

Amendment No.1

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WITHDRAWN	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>	

1 Committee/Subcommittee hearing bill: Ways & Means Committee
2 Representative DiCeglie offered the following:

Amendment (with title amendment)

Remove lines 32-135 and insert:

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6 service. The term also includes a fire department vehicle, an
7 emergency medical service vehicle, a sheriff's office vehicle, a
8 police department vehicle, and the equipment necessary to outfit
9 the vehicle for its official use. For independent special fire
10 control districts, the term infrastructure includes new
11 facilities as defined in s. 191.009(4).

12 (b) "Public facilities" has the same meaning as in s.
13 163.3164 and includes emergency medical, fire, and law
14 enforcement facilities.

15 (4)-(3) At a minimum, each local government that adopts and
16 collects an impact fee by ordinance and each special district

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17 that adopts, collects, and administers an impact fee by
18 resolution must ~~an impact fee adopted by ordinance of a county~~
19 ~~or municipality or by resolution of a special district must~~
20 ~~satisfy all of the following conditions:~~

21 (a) Ensure that the calculation of the impact fee is ~~must~~
22 ~~be~~ based on the most recent and localized data.

23 (b) ~~The local government must~~ Provide for accounting and
24 reporting of impact fee collections and expenditures and. ~~If a~~
25 ~~local governmental entity imposes an impact fee to address its~~
26 ~~infrastructure needs, the entity must~~ account for the revenues
27 and expenditures of such impact fee in a separate accounting
28 fund.

29 (c) Limit administrative charges for the collection of
30 impact fees ~~must be limited~~ to actual costs.

31 (d) ~~The local government must~~ Provide notice at least ~~not~~
32 ~~less than~~ 90 days before the effective date of an ordinance or
33 resolution imposing a new or increased impact fee. A local
34 government ~~county or municipality~~ is not required to wait 90
35 days to decrease, suspend, or eliminate an impact fee. Unless
36 the result is to reduce the total mitigation costs or impact
37 fees imposed on an applicant, new or increased impact fees may
38 not apply to current or pending permit applications submitted
39 before the effective date of ~~an ordinance or resolution imposing~~
40 a new or increased impact fee.

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41 (e) Ensure that collection of the impact fee may not be
42 required to occur earlier than the date of issuance of the
43 building permit for the property that is subject to the fee.

44 (f) Ensure that the impact fee is ~~must be~~ proportional and
45 reasonably connected to, or has ~~have~~ a rational nexus with, the
46 need for additional capital facilities and the increased impact
47 generated by the new residential or commercial construction.

48 (g) Ensure that the impact fee is ~~must be~~ proportional and
49 reasonably connected to, or has ~~have~~ a rational nexus with, the
50 expenditures of the funds collected and the benefits accruing to
51 the new residential or nonresidential construction.

52 (h) ~~The local government must~~ Specifically earmark funds
53 collected under the impact fee for use in acquiring,
54 constructing, or improving capital facilities to benefit new
55 users.

56 (i) Ensure that revenues generated by the impact fee are
57 ~~may not be~~ used, in whole or in part, to pay existing debt or
58 for previously approved projects unless the expenditure is
59 reasonably connected to, or has a rational nexus with, the
60 increased impact generated by the new residential or
61 nonresidential construction.

62 ~~(5)-(4)~~ Notwithstanding any charter provision,
63 comprehensive plan policy, ordinance, development order,
64 development permit, or resolution, the local government or
65 special district must credit against the collection of the

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66 impact fee any contribution, whether identified in a
67 proportionate share agreement or other form of exaction, which
68 relates to the improvement of ~~related to~~ public education
69 facilities or infrastructure, including land dedication, site
70 planning and design, or construction. Any contribution must be
71 applied on a dollar-for-dollar basis at fair market value to
72 reduce any ~~education-based~~ impact fees collected for the general
73 category or class of public facilities or infrastructure for
74 which the contribution was made ~~on a dollar-for-dollar basis at~~
75 ~~fair market value~~.

76 (b) If a local government or special district does not
77 charge and collect an impact fee for the general category or
78 class of public facility contributed, a credit may not be
79 applied under paragraph (a).

80 (6)(5) Impact fee increases.—A local government, school
81 district, or special district may increase an impact fee only as
82 provided in this subsection.

83 (a) An impact fee may be increased only pursuant to a plan
84 for the imposition, collection, and use of the increased impact
85 fee that complies with this section.

86 (b) Any increase to a current impact fee rate of not more
87 than 25 percent of the current rate must be implemented in two
88 equal annual increments beginning with the date on which the
89 increased fee is adopted.

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90 (c) An increase to a current impact fee rate that exceeds
91 25 percent but not more than 50 percent of the current rate must
92 be implemented in four equal installments beginning with the
93 date the increased fee is adopted.

94 (d) No impact fee increase may exceed 50 percent of the
95 current impact fee rate.

96 (e) An impact fee may not be increased more than once
97 every 4 years.

98 (f) An impact fee may not be increased retroactively for a
99 previous or current fiscal or calendar year.

100 (g) Notwithstanding paragraphs (b), (c), (d), or (e), a
101 local government, school district, or special district may
102 increase an impact fee rate by establishing the need for such
103 increase in full compliance with the requirements of subsection
104 (4).

105 (h) If an impact fee is increased a ~~local government~~
106 increases its impact fee rates, the holder of any impact fee
107 credits, whether such credits are granted under s. 163.3180, s.
108 380.06, or otherwise, which were in existence before the
109 increase, is entitled to the full benefit of the intensity or
110 density prepaid by the credit balance as of the date it was
111 first established.

112 (i) This subsection shall operate ~~prospectively and not~~
113 retrospectively to January 1, 2021.

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114 (7)-(6) A local government, school district, or special
115 district must submit with its annual financial report under s.
116 218.32 or its financial audit report under s. 218.39 an
117 affidavit signed by its chief financial officer attesting, to
118 the best of his or her knowledge, that all impact fees were
119 collected and expended by the local government, school district,
120 or special district, or were collected and expended on its
121 behalf, in compliance with

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123 -----

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

125 Between lines 6 and 7, insert:

126 providing conditions under which credits may not be applied;