HB 1799 2003 CS 1 CHAMBER ACTION 2 3 4 5 6 The Committee on Finance & Tax recommends the following: 7 8 Committee Substitute 9 Remove the entire bill and insert: A bill to be entitled 10 11 An act relating to a fee on residential acquisitions; 12 providing a popular name; providing authority for local 13 governments to impose a fee by ordinance or resolution; 14 prohibiting imposition of a fee in an area where a fee has 15 been approved by another local government; providing for a referendum; providing a fee schedule; providing procedures 16 17 for collection of fees; providing criteria for utilization of funds; providing that a county may adopt an ordinance 18 for alternative use of balance; requiring the county and 19 20 municipalities to divide funds pursuant to agreement; 21 providing a time limit on local government authorization 22 to impose or collect certain fees; providing an effective 23 date. 24 25 WHEREAS, the Legislature finds that areas designated as 26 areas of critical state concern under s. 380.05, Florida 27 Statutes, experience certain limitations relating to affordable 28 housing, wastewater and stormwater drainage, and economic

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29 viability and stability due to the vulnerability and fragility 30 of those areas, and

31 WHEREAS, areas of critical state concern may lack available 32 land on which to construct affordable housing and sufficient 33 funds for wastewater and stormwater improvements, which may 34 result in fewer employment opportunities to attract new 35 residents and keep new generations living in those areas, and

36 WHEREAS, environmentally sensitive land must be set aside 37 for the benefit of future generations, and a lack of adequate 38 funds greatly diminishes the ability of government to provide 39 for acquisition of those lands, and

40 WHEREAS, for purposes of land acquisition for affordable 41 housing, provision of adequate wastewater and stormwater 42 facilities, economic stability and retention of an adequate 43 workforce, and acquisition of environmentally sensitive lands, 44 it is desirable to provide adequate funding through a stable, 45 recurring, and time-limited fee approved by the citizens 46 incurring such fee, NOW, THEREFORE,

48 Be It Enacted by the Legislature of the State of Florida:

50 Section 1. This act shall be known by the popular name the 51 "Residential Acquisition Fund Act."

52 Section 2. <u>Authority to adopt ordinance or resolution;</u>
 53 <u>amount of fee; referendum; disbursement.--</u>

54 (1) Any local government that contains an area or part of
55 an area designated as an area of critical state concern under s.
56 380.05, Florida Statutes, may adopt a resolution or ordinance

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CS 57 for imposition and collection of a residential acquisition fee 58 in the area of critical state concern. A local government may 59 not adopt an ordinance or resolution to collect a residential 60 acquisition fee in any area where another local government has 61 already passed an ordinance or resolution imposing the fee 62 unless the fee has expired or has failed to be approved by the 63 electorate. The fee shall be assessed in accordance with the 64 schedule set forth in subsection (2) of section 3. The authorization provided in this section shall be construed to be 65 66 general law authorization pursuant to s. 1, Art. VII of the 67 State Constitution. 68 (2) Such ordinance or resolution must be approved by a 69 majority of the qualified electors in the affected area of 70 critical state concern. The ordinance or resolution for fee 71 adoption must establish the date, time, and place of the 72 referendum and provide appropriate ballot language, including, 73 but not limited to, the fee schedule set forth in subsection (2) 74 of section 3. 75 (3) Any fees imposed and collected pursuant to this 76 section shall be deposited into a residential acquisition fund to be established by ordinance or resolution of the governing 77 78 body of the local government imposing the fee. The fund shall be 79 maintained and administered by the clerk of the court. Six 80 months after the initial collection, and quarterly thereafter, 81 the clerk shall remit the proceeds accrued in the residential 82 acquisition fund, less reasonable administrative costs of the 83 clerk amounting to no more than \$5 per transaction, to the local 84 government imposing the fee.

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85	Section 3. Applicability of fee; fee schedule								
86	(1) The residential acquisition fee shall be imposed at								
87	closing or upon the sale of a single-family residential or								
88	multifamily residential property on a sliding scale based on								
89	purchase price of the property. Commercial, governmental, and								
90	unimproved properties are not subject to the provisions of this								
91	act. Refinancing of residential loans is not subject to the								
92	provisions of this act.								
93	(2) The fee is based on the following schedule:								
94	SCHEDULE OF FEES								
95	PURCHASE PRICE OF PROPERTY PERCENTAGE OF FEE								
96	Properties purchased at \$249,999 or less								
97	Properties purchased at \$250,000 to \$499,9991.00%								
98	Properties purchased at \$500,000 to \$999,9991.50%								
99	Properties purchased at \$1,000,000 to \$1,999,9991.75%								
100	Properties purchased at \$2,000,000 or more2.00%								
101	Section 4. Collection of feeAt the time of closing or								
102	upon the sale of a single-family residential or a multifamily								
103	residential property, the closing agent, the representative of								
104	the closing agent, or the seller must collect and remit the fee								
105	to the clerk. The closing agent, the representative of the								
106	closing agent, or the seller must provide a space on the buyer								
107	and seller disbursement statement or an addendum accompanying								
108	the buyer and seller disbursement statement identifying the fee								
109	and must disclose the amount of the fee to the prospective								
110	buyer.								
111	Section 5. Utilization of fundsFunds received by the								
112	local government pursuant to this act shall be used as								
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113	authorized in subsections (1)-(4); however, when a balance
114	remains at the end of each fiscal year in any category as
115	provided in subsections $(1) - (4)$, the board of county
116	commissioners may, by majority vote, reallocate up to 50 percent
117	of the remaining balance to be used for any of the other
118	purposes authorized by this section. Division of funds between
119	the county and municipalities in areas of critical state concern
120	shall be in accordance with any existing agreement between the
121	county and municipalities addressing priorities for uses
122	established in subsections (1)-(4).
123	(1) Seventy percent of the funds received shall be used
124	for improvements to wastewater or stormwater facilities.
125	(2) Ten percent of the funds received shall be used for
126	acquisition of land for moderate and affordable housing.
127	(3) Ten percent of the funds received shall be used for
128	acquisition of environmentally sensitive lands as designated by
129	the local governing entity imposing the fee.
130	(4) Ten percent of the funds received shall be used for
131	other purposes necessary or resulting from the implementation of
132	this act.
133	
134	Funds collected under this act may be used to complete projects
135	currently underway or projects undertaken pursuant to this act.
136	Section 6. <u>A local government's authorization to impose or</u>
137	collect the fee authorized under this act shall expire 10 years
138	after the termination of the designation of the area of critical
139	state concern pursuant to s. 380.05, Florida Statutes, in which
140	the local government is located.
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	S	Section	7.	This	act	shall	take	effect	upon	becoming	a	law.	
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