(7)-(4)~~ The local government must credit against the
58 collection of the impact fee any contribution, whether
59 identified in a proportionate share agreement or other form of
60 exaction, related to public education facilities, including land
61 dedication, site planning and design, or construction. Any
62 contribution must be applied to reduce any education-based
63 impact fees on a dollar-for-dollar basis at fair market value.

64 ~~(8)-(5)~~ If a local government increases its impact fee
65 rates, the holder of any impact fee credits, whether such
66 credits are granted under s. 163.3180, s. 380.06, or otherwise,
67 which were in existence before the increase, is entitled to the
68 full benefit of the intensity or density prepaid by the credit



590750

69 balance as of the date it was first established. This subsection
70 shall operate prospectively and not retrospectively.

71 (9)~~(6)~~ Audits of financial statements of local governmental
72 entities and district school boards which are performed by a
73 certified public accountant pursuant to s. 218.39 and submitted
74 to the Auditor General must include an affidavit signed by the
75 chief financial officer of the local governmental entity or
76 district school board stating that the local governmental entity
77 or district school board has complied with this section and the
78 spending period provision in the local ordinance or resolution.

79 (10)~~(7)~~ In any action challenging an impact fee or the
80 government's failure to provide required dollar-for-dollar
81 credits for the payment of impact fees or for contributions made
82 as provided in this chapter s. 163.3180(6)(h)2.b., the
83 government has the burden of proving by a preponderance of the
84 evidence that the imposition or amount of the fee or credit
85 meets the requirements of state legal precedent and this
86 section. The court may not use a deferential standard for the
87 benefit of the government.

88 (11) Impact fee credits are assignable and transferable at
89 any time after establishment for the same type of public
90 facility for which the impact fee applies to any development or
91 parcel located within the geographic boundary of the local
92 government jurisdiction where the impact fee is imposed and
93 situated geographically within an impact fee zone or district
94 that receives a benefit from the improvement, dedication, or
95 payment which generated the credit to be transferred. If a local
96 government elects to use an alternative mobility funding system
97 as provided for in s. 163.3180(5)(i) in lieu of impact fees,



590750

98 transportation credits are assignable and transferable at any
99 time after establishment to any development or parcel within the
100 geographic boundary of the local government jurisdiction where
101 the credit was established so long as the credit is applied to a
102 zone or district which is receiving a benefit from the
103 contribution to the alternative mobility funding system which
104 generated the credit. Under either system described in this
105 subsection, a benefit shall be recognized within any zone or
106 district located within 5 miles of the zone or district where
107 the credits were generated.

108 (12)-(8) A county, municipality, or special district may
109 provide an exception or waiver for an impact fee for the
110 development or construction of housing that is affordable, as
111 defined in s. 420.9071. If a county, municipality, or special
112 district provides such an exception or waiver, it is not
113 required to use any revenues to offset the impact.

114 (13) To ensure impact fees or equivalent contributions are
115 not imposed more than once for the same impacts, a local
116 government shall provide impact fee credits or other forms of
117 compensation if a contribution is greater in value than the
118 applicable impact fee. Contributions related to the
119 transportation system are creditable against the combined total
120 of all impact fees, mobility fees, or other forms of exactions
121 charged to mitigate transportation impacts. This subsection
122 applies at the time any contribution is accepted, regardless of
123 when the contributions were agreed upon or committed to.

124 (14) (a) Before enacting an impact fee, each county and
125 municipality must establish an impact fee review and advisory
126 committee.



590750

127 (b)1. The committee shall be composed of the following
128 members appointed by the county commission or the governing body
129 of the municipality, as applicable:

130 a. Two members who represent the business community who are
131 not elected officials or employees of the local government
132 jurisdiction.

133 b. Two members who are local licensed general or
134 residential contractors, who are not elected officials or
135 employees of the local government jurisdiction.

136 c. One at-large member who is not an elected official or
137 employee of the local government jurisdiction.

138 2. The county commission or the governing body of the
139 municipality, as applicable, may appoint three alternate
140 members, consisting of one representative from each of the
141 categories described in sub-subparagraphs 1.a., b., and c., who
142 shall serve in the absence of their respective member.

143 3. Members and alternate members must be qualified electors
144 of the county or municipality, as applicable.

145 4. Members and alternate members shall serve at the
146 pleasure of the local government and shall serve until they are
147 replaced.

148 (c)1. Each committee meeting must be duly noticed and open
149 to the public as required by s. 286.011.

150 2. A meeting may not be held unless a quorum is present. A
151 quorum consists of a majority of members of the committee, but
152 an alternate member shall count toward the quorum when a regular
153 member is absent.

154 3. Members of the committee shall serve without
155 compensation.



590750

156 4. In lieu of establishing an impact fee review committee
157 as required in paragraph (a), a local governmental entity that
158 assesses an impact fee may use an existing committee that
159 contains representation from the building or development
160 community and reviews building or development projects.